

Women Leaders in the Courts: Nancy Barry

John Caher: Welcome to Women Leaders in the Courts, a new program created and produced by the New York State Judicial Institute. I'm John Caher, Senior Advisor for Strategic and Technical Communications.

The Women Leaders in the Courts program features interviews with just a few of the remarkable women who sustain one of the largest and most complex court systems in the entire world.

Today, our guest is Nancy J. Barry, Chief of Operations for New York State Unified Court System.

After graduating from Pace Law School in 1989, Nancy worked as a litigator representing clients in civil matters, but she knew from a student internship with the Westchester County Executive that her home was in public service. After serving as a law clerk to two judges and a court attorney for another, Nancy became an administrator in the courts, initially as a chief clerk of Westchester Supreme and County courts. She now holds one of the highest non-judicial positions in the New York State court system.

Nancy, thank you for joining us. Let's set the stage. What does the court system's Chief of Operations do?

Nancy J. Barry: Thank you. I'm responsible to oversee and manage the Office of Court Administration. We set goals, we set plans, set out other projects for the courts. I oversee six different divisions here at OCA, from Human Resources to the Department of Fiscal Management, technology, public safety, different divisions within OCA.

John Caher: Who do you report to who reports to you?

Nancy J. Barry: I report to Judge Marks and to John McConnell, who's our Executive Director. Everybody and anybody it seems wants to report to me, the good and the bad. I mainly am reached out to by the administrators in the buildings. In New York City it's the Chief Clerks, the Deputy Chief Administrative Judge's office and their staff. Outside of New York City, again, the DCAJ for outside New York City and his staff, as well as the District Executives in the courts outside of New York City.

John Caher: What is a typical day for you or is there such a thing as a typical day for you?

Nancy J. Barry: Well, I'm in the office about 6:45 in the morning. I probably shouldn't have said that publicly because I use that as my quiet time. About eight o'clock the emails and the phones start ringing, so I use that time in the morning to set goals for myself, catch up on anything that I missed and then we just get going right away. As many times as I set a priority or do a to-do list, it changes, something happens. People aren't wearing their masks in the courthouse, or we had a technology blip, things like that can interrupt my regularly scheduled day, but it goes through all day listening to complaints or suggestions from our various administrators, judges calling me, asking me questions. Can we hire, can I have money for something? So a lot of time spent there. I'm usually here in the office until about six o'clock at night. And then I head home and try to have a little bit of awake time with my family.

John Caher: Well, I'm glad you get a little bit of a time with your family. Let's talk a little bit about your career trajectory and how it led to this position. If you could just tell me about the steps up the ladder and whether it gets steeper and slipperier the higher you go.

Nancy J. Barry: I call myself the Unified Court System's accidental employee. I was in court covering a conference for my husband's law firm, and I saw my son's CYO basketball coach in the lobby of Westchester Supreme. And I wanted to wish him a Merry Christmas. That was the time of year. And I ran and caught up with him. And after talking for a minute or two he said, "Do you know anybody that wants to have my job for four months?" He was going to Afghanistan on active duty. And I said, "Sure. I'd like it." He goes, "Oh, you better go home and talk to your husband about that." So I did, and my husband says, "I can cover you for four months. Somebody else can do those per diem appearances, go ahead." So I called him back. He said, "Come on in." And I remember going into the courthouse in Westchester and didn't even ask him what judge you worked for.

And I met him outside in the rotunda area and he brought me in the back and I stopped and I looked to see who the judge's name was on the door and Oh good, it was Judge Cacace, who was somebody I had gone to law school with. So I went in, had an interview. Of course it evolved not only into my skillset, but "Hey, God, it's been a long time, how you doing, how's the family?" She says, "For four months, this will be great. You cover Al for four months." So I was her law clerk for four months in County Court in Westchester, which was a tremendous experience. She has a tremendous amount of criminal knowledge and I had a lot more civil knowledge, so I would handle a lot of the civil parts of her calendar for her. And when my four months were up and it was time for me to

leave, the Administrative Judge at the time, Judge Nicolai, Francis Nicolai, he called down, he was looking to hire somebody part time.

So I went up and interviewed with him and he remembered me from a trial I had had before him. And he said to me, "You yelled at me." I said, "You started it." He said, "Okay, then you're hired." And he hired me and there began my relationship in doing more administrative work than legal work with him. I job shared with somebody named Lisa Florio, who still works in the court system for the Chief Judge. And I became his court attorney and then he made me law clerk and I worked with him for a while. And then he left as Administrative Judge and Judge Scheinkman came in, who's currently the PJ in the Second Department, and he made me a court attorney/ referee. So I was hearing cases. Foreclosures, if you recall back in 2007, were in the beginning of the year nonexistent. And they started to flourish thereafter.

So I became the resident expert in the Ninth JD on foreclosures and I worked very closely with people in New York City, Paul Lewis, Tracy Catapano-Fox, who's now a judge in Queens, and we formulated these pilot programs for doing foreclosure settlement conferences, and thereafter Judge Scheinkman. Our chief clerk retired during the early retirement incentive, and he asked me if I was interested in being Chief Clerk and suggested I put my resume in. So that was a total switch from law and a little administration to complete administration. And I stayed there until Nancy Mangold retired and I became the District Executive after her, so I never saw the courtroom again.

John Caher: Now, were there any particular role models or mentors along the way?

Nancy J. Barry: I'd say so. Obviously, Judge Cacace was great to bring me in. Nancy Mangold taught me a lot about administration and about the Office of Court Administration. The administrative judges I worked for were amazing. But I had a basketball coach in college, Mary Warner, who probably taught me the most about how to deal with people and how to work as a team, far more than anything that I ever got working in a law office or anything like that. And I think I always look to her for guidance and how to deal with people and how to bring people together and that team concept. So she's always been a good mentor as well. Obviously not a lawyer, a basketball coach.

John Caher: There are some who say there is a woman style of management, or a woman way of managing, that maybe is different from a man's way of managing. Do you think that's true and you think it applies to you?

Nancy J. Barry: I don't know. I think there's a way to be a good manager and a bad manager. Sometimes they say women are soft. I think women can multitask quite well and can see the whole picture. Maybe we take into account the family aspect or the personal side of personnel, but I don't know that it's man or woman, it's just how you look at the situation that's in front of you. I grew up with older brothers, so I don't know that there was a matter of a man's world from the beginning for me. I just think it is being a good manager, not a male or a female.

John Caher: Do you think, let me turn it societally, do you think there's a society expects men to manage different than woman?

Nancy J. Barry: I think maybe. And I think I can recall having a meeting here when I was very briefly the Director of HR and some people were in the meeting and trying to talk over me and take advantage and they wanted to run the meeting instead of me. I stopped it right away. I would say, I tried to be kind of first and let them speak a little bit, and then I got rather abrupt and said, "It's my meeting, my schedule, you'll have your time." So I can turn it on and off. But if an employee comes in and has a problem and needs to sit down and talk, I can turn that on as well. So it's being able to multitask and do what's right for the situation. You have to have great situational awareness in these positions and read the people, read the room. It's just like being on trial. You look at your jury, you see who's buying in and you go to that juror. Same thing in the court, know your audience, and you'll be able to take care of your employees.

John Caher: That's great advice. Now, you make a whole lot of administrative decisions every day, every hour. What are the most difficult, the most painful decisions that you've had to make?

Nancy J. Barry: As an administrator, going back to when I was Chief Clerk, I was Chief Clerk when we had the workforce reduction and that was almost nine years ago. It was horrible. I had a woman come in my office, who I knew, we were from the same town and I was about to lay her off, and she knew because I called her in, she was on the list. I also knew she had a son the same age as my daughter and her son was confined to a wheelchair. And I also knew that she carried the health insurance for her family. Hardest thing I ever had to do was lay her off. And I was never happier than two weeks later when a judge called me and said he was looking to hire a secretary and he wanted to know if any of my grade twelves that I had laid off would be interested in coming back. Well, I gave the best recommendation you've ever heard and this woman still works for the court system, is still doing a great job. Her son is doing okay. And it was a tough, brief time, but it had to happen. That was a

very difficult time. Saying no is not easy, but often I say no more than I say yes to people.

Right now we have some fiscal constraints. Maureen McAlary is our budget director and we speak every single day about things. Well, we can't travel now or we can't do that bill right now, let's pay this. And those are tough decisions. Those are really tough decisions to make because there's almost 16,000 employees here and we want to make sure that we can have work for everybody to do and people to do the work. So if times get tough here, economically, we just have to make sure we look at every possible line in the budget so we can take care of our employees, our court family.

John Caher: There are difficult decisions to make at home as well. Are the work plus family obligations and expectations different for a woman than a man, do you think?

Nancy J. Barry: Not sure about that. I'm blessed to have a wonderful husband who's always made our partnership, I'd never say it's 50/50, it's a hundred percent each of us. We both have to be in on it. So he's a great cook. I'm getting home later and later every day. And I come home to everything the way it should be in my house, which is great. My children are older, they're adults, and they're both in public service, both working essential through this whole pandemic as well. I think we all balance off each other and I hope other families can do it the same way, can try to do that balance. And that's just through communication and a tremendous strong relationship that you can make it work.

John Caher: Your position isn't exactly a nine to five, weekends and holidays off deal. Why do you do it? You could have made as much, and probably a whole lot more, practicing law. So why do you do this?

Nancy J. Barry: Yes, I could make a whole lot more money, but I tell you, it's a challenge. You want to do things that are challenging. I was a little burned out practicing law. As I said, I was covering some stuff for my husband and I didn't like chasing clients around to get new clients. And I certainly didn't like chasing clients around to make them pay me money. This was somewhere where I can make an impact in the law and still follow my passion, which was the law. And as I said, the more I did it, the more I understood that I liked administration better. So it's just real satisfaction. I truly enjoy what we do and I want people to know what the courts are about.

Somebody asked me a question in the beginning of the pandemic, "Why aren't you closed? You should shut the doors." And I said, "People have a constitutional right. There's so many things that have to happen. The rule of law has to be followed. We have to be there for them." So I'm a little passionate about making sure that there's defense available for criminal litigants, that we can hear cases. Yes, we had a pause. We have virtual court right now, but we're still hearing court and people are still, their rights are protected and that's really important to me.

John Caher: So, do you think you were treated any differently coming out of law school when you were looking for a job because you were a woman?

Nancy J. Barry: When I went from my first job interview, I was in law school and I went to interview and I came home from the interview and my dad said, "How was it?" I said, "I was in there for 20 minutes and all they did was ask about basketball." He goes, "What else?" I said, "Dad, I'm on law review, I'm towards the top of my class. They asked me about basketball." They invited me back the following week for another interview. I went in there, now meeting with partners, and we talked for half an hour about basketball. And I'm thinking to myself, "My jump shot has no relevance to the practice of law." I'm sitting here on 5th Avenue and 44th Street in Manhattan, I want this job, and you care about my jump shot, which, by the way, was nonexistent. I was a player in the paint. So they called me back and asked me to come out to lunch, so they were going to offer me a job and they offered me the position.

And I said, "It's mine?" They said, "Yeah." I said, "That's the salary?" I said, "Why didn't you ask me any questions? I'm on the law review. I'm published. I have this certificate. I'm going to graduate towards the top of my class." And they said, "We get 200 resumes a week. We never had a girl athlete come in before." I didn't cringe at that. And I said, "Really, why?" And they said, "Athletes make the best employees. You know how to play with a clock. You know how to get along with others for the sake of the team, whether you like them or not. And you're always ready to work hard whenever it has to get done."

And I thought about it and I said, "That's amazing. What a great way to live." Not to mention they were the New York City Lawyer's League basketball champions, and they needed somebody else to help out. But it really worked out for me to get that and that mindset. And they were all guys, they would say, do this memo and they'd write on the memo, it's a layup, it's a ground ball, but I spoke that language. Growing up with brothers, if you want to play, you better be able to stay in the game. You

had to be one better than anybody else and then you get called. Never get picked last.

John Caher: Any final words of wisdom for a young woman who wants to follow in your footsteps, not necessarily in the court system, but to become a top-level administrator in any very large organization?

Nancy J. Barry: I think you have to set goals. I don't think you should get involved in office gossip or factions. I think you just keep your head down and do your work. Let your work product speak for itself. Some people might not like that, some people might get ahead of you because they took a different path, but you have to be true to yourself and do what you think is right for you. That's how you'll get noticed. You come into work every day. My dad taught me lessons. You come into work early, you be there before the boss, you don't leave until the boss is out the door. Let people know that you're available to them. Spend your lunch hours doing that.

Weekends, you said something about not nine to five. My cell phone went off at about 12:30 this morning. The courts have an emergency email address that you can file emergency documents. Well, it came in and I answered it and I didn't think anything of it. It's just part of the routine, part of the day. And you just work hard and you get your benefit from it. And if you don't get it with a promotion or with a raise or something, you get it by the satisfaction. At the end of the day, you did what was right for somebody else and treat people the way you want to be treated. It always comes back to you.

John Caher: That's great advice, Nancy, and thank you so much for your time. I hope you remain safe and healthy.

Nancy J. Barry: You, too. Thank you very much.