

Farewell! The Hon. Juanita Bing Newton, Dean, NYS Judicial Institute

John Caher: Since April 2009, the Honorable Juanita Bing Newton has served as Dean of the New York State Judicial Institute, the capstone of a career as an attorney, a trial judge, and an administrative judge.

She brought to the position her experience as a felony trial judge in New York County Supreme Court, Administrative Judge for the Criminal Court of New York City, Court of Claims judge, and Deputy Chief Administrative Judge for Justice Initiatives. She also had extensive prior experience in judicial education as a student, faculty member, and advisory board member of the Institute for Faculty Excellence in Judicial Education at the University of Memphis.

At the end of the year, Judge Newton will retire, which makes this an opportune time to speak with her about the past, present, and future of judicial education.

I'm John Caher, Senior Advisor for Strategic and Technical Communications with the Unified Court System. It's my pleasure and honor to have this opportunity to speak with Judge Newton. Judge, first, and as both a citizen and an employee of the court system, I'd like to thank you for all that you've contributed to the administration of justice and the cause of equal justice.

Judge Newton: Thank you, John. That's very sweet of you. Thank you very much. I greatly appreciate that.

John Caher: Now, your career in public service is well-known, it's a matter of public record.

A lot of people know you're a judge, a lot of people know you're the Dean of the Judicial Institute. Some of us know that you're a graduate of Northwestern University and the Catholic University of America, School of Law. A lot of us are familiar with your passionate efforts to promote racial, ethnic, and gender equality in the courts and that you were an original member of what is now the Franklin H. Williams Judicial Commission. But I'd like our listeners to get to know you a little bit better and understand what drives you. So, if you would, tell me your story. Where are you from? What did your parents do? How and why did you develop an interest in the law?

Judge Newton: I'm a native New Yorker. I was born in Manhattan, stayed there for three days, and went to my home in the Bronx, where I was raised in a picture-

perfect family. We were so perfect; we didn't even know we were poor. My brothers and I had amazing parents who loved us almost as much as they loved each other. And so, we were a happy family. When I think back on the dynamics of the world, I say we would probably have been categorized as poor, but the only thing we were poor in is money. We were not poor in anything else. My parents were members of that generation of the Great Migration from the South, having come up from the South. My dad only finished the fourth grade. My mom had some high school, but as they taught us, they were tremendously hard-working people.

And we had family, we had church, we had education and demands of family, church, and education. When I say "family," you should note my brothers and I have 60 first cousins. Those were our friends. That's where we lived, in family. And then our neighborhood became family, our neighborhood being a New York City housing project, and we never called it a "housing project." We always called it the Forest Neighborhood houses. And that's what it was for us. A neighborhood. We went to church at St. Anthony's where my mom put me in St. Anthony Elementary School when I started in third grade at the tremendous tuition of \$3 a month.

And so, I think I learned my social justice passion from my parents. And I have to say, from the Maryknoll Sisters at St. Anthony of Padua Elementary School, ours was a mission. And so they put us in the same category as missions in China and Africa, our South Bronx mission was a mission and school was a mission and we learned from the good sisters the importance of compassion, sharing, caring, and being devoted, not only in a religious sense but also in a community sense. So, I learned from family and I learned from church, I learned from school.

I guess you asked what was the one incident that made me focus on social justice. My brother was arrested three weeks before he was scheduled to go away to college. And he was arrested for being a passenger in a stolen vehicle. Of course, he did not know he was in a stolen vehicle.

And when they went to court, the attitude was, "Well, he'll just have to come back in three months." And my mother said, "Well he can't come back in three months. We're sending him off to Denver. He can't come back in three months. We are scraping together the money to get him to Denver." And we were all distraught because it meant he couldn't go to school. But my mother was an intrepid person and she was a school

crossing guard. So, she went to her union and hired the union lawyer right on that spot.

And he came to court and did that magic that lawyers can do and convinced the judge to have what was then, something that we don't have anymore, a three-judge panel to decide the sufficiency of cases. It was an administrative rule to try to resolve some cases quicker. And they empaneled this court for the next day and the case against my brother was dismissed, and he was able to go off on college and lead a tremendous life.

That told me the value of sound court operations. Delays do matter in people's lives. That taught me that lawyers are important and taught me to believe that things can be better no matter where you come from. But that's not why I wanted to be a lawyer. I did not want to be a lawyer.

John Caher: You did not want to be a lawyer?

Judge Newton: No. I did not want to be a lawyer. I started at Northwestern as a science major and changed. I was there during the radical '60s and the '70s. I look at my transcript and wonder how any of us graduated. But I think sometimes when you can't decide what you want to be, sometimes you have to let the world come to you. And I did not pick the law, the law picked me.

One afternoon in my senior year, I was walking on North Campus to go to my student teaching class and on my travels, I ran into a gentleman who was lost, and he asked me for directions to a building. And I said, "This is where you go, but I'm going that way and I will take you." And we walked along together, and we had a conversation that I don't recall, but at the end of the conversation, when we parted ways, he gave me his card.

And he said he was the Dean of Admissions at Catholic University School of Law and that if I was interested in going to law school, I should call him and if I get the requisite grades on the standardized tests, he would admit me to the law school and they would give me a very generous stipend to cover all costs. So that was my "Paul on the road to Damascus" moment when the law found me.

I went back to the dormitory to speak to my roommates to say, "Do you think this is real?" But in short order, I found my way to Catholic University School of Law in 1972.

John Caher: What a great story. And turning back to your brother, if he had not had a lawyer then and there, his whole story changes, doesn't it?

Judge Newton: His whole life changes. His whole story changes. Again, we were not poor in anything but money, but my family got together that airfare to send him to school in Colorado. There would not have been an opportunity for him to go back and forth to take care of a criminal case. So, in my years as an Administrative Judge, I tried to always tell the judges, "Every adjournment is important, beyond our moving a piece of paper from here to there. It is a major event in the lives of the people, the litigants, the defendants, the plaintiffs, the victims." That is what an attitude I brought to my tenure in the court system because I knew early on that it mattered how just we can be and how swift we can be in giving that justice.

John Caher: Thank you for sharing your story and your roots with us. Now let's turn to the roots of the Judicial Institute, which is currently based on the campus of Pace University Law School in White Plains. How, when, and why was it established?

Judge Newton: So, I wasn't there at the beginning. The first Dean was Judge Robert Keating, who had also served as an Administrative Judge in the New York State courts and retired and assumed this position some years later. And so, I'm told that this was the thinking of that tremendous Chief Judge, Judith Kaye, and Chief Court Administrator Jonathan Lippman. And it was thought that we, the court system, which always had education and training programs, should have a home, to be able to have a better curriculum, to have a wonderful facility that was state of the art to have the best education and training.

And so, there was this collaboration with Pace Law School that led to the creation of the Judicial Institute. It was statutory. It was supported by the New York State legislators and the governor, that there shall be a Judicial Institute. And the goal of the Institute is to provide education, judicial education, for the judges and the court attorneys of the Unified Court System. We opened the Judicial Institute, the building, in 2003.

John Caher: Is New York unique in that respect, having a Judicial Institute?

Judge Newton: I did some travel nationally in the access to justice area and we always talked about judicial education. Most states have some judicial education, not all. Some depend on the National Judicial College for all their educational programs. But I think that we were unique in having a

facility, a place for judicial education. I only heard of one other state that had anything similar.

John Caher: So, you've got this facility, you've got these courses. Then what? How do you fill the classroom? Are the judges required to attend occasionally?

Judge Newton: Judges were not required to attend until I came in as the Dean and I convinced the then-Chief Administrative Judge, Ann Pfau, that we should move the new judges' program from December, where it was optional, to January, where it became, in essence, the first assignment that a judge would have. And that was more than just words. The sentiment is very strong. It said, "The first thing you have to do when you become a judge is to go to new judges' school so that you can make that transition to be a judge."

People said, "Oh, you're a lawyer. You could be a good judge or if you watched enough judge shows on television, you can be a judge." Well, being a judge is not like anything else. It is not like being an attorney.

The skillset certainly is moved forward if you are an attorney, but it's an attorney-plus. The attorney only gives you that substantive law perspective. Being a judge is a uniquely different role. And we've found in the last 10 years that the judges become better at judging when they go to the mandatory new judges' school. And so that's the one mandatory course.

All the other programs we have for the judges and the court attorneys are not mandatory but important in that both judges and court attorneys have mandatory continuing legal education requirements. And we provide accredited CLE programs for the attorneys and accredited, continuing judicial education program for the judges. So, we always have an audience. We never have courses or classes where nobody shows up. We're fully subscribed by both the judges and the court attendees. And that's because we give great programs.

John Caher: What sort of courses do you have and who teaches them? Who makes up the faculty?

Judge Newton: Well, the first thing about the faculty, I have to give a shout out and thank you to the faculty. We don't pay anybody. So maybe 1% of the people who have provided education for us are paid. We pay them in our goodwill, we buy them lunch if they happen to be at the building, but we rely on the kindness of judges, attorneys who volunteer their time. The one payment we give them, a complete disclosure, we give them CLE

credit if they teach for us. But apart from that, we just rely on the generosity of stellar teachers.

And we also work in a small measure with teachers from the National Judicial College. But there we have them teach for us in teaching our colleagues to become teachers. So, we have a very rich teacher education program because, as you may have mentioned, I have a background in adult education learning. And I found that when we infuse our classes with the knowledge about how best to teach adult learners, we have much better and sound programming that does what I think is an essence for us as teachers. We not only inform our learners, but we try to transform them in their thinking and their understanding of the subject matter that's being offered.

John Caher: Now, I know that the JI has a reputation for being cutting edge and a reputation for seeing around the corner to some extent. In this age, what are the cutting-edge issues, particularly in light of an international pandemic?

Judge Newton: The pandemic was just an opportunity for us to build on things that we've always done. Science—all those people who say they became lawyers because they didn't want to continue pre-med—well, science has caught up with all of us. Science is critically important in the work of judges. And I'm not just saying if you are a judge in a medical malpractice part. I can't think of nearly any part or assignment that doesn't touch on science.

We learned about the adolescent brain. When we had the whole raise-the-age issue that touched all branches of courts, we did a lot of study about trauma. I had a trial one time where I interjected the Pythagorean theorem in the testimony of the police officer on a buy-and-bust. One of the jurors was a schoolteacher. And she said, "I'm so happy. I'm going to go back and tell my students in my geometry class that you need to know geometry to decide a case in a buy-and-bust in a criminal matter."

Science is all over. And the work we do in developing science classes has been integral in bringing our judges to a place that no, they're not scientists, but they have the capacity to better understand and to ask questions of the litigants and the attorneys that will inform the litigation.

And so now we are at the pandemic, and our judges are going to have to know how to handle and understand public health law. The possibilities of science, of COVID, vaccinations, business interruption law because of the science, is at the door of our judges.

And that happens all the time. The law does not live in a vacuum. It's not static. The law lives. And as judges and attorneys, we have to move with it. We had a seminar once on actual innocence and why I know we're now looking at bias issues from the recent report from Secretary Jeh Johnson, but we've been looking at bias issues, not necessarily from the psychological point of implicit bias, but actual bias. We did a program on actual innocence and it was fascinating to know the various sciences that go into deciding issues that relate to criminal justice in action, in the courtroom, with the judge, with the juries. How do you explain self-defense to the jury? These are the kinds of things that we teach the judges, not only substantive issues, what's the science, the who, what, when, where, and why, but also the skillset.

How do you answer a juror's question and make it in plain English? That's another course that we teach judges, how to write and think in plain English because the law that goes to the jury that they don't understand is quite frankly useless and doesn't assist the jury. It's almost an insult if you don't talk to the jury in plain English because your job as a judge is to assist them in understanding and comprehending. So, we have classes on how to write issues in plain and English, but without watering it down so you're changing the meaning. There are a lot of things judges must learn to do in their myriad roles of teacher.

I started by saying I was going to [a student] teaching class. So, I started out going to be a teacher when I ran into the Dean from the law school. And so, I think that as judges we all have a role to be a teacher as well as a person who makes decisions. So, we try to teach a lot of skills, sometimes subtly, but a lot of skills to the judges when they come to the Judicial Institute. Legal updates by themselves are wonderful, but that's just the beginning of the training for the judges.

John Caher: Now how were you able to do this, or were you able to do this, during the pandemic? I imagine, or I think, that Pace was shut down or virtually shut down for a good chunk of this year. So, were you able to provide that education virtually in any capacity?

Judge Newton: One of my successes in my career has been the blessing of extraordinary people working with us.

We have not been at the Judicial Institute, the building, since March 17th, but we have been the Judicial Institute, the think tank, the place of learning and training since that time and we've done it all virtually. And since March 17th, we have produced well over 60 classes online virtually. We have touched on every single discipline—criminal, family, civil,

surrogates—every discipline and we have done so both in legal updates, but also special training. So, for example, on the issue of bias training, we had a plenary session on the chokehold, plenary sessions on the skillset, on how to handle, how to learn how to do ADR in the virtual world.

And so, we have been as busy as if we were at the Institute and there was no pandemic. The only thing that's changed for us is that my staff has become very high-tech and we haven't been involved in what I call the event planning aspect of the business of education. So, we haven't brought thousands of people together to do training and working with hotels and that kind of stuff. But we have, I am so proud of my staff, we have met the needs.

Of course, being virtual is only part of it. We then have to have a delivery system. And so if you go to our website, there are hundreds and hundreds of accredited classes that will teach judges almost anything they want to know or they need in their pockets to be able to be effective as judges, and just even maintaining that website blows my mind.

It's incredible. So, we've been working very hard. My staff has been tremendous, and our faculty have joined in with us. So, interestingly, we have been able to task people who are not local because it didn't cost us anything to bring them in from South Carolina or bring them in from California. All we had to do is go into the virtual world and say, "Hi. Welcome to the Judicial Institute from wherever you are." And that's been wonderful. Again, our faculty is very supportive. And so, we find that if we ask people, they will answer. We sort of "cold call" prominent people. We said, "We read about your book. Will you teach for us?" And 99% of the time, the answer is, "Yes. We will teach for you." Educators are very interested in educating and this is without honorarium, without a free trip to White Plains, just over the virtual world.

John Caher: That's wonderful that you're able to utilize those resources. Now, a moment ago, you alluded to a recent report by Secretary Jeh Johnson, which found that the court system still has a considerable amount of work to do in eliminating bias in the court system. Does the JI have a role to play in furthering that goal of eliminating bias in the court system?

Judge Newton: Absolutely. First and foremost, the Chief judge has said, "In first order, we accept the report and we're going to work on implementing all the recommendations." And that's a tremendously important commitment, so kudos to Judge DiFiore. The second thing, Judge Marks set up a group of people to implement [the recommendations], and we are working closely with that group to give them our opinion on what we think needs

to be taught in terms of mandatory anti-bias training for everyone in the court system and what a tremendous responsibility that is because we have 15,000 employees, 5,000 judges, et cetera, et cetera. So, it's going to be a huge task. But I think the role of the Judicial Institute, and we're working on helping to develop the curriculum in that and, if asked, developing the rollout.

But I think the other piece that the Judicial Institute will be involved in is the educational part of the training. And I differentiate, and I know we're parsing words, between education and training. We can put together a piece to educate, to train them how to do X, but for educational purposes, we want to, again, transform their thinking. We want to transform people through sound judicial education, how to think about the work they're doing in the courtroom. We want them to think about the decisions they're writing. Again, remember I said the law evolves? And so, we want justices to think about whether in writing the decision some biases are coming out. Sometimes judges are uninformed and so they'll make decisions based on bad information or misinformation. And so, we want to make that aware to judges.

So for example, in our day of actual innocence, we brought in thinkers who could say, "Take a look at this piece of information and then you decide how you're going to use it in a neutral way, not in a biased way." And we know this is probably going to be an effort to use sociology a little bit more. When setting bail for a defendant who lives in a "bad community," I would say, "Well is that something against the defendant? Does that make him a victim or a perpetrator if he lives in a bad neighborhood?"

So, we want judges to think about how their biases may affect their decision-making. We want them to know that the chokehold is something that is a physical thing, but it has some implications on how it's used and that the Supreme Court has written about these things. So, we want them to be intellectual about some hot button issues and always lean on the law. And so that's our focus, to lean on the law. We do a mix of law and sociology and law and science, but we always want them to get back to leaning on the law. And I think that's one of the ways how the Judicial Institute can focus and reinforce and inform the training that will go on about bias.

John Caher:

I don't believe your successor has been named yet, but what is your one major piece of advice to whoever follows in your footsteps?

Judge Newton: I would say to the next Dean that he or she should focus on the education piece of being the Dean. Even if you talk to deans in law school, in other capacities, they can get bogged down in administrative issues. And my view is administration will take care of itself. They know where to find you if you're not following the administrative rule, but the law will only grow, the education will only grow. If you continue to be curious, you continue to go out and think bigger thoughts. And so, I would say to the next Dean, focus on the education, focus on the new, be an experimenter, again, be curious.

I think that if you describe me and the things I've done over these 35 years I was just a very curious person about everything. And so, I would say that the next Dean has to be curious about education and the myriad ways it can inform and change and transform people. That would be my suggestion. And to have fun, enjoy. It's a wonderful job.

John Caher: That sounds like great advice. Be curious and have fun. Now, let's turn back to you. So, retirement. What are your plans? What are you going to do?

Judge Newton: Well I've been working since I was 15 years old, so the first thing I'm going to do is stop working.

John Caher: Maybe take a nap?

Judge Newton: Maybe. Maybe. There are things that I need to take care of in [my] personal life. I've been avoiding retirement because I say to people, "What am I going to do?" And a good friend of mine said, "Once you get off that treadmill of running and getting up at six o'clock and exhale and have a cup of coffee that's not on the run and read the paper with just more than just the headlines, you'll find the day will be filled."

And so, there are a couple of things I want to do that are personal. I'm going to try to go into my 70's and lose that 20 pounds I've been trying to lose since I was 50. And so, I'm going to focus a little bit on health. I'm going to focus on some changes and finding a place to live.

I'm going to downsize. But in terms of personal pursuit, the one thing I would like to do is to find a way to continue to work in legal education for minorities and underserved communities. One of the programs that the JI had that I was most happy to be involved in was the Legal Education Opportunities program, the so-called LEO program. I continue to want to work on women's issues and diversity issues, but concretely, I'd like to see if there's a way we can resurrect the LEO program, which was not

held this year because of the pandemic and has had periodic financial issues.

But I would love to continue that work of finding and supporting young women, young minority men, and women, people who never thought the legal curriculum was for them. I'd like to be for them what the Catholic University Law School Dean was to me. I'd like for them to have that "Paul on the road to Damascus" moment when someone says, "You've never thought about it, but you can be a lawyer and you can change lives." And so that's the one thing I'd like to pursue.

John Caher: It sounds like you're going to be every bit as busy in retirement [as] you've been in your career.

Judge Newton: Yeah. Well, I love to serve, and I love the opportunity to serve and if it's okay with you, I'd like to make just a little closing statement. Is that okay?

John Caher: Absolutely. Please do.

Judge Newton: First of all, I want to thank four, count them, four Chief Judges of the Unified Court System: Sol Wachtler, Judith Kaye, Jonathan Lippman, and Janet DiFiore. Very few people can say that they have been supported, encouraged by four Chief Judges. They asked me to do things that I didn't think I knew how to do, and I am forever grateful to them.

Secondly, I want to thank the tremendous men and women who I've had an opportunity to work with, from my first secretary, Olivia Dennis, who was by me every step of the way until she retired, to the tremendous Judicial Institute staff who are remarkable to a person and led by the Chief of Staff Damaris Torrent, and all the many women across the continuant.

I have been able to collaborate with these men and women who are committed, and I know sometimes they would roll their eyes and say, "Judge Newton has us going off in another journey that we can't quite see." And yet we have been very successful. So, I want to just thank all of them. And of course, that includes the judges with whom I've had an opportunity to serve. And so, I thank everybody for the opportunity to serve. I think we've done some good work and it's been fun.

I'm not having a new chapter. I'm having a new volume with many chapters. And so hopefully I'll see you, John, and other people during the filling up of those chapters.

John Caher: I certainly hope so. And once again, Judge, thank you for all that you've done. And thank you for consenting to this interview today.

Judge Newton: Thank you, John. You do great work. Thank you so much. We appreciate you. Thank you.