

## **Interview with Cynthia S. LaFave, LaFave Wein & Frament PLLC**

**June 27, 2019**

John Caher: It is June 27, 2019. Judge Kretser and I are interviewing Cynthia LaFave. Before we started, you said something I want to follow up on. You said you never wanted to be a “woman lawyer.” What do you mean?

Cynthia LaFave: To me, I wasn't looking to be a “woman lawyer,” or the “best woman lawyer,” or anything like that. I didn't want to be identified as a woman first. I wanted to be identified first as a lawyer. That was important to me because I felt it was almost segregation. I didn't want to be a woman-owned business. I just wanted to be a lawyer first.

John Caher: Okay, let's go back to the beginning. When and where were you born?

Cynthia LaFave: I was born in Endicott, New York, and-

John Caher: Binghamton area, right?

Cynthia LaFave: Yes. I lived there, I believe, for about four or five days, and my parents were being evicted from a house because apparently the people who rented it to my parents didn't own the house. While I was in the hospital, my father was packing everything that we owned and putting it into a truck, and when he got to the hospital he'd forgotten to keep out any clothes for me. I was taken with just rags around me or something from the hospital.

Cynthia LaFave: I grew up in Boonville, New York. Boonville is where I lived until I was a senior in high school. At that point, somebody decided that it was a good idea for me to switch schools because they wanted to move, so they moved to Lyons Falls and I went to a new school district for my senior year.

John Caher: What did your parents do?

Cynthia LaFave: My mother was a 30-year-old widow with five children between the ages of 1 and 9. My father died when I was 8. He had been sick for a couple of years. I was not actually put into foster care, but was given to neighbors to stay while my mother was over in Boston. He was at Mass General. For long periods of time I would stay with neighbors. I remember one house that was a beautiful ... I thought it was the most amazing house in the world. It probably would go for \$100,000, so you've got to look at it from that point of view. Back then it was probably \$50,000. It had a formal living room, and it had a formal dining room, and I was told that I could go into the small sitting room, and I was not to go into any other rooms. I got a nickel every day for taking out the garbage and a

dime for cleaning the posts on the stairway. I stayed there for a while. My brothers were with my grandmother and my sister was with another neighbor.

John Caher: So, it was kind of an informal foster situation?

Cynthia LaFave: It was a foster situation. I think that they were really good people, but it was a very cold ... like there was no communication really with me. That was before my father died. He died when I was 8.

Judge Kretser: You did not have it easy growing up.

Cynthia LaFave: I did not. No. No, it got worse.

Cynthia LaFave: My mother was a nurse and my father was a biology teacher. He'd probably be very unhappy with the grade I got in biology.

John Caher: Were those your major early role models, your parents?

Cynthia LaFave: Not my father because I don't remember ... I have three memories of my father because I was 6 when he was taken away to the hospital. I suppose my mother was a role model. She went to work every day and when she came home she expected dinner to be on the table, and she expected everything to be taken care of, so that was the role my sister and I took on. We cared for our three younger brothers.

My mother is a very good woman. It was very difficult for her because she had never written a check before my father died. She didn't understand a lot of it, so she was scared. Five kids between the ages of 1 and 9. That's a lot of responsibility, with not a lot of money.

She got married again. He was a very bad man. He was very abusive. That led me to ... I can skip right to the age of 14: I hitchhiked right out of town with a drug pusher and a sex worker because I wasn't going to stay there anymore.

I got to Utica. I somehow managed to get out of two very bad situations that night. I was hitchhiking to Watertown because the cops had come to one of the drug houses that I was at and said they were looking for me because they had somehow found that I had left with this woman. I managed to get back out onto Route 12. It was winter and it was raining and I was soaked. I said, "Well, they know I'm here, so if I go the other direction, if I go up to Watertown they won't find me there." The first car that pulled over was my mother and my stepfather. Unbelievable.

John Caher: By this time you're 14. I presume you're in high school?

Cynthia LaFave: I am. Well, supposed to be.

John Caher: From there, where'd you go to college?

Cynthia LaFave: I went to Brockport. I applied to one college. To me, it was like, okay, what am I going to do, I'm not staying here anymore, I can't stand it. I went to Brockport.

John Caher: To study what?

Cynthia LaFave: Creative Writing. I was working a lot with creative writing. Brockport changed my life. Brockport really changed my life.

John Caher: How?

Cynthia LaFave: I got there and I went into the English Department, and I said, "I want to write," and I walked around. They said, "Well, you need to talk to Stanley Rubin." I went to see this Professor Stanley Rubin, and he had a line outside of his office because the kids just adored him. I waited in line and when it was my turn, he said, "Okay, tell me about yourself." I said, "I said I want to write." He said, "I said tell me about yourself." I started and he said, "Hang on a minute," opened the door and told all the other kids to go home. He listened to me for a couple of hours, and he said, "Okay, I'm going to read your writing."

Cynthia LaFave: He spent so much time with my work. He would go through my writing and he would work on my writing with me, and he did all kinds of edits, and taught me how to write. He was so disappointed when I went to law school. He was devastated.

John Caher: Why law school?

Cynthia LaFave: Because a friend of mine was drunk, I was at a bar and-

John Caher: Because a friend of yours was drunk?

Cynthia LaFave: Yeah.

John Caher: That's not a real good reason to go to law school.

Cynthia LaFave: I know, but this guy was in a bar and he was a friend of mine, and I said, "What is the matter with you, Jay," because he was falling down drunk. He said, "I have to take the LSATs tomorrow." I said, "What are those?" He said, "Law School Admission Tests." I said, "You know, Jay, this is not good. You're not good. You're not going to do well. I'm going to take it with you and I'm going to bet you a pitcher of beer I beat you." Well, he's an accountant.

Through my time at Brockport, I ran the health fee boycott. It was a New York State SUNY boycott, and I would go from one administration building to the next until I took over all of the administration buildings. I was leading protests. I was always about regaining power. I didn't know it then. In retrospect, I can look

back and I was looking to gain power back, which had been taken away from me. I don't even know where I was going with that. I was running around New York State in my sophomore year. The health fee was \$37.50. We set up protests because that money that they were calling the health fee was really going right to New York City because they were going bankrupt.

It wasn't going to our health and it wasn't going to our health services. We said if you're going to make us the leaders of the world you need to tell us the truth. I was doing all of this, and we won. They repealed the health fee. Then the Vice President for Student Affairs of Brockport, Dr. Patrick Smith, called me into his office and he said, "So, we have an overseas program." I said, "Well I haven't applied." He said, "Well, you've been accepted." They wanted to get rid of me, and they couldn't do it when I was on Dean's List and I was doing well with everything, and I was the editor of the newspaper. They just wanted to get rid of me because while I wasn't doing anything illegal, it wasn't really reflecting well on them that a Brockport student was going around SUNY and taking all kinds of liberties with things.

Judge Kretser: Agitator.

Cynthia LaFave: I was an agitator. I really was. They sent me over to Nottingham for a year. Then when I came back it took me four days to get elected Director of Communications, so now I had the T.V. station, the radio station, the newspaper, the Penny Saver, and the news at noon. I had all the media four days after I came back, so it didn't do them any good. Then my senior year the President of the college, Dr. Albert W. Brown, calls me into his office. He said, "I've never met anybody who should be a lawyer more than you, and I'm on the Board of Trustees of Syracuse University College of Law and I've already written a letter of recommendation for you."

I said, "I'm not going to law school," but then my friend gets drunk, I take the LSATs, I do well on the LSATs. It's a little seed growing in my head, so I did it. I didn't apply to another law school either. I applied to one college and one law school, and the law school was because Dr. Brown wrote a letter.

John Caher: Did you have an idea at that point what type of law you wanted to practice?

Cynthia LaFave: I wanted to be in a courtroom. I wanted to be in a courtroom. I wanted to represent people who couldn't represent themselves, who couldn't take care of themselves, who-

John Caher: We're getting back to that empowerment thing, aren't we?

Cynthia LaFave: Yes, yes!

John Caher: Did you recognize it at the time?

Cynthia LaFave: No. I don't think so. I know that I've always been really clear that I want to represent people who need a voice—whether that be people of a socio-economic disadvantage or people of privilege in particular situations, people of color or white folks. More often than not it is people from marginalized or disenfranchised communities. Ultimately, I want to represent people who need me and have real causes and claims. That was my agitator side I think, that I just needed to keep fighting for people.

John Caher: What was the environment like for women in law school around 1980?

Cynthia LaFave: I think women back then were expected to go into corporate or family law. Not many of them were looking at going into trial practice, negligence and things like that. But Mae D'Agostino was one year before me. I got to know Mae pretty well in law school and she really was somebody that I revered.

John Caher: What was the reaction of your family when you decided to go to law school?

Cynthia LaFave: I can't say they were surprised. I can't. I mean-

John Caher: Were they opposed or supportive or indifferent?

Cynthia LaFave: I think that I was so independent by that point that they just sort of said, "She's gonna do what she's gonna do."

John Caher: Then you get out in '81 you said, right?

Cynthia LaFave: Yes.

John Caher: How'd you get to Albany?

Cynthia LaFave: Oh my goodness, gracious. I was going to marry this guy, who I was going to marry because I was trying to get away from this other relationship.

John Caher: Presumably not the drunk accountant?

Cynthia LaFave: No, no. He got a job here, so I got a hold of Mae and said, "Hey, I'm going to move to Albany," because I told my fiancé wherever you get a job I'll get a job because I had that kind of confidence. Mae said, "Send me your resume and I'll give it to Mr. Jones" at Maynard, O'Connor & Smith. I got a job at Maynard, O'Connor & Smith.

John Caher: Doing what? What kind of law?

Cynthia LaFave: Defense. Medical malpractice defense. I worked for Mr. Murray and Roger Cusack and Mr. Jones. They were my bosses.

John Caher: How long were you there?

Cynthia LaFave: Eight months.

John Caher: Why did you leave? Let's back up, at Maynard, O'Connor & Smith at that time, were you and Mae the only females there?

Cynthia LaFave: I think so.

John Caher: Mae was probably the first, certainly the first partner.

Cynthia LaFave: I think so. I think we were the only women. I'm pretty sure we were.

John Caher: How were you treated by the men?

Cynthia LaFave: Good, except I was not paid worth a crap and I didn't really have an office. At one point, Mae, Tom Daley and I shared an office. It wasn't because I was a woman it was because they were totally out of space. They were a little bit tight with money, shall we say.

John Caher: Do you remember your starting salary?

Cynthia LaFave: Yeah. \$12,500. I will never forget that. I was making more when I was working at the paper mill. I was a bartender. I worked at the paper mill. I worked as a grocery store clerk. I had all kinds of jobs when I was growing up.

John Caher: Did you leave Maynard, O'Connor & Smith because you didn't make any money?

Cynthia LaFave: No. I left there because somebody offered to double my salary.

John Caher: Where was that?

Cynthia LaFave: I was arguing in front of Judge Kahn and I had five motions for summary judgment and I won them all, and I did a pretty good job on the arguments, and this guy stops me and says, "Do you want to have a cup of coffee?" I said, "No." He said, "Well, I want to talk to you about a job." I said, "Well, I have a job." He said, "Well, I'm going to double your salary." I said, "Let's have coffee." It was Steve Spring. He was house counsel to Aetna at the time, so he hired me and he gave me \$24,000 a year, which was a big bump, a really big bump.

John Caher: A hundred percent bump. How long were you at Aetna?

Cynthia LaFave: Three and a half years.

John Caher: What sort of defense work were you doing?

Cynthia LaFave: Mostly, I was doing auto personal lines. I would do slip and falls. I wasn't doing any med mal at that point, but I was doing a lot of whatever homeowners' policies would cover and auto policies.

John Caher: You were in court pretty early in your career?

Cynthia LaFave: I argued in the Appellate Division the day I was admitted.

John Caher: Wow.

Cynthia LaFave: Yes, because Maynard O'Connor had me ready to go that day. I went up and I argued in the Appellate Division that day. When I was with Aetna they had a pretty much "no pay" policy, so I was in court all the time. I had no idea what I was doing and didn't matter. Just went and did it. Taught me a lot.

John Caher: Who were your contemporaries in trial practice?

Cynthia LaFave: It was Mae, me, Maureen Bonanni, Susanna Martin. There were a lot of women, but they were all in defense firms, and I was too.

John Caher: What do you make of that? Coincidence or something else?

Cynthia LaFave: As a plaintiff's attorney, you have to be able to create business. You have to be able to make the business. As a defense attorney you don't necessarily have to do that.

John Caher: It comes to you.

Cynthia LaFave: Yeah. Yeah. As a defense attorney, certainly Aetna, whatever I was trying for them I was not bringing in the cases. I think it was a very chauvinistic system because I knew I could never go out and go to work for a firm and become an immediate trial lawyer, like I did when I went to Aetna. A plaintiff's firm would never have let me do that. It would just have been impossible.

John Caher: Because you were too new or because you were a woman or both?

Cynthia LaFave: Both. It's not probably how I would recommend learning. I may not feel great about the fact that they were defense cases, but I did pretty good.

John Caher: So, three and a half years with Aetna. Then where?

Cynthia LaFave: Well, Aetna had this policy that we could practice on the side. Big mistake. I built a practice. I left Aetna with one of the guys that I was working with. We rented space on Broadway. We hired an associate and we bought a \$25,000 computer, that's how much they cost at that point. We took out a loan for it. We did everything that we had to do, and the next week the guy comes in and says, "I can't do this. I have to have a paycheck." Didn't you think about that before? He left.

It was all on me then. I had an associate I had to pay. I mean that's crazy. That's insane. I had to pay the rent. I had to pay the insurance. I had to make sure

everything got paid. He just walked out. He left. I never got a penny from him, and I never tried because I figured, "Well, okay, I'm just going to do it then." I was tied to a number of things at that point that had cost a lot of money.

Judge Kretser: It was very brave is what it was.

Cynthia LaFave: You know what, I just did it. I mean at that point what are you going to do? I was going into town courts. I was doing night stuff. I was doing matrimonials. I was doing whatever I could get. Anybody that would pay me a dollar I was getting the dollars. I rented out rooms in my house because I had bought a house. Three guys, each had a bedroom, and I was getting rent for that. I ran for town judge because I needed the salary to make sure my business was going to be able to float.

John Caher: How difficult was it to build a practice as a woman lawyer at this time?

Cynthia LaFave: The first guy I ever represented for Aetna hired me as his consult. He owned a business, a plumbing business. He then had me do all of his work. When you're in the trades they talk to each other, so I got a lot of trade work. Then they gave me their divorces, because they're always getting divorced, too, and I did all of that. I was building a business.

John Caher: At this point, are you concentrating on P.I. work or what?

Cynthia LaFave: I wanted to be, but I was doing whatever I could get. I just did whatever I could get. Anybody that'd pay me I would do what they wanted. I'd learn it. I really wanted to be doing P.I. work. In 1989, I got my first million-dollar verdict and the next day I went back to the office and I said, "We're going to close out all the files except the P.I." From that day forward I've only done P.I. work.

John Caher: You must've been the first woman-owned P.I. firm in town, right?

Cynthia LaFave: I'm sure. Yeah. I'm sure.

John Caher: Now, how were you treated in court? Were any judges particularly supportive or particularly unsupportive of women in the courtroom?

Cynthia LaFave: I don't know that I had a particularly hard time with any of the judges. They were pretty good to me. I was already prepared. To a judge, I think it's really important that somebody comes in prepared. I was a little bit of a firecracker. I mean I'd argue and argue and argue.

Judge Kretser: I think maybe they didn't want to take you on. You are a firecracker.

Cynthia LaFave: They just let me do my thing. Some of the judges were really supportive. They wanted to see women succeed and they wanted to see me succeed. It was great.



John Caher: There weren't any real gender diversity issues in the courtroom?

Cynthia LaFave: More the lawyers. I'd walk into depositions and they'd try to push me around. Well that wouldn't last long. I wasn't going to have that.

I was in a courtroom a year ago. I came in and I was trying the case with a guy from Ithaca, and he is a good friend of mine, but we were going to jointly try the case. I introduced myself to the defense attorney and the defense attorney said, "I only talk to trial counsel." I was like, "Really?" I'm so glad we won that case. After we tried the whole case he couldn't stop talking to me.

The judges were pretty supportive, and they could see ... as a judge, you know what lawyers are doing. You know who's doing their homework and who's not, and who's always going to tell you the truth.

Judge Kretser: Private clubs. Mae mentioned that a lot of business was done in private clubs. Of course, she wasn't able to join in that. Did you have that problem?

Cynthia LaFave: Judge Prior asked me to join the University Club. I said, "Why?", he said, "Because we need some women." I joined the University Club and I hated it. I hated it. I couldn't get out of there fast enough. I mean I'm a rough rider. I wasn't born with any silver spoons.

You see, my clients wouldn't have come from a place like that anyway. I'm a plaintiff's attorney. I don't need to talk to anybody who owns an insurance company or is some kind of big claims manager. All I need is for the people who need me to know I'm here. To me, I didn't care. I hated those clubs. I thought they were terrible. I'd go home, get on my horse, and take a ride through the woods.

John Caher: I think you are responsible for certainly the largest at the time, maybe largest ever, but very close to \$100 million dollar verdict. What was that case?

Cynthia LaFave: That case was the highest personal injury verdict in the United States that year. It was published as that, and that surprised me because I didn't know.

Cynthia LaFave: It's a horrible case. The client was a very powerful woman and I have undying respect for her because her father had been raping her since she was about 4 years old. He was a Colonie cop and he was constantly abusing her. He would come home, and he would take his gun out of his belt, and he would spin it on his ... he built this little, I don't know, shrine to himself and he'd keep the gun there facing everybody and say, "Now, we're all gonna do what dad says tonight." He continued to rape her for years. She came to me and said, "I need to do this." I said, "Well, you can be Jane Doe and nobody will know who you are."

She goes, "No, I am going to speak out loud." When the verdict came in, I told her you don't have to talk — the press was all there and everything. I said, "You don't have to go on camera." She goes, "Oh, I'm going on camera." She was a very powerful person. Her father, he was always going from state to state because I kept moving the judgment from state to state, and taking some of his money. We'd get \$50, \$100, I didn't care. I was going to make his life miserable, and I just kept following him around. We just kept getting what we could out of him.

John Caher: We're back to where this all started with empowering powerless people. Right?

Judge Kretser: Yeah. Big time.

John Caher: You always connected with the community as well—Albany County Bar Association, State Bar, Academy of Trial Lawyers. I know you've written and lectured a lot. You were town judge, of course, as you mentioned. You've been very active in the Humane Society. Do you think it's especially important to a woman lawyer to network?

Cynthia LaFave: I think it's especially important to anyone whose life has been good to them to give back. I think it's really important to do that. I think you have to give back. Whether that's supporting a party in politics, or whether that's supporting the animals at the Humane Society, or whether that's supporting young lawyers as they're learning to be lawyers, you have to do it. It isn't right not to. If life's been good to you, you need to pass that on. That's really important to do.

John Caher: Has the environment and the climate changed for women since you began practicing?

Cynthia LaFave: Yes.

John Caher: Was there a turning point or just kind of evolutionary?

Cynthia LaFave: There are a lot of very, very powerful, very, very good female lawyers out there now.

I would always go into depositions and it would always be me and the guys, me and the guys, me and the guys. Now, it's all women. I walk in and it's women, women, women. The climate has changed because there's very clearly respect for anybody who's doing a really good job. I think that gender has become something in the backseat. It's not upfront anymore. It's not, "Wow, she's a great female lawyer." It's, "She knows what she's doing." That's a big deal. It's a big deal because it was always harder as a woman. It was always harder as a woman. You had to ignore it because if you didn't you were doing a disservice to yourself.

John Caher: What do you want the coming generations to know about what it was like back in the day and what their obligations are going forward?

Cynthia LaFave: The world is a changing place and all of us are given the opportunity to make those changes good or bad. You have to take on that responsibility, especially if you're going to do things that are going to affect other people. What they need to know is don't ever be stuck in the status quo. Realize that you can change the world and do it. Have a voice, speak loud, be part of change for the better.