Promoting Diversity in the Courts: Hon. Joan B. Lefkowitz

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

In this Diversity Dialogue segment, we are pleased to welcome to the program the Honorable Joan B. Lefkowitz for a Jewish Heritage Month feature. Judge Lefkowitz has been a judge since 1987. She began her career in 1974 as a law assistant for a New York Civil Court. She later served as a hearing examiner for the Family Court, as a Family Court judge in Westchester County and is currently on her third 14-year term as a Supreme Court justice.

We'll discuss with Judge Lefkowitz her groundbreaking career and the fact that early in that career she was fired for the offense of getting pregnant. We'll also talk with her about the intricacies of holding true to her orthodox beliefs in the regimented environment of a court system.

Judge Lefkowitz, thank you for coming on the program. Let's start at a good place to start anything, the beginning. Where were you born?

Judge Lefkowitz: Born in Manhattan. It was called Manhattan General Hospital in New York City.

John Caher: And what did your parents do?

Judge Lefkowitz: My father was…we were quite poor and he was living on the Lower East Side with my mom and he started a business with my uncle, his brother, with a pushcart. And then they opened up a clothing goods store many, many years later from selling socks and underwear on a pushcart. He sold children's clothing, adult t-shirts, and he made that pushcart into a clothing business.

John Caher: That's remarkable. Where did he come from?

Judge Lefkowitz: He was born also in New York City. They came from a very poor family, both parents, and they always worked. My mother worked cutting lace and then she eventually worked in his clothing store. And they were both from New York, and my grandfather was a taxi driver.

John Caher: What were you like as a child?

Judge Lefkowitz: According to my mother, I was very argumentative, but I was extremely sensitive. I always argued about everything and wanted to have reasons

for everything that I was told to do. She was a stay-at-home mom and it took her a long time to have children, and I was the firstborn. And she was determined that I was going to become a lawyer because nobody in the family ever went to college, and she wanted me to have an education.

And she told my sister that since she takes her dolls apart, that she should learn how to put them together and become a nurse and marry a doctor. But she said, “Joanie, it doesn’t matter who you marry, you just become a lawyer because you constantly argue.” And when a Jewish mother tells you something, everybody did it. My sister married a doctor and became a nurse. She works in pediatrics and got her master's in nursing, and she works with neonatal care babies and married a doctor. And here I am. I had to rebel a little bit, so I became a judge.

John Caher: It was kind of determined for you that you were going to be a lawyer. Were you good with that? Did you ever deviate from that and decide maybe you'd be a dentist or an accountant or an astronaut?

Judge Lefkowitz: I loved teaching, so I did some part-time teaching when I was younger, and also as a judge I taught at Pace Law School. I was an adjunct professor. I taught at Manhattanville, and when I used to do many jury trials, I just loved talking to jurors and teaching juries the law. So I was sort of able to combine both. I take a lot of interns in, law school interns, high school interns, and they learn a lot about the Court System with me and working with the lawyers. So I'm able to combine that passion with law.

John Caher: The reason for these podcasts is to provide a civics lesson as well as a lesson in diversity. And back to diversity, so you went to law school, I believe at Brooklyn Law, in the early '70s. What was the environment like for women law students in the early 1970s?

Judge Lefkowitz: It certainly wasn't welcoming. I think out of 500 students, there were five women who graduated with me. The first thing the person sitting next to me said was I was taking “a man's seat.” And some of the professors believed that, too.

John Caher: How did you respond to that?

Judge Lefkowitz: I said to him, “It's my seat!”

John Caher: Good for you!

Judge Lefkowitz: I always had a response. It never intimidated me. I was annoyed by it, but it didn't intimidate me. I always felt that I had just as much a right to be there as they did.

John Caher: So as a law student, did you have an idea then what sort of law you would practice?

Judge Lefkowitz: I had no idea. I just found law school very, very difficult and I didn't like it. I mean, it wasn't fun. I love dealing with people, and I found it just so regimented. I wasn't sure that I'd really like practicing law afterwards.

John Caher: What was your first job as a lawyer?

Judge Lefkowitz: My mother said I needed to be a lawyer, so I took a job in a law firm when I was just graduating from college to make up my mind. Was I going to apply to law school or was I going to get a master's in education? So, I found this law firm on Madison Avenue that advertised for a night student, and I pretended I was going to go to law school at night, which probably wasn't nice. And I said that I needed a job and I was a night student and they took me for this summer job and they happened to like me.

And I told them after a couple of days that I have to be honest and I was a day student. And they said, “No, we want to keep you.” So that's how I learned what practicing law was about and I really loved it. There was one commercial lawyer there. It was a small firm, there was a criminal lawyer and there was a matrimonial lawyer and they'd all take me to court with them and it was all in Manhattan. And I thought it was just fascinating. I sort of fell in love with the law. And I said, “You know what? I'm going to go to law school and I'm not going to get a master’s in education.” I got accepted into Brooklyn [Law] and I got accepted into NYU School of Education.

John Caher: So you did not like law school, but you liked practicing law? What's the difference?

Judge Lefkowitz: I did love it because it involved people and people's problems and it was always something that I loved resolving.

John Caher: What was your first job once you were admitted to the bar?

Judge Lefkowitz: Well, in law school I had to work. So I kept a job in law school and I worked in a firm that was doing real estate, and that's when they did condos and co-op conversions and I was running down to the attorney

general's office. They hired me and I worked there for two years and then they gave me a full-time position. I'll never forget, it was $15,500 a year, which was great money then. You remember those days? So I grabbed that job and I loved working with the firm. It was a lovely firm. When they offered me the permanent position, I felt very comfortable with everybody.

I was married. I was pregnant about two months, and I told the secretary and she says, “Please don't tell these guys, they're old-fashioned and they'll never allow you to stay here.” I said, “That doesn't make any sense. They love me. I've been here almost two years.” And she said, “They do. You're terrific, but I'm warning you, there's a lot of prejudice against that.” I said, “What? Everybody is born the same way. What are they going to, make a big deal about it?” She says, “Please, Joan, don't tell them.” I didn't listen, and I told them and they fired me on the spot. I was just devastated.

I mean, it's the first time we talked about it. I was ready to cry. I didn't know what to do. And then I went home and I decided that I'm just going to hide the baby now and I'm going to get another job. So I went to a department store and I bought myself a nice large raincoat that was yellow and a matching dress. And I started to go on more interviews. And then finally I got an interview with the Court System because I figured, “If anybody in the court system is going to give me a hassle about being pregnant, that would be really the worst.”

So I got an interview in the Court System, then they called me back for a second interview. It rained both times, so I was able to keep my raincoat on, and I got the job. And I was so thrilled. I must have been at that time, about six and a half months pregnant and I hid the fact that I was pregnant till almost the day before my water broke. And I went to the supervisor of the law department. I said, “I have to ask for two things. I have to leave early on Friday nights to light my candles before the Sabbath, before the sun goes down, and I'm about to deliver a baby in about a week and a half.”

He says, “I don't care about the candles. Of course you can light the candles, but you deceived me! I hired you and now you're going to march up to the administrative judge and explain what just happened.” I said, “It didn't just happen. It happened a little while ago, eight months ago, nine months ago.” I said, “But what's the big deal?” He said, “Because it's a deception.” I said, “A deception? It's been that way. I never deceived you in any way. I worked like this.” It was really a weird reaction, but I figured, okay, I got fired, but so you're going to fire me, the Administrative Judge?

So the administrative judge looks at me and says, “My wife's a lawyer, but she doesn't work.” I said, “Okay.” And he says, “And why would you take a job like this and get trained and do all that you're doing and then not come back?” I said, “Because I'm going to come back. I'm going to have the baby and I'll be back.” There was no such thing as maternity leave. So he said to me, “Okay, as long as you're coming back.” So I took off for a week, had a cesarean section, maybe a week and a half, and I went back to work just to show everybody that I could do it. It was crazy and it was exhausting, but I was young.

John Caher: So how did you form the groundwork to become a judge?

Judge Lefkowitz: I was not a member of any political party. I was not registered as a Democrat or Republican. I was third seat on a big criminal trial. It's called the Stouffer's Fire Case. And the Judge, I'll never forget, was one of my mentors, Judge Lawrence Martin was the judge on that case. I did the research and I was the gopher. I was in my late twenties, low thirties, and he said to me, “There's no women on the bench. I think that would be a great career for you. Have you ever considered that?” I said, “But I'm not political, and I don't ever want to be political. I hate politics. I like what I do.”

So he said to me, “Well, you should consider it because I think you'd be a good judge.” I said, “Me?” He said, “Yeah.” He was a phenomenal judge. I mean, he was really totally impartial and he was brilliant, and I just really admired him. So I said, “Well, I don't know how you become a judge.” He said, “Well, you better pick a party. You can't become a Republican because they always win in this district, in this county. You have to become a Democrat. You'll become the star of the party.”

I said, “How do I do that?” He says, “Go over to the Board of Elections and register.” I said, “Where's that?” He told me, “It's up the block.” I registered as a Democrat. And then I said, “Well, now what do I do?” And he says, “Well, now what you do is you take the political leader out to lunch.” I didn't even know who that was. He writes his name down, I take him out to lunch. He says, “You can't just take him to any restaurant. You have to take him to the best restaurant in town.” I said, “Well, what's the best restaurant in town?” He gives me the name, I make the reservation. I take him out to lunch and he looks at me and says, “Well, what can I do for you?” I said, “I'd like to be your next Family Court judge.” He says, “You think you buy me lunch, and you're going to become a judge?” I said, “I don't know. It's something like that.” He says, “No, no, no. You have to become a district leader.” I said, “Well, how do I do that?” So he tells me how to do it. And I said, “And do you mind if I just put my name

in for Family Court Judge, and see what the interview process is like with the Governor's screening committee?" It was Governor Mario Cuomo, and he hired people on merit. He says, "Yeah, sure, we have our [candidate] but I suggest you do it just for the experience of interviewing." So I put my name in after he tells me it's okay. I register as a district leader and the governor must have been angry at somebody in Westchester County so he picked me as the next judge. And that's how I got into the system and became a judge.

And then one other friend was on the bench, Judge Sondra Miller, "Don't buy robes. Borrow my robe and don't even buy a robe because it's really hard to win as a Democrat in this county." So I borrowed her robes and I ran for judge, and I lost that by half of 1%. I really didn't understand the politics of running but they let me run again, and now the political party knew who I was and the second time I won by one of the highest margins in the county in Family Court. And that's how I became a Family Court judge.

But they didn't want women on Supreme Court and there were no women on the trial bench in 1990. So in five counties there was not one woman. So then the women's groups started to say to me, "Just put your name in. So I said, "Why? I don't even know where all the other counties are. I'm just so happy where I am. Leave it alone." But I put my name in as a joke. I'm an unknown. And then they start threatening me, "Well, you'll have to run on Saturday, and you'll have to run on Friday night." I said, "Well, I won't do that." So he says, "Well, I don't know how you're going to win a judgeship if you can't go to these events." I said, "Well, don't run me." Again, I was happy where I was, but they ran me and then I won.

John Caher: Incredible.

Judge Lefkowitz: It's a crazy story because I really wasn't involved in politics at the time. I was very new to politics and I didn't know anything. I mean, I had my synagogue and I had my parents and my family and my friends, and my father used to come to the train stations and campaign with me. And he used to say to everyone, he would say, "Instead of selling clothes, now I'm selling my daughter's candidacy. I need you to vote for my daughter, for judge." And I got the synagogue vote. I got, I guess the Jewish vote.

You talk about prejudice. When I was campaigning in Dutchess for Supreme Court, I was young and I was wearing my heels and I was dressed well, and I was surrounded by attorneys that were Democrats, and it's a very Republican county. And what happened is, as I'm shaking

hands at the train station, they called the police to arrest me for soliciting.

John Caher: Wow!

Judge Lefkowitz: I'm not making that up. And I said, “Put the handcuffs on because this will make the news and I'll get publicity and I'll get all the women's vote in Dutchess.” And I did.

John Caher: Did they put the handcuffs on you?

Judge Lefkowitz: They actually had them out, and then the attorneys came running and said, “She's a judge. She's a Family Court judge running for Supreme.” And then the cops stood back and apologized, but a radio station picked up the story and they said: “Family Court judge almost arrested for soliciting while campaigning at the train station.” It was scary, but that's the way life went in those days. You know what, I'll give you the year 1990. Isn't that insane?

John Caher: You’ve mentioned in passing your heritage and your faith. I'd like to delve into that a little bit. I know you're an Orthodox Jew. Can you explain, what does that mean? What is an Orthodox Jew and how is Orthodox Judaism different from any other form of Judaism?

Judge Lefkowitz: Being Orthodox, I don't ride on the Sabbath. I don't listen to television or radio. It's a total day of rest. It's just part of me. I was not raised Orthodox; I was raised Conservative. There's like Conservative, Orthodox, Reformed, everybody's Jewish, but there's different ways of observing. So I go home early to light candles on Friday night, I cook and I do everything before the Sabbath. I go to synagogue, usually on the Sabbath on Saturday. And from sundown Friday night till the end of the Shabbos on Saturday, I basically have a day of rest and a day of peace, and a family day and a day to just relax. And it's just a very restful type of thing.

I observe all the Jewish holidays. I take off every Jewish holiday, even the “minor” holidays. There's a holiday of Sukkot and I usually have a sukkah in my backyard. I observe that and Passover, I have special food. I change all my dishes. It's very, very family oriented, and is so much a part of my life. I mean, it's just something I really crave and I love.

And Israel— my daughter moved to Israel at one point, and all my grandchildren were born in Israel. And it's just been so much a part of me, and my synagogue. I mean, even when I ran for office, even if I didn't have my politicians, I had my whole synagogue behind me because it was

like family. Your synagogue is your community. It was something that evolved. I became Orthodox, I think, when my children were four and five years old. And then my parents ended up joining an Orthodox synagogue. And that became very much a part of our lives.

It was sort of an evolution. It felt more comfortable at that time. Sabbath is a very special day for me and for a lot of people that work hard and need one day just to revamp yourself. And also, it's just beautiful that you could take the time out to celebrate different parts of your life. Every holiday has something beautiful about it and a story about it. And it's lasted for so many generations and generations upon generations. And it goes back to the whole history of the Jewish people. It's really something that's really, to me, part of my life.

John Caher: How do you balance your religious obligations with your responsibilities as a judge. You have religious obligations on days when the courts are open, times when the courts are open. How do you balance that?

Judge Lefkowitz: I never had an issue at any time with the court system because I take my Jewish holidays as my vacation days. I never really took advantage of that. And if I was going to Israel — I went for the whole week of Sukkot— and it was my vacation. The first two days were a religious observance, and I'd go to synagogue in Israel and then in between I'd be able to do other things there. Going home early for the Sabbath was never an issue. If I had cases on, I scheduled them earlier and I'd worked through lunch. I always made it work.

John Caher: So it sounds like both you and the Court System were accommodating of each other's needs.

Judge Lefkowitz: Yeah. If you really want to do it, you can make it work.

John Caher: Have you as a judge experienced antisemitism?

Judge Lefkowitz: Yes.

John Caher: How so?

Judge Lefkowitz: When I was assigned as a judge in one of the outside counties, there was a death threat. I don't even know what it was for. I was on trial and there was nothing controversial about the trial. I guess motions were decided, and maybe somebody got something decided against them. But it was over the radio that they're going to kill that Jewish judge, and then they named my name.

If it's against one Jew, it's against all of us and it's just astounding what's happening. You go into Manhattan and you see these concrete barriers around synagogues. I mean, it's all over the place and it's scary. It's very frightening.

John Caher: Is it important to have people of different backgrounds on the bench? And if so, why?

Judge Lefkowitz: It is. I think it's very, very important because everybody that appears before this bench is different. And it's nice when somebody that appears before you sees somebody similar to themself. You have people of all different backgrounds that come before the court and that's who the court serves.

That's very important to be able to see people that are judging you that have your background. I mean, that's really all part of what we're about. It shouldn't be that you become a judge like I did just by accident. It should be an equal opportunity where everybody should be able to apply. When I started out, I went to law firms and I was told, “Hey, they don't want a Jew here.” I mean, I felt it and I knew it.

John Caher: You have several times in this conversation mentioned Israel. And it sounds like you spent a fair amount of time there. What does Israel mean to you?

Judge Lefkowitz: It's the Jewish homeland. I go there and I'm not afraid. I mean, some people say, “Oh, you're going to go there. This happened. That happened.” I've never been afraid. I mean, I've always walked, I got on that plane and my children had moved there when they first got married, and all my grandchildren were born there. I have one granddaughter that is in law school there and is graduating law school and is becoming a lawyer there. She's very interested in politics and government and everything there. She married somebody from England. And so I go there.

I still go there at least once a year at this point. But I used to go five times a year when my children lived there because I wanted to see my grandchildren grow up. And every holiday that I had, that's where I spent my time. Anybody that's Jewish can become an Israeli citizen.

John Caher: It's that simple?

Judge Lefkowitz: Yeah, that's it. That's the law of return.

John Caher: So is Israel diverse at all or is everyone pretty much Jewish?

Judge Lefkowitz: 74.7% of the population is Jewish. And other religions, they have 18.1% Islam, 1.9% Christian, and 1.6% Druze. So it is pretty diverse.

John Caher: The images we see on television portray Israel as dry, dusty and dangerous. Tell me what you experienced. Would you recommend a visit to Israel for a non-Israel, non-Jewish tourist?

Judge Lefkowitz: Absolutely. It's beautiful. It's a beautiful, beautiful country. And every city and every part of Israel has something to show you that's absolutely gorgeous. I mean, I've been to Jerusalem and that's like the history of every kind of religion. It's just a very exciting place to be there. It's a beautiful, beautiful place. It's ancient. It's like going back in time, beautiful experience. And you really feel close to God and close to history and the world. I mean, there's nothing more beautiful than visiting Israel.

Haifa is a beautiful city, Herzliya, Caesarea. It's beautiful, absolutely beautiful. It might have been dusty and dry, but what they've done to Israel is they've developed it and it's just phenomenal. Just phenomenal. It's something that I would recommend. You don't have to be Jewish to go to Israel. Everybody loves it. There's Christian tours, there's every kind of tour you can imagine. And it's not dry and dusty.

John Caher: So tell me about your family. How many children, what do they do? Where are they?

Judge Lefkowitz: I have two children. I have a daughter who is a psychologist and now she lives in Parkland, Florida. And she's the one with the five children. And then I have a son that lives in Mount Vernon.

John Caher: In 2006, President George W. Bush proclaimed May as Jewish American Heritage Month to acknowledge the history and contributions of Jewish Americans to American culture. What does that mean to you?

Judge Lefkowitz: It's nice. Maybe it's a form of recognition after the Holocaust and a lot of prejudice that goes on. But this should be a form of recognition of everybody. But one thing about the Jews and whether you call them, Reform, Conservative, Orthodox, there's a certain resilience, and another word is the word “chai.” It's life constantly rebuilding every time they kick us out and throw us down.

John Caher: Not many people have served on the bench as long as you have. But you're coming to the end of the road because the State Constitution sets a mandatory retirement age. Is that something that should be raised or repealed?

Judge Lefkowitz: I don't know any judge that would not say yes to that. Definitely. I mean, any judge that stays here a long time really loves what they do and likes being part of this Court System. So I really believe that nobody wants to leave.

Anybody that comes to this court system as a litigant is not coming here to say hello. They're coming here because they really have something that they want you to work out. And to me, it's a constant feeling of being able to do that; it makes me feel good and appreciated as a judge.

John Caher: We'll be sorry to lose you. When you retire at the end of the year, you leave a legacy of nearly 40 years. How would you like to be remembered as a judge?

Judge Lefkowitz: I'd like to be remembered as fair and impartial and that people feel that I really cared about them and their case in the time I've spent with them, trying to resolve it, and making things work for them in our Court System.

John Caher: Thank you. And how would you like to be remembered by your children and grandchildren?

Judge Lefkowitz: As loving and always being available to them and that I can help them get through the times that are good and celebrate with them and help them get through the times when they need help.

John Caher: Thanks so much for your openness, your insight, and your time this afternoon.