

Promoting Diversity in the Courts: Hon. Shahabuddeen Ally

John Caher: Welcome to Amici, news and insight from the New York Courts. I'm John Caher. For today's Diversity Dialogue segment, we are joined by the Honorable Shahabuddeen Ally, a native of Guyana and the first Muslim man elected to the bench in New York State. Judge Ally, the Supervising Judge and an Acting Supreme Court Justice in New York County Civil Court, describes himself as an immigrant success story and proof that the American dream is alive and well. And, by the way, his wife, the Honorable Alicea Elloras-Ally, is a New York City Family Court Judge.

Judge, thank you for joining us. First, tell me about your parents, if you would. What did they do in Guyana?

Judge Ally: Good morning, John. My parents were both schoolteachers in Guyana. They taught at the same elementary school in Guyana, and they met as neighbors. It's not an uncommon story, neighbors usually, the families will match individuals together. So not only did they meet as neighbors, they also work together as teachers.

John Caher: So I'm guessing that education was kind of a big issue in your family.

Judge Ally: Very big. There was no two ways about it. Education was first and foremost, which formed the basis of how I conduct myself in my life.

John Caher: Now, your parents named you "Shahabuddeen," which I hope I've pronounced reasonably well, and which I believe translates to King of Stars.

Judge Ally: Yes.

John Caher: What did choosing that name say about your parents' aspirations for their son?

Judge Ally: So, interestingly enough, I was named after, at that time, the presiding judge of Guyana Supreme Court, Judge Mohamed Shahabuddeen. And my father thought that Mohamed was a very strong, powerful name, but so was Shahabuddeen, the King of Stars. And my father admired this judge. Before he was a judge, he was a political person, helped write Guyana's constitution when Guyana was liberated from the British rule. So he was a legend, a folk hero in Guyana, Judge Shahabuddeen.

And upon my birth, my father said to my mother, my father has since passed away years ago, my mother's still alive, so she's able to recall these stories for me. But she said to me, "When you were born, your father took one look at you and said, 'This boy will be a lawyer.' Not only will he be a lawyer, but he will be

the most famous lawyer we have in Guyana. I'm going to name him Shahabuddeen." Talk about some pressure! Luckily, the stars aligned with the law, but I don't believe it was coincidental. Education and the law was always impressed upon me by my parents.

John Caher: Did you always want to become a lawyer?

Judge Ally: So the answer to that question is, no. My dream job was that I wanted to play shortstop for the New York Yankees.

John Caher: Well, why didn't you do that?

Judge Ally: My age aligned with a fellow who the Yankees drafted as shortstop. And I thought, "Well, how long could he possibly play?" Winds up playing for the next 20 something years!

John Caher: A guy named Derek Jeter?

Judge Ally: Derek Jeter.

John Caher: Yeah, he wasn't bad.

Judge Ally: He was all right. If I was to bow out to anyone, it would be Derek Jeter.

Anyhow, when we left Guyana, we came to this country in 1981 and lived on 170th Street in the Grand Concourse in the South Bronx, literally in the shadows of Yankee Stadium.

John Caher: Why did your parents leave Guyana?

Judge Ally: It's a true immigrant story — for a better life, better life for their kids. It was becoming very unsafe, political unrest. It became very dangerous. So a combination of factors, but really just a better life for their family.

John Caher: Now, I had heard that when you came to America, your family lived in a one-bedroom apartment in the South Bronx that housed 13 people. Is that true?

Judge Ally: It is absolutely true. Now, to put it in the context, we lived in a one-bedroom apartment in the Grand Concourse. If anyone's familiar with the apartments in Grand Concourse, they're grand. They really are large apartments. But this was a one-bedroom apartment with a formal dining room, living room, bedroom, massive apartment. And it had something that we did not have in Guyana. It had indoor plumbing.

In Guyana, we lived in a village and we had an outhouse. I'm often asked, "Judge, you've achieved certain accomplishments very early in your career. How do you stay humble?" So I asked my mother once, "Mom, what's the best answer to that question?" She said, "You want to stay humble? Remind people that you used an outhouse when you were a little boy." And I said, "Get out of here. What's an outhouse?" And she was like, "An actual structure with a hole in the ground."

So when we came to the country, it was like hitting the lottery. We had an apartment, indoor plumbing. But I'm one of seven children, John. I'm one of seven, and there's two parents. So at the base level, there was always nine of us. But when we came to the country, we came with other families. And there were these other people who just would live in our apartment. And I said to my mother, "There was barely enough room for the seven children and parents, why did you extend to all these folks?" And she said, "Well, there was no other way. You've got to help people when they're in need." So at the max it was 13. At the normal rate it was nine. But still, nine in a one-bedroom apartment is challenging.

John Caher: So even with nine in a one bedroom apartment, that was an improvement over the life you had left?

Judge Ally: Oh, sure, sure. I was born in Berbice, Guyana, which is a village. Our house, our home was on stilts because of the flood. And there was no indoor plumbing, there was an outhouse. It was a beautiful village, but it was everything that came along with a village.

John Caher: Did your parents teach when they came to America?

Judge Ally: No. No. Again, a typical immigrant story. They were educated individuals in Guyana, teaching. But when they came to the country, they needed to find a job that paid, to support their family. So they both worked at a factory in Queens producing women's garments. So, factory workers.

John Caher: And that was their career?

Judge Ally: Well, my father was a factory worker and then went on to work at, I believe the Department of Sanitation, in an office at the point he passed away. I think he also worked at New York Law School in the library before he passed away.

My mother was at the factory. And at the time my father passed away when I was 13, about 33 years ago, my mother had seven children to support. She just lost her husband. She took one day off of work to grieve and then she quit her job at the factory and took on a job as a home health aide, so that she could work seven days a week to support her family.

John Caher: . What are the most important lessons your parents instilled on you as a child?

Judge Ally: Hard work. Hard work, there's no substitute for it. Hard work, never make an excuse. You could do whatever you want as long as you put the work in. And no matter what you're doing now, you could do more.

I do a lot. And I get that from my mother. My mother keeps me humble. Whenever I tell her the number of things I'm doing, she'll say, "That's it?" And I said, "Yes, that's it!" There's always room to do more. There was never quit in my... Whenever I take on a new assignment, I tell someone, "I will succeed at this assignment." And they'll say to me, "Boy, Judge, that's very confident of you." And I said, "No, it's not confident, because failure is not an option." If my parents failed, we would've starved when they came to this country. If we failed, we would never have gotten out of poverty. Poverty has always been a defining factor of my life. Going to school was not an option because it was a way out of poverty. So those are the things I learned from them.

John Caher: So did you always at intend to attend college?

Judge Ally: Yes, yes. We grew up in a very strict educational household. It was either law, medicine, engineering. There was never these liberal art programs! So college was a necessity. The only question was what graduate program are you going to apply to — medicine, law, or engineering.

John Caher: Then why'd you major in political science at CUNY?

Judge Ally: That was a mistake. To be honest. I did not have a mentor and I did not have guidance. I believed that political science, and by the way, I had had a great time as a political science major at the City College of New York. But I majored in it because, one, I love politics. But I also thought that would make me a better lawyer.

The reality is I should have majored in something other than political science to make me a better lawyer. I should have continued my passion of accounting, of numbers, of economics, because it would've helped round me out as a lawyer. The political science was great, but it really didn't add much to the depth of my education as a lawyer.

John Caher: Yeah, but who knows? If you had majored in accounting or something, you may have become a commercial lawyer and then the whole story changes, right?

Judge Ally: Right, right. The one advice, by the way, folks will ask me, "Shah, Judge, give me advice." And I say, "I don't give advice." I never give advice. Because you have to

find your own path. My advice only works for me and my advice is going to be just a recitation of my own story.

So I tell folks, if it's political science you love, it's political science you love. But think about the depth, think about down the road, whether or not you're going to have depth to your portfolio as a lawyer.

John Caher: So then you go on from there to Hofstra Law School. Is it true that that's the first time you had your own room and your own bed?

Judge Ally: It almost sounds like a sad story when I hear it told again. But back to the apartment, nine of us. We had to get creative. We had a bedroom, a large bedroom. So what my parents did was divide the bedroom in half using wardrobes. My parents slept on one end and my three sisters slept on the other, on one bed. We didn't have our own beds, we had a designated spot on the bed.

My two older brothers had a bed in the living room. And then my kid brother and I, who when I say kid brother, he's like in his early forties now, we both slept on a mattress on the floor. So I never had a room, because there was only one bedroom. And I went to a commuter college. So Hofstra Law School, my first year as a first year law student was the first time I had my own bed and my own room with a door.

John Caher: Did you ever hear your parents talk of feeling underprivileged or anything of that sort?

Judge Ally: No. Remember, it's perspective, right? We went from a village to a city. We went from a one room schoolhouse to major school institutions. Calling it "underprivileged" would be a disservice to us because it's a negative way of thinking. You take the positive and you make the best out of it. And your current situation is not your future situation.

So we felt like we won the lottery every single day, even though we lived in a rundown building, we went to dangerous schools, we lived in a very dangerous neighborhood. In the eighties in the Bronx, it was very dangerous. But to us, it was still better. It was success with the best yet to come.

John Caher: That's remarkable. That's wonderful. Now, did you know when you were in law school, when you were at Hofstra, what type of law you would practice?

Judge Ally: No, no. Again, that theme of poverty. I wanted to get a job that was going to pay me a million dollars, because I wanted to stop being poor.

John Caher: And now, as a judge, you make that million dollars, right?

Judge Ally: I'll get to that in a second. But that would be corporate law. You make a lot of money as a corporate lawyer, except it never really interests me. So I wound up taking a job working for the Administration for Children's Services. But I took that job because, one, I needed a job out of law school. But it also was very interesting.

I knew, going into law school, that I wanted to make my law degree literally pay me better or make it worthwhile. But while I was going through law school, I had a real conflict, following my heart with what I love, which was helping people, social service, being in court, and following what would help my bank account, which is corporate law. And then at the end of the day, that conflict came to a head and I said, "Well, I'm going to work for the government."

John Caher: It seems like much of your career centered on children. You've prosecuted abuse and neglect cases, you've prosecuted felonies and sex crimes committed by juveniles. Why'd you gravitate to that type of practice?

Judge Ally: John, I've always been the recipient, myself and my family, of the help of others. When we came to this country, we relied on public assistance. We were on food stamps. And I tell people it's back-in-the-day food stamps, when there were coupons with the faces of presidents on it, not the new EBT cards that look like credit cards. We relied on rental assistance.

We very quickly moved off of those, but there was always someone there to help us. And I felt a need to return that favor and help others. And also, working with families and children, it's almost the most immediate way to see an impact. You could help a family very quickly, where I didn't see that impact on a transactional case. I just didn't see it. So I wanted to pay myself, but I also wanted to pay my soul, to help others. And that's really our duty in life, is what we do for others.

John Caher: What a wonderful statement. Now, you first became a judge, I think, after you were elected in 2018. How does someone like you, coming from the background you did, even position himself to make that a possibility?

Judge Ally: My path to the bench was certainly not one that was planned. I wound up living, in my adult years, in Manhattan, in Washington Heights, with my wife who happens to be a Family Court Judge. She's appointed by the mayor. And our now 16-year-old son. And we were living in Washington Heights, and I always knew I wanted to be involved in a court system. I always thought I wanted to be a judge but didn't know the process. And the process is really what keeps folks out of the judiciary.

And then one day, we were at our apartment and there was a lot of noise coming from outside. And I said to my wife, "Boy, I really wish somebody did

something about the noise, the sanitation issues." My wife said, "Well, you could wish it or you could do something yourself about it." And I said, 'Fine, I will do something about it.' And I looked up ways to become involved and I looked up community boards. And I wound up applying and becoming a member of Manhattan Community Board 12, which covers Washington Heights and Inwood.

Fast forward a year and a half later, not really that long after, I became the chairman of the community board. So I ran the whole board for three years. And during that time I became very active in community work, in politics, and then I learned about this possibility of becoming an elected judge. So I started to engage that process. So that's how I first learned of the process.

John Caher: So it sounds like basically you start with networking.

Judge Ally: Yep. Yep.

John Caher: Get to know people.

Judge Ally: Yep, networking. There's one thing to say your intentions, but a lot of folks could pick it up by your actions. They could figure out, "All right, this guy has his heart in public service. Maybe..." And the traditional routes from a chairman of a community board are either the New York City Council, the assembly, the state senate, or the bench, if you're a lawyer. So it was one of those natural progressions, to continue the love of public service in another way.

John Caher: So in your two judge household, which of you is a court of last resort?

Judge Ally: It's usually my mother, grandma. And I often defer to Judge Elloras-Ally, as she technically has been on the bench longer than I have, so she has senior status.

John Caher: Now, I know you're president of the Asian American Judges Association of New York and a member of the South Asian Bar. Why is diversity on the bench important? Is it just a matter of ethnic pride or does it matter in a substantive way?

Judge Ally: Very substantive. In fact, I think many brilliant minds have spoken about this issue in ways much better than I can, so I'll just recite what they've said: Diverse benches bring diverse opinions, perspectives, which then come out to be better just results. So it's not just a matter of ethnic pride, but it's a matter of perspective.

I think I bring a perspective that I don't think I've ever heard anyone say. When you go through the elected process, everyone tells their story. I don't think anyone I've heard has ever said, "I'm the actual immigrant," themselves, which I

am. So a diverse bench just ultimately results in better informed decisions. And then everything else that comes along with it, with the diverse bench.

John Caher: We're getting there. We still haven't had an Asian on the Court of Appeals, but it'll come.

Judge Ally: Oh, John, I'm going to share with you my report. So May is Asian American Pacific Islander Month, which I think this is why we're doing this.

John Caher: Uh-huh.

Judge Ally: And I put together a report highlighting the Asian judge's position in the court system.

John Caher: Oh, wow.

Judge Ally: And you would be surprised, or maybe not so surprised. You highlighted the Court of Appeals, but we've never had a judge on, for example, the Third Department, the Fourth Department. We've only had our first judge on the Second Department. We've never had a South Asian administrative judge. I'm the highest-ranking Asian judge in the state now.

John Caher: Now, you're also a member of the Franklin H. Williams Judicial Commission, which is the first court-based entity in the nation committed to racial and ethnic fairness in the courts. Why did you get involved with that?

Judge Ally: When I joined the court system, first of all, it was literally one of these dreams that had just come true. And I made a pledge to myself that every day that I'm a judge is a happy day. Doesn't mean the day goes out the way I want it to be but I'm going to make the most out of my time as a judge.

Which meant, first and foremost, doing a good job on the bench. Doing your job well, which I'm hoping I've done. I've been elevated to now a supervising judge. But once I started to sort of get the hang of becoming a judge, I thought, "Well, what else can I be doing?" going backwards to my mother's story of always doing more. I said, "What else can I be doing to help my community or to give a voice to a voice that might not be there?" The Muslim community, the South Asian community. There are only 61 Asian judges in the state, making us about 4%. We can easily get lost. Statistically, that's what they call an "insignificant number," when you get to that low.

So I looked around and I actually attended an event put on by the Franklin H. Williams Commission. And it's not uncommon that after the Williams Commission events, and I know you're very familiar with the Williams

Commission, after their events, the applications received, that number goes up. People really want to get involved.

So I did the same thing. I applied after I attended an event, because I figured that an Asian American perspective, a South Asian American perspective, an Indo-Caribbean perspective and a Muslim perspective could be used. And I brought all of those perspectives in. So I thought that, if nothing else, it's a commission of 25 members, there has to be room for at least one of us.

John Caher: And that may be the first time in its 30-year history that it was ever represented in that way.

Judge Ally: I think so. I think so.

But I'm willing to help anyone, not just an Asian American. Because remember, diversity helped us all. So it could be someone who's white, Black, it doesn't matter to me. Because inclusion means letting us in, but it doesn't mean excluding others. That's the reverse side of it. We don't want that either.

And I tell folks, "I'm willing to help anyone who needs help." Really, I am, but under one strict condition: they put the work in. It cannot just be, talk to me about this and they abandon it. Or that they don't put the work in. Or they're relying on me to do the work for them. So I'm going to give this, I'm share this, and then I'm going to say, "If you want help, you have to do the hard work."

And I've actually stopped helping some folks because I realized they were not interested in the hard work. So I'm going to use this to help me figure out who's that candidate who wants to do the work and who wants to get to the next level.

John Caher: Now, you mentioned your faith. What ethnic or religious customs have you retained from your childhood and shared with your family?

Judge Ally: Religion, I say, doesn't define who I am, but certain cultural practices that's borne from religion, does. And two that are very prominent in my life, one is charity—economically, if we are permitted to, but I'm very big on charity in helping others. That's my form of charity. In fact, Ramadan just concluded, and one of the major tenets of Ramadan is charity. And I do so by helping others.

The other is just a pureness to your actions. You don't ever have to apologize or explain if you do something for the right reasons. At the end of the day, you only have to answer to yourself. So do things for the right reasons, be pure about your actions. Don't let anger or hatred or any of these other vile feelings dictate your actions. Just be pure and you'll sleep well at night.

John Caher: I'm particularly intrigued by what you said about you never have to apologize or explain if you do something for the right reasons.

Judge Ally: So, I have a 16-year-old that I'm raising, and I'm hoping to raise him to be a fine human being. And I said to him what I say to everyone, "If you follow your heart and if you think you're doing things for the right reasons, then you never have to explain to anyone or try to convince them." It might not be correct, but just do it for the right reasons, follow that compass, follow that guide. And I have to tell you, John, I didn't quite understand that concept in my maybe 20s and 30s. Hopefully I'm coming to grips with that concept now. But I do believe it's a beautiful concept.

John Caher: It is a very beautiful concept. Very beautiful concept.

Judge Ally: And it's actually helped save me a lot of grief because, not that I've always been right, and not that I've always had consensus, but I know at the end of the day, if I'm okay with my actions, then that's all that matters to me.

John Caher: It probably helps you sleep well at night as a judge. You make difficult decisions sometimes.

Judge Ally: Sure.

John Caher: Sometimes it's not clear cut right and wrong. Sometimes the consequences of being wrong, despite your best intentions, can be catastrophic. So it sounds like applying that philosophy to your judicial position enables you to sleep well.

Judge Ally: Yes. I spent more than a decade, maybe a decade and a half, as a public defender, and I had clients. And I was a litigator for decades. Whenever I saw a judge who really grappled and looked like they were trying to make the right decision, I was okay with the decision, even if it was adverse to me. And that's what I would like to portray to litigants as well: It might not be in your favor, but this guy's at least giving it a hard look and he's doing the right thing.

John Caher: And I think people, in general, accept that. Even if they lose, as long as they think they were treated fairly, they're-

Judge Ally: Absolutely.

John Caher: ... generally okay.

Judge Ally: Yeah.

John Caher: What do you wish that people better understood about the Muslim faith?

Judge Ally: It's really a peaceful faith. And that the commonality amongst other faiths are just so striking. It should not be pitted against Christianity or Judaism, where the major tenets are all one and the same. It really is. I know Hollywood and Netflix will have these shows that makes everyone feel like they're a fanatic. I just wish that folks just looked beyond the radicalism of it.

And at the end of the day, gosh, at the end of the day, as a person, as a Muslim, what are my concerns? My concerns are probably the same as someone who's Jewish, who's Catholic: Am I going to be able to provide for my family? Is my child or family going to be healthy and safe? Am I going to be free of any sort of illness? The same things that we all worry about. So we're literally, we have more in common than we don't, and we shouldn't really tag negative associations with any religion.

John Caher: It seems like if you look at the various religions, Judaism, Christianity, Muslim, whatever, and boil it down to its essence and not get hung up with the details, it seems like the basic message of all of these is really the Golden Rule.

Judge Ally: Sure. Absolutely. I agree. There's a common Islamic greeting that means "peace be on to you." Who doesn't want peace to be on them? We all should be saying this. Right? And every religion has a saying that confers peace upon each other.

John Caher: Oh, that's fascinating. What do you wish people better understood about why people emigrate to the United States?

Judge Ally: It really is the American story. It's the American success story. Folks have asked me, did my dream come true when I became a judge? My American Dream? And I said, "No. My American Dream did not come true when I became a judge. My American Dream came true on January 11th, 1981 when I came to this country." Because when we came here, every opportunity was available to us. That's the dream. What we did with it was up to us. But the opportunity, that's the word.

So, becoming a judge is a byproduct of that opportunity. Being a president of an association is the byproduct. Whatever else I've accomplished, that's not the dream. People come to this country for opportunity. What I want, what I've always wanted, was not to be held back and not to have obstacles placed in front of me. Give me a fair shot, give me an opportunity and I'll earn it. And that's what the dream is, and I think that's what people come here for. And that dream is still alive.

John Caher: What a wonderful and inspiring message. And I want to thank you so much for your time, Judge, and thank you for sharing those thoughts with us.

Judge Ally: Thank you, John. Thank you for this time.