Albany

When Richard Rivera was a struggling 16-year-old freshman at Colgate University, a faculty adviser gave him the best advice he never took.

Go home to the South Bronx and just learn a trade, the adviser told the city kid transplanted to a small-town college about an hour southeast of Syracuse.

"He was judging me rather than finding out how he could help me," Rivera recalled recently — a lesson that Rivera will take with him next month to the Albany County Family Court bench.

Rivera, 49, of Albany, is the county's newest family court judge and first person of Hispanic descent ever elected to countywide office. He is also the first person of color elected to a county judgeship, and is believed to be among the highest-ranking Hispanic elected officials ever in the region.

His election in November — in a little-noticed uncontested race — came in a year in which diversity on the bench dominated the headlines elsewhere on the ballot in the race for state Supreme Court.

It also comes as the county is grappling — by dint of a third consecutive federal lawsuit — with how best to represent its rapidly expanding Hispanic population, which increased by 64 percent between the 2000 and 2010 censuses.

But Rivera — the bilingual, soft-spoken middle child of parents born in Puerto Rico — said it was never his aim to be the first anything. The way he saw it, if you want to really help people you have to be the one making the decisions. And judges make the decisions.

Yet early on, it wasn't clear at first that he'd be a lawyer at all.

An accelerated middle-school program that combined seventh, eighth and ninth grade into two years eventually landed Rivera at Colgate at an age at which most high school kids are still aiming for varsity sports.

There he studied Spanish literature and wrestled with whether to pursue a career in medicine or law — as his brother's godmother had predicted years earlier.

"She said, 'When you grow up, you're going to be a lawyer,'" Rivera said. "So I politely smiled."

Nonetheless, he believes that planted the seed in his head. And when he decided on law — and
Albany Law School — he did it with the goal of one day becoming a judge.

As a freshly minted juris doctor, he went to work for longtime local defense attorney Gaspar Castillo, who two decades later sees Rivera's election as a significant and symbolic step forward in ensuring that the courts look like the people they serve.

"I think the system is served when the people that come before it are able to see people of other races in positions of authority," Castillo said. "It's not that a Caucasian judge cannot give me fairness and justice. I'm talking about how important is for people to understand that the system is everybody's system."

Rivera's career eventually shifted toward government, where he served as counsel to the state Senate's Democratic minority and later to former Republican Lt. Gov. Betsy McCaughey Ross after she switched parties and challenged her boss, Gov. George Pataki.

After a stint working in financial planning, he returned to government service, eventually landing a job as an alternate public defender and as an assistant county attorney.

It was in his role as a family court prosecutor six or seven years ago that he said he encountered a young black teen in a drug diversion program who asked him a question that drove home the significance of not only achieving a personal goal of becoming a judge but being a role model in the process.

Rivera had been tasked by the court with monitoring the collection of the teen's urine sample.

"On the way back to the courtroom, he asked me, 'Are you the only one?' And I immediately knew what he meant," Rivera recalled. "I told him I am the only one who is here all the time."

"It made me see how important it is (for young people of color) to see us as lawyers, as doctors, as judges on a regular basis," he said. "A lot of them come from environments where you ask yourself — what options do they know?"

Still, Rivera's ascendancy to the bench got off to a bumpy start. Despite being appointed a family court support magistrate in 2010 — a post that empowers to him to do some of the work of a family court judge — he launched his first campaign in 2013 with no institutional political support and failed to qualify for the ballot.

But his persistence caught the eye of at least one influential political operator, former Albany County Legislator Wanda Willingham. And the creation this year by state lawmakers of a fourth family court judgeship in Albany County provided an opportunity.

Willingham, who met Rivera late in his first campaign, said she was impressed by his work ethic and energized by the prospect of a positive role model for her grandson, who is part Puerto Rican. But Willingham also drew a straight line between Rivera's election to family court and the diversity debate in this year's state Supreme Court race.
"What has always kept us out when you think about the history is, 'You don't have the experience,' " said Willingham, who is African-American. "We were finally able to set up a path for this man, if he got in, to move from family court to Supreme Court. ... There's no excuse. He's in the queue. He's in the pool. And you don't have to sell him. Because he's there. And his record will speak for itself. But you can't say he's not qualified."

Ladan Alomar, executive director of Hispanic social services agency Centro Civico, said Rivera's election is the embodiment of the aspirational nature of the Pledge of Allegiance.

"We are all striving for that liberty and justice for all. And his election, in my humble opinion, is step forward toward that liberty and justice for all," Alomar said. "He is really wonderful for that position, and his election makes me and many others feel something big has happened that we have to celebrate."

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