

The Historical Society *of the* New York Courts

2015 GALA DINNER

At the Helm

A 30 YEAR LEGACY OF LEADERSHIP

HONORING OUR THREE NEW YORK STATE CHIEF JUDGES



Hon. Sol Wachtler
(1985-1992)

Hon. Jonathan Lippman
(2009-Present)

Hon. Judith S. Kaye
(1993-2008)



APRIL 2, 2015

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

The Historical Society of the New York Courts



THE SOCIETY WAS LAUNCHED IN 2002 as a not-for-profit organization with the mission of preserving the legal history of the State of New York. It seeks to educate students and 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 has held lectures each year since 2003 at the New York City Bar as well as other forums across the State. The programs feature guest lecturers who are prominent lawyers, jurists and scholars, experts in their fields. Here are the programs since 2009.

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

2011

- 2011 Society Gala: Honoring Roy L. Reardon
- Nominated From New York: The Empire State's Contributions to the Supreme Court Bench *John Jay: A Family Affair*
- Stephen R. Kaye Memorial Program 2011
Lincoln, the Civil War, and Freedom of the Press: New York Divided

2012

- 2012 Society Gala: Honoring the NYS Bar Association
- Nominated From New York: The Empire State's Contributions to the Supreme Court Bench
Thurgood Marshall: "Mr. Civil Rights"

- Scales of Justice: *An Evening of Live Music & Copyright Law*
- The Bartlett Commission, Reshaping the Law: *A 50 Year Retrospective and an Enduring Legacy*

2013

- 2013 Society Gala: Honoring Lady Justice: New York State Court of Appeals Women Jurists
- PRO BONO *New York Lawyers and Public Service*
- Stephen R. Kaye Memorial Program 2012 (*Rescheduled*)
A Tour of Our Beautiful Courthouses: Preserving, Protecting and Defending Them
- The Empire State's Contributions to the Supreme Court Bench *Learned in the Law: Role of the Solicitor General...a New York Point of View*

2014

- 2014 Society Gala: Honoring the New York State Commercial Division: What a Success!
- Upstate New York law Schools Present: Illustrious Alumni
At Albany Law School: Bronson, Brewer, Matthews & Jackson
- An American Tragedy: *The Law & The Arts*
- Stephen R. Kaye Memorial Program 2014
Asian-Americans and the Law: New York Pioneers in the Judiciary

WEBSITE (www.nycourts.gov/history)

The Society launched a new website in 2013, designed to provide cutting edge access to its growing collection of historical materials and resources. Included among these is an expanded digital library of biographies, oral histories, images and documents. In addition the Society is working to expand its digital content through a series of innovative projects, including:

- Legal History by Era: A comprehensive look at the State's history since 1624
 - Historic Courthouse Postcards: Depicting New York's courthouses as they were 100 years ago
 - Historical Court Records: Improving public access to court records statewide
 - Academic Partnership with Bard High School Early College
-

NEW YORK COURT OF APPEALS LECTURE SERIES – *Since 2008*

The Society has sponsored the New York Court of Appeals lecture series held in Albany **since 2006**. This represents the first time this important building has been open to the public as well as Society members for an educational lecture series.

2008 • David J. Stern: On Courts and Sports
• Owen Pell & Monica Dugot: Stolen Art
• Woodstock: The Music of the First Amendment

2010 • The Hudson: Yesterday & Today

2011 • The Hellhounds of Wall Street

2012 • Shakespeare and the Law

2013 • Festival of the Romantics: A Natural Celebration

PUBLICATIONS

The Society publishes annually *Judicial Notice*, a journal featuring articles of historical substance and scholarship, including writings by distinguished historians, attorneys and other authors.

The Society has also published several books:

2013 • **OPENING STATEMENTS: LAW, JURISPRUDENCE AND THE LEGACY OF DUTCH NEW YORK**

2007 • **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.

2006 • **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. Our Oral History project has made great strides. We have captured most of the oral histories of the living retired Judges of the New York Court of Appeals, including those of New York's two living Former Chief Judges, Judith S. Kaye and Sol Wachtler. We are also developing a video library of the histories of members of the New York Bar who stand as legal luminaries.

DAVID A. GARFINKEL ESSAY CONTEST

The annual David A. Garfinkel 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

2012 - The Blue and the Gray: New York During the Civil War

2013 - Cyberspace and the Law: What Are Our Rights and Responsibilities?

2014 - Who Watches the Watchers? Free Speech and Free Press in the Electronic Age

2015 - LGBT: The Road to Equality

EDUCATION INITIATIVES

The Society has provided grants to Bard High School Early College, a public school with campuses in Manhattan and Queens, to develop classroom curriculum and to teach its students about the role of the courts in a civil society...how to administer justice and preserve the rule of law. It is designed to reach a diverse population of New York City public students in middle and high schools. The Society plans to expand its education initiatives to reach underserved students in upstate New York. ■



The Historical Society of the New York Courts

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Hon. Sol Wachtler *Hon. Judith S. Kaye* *Hon. Jonathan Lippman*
(1985-1992) *(1993-2008)* *(2009-Present)*

PROGRAM

WELCOME

ALAN LEVINE, ESQ.
Chair of 2015 Gala

VIDEO PRESENTATION

AT THE HELM
A 30 Year Legacy of Leadership

MARILYN MARCUS
Executive Director

Salute the Honorees!

CLOSING REMARKS

JONATHAN LIPPMAN
Chief Judge of the State of New York

The Historical Society of the New York Courts

Most Notable Achievements of the Chief Judges

CHIEF JUDGE SOL WACHTLER (1989-1992)

- Apr. 22, 1985** The first State of the Judiciary address is delivered to the State Legislature
- Nov. 5, 1985** A constitutional amendment granting the Court of Appeals *certiorari* jurisdiction is passed, giving the Court some authority to select the cases that come before it
- Jan. 6, 1986** The Individual Assignment System takes effect, assigning a case to one judge from its inception to disposition
- 1987** The Court Facilities Act of 1987 is passed, requiring that all local governments submit a capital plan for renovating their court facilities and providing funding for these renovations and operating expenses
- Jun., 1991** The Franklin H. Williams Judicial Commission is established as the first commission in the nation to study and address issues of minority participation in the court system and legal profession
- Jan. 16, 1992** Settlement of a lawsuit with Governor Mario Cuomo over budget cuts to the courts, restoring normal court operations and providing for an independent audit of the court system

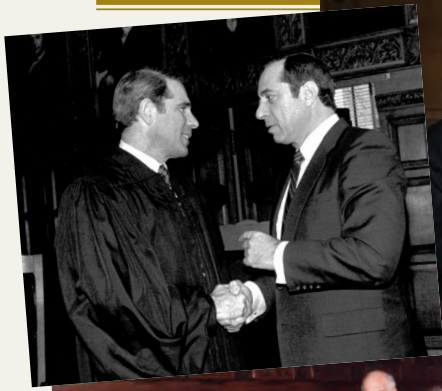
CHIEF JUDGE JUDITH S. KAYE (1993-2008)

- Sep. 30, 1993** The Midtown Community Courthouse is dedicated, becoming the State's first "problem solving court" and is followed by Drug Courts, Domestic Violence Courts and others
- 1993** The Permanent Judicial Commission on Justice for Children establishes the first Children's Centers in New York Courts, providing a safe haven for children waiting at the courts
- Nov. 6, 1995** The New York State Commercial Division begins operations in New York and Monroe Counties
- Dec., 1995** The State Legislature adopts a Jury Reform bill, eliminating all automatic occupational exemptions for jury service in New York and raising the daily juror pay
- 1996** The Center for Court Innovation is created in partnership with the Fund for the City of New York, researching and supporting innovative approaches to justice in the state court system

- Sep. 17, 1998** New rules requiring all attorneys practicing in New York to take continuing legal education courses every year are announced and take effect at the end of 1998
- Dec. 2, 2002** New rules are announced governing the fiduciary appointment system, barring politicians from appointments, requiring greater transparency, capping attorney fees and mandating training
- May 5, 2003** An opening ceremony is held for the Judicial Institute and its facility at Pace Law School, the first state-wide judiciary training organization in the country
- Dec. 14, 2004** With strong advocacy by the Chief Judge Governor Pataki signs the Drug Law Reform Act, reducing penalties under the Rockefeller Drug Laws

CHIEF JUDGE JONATHAN LIPPMAN (2009-PRESENT)

- Jun. 9, 2010** The Task Force to Expand Access to Civil Legal Services is created and is the first of the Chief Judge's many initiatives to expand access to justice to impoverished New Yorkers
- 2010** The State Legislature creates the NYS Office of Indigent Legal Services, Chaired by the Chief Judge, to ensure the fair representation of indigent defendants
- Feb. 15, 2011** The 2011 State of the Judiciary calls for increased funding for judicial civil legal services, by 2014 resulting in an annual budget increase of \$40 million dollars for services
- Apr. 1, 2012** Legislation is passed granting state judges their first pay increase in 12 years, a result of the creation of the Judicial Compensation Commission which had been advocated for by the Chief Judge
- May 1, 2012** The Chief Judge announces that 50 hours of *pro bono* work will become mandatory for admission to the bar in New York in 2013
- Sep. 25, 2013** The Human Trafficking Intervention Initiative is launched, creating the nation's first Human Trafficking Courts dedicated to intervening in the legal cases of trafficking victims



Sol Wachtler

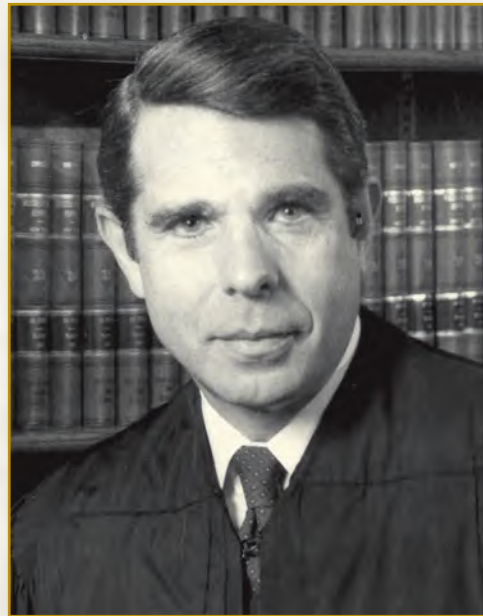
ASSOCIATE JUDGE (1973-1985)

CHIEF JUDGE (1985-1992)

SOL WACHTLER was born in Brooklyn, New York in 1930, the son of Philip and Fay Wachtler. He graduated with honors from Washington and Lee University and its Law School. His other academic pursuits included Columbia School of Architecture; Fellowship graduate, National Judicial College, University of Nevada. He has been awarded an Honorary Doctor of Laws degree from his Alma Mater, and has been presented with 11 other doctoral degrees from Institutions of higher learning.

Judge Wachtler was appointed to the NYS Supreme Court by Governor Nelson A. Rockefeller, and was then elected to that Court in 1968. In 1972 he was elected as an Associate Judge of the New York Court of Appeals, becoming the youngest Judge to sit on that Court. In 1985, Governor Mario M. Cuomo appointed Judge Wachtler Chief Judge of the State.

After serving in the military during the Korean War, Judge Wachtler served as a Councilman (1963) and Supervisor (1964) in the Town of North Hempstead; Chairman, Committee on Public Safety, Nassau County Board of Supervisors (1966). He has served as Chairman, Federal/State Judicial Council of New York State (1984); on the Board of Overseers of the Nelson A. Rockefeller Institute of Government. He was the



founder and Chairman of the National State/Federal Council and served as a member of Board of Directors of the National Conference of Chief Justices. He has been a guest lecturer in law at International forums.

Chief Judge Wachtler is known for innovation and reform in a wide range of areas. He increased the efficiency of the courts by moving to an Individual Assignment System, where cases remained with one judge through the life of a case. He oversaw badly need repairs to courthouses around the state, successfully advocating

for the passage of a statewide court facilities act that enabled 119 cities and counties to build and restore dozens of courthouses.

Judge Wachtler undertook important pilot programs, beginning the first commercial part of the New York County Supreme Court and the first Drug Treatment Alternative Program Court in Brooklyn in 1992. He also launched two commissions to examine and improve the delivery of pro bono services.

The status of women, children, and minorities in the courts were hallmark issues for Judge Wachtler. He prioritized diversity within the Court System and improved the experience of women and minorities, for court staff, litigants and lawyers. He created the Permanent Commission for Justice for Children and the Franklin H. Williams Judicial Commission on Minorities — the first of its kind in the nation. He continued and amplified the work of his predecessor with the Commission on Gender Bias, ensuring that its recommendations were funded and implemented.

He secured a Constitutional Amendment establishing the Court of Appeals as a *certiorari court*, allowing the Court to select some cases on appeal rather than permitting appeals *as a right*. This change permitted the court to focus its resources on cases with a greater impact on the justice system.

Judge Wachtler delivered the first “State of the Judiciary” address to the Legislature, reporting on the state of the courts, major changes and new policy initiatives. The address is now an annual tradition.

Chief Judge Wachtler resigned from the bench in 1992. For more information see *After the Madness* and Judge Wachtler’s biography on the website of the Historical Society of the New York Courts.

Judge Wachtler currently teaches at the Touro Law School as a Distinguished Professor of First Amendment Law. He lives with his wife in Manhattan, New York and has 4 children and eight grandchildren.

Judith S. Kaye

ASSOCIATE JUDGE (1985-1992)

CHIEF JUDGE (1993-2008)

FOR “25 YEARS, THREE MONTHS AND 19 DAYS,” JUDITH S. KAYE served on the Court of Appeals of the State of New York, having been appointed in 1983 by Governor Mario M. Cuomo as an Associate Judge and then in 1993 as Chief Judge. She was the first woman ever appointed to the Court.

Before her appointment, Judge Kaye worked in private practice, becoming the first female partner at Olwine, Connelly, Chase, O'Donnell & Weyher. Her practice focused on commercial litigation, always supplemented by bar association and pro bono activities. She is a 1962 graduate of New York University School of Law (cum laude), a 1958 graduate of Barnard College and a 1954 graduate of Monticello High School (at age 15). She was born and grew up in Monticello, New York.

Judge Kaye wrote notable decisions on a wide array of constitutional, statutory and common law issues. As Chief Judge she also led numerous reform efforts within the court system, detailed below, and is the author of more than 200 publications, including articles on legal process, state constitutional law, women in law and professional ethics.

Upon leaving the bench in 2009, Judge Kaye returned to private practice at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, where she focuses her practice on appellate litigation and arbitration. She is the Chair of the New York International Arbitration Center. She continues her public service to the courts, recently co-chairing the Task Force on



Commercial Litigation in the 21st Century, which reported to the Chief Judge recommendations for the revitalization of the Commercial Division. She describes as her “passion project” the formation of school-justice partnerships aimed at keeping kids in school and out of the courts. In 2012, she spearheaded a nationwide conference, bringing together representatives from the justice system and the education system to find ways to end the school-to-prison pipeline.

Her current Board service includes Lincoln Center for the Performing Arts, the American Arbitration Association, The International Institute for Conflict Prevention and Resolution

("CPR"), Volunteers of Legal Services, the Museum of Jewish Heritage and the Robert Jackson Foundation.

Judge Kaye's 15 year tenure as Chief Judge is the longest in the history of the court, and she left a legacy of many achievements. The first was the overhaul of the jury system in New York, persuading the Legislature to eliminate all automatic exemptions to jury service, expanding the pool of potential jurors by more than a million people. This reform lengthened the minimum time between an individual's jury service and halved the average time served. Juror compensation was increased, mandatory sequestration in criminal trials was eliminated and automated call-in systems were put in place. The changes to the jury system increased public confidence in the courts and improved the experience of jurors.

Judge Kaye also introduced problem-solving courts to New York, which look to the underlying issues that bring litigants into the justice system and seek to improve outcomes by directly addressing these issues. Drug and mental health courts use court-mandated treatment for defendants to break the cycle of addiction, crime, and jail. Domestic violence courts implement intensive court monitoring of defendants and services to victims. These courts represent a shift in thinking about the role of the court in addressing social dysfunction and in engagement with service providers, prosecutors, and defense attorneys.

Another innovative court implemented by Judge Kaye was the Commercial Division of the Supreme Court. In response to a trend in the 1990s of parties increasingly choosing other forums for their commercial

disputes Judge Kaye launched the Commercial Division in 1995. These court parts, dedicated to hearing larger, more complex civil cases with expert judges, increased efficiency and improved the quality and consistency of judicial decision-making. The Commercial Division was well received by the bar and the business community, and it expanded around the state in major metropolitan areas.

As part of her effort to increase public trust and confidence in our courts, Judge Kaye reworked the fiduciary appointment system to prevent favoritism and the hazards of corruption.

Finally, Judge Kaye placed special emphasis on the protection of children and families. As chair of the Permanent Judicial Commission on Justice for Children she oversaw efforts to promote adoption and secure permanency for children in foster care and promoted the spread of Children's Centers where children can wait safely while their parents or caregivers are in court.

Judge Kaye has received numerous awards such as the New York State Bar Association's Gold Medal, the ABA Justice Center's John Marshall Award, the National Center for State Courts' William H. Rehnquist Award for Judicial Excellence, the American Bar Association Commission on Women in the Profession's Margaret Brent Women Lawyers of Achievement Award, and the U.S. Department of Health and Human Services' Adoption Excellence Award.

Judge Kaye founded the Historical Society of the New York Courts in 2002 while Chief Judge.

Jonathan Lippman

CHIEF JUDGE (2009-PRESENT)

JONATHAN LIPPMAN was born in New York City and raised on the Lower East Side of Manhattan. A product of the New York City public school system, he received his B.A. in 1965 from New York University, from which he graduated Phi Beta Kappa and cum laude. He received his J.D. from New York University School of Law in 1968, the same year he was admitted to the New York Bar.

Chief Judge Lippman has served the court system for over four decades and started his career as an entry level court attorney in Supreme Court, New York County. After service as a law clerk in Supreme Court and Surrogate's Court, he became Principal Court Attorney for Supreme Court, New York County, Civil Term, before being named Chief Clerk and Executive Officer of that court in 1983. In 1989, he was appointed Deputy Chief Administrator for Management of the statewide court system. In 1995, he was appointed to the New York Court of Claims by Governor George E. Pataki. In 2005, he was elected to the Supreme Court for the Ninth Judicial District.

From January 1996 to May 2007, he served, by appointment of Chief Judge Judith S. Kaye, as the Chief Administrative Judge of all New York State Courts. As the longest tenured Chief Administrative Judge in state history, Judge Lippman worked closely with Judge Kaye to modernize the



court system and build a track record of reform and innovation that set national standards. Whatever the subject — jury reform, drug treatment courts, lawyer ethics, matrimonial reform, local justice courts, e-filing, the aftermath of September 11th, and innumerable other challenges — Judge Lippman's contributions helped propel the New York courts forward into the twenty-first century.

In May 2007, Judge Lippman was appointed by Governor Eliot Spitzer as Presiding Justice of the Appellate Division, First Department, one of the most influential appellate courts in the country, with eighteen Justices hearing approximately 3,000 ap-

peals annually from New York and Bronx Counties. As Presiding Justice, Judge Lippman also served on the Administrative Board of the Courts, the policy and rule making body for the New York State courts.

In January 2009, Judge Lippman was appointed Chief Judge of the State of New York by Governor David A. Paterson. As Chief Judge, he presides over New York's court of last resort and serves as chief executive of one of the largest, busiest and most complex court systems in the world, with a \$2.7 billion budget, 3,600 state and locally paid judges and over 15,000 non-judicial employees in over 350 locations around the State.

On the Court of Appeals, Chief Judge Lippman has made a distinct impact on the law of our state, authoring influential opinions in high profile search and seizure, right to counsel, executive government and internet taxation cases. Judge Lippman's questions from the bench as well as his opinions reveal a pragmatic jurist balancing competing interests, focused on candid examination of the real world consequences of court rulings. He encourages rigorous intellectual debate among colleagues on the most difficult and divided legal questions.

Chief Judge Lippman has directly engaged the complex social problems reflected in state court dockets. In word and deed, he has worked to foster equal access to justice nationally: securing increased permanent funding streams for civil legal services, making New York the first state to require significant law-related pro bono work prior to bar admission, and championing reforms to strengthen the state's indigent criminal defense system. His commitment to addressing the intractable modern-day problems plaguing our communities is evident in his pioneering creation of Human Trafficking Courts and support for Veterans Courts and other innovative specialized tribunals.

Judge Lippman has focused public attention on the critical issues of the day — wrongful convictions, juvenile justice, grand juries, mortgage foreclosures — helping set the stage for important statewide reform of the broader justice system. Embodying a proactive brand of judicial leadership, Judge Lippman has embraced the idea that the Judiciary can and should be an active participant in developing effective solutions to the societal problems that threaten to overwhelm the courts and weaken the fabric of society.



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