

The Historical Society *of the Courts*
of the State of New York

2011 GALA DINNER

A SALUTE TO...

Roy L. Reardon

A LAWYER FOR ALL SEASONS



REPRESENTING THE NEW YORK STATE BAR AT ITS FINEST

*The business of the law is to make sense of the confusion of what we call human life --
to reduce it to order but at the same time to give it possibility, scope, even dignity.*

Archibald MacLeish, *Apologia* Harv. L. Rev. (1972)

April 21, 2011

The New York Public Library • Stephen A. Schwarzman Building
Fifth Avenue & 42nd Street • New York City

The Historical Society of the Courts of the State of New York



THE SOCIETY WAS LAUNCHED IN 2003 as a not-for-profit organization with the mission of preserving the legal and judicial history of the State of New York. It seeks to foster scholarly understanding and public appreciation of the rich legacy of the New York courts and the legal profession.

ANNUAL SERIES & OCCASIONAL LECTURES

The Society holds an annual lecture each year at the New York City Bar as well as lectures held at other forums across the State. The programs feature guest lecturers who are prominent lawyers, jurists and scholars, experts in their fields.

- 2003** • The Framing of the Constitution: New York's Role
- 2004** • Chancellor James Kent and the Origins of Law Reporting and Legal Education
- 2005** • David Dudley Field and the Code Concept
 - An Empire of Reason — The History of Federalism in America
- 2006** • The Scales of Justice: A Reargument of *Palsgraf v. Long Island R.R. Co.*
 - Frontier Justice: Western New York Blazes the Trail on the Underground Railroad and Down the Erie Canal. (Buffalo, New York)
 - Encore Presentation of The Scales of Justice: A Reargument of *Palsgraf v. Long Island R.R. Co.* (White Plains, New York)
- 2007** • The New York Court of Appeals: A Biographical, Pictorial, Jurisprudential History with Dramatic Readings
 - Encore Presentation of The Scales of Justice: A Reargument of *Palsgraf v. Long Island R.R. Co.* (Nassau County Bar Association)
 - Inaugural Stephen R. Kaye Memorial Program, *Alexander Hamilton: The Anchoring of American Law*
- 2008** • Courtrooms and Courthouses: What do they say? How do they say it?
 - Society Gala: 80th Anniversary of the New York County Courthouse & 40th Anniversary of Hon. Norman Goodman, County Clerk and Clerk of the Supreme Court
 - Stephen R. Kaye Memorial Program 2008: *The Founding of the Republic. Has History Given New York its Due?*
 - Ladies of Legend: The First Generation of American Women Attorneys, a joint program with the U.S. Supreme Court Historical Society
- 2009** • 2009 Society Gala: Honoring the Legacy of Judith S. Kaye
 - Stephen R. Kaye Memorial Program 2009: *Before New York There Was New Netherland: Our Dutch Heritage 1609 - 2009*
- 2010** • 2010 Society Gala: Honoring Chief Judge Jonathan Lippman
 - Law, Justice & the Holocaust: Lessons for the Courts Today
 - Stephen R. Kaye Memorial Program 2010: *Robert H. Jackson: Lawyer, Justice, Nuremberger...New Yorker*

NEW YORK COURT OF APPEALS LECTURE SERIES

The Society co-sponsors the New York Court of Appeals lecture series held in Albany. This represents the first time this important building has been open to the public as well as Society members for an educational lecture series.

- 2006** • NY Times v Sullivan and its Times: The Press and the Community
 - Dreiser's "An American Tragedy:" The Law and the Arts
 - The Shape of Justice: Law and Architecture
 - 2007** • Democracy: A lecture by U.S. Supreme Court Justice Stephen Breyer
 - Geoffrey Canada: The Courts and Children
 - Jeffrey Toobin: The Courts and the Media
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- 2008** • David J. Stern: On Courts and Sports
 - Owen Pell & Monica Dugot: Stolen Art
 - Woodstock: The Music of the First Amendment
 - 2009** • The Hudson: Yesterday & Today
 - 2010** • The Hellhounds of Wall Street

SCHOLARLY PUBLICATION

The Society publishes twice yearly, *Judicial Notice*, a literary publication of articles of historical substance and scholarship, including writings by distinguished historians, attorneys and other presenters.

BOOK PUBLICATIONS

The Society has published the following:

- **THE JUDGES OF THE NEW YORK COURT OF APPEALS: A BIOGRAPHICAL HISTORY** edited by Hon. Albert M. Rosenblatt with foreword by Chief Judge Judith S. Kaye, providing a comprehensive, authoritative guide to 160 years of the important legal legacy of the New York Court of Appeals. Published by Fordham University Press.
- **HISTORIC COURTHOUSES OF THE STATE OF NEW YORK: A STUDY IN POSTCARDS** by Julia and Albert Rosenblatt, featuring rare postcard images of county courthouses throughout New York State with accompanying text.
- **2006 COURT OF APPEALS LECTURE SERIES:** Compendium of three lectures comprising the 2006 Court of Appeals Lecture Series

ORAL HISTORY

The Society is recording the oral histories of prominent retired judges and other legal luminaries of New York State to preserve the living record of their experiences.

DAVID A. GARFINKEL ESSAY CONTEST

The annual David A. Garfield Essay Contest invites CUNY & SUNY community college students from across the State to write an original essay on specified topics of legal history. Cash prizes are awarded to the winners.

- 2008** - The Courts and Human Rights in NY: The Legacy of the Lemmon Slave Case
- 2009** - The New Netherland Legal System and the Law of 21st Century New York
- 2010** - The Evolution of Justice Along the Erie Canal
- 2011** - The Legal Legacy of the Triangle Shirtwaist Factory Fire

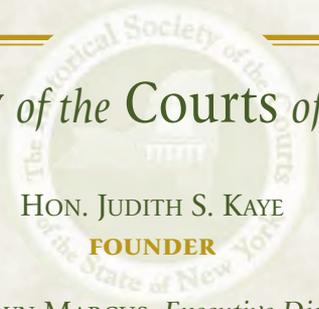
EDUCATION INITIATIVES

The Society provided a grant to Bard High School Early College, a part of the New York City public school system with campuses in Queens and Manhattan, to fund a week-long, school-wide workshop in the fall of 2010 as well as classroom curriculum on the theme of "Justice." The workshop and classroom curriculum explored the concept of justice as well as particular instances of justice applied through the New York State judicial system, including field trips to courthouses and programs bringing judges into the classroom. The Society will continue to work with Bard in 2011 to develop curriculum that can be used by middle and high schools across the State to engage a diverse population of New York City public school students in an exploration of the role played by the courts in a civil society.

WEBSITE

The Society designed and launched its website in 2003. It contains an extensive library, including portraits and photographs of judges and other notable legal figures accompanied by biographies; documents of important note in the State's legal history; Society publications; and webcasts of our programs, including the Court of Appeals lecture series. The website will soon be undergoing a complete update so that its access and tools are cutting edge and user friendly. Through the revamped site which will now feature a virtual museum, education resources, and links to our social networking sites, we hope to reach an expanded audience of all ages and levels of education on the world-wide web. ■

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A SALUTE TO...

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President, The Historical Society of the Courts of the State of New York

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Former, Chief Judge of the State of New York

HON. JONATHAN LIPPMAN

Chief Judge of the State of New York

LAWYERS WE HAVE KNOWN: A FILM PRESENTATION

ART IMITATES LIFE....LIFE IMITATES ART

Henry G. Miller, Esq.

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Chief Judge, United States Court of Appeals, Second Circuit

CHELSEA LAVERACK & PATRICIA M. HYNES

Granddaughter & Wife

REMARKS

ROY L. REARDON

2011 GALA DINNER

Roy L. Reardon

A LAWYER FOR ALL SEASONS

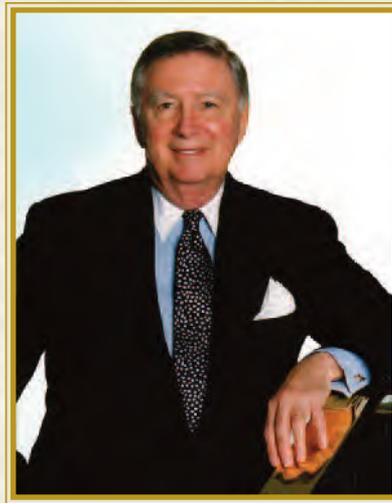
A P E R S O N A L B I O G R A P H Y

ROY WAS BORN THE SECOND SON of Rita and John Reardon. Two more children were yet to come, another son and a daughter, and the family lived for decades in Astoria, Queens.

John, his father, was a printer by trade and worked for a financial newspaper until the depression caused it to fail. Then, like many others, he worked where he could find it, including for a time for the WPA on public construction projects, like digging ditches along what we know today as the Grand Central Parkway.

While times were hard, the Reardon children were happy and oblivious to the economic circumstances of their lives. All of the children attended public schools, each ultimately graduating from William Cullen Bryant High School. Roy's mother Rita, a tiny woman, was the dominant figure in the household, particularly after the untimely death of her husband at age 47, and instilled in the children a commitment to the church, the family, and to making a life for themselves that would be better than hers had been.

Roy, with the encouragement of his father, was driven to sports, particularly basketball. He was on the varsity basketball team at Bryant High and upon graduation received a full athletic scholarship to St. Francis College in Brooklyn. St. Francis was then located in South Brooklyn and had been founded by a religious



order of Franciscan Brothers. St. Francis offered no campus with ivy-covered buildings, handsome dormitories or grassy lawns. The students all commuted to school by public transportation - the bus or subway - and most worked to get by and pay the modest tuition. What St. Francis may have lacked in the way of a traditional campus setting, it made up for with an excellent college education and the ability to instill in its students a unique discipline and dedication to achievement under less than ideal

conditions. Today St. Francis can be found in the Brooklyn Heights/Borough Hall section of Brooklyn in an impressive array of buildings that is largely the work of Dr. Frank J. Macchiarola, its President for two decades and a great man.

Basketball became Roy's life at St. Francis. In his senior year he was co-captain of the varsity team and became the highest scoring player in the history of the school. At the end of his last season, he was drafted by the Syracuse Nationals of the NBA (now the Philadelphia 76'ers). A dream come true. But something else had come into Roy's life that offered a potentially desirable long-term alternative.

That something was law school. This interest was sparked in an unusual way. There were no Reardon lawyers in the family or any other professionals. But Roy had a close pal named Tony who was also a basket-

ball player at St. Francis. One day Tony invited Roy to watch trials in the criminal courthouse in Borough Hall, Brooklyn. Perhaps it was the competitive nature of what Roy saw, but he and Tony thereafter regularly went to the courthouse and they enjoyed it. In his senior year, Roy applied to St. John's Law School (then located in Brooklyn) and was accepted. And so the first real crossroads decision was presented - go to training camp with the Syracuse Nationals in September or go to law school. He could not do both. It was an easy decision. If he went to training camp and did not make the team he would have given up his chance to enter law school. Too big a price to pay.

So he decided to go to law school and to play basketball for the Saratoga Yankees in the Eastern League - three games a week from November to April at \$40 a game - more money than he had ever seen. But the final cost of doing both was a C+ in contracts in his first semester. And so the dominance of basketball in Roy's life ended and the law took over, never to yield but for family.

Getting through law school quickly and into the profession became Roy's next priority. Under an accelerated program, he finished law school in 2 ½ years and then met a delay in getting started as a lawyer. He was drafted. There he served for two years as a Special Agent in the Counter Intelligence Corp., rising to the rank of Corporal. While in the Army he married Teresa Steele. They had met in law school. Teresa was number one in her class, and upon graduation became an Assistant U.S. Attorney in the Southern District of New York in the office of the



Roy at 1 yr. 3 months in Long Island City

legendary J. Edward Lumbard, later to become a Judge on the Second Circuit.

Toward the end of his service in the Army, Roy applied to Simpson Thacher & Bartlett ("ST&B") for an Associate position. He wanted to litigate, without having a full appreciation of what that meant at a firm like ST&B. The firm had less than 100 attorneys and its litigation department was led by Whitney North Seymour, a leading figure of his time in litigation. Unlike today, with its elaborate recruiting staff and a team of lawyers to go with it, the procedure when Roy applied was to be brought to the office of one partner, and there to be visited by

every partner who was in the office that day. On the day of Roy's visit, he saw almost every partner in the firm. He met Whitney Seymour, who had already served as President of the City Bar and later became President of the ABA. He also met Cyrus R. Vance who had just become a partner. Vance would soon become General Counsel to the Defense Department, Secretary of the Army, and Assistant Secretary of Defense in the Kennedy/Johnson years, and later Secretary of State in the Carter administration. Whitney and Cy were models of what a lawyer should be and were key to molding Roy's professional life. Roy got the job and has remained with the same firm for 55 years.

Roy found the firm offered young lawyers a great discipline. Every task should produce your best product. That was what the clients who came to the firm expected and that is what they received, whether they were *pro bono* or paying clients. His standard joke was

that the firm never turned the office lights out on its lawyers and associates would get fresh water and sawdust under the door of their offices every morning whether they needed it or not. A great environment for associates to grow in.

It is natural that cases young litigators get to work on tend to shape their choice of a career path. In his second year at ST&B, Roy became deeply involved in such a case. It was a *pro bono* case, *USA v. Vito Genovese et al.* involving narcotics conspiracy brought in the Southern District with 19 of the more than 30 defendants going to trial at Foley Square. Roy was appointed to represent one of the indigent defendants. The case was tried for three months. Roy stayed with the case for three years, through several appeals to the Supreme Court. The trial lawyers for the solvent defendants were some of the best and most prominent lawyers of the day, including Edward Bennett Williams. It was a great learning experience for Roy to watch how great lawyers tried a jury case. It was surely the biggest case Roy had been in up to that point and for a long time thereafter everything he did looked small. The experience persuaded Roy he wanted to be a trial lawyer and he never changed his mind.

Roy got his wish when General Motors asked ST&B to assume the defense of all of its product liability cases in the New York area. At that time, Roy was a young partner involved in the handling of commercial litigation, including bank litigation and antitrust and securities cases. Whitney Seymour, asked Roy to take on the new GM representation and he assembled a team to handle a huge flow of cases - all jury cases. It was in this period that the litigators at ST&B developed their great respect for the jury system and the ability of a jury to apply its cumulative judgment to consistently return fair verdicts - even for a Fortune 100 company.

Building on a successful record, ST&B went on to represent GM in other types of civil litigation. One such case was *State of New York v. General Motors*. It became

known as the "Engine Switching Case." There GM was charged by the New York Attorney General with consumer misrepresentations (e.g., selling Oldsmobile Division cars with Chevrolet Division engines). Roy handled the case for GM and summarily lost at the trial level and in the Appellate Division, with a lone dissent by Justice Samuel J. Silverman, a superb Judge who had earlier been a partner at Paul Weiss, sufficient to bring it to the Court of Appeals.

While the case was wending its way to the highest court in Albany, Chief Judge Lawrence H. Cooke announced that his Court would televise for the first time one day of arguments so as to examine whether cameras in the court, at least at the appellate level, would in any way interfere with or modify adversely the proceedings. The Engine Switching Case found its way on the calendar for that "one day." The experiment worked, showing that televising the Court's arguments in no way interfered with the proceeding or the dignity of the Court. The Court of Appeals thereafter began to televise all of its arguments and continues to do so. The experiment also worked for GM when the high court reversed the Appellate Division in a 5-2 decision and sent the case back to the trial court for a full hearing. It was the "hottest bench" he ever argued before. The argument was later part of a public television show narrated by Professor Charles Nesson of the Harvard Law School, *Cameras in the Courtroom?*

Roy's jury experience proved invaluable in another case he later tried for GTE in the state court in Clearwater Beach, Florida. There, Home Shopping Corporation ("HSC") which sells merchandise nationally to consumers via its television show, sued GTE for \$1.5 billion in damages claiming that GTE's telephone system was unable to handle the huge traffic generated by the television show. GTE counterclaimed for trade libel, based on the derogatory statements HSC made about GTE, its local subsidiaries, and employees.

After a three-month trial, the jury returned a verdict denying HSC any recovery. In his summation, Roy told the jury that he did not come down to Clearwater for money, but rather to vindicate the integrity of GTE and its employees. The jury nonetheless awarded GTE \$100 million on its counterclaims. *The New York Times* described the result as an "Elephantine Verdict."

But it was in a *pro bono* case that Roy achieved his most satisfying result - *Casey Martin v. PGA Tour*. Casey was a gifted golfer who played on the Stanford team with Tiger Woods. Casey had a congenital condition in one of his legs preventing him from "walking the course" - he needed the use of a golf cart. The PGA denied Casey's request after college to play his way onto the PGA Tour with a cart.

Casey's challenge to the PGA's position was bot-tomed on the Americans with Disabilities Act (the "Act") that was designed to permit those with disabilities to participate in the cultural, economic, educational, political, and social mainstream of America. Casey's basic claim was that the PGA Tour was obligated to accommo-date his disability since to do so would not alter the nature of tournament competition and give him a com-petitive advantage.

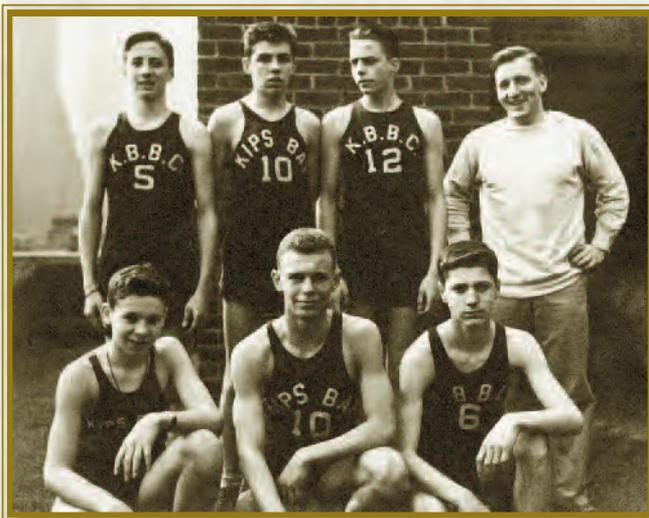
Casey won in the trial court. ST&B and Roy entered the case when the PGA Tour appealed to the Ninth Cir-cuit. The Circuit affirmed and the PGA sought and ob-tained the right to appeal to the Supreme Court. The Supreme Court affirmed (7-2), denying the PGA's argu-ment that permitting Casey to use a cart would funda-mentally alter the PGA Tour. The result: Casey could play on the Tour with a cart - a victory for the disabled.

Over the course of his years at ST&B, Roy has been involved in almost every kind of case that is out there. He has won some and lost some. But he has never lost his enthusiasm for his chosen area of the profession and the challenges and excitement it provides every day.

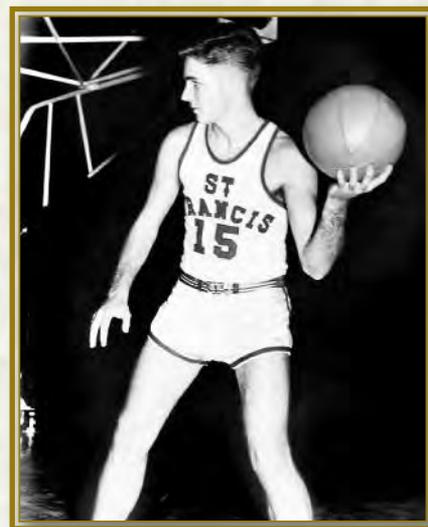
Roy and his wife Teresa had four children and raised them in Nassau County. The children all live in the New York Metropolitan area with their children - eleven grandchildren in all. In 1989, after almost 35 years to-gether, Roy lost Teresa to breast cancer.

In 1993, Roy married Patricia M. Hynes, a talented and well-known lawyer. They live happily together in Manhattan. ■

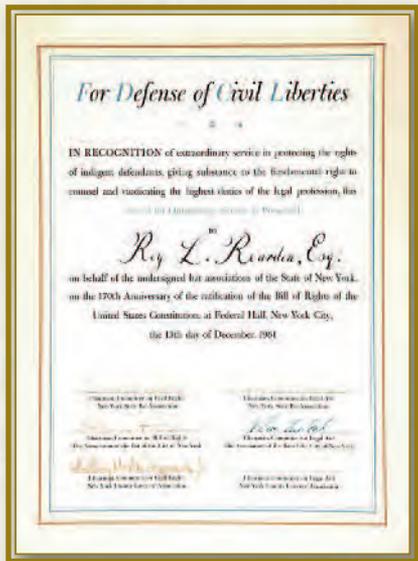
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Roy (upper left) on Kips Bay Boys Club basketball team



"Sports" Reardon at St. Francis College



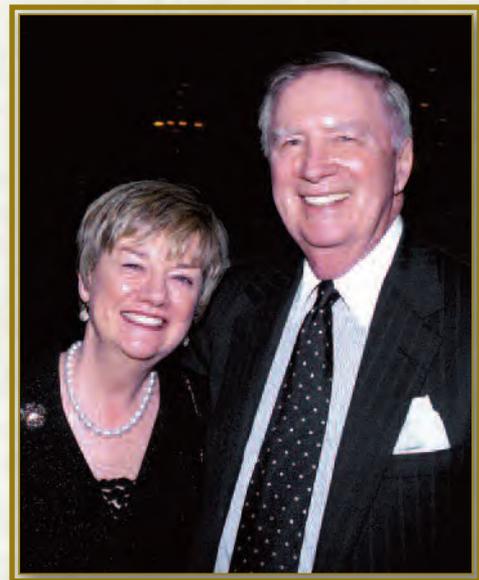
*For Defense of Civil Liberties
Certificate*



Pat & Roy with 9 of the grandchildren



*Roy with his children (from left) Roy Reardon, Jr., Abigail
Reardon, Cory Laverack, and Tish Tregellas*



Pat and Roy



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