

The Justice Building in Albany, where the Third Department has sat since 1972, with the New York State Capitol to the left.



Introduction by the Court

One hundred years ago, the people of the State of New York established our Court by Constitutional amendment to improve the disposition of appeals in New York State. The creation of a strong and stable intermediate appellate court such as ours was a key concern. That the Appellate Division framework established a century ago has remained largely unchanged is a testament to the wisdom of the Constitutional delegates who formed our Court and to the dedication of the many Justices and nonjudicial staff who have served our Court over the years.

In this brochure, we hope to provide the reader with a glimpse of some of our distinguished Justices, the courtrooms in which we have sat, and the responsibilities we discharge. We also hope to provide a picture of our Court's rich history and the continued importance of our Constitutional mandate.

The biographical sketches contained in the following pages are those of past and current Justices of this Court. They are the face of the Court presented to the public. But the success of our Court is not only attributable to the work of these Justices, but also to the efforts of an outstanding and supportive staff. Handling appeals is also a cooperative effort involving the Court, the litigants, and the attorneys who represent them. We have been fortunate to work with a courteous and knowledgeable Bar who have helped this Court contribute to the growth and improvement of the law and, most importantly, to achieve justice.

We look forward to beginning our Court's second century of judicial service and hope that it successfully continues the tradition of excellence established during the first one hundred years.

Anthony V. Cardozo
Presiding Justice

Ann T. Mikall

Thomas E. Merury

Donald C. Crews

James A. White

John F. Gasey

Paul J. Gasawich Jr.

Sam L. Ledson

Edward O. Quinn

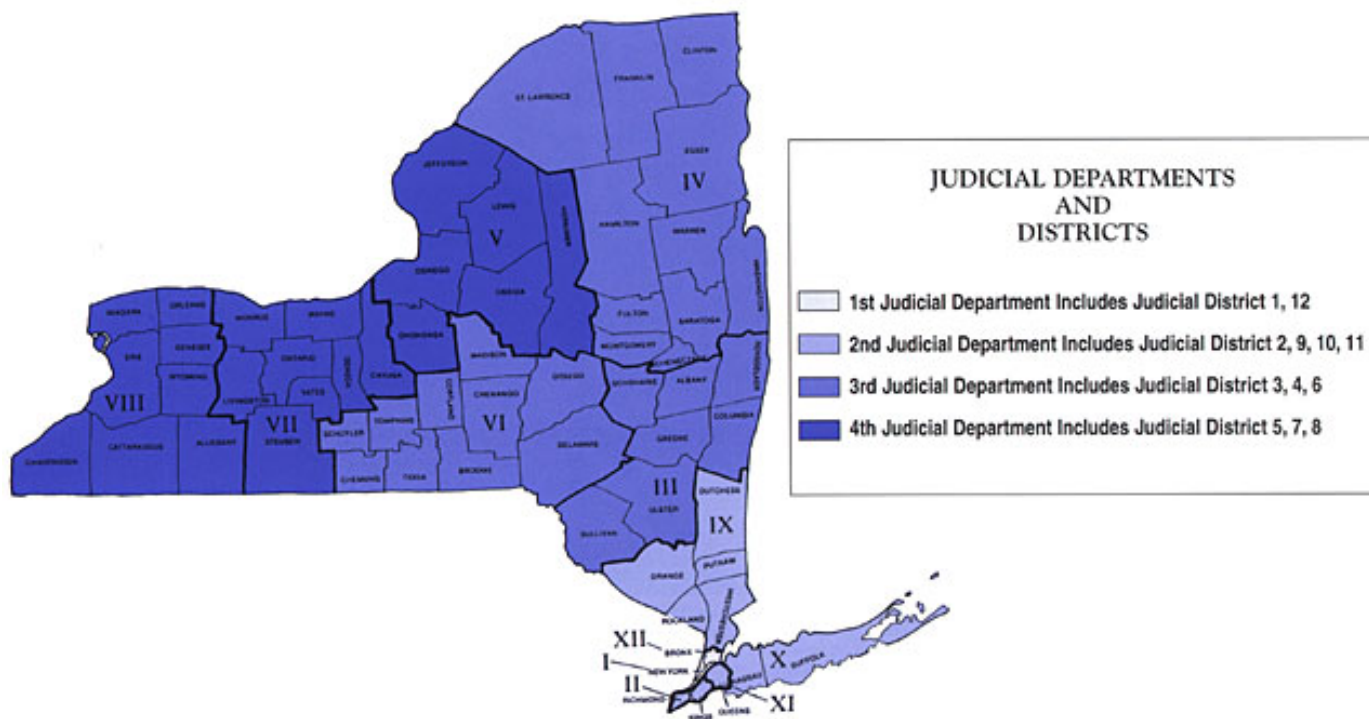
Anthony J. Longino
Associate Justices



An Overview of the Appellate Division

The Appellate Division is New York State's intermediate level appellate court. It hears appeals from trial courts and has power to review both law and facts in civil and criminal cases. Appeals from the Appellate Division are taken to the Court of Appeals, the State's highest court. The bulk of all appellate review in New York State is provided by the Appellate Division.

The Appellate Division, Third Department, which is located in Albany, is one of four Appellate Division Departments. Each Department exercises appellate jurisdiction in a separate geographic region. There are 28 counties in the three judicial districts making up the Third Department, which stretches from the Canadian border in the north to the lower Catskills in the south and from the Vermont and Massachusetts borders in the east to the Finger Lakes in the west. The Third Department includes just over half of New York's land area and contains about one-seventh of the State's population.





The Appellate Division hears appeals directly from the Supreme Court, County Courts, Family Courts, Surrogate s Courts, and the Court of Claims. The Appellate Division, and especially the Third Department because of its location in the State s capital, also hears appeals from decisions by State agencies.

The Supreme Court, of which the Appellate Division is a part, is the State s principal trial court with a branch in each of New York s 62 counties. The Justices of the Supreme Court are elected to 14-year terms by the voters of their respective judicial



Court House, Kingston, Ulster County, circa 1914

districts; there are 12 such districts in New York State. The Justices of the Appellate Division are appointed by the Governor from among the Justices of the Supreme Court. The Governor also designates the Presiding Justice in each Department. All Supreme Court Justices have a mandatory retirement age of 70. Retired Justices may be certified for additional service on the Supreme Court or the Appellate Division for two-year periods. No Justice may serve past the age of 76. Ten Justices now sit on the Third Department.

As a division of the New York State Supreme Court, the origins of the Appellate Division can be traced back directly to 1691. In that year, the Colonial Assembly, organized under English rule, established the Supreme Court of Judicature, the antecedent of today's Supreme Court. Intermediate

appellate jurisdiction was first lodged in the Supreme Court of Judicature, which was continued intact by the State's first Constitution, adopted at Kingston in 1777. Such jurisdiction was next lodged in the eight General Terms of Supreme Court by the Constitution of 1846. After the adoption of a reformed judiciary article of the Constitution in 1870, the State was divided into four judicial departments, the direct predecessors of today's four Appellate Division Departments. The Third Department was composed of the same three judicial districts (the Third, Fourth, and Sixth) and counties as it is today. Four of the Third Department's first five Justices served on the reformed General Term after 1870.

The present Appellate Division, which supplanted the General Terms, was established by the Constitutional Convention of 1894. The person credited with formulating the Appellate Division framework was Elihu Root, chairman of the Convention's Judiciary Committee and later a recipient of the Nobel Peace Prize after serving as both United States Secretary of War and Secretary of State.

Judicial Districts. The Justices of our Court have been appointed from judicial districts located within and outside the Third Department. Thirty one Justices have come from the Third Judicial District, 21 from the Fourth Judicial District, and 19 from the Sixth Judicial District. Six other Justices have been appointed from judicial districts outside of the Third Department (total: 77 Justices).

The Mayflower. Two Justices traced their ancestry to Elder William Brewster of the Mayflower (Justices Alden Chester and O. Byron Brewster).



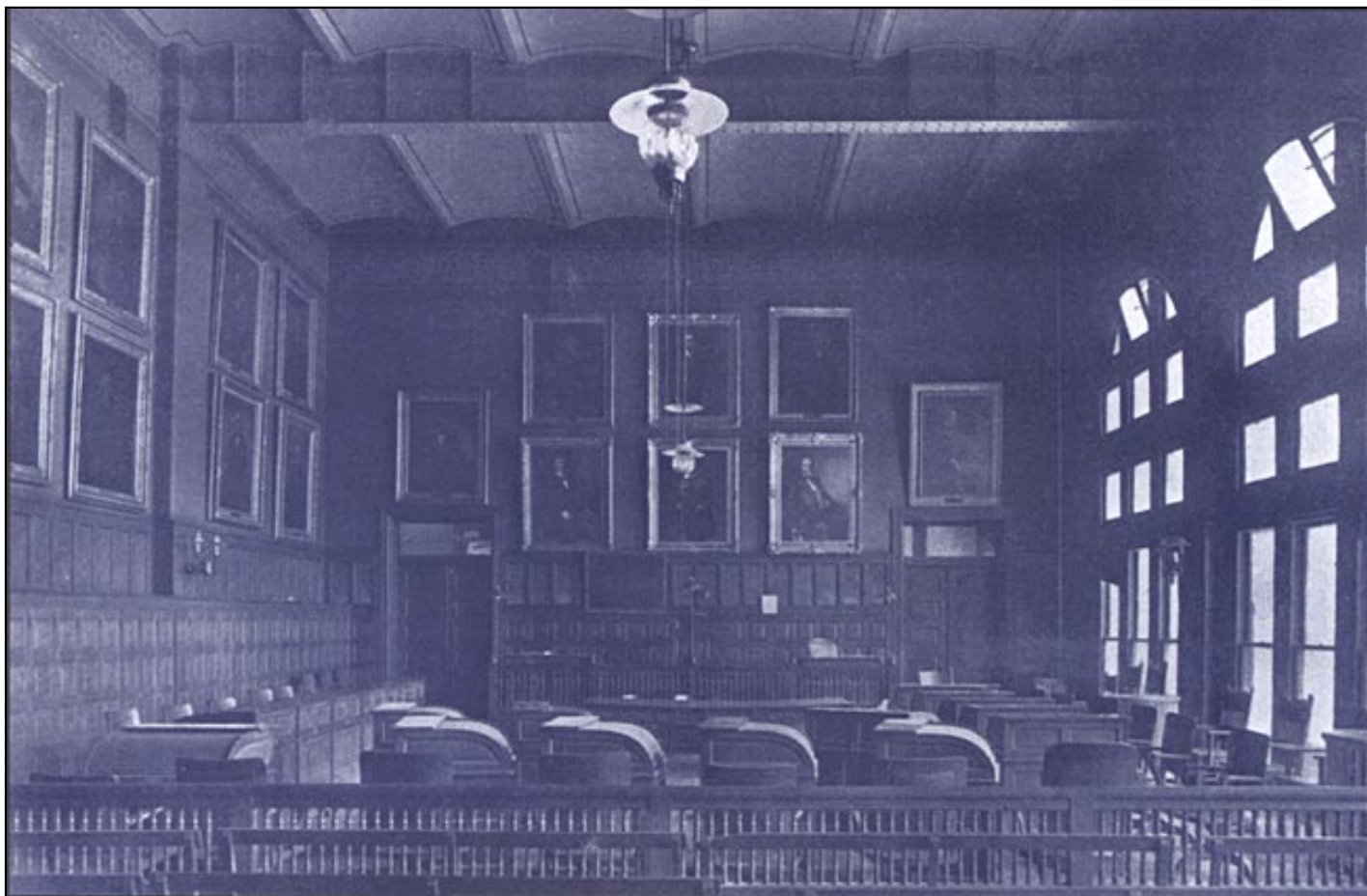
An early postcard view of City Hall, Albany, where the Third Department held its first sessions in 1896.

The Third Department in 1896

The Third Department held its first two regular sessions, in January and April 1896, and an extraordinary session in October 1896, in Albany's present City Hall, where it occupied temporary quarters and convened in the Common Council chambers. The Court's predecessor, the General Term, had previously been housed in the same building. The Court heard its first case on Tuesday, January 14, 1896. The first lawyer to argue before the Court was Isaac H. Maynard, who had been a member of the Court of Appeals from 1892 to 1893. He appeared in a railroad condemnation proceeding, which was one of the Court's earliest reported decisions (*Erie & Central New York R. Co. v Welch*, 1 App Div 140). The Court issued

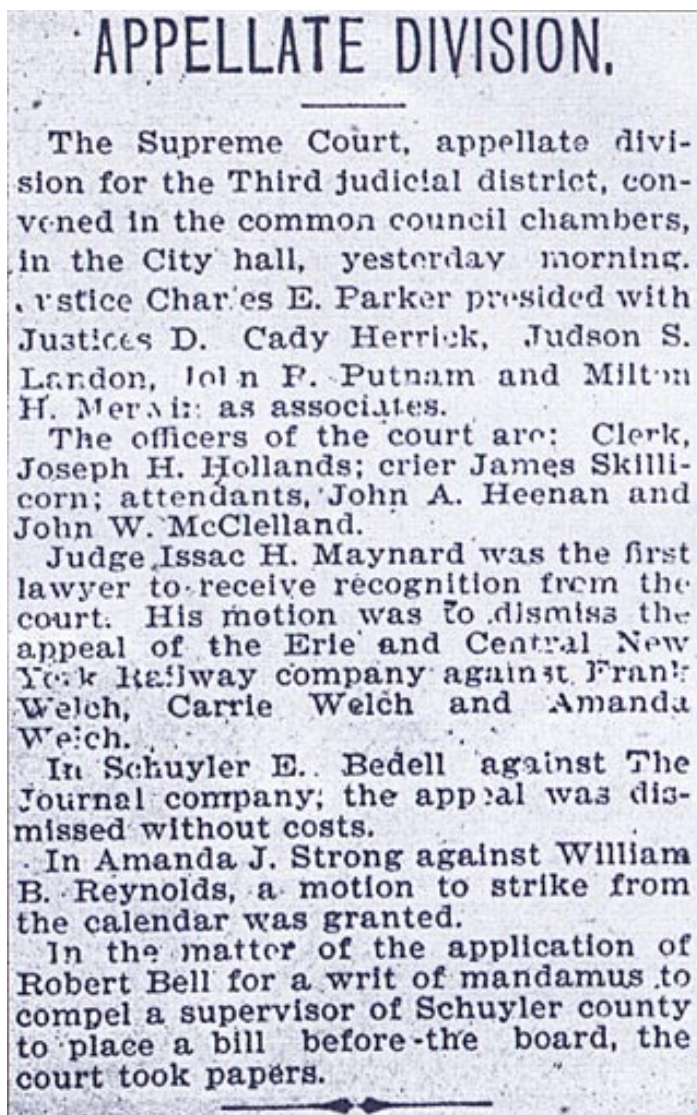
14 opinions from that January 1896 term. The first reported decision, *People ex rel. French v Town* (1 App Div 127), an opinion by Presiding Justice Parker, held that the board of street commissioners of the Village of Saratoga Springs had no authority to hire an attorney to protect Village property since the Village board of trustees had retained an attorney whose services were available to the board of street commissioners. Nearly 80 years later, the case was cited with approval by the Court of Appeals (*Cahn v Huntington*, 29 NY2d 451, 454). The other decisions issued from the first term concerned procedural matters, a Village of Cortland ordinance controlling the sale of intoxicating liquors, a Delaware County case in which a wife sued the seller of liquor to her husband for resulting injuries to herself after the husband became intoxicated, an action on a promissory note given for a loan to purchase a popcorn wagon, and interpretation of a

Authors. Two Justices have authored and edited significant works on New York State judicial history. Justice Alden Chester was the author/editor of two multivolume works: "The Legal and Judicial History of New York", published by the National Americana Society, New York, 1911 (2 volumes); and "Courts and Lawyers of New York: A History", published by the American Historical Society, New York and Chicago, 1925 (4 volumes). Presiding Justice Francis Bergan wrote: "The History of the New York Court of Appeals, 1847-1932" (Columbia University Press, 1985); and "The Appellate Division at Age 90: Its Conception and Birth, 1894" (New York State Bar Journal, January 1985).



The Common Council Chamber in Albany City Hall, as it appeared when the Third Department held its first sessions there in 1896.

Photo: Albany Institute of History & Art, Ephemera Collection.



The Albany Argus, January 15, 1896.

provision of a will probated in the Broome County Surrogate's Court bequeathing \$1,000 to the Japan Mission.

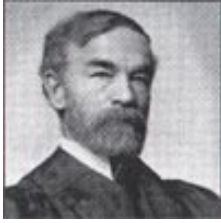
The present City Hall is the second city hall to occupy the site, the first having been destroyed by a fire of mysterious origin on February 10, 1880. City Hall was built during the years 1881 to 1883.

It is four stories in height, with a tower 202 feet high, which houses a bell carillon installed in the 1920s as a memorial to the heroes of World War I.

Longest and Shortest Terms of Office.

Presiding Justice J. Clarence Herlihy recorded the longest tenure on the Third Department, from March 1958 to the end of 1982, over 24 years. The shortest service on the Court was by Justice Henry B. Coman, who served just one day, August 2, 1907, in place of absent Justice Aaron V.S. Cochrane; his designation to the Court ended on August 7, 1907. The next shortest tenure was recorded by Justice Robert O. Brink, who served from November 17, 1966 to December 31, 1966. Presiding Justice James P. Hill had the longest tenure as Presiding Justice, 16 years (January 1, 1933 to the end of 1948).

Youngest Justices. Justice F. Walter Bliss has the distinction of being the youngest Justice to serve on the Third Department. Justice Bliss was 40 years old when he was appointed to the Court in 1933. The youngest person to serve as Presiding Justice of the Third Department was Walter Lloyd Smith, who was 50 years of age when he was appointed Presiding Justice in 1907.



S. Alonzo Kellogg
Plattsburgh
1899-1903



Samuel Edwards
Hudson
1900-1901



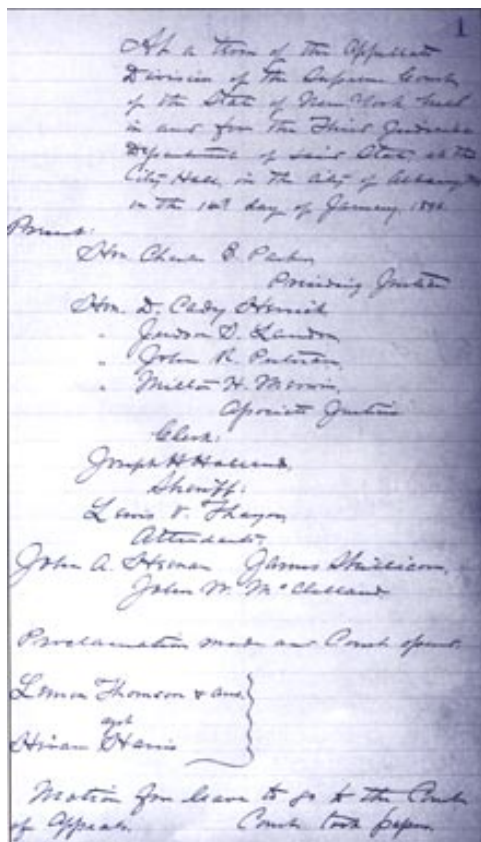
Emory A. Chase
Catskill
1901-1906



Edgar L. Fursman
Troy
1902



Alden Chester
Albany
1902-1909



Third Department minutes, volume 1, page 1, January 14, 1896.

Constitutional Conventions.

Twelve Justices served as delegates to New York State Constitutional Conventions in 1867 (3), 1894 (2), 1915 (1), 1938 (6), and 1967 (1).

Some Events of 1896

Utah admitted to the Union; 45th State	January 4
Third Department convenes for the first time and hears cases in Common Council chambers at Albany City Hall	January 14
First motion picture shown to public in New York City	April 23
U.S. Supreme Court decides <i>Plessy v Ferguson</i> separate but equal doctrine	May 18
First modern Olympics held in Athens	Summer
Klondike gold rush begins	August 12
Adolph S. Ochs gains control of New York Times; adds book review, Sunday magazine, adopts slogan "All the News That s Fit to Print"	August 18 October 25
Third Department holds term in Saratoga Springs	September
William McKinley defeats William Jennings Bryan for President; Frank S. Black from Troy elected Governor	November 3
Third Department holds first term in Albany County Building	December



James W. Houghton
Saratoga Springs
1903-1905, 1910-
1913



Albert H. Sewell
Walton
1907-1912, 1917



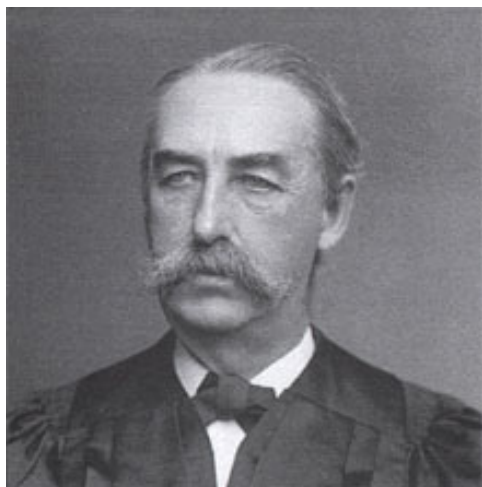
James A. Betts
Kingston
1911-1912



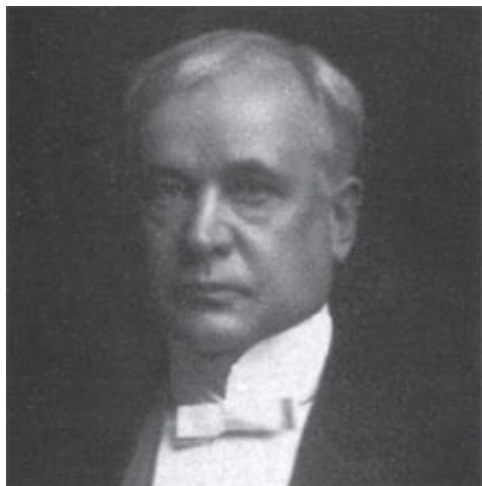
George F. Lyon
Binghamton
1912- 1919



Wesley O. Howard
Troy
1913-1916



Presiding Justice Charles E. Parker (1836-1909) was born in Owego in Tioga County. His father, John M. Parker, was a member of Congress and a Justice of the State Supreme Court. His grandfather, John C. Parker, was also a judge. Presiding Justice Parker graduated from Hobart College in 1857. He read law with his father, was admitted to the Bar in 1859, and after a year of practice in Elmira, returned to Owego. In 1867, he was appointed United States Commissioner for the Northern District of New York and in the same year was elected a member of the State Constitutional Convention. At various times in the 1870s, he was President of the Village of Owego. He was elected County and Surrogate Judge of Tioga County in 1883. He was elected to the Supreme Court in 1887 and reelected in 1901. He was appointed Presiding Justice of the Third Department in October 1895 and served as such until he retired on January 1, 1907. Presiding Justice Parker was said to be quite eccentric in manner. He had great scorn for fashion and modish clothing, and it took considerable urging on the part of his colleagues on the bench to induce him to wear the robe of a justice. He was very interested in scientific agriculture and owned and operated a large farm near Owego.



Justice D. Cady Herrick (1846-1926) was born in Esperance in Schoharie County. After his family moved to Albany, he attended public schools and later graduated from Albany Classical Institute, a boarding school. He studied law with Tremain & Peckham, in Albany, and graduated from Albany Law School in 1868. One of his classmates there was the future President of the United States, William McKinley. He was admitted to the bar in 1868 and began practicing law in Albany. He first became prominent as a lawyer in his defense of Emil Lowenstein, who was accused of murder, receiving the highest praises for his eloquent, though unsuccessful, argument to the jury. He was later elected Albany County District Attorney in 1880 and served two terms. He also served as Albany's Corporation Counsel prior to his election to the Supreme Court in 1891. Justice Herrick served on the General Term and then on the Third Department from 1896 until 1900, when he resigned to return to the trial bench. In 1904, he resigned as a Supreme Court Justice to become the unsuccessful candidate for Governor. Thereafter, he continued in the private practice of law, with offices in Albany and New York City. The Clerk of the Third Department from 1925 to 1956, John S. Herrick, was a first cousin of Justice Herrick.



John Woodward
Jamestown
1913- 1922



Henry T. Kellogg
Plattsburgh
1918-1926



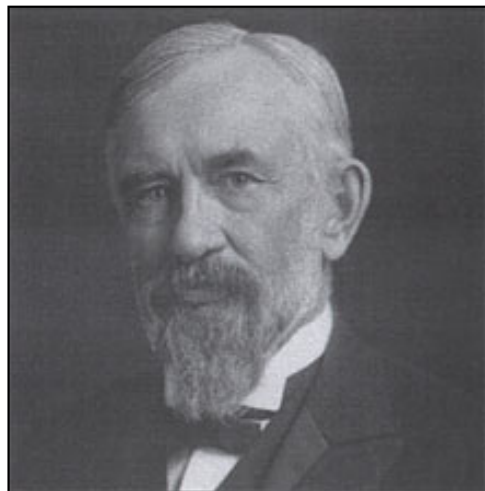
Michael H. Kiley
Cazenovia
1920-1923



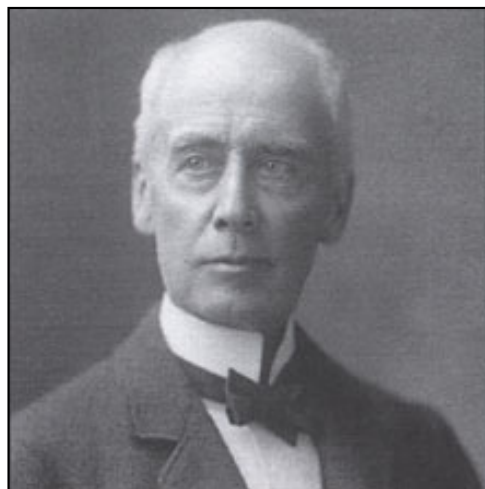
Harold J. Hinman
Albany
1922-1932



Gilbert D.B. Hasbrouck
Kingston
1922-1932, 1928-1930



Justice Judson S. Landon (1832-1905) was born in Salisbury, Connecticut. He taught Latin and the sciences at the Academy at Princetown, Schenectady County, and then studied law for one year (1854) at Yale Law School. He received an undergraduate degree from Union College in 1855. He was admitted to the bar in 1856. He served as Schenectady County District Attorney from 1857 to 1862; Schenectady County Judge from 1865 to 1869; a delegate to the State Constitutional Convention of 1867; Schenectady City Attorney in 1872; and a Supreme Court Justice from 1874 to 1901. While on the Supreme Court, Justice Landon served as a member of the General Term, on the Second Division of the Court of Appeals (this was a court established by constitutional amendment in 1888 to help the Court of Appeals deal with its caseload; it operated from 1889 to 1892), and then on the Third Department (from 1896 to 1899). After retirement, he resumed private practice in 1902. Justice Landon was for 28 years a trustee of Union College and for 27 years a trustee of Albany Law School (he also served on the law school faculty). He was also interim president of Union College from 1884 to 1888.



Justice John R. Putnam (1832-1899) was born in Saratoga Springs, Saratoga County. Justice Putnam's grandfather, Gideon Putnam, is often described as the founding father of Saratoga Springs. Justice Putnam received his early education in Saratoga Springs, studied law in local law offices, was admitted to the bar, and commenced practice in 1855. In 1875, Justice Putnam entered into a partnership lasting eight years with William H. Eustis, later a candidate for Governor of Minnesota. Afterwards, Justice Putnam associated himself with John L. Henning, under the partnership name Putnam & Henning. Soon after his admission to the bar, Justice Putnam served as Justice of the Peace and also acted for a period as one of the Trustees of the Village of Saratoga Springs. In 1887, Justice Putnam was elected without opposition to the Supreme Court. In 1891, he was appointed to the General Term. He continued in that position until he was designated as one of the first Justices of the Third Department, where he served until September 1899. In the fall of 1899, Justice Putnam commenced a voyage on the ocean steamer Hong Kong-Maru with his wife for recreation and health. Their destination was the Philippines to see two of their three sons. Justice Putnam died en route.



George McCann
Elmira
1923-1929



Rowland L. Davis
Cortland
1926-1931



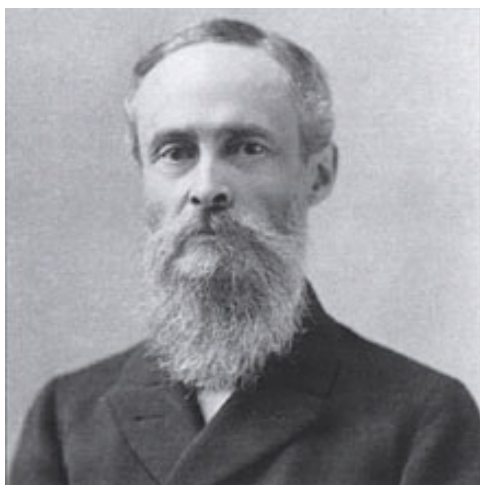
Edward C. Whitmyer
Schenectady
1927-1931



Leon C. Rhodes
Binghamton
1931-1939



Daniel V. McNamee
Hudson
1932-1939



Justice Milton H. Merwin (1832-1916) was born at Leyden in Lewis County. He attended the Oneida Conference Seminary at Cazenovia and later graduated from Hamilton College in 1852. He commenced the study of law in the office of Joseph Mullin in Watertown. Justice Merwin was admitted to the bar in 1853. He continued with Mullin until 1857, when the latter became a judge, and then practiced alone. He was elected special Surrogate of Jefferson County (1854), Jefferson County Surrogate (1859), and a delegate to the State Constitutional Convention (1867). On May 21, 1874, Supreme Court Justice Charles H. Doolittle of Utica lost his life after being swept overboard from an ocean steamer at sea. Justice Merwin was nominated for the Supreme Court vacancy on the 53rd ballot at the Republican judiciary convention. He was elected to the Supreme Court at the ensuing 1874 election and reelected without opposition in 1888. After his first Supreme Court victory, Justice Merwin moved to Utica and thereafter made his home there. On December 31, 1888, he was appointed to the General Term and served there until January 1, 1896, when he began serving on the Third Department. Justice Merwin left the Third Department at the end of 1900, when he returned to the trial bench and continued there until he retired two years later.

Other Judgeships. Thirty-five Justices of the Third Department had prior experience as county level trial judges. Eight served as district administrative judges. Two Justices served as Presiding Judge of the Court of Claims (Justice Gilbert D. B. Hasbrouck and Presiding Justice Harold E. Koreman). Eight Justices also served as members of the other Appellate Division tribunals.

Clerks of the Court. Only five individuals have served as Clerk of the Third Department over the past century. Because the Clerk and staff are career employees, the Clerk's office often serves as the memory for the Court, providing continuity in procedures as the Court's membership changes. Those who have served as Clerk of the Third Department are: Joseph H. Hollands (1896-1925), John S. Herrick (1925-1956), J. Robert Lannon (1956-1960), John J. O'Brien (1960-1983), and Michael J. Novack (1983-present).



John C. Crapser
Massena
1933-1943



F. Walter Bliss
Middleburgh
1933-1944



Christopher J. Heffernan
Amsterdam
1933-1952



Gilbert V. Schenk
Albany
1939-1944



O. Byron Brewster
Elizabethtown
1944-1952



Third Department Court Houses

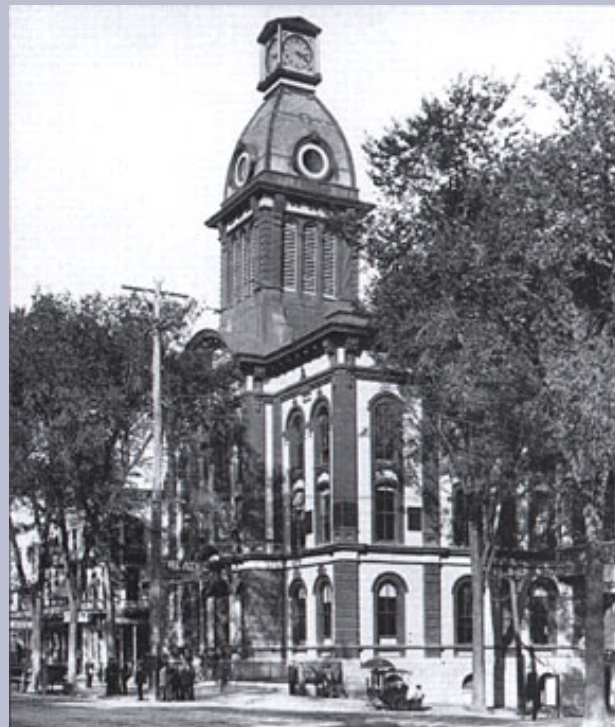
After holding its first few terms of Court in temporary quarters in Albany's City Hall, the Third Department has had three permanent homes. The Court has benefitted from Albany's rich architectural heritage and its history as the State's capital.

Albany County Building (1896-1916)

In December 1896, the Third Department moved from its temporary quarters in City Hall to the Albany County Building, on the northwest corner of State and Chapel Streets. The building originally housed the Albany Savings Bank. Albany County purchased the building from the bank and renovated it for use by county offices and the Third Department. The Albany County Building was razed in the early 1970s as part of the Hotel Ten Eyck Project, which demolished a number of buildings and replaced them with a complex which includes the present Omni Hotel.

Law Schools. More Third Department Justices have graduated from Albany Law School (28) than any other law school. Many of the early Justices had no formal law school education, but studied law in law offices before being admitted to the Bar. Twenty-three Justices fit this description. Other Justices have graduated from law school at Cornell (7) Columbia (3) Harvard (3) Syracuse (3), Yale (3) Buffalo (2) New York University (2) Michigan (2) and Georgetown (1).

Saratoga Springs Town Hall. The Third Department held its September sessions from 1896 to 1918 in Saratoga Springs Town Hall. When Saratoga Springs was incorporated in 1915, Town Hall became the present City Hall. The Court probably met in Saratoga Springs so that the Justices and their families could enjoy the hotels and spring waters for which the town was famous. The American Bar Association was founded in the Saratoga Springs Town Hall in 1878. The Court of Appeals also used to hold sessions in Saratoga Springs.



Saratoga Springs Town Hall before its alteration in 1936 when the clock tower was removed. The Third Department held September sessions here from 1896-1918.

Photo Courtesy of George S. Bolster Collection of the Historical Society of Saratoga Springs.



Ellsworth C. Lawrence
Malone
1945-1946



Pierce H. Russell
Troy
1947-1948



Martin W. Deyo
Binghamton
1948-1951



William F. Santry
Oneida
1949



William H. Coon
Cortland
1950-1963



"Appellate Division, Third Department, One Hundred Years of Judicial Service"



The Albany County Building, circa 1890s. The Third Department sat here from December 1896 to 1916.

Photo: Albany Institute of History & Art, McKinney Library Photograph Collection.

At the dedication of the Third Department's court room in the Albany County Building on December 1, 1896, Presiding Justice Parker said, "The convenient waiting room, and a well ventilated and handsome Court Room, will enable you Gentlemen to comfortably present your cases in a manner satisfactory to yourselves. A private room for each member of the Court, a comfortable consultation room, surrounded by a convenient library, enable us to give our undisturbed thought and attention to our work; and you may be assured that we fully appreciate the energy, good taste and liberality which has been exercised in bringing about this satisfactory result."

Relatives. Justice S. Alonzo Kellogg served on the Third Department from 1899 to 1903, when he retired from the Supreme Court because of ill health. His son, Henry T. Kellogg, succeeded him on the Supreme Court and later sat on the Third Department from 1918 until his election to the Court of Appeals in 1926. Justice D. Bruce Crew III, appointed in 1990, is the nephew of Justice Walter B. Reynolds, who served on the Third Department from 1958 to 1976.



Philip Halpern
Buffalo
1952-1957



Daniel F. Imrie
Glens Falls
1953-1955



Howard A. Zeller
Munnsville
1954-1957



Walter B. Reynolds
Elmira
1958-1976



Donald S. Taylor
Troy
1961-1968



Albany County Courthouse (1916-1972)

The Third Department was next housed in the Albany County Courthouse on Eagle Street for 56 years. The cornerstone of the new courthouse was laid with impressive public judicial ceremony on May 8, 1915. The participants gathered at the City Hall at 2:00 P.M. and then marched, preceded by a militia battalion, to the courthouse. Presiding Justice Walter Lloyd Smith's remarks touched on the imminent danger of war, since the sinking of the Lusitania had recently occurred, He called for an "international court to which all international controversies must be submitted and invested with power to enforce its



Third Department courtroom, Albany County Courthouse, circa 1950s.



Albany County Courthouse, circa 1920s, where the Third Department sat from 1916 to 1972.

decrees." The Albany County Board of Supervisors enacted the necessary legislation for the construction of the Albany County Courthouse under the advice of County Attorney Ellis J. Staley, father of future Justice Ellis J. Staley Jr.

Writing in 1925, Justice Alden Chester noted that upon entering the quarters provided for the Third Department (eventually to occupy almost all of the fourth floor), "one is at once impressed with a respect for the law [and] the extensive law library that walls the room to which the Appellate Justices retire to consider their cases, a room as large as the average courtroom."



Felix J. Aulisi
Amsterdam
1964-1971



Herbert D. Hamm
Troy
1964-1966



Ellis J. Staley, Jr.
Loudonville
1966-1974, 1978-1980



Robert O. Brink
Binghamton
1966



Domenick L. Gabrielli
Bath
1967-1968



The Third Department first convened in the Albany County Courthouse on November 14, 1916. Presiding Justice John M. Kellogg presided during a ceremony at which portraits of former Presiding Justice Charles E. Parker and Associate Justice James W. Houghton were presented. A newspaper account of the ceremony called the Court's new quarters "palatial". The same account stated that the Court would hand down decisions the next day, and it was expected that one of the most important would consider the operation of motion picture theaters on Sundays.

The final session in the Albany County Courthouse, on January 14, 1972, was memorialized by a ceremony at which a number of prominent judges spoke, as well as Erastus Corning 2nd, Mayor of Albany, and Condon A. Lyons, President of the Albany County Bar Association. Lyons voiced regret at "the loss of the immediate presence of this Court which, being in this building, has afforded us the opportunity of knowing the Justices of the Court, both past and present, and its staff in a way which would not be possible if our contacts came simply through arguing cases on appeal."

The Justice Building (1972 -)

By the early 1960s, the need for State office space in Albany had become acute. Gov. Nelson A. Rockefeller resolved to embark on a downtown building program that would not only meet the need for State office space but also help rejuvenate Albany and make it a more beautiful Capital city.

So, in 1962, the Empire State Plaza was born. Construction was not to start until three years later after the site of 98 acres, including access highways and adjoining areas (40 city blocks of Albany's



The Justice Building, Empire State Plaza, Albany, where the Third Department has sat since 1972.

Court of Appeals. Ten Justices from the Third Department have been elected or appointed to the Court of Appeals: Judson S. Landon (Court of Appeals term 1900-1901); Emory A. Chase (1906-1921); Henry T. Kellogg (1926-1934); Sydney F. Foster (1960-1963); Francis Bergan (1963-1972); James Gibson (1969-1972); Domenick L. Gabrielli (1972-1982); Lawrence H. Cooke (1974-1984; Chief Judge, 1979-1984); Richard D. Simons (1983-1996, Acting Chief Judge, 1992-1993); Howard A. Levine (1993-present).



Lawrence H. Cooke
Monticello
1969-1974



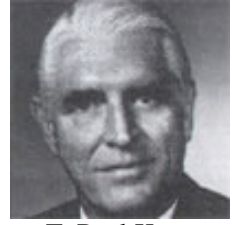
Louis M. Greenblott
Binghamton
1969-1980



Michael E. Sweeney
Saratoga Springs
1969-1983



Richard D. Simons
Rome
1971-1972



T. Paul Kane
Cobleskill
1972-1990



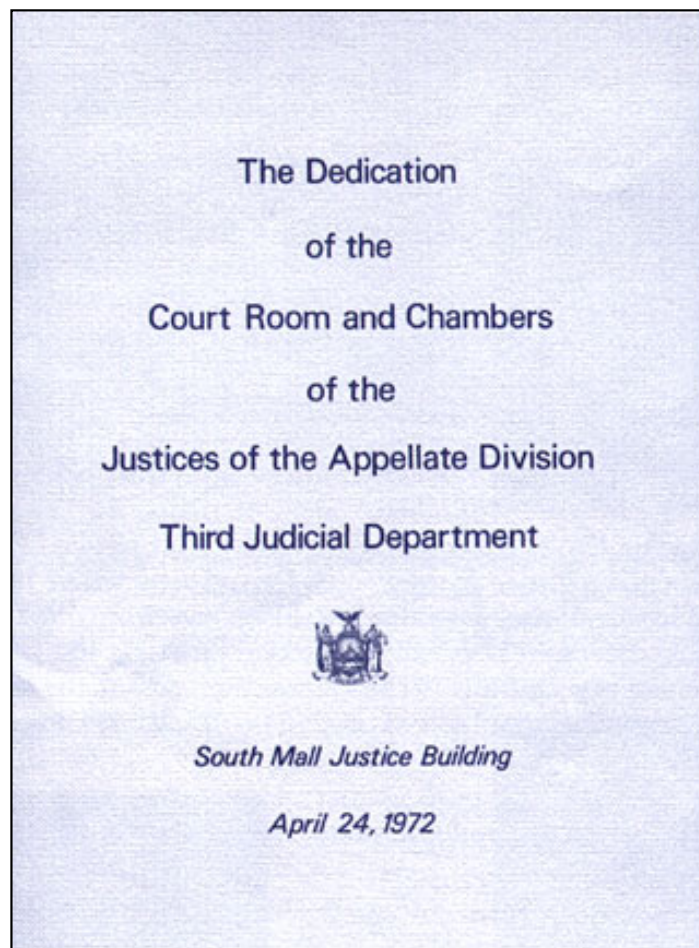
South End), was cleared of 1,150 buildings and more than 3,000 family units.

The Third Department moved to its present quarters in the Justice Building of the modernistic Gov. Nelson A. Rockefeller Empire State Plaza in February 1972. Space constraints prompted the move from the Albany County Courthouse. The new facilities were dedicated in a ceremony on April 24, 1972, attended by a number of dignitaries, including Gov. Rockefeller, who spoke briefly. A plaque, containing a passage from the Governor's remarks, is on the wall outside the courtroom:

We are gathered here today in a place that distinguishes a free, open society from a closed sterile tyranny. We are meeting in a place that distinguishes a nation ruled by laws from a country ruled by force, we are in a court of law.

The Third Department occupies the fifth and sixth floors of the Justice Building, a structure it shares with the Court of Claims and the Attorney-General's office. The contemporary style courtroom on the fifth floor includes

acoustically designed fluted walls and a coffer ceiling. The Court was intimately involved in the selection of furnishings and the interior design and decoration of the Third Department quarters.



First Women. Justice Ann T. Mikoll of Buffalo holds the distinction of being the first woman outside New York City to be elected to the Supreme Court and the first woman to be appointed to the Third Department. Justice Karen K. Peters of Kingston has the distinction of being the first woman elected to the Supreme Court in the Third Department.



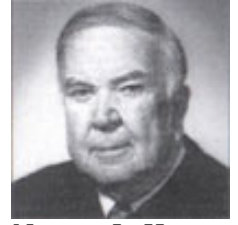
Robert G. Main
Malone
1973-1987



John L. Larkin
Kingston
1974-1979



Howard A. Levine
Schenectady
1982-1993



Norman L. Harvey
Plattsburgh
1984-1993

The Presiding Justices

In addition to current Presiding Justice Anthony V. Cardona and Presiding Justice Charles E. Parker, the first Presiding Justice, 12 others have served as Presiding Justice of the Third Department.



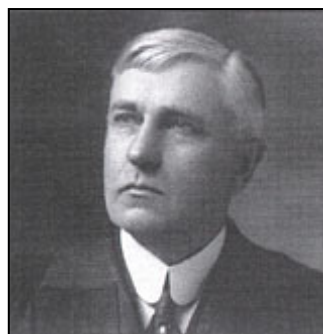
Presiding Justice Walter Lloyd Smith (1856-1928) was born in Elmira, Chemung County, and was the son of Supreme Court Justice H. Boardman Smith. He graduated from Princeton University in 1877, then studied law in his father's law office, and was admitted to practice in 1879. Upon his

father's resignation from the bench in 1888, Presiding Justice Smith was appointed to fill the vacancy, becoming the youngest lawyer at that time to ever become a Supreme Court Justice. In 1899, he was designated a Justice of the Fourth Department, where he served until his appointment to the Third Department in 1901. He was appointed the Third Department's second Presiding Justice in 1907 and served as such until 1915. He was then designated a Justice of the First Department and served on that court until his retirement to enter private practice in 1925.

Presiding Justice John M. Kellogg (1851-1925) was born in Taylor, Cortland County. His father, Stephen Kellogg, was a lawyer admitted to the Bar in 1853. He studied at Cornell University, studied law with his father in Cincinnatus, and then graduated from Albany Law School in 1873, the same year he was admitted to the Bar. In 1874, he began practicing law in Ogdensburg with Stillman Foote. He was appointed a St. Lawrence County Judge in January 1882. He also held the offices of recorder of Ogdensburg (elected in 1881) and Court of Claims Judge (1899 to 1902) prior to becoming a Supreme Court Justice. He was appointed a Supreme Court Justice on October 16, 1902, and



was elected to the post the following year. He was designated an Associate Justice of the Third Department in November 1905 and served as Presiding Justice from 1915 to 1921, when he retired.



Presiding Justice Aaron V. S. Cochrane (1858-1943) was born on a farm in Coxsackie, Greene County. He graduated from Yale University in 1879. He moved to Hudson in 1879 and began studying law in the offices of Andrews and

Edwards. He was admitted to the Bar in September 1881 and began practicing law in Hudson. He served as Police Court justice in Hudson (1887 to 1888) and then as District Attorney of Columbia County (1889 to 1892). He served in Congress from 1897 to 1901, representing the 19th Congressional District. He was first elected to the Supreme Court in 1901. He served a five-year term on the Third Department (1906 to 1911) and then returned to the trial bench. In November 1915, he returned to the Third Department. He was appointed Presiding Justice in January 1922 and served as such until his resignation on January 18, 1928.



Members of the Court, February 15, 1935. Left to right (sitting): Justice Leon C. Rhodes, Presiding Justice James P. Hill, Justice Daniel V. McNamee; (standing): Justices F. Walter Bliss, John C. Crapser, and Christopher J. Heffernan.



Presiding Justice Charles C. Van Kirk (1862-1937) was born in Greenwich, Washington County. He graduated from Colgate University in 1884 (then called Madison University). From 1884 to 1886, he taught at Boys' Academy in Troy, and then began the study of law. He was admitted to the Bar in

1888. He practiced law for eight years in Greenwich as a member of the firm of Gibson & Van Kirk and then practiced for one year in Port Henry as a partner of Frank Rowe, and then as a member of the firm of Patterson, Bulkley & Van Kirk in Albany. He began a long elected career on the Supreme Court on January 1, 1906. He began his Third Department service in January 1921 and served as Presiding Justice from January 1928 until he retired at the end of 1932.

Presiding Justice James P. Hill (1878-1950) was born in the Town of German in Chenango County. His early education included attendance at Cincinnatus Academy in Cortland County (as did that of Presiding Justice Kellogg). He studied law in the law office of Bixby and Brown in Norwich, and was admitted to the Bar on November 1, 1901. Shortly thereafter he opened his own law office. In the fall of 1907, he was elected Chenango County District Attorney and served until the beginning of 1914. He was elected Chenango County Judge and Surrogate in 1913 and held that office until the beginning of 1924. In 1923, he was elected a Supreme Court Justice and thereafter was appointed to the Third Department on December 13, 1927. He was appointed Presiding Justice, effective January 1, 1933, serving as such until his retirement on December 31, 1948.



The members of the Court in 1955 in the Appellate Division courtroom in the Albany County Courthouse. Left to right: Justices Daniel F. Imrie, Philip Halpern, Francis Bergan, Presiding Justice Sydney F. Foster, Justices William H. Coon, and Howard A. Zeller.

Presiding Justice Sydney F. Foster (1893-1973) was born in Cazenovia, Madison County, the son of a farmer. He graduated from Syracuse University and in 1915 was awarded his law degree from Syracuse University Law School.



After serving in the Army during World War I, he moved to Liberty in 1920 and was elected Sullivan County District Attorney in 1925 and a Supreme Court Justice in 1928 and 1942. Presiding Justice Foster served as a Justice of the Third Department (1939 to 1942, and 1944 to 1948) before being appointed Presiding Justice of the Third Department, effective January 1, 1949. He served in that position until January 1, 1960, when he was elected to the Court of Appeals. Presiding Justice Foster retired from the Court of Appeals at age 70 in 1963, and returned to the Supreme Court as a certificated trial justice for four more years of judicial service.

Teachers. Several Third Department Justices served as school principals and at least six had significant law school teaching experience. Justice Philip Halpern served as law school dean at the University of Buffalo.



Members of the Third Department, circa 1965 to 1969. Left to right: Justices Donald S. Taylor, J. Clarence Herlihy, Presiding Justice James Gibson, Justices Walter B. Reynolds, and Felix J. Aulisi.



Presiding Justice Francis Bergan (1902-) was born in Albany. After working as a newspaperman, he graduated from Albany Law School in 1923 and was admitted to the Bar the following year. He was elected Albany City Court Justice in 1929, Albany Police Court Justice in 1933, and Supreme Court Justice in 1935

and 1949. He obtained his Bachelor's Degree from Siena College in 1946, after attending classes at night while he was on the Supreme Court bench. In 1949, he was appointed to the Third Department and was designated Presiding Justice in 1960. He also served for several years after 1952 as a temporary Justice for the First Department. Presiding Justice Bergan was elected to the Court of Appeals in 1963 and retired from that Court at the age of 70 in 1972. Since then he has authored many writings, including several on the State court system. Presiding Justice Bergan still resides in Albany.

Presiding Justice James

Gibson (1902-1992) was born in Salem, Washington County. Both his father and great-grandfather were judges. After graduating from



Princeton University in 1923 and Albany Law School in 1926 and being admitted to the Bar that same year, he began a general law practice in Hudson Falls. In 1935, Presiding Justice Gibson won election as District Attorney of Washington County. In World War II, he served in Europe as a captain in the Army. He was elected to the Supreme Court in 1952 and reelected in 1966. Designated to the Third Department in 1955, he was appointed Presiding Justice effective January 1, 1964. On September 15, 1969, he was appointed to the Court of Appeals and elected to that Court in 1969, where he served until his retirement in 1972. He continued on the Supreme Court as a certificated trial justice until 1978. Thereafter, he practiced law in Glens Falls.



Presiding Justice J. Clarence Herlihy (1905-1985)

was born in Glens Falls, Warren County. He graduated from

Georgetown University in 1928 and from Albany Law School in 1930, the same year he was admitted to the Bar. He became associated with a law firm in Saratoga Springs and thereafter opened his own law firm in Glens Falls in 1933. He served as City Attorney of Glens Falls from 1938 to 1940 and was elected District Attorney of Warren County in 1942, a post he held for 13 years until his election to the Supreme Court in 1955. He was designated to the Third Department on March 15, 1958. Appointed Presiding Justice on September 25, 1969, he served as such until he reached mandatory retirement age at the end of 1975. Presiding Justice Herlihy then continued to serve on the Third Department for six more years as a certificated Justice.



Presiding Justice Harold E. Koreman (1916-) was born in Albany. He graduated from Holy Cross College (1937) and Albany Law School (1940). He served as a special agent of the FBI from 1941 to 1946. From 1946 until his election in 1957 as Albany County Surrogate, he was in private practice in addition to

holding several government positions. Presiding Justice Koreman was elected to the Supreme Court in 1963 and served as Administrative Judge of the Third Judicial District from 1972 to 1975. Designated to the Third Department on August 19, 1975, and appointed Presiding Justice on December 31, 1975, he left the Court when his term as a Supreme Court Justice expired at the end of 1977. He was then appointed a Court of Claims Judge on January 4, 1978 and Presiding Judge of the Court of Claims at the end of 1979, where he served until January 22, 1986. Presiding Justice Koreman still resides in Albany.

Presiding Justice A. Franklin Mahoney (1921-1994) was born in Troy. His college career at Yale University was interrupted by three years of service as an officer in the Marine Corps during World War II. He graduated from Yale University in 1947 and Albany Law School in 1950. He

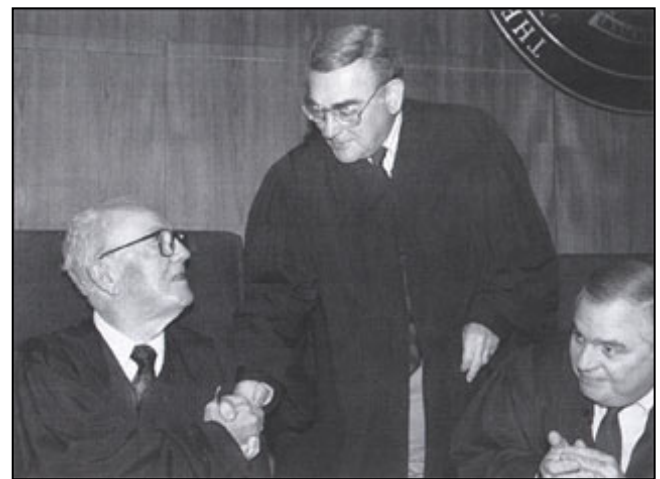


practiced law in Troy with his brother Justin, who later became Bankruptcy Judge for the Northern District of New York. Presiding Justice Mahoney was Troy City Treasurer (1956-1964) before being elected Rensselaer County Surrogate in 1964. He was elected to the Supreme Court in 1968 and 1982. He was appointed to the Third Department in 1976 and designated Presiding Justice in January 1978, a position he held until December 1991. He continued on the Third Department as a certificated Justice until he retired at the end of 1993.



Presiding Justice Leonard A. Weiss (1923-) was born in Rochester, Pennsylvania, and grew up in Buffalo. His undergraduate education at the University of Buffalo was interrupted by Army service during World War II. Presiding

Justice Weiss graduated from Albany Law School in 1948. From 1948 to 1978, he engaged in the general practice of law in Albany. In 1977, he was appointed a part-time Albany City Court Judge and was later elected to a full term on the City Court. He was elected to the Supreme Court in 1978 and 1992. Appointed to the Third Department in January 1981, he was designated Presiding Justice at the beginning of 1992. He served in the latter position until the end of 1993, and then continued on the Third Department as a certificated Justice. Presiding Justice Weiss retired from the Court in September 1994; he has since been in private practice in Albany.



Presiding Justice Leonard A. Weiss shakes hands with former Presiding Justice A. Franklin Mahoney as future Presiding Justice Anthony V. Cardona applauds during a ceremony marking Justice Mahoney's last day of hearing oral argument, November 23, 1993. Photo: Times Union / Paul D. Kniskern Sr.



The Third Department in 1996

Our Court hears appeals during monthly terms, generally lasting two weeks. Attorneys appeal cases on behalf of their clients by filing appropriate notices, records, and briefs. They can request oral argument or submit the appeals to the Court without oral argument. Each case is heard by five Justices; three Justices must agree before a decision can be rendered.

When the five Justices take their seats behind the bench at the front of the courtroom, the Court crier announces their entrance in a time-honored introduction: "Ladies and Gentlemen: The Justices of the Court. Hear ye, hear ye, hear ye: all persons having business before this Appellate Division of the Supreme Court, held in and for the Third Judicial Department of the State of New York, let them draw near, give their attention and they shall be heard." The sessions are open to the public. The Justice Presiding (who is either the Presiding Justice or the most senior Associate Justice assigned to the panel) then calls the first case and oral arguments are

Other Employments and Positions. Three Justices worked as newspaper reporters for a time Justice Alden Chester was President of the American Bar Association in 1919 Justice Philip Halpern played a significant role on United Nations advisory bodies Presiding Justice Harold E. Koreman was an FBI special agent in the 1940s.

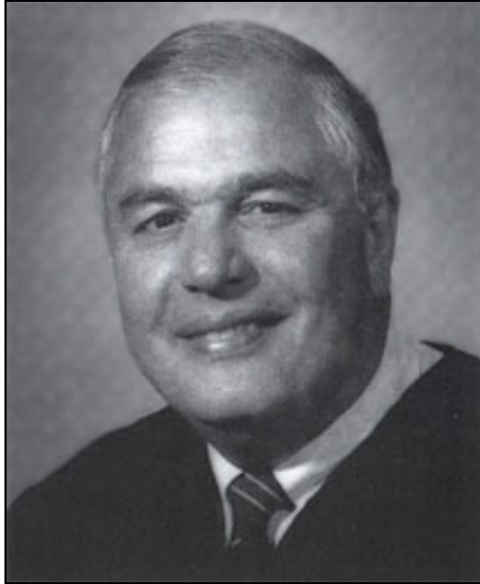
heard. While standing at a podium, the attorney representing the appellant (the party bringing the appeal) opens the argument. The attorney for the respondent (the opposing party) thereafter makes his or her argument. Members of the Court customarily engage in a dialogue with counsel. The oral argument of a case usually lasts from 10 to 20 minutes. When all the oral arguments have been heard, the Court adjourns for the day. The Justices then further consider the cases in chambers and at confidential conferences in Albany or in their home chambers, which are located throughout upstate New York. Ultimately, the Court hands down a written decision which is later published by the State Reporter in a series of volumes called the Appellate Division Reports.

In 1995, our Court decided 4,732 motions and disposed of 1,896 appeals. Motions range from routine requests for extensions of time to perfect appeals and requests by indigent criminal defendants for assignment of counsel to complex requests for relief in a variety of cases reflective of the Court's diverse jurisdiction.

Nonjudicial Offices. Twenty-six Third Department Justices had prior service as county District Attorneys Five served in the State Assembly one of whom, Justice Harold J. Hinman, was Majority Leader for a time Presiding Justice Aaron V.S. Cochrane served in the United States Congress Justice D. Cady Herneck was a candidate for Governor in 1904 Justice S. Alonzo Kellogg served as a State Senator in Nevada's first Legislature.



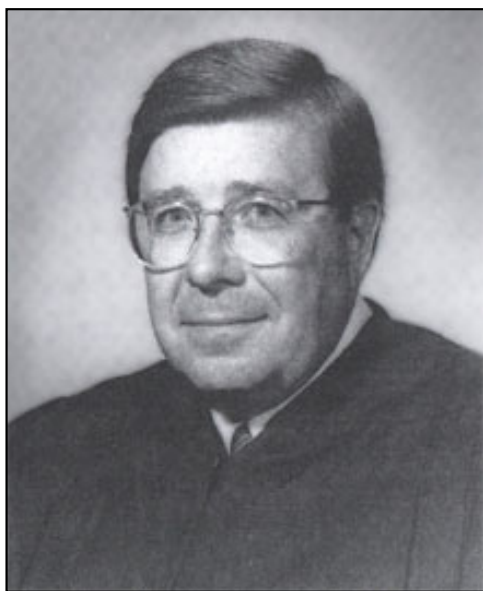
The Members of the Court



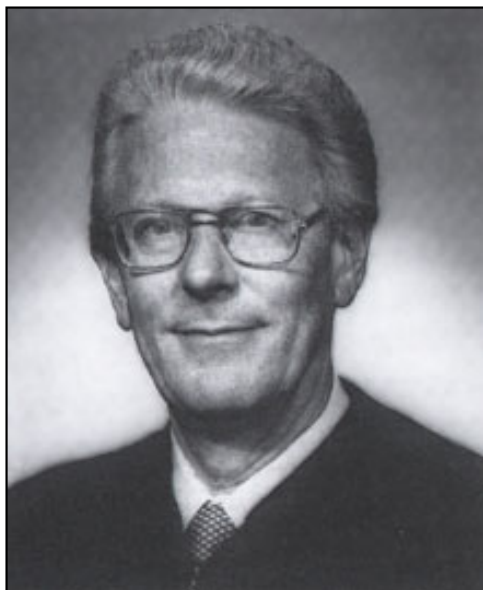
Presiding Justice Anthony V. Cardona was designated a Justice of the Third Department on September 8, 1993. He was appointed Presiding Justice on January 1, 1994. Presiding Justice Cardona, of Westerlo, just outside Albany, graduated from Manhattan College in 1962. He was in the United States Navy from 1963 to 1967, serving as a Naval officer in the Vietnam War. Following his honorable discharge, he attended Albany Law School and graduated in 1970. He practiced law in Albany for 14 years, a span which included a two-year period as an attorney with the Albany County Public Defender's office and one year of service as Coeymans Town Attorney. Presiding Justice Cardona's judicial career started as Albany County Family Court Judge in 1985, where he served until he was elected to the Supreme Court in 1990. He was appointed Administrative Judge for the Third Judicial District in January 1992 and served in that capacity until his designation to the Third Department.



Justice Ann T. Mikoll is one of the first two women appointed to the Appellate Division in New York State. In a dual appointment on May 19, 1977, Justice Mikoll was appointed to the Third Department and Justice M. Dolores Denman was appointed to the Fourth Department. Justice Mikoll was appointed a Buffalo City Court Judge at age 27 in 1957 after two years as an Assistant City Corporation Counsel. She subsequently won election to the City Court and reelection in 1967. Her election to the Supreme Court in 1971 made her the first woman ever elected to that position outside of New York City; she was reelected in 1985. She obtained both her undergraduate (1951) and law (1954) degrees from the State University of New York at Buffalo. Justice Mikoll has the distinction of being the first woman to preside as the Justice Presiding of a Third Department panel. She was a member of the New York State Commission on Judicial Conduct for four years.



Justice Thomas E. Mercure graduated from Saint Michael's College in 1965 and Georgetown University Law Center in 1968. A resident of Hudson Falls, in 1973 he joined the staff of the Washington County District Attorney where, from 1974 to 1977, he served as First Assistant District Attorney. Justice Mercure served as Washington County District Attorney from 1977 until 1981 and as a Washington County Judge in 1981. He also was engaged in the private practice of law from 1969 until 1981. He was elected to the Supreme Court in 1981 and was reelected in 1995. Justice Mercure was named a Justice of the Third Department, effective January 1, 1988. He has served on the Pattern Jury Instructions Committee since 1991 and was recently named by Chief Judge Kaye as chairman of the State Ethics Commission of the Unified Court System. He temporarily sat on the Court of Appeals in 1994 by designation.



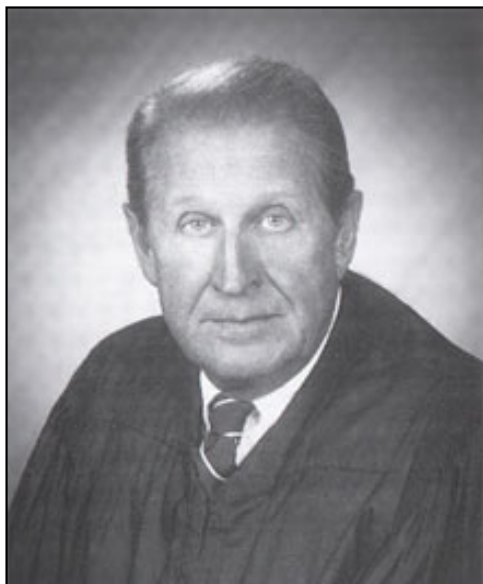
Justice D. Bruce Crew III is a graduate of Colgate University (1959) and Albany Law School (1962). After 11 years in private practice in Elmira, he served as Chemung County District Attorney from 1973 to 1983. He was elected to the Supreme Court in 1982. In 1987, he was appointed Administrative Judge for the Sixth Judicial District. Justice Crew was designated a Justice of the Third Department effective January 1, 1991. He has lectured as an adjunct professor of law at Elmira College and has also lectured at Corning Community College and other venues. Justice Crew is the author of the publication "Criminal Discovery in New York State — Selected Issues," currently in its ninth edition. He served on the Court of Appeals in 1994 by designation.



Justice James N. White was appointed to the Third Department on September 8, 1993. A resident of Amsterdam, he has served as a Justice of the Supreme Court since 1985. He was designated as the Administrative Judge of the Fourth Judicial District in January 1992. From 1972 until 1984, Justice White was the Montgomery County Judge, having initially been appointed and subsequently twice elected. In addition to his judicial career, Justice White was the part-time Assistant District Attorney for Montgomery County for seven years and then served as Montgomery County District Attorney from 1965 to 1972. He was a general private practitioner in Rochester and then in Amsterdam, and is a graduate of the University of Pennsylvania and Harvard Law School.



Justice John T. Casey graduated from LaSalle Institute in Troy (1939), and then from the University of Toronto, Canada (1943), before entering the Naval Reserve as an ensign. He served in the North Atlantic, Aleutian Islands and South Pacific areas. Following his honorable discharge, Justice Casey graduated from Albany Law School in 1949. He served as an Assistant District Attorney for Rensselaer County for five years, as elected Rensselaer County District Attorney from 1956 to 1963, and as Rensselaer County Judge from 1964 to 1968. In November 1968, he was elected to the Supreme Court; he was reelected in 1982. In January 1979, Justice Casey was appointed Administrative Judge for the Third Judicial District. He was appointed to the Third Department effective December 20, 1979. Upon reaching the mandatory retirement age in 1991, Justice Casey has served on the Third Department as a certificated Justice.



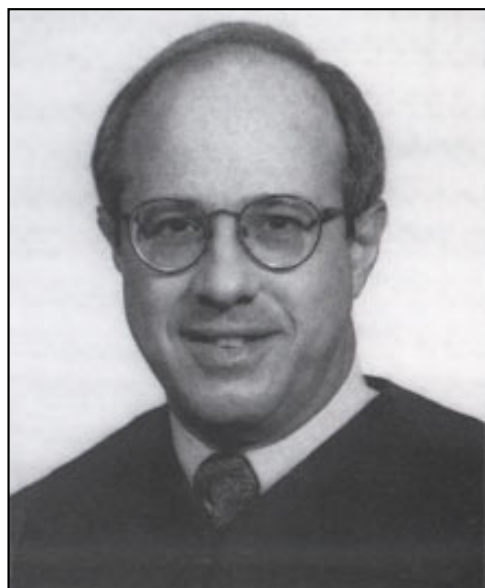
Justice Paul J. Yesawich Jr. was appointed a Justice of the Third Department effective January 5, 1981. During World War II, he served as a Naval officer in the Pacific. Justice Yesawich obtained his undergraduate and Master's degrees from Niagara University (1948 and 1950). He graduated from Cornell Law School in 1951. He began his legal career in private practice in New York City. From 1952 to 1953 he was assistant counsel to a subcommittee of the Ways and Means Committee of the House of Representatives. He moved to Cortland in 1955 to become a partner in a law firm. From 1961 to 1970, he was a Commissioner of the State Law Revision Commission. In 1970, he was appointed to the Supreme Court; the following year he was elected to that office and he was reelected in 1985. Justice Yesawich also served as a Justice of the First Department (1974 to 1981). He temporarily sat on the Court of Appeals during that Court's March 1992 term. Since reaching the mandatory retirement age in 1993, he has served on the Third Department as a certificated Justice.



Justice Karen K. Peters was appointed a Justice of the Third Department on February 3, 1994. In 1992, she became the first woman elected to the Supreme Court in the Third Department. Her judicial career began with her election to the Ulster County Family Court in 1983. Justice Peters, admitted to the practice of law in 1973, began her legal career in private practice, later serving as an Assistant District Attorney in Dutchess County. From 1979 to 1983, she was counsel to the State Division of Alcoholism and Alcohol Abuse and became the director of the State Assembly Government Operations Committee in 1983. A former assistant professor at the State University of New York at New Paltz, Justice Peters is a graduate of George Washington University (1969) and New York University School of Law (1972).



Justice Edward O. Spain was designated a Justice of the Third Department effective December 30, 1994. He began his legal career in private practice in 1966 with his father in Troy. In 1967, he served as an Assistant District Attorney for Rensselaer County until he was called to active duty in the United States Navy, Judge Advocate General corps; he was honorably discharged in 1972 with the rank of lieutenant. Justice Spain returned to private practice and served as Deputy Corporation Counsel for the City of Troy for two years. In 1977, he served as Deputy Chief Clerk of Rensselaer County Surrogate's Court and was elected to Troy Police Court, where he served until he was elected to the Rensselaer County Family Court in 1985. He was elected to the Supreme Court in 1991, and in January 1994 he was appointed Administrative Judge for the Third Judicial District. Justice Spain is a graduate of LaSalle Institute in Troy, Boston College and Albany Law School.



Justice Anthony J. Carpinello was appointed to the Third Department on June 25, 1996. A native of East Greenbush in Rensselaer County, he graduated from Union College in 1970 and from Albany Law School in 1973. Justice Carpinello was elected to the Supreme Court in 1994, after serving two years as an East Greenbush Town Justice. Prior to that, he was a Rensselaer County Legislator for eight years and an East Greenbush Town Councilman for seven years. Justice Carpinello was a law clerk for the Third Department from 1973 to 1974. Upon completion of his clerkship, he entered private practice in Albany where he specialized in commercial litigation for 20 years.



Other Venues. Prior to 1996, our Court sat in only two locales outside of Albany and Saratoga Springs. The May 1902 term was recessed to the chambers of Justice Emory A. Chase at Catskill, Greene County, for the purpose of hearing motions, swearing in applicants for admission to the Bar, and handing down decisions on July 8, 1902. The May 1910 term was recessed to the chambers of Justice John

M. Kellogg at Ogdensburg in St. Lawrence County for the purpose of hearing motions and handing down decisions on June 28, 1910. As part of our centennial observance in 1996, our Court will hold sessions at Cornell Law School, Broome County Court House, Saratoga Springs City Hall, Albany Law School, Clinton County Government Center, and Albany City Hall.



The Third Department first sat in the Sixth Judicial District in the Moot Court Room of Cornell Law School in Ithaca, Tompkins County, on April 18, 1996.

Photo: Cornell University/Adriana Hovers.



Third Department Programs and Offices

The chief judicial officer of our Court is the Presiding Justice. In matters of policy and administration, he is assisted by members of the Court and staff. Court rules are adopted by the Court as a whole and govern appellate and motion practice before the Court, the admission of attorneys, the conduct of attorneys, assignment of counsel, the mental hygiene legal service, and law guardian panels.

The Third Department has grown a great deal over the past century. From the original five Justices, the Court now numbers 10. The 14 cases reported in full opinions and the 29 decisions reported without opinion from the January 1896 term have grown to 140 full opinion and memoranda decisions in January 1996 and an even greater number of unreported matters, such as motion practice decisions.

In addition to the Justices, the listed employees of the Third Department in 1896 included the first Clerk, a crier and two other attendants. Today our Court employs more than 110 persons, who help us discharge the Court's varied administrative responsibilities and assist us with legal research.

The Clerk of the Court oversees the daily operation of the Court and also performs various statutory duties, assisted by staff attorneys and other clerical and secretarial employees. Among the duties of the Clerk and staff are the preparation of the Court's annual budget and the processing of motion and appeal papers. The staff also answers numerous questions from attorneys regarding practice and procedure before the Court. The law research staff prepares confidential reports for the Court summarizing the factual and legal issues presented by cases on appeal.

Committee on Character and Fitness

The Appellate Division is responsible for evaluating the character and fitness of attorneys admitted to the Bar. This duty is discharged by the Court's Committee on Character and Fitness, which is composed of practicing attorneys appointed by the Court. The Committee is assisted by Court staff. After passing the Bar exam, applicants submit an exhaustive written application which forms the basis for an interview conducted by the Committee. Successful applicants are sworn in before the Court at special ceremonies in January and June of each year. At other times, the Clerk of the Court swears in applicants. Each attorney admitted by the Court must take the oath of office and sign the roll of attorneys. The number of attorneys admitted in 1896 was 67; the number admitted in 1995 was 1,458. Since 1896, our Court has admitted over 28,000 attorneys to the New York State Bar.

I do solemnly swear, That I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the Office of Attorney and Counsellor at Law in the Supreme Court of the State of New York according to the best of my ability.

NAME OF ATTORNEY	DATE OF OATH	DATE ADMITTED
Edward Greenleaf	January 15 th 1896	January 15 th 1896
Edgar Thomas Reed	16 th "	16 th "
John H. Miller	February 5, 1896	February 5, 1896
Oliver Carpenter	"	"
Frank R. Baker	"	"
Charles Brindson	"	"
Alfred Bruce Clark	"	"
Samuel C. Johnson	"	"
William C. Belmont	"	"
Samuel E. Carr	"	"
James M. Hyde	"	"
John J. W. Morris	"	"
John Lane	"	"
William W. Gragg	"	"
Alfred H. Long	"	"
J. Frank Clark	"	"
Samuel C. Johnson	"	"
Joseph H. Smith	"	"
Chas. Henry Sage	"	"
Herbert S. Appleton	"	"
George H. Hill	"	"
Richard Leonard Hoyle	April 14	April 14
Samuel M. West	"	"

City of New York

First page of Roll of Attorneys, beginning January 15, 1896.



Committee on Professional Standards The Court's 21-member Committee on Professional Standards, composed of both lawyers and non-lawyers, hears complaints against Third Department attorneys. With the assistance of its staff, the Committee screens, investigates and prosecutes disciplinary cases. Serious cases of professional misconduct may result in charges before the Court, which proceedings may result in public censure, suspension, or disbarment of the attorney. The purpose of the program is to protect the public, deter attorney misconduct, and preserve the reputation of the Bar. The Committee's members are appointed by the Court and it maintains offices in the Gov. Alfred E. Smith Office Building in Albany.

Law Guardian Program The general purpose of the Law Guardian program is to provide counsel to minors in Family Court proceedings (such as juvenile delinquency, custody, and child protective proceedings) and in Supreme Court custody matters. The program is administered by a Law Guardian Office which oversees the maintenance of panels of Law Guardians and a few local Law Guardian offices, insures that the attorneys on the panels are qualified to serve as Law Guardians, provides extensive (and mandatory) training and educational services for Law Guardians, and processes payments to Law Guardians for services rendered in the courts. The Law Guardian program is assisted by a Law Guardian Advisory Committee appointed by the Presiding Justice.

Mental Hygiene Legal Service The Mental Hygiene Legal Service (MHLS) provides legal services, advice and assistance on behalf of mentally disabled persons receiving care or alleged to be in need of care at inpatient and community-based facilities. Created in

1964, MHLS fulfills its legal mandate by appearing in judicial or administrative proceedings concerning admission, retention, transfer, treatment and guardianship. It also provides advice and representation regarding standards of care and other matters affecting the patients' civil liberties. MHLS has regional offices in Albany, Binghamton, and Ogdensburg.



Research staff, 1958-1960. Left to right: Addison Keeler, Daniel Taylor, John O'Brien (Deputy Clerk).



Acknowledgment. The Court acknowledges and thanks the many historians, bar associations, and court personnel throughout the Third Department who have assisted in the preparation of this brochure. Thanks also to the staff of the New York State Library and the New York State Archives. Finally the Court recognizes the special effort by staff attorney Daniel C. Brennan in preparing this brochure.



The Third Department Courtroom in the Justice Building, Empire State Plaza, Albany.

Photo: Glen S. Cook



The Justices of the Appellate Division, Third Department. Left to right (sitting): Justices D. Bruce Crew III, Ann T. Mikoll, Presiding Justice Anthony V. Cardona, Justices Thomas E. Mercury, and James N. White; (standing): Justices Anthony J. Carpinello, Karen K. Peters, John T. Casey, Paul J. Yesawich Jr., and Edward O. Spain.