

## From Newsrooms to Courtrooms: The Chief Judge's Q&A with John Caher

CJ Rowan D. Wilson: Welcome to Amici News and Insights from the New York Judiciary and the Unified Court System of the State of New York. For this special episode, I'm your guest host, Rowan Wilson. And today we are very fortunate to have the creator and the regular host of "Amici," John Caher, as our distinguished guest. When I heard that John was planning to retire, I thought that a fitting way to recognize his many contributions to the court system would be to have him as a guest on what is his own program.

John's long career at the Unified Court System followed an even longer 30-year career in journalism at *The Canandaigua Daily Messenger*, *The Albany Knickerbocker News*, *The Albany Times Union*, and *The New York Law Journal*. During his time as a reporter, John became close with several chief judges of this court, including Sol Wachtler, Judith Kaye, and Jonathan Lippman.

In 2014, Chief Judge Lippman offered John a job at the Unified Court System and tasked him with dreaming up new ideas for the court system and then making them happen. Chief Administrative Judge Gail Prudenti told John she wanted him to be the un-bureaucrat. The person who says, "We can do it and how can I help you do it?" He's more than lived up to that initial charge. In addition to creating and hosting the "Amici" podcast series, John's contributions to the court system have been varied in impact and scope, but alike in that they have all had tremendous impact.

His projects are too many to mention, but I thought I would highlight a few. They include shaping the court system's annual report; creating our social media presence; creating an award-winning documentary on ambassador Franklin Williams, which became a PBS show aired in 40 different states; along with Judge Andra Ackerman, who sits here in Albany, co-founding U-CAN, a court-based mentoring program that helps young people with criminal charges become productive members of society and avoid incarceration.

He's the author of eight books, including *The Curious Case of Kiryas Joel*, for which Judge Kaye wrote the forward, *A Bridge to Justice* about the life of Ambassador Williams, and the autobiography of Treasury Secretary and Energy Czar, Bill Simon, a former client of mine, coincidentally. John and I are also nearly finished with another video project, the court system's first historian, Judge Al Rosenblatt, telling stories about some of the storied judges of the New York State Court of Appeals. John holds a journalism degree from Syracuse University and a master's degree in technical communications from Rensselaer Polytechnic Institute. John, thank you and welcome to "Amici."

John Caher: Oh, thank you. It's an honor and a privilege to be here and I'm overcome with gratitude. Although I do feel like I'm on the wrong side of this because I've interviewed the last five chief judges. I've never been interviewed by one before.

CJ Rowan D. Wilson: Well, so as you know, and a lot of your work stands for, change is a good thing. I hope you're a little comfortable in that chair. In listening to some, and there are too many of the "Amici" podcasts for me to have listened to them all given my current obligations, but I have listened to some. And one of the things that I've found very interesting about them is when your subjects talk about their early life, who their parents were, how they grew up, if they had siblings, what their early childhood was like, sometimes I think that gives people a sense of inspiration and a sense that you sometimes think that people who were in important positions had something handed to them.

And I think when you listen to the "Amici" podcast, what you find is that people are very different. They come from different places and got where they got in very different ways. So, I thought you might tell us a little about that, about yourself.

John Caher: About myself?

CJ Rowan D. Wilson: About yourself. Yeah, your childhood, growing up.

John Caher: I grew up in Buffalo. My father worked at Republic Steel for 35 years. And then at the age of 55, pre-age discrimination laws, he was involuntarily retired and became a school teacher and that became his real passion. He taught high school equivalency math and he absolutely loved it. And then in Buffalo I went to a school called St. Joseph's Collegiate Institute, the alma mater of Judge Eugene Fahey. It was just a little bit before me. I was very active there in rowing and crew and running.

CJ Rowan D. Wilson: Did they have a school paper or no?

John Caher: They did. Yeah. I was the sports editor of the school paper.

CJ Rowan D. Wilson: And so that, I guess sparked your interest in journalism or not?

John Caher: I think so. I had an interest in it early on and in fact, very early on going back to watching the old *Superman* series with Jimmy Olsen and for some reason that intrigued me. I like to tell stories. I'm curious. I like to look at things. I like to look for the story behind the story, which goes to the interviews with the people that I've done where I look at their background. There's many people who work in the court system and people don't know what interesting lives they've had.

CJ Rowan D. Wilson: So, you, I guess, knew you wanted to major in journalism at Syracuse or?

John Caher: Yes.

CJ Rowan D. Wilson: And what was Syracuse like back then?

John Caher: Well, actually Syracuse had a college in Utica. One of the colleges of the university was in Utica. So, I went to Utica College of Syracuse University.

CJ Rowan D. Wilson: And you had a journalism major there?

John Caher: Oh yeah. Yep.

CJ Rowan D. Wilson: And so then your senior year, you're thinking about what you're going to do and what happens?

John Caher: Well, I graduated and for seven years I've been very actively, passionately, probably obsessively involved in crew and in rowing. My summers were completely consumed.

CJ Rowan D. Wilson: College as well?

John Caher: Yes. Throughout college at a fairly high level. I didn't row after my senior year and I just basically goofed off. I worked part-time in a bar. I trained for a marathon, but I wasn't really doing much else. And then come fall, all the entry-level jobs were taken by the graduates. And I didn't know what I was going to do. So, I became a spy.

CJ Rowan D. Wilson: A spy?

John Caher: Mm-hmm. I was wandering around downtown Buffalo trying to find a job of some sort. I happened to walk past a Pinkerton's Detective Agency office and I said, "Oh, what the heck? Maybe I can be a security guard for a while." And I had a little bit of investigative experience. There was a summer in college where I worked for the Buffalo Corporation Council's office. My brother was Deputy Corporation Council on an investigation. So I had a little bit of investigative experience. So they made me a spy. And initially they'd send me out to high end bars to sit at the bar and spy on their bartenders and see if they were stealing from a till or mixing with cheap alcohol when they were supposed to be serving the good stuff and pocketing the difference.

And then they set me up undercover in a factory in Jamestown to try to figure out who was stealing their tools. I never found anyone stealing anything from the bar or the factory.

CJ Rowan D. Wilson: I guess there's some similarity between investigative reporting and detective work.

John Caher: I think it was all helpful, trying to be observant, looking for things.

CJ Rowan D. Wilson: Then how'd you move from Pinkerton to journalism?

John Caher: Well, I never intended Pinkerton to be a lifetime job and I was continuing to apply for journalism jobs. And in, I think, December of 1980, I got a call from *The Canandaigua Daily Messenger* and ended up going there for the next three plus years.

CJ Rowan D. Wilson: And what were you doing when you first started there? Because you'd been at the sports desk. Did you stay in sports or just general?

John Caher: No, I didn't do any sports after that. I covered some towns, some villages, and ultimately the Ontario County legislature.

CJ Rowan D. Wilson: You moved on and I guess you're at *The Times Union*?

John Caher: *Knickerbocker News* first.

CJ Rowan D. Wilson: Right. And then at *The Times Union* is where I assume you started reporting on the Court of Appeals.

John Caher: It was probably first at *The Knick*. I was a general assignment beat reporter for *The Knick*. There were two papers in Albany, a morning paper and afternoon paper, which merged in the late '80s. And I was hired as a beat reporter covering Troy and Rensselaer County and the court beat became open and they asked me if I wanted it and I jumped at it.

CJ Rowan D. Wilson: At *The Knick*?

John Caher: Yes. And then-

CJ Rowan D. Wilson: What intrigued you about that? I mean, the general beat might be more interesting for most people.

John Caher: Oh, not for me. I really became enamored with the law and the rule of law. And the role of the judiciary is the one branch in government that exists to stand up for the rights of the minority, stand up for the rights of the individual to protect me from the tyranny of the majority and the power of government. And I quickly tired of writing, "Joe Jones was sentenced to 25 to life for the murder of Jane Doe" stories and I became very interested in, again, the story behind the story.

As you have said, when a case comes here, it's not really about that case. It's a broader issue. I became very interested in broader issues, the search that led to the arrest and that sort of thing, which brought me more and more in tune with the Court of Appeals. I think I'm sure I covered the Court of Appeals much more extensively than had done previously, but mainly because I found it interesting.

CJ Rowan D. Wilson: That's, I guess then how you started, you met Judge Wachtler and met Judge Kaye and I think in some ways became their friends.

John Caher: I became very dear friends with them. Judge Wachtler and I became quite close and still are. And I felt very, very close to Judge Kaye and Judge Lippman. Judge Kaye, we didn't start off necessarily on the best foot. She'd only been on the court, I don't know, two or three years, and I called her up and asked to do an interview and she said, "I think not." Can you just hear her saying that? And I said, "Well, I'm going to do it anyhow. So it's either going to be you talking about you or other people talking about you." And she was a little angry, but she agreed to do it and ended up loving the story.

CJ Rowan D. Wilson: She and I both came from private practice straight to the bench. And I know Judge Kaye a little bit, I knew Judge Kaye a little bit, and my sense is that she was a pretty private person and in practice you don't need to have a public figure at all. I think many people in private practice at big firms would rather be somewhat anonymous and do their work. I certainly felt that way. And then coming to the bench at the Court of Appeals, you're in a pretty visible position even if you're not chief. And then once you're chief, you're basically a public person.

John Caher: Yeah. She'd never been in the public eye before. She'd never held any public office. And as you mentioned, she was basically a quiet, reserved and in some ways shy person.

CJ Rowan D. Wilson: Who then found herself in a job where she couldn't really maintain that and do parts of her job, I think. And turned out to be, I think, spectacular at it.

John Caher: She was spectacular at it, truly a historic figure.

CJ Rowan D. Wilson: Even at the public relations part of it, even at the public where she had to be in public, around lots of people, everybody loved her. Maybe she had talents that she didn't want to use in practice, but that served her well once she was on the bench.

You've authored really an astounding number of books while having a full-time job or a series of full-time jobs. How did you decide to do that and how did you actually accomplish that?

John Caher: This would sound crazy, but it was somewhat accidental as has been most in my career. It started with a bankruptcy book. My brother's a bankruptcy lawyer and he had written a pamphlet on bankruptcy law for his clients and sent it to me and I made the manual. And we kept going back and forth and at some point we decided, "We've got a book." So that's kind of what got it started. And then others, just something would pique my interest and I'd pursue it. Looking back, it's hard to figure out how I did manage that working full-time and with a family. There were a lot of late nights, early mornings, weekends when I would plug away at things.

CJ Rowan D. Wilson: Some writers have a regular routine. They'll get up and they'll write for half an hour or an hour. I mean, I remember reading that Steven Sondheim, a little different writing, but when he was writing, he would work in the evenings with a scotch. And if he was very productive, he might have a second scotch. Well, but it was for a couple hours, he didn't do more than that in the evenings. Other writers, they work in the morning and then that's it.

John Caher: I would work whenever I could. I did a lot of running and without really knowing it, I did a lot of writing when I was running. I'd be struggling with something and go out for a run and not know I was thinking about it and then get back and know how to do it. And also the benefit of the kind of writing I did, which is all nonfiction, is I can move to different areas. For instance, you mentioned Bill Simon, I had an idea of what the chapters might be or what the topical areas might be. And if I'm having trouble with what would be in chapter two, I can go to chapter six. I can work on that for a little while and plug things in.

CJ Rowan D. Wilson: Do you ever think about writing fiction?

John Caher: Not really. Although just in the past week I've had in my mind that maybe I would try writing a children's book.

CJ Rowan D. Wilson: That's a form of fiction. You need an illustrator, I guess, unless maybe you draw as well.

John Caher: I do not.

CJ Rowan D. Wilson: I know Justice Sotomayor has a few children's books that are really well received. I own one of them.

John Caher: Yeah. My thinking is I have two little granddaughters and my thinking really is just for them.

CJ Rowan D. Wilson: You have a test audience, too.

John Caher: Yeah.

CJ Rowan D. Wilson: See how they react. How did you come to work in the court system?

John Caher: Well, in my work, largely with *The Law Journal*, of course I had a lot of dealings with chief judges and as you mentioned...

CJ Rowan D. Wilson: At *The Law Journal*, the court system was your beat, if we want to call it that, I guess, right?

John Caher: Right. And my office was right up the street and I was over here a lot and covered the court, I don't know if aggressively is a word, but very thoroughly. I would always write in advance on what cases were coming up. I would always

write about the decisions. Usually on a decision day, there'd be two stories in the Law Journal, one on criminal, one on civil.

CJ Rowan D. Wilson: Did you come and watch the arguments live?

John Caher: A lot of times.

CJ Rowan D. Wilson: So I'm curious about this. The many cases, many times here, unless it's a high visibility case, there really isn't much of an audience in the court. What was it like back then? Same thing or different?

John Caher: Pretty much. They used to have a table, one of the tables, we have the counsel tables. One of them was reserved for the press, but since I was the only one who was ever sitting there it seemed they eventually took that off. But what I was finding I was doing is I'd come over and then I would watch the arguments on the monitor in the attorney room because I could hear better and I could record it. So I ended up doing that. So I would be in the courtroom much less.

But then, so how did I come to work for the courts? As you mentioned, Chief Judge Lippman, who I'd known for a very long time, I knew him, he was a mid-level court administrator and then dealt with him extensively as Chief Administrative Judge, which is a job he held far longer than anyone else in history. So I dealt with him a lot. As you mentioned, he offered me a job with a peculiar assignment, which as you mentioned, was to come up with "crazy ideas for things we'd never done before" and implement them.

CJ Rowan D. Wilson: Was that his idea or your idea or how did that come about? The substance of the job, not the idea that he wanted you to work for the court system.

John Caher: I had talked to him about it a few years prior and then in his last year, he had called me up and said, "If you want to come over, this is the time to do it."

CJ Rowan D. Wilson: Why'd you leave journalism?

John Caher: I enjoyed it. I had a few years in the state system. I worked for DCJS, the Division of Criminal Justice Services for a few years. I wanted to get back into that system. I was at *The Times Union* or *Knickerbocker News* for 15 years, went to *The Law Journal* for seven, was recruited to DCJS by Governor Spitzer, went there for four years. And then went back to *The Law Journal* for three, always with the idea that I should get back into the state system.

CJ Rowan D. Wilson: I probably shouldn't have skipped over to DCJS. So how did that come about? And what were you doing there?

John Caher: I was a communications director, but my connection with Eliot Spitzer, who then was governor, was mainly through his time as attorney general because again, I was interested in the law and he and I would have these discussions. I

remember once at a press conference asking him a substantive legal question and he laughed and he said, "Don't you realize you and me are the only two people in this room who care about that? Give me a call and we'll talk about it later." And we did. We became quite friendly.

And then when he was elected governor, he had hired Denise O'Donnell to be Commissioner of Division of Criminal Justice Services and it was Denise who directly hired me, but I worked in his administration and then for a short while, the Cuomo administration.

CJ Rowan D. Wilson: When you created the "Amici" podcast, how did you get the idea to do that and what were your objectives?

John Caher: It's just something that came to me. It was certainly part of the Lippman directive to come up with crazy ideas and make them happen. I had done something a little bit similar at DCJS and I thought we could replicate it here. I was not the host of it at DCJS and I became the host of this mainly through necessity because there wasn't anyone else to do it. And so we started from the ground level. We created this program and grew it over many years.

CJ Rowan D. Wilson: My impression, although I guess some of the initial earlier ones, I guess are not easily accessible and maybe I haven't even found them, but a lot of the early ones that I've seen are people who have supervisory roles in the courts or are relatively high up, but pretty quickly it then started being people throughout the system in all kinds of different jobs with sort of interesting stories to tell. How did you find those people?

John Caher: I would stumble on them. For instance, I was working on a filming project recently in Buffalo and a filming project where we needed to have a family court judge involved. And the judge turned out to be a fascinating person. I mean, she's a quadriplegic and has a tremendous story to tell. And so it was things that I would get curious about something. Other people I just encounter and they tell me something interesting and I'd learn about them. And then people would suggest things.

CJ Rowan D. Wilson: And I think you sometimes also got very difficult stories for people to tell. You got them to open up about things that are quite personal. I mean, on that I remember listening to and thinking, "Wow, this is both important and must have been very difficult for the judge," was Judge Martoche who talked about his daughter whom he lost to addiction. Very important that people can see that that affects everybody and that there are things that the court system can do and the state can do to try and help people out of those problems.

John Caher: Yeah. Judge Martoche and I would have had a long conversation before doing that. I knew a little bit about the story. I knew a little bit about him. I mean, he's from Buffalo. I'm from Buffalo. I was familiar with him. I'm familiar with his daughter who is now the administrative judge. And we talked and I think he was

a little reluctant at first and then I think obviously I persuaded him to do it because I thought that there was a benefit in sharing that story because there are other people who are living that same story and what he's learned and what he's had to deal with personally.

CJ Rowan D. Wilson: And then also I think sometimes, I mean, there used to be a tremendous stigma decades ago and I think the more people talk about it, especially people who could have kept it private and maybe are in his case, an appellate judge, it encourages other people who have problems that they don't need to hide their problems or be embarrassed about them that they can come forward with them.

John Caher: I think so. And I think one of the ways I was able to get people to open up is I do care.

CJ Rowan D. Wilson: Yes. That's evident from everything you've done.

John Caher: Thank you.

CJ Rowan D. Wilson: Let me ask you about the podcast. Is there any that come to mind as if you had to have, assume that the listeners to this have time to listen to three, four, five maybe. Where would you tell them to start or are there any that really stand out that way?

John Caher: Well, I enjoyed the one you and I did. I enjoyed very much the one I did with Judge Zayas. Judge Hernandez has an astonishing story. Judge Filbert, the quadriplegic woman. Martin Huynh, who this is someone that many, many people in the court system know and work with and nobody knew his story, which was he was a Vietnamese boat baby. He was taken out of Vietnam by his mother when he was a toddler in a little boat and went to the Philippines and slept in a hammock for his first two years. I think that's an inspiring story.

There were a lot of them. I enjoyed working with the Franklin Williams Commission on some of those and Latino Judges Association. I did a lot of work with them and I enjoyed that very much. And I learned a whole lot, but it was nice to work with them. I'm kind of going into another area, but nice to work with them as a group and get to know them and work with them and know them. That was really fun.

CJ Rowan D. Wilson: On the commission, particularly the Williams Commission?

John Caher: The Williams Commission and the LJ and the Healing Judges.

CJ Rowan D. Wilson: So let's move over to U-CAN for a moment, which you and Judge Ackerman started and which as soon as I learned of it, I watched her YouTube about her childhood and how she came around to the idea. Can you tell us about it a little bit and why it was important to you and how you stumbled on it?

John Caher: That's probably the most impactful and important thing that I've done in my career. Judge Ackerman and I are good friends. We worked together at DCJS so we knew each other long before she became a judge. And she'd been a judge maybe three weeks and she called me at home one night in tears and she was troubled by what she was seeing, which was herself. She came from a very traumatic childhood and she was seeing young people before her who reminded her of herself. And what she kept saying to me, and it gives me goosebumps right now is, and she's in tears and she's saying, "I don't understand. Why am I up in the bench looking down there and why are they down there looking at me? I'm not better than they are. What's the difference?"

In a long discussion, she must have realized that before, but she decided it was a mentor that she had. When she was going off the rails, there was someone to show they cared, someone to help nudge her back and she wanted to replicate that. And then she asked me to research what sort of court-based mentoring programs existed in the state and there weren't any. And so I looked around the country and I also didn't find any. And then this gets back to the Judge Prudenti mandate to help judges make things happen. And then she said, "Do you think we could start one?" And I said, "Easier done than said." And we did.

CJ Rowan D. Wilson: It's not so easy.

John Caher: It was not that easy.

CJ Rowan D. Wilson: It's not so easy, but it's also hard to conceptualize, I think, because people ordinarily don't think of courts as their function is provide mentors. Their function is to keep people out of trouble. Their function is to help people who are in trouble. That's not the conventional way to think of what a court does. Happily, I think in New York now we've gotten past that point conceptual. conceptually? We have a lot of specialized courts that deal with people who have criminal justice system involvement, but the knee-jerk reaction is not to throw them in prison. It's to say, "Well, what's going on?"

As you were saying, there's a story that goes further back and it may go all the way back to somebody's childhood. And frankly, if you wanted to watch not just a few "Amici" episodes, but something on YouTube, I think Judge Ackerman's YouTube, it's about 40 minutes long is really a worthwhile watch.

John Caher: It is extremely powerful. And they all do have stories and they're similar and you can understand why they are where they are. But our success rate is ridiculously good. Judge Ackerman's program, I think 80 percent of the people graduate and 90 percent of the people don't come back. And they're in the community, they're working, they're raising families, they're not committing crimes, they're paying taxes. And wouldn't we rather have them doing that than sitting in prison watching Seinfeld reruns or something?

CJ Rowan D. Wilson: I mean, when you say that it's the most impactful thing you've worked on, I think that you could find people that anyone would look at who've been through that program and say that the program saved their lives.

John Caher: Oh, absolutely. It absolutely saved lives.

CJ Rowan D. Wilson: It's extraordinary thing to be able to save somebody else's life. Thank you for that.

John Caher: And thank you for your support. Your support has been instrumental here.

CJ Rowan D. Wilson: Well, it's the sort of thing that you see and you see how it works and that it works and you can't turn a blind eye to it. What you have to do is think, "Okay, how can we expand this?" And which we've done. How can we move it out of Albany to other places? How can we find more support for it in the system? And how can we convince the public generally and the legislature has not been too hard to convince that these are good programs that in the end will actually, as you were saying, put aside the human aspect to it in just terms of how the government spends its money, you get back more than you put in.

John Caher: U-CAN less than nothing? and it costs, was it \$150,000 or something?

CJ Rowan D. Wilson: To incarcerate somebody?

John Caher: For a year?

CJ Rowan D. Wilson: Yep. Yeah. That's pretty expensive. I think you can almost put somebody up at The Plaza for that for a year. I mean, not with the security, but it's very expensive.

John Caher: It is. And again, wouldn't we rather have them out there working and paying taxes?

CJ Rowan D. Wilson: At the beginning, you started by saying you were very interested in law because of the human element to it. Is there something you would describe as a throughline through all of your work? I mean, it seems to me anyway, and not to put words in your mouth, that when you were a journalist, when you've been at DCJS, when you've been at the court system, what you describe as crazy ideas or out of the box thinking or whatever, that there's been something that animates all of that and it really is thinking about why we do what we do and is there a better way to do it that produces better results for society and also better results for the individual? If I had to encapsulate your work, I would say that's what it is.

John Caher: I haven't thought about it in that way, but I think that is accurate. I was always interested in that. I do have a very, very strong interest in justice and fairness. And looking back that did inform much of my reporting and things that I would

find interesting. But most of my career has been somewhat accidental. Nothing was plotted out, nothing was choreographed. I never angled for a promotion in my life. I just did things I found interesting and came up with ideas that were fun.

And many of the stories, the way I worked as a journalist, I rarely got assignments because I had another idea that was more interesting. And that way you're not writing weather stories all the time because, "Oh, Caher's doing something else. He's got this going."

CJ Rowan D. Wilson: This is also a problem when you're out running, you're thinking of ideas or stories, I guess, right?

John Caher: Yes.

CJ Rowan D. Wilson: There's also, I mean, I guess because your background is journalism and now thinking about the annual report and other communications-related things you've done for the courts, there's also been, I think, an element of your work through much of it that is about engaging the public and about explaining to the public what the courts do and why they do what they do and maybe even how they could do what they do better. There's a lot of research showing that people's confidence in government over the last 40, 50 years has been sliding. Courts are not immune to that. State courts do a little bit better than the federal courts in that regard, but still everybody is slipping. What do we do about that?

John Caher: I think that is vitally important. And the way to approach that I think is to get our story out and to show people what goes on, to invite people to the Court of Appeals. I mean, I love coming over here, and visit the trial court, see what happens when nobody is watching. And I think we can really amplify and we have. We've got a robust communications department and much, much more robust than it ever had been in the past. And I think we're starting to get those stories out.

CJ Rowan D. Wilson: We were actually a little late starting today because unbeknownst to me, there was a group of high school students in here learning from a bunch of our central staff attorneys about what goes on here. Now it's not a court day, but still I was really happy.

John Caher: It made my day.

CJ Rowan D. Wilson: And if I'd known, as I told, because I arrived here just as they were leaving, if I'd known, I would have come here a little bit earlier and sat and sort of watched our staff attorneys interact with the high school students and maybe said a few words to them too. Not that my doing that really would have, that they would remember that in any meaningful way, but all you need is one kid who says, "Oh, the chief judge popped in" and whatever and might remember that 20

years from now, 10 years from now, and thinking about a career like yours or like mine, or like anybody in the court systems.

John Caher: I think it's so important to understand, particularly with all the criticisms coming of courts, the judges aren't politicians in robes. They have a different role. Much of the time covering the courts, I either didn't know, didn't care, or it was so far in the recesses in my mind that it was irrelevant. I didn't know the political affiliation of the judge. It didn't factor into my thinking. I could figure it out sometimes. I could think about it, but many of the times, like on the appellate division, if it was a judge from outside this immediate area that I didn't know, I may well not know their political affiliations. I also don't know if they're a member of the Elks Club or the Y. It just is not relevant.

CJ Rowan D. Wilson: Yeah. I'm sort of looking at it from the other side. There's dozens and dozens of times where I've voted a certain way in a case where if I were a legislator, I would have said, "This piece of legislation is stupid. There's no way we should be doing this," but that isn't my job. My job's to figure out what the legislature wanted and if I can figure that out, that's the way I have to vote. Even if that's not what I would have done. And it happens over and over and over. It's part of the job.

John Caher: I'm sure. Didn't Thurgood Marshall say something to the effect that the legislature has a right to do stupid things or something like that.

CJ Rowan D. Wilson: Exactly. And they do. And they have the right to do smart things too.

John Caher: I am sure that every member of your court writes decisions that they, on a policy level, they would not want.

CJ Rowan D. Wilson: And they can do a smart thing in a stupid way, which is also unfortunate, but we're judging the procedure as well. Sometimes they do something that's a great idea, but our Constitution or the U.S. Constitution doesn't allow it. And we have to say so. And it's not because we think they were wrong substantively. It's because it doesn't fit with what they're allowed to do within the context of what our job is.

John Caher: And that's what appeals to me so much about the law is the Constitution, a set standard of rules that apply to everyone and are not subject to whim. And again, unlike the other branches, the other branches are really designed to pander to the majority.

CJ Rowan D. Wilson: In one way or another, yes. But that's an important feature of democracy.

John Caher: Absolutely. That's what democracy is. But we've got the one branch, the counter majoritarian brands that is there, as I said earlier, to protect me against the majority, protect me against the government. And I think people need to realize that this is the only thing protecting them against that.

CJ Rowan D. Wilson: And in some ways, this branch is like a set of very powerful breaks. It can slow things down. It can slow things down a lot to give the other branches a chance to think about what they're doing and to give the political process, which takes time to work, but it is rarely a complete halt.

John Caher: And as you well know, things arise that the legislature needs to respond to and it hasn't, not because they've been negligent in their duties, but because a situation arose that was not foreseeable.

CJ Rowan D. Wilson: Right. And that it maps onto an existing statute in a poor way.

John Caher: Exactly. Whenever the statute was written, nobody had that in mind.

CJ Rowan D. Wilson: What are you going to do in retirement? I know you have two young grandchildren.

John Caher: I do.

CJ Rowan D. Wilson: There may be more on the way. We don't know, I guess.

John Caher: A lot of home projects, maybe a little bit of travel. My wife is still working, but I hope that doesn't last a whole lot longer.

CJ Rowan D. Wilson: Writing, maybe another book?

John Caher: Maybe.

CJ Rowan D. Wilson: You said a children's book possibly?

John Caher: Possibly or whatever else. Most of the books just came to me. Something would pique my interest and I'd...

CJ Rowan D. Wilson: You still running?

John Caher: No, I don't run anymore. I've had a lot of spinal problems. I still do a lot of bicycling and my wife and I have taken a couple extended bicycle trips. We did a trip in Italy, the Tuscan Coast of Italy. And a couple years ago we did a trip to Switzerland, Germany, and France.

CJ Rowan D. Wilson: Sounds hilly on a bike.

John Caher: It was. Part of it was on a Tour de France route. And some of it was right in that, it's a fascinating area with a blend of cultures because those geographic borders or political borders have been rather fluid. Sometimes it's Germany, sometimes it's France.

CJ Rowan D. Wilson: It's all the EU now, so a little bit easier.

John Caher: Yeah, it's been fairly stable since World War II, but it was a fascinating area and I would like to do more of that.

CJ Rowan D. Wilson: I've done that a few times with my family through France. A couple of judges and I have been contemplating for a while and I think Chief Yalamas, Chief of Court Security here, is going to do this with us, are thinking of riding from Manhattan to Albany.

John Caher: Oh, wow. On the Empire Trail?

CJ Rowan D. Wilson: Yeah. Any interest in joining us?

John Caher: Possibly.

CJ Rowan D. Wilson: Probably split it over three days, so about 60 miles a day for three days.

John Caher: Quite possibly. Yeah.

CJ Rowan D. Wilson: All right. We will let you know. And you'll have plenty of time to train. It probably will be in advance of September session if we can swing it this year or else next.

John Caher: Great.

CJ Rowan D. Wilson: Well, we'd be delighted to have you aboard. And we probably can't keep pace with you, but we'll do our best.

John Caher: Yeah, I don't ride like I used to.

CJ Rowan D. Wilson: Well, none of us does. I think we've come to the end. I don't want to just thank you for agreeing to sit for this, but really to thank you for everything you've done for the court system while you were employed by the court system, but even before that. I mean, it's just been an amazing career where you've contributed so much in so many ways, some of which are visible, like the archive of all the "Amici" podcasts, but some of which are not so visible.

Our annual reports are wonderful, but I think people picking them up will look at the ones that since I've been chief and they'll look at my picture and Judge Zayas picture and I'll think, "Oh, these are the guys who did it." No, we're not. It's really you and other people who've seen the importance, as you were talking about, of having the public understand not just how many cases we handle or how many judges there are, what all of this costs. That's in some ways none of that is really that important, but some snapshots of the people's lives that have been affected by the court system, knowing that there are many, many countless others and these are examples. And there's other types of examples that we couldn't fit into this year's annual report that might be in next year's, the years after, but that reading a set of these and many of the other

things you've done in the way of communications and outreach, that public confidence, public understanding of what we do will be improved.

And ultimately if the courts, if people believe in the system, not just the court system, but the system of government, we have an understanding of the courts and our role and that we are, as you said, not politicians in robes, but people doing something else that's vitally important. You've contributed to that immensely, and I can't thank you enough for that.

John Caher: Thank you. Well, as I've said to several people in the last couple years, I really feel like this is like the Camelot era of the courts. We're really in a good time. We have an administration, you and Judge Zayas, that actively encourages thinking outside the box and doing things in a different way. We have good relations with the governor and the legislature. And that is not always the case and it doesn't always last. We have people who are happy. People talk to me in ways that they wouldn't talk to you and vice versa, of course. But people are happy. Judges are happy. Employees are happy. This is a good time to be in the court system.

CJ Rowan D. Wilson: It is. And I don't take it for granted. On the other hand, I do think that there are things that Judge Zayas and I and the other members of the leadership team, and it's then trickled down to the administrative judges, have done to try and foster that.

John Caher: Definitely.

CJ Rowan D. Wilson: Anyone can approach us with an idea. We're all about learning what people need, what they want, and hearing where you were given a particular assignment by Chief Judge Lippman and Chief Administrative Judge Prudenti, we've tried to give that assignment to everybody in the court system to think outside the box. Tell us about things we might be able to do to help.

The other thing that I think has made a real difference, particularly with the legislature, it turns out legislators are just like everybody else. They'd like you to listen to them. That doesn't mean to do what they asked you to do, but if they have an idea about a piece of legislation, they'd like you to hear it. They'd like you to give them comments about it. And the separation of powers doesn't require us to be silent about prospective legislation. In fact, historically, at least when the legislation gets to some point, the governor's office will ask the court system, "What do you think about this piece of legislation?" If it's something that might affect the courts. There's some advantage to not waiting for that, but instead to engaging the legislators early.

And also if a legislator says, "Look, can you come talk to a bunch of high school students in Albany on a Saturday?" For somebody in the court system, say, "Yes, we can find somebody to do that." Those sorts of things go a long way and I

think it's important that all of the branches of government work together to improve government's image and we're a part of that.

John Caher: Absolutely. This is an important time to do that. The images you mentioned of government and unfortunately and unfairly the courts nationally is not what it deserves to be.

CJ Rowan D. Wilson: Well, I think thanks to a lot of your efforts, we understand that and we're going to try and even in your absence amplify on it.

John Caher: I'm sure you will. Thank you so much for this opportunity. It's been a thrill.

CJ Rowan D. Wilson: No, thank you. It's been a treat for me too. Thank you all for listening to "Amici." You can find all of the recent podcasts, about 150 or so of them on the court's website. Most are also on the iTunes podcast library.

If you have a suggestion for a future "Amici" podcast, please let us know. Maggie McCann has succeeded John as the host and you can drop her line at [mmccann@nycourts.gov](mailto:mmccann@nycourts.gov). So it's M-M-C-C-A-N-N at [nycourts.gov](http://nycourts.gov). In the meantime, stay tuned.