

## **Interview with Justice Dorothy Chin-Brandt by John Caher and Joyce Hartsfield, June 30, 2016**

John Caher: Over the past two weeks, the Franklin H. Williams Judicial Commission had released excerpts of oral history interviews conducted with the founding mothers and fathers of the Commission. We'll close out the series with the Honorable Dorothy Chin-Brandt, an original member of the Commission. I'm John Caher, Senior Advisor for Strategic and Tactical Communications. I hope you've enjoyed these interview snippets and I'd like to express my thanks to the co-chairs, Justices Troy Webber and Shirley Troutman, as well as Executive Director Mary Lynn Nicolas-Brewster, for preserving these interviews for posterity and making them available to the public.

Justice Chin Brandt: The concept was that the courts were perceived as, I guess the word is unfriendly or not friendly to minorities. And the idea was to find out what the perception was among the community at large, and to try to remedy whatever the perceptions were. The court is supposed to be fair and impartial and as a judge, you're supposed to be fair and impartial, but that certainly was not the perception, or maybe the reality of it throughout the state.

So, the idea was to find out what was the perception, how it could be remedied. At the time, I had just been elected in 1987. I took the bench January 1st, 1988, and I had a very hard time getting elected. I was the first Asian-American woman judge in New York State in history. And at the time that I ran for election, we had two Asian-American judges, one was in a Housing Court, and one was in Criminal Court. They both had been appointed and there were no women judges and actually there were no elected Asian-American officials. So my election was something of a breakthrough and I was very happy to be part of the Commission that would remedy any perceptions of racism.

The Commission took anecdotal information from throughout New York State, and they wanted to find out what the perception was of the court system. Perception is different from reality, but in a lot of ways, it's stronger than reality because that's what people think and feel is going on. And maybe it's harder to counteract. Of course, I couldn't give testimony because I was a commissioner, but I was at the induction of, he became of course the mayor of the city of New York, but at that time he had won election for borough president. That's our Honorable Mayor Dinkins.

And I was teaching at NYU Law school at the time besides having my practice. And I took two students from Mainland China with me and my husband to the induction. And as you can tell from the last of my three names my husband, through no fault of his own, is not Asian-American. He's a very nice guy anyways.

So there were two, well actually there are three Chinese people sitting on a row and then my husband, Kevin Brandt, was sitting on the other side, and an elderly gentleman sitting on the other side of Kevin. And then when we got home, Kevin said to me that the gentleman who was sitting on his side obviously didn't know that we were married, and he said to Kevin, "You really shouldn't be speaking to those Orientals. You can't trust them." And it turned out this was a judge of our court system, although it was a retired judge at the time. So of course I became infuriated and I found out that we had no elected Asian-American officials. We had two judges that I just mentioned, and no women Asian-American judges.

So I decided since I felt I was pretty smart and I could be fair and impartial, and I wanted to be fair and impartial, that I should run to get representation on the bench of our community. So, getting back to the Commission, a little bit of my personal background had much to do with the mission of the Commission. And I was very happy about being able to serve under Ambassador Williams, but we didn't have any Asian-American representation on the bench or not very much of it. So the Commission, by finding that there was poor representation of many minorities and trying to remedy that was very much of my personal story.

John Caher: Okay. So you start off with the commission, and I think one of the first things you did is you held a whole bunch of public hearings across the state. What sort of things were you hearing? What sort of perceptions, reality or whatever they were, were you picking up at these hearings?

Justice Chin-Brandt: Well that, especially the minorities, felt that the court system was very alien, was, I would say, hostile, not to even be helpful, but hostile. If, I can tell you a little about my personal experience. Of course, I couldn't provide any testimony because I was a commissioner, but I was new on the bench and I was assigned to another courthouse for either weekend arraignments or night arraignments. So I show up in the clerk's office, and they thought I was the interpreter because, of course I couldn't be the judge, which I guess it's insulting to me. But it also shows that usually, the staff likes to know who's the judge going to be because it'll mean something about how their shift is going to go.

So if they even bother to look up that Dorothy Chin Brandt is going to be their judge for the night or for Saturday or Sunday, then, they could figure out that somebody looking like me comes in, that I'm the judge presiding. But they just assume since I'm a woman and Asian-American that I have to be in the interpreter. Of course, they were embarrassed when they found out that I was the judge. But it was a mentality at the time.

John Caher: How do we heal those wounds? And are we still trying to heal those wounds?

Justice Chin-Brandt: Sure. There are a number of measures that were implemented as soon as the Commission report came out. The whole court system underwent diversity training so there was some sensitivity to people of different backgrounds who may not speak English.

Then if you go back a little bit more and we talk about legal education. Sometimes in the court system—we're talking 1988—there were some minority lawyers who were not treated as well as non-minority lawyers. I treat everybody the same, or I try to—the lawyers, the interpreters, the defendants, the complainants, all personnel. But not everybody was like that in those days. And then we went back to look at legal education; there were very few Asian-American lawyers.

We used to joke around that we could put all the Asian-American lawyers in a phone booth. Okay, so first of all, there are no more phone booths, but also, happily, we have a lot more Asian-American lawyers. We didn't have an Asian-American bar at that time in 1988. We had a loose group of lawyers who were Chinese. I think we call ourselves the Chinese Lawyers Association. And we met once in a while. But now we have a full-fledged bar association, Asian-American bar, and very full force, very active. Our pool is widened. I think Judge Kaye, unfortunately she's also not with us anymore, had a lot to do with that. So minorities are involved in serving so that if you're a minority and a defendant and you walk into the courtroom, you don't see just people who were not like you there, you'll see some of your own minority race or background or gender. I myself have been involved in some of the organizations that have reached out to the community.

I've given talks on jury service and the importance of serving on a jury, explaining small claims court to the community. We had our outreach to the clergy that was under Judge Kaye. We had a clergy day where we reached out to the community to tell the clergy about the whole court system, how it works and the importance of having clergy involved.

And of course there's a separation of church and state, but having the clergy understand the court system, and I actually have had some clergy people say, "We see drugs is a problem, could you explain what the court does with the drug situation?" So we can explain it to our community and they visited the drug court.

So we've done a lot, not enough, but we've done certainly some of Ambassador William's work is ongoing. There's still a lot to be done of course, but I think, if you go into the lobby of my courthouse, which is in Kew Gardens and the officers are helpful, , they're trained to be helpful, friendly, actually, they really want to help. If you talk to any of them, they say, "This person was looking for this." It makes them feel good to help instead of being hostile. And, some of the court officers are bilingual. It's really, really helpful. So, if you can't communicate, how do you know what's going on?

But walking into the courthouse, you don't have to be a defendant, you could be a complainant, you could be someone looking for help, you could be a prospective juror and it's a frightening place. So by having, I think the word is user friendly, but it could be, we're a public courtroom. We're a public facility. We have open court courtrooms, it's open to the public. People should know what goes on and citizens should know what goes on in the courthouse and know if they come in there'll be treated with dignity as human beings.

John Caher: So we've made a lot of progress. Did you think that is largely attributable to the spark that was started with the Franklin Williams Commission?

Justice Chin-Brandt: Absolutely. I think the Commission and Ambassador Williams really started the whole process in New York State. Ambassador Williams initiated many actions, continuing our leadership to just let everyone know about the perception of racism and inequality in the New York State court system, and said this isn't right, and we should do something about it, made recommendations. He broke through and got people's attention and presented examples of what was not right. And everybody recognized this is not right. And I understand that many other states have also followed in setting up minority commissions. So without his work, we might still be back where everybody's treated like a "skell" when they walk into the court system.