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# 55 PLUS

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*Judge Patricia Marks in a photo  
taken in October 2010*

# Right on the Marks

*The first female elected as a county court judge in Monroe County, Judge Patricia Marks, 61, just announced plans to retire early this year. In an interview with 55 PLUS magazine, she talks about her precedent-setting career in the legal field — from prosecuting white-collar crime in the District Attorney's Office to deliberating over cases involving multiple homicides*

By Amy Cavalier

Justice Patricia Marks was one of 20 females in a class of over 200 when she entered Albany Law School in 1971.

Those odds didn't faze her.

She did not stop to think about the resistance she might face trying to break into the "old boys culture" which dominated her career of choice.

"I guess I'd always been raised to think that I could do anything within reason," she said.

She remembers just one incident where a male classmate took issue with her gender. He said to her: 'You're taking a job away from a bread winner.'

"I was so stunned, I didn't believe anyone would say that," she said. "I didn't have an appropriate response. Today I probably would. Those were different times."

Today, females make up a little under half of the population of

students entering law school, said Marks, although there's still a ways to go in establishing gender equality in the field.

Marks, 61, has helped blaze a path. In 1976, she was the first female appointed as a full-time assistant district attorney in Monroe County. Ten years later, she became the first woman elected to a county court judgeship.

"For me, it was in college when I became aware of more gender, equality and patriarchy issues in society that I kind of stopped for a moment and realized my mom's been pretty radical in terms of moving forward and taking on leadership positions in society," said Marks' youngest son Jeremy, 23. "She's not just involved in the legal system to maintain the status quo. She's there to work within the legal system to make society a better place."

In her 25 years as a judge, Marks was part of an advisory committee that developed the Monroe County Drug Treatment Court and she independently developed the mental health court, which she has presided over for a number of years since 2003. As an assistant district attorney, she helped prosecute white-collar crime and as a judge she's presided over a number of high-profile homicide cases, several of which have gone on to be subjects of true-life crime novels. On top of juggling a high-profile career, Marks is a mother of two sons, and the wife of retired attorney Jeff Marks.

"It made for a lot of confusion," Jeff said of being married to a judge. "When the policemen would call for bench warrants and I would answer the phone, they would assume that I was the judge because I was the male."

Marks grew up Downstate in





Judge Marks in November 1994 with son Jeremy, 7, and Brian, 13.

Poughkeepsie, a small city and town of about 60,000 located on the Hudson River. One of four children, her father Warren was manager of a men's clothing store and her mother Theresa was a secretary, a registrar of a girls' private high school, and administrative assistant to the vice president of Vassar College. Her parents were active in local politics, which influenced Marks at a young age.

"I know we don't think of politics as this now, but politics were about helping people reach consensus, helping people who needed something, the concept of representation and democracy—those are all concepts that were appealing," Marks said.

While majoring in political science at Vassar College, Marks

took an internship with the local legal aid society, which represented poor people in civil and family court proceedings, and with the Dutchess County District Attorney's Office. She decided to apply for law school in her junior year. Marks met her husband in law school. They were married in 1974, the year she graduated.

Judge Joan Kohout, a Monroe County Family Court Judge, was in Marks' graduating class at Albany Law School. The two met through Jeff and they reacquainted when the couple

moved to Rochester shortly after getting married. Like Marks, Kohout was the first woman to be hired in the public defenders office in the county.

"Women in our class and classes just before us and after us were being hired into positions where women had not been hired in the past," said Kohout.

Marks had developed a passion for poverty law in college. The first job she landed in Rochester was with the department of social services. In 1976, she was the first woman to be appointed a full-time assistant district attorney in Monroe County, under DA Larry Kurlander.

**Challenging herself** — "It was an opportunity to do things that really took me out of my comfort zone," she said. "I was pretty shy

and here I was going to be doing a job doing trial work before juries, dealing with police officers who were unaccustomed to dealing with female attorneys. It was a very exciting career, even now, not just being the first woman."

Cases involving rape and child molestation were the most difficult to prosecute, said Marks. There was no DNA evidence to stand a case on, and Marks said, there was a perception that she was "asking for it" regardless of the nature of the force.

"I must have presented hundreds of rape cases to the grand jury," she said. "I tried a number of cases. It was an area people had trouble accepting."

Marks said she remembers "going into apartments and pulling up carpets to get semen samples to collaborate children's testimony, filling in gaps in cases, working side by-side with investigators to get the type of evidence that could result in a conviction."

As Marks' career was evolving, so was her family. She and Jeff welcomed son Bryan in 1981, and Jeremy was born in 1987.

"Your primary focus is God, family and your job," she said. "I wouldn't say it was easy, but as long as we kept our focus on these things, it worked reasonably well."

There were times when it was a challenge.

"When I was in trial and she was in trial and you've got a sick kid, it's hard to say you can't be there when you've got juries waiting," said Jeff.

For the most part, Marks said, she and Jeff were able to juggle their careers with their parenting duties. She and Jeff worked well as partners at home. Jeff left his practice in 1993 and soon after fell ill and decided to stay home with the boys. He said he didn't mind the role reversal.

**Comic relief** — Being a judge has created some funny moments at home. There was one time she was lecturing Bryan, who was 7 at the time, and she sent him to his room.

When she went back in to talk to him, he looked up at her and said 'Mom, this is not the courtroom.'"

"I tried to keep a straight face when I went running to find Jeff," she said. "Apparently I neglected to leave the job at the office that day."

Jeremy said his parents were always good about communicating right and wrong.

"From their legal background, they understand that you have to be clear in communicating what things work and what things don't so it doesn't get pushed under the rug," he said.

Then there was the time when Jeff was still practicing law downtown. He was talking to a fellow attorney while crossing the street. The colleague informed Jeff that he was appearing before his wife in the morning and joked with Jeff about avoiding doing anything that might put her in a bad mood. Jeff responded by giving the other lawyer some advice.

"When she starts curling the back of her hair with her finger, sit down and be quiet," Jeff told the young attorney. "She's had it."

So the next day in court, lo and behold, as the attorney was speaking to Judge Marks, she began curling her hair with her finger,

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**Judge Patricia Marks In December announced that she will retire early this year, four years before her term expires. Citing family reasons in part, Marks said she has a desire to travel, and to pursue teaching, writing and research related to treatment courts.**

**According to The Daily Record, she plans to remain with the New York State Criminal Jury Instructions Committee, which she co-chairs, and the Permanent Sentencing Commission.**

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Marks (bottom row, third from left) played on the Monroe County District Attorney's softball team in the late 1970's, early 1980's.

so he sat down, according to Jeff's recollection of the story. Later in the chambers, Judge Marks questioned the attorney, 'What happened to you in there? You sat down in the middle of a sentence.' That's when the attorney revealed what Jeff had told him.

"So, I've got to tell you, it was an interesting night in the Marks' household," Jeff said with a laugh.

**Battling white-collar crime**—Under the leadership of Don Chesworth in the district attorney's office, Marks founded and served as the chief attorney in the economic crime unit where she helped prosecute a case in which an employee at Xerox offered to sell a trademarked corporate blueprint for a universal test fixture used in a Xerox copier. It was one of the first prosecutions under that new law.

In 1983, she decided to run for county court, despite the fact that no other woman had ever held that position in Monroe County before. Jeff said he was surprised by his wife's ambition. The first time she ran for election, she didn't get the

Democratic Party's nomination. The following year she did, kicking off the first political campaign of her life.

"Pat was a wonderful campaigner," Jeff said. "She says she hated it, but she loved it. She'd remember people's names. In the parades, she wasn't in the car. She was walking down the sidelines saying hi to people and waving."

Marks was elected to a 10-year term on the bench in 1984, and re-elected in 1994.

Working as the supervising judge for criminal matters in the Seventh Judicial District, Marks has done everything from oversee pistol permits to handling civil and criminal appeals, and trying multiple homicides. She's been honored for her work, receiving an award for excellence in public service in 2010, and being named a "Leader in Law" last year by The Daily Record. She currently serves as vice-chair of the Permanent Commission on Sentencing for New York State.

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# Right on the Marks

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**Careful of image** — Being a judge and elected official means being in the public eye. She doesn't do things like go out to bars.

"I don't think that's appropriate," she said. "I'm a little more cautious about how I present myself, because of my concern of how it could reflect on my position, but I guess I've been doing it for 26 years so it seems normal to me."

Marks said it is important for her to remain unbiased and to base her decision on facts and laws; however, there is a human element to every case. She said she tries to put herself in the shoes of the people who appear before her.

"That has to be something we should be conscious of as judges, understanding the perspectives of people who appear before you, particularly those whose liberty is at stake," she said. "I always maintain you have to be respectful of people."

If someone abuses someone else or abuses the system or is dishonest, the response does not have to be a patient one, Marks clarifies.

Marks relies on a cadre of people to be able to do her job—a court deputy, a court reporter, an attorney representing each side, a court clerk, witnesses, a party and defendant, and if the defendant is in custody, there's the transport deputy. She also relies heavily on her staff, her secretary Ginny Mulcahey and law clerk Joseph Valentino.

"I'm going to paint still-lives when I retire so I don't have to wait for anyone," Marks jokes.

Mulcahey said Marks is very kind and approachable, pointing at Marks' success starting the mental health and veterans' courts in Rochester as evidence.

"I think that really shows her compassion and commitment to justice," said Marks' legal secretary.

Marks said being a judge requires the ability to listen and comprehend pertinent facts. It requires constant education and the

ability to be a lie detector. And then there's collateral issues—mental health, substance abuse, physical health issues, the science behind DNA, fingerprinting, computer evidence, etc.

"The point is, there's so many things that can be the subject matter of a lawsuit or a civil case, that it benefits a judge to become not an expert, but knowledgeable enough to understand the topic," she said.

## **Comprehensive approach**

—Bruce Goldman, a special assistant district attorney for Monroe County, said Marks is thorough in her research.

"You don't get to fool her, and if there's something she's not quite clear on, she'll go and research it and get an immediate answer," he said. "She's always on top of what needs to be happening in a case."

All judges worry about becoming immune to the violence and human tragedy that comes before them each day, she said.

"It'll always trouble me," she said. "I'll always struggle with sending someone to jail. I should. When it doesn't bother me, I should quit."

There are still some barriers for women in the legal field, she said. Subtle "bars" still exist, such as law firms who won't hire women because they don't think their clients will feel comfortable being represented by them, or the fact that many women with legal training often wind up serving as legal secretaries rather than as attorneys.

"I truly don't think there's per se, a gender issue," she said. "I think there's a perception issue. When I first came on the bench in 1985, it was very unusual to have two female attorneys and a female judge in the same courtroom. And I remember the first time it happened. I kind of noted it. Now it's not uncommon."

Jeff said there are still a low number of women partners in law firms. "Women judges and lawyers, to a certain extent, they still suffer in ways they shouldn't," he said. "They have to work a little harder to succeed in what has been a man's world. I think huge strides have been made, but that doesn't mean the problem has been solved."

# visits

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held in Binghamton every August since 1983.

A New York City favorite, the egg cream is an interesting beverage because it contains neither eggs nor cream. It is made of chocolate syrup, milk and seltzer water. It is thought to have originated with Louis Auster of Brooklyn in the late 1800s. The fountain drink is similar to an ice cream soda without the ice cream. Some say the name is a corruption of "Grade A Cream" which was used to make the drink while others say it comes from the German word for "echt" meaning "genuine" or "real."

A local favorite hard to find outside Central New York owes its existence to the salt deposits near Syracuse, the "Salt City." During the 18th century workers in the salt industry on Onondaga Lake, most of whom were Irish immigrants, would cook their lunch of potatoes in the salty brine. The tasty treats are best served with plenty of butter. The salt industry is no more but visitors can learn about it at the Salt Museum in Liverpool.

Some foods such as the Coney Island hot dog and hamburger have such a convoluted past that it is hard to pin down their exact origins.

Others are variations of established foods such as Long Island duck derived from Peking Duck. Long Island was once known as the "Duck Capital of the World" and the famous Big Duck in Flanders is still a favorite tourist stop.

Local favorites or world famous, New York state is home to "food, glorious food."