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# The Judge Who Could Not Tell His Right From His Left and Other Tales of Learning Disabilities\*

INTRODUCTION—PROFESSOR DAVID ENGEL

SPEAKER—JUDGE JEFFRY GALLET

**D***avid Engel*: The University of Buffalo Law School's Committee for Law Students with Special Needs was formed about a year ago.<sup>1</sup> At that time the Committee, the administration, and the faculty were asking how we might make the law school more responsive to students with different kinds of special needs, including physical and learning disabilities. One morning, I happened to see Judge Jeffrey Gallet on the "Today Show". It was an extraordinary experience. He was talking with kids who were in trouble with the law; he was talking with adult groups; he was talking about himself, and his own experiences with dyslexia. I thought he was articulate and interesting, and able to communicate things that we needed to learn. I knew this was somebody we had to invite to the law school to share his insights and to help us determine our new directions. With Dean Filvaroff's enthusiastic support, we invited him, and he agreed to come.

Judge Gallet was graduated from Brooklyn Law School. He is the author of a number of books and articles, most of which concern housing law. He is a judge in the Family Court of the City of New York. He is, at times, a teacher. He is a community leader. Perhaps it sounds as if I am getting ready to propose him for canonization. That will come immediately after the talk is finished.

It is often estimated that one in every ten persons has a learning disability of some kind. Let's think about that. There are approximately 750 students in our law school. There are forty odd faculty members, some more odd than others. There are tens of thousands of lawyers in the

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\* This Article is an edited transcript of a lecture held on April 7, 1989 at the Law School of the State University of New York at Buffalo.

1. Members of the Committee for 1988-89 include: Elizabeth Bannigan, Robert Davis, David Engel, Glenda Fischel, Ronald Hager, George Kannar, Fred Konefsky, Mary Lang, Wendy Urtel, and Marcia Zubrow.

profession. If the statistics have any meaning, then learning disabilities are to be found among many of us here today and in the profession generally. This is something that we need to understand. There are differences of many kinds among all of us, and among lawyers generally. They are a source of richness and diversity and interest. I hope that as we understand more about learning disabilities, we will come to see them in the same way and to value and appreciate those who are now too often misunderstood or stigmatized. Perhaps then some of the barriers we unintentionally construct that separate people from one another can be lowered or eliminated. Today we have an opportunity to begin that process. It is a real pleasure, therefore, to introduce Judge Jeffry Gallet.

*Judge Jeffry Gallet:* I see you left the front row vacant to make me feel at home. Every time I teach the front row is empty. I usually get even with the students by walking up and down the aisles but I can't do that today because I am restricted to the front of the room by the television camera. So, everyone in the back is safe.

I lectured in this room once before. Every year the state holds a judges' school. They used to hold it at this law school and one year I was teaching a course on co-ops and condominiums. I was writing on the blackboard while I explained what I thought a particular case meant and a hand went up in the back. A judge stood up and said, "That's not what I meant." I didn't know what to say. I was speechless.

As a result, I learned an important lesson. I'm not taking questions until the end of my talk. Actually I'm sort of glad to start with everyone smiling because I hate to give speeches like this. I hate to dredge up memories that I would rather forget. I hate remembering failures which still hurt me to this day. I hate the fact that you invited me here, not because I have abilities, Professor Engel's kind introduction notwithstanding, but because of my disabilities.

Nobody likes to go any place because of his disabilities. I'm here today because I am a kind of talking frog—a learning disabled judge. You all came here to see my warts.

Being here reminds me that no matter how much I think that I'm a prince, and no matter how many pretty plumes I wear, to some extent I am, and I'm always going to be, a frog. I don't like to be reminded of that.

I am reminded that I am learning disabled every day of my life. I am reminded by what I can do and can't do. I am reminded by other people—even by people who love me, people who think well of me.

When I first became a judge my law partner Stanley Dreyer had a

party for me. It was a nice party. After an hour of eating and drinking, Stanley Dreyer got up to speak. As he knew, part of my disability is that I can't tell my right from my left. Stan walked to the front of the room, looked around, and said in his wonderful, rich, deep voice, "Well, they finally did it, they appointed a judge who doesn't know his right from his left." Everybody laughed, and thought it was very funny. It was very funny, but it was also a reminder, even as I was being crowned a prince, that I was still a frog.

Recently, I was running for State Supreme Court and I went to a meeting of judicial convention delegates. I had just done a public service announcement for ABC-TV which was shown on the network thirty-five or forty times; not bad exposure for someone running for public office.

One of the delegates walked up to me and said, "You're Judge Gallet." At least she recognized me. "I saw you on television." I puffed out my chest. "You're the judge that can't read." My chest deflated.

I get that reaction all the time. It's not true. I can read.

You are here today, before you go out into the world as attorneys, to learn something about learning disabilities, and disabilities in general. But, sadly, as much as you care, and as much as you work at it, and as much as you study about learning disabilities, and as much as you read the handouts, and as much as you think about it, I don't think that any of you can understand what it is like for us. I think you would like to think you can, but you can't.

I'm learning disabled; I can't tell my right from my left without looking at my wedding ring or my wrist watch. I tell my wife that our marriage is forever because, if I ever take my wedding ring off, I won't be able to find my way home.

When I drive my car I notch my wrist watch just a little bit tighter so if somebody says turn left, I know which way to go. Or when I come out of an airport gate, you know, where they have all those signs, baggage to the left, taxis to the right, go forward, go up, go down—I wear my watch a little tighter.

I can't do math in my head, which drives American Express crazy. You know those little chits they give you for your Mastercard and your American Express charges in restaurants, you're supposed to add a tip and total the charge. I can't do the math in my head. So, if I have to carry three, I have to write it down. If I don't write it down, I'm in trouble. However, doing the math on the chit makes a mess and sometimes American express sends the chits back to me asking what I meant

to have them pay. I am reminded every time I fill out my chit that I'm learning disabled.

I can't spell, and I'll never be able to spell, and please don't tell me to look it up in the dictionary because I often can't spell well enough to use one. I still have a little trouble with my reading, and I still have a little trouble with my writing; sometimes I can't remember my own telephone number.

I'm learning disabled, and I'm always going to be learning disabled. There is no wonder drug; there is no operation. I won't outgrow it; it won't get better. It's a neurological disorder, a minor brain damage. It is a mental misfiring. When information comes in through my eyes or ears it doesn't always get to my brain and back to my hand or mouth exactly the way it's supposed to.

Although I do it differently from the rest of you, I read very efficiently. And although I do it differently from the rest of you, I write very efficiently. But I am always going to be a little different from the rest of you. Not better, not worse—different. I am always going to do things a little differently.

I was diagnosed in my thirties. I got diagnosed in an interesting way. I was thirty-four, and I was on my first date with a psychologist. One part of my learning disability is a "blind spot", just about where polite people put their wine and water glasses. I knock over glasses placed in that area. I don't know why I do it, but if a glass is in that spot I knock it over. I have knocked over more wine glasses and more water glasses in my day than you can imagine.

So I compensate. As I sit down at the table, I move the glass out of the blind spot. No big deal. I haven't knocked over a glass in years. You can take me anywhere.

Anyway, I sat down. Remember, this was the first date. I moved my wine glass and she said, "Why did you move your glass?"

I said to myself, "Here comes Freud." My first thought was what did my mother do wrong. She said, "I bet you have a bad sense of direction."

When I get out of the subway in New York, the same subway I take every single day, I have to stop and orient myself to something, to a building, a street sign, because I have a bad sense of direction. And I don't know my right from my left.

She said, "I bet you can't spell." And I bet you have trouble with this and trouble with that, and by the time she was done I felt about two feet tall, but I said, "Yes that's all true."

She had me tested, and I found out that I had dyslexia, which means that I have some difficulty reading. Which doesn't mean I reverse letters. Everybody thinks that if you have dyslexia you must reverse your letters. No, I see all the letters the same as everyone else; it's making words out of them that I find hard. And staying on one line is hard. I sometimes read two words from one line, then words from another line.

I also have dysgraphia, which means that I have some trouble writing, and dyscalculia, which means that I can't do math in my head, and a whole bunch of other little things.

Every learning disability is like a finger print; every one is different from every other one. So when someone says I am learning disabled that doesn't mean its the same dysfunction as the last person you saw who was learning disabled. It doesn't mean you deal with each of us in the same way.

In any event, our first date was also our last. But I learned that I was learning disabled, a mixed blessing. Up until that time I assumed that I just wasn't too bright. If I worked a little harder than everyone else, I would be able to keep up. If I did a little more. If I got up at five in the morning, no one would know I wasn't too smart.

Remember, this was at age thirty-four. I was already practicing law, and I had just started, for the first time in my life, to feel really good about myself. I was what they called a late bloomer. I bloomed in December. I was thirty-four, and I'd become an expert in what was then a little known field, co-op and condominium housing. Nobody was doing it, and I was an expert traveling around the country lecturing. I was feeling good about myself.

Then I learned I was learning disabled. I certainly didn't run out and say, "Hey guys I'm learning disabled."

Imagine this picture, there are two lawyers on a floor, one is learning disabled, and one isn't. A client comes in and speaks to the first lawyer, the one who is learning disabled. What question do you think he or she would ask? "How do I get to the second lawyer?"

The fact is the first person someone wants to go to when he has a really difficult problem is not likely to be someone who admits that he is learning disabled. The fact is that you here listening to this lecture, are not sure you want to use that lawyer.

The fact is you're not sure you want to promote this judge who admits he is learning disabled. There are still people who say things like, "That Gallet is okay, but I guess he has gone about as far as he can go."

This is hard for me to deal with because I am only forty-six. I think there may be another step in my career.

No matter how many times you tell people that Albert Einstein was a dyscalculaic they still doubt my ability to function well. Albert Einstein—his name is literally synonymous with genius—learning disabled. Thomas Edison, Simone Bolivar, Winston Churchill, George Patton, Nelson Rockefeller and Woodrow Wilson were all learning disabled. Yet people still doubt my ability to function well with a learning disability.

So for thirty years or so I thought I wasn't too bright. My teachers thought I was lazy. I didn't understand why I didn't learn. Everyone told me I really wasn't going to make it. I just knew I wasn't as smart as anyone else. Suddenly, somebody said, "You're learning disabled; you're not stupid." So I hid it. I didn't tell anybody about it. I guess it was nice to know, but I certainly wasn't going to tell the rest of the world. So it became an extra burden—I had to make sure that nobody knew.

I went on to become a judge and I was giving a lecture for the American Bar Association on sentencing, and the editor of the magazine *Their World*, Dr. Julie Giulligan, came up to me at the end of the lecture and said, "You didn't speak about sentencing of juveniles who are learning disabled. You don't understand what it is like for them." I looked at her and said, "Lady, I understand. I am learning disabled." She said, "We're going to tell the world." I said, "Don't tell anybody."

Finally she persuaded me, and I went public. Now I carry a tag. I'm not "Family Court Judge Jeffrey Gallet". I'm "Learning Disabled Family Court Judge Jeffrey Gallet". I recently did a part of that Steinberg case that you have been reading about in the papers. I was the judge who had that case at the very beginning. I had actually both children; Lisa was alive when the case first came to the court. I handled that case well—there was no media circus in my court. I got the little boy exactly where he was supposed to be, and I found a way to cut the red tape by using special sections of the Family Court Act. I dealt with a hundred reporters at a time in my court, and I got wonderful reviews from lawyers and my colleagues. What do you think went out on the national news wire, the big news story, "Bench Mark on the Bench—Learning Disabled Judge Did the Steinberg Case—Sends Little Travis Home". The talking frog did it again. Once you get that label people can't see past it.

I absolutely have it made. I have every indicia of success. I was a successful real estate lawyer with a very good law practice; I was a judge by age thirty-seven. I have written five books, forty articles and have thirty published opinions. I have taught at four major universities includ-

ing Columbia, a school to which I not only couldn't be admitted when I was a student, but which wouldn't even let me get off at the subway stop at 116th Street and Broadway.

In my head I know that I am as smart as any one of you. But in my heart I'm sure that you're going to scratch my surface and find out that I am really a frog. You are going to find that kid who had trouble getting out of high school. Somewhere, deep down, I know you are going to find out that I graduated dead last in my college class. (I'm the only person you know that graduated last in his class—and admits it. But it is true; I did).

I can't suddenly think of myself as a prince when all my life everybody told me I was a frog. I carry that baggage with me all the time. All of us with various kinds of disabilities—not just learning disabilities—have that same self image problem.

Look at me. I've made it. I'm here. Think about it. Professor Engel contacted me in New York, and flew me here from Corpus Christi to give this talk. I'm teaching law students even though I barely got into law school. But I still have that self-image problem. I can't fully believe that everything is okay. After writing all those books and articles, I still have writers block every time I sit down to write. I feel in my heart that I'm putting myself on the line. I'm giving you another chance to find out that I can't do it. Even though, in my head, I know that I can.

Do any of you have a degree in political science or sociology? You couldn't graduate without reading a book or an article by Seymour Martin Lipsit. Marty Lipsit had an endowed chair at Harvard until they stole him away to Stanford—the Harvard of the west. Seymour Martin Lipsit, advisor to Presidents, is learning disabled.

I saw him get an award in Washington a few years ago. Some of his former students were there to honor him, including: Bill Bennett, who was then the Secretary of Education, Jean Kirkpatrick, the former UN ambassador, and Congressman Henry Waxman. The master of ceremonies was another of his former students, Stuart Eisenstat, who had been President Carter's chief domestic advisor. Eisenstat introduced Lipsit saying, "When Marty Lipsit was in the New York City school system, he was tracked with the slow students, but now there are probably not more than five people in the country who can intellectually track with Marty Lipsit." The audience cheered and gave him a standing ovation as he walked up to the microphone. He got up to the podium, raised his hands for quiet, and said in a soft voice, "Thank you Stuart, I appreciate that

introduction, but that is not my image of myself". He went on to explain that even he, deep down, had a poor self image.

Last year, I chaired the Family Law Curriculum Committee for the New York State Judge's School. I remember walking into the first meeting. I was a few minutes late, and I rushed into the meeting room to find seven or eight of the smartest judges in the state sitting around the conference table. Suddenly, I felt as though there was a hand gripping my heart. For just a moment, I was mute. I couldn't say a word. I simply could not believe I was in that room. Then my mind took over, and I realized that it was my meeting, and the judges there were my friends. I went on with my meeting, and I did okay once I got my self image under control.

You have to understand, when you are learning disabled you compensate all the time. When you go to a restaurant you have to read the menu. If you go into a coffee shop, its easy. The menu says hamburger and french fries. I can read it. It is written in big block letters. The words are familiar English.

Have you ever noticed that the more expensive a restaurant is, the harder it is to read the menu? First of all, they use fancy type. Secondly, they use a foreign language. I had enough trouble becoming literate in English.

Even expensive American restaurants use foreign words. I think of goat cheese as goat cheese. However, in the jargon of *nouveau cuisine*, it is *chevre*. For years, I had a hard time in fancy restaurants. I couldn't say to my clients, "I'm working on your ten million dollar deal, but I can't read the menu. Would you tell me what's on it?" That leads to a confidence gap. So instead there are tricks I used.

When the waiter comes, he may tell you the specials of the day, if you choose one you're home free. Sometimes they don't have specials; then you have a problem. What I would do is bluff. Assume I was in an Italian restaurant, I would say, "Do you have any linguini with white clam sauce?" Most Italian restaurants do have linguini with white clam sauce, and I would order it. If they didn't have it, I would ask, "Do you have anything like it?" The waiter invariably gave me a couple of choices, and I ordered one. No one was the wiser.

Better than nobody being the wiser, people thought I was a discriminating guy, who got exactly what he wanted. The truth is, I don't even like linguini.

One day I was with my wife and a colleague and her husband in a very nice Italian restaurant in New York's Little Italy. I went through

my usual linguini song and dance, while they all ordered other things. Then I said, "Wait a minute, call the waiter back. I can't read this menu and I don't want any linguini." I ended up with the most terrific calamari in a hot sauce. And I haven't eaten linguini since that day. As a matter of principle, I'm probably never going to eat linguini again as long as I live.

Sometimes of course, things are not my fault, but I'm sure they are. The family court judges in Manhattan meet for lunch every Friday, at one of the good restaurants in Soho where they give each table a hand written card with the day's menu. Since we are a large group, whoever gets the card reads it to the group. I always position myself not to be the one who gets the card. One day I got there late and was stuck. They handed me the card. Sitting to my left was Judge Mara Thorpe. In every group there is somebody who is really smart, someone everyone goes to with a problem. That's Mara. So I hand it to Mara and said, "I am embarrassed, but I just can't read this thing." She took the card, put on her glasses, looked at the card, and turned to me and said, "I can't read it either. It's illegible."

I always think it is my fault.

I was lucky. Every time I had a crisis, everywhere along the way when there was a problem, somebody was there to help me. Unfortunately it wasn't teachers. I was depressed from kindergarten through law school. In fact I was depressed so long that the presumption was that was the way I was normally. I am not being facetious when I say that.

When my depression ended, my mother was amazed to find out who I really was, and so was I. When I use the word depressed, I don't mean a little bit sad. I am talking about clinical symptoms. It's hard to live with everybody telling you that you're stupid all the time.

My teachers were not surprised to find out that I ended up in court. They were only surprised to find out that I was the judge, not the defendant. I was miserable in school. I hated it, and my teachers knew it. I was a problem child, and I would sit in the back of the room. I talked in class. I did not work up to my potential.

My teachers figured I was lazy. You know when you are in school they set you up in groups, the rabbits, the eagles. I was in the turtles. I was always in the turtles. But I could function as a turtle because I was bright enough, so I could keep up with all those people who had IQs of about seventy-nine.

When I was in the first grade I got the highest mark in my class on an IQ test. My teacher called in my father and told him that I had

cheated on the test. My father, a good trial lawyer in his day, said, "He must be awfully smart." The teacher said, "Smart?" My father replied, "He only copied the right answers."

I will never forget the seventh grade if I live to be 100. One of my teachers took a composition I had written, marked up in red, with a big "F" on it, and posted it on the bulletin board, and left it there for a week. If I was always depressed, you can imagine how I was that week. It was terrible. My father finally got out of me what happened. One of the great memories of my life, and one of the great memories of my father, was seeing him walk into that classroom. As he walked by the cork board he tore the composition down, and wadded it into a ball. I do not know what happened after that because they made me leave the room, but my work was never posted on the board again.

One way to help you understand what it is like for us, for those of us that are learning disabled, is to ask you to picture a city room of a newspaper. You know, a large room with lots of desks, and reporters typing. Imagine that the editor comes in and looks at you and says, "Gallet, you here again. I just read your story, it is terrible; just like yesterday's. Rewrite it". He tosses it on your desk in front of your colleagues and continues, "Gallet's going to cover the garden club forever. If he's really good we'll let him cover the library meeting".

Assume that all of your proficiency reports are bad, that people who get hired after you, get promoted above you; and everybody gets a raise but you. How long would you keep that job? A day? A week? A month? A year? But that's how school was for me, for twenty years. What is surprising to me is not how many learning disabled people drop out of school; what is surprising to me is how many stay in.

I was lucky, I grew up in a home where learning was held in great value. I had parents who encouraged me to go to college. I was in a house where there were always books.

Of course, I was a terrible disappointment to my parents. They were the first generation born in this country. My mother did not speak a word of English when she entered the New York City school system. My father was not much better. They went to school at night. My father became a lawyer, and my mother became a teacher. I was their first born; the great hope; the American dream who would validate years of struggle.

It is unfortunate that my parents did not live to see me become a judge. They would have been proud.

The playground was no easier for me than the classroom. What do

you think a social life is like if you think of yourself as the lowest of the low? You are not an athlete; you are not a scholar. You have no self confidence; you are not really happy going in to order in a restaurant. You are afraid to read something out loud because you may mispronounce the words.

So I went on to college. If Stanford is the Harvard of the west, Wilkes College is the Harvard of the northeastern Pennsylvania coal country. With my usual academic abilities, I graduated dead last in my class after three and one-half years of academic probation. At the end of my last year, I went to career counseling. This was 1964, right at the height of the Viet Nam War. I remember the Dean telling me, after review of my school records, and something called the Iowa Preference Test, that there were two things that I shouldn't do: be a farmer, or go to graduate or professional school.

I had a professor named Hugo Mailey. He said, "Gallet, you are going to law school." I said, "Professor, first of all I cannot get in, and secondly, if I could get in I would not go if you paid me. There is nothing in the world worse than school. This is it. I do not have to do this any more." He said, "I can get you in; I'm going to call the law school Dean." He got on the phone and actually got me in. He also said, "There is something worse than more school. Imagine yourself in a hot, humid climate where people hide in trees and shoot at you."

So I went to law school. Law school was easier for me because it is less dependent on rote learning. I did not have to have the right answer, just one I could defend. If those judges on the Supreme Court decide cases by votes of five to four, how am I supposed to know the right answer.

In any event, I did better in law school. I got lucky again. I had a great roommate. Steve Lusthaus took great notes, and loved to study by discussing them. He made my school life much easier. But even with Steve's help, by the end of my second year I was going to drop out. I couldn't stand it. One day, I told Steve I was not going back. He kept me up to five o'clock in the morning arguing with me to stay. Finally, I said, "Okay, let me go to sleep; I will do one more year. Leave me alone". I stayed for one more year.

I had lunch with Steve recently. We kept missing each other on the phone so I dropped him a note to set the time. He came with the letter in his hand and said, "Nothing has changed." I said, "Why?" He said, "Look at this letter, you misspelled both my first name and my last name."

When I got out of law school, I still could not string paragraphs or sentences together into a coherent whole. Again I was lucky. I met a man named Louis Yavner who ultimately went on to become a member of the State Board of Regents. When I was a young lawyer, Louis Yavner approached me and said, "You are too smart to write that badly." He spent time with me and taught me how to write. In fact, he taught me how to write so well that I have since taught writing at judges schools in New York and Vermont. I had an advantage. I never learned how to do it wrong as a child.

Another striking bit of luck. I had a partner named Stanley Dreyer, of the famous right/left speech. Stanley Dreyer loved gadgets. He taught me how to adapt to my environment, and adapt my environment to me. He bought me a word processor. He put a calculator and a dictaphone on my desk. Even more important, he said something that I will never forget. He said, "It is your job to think; it is your secretary's job to spell." I do not have any trouble thinking. I still cannot spell, but my typewriter spells. And, I have a little computer that spells. I cannot do math in my head easily, but I have a calculator on my wrist and that does it for me. I do not go to movies with subtitles, but I function on a very high level—and very well. So can every one of those students who are learning disabled, with a little help, and the ability to adapt to their environment.

So here I am before you today, a talking frog, still waiting for that kiss to turn me into a prince. Still trying to forget that I'm a frog.