

A Journey from the Homeless Shelter to the Bench: Judge Raymond P. Fernandez

John Caher: Welcome to Amici, news and insight from the New York Courts. I'm John Caher.

Our guest today is a man who grew up in poverty and occasionally, in homeless shelters with parents who were addicted to drugs. Somehow, some way, that “least likely to succeed” young man, with all the odds stacked against him, is now an Acting New York State Supreme Court Justice in the Bronx.

The Honorable Raymond P. Fernandez worked his way through John Jay College of Criminal Justice and CUNY Law School, and clerked for three judges, including Court of Appeals Judge Jenny Rivera. After Gov. Hochul appointed him to the Court of Claims two years ago, he was promptly designated an Acting Supreme Court Justice by Chief Administrative Judge Joseph Zayas.

Judge, thank you for coming on Amici. Tell me about your home life as a child, if you would.

Judge Fernandez: Well, first, thank you so much for having me. I really appreciate your interest in me.

So I was born and raised in New York City. My family and I spent the first couple years of my life navigating the New York City shelter system. We were homeless until... Ultimately, when I was about six years old, we settled in Spanish Harlem. So Spanish Harlem is where I was raised. That's where I went to school.

My home life. Getting right into it, huh, John?

John Caher: Sure am!

Judge Fernandez: My home life was difficult, my home life was difficult. My parents were very badly addicted to drugs, and they had been my entire life. I was born into that situation with them, and so my home life was difficult. We lacked a lot of the very basics. We often didn't have food or very, very basic things that we take for granted—soap, deodorant, toilet paper, things like that. The electricity was often cut off, so it'd be dark in our apartment. It was rough. I didn't really have proper clothes. I had no means to wash my clothes, no way to do laundry. So it was hard. It was very hard. That was the hallmark of my home life for all of my childhood.

John Caher: So, until you were six, you're moving from one homeless shelter to another basically?

Judge Fernandez: Yeah. When I was born, my father was the super of a building. He was the super of a building on 29th and Lexington Avenue, and that came with an apartment. He was a live-in super, and he lost that job. When he lost that job, we lost the apartment, so the marshals removed us from that apartment. So we entered the shelter system when I was very little. I remember some of it. In the early '90s, New York City was grappling with a homelessness crisis, and so it was like a congregate shelter.

I remember other families being there. I remember it being a big space. I remember sleeping on a cot, things like that, and then you advance through the shelter system into what they call Tier 2 housing. I don't know if this still exists today, but Tier 2 was still a homeless shelter, but more private space. This is when you get an apartment. This is when you get a door that locks. So we advanced into the Tier 2 system until finally, we were approved for Section 8, and that's how we got the apartment in Spanish Harlem. It was through the Section 8 program.

John Caher: So, you're five, six years old. You're in Spanish Harlem. You're starting school. What were your early days in school like? Did the other kids know what your home life was like? Was it embarrassing for you?

Judge Fernandez: Yes, it was difficult. A neighborhood so big is still a neighborhood so small. So everybody knew who my parents were. Everybody knew. You don't want to be the little kid that goes to school, and everybody is like, "Your mommy and daddy are crackheads." You know what I mean? So it was very, very difficult. Everybody knew who my parents were. You could see my father outside collecting cans. You could see my mother outside collecting cans, digging through the garbage for things that they could sell.

So everyone knew, everyone knew, and I was tormented. I really was. I was constantly made fun of. I had a very disheveled appearance. I didn't have many clothes, but what I did have was tattered and filthy, mismatched, never weather-appropriate. I didn't really have a warm jacket in the winter. My appearance was often disheveled. No one paid for me to get a haircut, so I had very long, unkept hair. It was very, very difficult. Kids can be very cruel, and they were.

John Caher: What about the teachers? They must have known.

Judge Fernandez: Teachers knew, and I had some of the best teachers, many teachers that took a real interest in me. I was always told when I was little that I was a smart kid. I was always told I was smart. I was always told I could write very well. I was in maybe sixth grade when I was told, "You write really, really well. Why don't you write more? Why don't you write stories or something?" I was like, "Huh? Okay. Interesting."

As far as what was going on at home, I'm certain teachers must have known what was up because no one ever went to a parent-teacher conference. This was before cell phones. We didn't have a house phone. So it's not like you can call my house to reach a parent. So it's basically like as long as I was showing up, there must have been some sort of adult interaction at home, but that was it. But I had some of the very best teachers.

I remember I was in probably seventh or eighth grade. I think it was eighth grade, and I didn't have a jacket. I was wearing a windbreaker in the middle of February. I remember a teacher, who I'm friends with to this day. Her and another teacher bought me a jacket. They bought me a winter coat, and they had held me after class to give it to me, and they gave it to me in private. It was very, very kind, and I'll never forget that kindness. There were many teachers back then that...I guess they didn't see anything that they felt they needed to report to any authority, but they definitely knew what was going on. It wasn't hard by looking at me to know that I didn't come from much.

John Caher: Interesting to know that a random act of kindness a few decades ago resonates with you still.

Judge Fernandez: John, I'll never forget it. That teacher was at my wedding. We're very close friends to this day. I'm supposed to have dinner with her soon. We're very close.

John Caher: What a wonderful story.

So did there come a time when you made a decision to climb out of what seemed to be your destiny?

Judge Fernandez: Yeah. "Climbing" is the operative word here. I'm trying to think about how old I was at the time. I was young. I had to be about 12 or 13 years old. I was a big Yankee fan. I'm still, to this day, a very big Yankee fan. It means the world to me that my chambers look at Yankee Stadium. It means the world to me because when I had nothing, I had the Yankees because I could follow them on the radio, right? I could listen to baseball.

So it was the season when we didn't have electricity, and it was dark in the apartment, and the Yankees were in the World Series. It had to be 1998. It was an incredible team, a storybook team, and it was a World Series game. I don't remember which one, but I was sitting with my father in a bedroom. It was dark. We had a candle lit, and we were listening to the game on a small single-speaker radio, battery operated. It had one double-A battery in it or something.

We were listening to the game, and mid-game that battery died. It almost seems silly, but that was my breaking point. That battery died, and I couldn't hear the rest of that game. I was just so fed up. I was so frustrated. It's one thing after another, and that just broke me. I can't even listen to a ballgame. Nothing about the way I came up was ever normal, but to not even be able to just listen to a ballgame on a radio. Never mind that we don't have electricity, we don't even have a double-A battery. I was just so frustrated, and so I said, "I'm not going to live like this. I don't want to be this way. I don't want to be with these people. I love my parents very much, but I don't need to be like them, and I don't need to be with them. I don't need to be here." So I told myself, "This is it. Nothing is going to be given to me. I have to take it."

So I made a plan that I was just one day at a time. How do you build a wall? Brick by brick. One brick at a time. I'm going to climb out of this. It has to be me. The calvary is not coming. No one is going to come rescue me from this. I have to do it. I had hatched a plan that the way to do it was through school. Maybe it's something I saw on an after-school special. Maybe I saw it on a poster at school, but I saw school as my ticket out of that situation, and so I said, "It's got to be me."

I have to set the alarm. No one is waking me up for school. I have to set my alarm clock, and I have to get out of bed on my own. John, I know you have kids. I have kids. I've got to kick my kid out of bed every morning, "All right, honey. Time to go." Pick out her clothes, and then I've got to get her to school. I've got to make sure she eats breakfast. I had none of that. It was me. When that alarm goes off, and it's 5 degrees outside, and you got to walk to school, that's hard to do when you're like 12, 13, and there's no adult telling you that you have to do it. It took a lot of foresight. I was just forced to grow up at such a young age, but that was my epiphany. That was my moment, that game. It was the '98 Yankees. That battery died, and I had just about had it, and I was like, "I'm going to do this."

John Caher:

That's fascinating because the normal trajectory would be someone growing up like you follows the patterns they were used to. Why do you

think you were able to see that there was something better and that it was potentially open to you if you took the initiative?

Judge Fernandez: I don't know. I wish I knew. I wish I had some secret formula that I could share with the world so that I could help anybody else who's feeling the same way. If I could bottle whatever I had when I was 13 and that battery died, I would share it with the world. I really would. It must have been teachers who told me I was smart. I must have just known that school would be my ticket out. It's the only thing I can think because I remember being like, "Okay. This is it. School is it."

Then, the other part of it was I knew that if I could just get through... You get through school one day at a time, one week at a time, one semester at a time, one year at a time. So I knew that by pushing my way through school, if I could just get to college, no one will know me. I'll have a fresh start. No one will know who my parents are. Right? So it became my mission: "Just get through this year, this day, this week, this year, and you'll get to a place where no one knows you. You'll start fresh, and then that'll be your ticket." I was always chasing some light at the end of the tunnel that I just had to tell myself was there. It was blind faith. It really was.

John Caher: So then, I think you eventually end up at John Jay College?

Judge Fernandez: I do. I do. I pushed through high school, and I applied to all of the CUNY schools, and I got into John Jay. It's exactly what I knew it would be. I showed up for class, and I was a stranger. No one knew who I was. No one knew who my parents were. Everything was a fresh start. The one thing about college is everybody is paying to be there, so no one is horsing around. There's no distractions in class. Everyone is quiet. There's no fights. There's nothing like that. Everybody who's there is dead serious about it. They want to be there.

That was really a fresh start for me, and I just had to make it work. I was going to school, and by then, I had started working. So what I did was I went to school full-time, and I worked full-time. So I would go to school Tuesdays and Thursdays, 8 a.m. to 8 p.m. and then every other day of the week, I worked. I held restaurant jobs. I had every job that you could hold in a restaurant. I was a waiter, a bus boy. I was, at one point, a line cook. I was a food runner. I was a barback. I was a bartender.

I did every single job you could do in a restaurant, and I liked it. I liked the service industry. I liked meeting different people, communicating with different people, seeing people from all walks of life. It got to be really

funny. I was working so much that when I got to go to school for those 12 hours, I used to call that my day off because I got to sit down!

John Caher: Oh my goodness!

Judge Fernandez: I just was trying to build something, just trying to do something for myself.

John Caher: So at what point do you start thinking about becoming a lawyer?

Judge Fernandez: That started when I was very young, and lawyers were just something that I knew. My mother was always in trouble. She was always getting arrested, whether for possession of something, or for jumping the turnstile to take the train, or something like that. It was always a public defender that got her home to me. Same thing with the apartment. Our Section 8 covered maybe three quarters of the rent, but they still didn't even make up that one quarter that was their portion, so we would get a dispossessed notice. They would try to throw us out constantly, and it would be a Legal Aid Lawyer that came to the rescue there, too. So I had gotten it in my head that, "Wow, lawyers always save the day. That's really cool. I'd like to be able to help people like that. I want to be a lawyer. I want to be a lawyer so that I could help people in my situation, and I could be someone who can save the day."

So I put that in motion. I was probably in my second or third year of John Jay when I said, "All right. If this is what I'm going to do, I need to be serious. I need to be serious." So it was after one of my shifts, whether I had waited tables that day or whether I was bartending, after one of my shifts I took the tips I made that day, and I went over to Barnes & Noble and I picked up LSAT study books. I thumbed through the books, and I said, "All right. No big deal."

So I sat for the LSAT. It was this grand thing at the Hilton Hotel, and I took it, and I bombed it. I mean, I bombed it. I think I scored something like 142, 144, something like that, and I was like, "Okay. I can't do much with that." But then, I said, "Not all is lost. I didn't take it seriously enough. I was always a very smart kid. I took it for granted. I need to take these books that I have. I need to really, really study. That's what I'm going to do. I'm going to really, really study. So let me lock in now, and I'll really, really study."

So now I go through all the books I had purchased and all the practice tests, and I sit for the exam again, and I don't do much better. I scored something like 146, 147, and I said, "All right. I don't know what I'd be

able to do with that, but we'll see." So I took that score, and I applied to CUNY Law with that score. I didn't hear anything back, so I said, "Uh-oh, I'm in trouble here. I'm in trouble." When I didn't hear back from CUNY, I had finished college, and now I was out in space, because once you graduate school, you lose that safety net of being able to say, "Well, I'm a student. I'm in school." It's like, "No. You're not in school anymore. You're an adult. So what are you doing with your life?" So I began to get very nervous, but I knew it was the test that was the obstacle because I had gotten good grades at John Jay. So I said, "It's the test that's the obstacle, so I got to do something about this test if I have any realistic chance."

So I looked into LSAT study courses. I know the books I had bought were Kaplan, and I knew that they had in-person classes, and so I was like, "All right. Maybe I'll do something like that." So, obviously, I had no money for that, so I took out a loan. This is my grand plan. I said, "I'll take out a loan." I took out a personal loan for \$5,000, and the interest rate was 24%, something astronomical, bordering criminal, but I was desperate. I needed the money. It was go for broke. If I'm going to get into law school, I have to do this. This is a necessary step.

So I take out the loan, I get the money, I give the money to Kaplan, and I take what's called an LSAT Bootcamp. So the LSAT Bootcamp is like three, four nights a week, and then all day Saturday, there's a practice test, and all day Sunday, there's a practice test. So I would go, I would work my shift, and then at night, I would go, and I would take my bootcamp class. Then, on the weekends, I would take a full-length practice test. I think the test is three hours long, sitting still for three hours. Three hours on Saturday, three hours Sunday.

I was having a really hard time because even with the instruction and even with all the practice, every time I would score a practice test, I was still only scoring something like 146, 147. I could not break that number. That number was breaking me. I could not break that number, and I was like, "What the hell?" So now I'm in debt for this.

John Caher: Let me back up one second.

Judge Fernandez: Go ahead.

John Caher: So you're scoring in the 140s. What do you need to get into law school?

Judge Fernandez: So I had come up with this idea that I just needed something higher than that. That's why CUNY didn't call me back, right? I need something higher than that. So I pushed through this LSAT course. I refused to be

discouraged, even though I was in tears every weekend scoring these practice exams. I refused to be discouraged, and I sat again for the exam. I sit for the exam, I take the exam. Whatever happens is going to happen, right? That's been my whole life. Whatever happens is going to happen.

So I take the test, and while the score is pending, I have a shift one day, and I checked my phone, and I got an email from CUNY Law. The email had the subject line "An opportunity for admission." CUNY had created a pipeline program, and the pipeline program was two parts. The first part was they had identified kids that they thought, but for their performance on the LSAT, they could be good lawyers.

So the pipeline program that they had come up with was two parts. The first part was Intensive test preparation, and then you sit for the LSAT. If you score over 150, you advance to the second part of the class. The second part of the class was basically like a first-year law school writing class to get you ready for what a law school exam looks like. They figured that's the one-two punch. If you can score over 150 on the LSAT, and if you can take this class, and you're introduced to what legal exams are before you get to school, you can be successful in law school. That's their formula.

So I said, "Okay." I immediately applied to the program. I got into the program, and I told them, "Listen, I already took an intensive LSAT course, and I sat for the LSAT already." They said, "Oh, very interesting. So your score should be coming out soon. When your score comes out, reach out to us, and let us know." I said, "Okay."

I'm still living at home. I'm having a very hard time at home because it's still very unstable. I'm working every night, working every day, and my parents are stealing from me. I would work a night shift, and I would make all this cash and tips, and I'd wake up, and it'd be gone. So I'm still fighting this battle at home, and it's really, really frustrating.

I'll never forget, I went to the movies. I went to see *The Dark Knight*. It was Christopher Nolan's *Batman* movie. So I went to see *The Dark Knight*, and I'm sitting in the theater, and an email pops up. It's from the Law School Admissions Council, LSAC, and it says, "Your Score Report." My LSAT score had come back.

So I'm sitting there watching this movie, and I see that, and I don't want to open it. I'm so scared. I'm so scared. An entire lifetime of frustration has led me to this moment, this moment. Whatever this number is, is really going to decide my future, and I just started praying. I just started

praying. I need a break. I need to get out of where I am. I feel stuck. I feel trapped. I feel hopeless. Sorry. I get emotional every time I talk about this. It's such a seminal moment in my life sitting in that movie theater.

John Caher: I'm getting emotional listening to it.

Judge Fernandez: I'm just sitting in that movie theater. The world felt so heavy, and I remember praying. I said, "God, just let me score over 150. Please." I had never done that before. "Please, if you do this, I will run with it, I will get into law school, I will go to law school, I will get a law degree, and I will do the most good that I can do. I promise. I will. I promise. I just need a chance." My whole life, I never asked for a handout. I just asked for chances. So I opened the email, and I scored exactly 151.

John Caher: Wow!

Judge Fernandez: I can't tell you what happened the rest of that night. I can't tell you what happened. I can't tell you anything about after that because just this tremendous weight had been lifted because that was such an obstacle in my way, that exam. So, I'm sitting in the theater crying, right? *Batman* isn't an emotional movie. People must have thought I was crazy as I'm sitting there bawling my eyes out, and it's just that everything had come up to this point. I said, "Okay. Okay. I'm going to do this. I'm going to be able to do this."

So I reach out to CUNY, and I say, "I got my results. I scored 151." I sent the score report, and they write back, "Congratulations. That's wonderful. You advance to the second part of the program. We'll see you for the second part of the program." The dean... I think she was the Dean of Academic Affairs. I forget. One of the deans. She was lovely. She reached out and said, "Well, in the meantime, why don't you come and watch a law school class? Why don't you come visit and watch a law school class?" I thought, "Oh, that's cool, right? So I'll do that."

So I take a day off of work, and I ventured to CUNY Law. Silly me, I didn't realize how far it was. CUNY, at the time, was out in Flushing. So I'm like, "Okay. So I'll venture out to CUNY." Two trains and a bus, it took me to get out to CUNY Law, and so I said, "Oh, man." I got off this bus, and I started walking, and I said, "Okay. It's all right. This is doable. I can figure this out."

So I go to the law school. I meet with the dean. The dean gives me a tour of the school, and she says, "I'm going to pair you up with a professor. You can watch a law school class." I forget what the class was. "I'll take

you to meet her, and she'll take you from there. Otherwise, it was very nice to meet you, and we'll see you in..." I don't know, the spring or the fall, whenever the second part of the program began.

I said, "Okay." So she brings me to this professor, and I meet this professor, this woman. She's lovely, and she's asking me about myself, and my background, and where I'm from. She tells me a little bit about herself, and she has all these books, and she has this boombox, this radio. If people know what a boombox is, this heavy thing. She says, "Oh, I like to play music before class starts because it relaxes people. It takes the edge off." I said, "Oh, okay. Very interesting. Play music. Okay."

So she grabs all these things, and it's towering, and I said, "Professor, can I help you with something?" She says, "Yes." She hands me the boombox. So I'm carrying this thing. So she brings me to her class, and she wasn't kidding. She puts down the radio. She turns it on. It's blasting music super loud. I'm sitting there going, "What the hell is going on?" She stops the music. She goes up to the bulletin board, and she starts doing her thing. She's very animated, very passionate, very into it. You could tell. Super knowledgeable. That professor was Judge Jenny Rivera.

John Caher: Wow!

Judge Fernandez: Yeah, and so from that day, from the day I met her until today, she hasn't been able to get rid of me. She has not been able to get rid of me. She's just incredible. So I had no issue with the second part of the pipeline program. I started the second part of the pipeline program, I came through, I gained admission, and I started law school.

John Caher: You get into law school, and you've already got a nice connection with a very prominent and renowned professor there, future Judge Jenny Rivera. How did she influence you in law school?

Judge Fernandez: Well, I didn't have too much of a connection just yet. I had just met her. When I started law school, she was my property professor, and I had her for lawyering seminar. One day, I was in the cafeteria. I overheard some students talking about Professor Rivera, and they said she's very intense, and she is. She's very intense, and her exams are hard. But if she likes you, she'll ask you to be her research assistant. I was eavesdropping, and I got wind of that, and I said, "That's interesting. Research assistant. That sounds really cool. That's very interesting."

So the semester began to progress, and in lawyering seminar we were assigned a brief. It was an appellate brief. Someone had filed an appeal,

and it was your job to file the respondent's brief. That was your job, to write the respondent's brief. I'm 23 years old. So I had hatched this plan that if I do really well on this brief, maybe she'll notice me, right? Maybe Professor Rivera will notice me, and then maybe I'll have a chance to be her research assistant or something like that. So, a daydream, really.

So it was my 1L year, and it was the weekend of Valentine's Day. I locked myself in my bedroom, and I sat down and I wrote my brief. It was so interesting. She had planted little things in there to trip people up, certain cases that were cited that didn't stand for that proposition, little things like that. I said, "Oh, I see what's going on here." So I did my respondent's brief, and I submitted it. One day, Professor Rivera says to me, "Do you have a moment? I'd like to speak to you after class." I was like, "Oh, man, what did I do? Why does she want to speak to me after class?" So I said, "Okay." So now I'm headed back to her office. I remember, "Let me carry that boombox for you." I'm helping her with all her books. I'm carrying the boombox. We go back to her office. At the time, CUNY Law sat across the street from a cemetery. So she's sitting at her desk, and behind her out the window is graves. As far as you could see, just tombstones.

She says, " You did a very nice job on your brief. I think you're an excellent writer, and I'd like to recommend you for the Puerto Rican Bar Association scholarship." I wish there was a camera on me. My soul must have left my body. I mean, really, this is something I had daydreamed about. I wanted to write something to get her attention, and I had done it, and it was just... John, my whole life, people told me I was a good writer, my whole life, but there was something about when she said it that really meant the world to me.

Law school was very, very scary for me. I was showing up every day, two trains and a bus, carrying these heavy books, sitting in this huge classroom, praying I don't get called on, scared of my own shadow. It was really hard, and I had no support system at home. It's not like I could go home and talk to my parents, "Oh, I was in class today, and I don't know how it's going. I'm nervous." There's no one to talk to, so it's just me in my own head and this long commute.

So what she had really done for me in that moment was she validated me. I felt like I belonged there. I had made the right decision. I had made all the right moves up to this point. Now, I had been asked to do something that lawyers do, and I had done so, and I had done it well, and this distinguished professor is pointing out that I had done it well. So that meant the absolute world to me. That carried me the rest of my career,

the rest of my law school career. It carries me to this day. There's something about her unwavering belief in me that I just needed when I was that young kid and I had no one else. Really, I used that to really carry me the rest of law school.

John Caher: Did she push you in law school?

Judge Fernandez: She did. She did. She's very intense. She doesn't settle for mediocrity. She doesn't. The bare minimum is never going to be good enough for her. I think her bare minimum is higher than others. She influences me to this day. I mean, to this day I find myself sitting down, writing a decision, working on something, and I'll hear her voice in my head: "Okay. So what? Did you write about this? What about that? You have to explore this. You have to explore that." To this day, very influential.

John Caher: So you got out of law school with a commitment you made to God, to use that law degree to do good, and then you go to work for The Legal Aid Society. What did you do there, and how did that dovetail with the promise you made to God?

Judge Fernandez: Well, look, I kept my promise. I said I would do the most good that I can do with a law degree. As I progressed through law school, I was very good at criminal law, very good at criminal procedure, so I said, "All right. CUNY has a very good defenders program. I think I want to be a public defender. That's how I can touch a lot of lives. That's how I can do the most good. That's strong advocacy. That's in line with my vision for myself and me being in public service. That's what I want to do."

So I pushed hard to do that, and I got accepted into the defenders program. I got hired by The Legal Aid Society to do that, to be a public defender, and so I was a public defender out in Queens. I wasn't there long. I was there for about maybe 16 months when I caught a glimpse of the cover of the *Law Journal*, and Professor Rivera had made the shortlist for the Court of Appeals. I was like, "Wow, that is incredible. That's really cool."

Sometime later, the cover of the *Law Journal* was she got it. She got it. She got picked. I said, "Oh, wow, this is incredible." Still not done yet, right? You have to get through the Senate. But I said, "Wow, that's so incredible." So, again, going about my business. I was doing misdemeanor work at the time, so I'm doing night arraignments and cool things like that. I had taken the bar without any issue. I was admitted, and I'm a lawyer, and I'm doing these things. It's all very cool.

Then, she's confirmed to the Court of Appeals. I was mind-blown, "This is so incredible." So I reach out to her and I say, "Congratulations." I tell her again how much she meant to me in my law school career and how much of it I owe to her. She was very gracious to me. She reached out and said, "Thank you so much. Why don't you think about applying to be my law clerk?"

So I got a resume together so fast, and I got a cover letter together, and I shot that down there to her. She set up an interview, and I went to see her. We sat down, and she said, "Well, why do you want to do this now? You could defer if you want to go and try cases at Legal Aid or something like that and get some experience, and then come back for this opportunity" I said, "No. I want to do this with you right now." Everything about me has always been like, "You got to strike while the iron is hot."

She took a chance on me. She hired me. She took a chance on me. She was very kind, and she gave me a two-year clerkship because she knew I was quitting my job at Legal Aid to do that. I was upending what I had built thus far, so she said, "In fairness to you, I'll give you two years."

Suddenly, everything progressed from a few years before having such a difficult time getting into law school to now I'm a lawyer to now I'm clerking on the Court of Appeals! It had really escalated so, so quickly, and that was intense. That was intense. She is an incredible professor. She is an incredible judge. She's incredible. I've never met anyone who works harder than Judge Rivera ever, ever, ever, ever.

John Caher: A word keeps popping up. Every time you mention Judge Rivera, I hear the word "intense."

Judge Fernandez: Yes.

John Caher: What was it like working for her, and what kind of hours were you putting in working with a brand new judge, not only new to the judiciary, but obviously new to the Court of Appeals?

Judge Fernandez: Oh, incredible hours. I mean, late nights, early mornings all the time, all the time. She is a force. She really is. She took right to it. She took right to it. You have no choice when someone is that dedicated but to follow their lead. How could I get tired and not want to push through when she's right there with me? So there would be nights when we were up in Albany and we'd be working until 3, 4 in the morning, and she'd be, "All right. It's 4 in the morning. Let's go. Let's go get some rest." She goes, "We'll meet back here at 7:00?" But she got the job done. She continues

to get the job done. She is incredible, incredible. If I could be a quarter of the judge she is, it will make for a very, very successful career. It really will. No one else like her.

John Caher: Now, she showed a great deal of confidence in you. You did not have a ton of legal experience going in there. You had never clerked for a judge. Did you feel a lot of pressure to meet her expectations?

Judge Fernandez: A tremendous amount. I still feel pressure to meet her expectations! When I got there, it was very scary. It was very scary at the Court of Appeals. When I got there, I was the only law clerk that didn't come from an Ivy League background. I was the only one. Again, it was just her unwavering belief in me.

I must belong here. I can't sit here in self-doubt if she thinks I belong here. She's smarter than I am, right? Why would she take this chance on me? She's a new judge. Surely, she needs good help alongside her. So I did the best I could. I can't say I matched her energy because I don't think anybody can. I don't think that's humanly possible to match her efforts, but I did the best I could. I did the very best I could, and I hope she thought so, too. I hope she thought I was a good law clerk as well.

John Caher: A lot of former Court of Appeals clerks I know go on to work for white-shoe law firms and make all kinds of money. You went into private practice for a couple of years, and then you find yourself back into judiciary, clerking for Honorable Norma Ruiz, a trial court judge. One, why did you want to get back into that line of work, and how is clerking for a trial court judge fundamentally different than clerking for a judge on the highest court in the state?

Judge Fernandez: Sure. So I left my clerkship with Judge Rivera, and I kicked around a little bit, trying to figure out what I wanted to do. I knew I wanted to stay in the court system. I knew then when I was with Judge Rivera. If I could have stayed in the court system, I would have. Again, it was just my commitment to public service. I really liked what I was doing. I liked the subject matter. I liked the challenge that it presented. So I really liked being a part of the judiciary, but the jobs just weren't open. No one was hiring back then. The jobs were a little more scarce.

So I kicked around some mid-sized law firms. I went to a mid-sized firm down on Wall Street. I did insurance defense, and then I lateraled to a firm in Westchester that was closer to where I was living, and I did that. I was really trying to figure out how to break my way back in. Actually, before I left the Court of Appeals, Judge Abdus-Salaam... Rest in peace.

Judge Abdus-Salaam. I was sitting with her one day, and she said, "Ray, you're looking for a job?" I said, "I am looking for a job. I want to stay in the court system. I'm looking for a job. I'd like to continue being a law clerk or a court attorney."

Judge Abdus-Salaam says, "You know, you should go talk to a good friend of mine. He's the nicest guy in the world. He's the Administrative Judge for criminal matters out in Queens. His name is Joe Zayas. Why don't you go talk to Judge Zayas? Maybe he can see if anybody has any openings, and he can help you out." I said, "Okay. I'll do that."

So I reached out to Judge Zayas, and he was as nice as he could be. He said, "Hey, come out to the courthouse. Let's have lunch." I used to work right across the street from that courthouse when I was at Legal Aid. I had actually appeared in front of Judge Zayas a few times. I said, "Yeah. Absolutely." So I trekked my way out to Queens, and I sat down for lunch with Judge Zayas, and he was as nice as he could be. I'll never forget. I sat across from him, and he says to me, "I know you're a smart guy. You clerked on the Court of Appeals and all that, but who are you? What are you about? Who are you?"

I told him. I told him everything. I told him about my parents. I told him about how I came up. I told him about how I got into law school. I told him about clerking for Judge Rivera. I told him about how hard it was to clerk for Judge Rivera and struggling with imposter syndrome and all these things. I'll never forget. He was sitting right there with me. He's just nodding his head the whole time. He's like, "You go through it for a reason. You'll be okay. You'll be okay." So he says to me, "Well, what do you want to do?" I said, "I want to be a judge. I had known I wanted to be a judge."

When you're a young kid and you say you want to be a judge, it's like telling people you want to be an astronaut. Everybody looks and smiles. They're like, "Oh, that's nice. That's very nice for you." But Judge Zayas didn't do that. He looked at me dead serious, and he said, "Okay. You want to be a judge? Okay." He goes, "Well, one route to becoming a judge is a lot of principal law clerks become judges. That's a route you can take." I didn't even know what that was.

Judge Zayas, who has now... He's been very open about his father's struggles with mental illness. All of this is very public about him, but he had shared that with me when we had lunch, and so it was really this thing where it was like he was like this beacon where it was like, "And now, look, he runs that whole courthouse. Now, look. These things can

happen. What I'm asking for is not what I'm fighting for here. It's not such a long shot." When I told him I wanted to be a judge, the look in his face was like, "All right. So I'll see you when you're a judge, kid. Okay." I'll never forget that.

So nothing ended up happening. The jobs just weren't there. Again, so I kicked around the two mid-sized firms, and then one day, I get a text message from a number that's not saved in my phone. I look, and it's Judge Zayas. He says, "Hey, Ray. Hope all is well. Hope you're doing well. I noticed a posting by Judge Ruiz. There's a posting on Judge Ruiz for principal law clerk. If you're interested, go apply." I said, "Thank you so much for thinking of me. I really appreciate it, and sure."

So I go on the court system's website, I find that posting, I applied to Judge Ruiz. So I apply to Judge Ruiz, and I get an interview, and I go, and I meet her. She's incredible. She's intense too, right? So I was just like, I am like, "Okay. From one intense judge to another." She says, "Well, what do you want to do?" I said, "Well, I want to be a judge." She goes, "Oh, you want to do this because you want to be a judge?" I said, "That's right. I want to be a judge."

So she says, "Well, you've clerked on the Court of Appeals, so you can write, can't you?" I said, "Among other things, yeah, I can write pretty well." She goes, "Do you know civil practice?" I'll be very honest with you, John. I lied. I said, "Yeah, civil. I know everything there is to know about civil. No problem." She shrugged her shoulders and said, "All right. All right." So she hired me. She hired me. I left the firm, and now I'm working for her.

So just to get into the second part of your question, what's the difference? Well, the hours are better working at Supreme. I'm not there until 4 in the morning. I've never been there until 4 in the morning, thankfully. There's a big difference. Volume-wise, there's a lot of volume in Supreme. You can't sit down to draft every motion decision and write Shakespeare. It's not like at the Court of Appeals.

Don't get me wrong. Every case is important. Every single case I touch is important. It's important to the people who are litigants. It's important to the lawyers. It's important to everybody, so don't misunderstand me when I say that. But when you're at the Court of Appeals, every issue you touch is of statewide importance. The whole state is watching. Whatever is written lands on the cover of the *Law Journal*. Whatever is written is published in a book.

I've probably decided 3,000 motions. Not one has been published in a book. So the volume was different. It's different being down in the trenches, so to speak. You could see the parties. You could see the litigants. You get to try to settle their cases. You get to work through their disputes through a lens of first impression. By the time something gets up to Albany, Supreme Court had it, the Appellate Division had it. Several years have gone by, and now there's this framed issue for them to take up in Albany.

It's different. Judge Ruiz was great. She was great. I told her I wanted to be a judge, and she took training me to be a judge very seriously. When she was on trial, she allowed me to sit next to her. She walked me through her rulings. She asked me what I thought of her rulings. She asked me how I would rule if it were me. She had a ton of patience for me. She really did. It was incredible.

John Caher: There's some very influential people who, let's be honest, didn't need to give you the time of day, and they did: Judge Rivera, Judge Abdus-Salaam, Judge Zayas, Judge Ruiz, Judge Gonzalez. What is the importance of mentoring?

Judge Fernandez: John, it's so interesting. It's not even like mentoring. It's just being kind to someone, giving someone the time of day. I have a rule. It's not posted anywhere in my courtroom, but I have a rule that whenever a child is present in my courtroom, they get to sit on my bench. Whether it's for an infant comp, whether one of the attorneys doesn't have childcare so they sneak one of their kids in to have an appearance. If a child comes into Courtroom 625 in the Bronx, they are invited to sit on my bench because you just don't know who needs to do that. You just don't know.

You ask a kid, "What do you want to be when you grow up?" "I want to be a lawyer." Good. That's incredible. That's incredible. If I can help you along the way, that's... Sometimes mentoring is just believing in someone. The fact that Judge Zayas said, "Okay," when I said I wanted to be a judge instead of, "You know, there were plenty of other people that said, 'I wanted to be a judge.'" When I left one of my law firms, the partner... He was a nice guy. The partner who was my managing partner, he goes, "You know, you got a long road ahead of you, kid. I mean, the political machine doesn't work this quick." I just nodded my head and said, "Okay. That's all right. I know. I appreciate that. I'll figure it out." Just believing in someone can be enough, and so any child that comes into my courtroom sits on my bench. Anyone. Anyone.

John Caher: That's wonderful. That is wonderful. Now, is serving on the bench further fulfillment of that promise you made to God in the movie theater?

Judge Fernandez: Yeah. I think so. My goal has always been to touch as many lives as I can, and I think I do that. I think I do that. Whether it's the kids who come in and get to sit on the bench, whether it's kids that I talk to that visit my courtroom, public service in general is what I promise to do, and it's what I'm doing. One case at a time, moving one case at a time, even if I can only move an inch forward.

John Caher: How do you think your background impacts the way you judge, the way you look at the world as a judge?

Judge Fernandez: I have a lot more empathy. When people are in litigation, it's obviously very adversarial, and tempers can flare, and there's always something behind anger. Anger masks a real emotion. So, given how I came up, I'm always wondering what people's motivations are. "You're angry about this, but why?" If you can get to the heart of why people are angry about something, and if you can divorce them from their emotional connection to something, you can settle a case. You can settle a dispute. You can move a case forward.

John Caher: Now, I'm sure you're very busy with your job, and I know you have a growing family, including a newborn child.

Judge Fernandez: Yes.

John Caher: But I noticed you're active in the Latino Judges Association. You serve as co-chair of the 12th JD Equal Justice Committee. Why do you make time for things like that?

Judge Fernandez: The answer, John, is I haven't made enough time recently. Because I have my eight-year-old daughter, because my wife was pregnant, and because now we have our little boy, I haven't made nearly enough time for any of the associations that I need to make time for, but I will get better. I will get much better. I will commit to it as my little boy gets just a little bit bigger. I will go back, and I will get better.

Listen, we live in a time right now where the word "diversity" has been politicized, and the term "DEI" has become derogatory somehow, and so I will just say this. When you walk into your local courthouse, the people that work there should look like the community they serve. I'm not interested in debating this. That's just the way it goes, and so organizations like LJA, my work with Equal Justice, that is what those

organizations are meant to do, to make sure that the more diverse the decision-makers are at a table, the better the results. Period. I mean, that's science. That's not political rhetoric. That is science. So I'll leave it at that.

John Caher: I'm sure with the Court of Appeals, you saw exactly that. You had seven people, all highly intelligent, all rather opinionated. Probably some of them, a little stubborn. They're from entirely different backgrounds. That would work its way into a very solid foundation in the law, right? Isn't that the idea?

Judge Fernandez: Yeah. More voices, better results. More voices, more backgrounds, more opinions yield better results. More inclusion, period. "Inclusion" is not a bad word. I don't want to say more, again, because somehow it's been politicized. I don't want to say more, but that's a fact.

John Caher: It is a fact. Something that sticks out to me prominently listening to your story is an absence of the victim mentality and a focus ever since your Yankee game epiphany on creating a better life for yourself. Is that innate or something you learned along the way, to not have a victim mentality and to be focused? Where does that come from?

Judge Fernandez: I think it's innate. It has to be. I just absolutely refuse to be like my parents. I didn't have any role models growing up, but I had people that I didn't want to be like. I didn't see any way around it. I had to just go through it, and that's it. How do you build a wall? Brick by brick, and so I built it brick by brick. That was the best I can do, one rung of the ladder at a time.

John Caher: Wow! Finally, how can someone growing up in an environment similar to yours learn to stand on top of rather than be buried underneath their past?

Judge Fernandez: I think it was Dr. Maya Angelou who said, "We don't choose what happens to us, but we can choose not to be reduced by it." Sometimes you can't go around, you have to go through it, and if you're going through it, keep going. Keep going. One step at a time. Take a look at your environment. What can you control? Are you in school? Can you go to school? Can you focus in class? One step at a time. What can you control? Because too often, we look at things, and all we see are obstacles. If all you see are obstacles, you're not going to get anywhere, but what can you control? So it's one step at a time. It's one day at a time, one week at a time, one month at a time, one year at a time, and things get better. They get better. Hard work ultimately pays dividends.

John Caher: What a wonderful and inspiring message. Judge, thank you so much for your time, and thank you so much for your service.

Judge Fernandez: John, thank you so much. I really appreciate your time.