

Hon. Karen Peters
Presiding Justice
Appellate Division, Third Department
11-1-16

John Caher: Just for our record, it is November 1st, 2016 and we are interviewing the Honorable Karen Peters, presiding Justice of the Appellate Division Third Department. Take us back to the beginning, if you would. Were there any female role models who inspired you to pursue a career in law, to go to law school?

Justice Peters: Not exactly. Everybody's path to law is different, and everybody's story is different.

There's an old adage that some take the elevator to success, and some take the stairs. I was a stair climber. I was born into a family with parents who never finished high school, so I didn't have any role models who were lawyers. Certainly not female lawyers.

My mom was a stay at home mom, and my dad passed away when I was a young teenager. I decided to go to college, and that was quite an achievement for my family, to be able to finish four years of college. I was the first person ever to do that. When I was in undergraduate school, I went to college in Washington, DC during the Vietnam War era protests, and I was a bit of a leftist at the time. I found myself in a situation where a lot of my friends were protesting the war and getting arrested. I was impressed with the people that represented them, amazed with the justice system, which I had never seen, never been part of. I had never known a lawyer.

At the same time, I was working for a law professor and a criminologist. The law professor, who was a female law professor, although I had nothing to do with the law school other than report to her with research, wanted me to go to law school, and the criminologist wanted me to get a PhD in suicidology at Johns Hopkins. They worked together on this research project in the family courts in Montgomery County, Maryland. So, for the first time in my life, I entered a courthouse. For the first time in my life, I found out what law school was and what lawyers were. Between

my friends getting arrested, and my bosses trying to move me toward graduate school, I took the LSATs, did okay, and ended up at NYU.

John Caher: At NYU, how many women were in your class? Do you recall?

Justice Peters:

You know, I went to NYU at a time when they had just dropped, no pun intended, the women's clothing rules. Women used to have to wear suits and hose to school. They dropped the clothing rules just shortly before I started in law school. I don't know how many women were in my law school, but I can tell you that I always went to class with a sea of men. In fact, it was an interesting time, because it was an era where the law school provided some scholarships to some women and some people of color, so we kind of aligned ourselves with each other because we were the outsiders in the school, who they wanted to become insiders.

John Caher: Were there any gender issues that you encountered in law school?

Justice Peters: In law school?

John Caher: Yes.

Justice Peters: You know, a lot of the professors were very unhappy about the fact that women were in law school, and they were concerned that they were going to finish, take a space that some man should have had, and get a degree, and then get married and have kids, and not use the education. There was some discrimination, yes, but I was really blessed. I had some law professors who were incredibly helpful to me, and I actually ended up working for my evidence professor. I think it was a positive experience for me, but not for everybody.

John Caher: You graduated in, I think, was 1972. What was the climate for female attorneys at that time?

Justice Peters: I graduated from law school in 1972, in Manhattan, but I never applied for a job. Actually, I never applied for a job in my life until I became counsel to the State Division of Alcoholism under Governor Carey. Everybody else was applying for jobs. I decided not to apply for jobs on Wall Street. At that time, if you were female, they'd ask questions like, "What kind of birth control will you use?" It was just offensive. The whole system was very discriminatory back then. I decided I didn't want to be part of it. I was

already working. I put myself through law school. I had received a small scholarship, and had to work. Even though NYU didn't allow law students to work their first year, I pretended I wasn't. I got jobs doing contract research for criminal lawyers in New York City, so I was always working in law school, and never applied for a job. People just heard through the grapevine, "Oh, you need a memo on this particular criminal issue, call Karen Peters. She can do it for you." That's what I did.

Then, when I finished law school, I was working at the time for a gentleman who was with the Guggenheim Foundation. He had a grant, and he was doing a major project involving the alcohol beverage control system in New York State. He needed somebody to teach him the Alcohol Beverage Control law. He hired me, and I read the statute, and taught him the law. I could perform that job wherever I wanted, so I sort of telecommuted. I moved upstate to New Paltz, New York, with no connections, and no family, and no future, and telecommuted back. That is, I went back to the city to meet with him, and give him the information he needed. Then I passed the bar, and hung out a shingle.

John Caher: So, you're in private practice in New Paltz?

Justice Peters: I did private practice in New Paltz, New York: criminal defense and matrimonial. I also became an assistant professor at SUNY New Paltz. I created curricula in civil rights and civil liberties, sex discrimination in the law, and criminal law, and taught part time.

John Caher: How did you get clients?

Justice Peters: Well, I got assigned to represent people, clients would come to me through the grapevine. Somebody would say, "Hey, you have a burglary, this is the person you want." To some extent, town judges would assign me to represent litigants. When I started, there wasn't a public defender system back then, but the town judges wouldn't give me the cases involving dangerous people. They thought that I shouldn't get dangerous cases, that I was too young and too inexperienced, and I was a "girl," and there were no "girl" criminal defense attorneys at that time. I proved myself, and ended up, by the time I finished practicing criminal defense law, doing murder cases.

John Caher: Then, ended up at the DA's office, right?

Justice Peters: I did. I was in the district attorney's office in Dutchess County for a very short time. The DA at the time, Jack King, who was a wonderful, incredibly talented, smart man, asked me to come work for him, and I did.

John Caher: How were you treated by the judges at that point? Let me back up. Were you the only female ADA?

Justice Peters: No. I was the only female criminal defense attorney in Ulster County. When I went to work for Jack King, I was not the only female ADA. A very smart woman named Bridget Rahilly was doing the appeals for the DA's office in Dutchess County. The challenges I faced were as a trial ADA. For Jack King, the DA, I not only handled the justice courts, but I handled arraignments after indictment in the two parts of the county court in Dutchess County. At that time, it was a fascinating time in history, because Judge Rosenblatt, who later became a Court of Appeals judge, was one of the county court judges, and another man whose name I won't say on air, was the other county court judge. I appeared in both parts, handling all the arraignments and some of the pre-trial work.

While Judge Rosenblatt, as you probably know, and as anybody who knows the Court of Appeals knows, was and is a brilliant, talented, creative, smart, energetic person, the other judge was an active alcoholic and a racist. I led this schizophrenic existence of moving from one part to the other with the opportunity to interact with Judge Rosenblatt, and then the opportunity to get berated and called four-letter words by the county court judge.

Yes, discrimination took place, and of course, when I was in private practice, it was a different world back then. You were called "sweetie" and "honey" and "dear" constantly, and you really couldn't complain about it because you needed to have the judge rule on your motion.

To give an example of how challenging it was, that was about the time that we started using the term "Ms.," which now is just part of everyday parlance, but it wasn't back then. I'll never forget one day I was in Dutchess County. I was in private practice in Ulster County, and I was handling a civil case in Dutchess County for my partner, and it was at Supreme Court Special Term. In those days, the way supreme court special term was handled was that all the lawyers who had a motion all appeared in court at the same time. The courtroom would be filled with lawyers, and sometimes their clients, but mainly lawyers. The judge would call each motion, and the lawyers would go up and argue for a few minutes, and then the judge would move the case along.

I appeared for my partner to get an adjournment in a civil case, and I was the only woman in the room; about 100 people in the room. The clerk called the case, and I walked up to the bench, and I was standing there, and there was another attorney, a white male, because they were all white men. The judge called the case, and this attorney noted his appearance, and I said, "Karen Peters for the defendant." The judge looked at me and he said, "Is it Miss or Mrs.?" I said, "It's Ms., your honor." He was old. I'm old now, but he was old then. He said, "Is it Miss or Mrs.?" I said, "It's Ms., your honor." He looked at me, and he did one of those, you know, when your body moves, when you can see you're getting angry. The courtroom, all the guys in the back just got quiet. They're like, "Oh my god. Something's happening up there. Look at the judge. He's starting to move." He said, "I said, is it Miss or Mrs.?" I looked him straight in the eye, and I thought, "You know what? I'm tired of this. I've got to make my name known. I am tired of being berated like this." I just looked at him. I said, "Your honor, it's Ms. If you can't pronounce that term, when you take a recess, I'm happy to come to your chambers and tutor you."

The whole courtroom was shocked. The truth is, it was just one of those moments where I was so tired of this. He responded really well. I mean, he was embarrassed that somebody would have to say this to him, when all I asked for was to be treated with respect. He looked at me, and he said, "I deserved that, didn't I?" I was absolutely silent. I thought, "You know what? I made my point." You don't push any harder at that point. You just back off. I said, "Your honor, may I continue now?" He said, "Yes." That was the way it was back then. You had to continuously assert your position, in order to just move forward.

John Caher:

You went from there into public service, in the Division of Alcoholism and Alcohol Abuse?

Justice Peters:

Yes. I moved from private practice and being an ADA to being counsel to the New York State Division of Alcoholism and Alcohol Abuse, which was a new agency created out of the Office of Mental Health.

John Caher:

Why did you go there?

Justice Peters:

Interesting. You know, when we started this conversation, I talked about how the paths we take are just so fascinating when we discover how we

became what we became. I mentioned to you my dad died when I was a teenager. My dad was a recovering alcoholic, and was one of the first members of AA in New York City in the 1940s. I became a criminal defense lawyer, and realized that almost all of the cases I was working on involved somebody who had a problem with alcohol or drugs. That just was, generally speaking, the underlying situation that caused them to be where they were.

The opportunity arose by an ad in The New York Times. I answered an ad in The New York Times to become counsel to the State Division of Alcoholism, and to the great credit of the commissioner at the time, I was hired despite my lack of any political connections.

John Caher:

Then, you went to Assembly Government Operations Committee?

Justice Peters:

Right. I left the Division of Alcoholism, and Mel Zimmer, who was an assemblyman from Syracuse and the head of Government Operations, asked me if I would come work with him and direct the Government Operations Committee. I wanted to get back into private practice, so my plan was to work part time in private practice, and part time for Mel Zimmer, but that wasn't meant to be. At the time that I started working for Mel — I worked for Mel for about a year—and in Ulster County, there were two family court judges, both white men, of course. They all were. Both Republican. They all were. One of them was retiring, and I was at a Woman's Bar Association convention in the bar. Some of my friends suggested that I should run for family court in Ulster County, because there was a vacancy, and it was important to raise issues concerning child welfare and domestic violence, and I said, "Are you kidding me? I can't run for family court. They'd never elect a woman. They'd never elect a Democrat."

They said, "Well, no, you'll never get elected, but look at all the amazing work you can do to raise people's consciousness about the family court issues, and child custody, and discrimination." I said, "You know, that would be fun. That would be great fun." I talked to Assemblyman Zimmer, and I said, "Listen. They want me to run for family court." He said, "Well, you're not going to win, right?" I said, "No, I can't win. It's impossible." I said, "It'll be a great experience, and I think it will be great to raise awareness about issues concerning children and families." He said, "Well, go ahead." I did, and I won. All of a sudden, one morning there I was, a judge.

John Caher: How did you manage to pull it off?

Justice Peters:

I think part of it was that people never ran for judgeships back then. They were anointed, and some political party said to somebody, "You're going to be the next judge, and here you go." I decided that I was going to act the way people running for the legislature would act. I went to every strawberry festival, and every town park, and I just campaigned, endlessly. I even got the, to my shock and surprise, the Electrical Workers Union endorsement, which was pretty good back then for a "girl."

John Caher: You were the first woman in that position, I'm sure.

Justice Peters: Yes, I was.

John Caher: What gender-specific experiences did you experience in that role?

Justice Peters: The first gender-specific experience in that role was the first gender-specific experience in the Appellate Division role: the bathrooms. It's so funny, about how history seems to be all about public accommodations. The history of the civil rights movement is about public accommodations. The history of the women's rights movement is about public accommodations. When I got elected family court judge, no one could figure out what to do because there were two judges, one was a white male, and one was me, and there was one bathroom in between the two chambers. What would we do? I walked into the male judge, and I said, "So, Bernie, can we share a bathroom?" He went, "Sure, Karen." It was solved. Then, when I got appointed here by the first Governor Cuomo, there is a restroom next to the robing room that was for the judges. The male judges. Now, there was a woman judge here when I got appointed to the Appellate Division, Ann Mikoll, who had been appointed by Governor Hugh Carey. She lived in Buffalo. There was no woman Supreme Court Judge in the entire Third Department that he could have appointed to the Appellate Division then, so they imported a judge from the Fourth.

Judge Mikoll was a little bit less assertive than I was about things like this. When I got appointed the first day, I said, "Well, where do you go to the bathroom? They're all going in there. Where do you go to the bathroom?" She said, "Oh, I go back to my chambers." Two separate floors in this building. You've just traversed this building. "Or, I go out to the clerk's office to the bathroom," which is a public restroom. The first time I sat, I went out to the clerk's office area—a public area—and I realized I was walking into the ladies' room with women lawyers who were going to be

appearing before me in a few minutes, and it was just ridiculous. It was so absurd.

I mentioned that it would be helpful if the bathroom next to the robing room could be made to accommodate women. When I inquired, the response was "No, no, no, no. It's a men's room. It's a men's room." My greatest achievement the first year on the bench was to convince them to put a lock on it, and allow the rest of us to use the restroom.

John Caher:

I find it interesting that you were elected in '83, which is the same year that the gender barrier was broken in the Court of Appeals by Judge Kaye. Did that play a part in your decision at all to run?

Justice Peters:

No. I didn't know Judge Kaye at the time. I did meet her afterwards, and I must say, she was such an extraordinary woman. She was an amazing role model for all of us, because the moment you met her, you knew she cared about you and your future. You knew she cared about people becoming better than they were that day, and serving their community in every way they could. We became very good friends over time, but no, I did not know her when I ran.

John Caher:

How do you think she inspired and empowered women generally?

Justice Peters:

First of all, I think she truly cared about people. It was from the heart. It wasn't a public persona. She was that way outside of the public eye, and I'm sure you knew her well enough to know exactly what I mean. I remember, she was so cute. When my son was probably about five, and she asked me to come up to Albany to do a panel on women running for office, and I said, "You know, I don't have any child care." She said, "Well, just bring him." I said, "Well, what am I going to ...?" She said, "It's okay. Just bring him." I drive up to Albany with my son, and I mean, he's five. You can't just bring him into a panel and tell him to be quiet in the back of the room. I walk into her chambers, and her law clerk looks at me and introduces himself, and Judge Kaye says, "Okay, so Avanti, you're going to hang with him. We're going to get some work done." Her law clerk took Avanti around, had him sit on the bench in the Court of Appeals, find the candy bars in her drawer. When we came back, she treated him as if he was the most important person in the world. That's the way she treated everybody.

John Caher:

Snickers bars in the desk, right?

Justice Peters: Snickers bars, yes. To this day, he remembers that.

John Caher:

I've had one of those myself. Then, 10 years later, I think '92, you were the first woman elected to the Supreme Court in this seven-county region.

Justice Peters: I was.

John Caher: Did gender play a role in that race in any way, positively or negatively?

Justice Peters: First of all, gender played a role in getting to run for Supreme Court at all. The year I ran was not my first effort. I tried to be nominated for Supreme Court the year before, and Ulster County pushed very hard to get my nomination, and it was not meant to be. Again, there were three Caucasian men who were going to be running, and I was not permitted to be part of that team. What I did, again, kind of like with the judge in Supreme Court with the "Ms.," I said to myself, "You know, this is an opportunity. I don't have enough votes at the convention to become the candidate, but I need to make sure that this historic moment does not go unnoticed." I was nominated at the convention, and I intentionally and willfully wore a turquoise jacket, and stood in the back of the room, and asked if I could have a moment to speak, and withdrew my name from the back of the room, so that every single person in the room could hear exactly what I had to say. I talked about party unity, and talked about dignity, and talked about making sure that our entire community is served, and kind of paved the way for the next year when I wanted the nomination.

The nomination was a little easier to get the next year, because the delegates remembered that I had not been offensive, and I had not been critical. That I had attempted to achieve party unity, and wanted very much to serve the people.

John Caher: Was that convention at the Albany County Courthouse?

Justice Peters: It was.

John Caher: I think I was there. Just two years later, you were over here in the Appellate Division. How did that come to be?

Justice Peters: Well, I'm not sure. You'd have to ask Governor Mario Cuomo, and he's not around to talk to. I think part of it is that I had worked in the Cuomo Administration. I had been counsel to the Division of Alcoholism under Governor Cuomo, then I worked in the Assembly. I was not unfamiliar with him, and he was not unfamiliar with my work. I think part of it was that he was looking to create some diversity on this court, because it was pretty similar, pretty cookie cutter. I applied.

John Caher: I think at the time, there was one woman on the court. Ann Mikoll.

Justice Peters: Ann Mikoll, correct, from Buffalo. There were no women in the department that could get nominated. I was the first woman ever elected to the Supreme Court in the entire department, 28 counties.

John Caher: You've been a major force in promoting diversity on the bench. Other than symbolically, and a matter of ethnic or gender pride, why is it important? What does it matter?

Justice Peters: Oh, we could talk about that for hours. I've always thought diversity was important. I was raised and I went to college in Washington D.C., and I saw racism in action. It offended me. I was raised in a community where racism was rampant, and it offended me. As a woman, I was very concerned about the way women were treated in our legal system.

I think I really learned the lesson of diversity from my son. I'm a single, adoptive mom. My son is from India, from Calcutta, India. He came to me when he was four months old, and when he was about four years old, I was driving past the family court, the Ulster County Family Court, on my way to drop him off at daycare, on my way to court, and he was in the backseat of the car, which of course he had to be, in his little chair. He said to me, "Mom?" I said, "Yes, Avanti?" He said, "How come only girls can be judges? Why can't boys be judges?" It was such an amazing thing to hear from this child. I had spent my whole life dealing with gender discrimination in the judiciary in the legal profession, and here I was with a child in the backseat, feeling that he was discriminated against because there were two family court judges in Ulster County, and at the time, historically, both of them were women, Judge Work and myself.

His whole life revolved around women judges. I understood from that, I learned from that, that everyone can feel like they're not being treated fairly, if their gender, race, religion or ethnic makeup is not adequately represented. That's exactly what that lesson taught me.

I don't think the court should be all white women. I don't think the court should be all white men. I think the court should reflect the community it serves, and if you think about what we do as judges, what we do is we resolve disputes by peaceful means. That's what we do. We are peacemakers, and if you think about that concept, there is no way we can resolve disputes by peaceful means if people don't believe that they've had the opportunity to be heard and treated fairly. To think that you're being treated fairly, the courts have to reflect the community they serve. They just have to. As you know, I have been adamant, strident about this. I will never, ever stop.

John Caher: Let's talk about how far we've come since you were admitted. I was looking at some statistics the other day, and it looks like currently, in the Third District, anyhow, we've got a third of the City Court judges are woman, 60% of the Family Court, 67% of the Surrogates Court. We've got a majority in the Court of Appeals. Here, we've got four out of, is it nine or ten on the Appellate Division?

Justice Peters: Ten.

John Caher: Four of ten. 40%. When you were admitted, did you see this as likely or possible within your career?

Justice Peters: No, but I didn't know what my career was going to be, either. I'm happy to see it, but I still don't think the judiciary in upstate New York reflects the community it serves, which is why I pushed so hard for the Governor to appoint a person of a color, even from outside the department. There were no Supreme Court judges of color at the time. I think we've really come far, but I think we have a long way to go.

John Caher: Continuing where I was, about 20% of the Supreme Court judges are women in the district.

Justice Peters: 20% of the Supreme Court judges are women in the district. Good point, and of course the interesting thing about running for Supreme Court is,

it's the most difficult court to run for, because it's a seven county district, and you get nominated at a nominating convention in September, not in June, the way county level judges are nominated. You really have to be accepted beforehand to get nominated and win that race. It's interesting that it does not reflect the diversity of our community.

John Caher:

There's a new crop of attorneys and prospective attorneys coming up, and maybe some in kindergarten. What would you want them to know about the path that's been cleared for them, and whatever obligation, responsibility they have to continue blazing trails?

Justice Peters:

I think the first thing they have to remember is, they have to be mindful of how hard it was to forge a path to get them the opportunity to be where they are today. If they keep that in mind, then they will try very hard to keep that grass mowed in that pathway so that other people can walk it. One of the concerns I have is that I see, sometimes, I see young people today not being mindful of that challenge and, therefore, assuming that everything is going to be just fine for them. I don't know that that's true, if they're not attentive and cautious.

I also think it's really important that they spend a little bit of time focusing upon the fact that they need to be bold, and they need to take risks. I think a lot of people aren't willing to take those risks. I certainly never thought I'd be where I am today. I never thought I'd be in law school, but every single time those risks were in front of me, I leapt. I jumped. I took it. Everything from running for Family Court, running for Supreme, to being a single, adoptive parent. I took every risk, and I don't regret one of them.

John Caher:

What sort of risks, tolls, does your career have on a family life?

Justice Peters:

I think the commitment has to be enormous to be a parent and a judge. When I decided to adopt my son, I was mindful that being a full time judge and a single, adoptive parent meant there wasn't anything else I could spend my time on. That's what I did. I focused upon parenting, and judging. That was fine with me. I made that commitment, and I was happy to do it. When my son turned, I guess, 14, I finally decided to do something for me and took a pottery class, and have become a bit of a potter, wheel-thrown pottery.

I also think that working and parenting is really important. I'm not so crazy about the idea that people should become parents and then stop working.

Either gender. Doesn't matter to me what gender you're talking about. I remember when my son was still in diapers, I picked him up at daycare and came back home, and of course the first thing I had to do was cook dinner. I must have gone some place to give a lecture, because I had this really attractive brown leather attaché case. Very small. I walked in the house with it. He was in one arm, and the attaché case was in the other arm. I put it down on the floor, and went into the kitchen to start dinner, and he's running around in the kitchen in his diaper, and all of a sudden I see him and he's come back from the hallway, and he's pulling — literally. He couldn't lift it — Pulling this brown attaché case. He looked at me and says, "I be back soon, ma. I go give speech now."

Well, you know, think about that, that a kid in diapers is thinking about going to give a speech. He might not have known what it meant, but he knew it was important.

My son is now 29, and I asked him once, when we were in the City having dinner last year. I said, "Okay, so how bad was it? Single parent, full time judge. You had to behave all the time. You had to hand out dog biscuits when I ran for Supreme Court."

He said, "You know, Mom, it was great. There were times when you worked a little too hard, but it was great to have that opportunity to see what life is like when people are really concerned about their community and working hard to make it right."

I think it's a good thing, and now he works for a charity, and I'm really proud of him for that.

Hon. Karen Peters
Presiding Justice
Appellate Division, Third Department
11-17-16

John Caher: So you're about to do something you have done, I suppose, hundreds of times by now, which is to come out in this court room and take center seat. Does it still give you goose bumps?

Justice Peters: Every single time. I take a deep breath, and every single time I realize the majesty of my position and this court and the power it has over people. I am grateful for the responsibility and awed by it, yes.

John Caher: At the time you became PJ, there was a pretty long history of having a woman on this court, first with Ann Mikoll in 1977, and then, of course, you in 1994. What is the significance of having a woman as presiding justice?

Justice Peters: Well I think the significance of a PJ in general is that the presiding judge is really the face of the court. We set policy. We decide how we want to spend our energy and what issues we want to focus upon.

For example, when I became PJ I was very concerned about us coming into the present day, so now we simulcast oral arguments and clients can watch their lawyers argue their case from any place in the world. We set policies and priorities. I also sit on the Administrative Board, and the Administrative Board of the courts, which is made up of the four presiding judges and the chief judge, which sets the policy for the all the courts across the state. As far as being a female, I hope that I'm a role model, and I hope that young women can look at me and say, "I can achieve this too, even if my beginnings might have been humble."

John Caher: I think this was the last of the four departments to have a female presiding justice. There was Judge Ellerin in the First Department, Judge Prudenti in the Second and Judge Denman in the Fourth, going back quite a while. The Third Department seems to be a chronic Johnny come lately here. Is there a reason for that or anything worth addressing in that?

Justice Peters: We are chronic come lately's, but the question you asked really concerns both the Supreme Court and the Appellate Division. We are chronic come lately's to the Supreme Court with regard to women achieving status as Supreme Court judges. Of course there are very few of us on the Supreme Court in the Third Department and as you've mentioned, I was the first. I think the answer is that the issue concerning why women haven't been permitted to run for Supreme Court in the third department is a political question that you should investigate with someone other than myself.

John Caher: I have a suspicion, and I'm only guessing, that one of the first people who called you after you were appointed presiding justice was Judge Kaye.

Justice Peters: Of course. You know Judge Kaye and I go back a long way. She's been an incredible mentor to me and role model. She did call and as you know, she was no longer the chief judge at the time, but she did call and she was thrilled. I think she was as excited as I was for that opportunity.

I think the most interesting call I got when I became presiding judge of the court was from the Governor's Office because I received a phone call from the Governor's secretary and she said, "Governor Cuomo will be calling you."

Of course I was so excited because I knew what that meant. I said, "Do you know when?" and she said, "No I'm not sure." I waited around and waited around and 5 o'clock came and 6 o'clock came and I had to leave the courthouse, and I went to Target to buy some items for my 99-year-old uncle who I attended to.

As I'm in Target at the checkout counter with these items that I will not describe in detail, my cellphone rings and it's the governor's office, and I'm standing there at the Target checkout counter with these things for my elderly uncle who needed them and I thought, "What do I do now?" To be honest, I let it ring through, bought the items and went to the parking lot. I'm in the Target parking lot and I call back the Governor's Office, and I'm on the phone with the governor in the Target parking lot. That's what we women do, but I attended to my uncle and I got appointed presiding judge.

John Caher: What did the Governor say to you?

Justice Peters: He was really so upbeat. He was very excited to call and offer me the opportunity, and I told him how grateful I was and reminded him that his

father had appointed me to the Appellate Division. He said, "I know, I know." He said, "But I'm not my father." He's always been humble about his father, who was quite an extraordinary person.

John Caher:

What were you feeling and thinking the first time you walked to the center seat as PJ?

Justice Peters:

I was thinking of my father who taught me that my life should be lived more loudly than my lips. It's an important philosophy, and I was reminded of that and how proud he would have been of me had he been alive when I took this seat. I was thinking of Sojourner Truth because I have my chambers in Ulster County and Sojourner Truth won her son's freedom from slavery in the very courthouse where I sit. There's a statue in front of our courthouse about Sojourner Truth, and she was an amazing suffragette and a fighter against slavery, so I thought of her and my family.

John Caher:

That's fascinating. Are there any special burdens or special responsibilities inherent in being the first?

Justice Peters:

Yes, there are special burdens inherent in being the first. You have to concern yourself with everything you say and do because people judge it I think a little differently than if you are the second or the third. There's a very famous playwright and political person named Lillian Hellman, I don't know if you're familiar with her, but when she appeared before the House Unamerican Activities Committee in the 50s she said when she was called to testify she said, "I will not cut my conscience to fit this year's fashions." That philosophy is something I've tried to live by, so by being the first I try very hard not to cut my conscience to fit this year's fashions and to be my own self and my own person and to be bold and to know that people will be following in my footsteps. I'm hoping that they will consider me a leader.