

THE HISTORICAL SOCIETY OF THE NEW YORK COURTS

ORAL HISTORY PROGRAM

Hon. Jonathan Lippman
Former Chief Judge of the State of New York

Part I: Childhood and Early Education
Part II: Early Professional Career in the Courts



Found on exterior entrance to New York Court of Appeals

THE HISTORICAL SOCIETY OF THE NEW YORK COURTS

**140 Grand Street, Suite 701
White Plains, New York 10601
914.824.5717**

**History@nycourts.gov
www.nycourts.gov/history**

ORAL HISTORY

**Subject: Hon. Jonathan Lippman
Former Chief Judge of the New York State Court of Appeals; Appellate Division,
First Department; New York State Courts; Latham and Watkins LLP
New York State**

An Interview Conducted by: Antonio Galvao, Esq.

Date of Interview: July 19, 2018

Location of interview: New York City office of Latham and Watkins LLP

Copyright © 2018, *The Historical Society of the New York Courts*

In 2005, *The Historical Society of the New York Courts* (the Society) established an oral history program to document the recollections of retired Judges of the New York State Court of Appeals (New York's highest court), retired judges and justices from other courts in the State, and prominent New York lawyers (Subjects). Starting in 2009, all interviews were videotaped. Interviews prior to that time were either audio or video taped. Interviews were conducted by informed interviewers, familiar with both the Subject and New York jurisprudence (Interviewers). The transcripts of the record are reviewed by Subjects and Interviewers for clarity and accuracy, corrected, and deposited in the Society's archives. An oral history transcript is not intended to present the complete, verified description of events. It is rather a spoken personal account by a Subject given in response to questions. It is intended to transmit the Subject's thoughts, perceptions, and reflections. It is unique and irreplaceable.

All uses of this transcript are covered by a signed agreement between Subject, Interviewers, and the Society. The information is thereby made available for purposes deemed suitable by the Society, including research and education. All copyrights and literary rights in the transcript, including the right to publish, are reserved to the Society. No part of the transcript may be quoted for publication without the written permission of the Society.

Requests for permission should be emailed to the Society at History@nycourts.gov or mailed to the Society at the address appearing on page one. The request should identify (i) the user, (ii) the intended use of the materials, and (iii) the passages to be quoted.

It is recommended that this oral history be cited as "An Oral History of Hon. Jonathan Lippman, conducted on July 19, 2018 by Antonio Galvao, Esq., at the New York City office of Latham and Watkins LLP, by The Historical Society of New York Courts."

This Oral History is subject to future annotation and technical revision. Footnotes supplying citations of cases and statutes and biographical information for public and historical figures mentioned in the transcript may be added. In addition, formatting and similar irregularities may be corrected and page numbering may be adjusted accordingly.

THE HISTORICAL SOCIETY OF THE NEW YORK COURTS**Oral History Project**

INTERVIEWEE: Hon. Jonathan Lippman

INTERVIEWER: Antonio Galvao, Esq.

DATES: July 19, 2018

[Begin Audio File Part 1]

AG: Good morning. Today is July 19, 2018. My name is Antonio Galvao, and for about 15 years I had the privilege of working closely with, and for, the Honorable Jonathan Lippman, who enjoyed a historic career as the Chief Judge of the State of New York from 2009 through 2015, Presiding Justice of the Appellate Division, First Department from 2007 to 2009, and Chief Administrative Judge of the New York State Courts from 1996 to 2007. Happily, we find ourselves together once again, at the New York City office of Latham and Watkins LLP, where Judge Lippman now practices law and where we are interviewing him today as part of the Oral History Project sponsored by the Historical Society of the New York Courts. Good morning, Judge Lippman.

JL: Good morning, Tony, what a delight to be with you.

AG: Thank you. How are you today?

JL: I'm great, everything is good.

AG: Wonderful. Do you mind if we start at the very beginning?

JL: If I can remember back to the very beginning it's good, we'll start there.

AG: All right then, tell us a little bit about your parents, their backgrounds and what

they did for a living.

JL: Well, my mother was a teacher and a New York City public school product. She went to Hunter College to become a teacher. She came from a big family, lots of brothers and sisters. My father was a businessman in his early years. His family owned a string of poultry markets in New York City. In those days they had live poultry markets.

AG: Really?

[00:02:01]

JL: Basically, a relic of the past today. He then got very interested in cooperative housing, almost a utopian concept of the day. People would come over from Europe, particularly labor people, working people, who were virulently anti-communist but socialist in their orientation. He got involved in this movement and it was, again, almost a utopian concept. He left the family business and became essentially the manager of the big cooperative development downtown, in New York City, where we lived. Then he became an officer in the United Housing Foundation, which expanded that concept to other places in New York City, including Co-Op City at the time, which was really the death knell of that organization, because it expanded too quickly. So eventually he settled back as being the manager or president of what was called Co-Op Village, downtown. Both families came from the Lower East Side. We had four boys in the family, and my mother was, again, a teacher and mother extraordinaire, and my father, again, gravitated from more of a business orientation to this idea of promoting better lives for people. He was the manager, the president, chief cook and bottle

washer, which had an impact on me as my own career developed, obviously.

[00:04:06]

AG: Right. So, what special qualities and life lessons did your parents impart to you that shaped your character and personality and helped you succeed in life?

JL: Well, I think like so many children of immigrants, which they both were, both born here, the most important thing in the world to them was education. It's a familiar story --

AG: Of course.

JL: -- with people who come from that background. So that's what they instilled in us -- family, education. Money was not the most important thing in the world to either of them. Again, my father left a business that was quite lucrative to take a job that wasn't the public sector but certainly the nonprofit sector, to help people, to pursue what's good for society. My mother, again, well educated, was interested in teaching and learning, which really was meaningful to her. That's the kind of life we led, not lucrative or high income in any way. These were middle income co-ops, where we lived.

AG: Right.

JL: We led purposeful lives, I guess is the way I'd put it, and that's what they instilled in us, but first and foremost, aside from the family itself, it was education, education, education.

AG: Okay. So, you told us you had three siblings, that's right, correct?

JL: Yes.

AG: Yes. So, what was your childhood like, growing up on the Lower East Side? Did

you have a happy childhood, a lot of friends? What did you do for fun?

[00:06:06]

JL: Played basketball. I wasn't quite tall enough to really achieve in that area, but a lot of concrete on the Lower East Side, not too much green.

AG: Right.

JL: You know, you had a lot of friends, a lot of running around the area, from basketball games to baseball games, to any kind of sport you could think of. Involved in work at school, but it wasn't my primary interest, as much as my parents drilled it into me. I was more interested in the sports. As you know, the New York Yankees occupied a good part of my time.

AG: It was a good time to follow the Yankees.

JL: Oh, it was great, it was great. Of course, Mickey Mantle was my idol and between school and sports and following the New York Yankees, I kept pretty busy. I did have the two older brothers and one younger, and they had similar pursuits. You'd go to watch your brother play in a basketball game at night in some area on the Lower East Side, and it was a full, rich life. We didn't go out to restaurants particularly. My mother kept a kosher home, at least at home, and it was very neighborhood-centric. Everything revolved around the neighborhood, PS 147, where I went to elementary school. I was the captain of the yard, which meant making sure that people came in at the right time and got out of there.

[00:08:00]

AG: A leader even back then.

JL: Yeah. Well, this was not the most enviable position to have... That's the way the

City was at that time on the Lower East Side. We didn't particularly go out of the local area. The first time I really gravitated away from the Lower East Side was when I was able to get into Stuyvesant High School, one of the elite schools in the New York City school system. I went up to 14th Street, where Stuyvesant was, and I always said that I got a nosebleed going that far uptown, but I did it anyway. That was the first time, kind of leaving the coop, so to speak, and going a little bit out of my comfort zone.

AG: So, you ended up going to NYU and you earned a BA there.

JL: Also, for me uptown, you know?

AG: Right, not too far away. You were cum laude and Phi Beta Kappa, and you majored in political science and international relations. Did you know in high school, in college, that you wanted to pursue a career in the law, or when did that come into your mind?

JL: I did not know. I was very interested in political science. People who grew up at that time as teenagers, there was a real idealism -- John F. Kennedy and Camelot, -- that got so many of us interested in politics and changing the world. I really hadn't thought of law school particularly until I got out of college at NYU in Washington Square, where I did very well, and the question was what to do with the degree. If you want to go into political science and history, which are majors in college, the only thing that really made sense at that point was to maybe try to go to graduate school and be a teacher. I sort of took the path of least resistance, which a lot of people do with the legal profession and went to law school with the idea that it provides you with so many options. So, it was sort of I'm too young

to be John F. Kennedy, and teaching wasn't necessarily what interested me when I did think about it a lot, and so I went into law school thinking, "Gee, this will keep my options open."

[00:10:52]

AG: So, while you were at NYU, including the Law School, in the late '60s, it was a time of great cultural, social upheaval. You had the Civil Rights Movement going on, Vietnam was going on. How did all of this affect you, and did it ultimately affect your outlook on public service?

JL: Well, absolutely. It was a time of turmoil and the children of the '60s, I think, all had the traumatic impact of civil rights demonstrations, Vietnam, and all of it got into our heads in a certain way. The protests, the civil rights movement, folk singers, Bob Dylan's "Blowing in the Wind," all of that, I think it gets into your fiber and changes who you are. I'd say that Kennedy and -- not the rebellion -- but the angst of young people very much focused me on where I was going and on looking to make a difference in life. Understanding that the world was changing and wanting to have some role in the developments of the times. You know, "the times they are a-changing," and boy were they changing.

AG: Sure.

JL: So yeah, I think there was a sense of idealism, a sense of empowerment of young people and that the world is going to be different, and we're going to be a part of it, because all the old conventions were gone. I must say, I did not join the youth rebellion. Just, I don't know, maybe being grounded in the family and growing up on the Lower East Side. I wasn't smoking pot. Not even Bill Clinton. I didn't

even not inhale it, I never came near it.

AG: Oh, but you couldn't help but breathe it in.

JL: It was in the air. To give you an example, my in-laws had a summer camp for children not too far from Binghamton, and we went up to see them for the weekend, and Woodstock was going on. People were in the mud and doing whatever, and Amy and I, my wife, drove right past the whole scene. We were looking at the people on the road and we'd say, "man, look at that!" There were people by the side of the road, they didn't have clothes on, and we just kept on going by to visit my in-laws. So, it was all around me, but I'm not saying I was knee-deep.

[00:14:15]

AG: You were kind of there.

JL: I was an observer of much of it. I was "kind of there," is right. It was a funny thing, we're talking about the people we're passing, saying, "oh yeah, look at that, this is really going to be interesting." But we kept going, you know?

AG: Very good. So, tell us about how you landed your first job with the court system. I think that was back in 1972.

JL: It was weird, and you probably heard this story before. I'm looking for a job, like so many young kids are, and you know, the heroes on the Lower East Side were the judges over on Centre Street, who had worked themselves up from modest beginnings to become judges. There were a number of them in the courts, a fellow by the name of Sam Spiegel, who I wound up working for directly, Xavier Riccobono, a fellow named Jack Markowitz, all Lower East Side, up to like the

Stuyvesant Town area, all judges who I admired. So, my father sent me to see Judge Spiegel, who called over to whatever it was, the administration of the courts – in those days, the courts were not centralized – and they got back to him and said, “We have funding for a law assistant job in the law department” – in those days, court attorneys were called law assistants – “that’s going to expire in like the next three days.” The City funded the courts in those days, not the state. And they said, “If you send him right over, we’ll put him to work.” So, it’s those kinds of fortuitous things that make careers, but literally the funding was about to expire. The city had allocated the money for a job, and I came in and they said, “Oh, you’re alive and you’re breathing, and we need to get this money while we can,” and that’s how I ended up becoming the Chief Judge 40 years later. So many careers are like that, it’s fortuitous.

[00:16:32]

AG: Sure, right place, right time.

JL: That’s what happened literally. That’s how I got into the court system, and you know I always use the expression, “I became a lifer.” But that was the beginning. In those days, as I said, they called them law assistants. When I later got to higher positions of authority, we changed the name to court attorney, because the young lawyers didn’t like to be called law assistants, it didn’t sound like a lawyer. So, what happened is, those people served in the pool of lawyers that served the judges, not as the judge’s own individual law clerk, but they served in a pool, doing memos for the judges, drafting decisions. In those days there was a part of the court called Special One, and that was the motion part of the court, and you

had like 300 motions a day that came into that, when a judge presided in Special One.

AG: Right.

JL: The judge was in there for a week, so the judge would get hundreds and hundreds of submissions. There could be 600, 800 submissions during the week, so a judge was assigned three law assistants to help him, or her, and there weren't too many hers in those days.

AG: That's right.

[00:18:12]

JL: And to help his or her own law clerk. And so we took all those motions and then we were assigned, for like a month, to work on getting all those motions done, to draft decisions, memos, for the judge, and then you went on to the next assignment. We had three law assistants working for a month on the week's motions that came into Special One. We all had offices in the building, and some of us had better offices than others. My office was in a converted elevator shaft.

AG: Oh, boy.

JL: So, you never knew when you were sitting there whether it would go up and down. It was literally a converted elevator. You opened the door and that was your office. We'd go down to Special One and they'd have hundreds of motions every day, and you'd carry those motions up to the elevator. You're holding motions up to your neck, and you finally get them into the elevator shaft, and hopefully it's not moving, and then you'd work on the motions in the dungeon, the elevator shaft, for the next month. That was my entrée into the court system.

AG: And you loved it.

JL: I really did love it. It was a great place, you had lots of people who later became judges.

AG: Right.

JL: In that particular law department was Angela Mazzarelli, who is now one of the most senior associate judges of the Appellate Division, First Department. Carmen Ciparick was a law assistant, but she was on the criminal side. She was the chief law assistant in the criminal term, and that's how I met her.

[00:20:10]

AG: Certainly.

JL: I met her 50 years ago when she was a law assistant on the criminal side, and great friendships are born that way, meeting someone you feel so simpatico with and it results in a lifetime friendship.

AG: Can you describe for us, what it was like to be a young lawyer working in the heart of the court system in Lower Manhattan in the 1970s, before the digital revolution, before magnetometers, before case management systems. What was it like?

JL: Well, it's interesting that you ask me, because it's such a different world from today. We did everything in longhand, on long yellow pads. We wrote out our drafts of decisions and memos, and there was a stenographer's pool. You'd bring the motions, with your longhand draft in the jacket, and you'd bring it over to the stenographers' pool and then the next day or whenever it was, you'd get it back, in draft form. You'd edit it, send it back, back and forth. This was a different

world. There wasn't even -- carbon paper barely existed then, you know?

AG: Right.

JL: It was very different. The courthouse area near 60 Centre Street is considered to be Tribeca today, whether it's formally in Tribeca or not, but it looked nothing like Tribeca back then. You know how they give names to these areas. In those days, there wasn't the federal plaza yet, where they put these common areas with green in the middle of it, there was nothing like that. It was a typical downtown area, where the law assistants, every Friday, would have lunch together in some restaurant. I remember a place called Joe Maxwell's, which believe me, doesn't exist today, where we had lunch every day, and there was just a great camaraderie. It was a simpler world. There weren't cell phones. You'd go into the library and there was a great feeling to see your colleagues there doing research from books. And only books in those days. And you'd go to the library to shepardize your case, bring it up-to-date. There was a lot of joking with the old timers there. A fellow named Eddie Beyer, he was like the wise old lawyer assistant, had been there for 30 years. There were people joking, they'd hold up their motion file and say, "Well, let me flip it up in the air, denied, granted," totally in fun, of course, and a lot of camaraderie, no technology to speak of. When you wanted something, you'd go up to the next floor or down a couple of floors and go see the person you were seeking. In and out of chambers a lot, speaking to the judge's clerks.

AG: What about the culture with the bar? Here you are, practicing law 40, 50 years later. What do you notice, the difference between now and then, among the

attorneys?

JL: It was less cutthroat -- less adversarial, more camaraderie. A lot of the lawyers, for better or worse, would hang around the courthouse all the time. The practice was more -- I don't mean that the substantive law wasn't important but there was a lot more emphasis on understanding legal procedure and navigating the system. Like what to say when you get to Special One and they call your case, and how to get your case up earlier, and speaking to the right clerk and figuring out how to do it. If you know the right clerk, know who to go to, you could get your motion on the list as number 32 instead of 332. There were bail bondsmen hanging around the courthouse downstairs. It was just an old-world kind of charm, I'd say, that maybe we miss in this technologically savvy world, with everything that goes on. But it is interesting, you mention that.

[00:25:01]

AG: Very interesting.

JL: Like writing things out, which is almost inconceivable to anybody in the courts or in the law firms. Who writes things out in longhand today? And developing relationships -- for instance, another prominent judge who everybody knows is Betty Ellerin. She was the law clerk to a judge named Harry Frank, and when I, as a law assistant, would work with Judge Frank and Betty, we developed a great camaraderie. You'd come in and say, oh, Betty, this was an interesting motion, I did this, that, the other thing. She'd get back to you to discuss it. And every time, after an assignment, Betty would send you a little handwritten note that said, "Oh, it was so great to work with you for the last month." Just heartfelt, you know, not

for any purpose other than being the warm human being she was. Those relationships and that camaraderie is something I enjoyed for over 40 years. Developing those different relationships over the years, and having them deepen and become more meaningful, it gives you a real love for the courts, the institution you're dealing with. And the people are the institution.

[00:26:43]

AG: You just used the word love, and I've heard you describe many times how during those early years you really fell in love with the court system and the challenges of making things work, and understanding why things sometimes didn't work.

JL: Right.

AG: What was it about the court system that so fascinated you and captured your interest, that you ended up devoting your entire, or just about your entire professional career to the courts?

JL: My first career you mean.

AG: Yes.

JL: My second career now, is that I practice the law.

AG: So, virtually your entire career.

JL: Right, right. Well, to me I think it evolved. At the beginning, you're a cog in this large entity, and then you start to get more and more perspective on what you're doing and how it fits into a bigger picture. For me, what started to really make a dent on me, and I know this is the next question you're going to ask me anyway -- what did you do next? What happened is I went from the law department to being the clerk, the law clerk to a particular judge. So, while the law assistants are

dealing with this motion part of the court, I as the law clerk was dealing with trials, writing charges to the jury, conferencing cases with lawyers, seeing this other part of the court process. Then I had the ultimate nightmare for any law clerk to a judge: the judge died while we were working together. We had moved over to the Surrogate's Court, from the Supreme Court.

AG: Now we're talking Sam Spiegel again?

JL: Yes. He had been elected to Surrogate's Court, dealing with wills and probate and all of that, and six months after I got there he died. And so I had seen a different court at work, but after Judge Spiegel's death I returned to the law department as the principal court attorney, a supervisor. There was a Chief and there was a Principal, and I was the Principal, basically reviewing the work of other law assistants and editing. I didn't have to write any more, no one had to read my handwriting, I just edited what they did. I did that as a supervisor in the law department, for I think five or six years. Then, the thing that really opened my eyes --- and each new position gave me a broader perspective -- was becoming the Chief Clerk and Executive Officer of the Supreme Court in Manhattan, sort of the nonjudicial administrator of the court, and everyone told me that was a total dead end, because if you did that, you're going out of the legal series -- and you're going to be like an administrator, with the law all around you, but you're not doing the decisions any more. But in that role, I was able to see how the whole court worked and how everything fit together: the motion courts, the trial courts, the individual judges. Even more striking to me was the thousands of people streaming into the courthouse every day, seeking justice. So, I started at

the ground level, and then I got a broader and broader picture, and then more of an umbrella picture running the whole courthouse as the nonjudicial administrator. And not to jump ahead, but then I became -- and we can talk about how that all happened -- the deputy chief administrator for management of the statewide court system where I got exposed to the courts all over the state. So, again, you start out with that narrow perspective and as your roles deepen and widen, you begin to see the whole picture. So that's how I got to love the court system, and why I understood it so well.

AG: From the bottom up.

JL: Yeah, from the bottom up, and how the end product is about delivering justice. I could see, not only the micro of having been there from the bottom up, but the macro of what it looks like for the public, and that's what fascinated me. How can we make justice happen, this intangible thing that's so hard to define? I could see it now, I could see what these people wanted, and I certainly understood the components that went into delivering justice, how we could put it all together and make that whole process work better.

AG: How you get to that end product.

JL: So that's what I loved, that's what fascinated me, and of course, the roles were so interesting. We each take our own path. When I was the Chief Clerk and Executive Officer of Supreme Court, New York County, Carmen Ciparick had become a judge and she, as you know, ultimately became a high court judge and we served together.

[00:32:06]

AG: Right.

JL: She was in the Bronx and only wanted to come to Manhattan, and she came to her old friend and said, “Gee, could you get me back to Manhattan?” And I helped her get to Manhattan.

AG: I didn’t know that.

JL: Oh, she’ll tell you. The Bronx was great but she wanted to be in Manhattan because that’s where she had been the chief law assistant. So now, after working for these judges, and even though I was still nonjudicial, they would come to me when they needed something, so you also start to have a different feeling about yourself and who you are. Anyway, that was the world I lived in. I lived in the Manhattan Supreme Court for 17 years or so, before going to that next level. What happened was Judge Wachtler was the Chief Judge, and Judge Bellacosa was the Chief Administrative Judge, and we changed statewide to a new system. We moved away from the master calendar system, the Special One that I talked about, and went to an individual calendar system, one case, one judge, essentially.

AG: IAS [Individual Assignment System].

JL: IAS is what we called it, and because I knew the courts from the ground up by that time as chief clerk, they turned to me to do things on a statewide level, including implementing the IAS system statewide. Even though I was based in Manhattan, as a result of my work there, they kind of took note of who I was. There’s this guy down there who knows all about civil practice and how to implement systems. That’s how I became the deputy chief administrator for management support. In that role, I learned about all these new places, whether it

be Buffalo or Rochester or way out on Long Island, Riverhead, or up near the Canadian border, Malone. All these different places around the State now became this other new world opening up for me and giving me a deeper understanding of what the whole court system was all about.

[00:34:34]

I also started to learn what 24-hour a day jobs were all about. You're running a huge court system, and the deputy for management basically did the nuts and bolts, the executive functions of running the court system. And so you're working 24 hours a day, which I wasn't used to, this kid from the Lower East Side. By that time, I had moved to Westchester with my wife. I was commuting in, and Tony, you've heard this story before. I'd come in, take the train from Westchester, down to Grand Central, then take the subway to the City Hall stop. The Office of Court Administration in those days was at 270 Broadway.

AG: Right.

JL: I'd walk through City Hall Park to get to 270 Broadway. I'd go there when it was dark in the morning, and I'd come back when it was dark at night. You get dizzy after a point and it came to the point where, one day when I was walking through City Hall Park, I literally stopped in my tracks, because I couldn't figure out whether I was going to or coming back from work. Seriously.

AG: Right.

JL: I thought about it for a couple of seconds, am I going there or am I coming from there?

[00:36:00]

AG: Am I coming or going?

JL: Eventually, I figured it out, continued on my way, but that was my exposure to not only this huge court system where people are streaming in all around the State seeking justice, but also to a job with a lot of responsibility, to the point where it dominates your life. When you talk about love? I loved it with a passion, with every fiber of my body, it's all I thought about besides my family and the New York Yankees, day in, day out. It dominated everything I thought about, and when you talk about loving what you're doing and having passion, that's what happened to me, by starting in an entry level job. And when you come to that point where it's taking up all of your waking time -- if you don't love it, you ought to be doing something else.

AG: Right.

JL: So when people ask me today what turns my motor on, I always say, and my wife knows this, I'm not the best in social settings, with small talk, I don't really have patience for it basically. So, we could be at a party or an event, and I'm like zoned out, barely talking, but then someone mentions something to do with justice, the courts, the judiciary.

AG: And there you go.

JL: All of a sudden, I become this passionate crazy person. So when people say who is this guy?... I can go to some meeting and I'm sitting there and people are talking back and forth and to me. Unless it's really going somewhere it doesn't mean too much, but if I get the chance to say something about justice, all of a sudden, the light switches on and I'm there and totally and completely engaged.

But it was that process, of coming up through the ranks of the courts, that made me feel the way I do about these issues, up until today. And getting from step one to, all of a sudden, the statewide role as the deputy chief administrator is really, again, about relationships, and getting to know Judge Wachtler, who was the Chief Judge at the time, and the people around him. The relationships I built in the courts, they become like my second family over the years.

AG: Let's talk about your first family then, because during all those years, even though you were a workaholic and you were putting in those long hours, and sometimes you didn't know if you were coming or going, but still you got married, you met Amy, you married her, you had a family.

JL: Right.

AG: Tell us about that.

JL: Well you know, we met at summer camp for kids.

AG: In the Catskills?

JL: Yes. It was -- I think I mentioned this before -- it was in a town near Binghamton, a town called Norwich, New York.

AG: Norwich.

JL: Which is in Chenango County. Her father owned the camp, I was a camper and then a counselor, we met there, a relatively quick courtship. In fact, I was still there after my first year of law school. When other people were doing the smart thing and clerking somewhere for a law firm or whatever, I was being the color war general at camp.

AG: Okay.

JL: That, I think, was what won her over finally, when I became the color war general, that leading role was something she understood. I became the color war general, “Batman” was the theme, the dynamic duo versus the arch enemies.

AG: Wow.

JL: And so I was Batman, and that won her over. We got married, and as soon as we got married, my father-in-law sold the camp. I don’t know, I guess he wasn’t interested in me pursuing that any further.

AG: He accomplished his purpose.

JL: Yes, exactly, and I had paid his daughter’s tuition to college all those years by being in the camp, and four of us Lippman boys at the camp, we paid whatever it cost.

AG: Yes. How about that.

JL: We lived in Manhattan for a while, after we got married, in the co-op, then we moved to Riverdale, which is sort of halfway to the suburbs. Then we moved to Rye Brook in Westchester County, even before we had children, and then we had two children; Russell, our son, who was a bicentennial baby, a 1976 baby. He was also a leap year baby. And then three years later we had our daughter, Lindsay, and they both went to the local suburban Rye Brook schools. It’s a very small district. The school district really was like a private school. They had 45 kids in their graduating class in those days. Rye Brook is a community that is all in the eastern part of Westchester. It borders on the Connecticut border. In fact, the high school was on one side of the border, and Greenwich, Connecticut, was on the other side. So that’s where we brought up the kids. I would commute. The

problem was, with a 24-hour job, the higher I went in the court system, the later I got home, the less time I had to eat dinner with the children and all of that.

They're remarkably well adjusted anyway, all due to my wife.

AG: Oh yes, I would say so.

JL: So that was our life for 30-some-odd years. We lived in Westchester County, I commuted, it was a way of life that we enjoyed, and I wouldn't have given it up for anything, even though I was originally a city boy and am now again.

AG: And if I recall correctly, somewhere along there, you took a little bit of a step back and allowed your wife to go to law school and you took on some more of the child rearing duties.

JL: Yes. We all know about that, Tony. Yes, I did that also. My wife was a teacher and she decided to go to law school. But she was also taking care of the kids, so she went to Pace Law School, which is about 15 minutes from the house, in White Plains. While she was doing that, she adjusted her schedule so she could come back and do the car pools and that kind of thing, but I had to make sure that I was home at night, to make sure that the homework was done, that they were fed, that they were bathed, whatever. She was studying for her new career, and so she always says I became the house mom, you know? I could still do it at that time. I hadn't risen so far in the court system where I couldn't make it my business to be there. Later, it would have been impossible, but it sort of worked well in terms of the division of labor. It was a great time in our lives and we enjoyed it, and yes, I was the -- is that the expression, a house mom? I forget what they call it, something like that. There's a movie about it, remember?

[00:44:45]

AG: Yes, *Mr. Mom*.

JL: *Mr. Mom*, that's what you call it, *Mr. Mom*, yeah. So that was a great time, we enjoyed it, and the kids, this is interesting, the kids, who are both lawyers, certainly got a sense that their mother cared about something enough... You talk about the influence of my parents, right? Like how my father cared enough to give up the money from the business to go into something that would help people, how about my kids seeing how their mother cared enough about becoming a lawyer that after caring for them all day she'd study at night and write all these papers. She was a great role model for them.

AG: Absolutely.

JL: Particularly for my daughter, but for both of them. It wasn't just their father who did something worthwhile, here was their mother also pursuing another professional degree. It really made a mark on the kids, that she went to law school, had a second career and went out and practiced law.

AG: That's great.

JL: Yeah. It was, like I said, great for all of us.

AG: Good. You mentioned Betty Ellerin a few minutes ago, and you know there's no one who rises as far as you did in life, or in their profession, without mentors along the way. Tell us a little bit about some of the mentors you had and what they meant to you over the years.

[00:46:12]

JL: We can start with Betty.

AG: Sure.

JL: When I became the chief clerk of the court, Betty, who had been a law clerk when I was a law assistant, had become the Deputy Chief Administrative Judge for the Courts of New York City, and she was the reason that I became the Chief Clerk. She held that job open for a year, trying to convince Judge Cooke to give the job to this kid from the Lower East Side, who she thought was great.

AG: You're talking about Chief Judge Larry Cooke?

JL: Larry Cooke, exactly. She held the job open for a year, would not allow it to be filled, until he finally relented, after a horrible interview that I had. All three people who interviewed with him were horrible. I think I was probably the most horrible, but Betty prevailed and I got the job. We really had a very close relationship, before and after, through all her different roles in the Appellate Division and my different roles, and that closeness continued and she was always a role model for me. I mentioned Xavier Riccobono, who was the Administrative Judge in New York County when I was the Chief Clerk, and we had a father/son kind of relationship where he was the warmest, kindest, most gentle person in the world. He died about a year ago, at the age of 100.

AG: Really?

JL: On his deathbed, he made it to 100, so he felt good. I'd visit him out in Tom's River, right near the end, again, family.

AG: Right.

JL: When you grow up in the courts together you become family. Sam Spiegel, who helped me to get the job initially, and then made me his law clerk, that was a great

experience. He was very active, before he was on the bench, in politics. His wife was the New York County Democratic Leader at one point, Charlotte Spiegel, and again, he mentored me, helped me, showed me this bigger world that he was involved in, and his wife took me in as family. Again, a great model to me. As was Judge Wachtler, who I remember going out to interview with to become the deputy chief administrator. I was much better by that time, at interviewing.

AG: At interviewing? [Laughs]

JL: I had to interview before Chief Judge Wachtler and I remember being scared to death, you know, going out to Mineola, where his chambers were, and of course he was, as everybody knows, very charismatic and warm.

AG: Sure.

JL: And easy to deal with. So, he obviously influenced me. Judge Bellacosa, who was ultimately on the Court of Appeals after he served as the Chief Administrative Judge, was someone who I became very close to. He was a scholar and yet someone who understood the court system from an administrative perspective and he understood the Court of Appeals so well, having been the Clerk of that court. The same way I was the Clerk of the Supreme Court of Manhattan, he was the Clerk of the Court of Appeals. Joe, his wit, his way of presenting himself, his ethics, were always a great influence on me. And then, ultimately, obviously, Judith Kaye, who I got to know a little bit early on. When she first got on to the Court of Appeals as an Associate Judge and I was the deputy chief administrator of the State courts, I did a program with her on civil case processing at the City Bar. I had gained a reputation as a guru in that area, and I helped her with that

program, and got to know her, and ultimately she became a mentor and partner of mine.

AG: Eventually, sure.

JL: Even from the beginning, Judith was very meaningful to me in my career, and just to stay at the point in time when Judge Wachtler, regrettably, had to leave as Chief Judge, and Judge Kaye became the Chief Judge, there was a question of what would happen to all of the Wachtler people.

AG: Right.

JL: Would they go somewhere else? Like I said, I knew her a little bit, not that much, worked with her somewhat. I knew I wanted to be the chief administrator at that point, to move up from being the deputy chief administrator, but I was a Wachtler person, I had come in under Wachtler. She appointed a committee to conduct interviews to help her decide who was going to be the next Chief Administrator, and she chose Leo Milonas to be the Chief Administrator, who I'll talk about in a second -- talk about mentors! But she kept me as the deputy chief administrator, I think not only from a continuity perspective, because I knew everything there was to know about the court system and how it ran, but also from her getting to know me in my role as the deputy chief administrator, when we got to work together and really started a mentor/mentee relationship. Anyway, at the same time that she kept me, I gained another member of my family in Judge Milonas, who was truly a role model for me. Leo was this great character.

AG: Yes. He still is.

JL: Yeah. He was bigger than life, like *Zorba the Greek*, that was Leo, he knew how

to love life, enjoy it. A very strong administrator. He had been on the Appellate Division, he had been the city administrative judge like Betty, but I think he was Betty's predecessor. You see how all these roles intertwine. Then he went to the Appellate Division, First Department, which he left to become the chief administrator for Judith Kaye. Leo was a great, strong administrator. He didn't take fools lightly. He was a very strong character, and yet he was warm and full of love, and he loved me, and we both knew how to laugh and enjoy life and though we'd take things very seriously, we'd also spend half the day just laughing at the crazy things that happen when you're running a huge court system with all the different characters you have to deal with. We'd go in and have some horrible meetings with different people or whatever, and then we'd go back in and we'd just laugh and laugh and laugh. So, it was this great experience of learning how to do things from Leo. Leo was a bottom line, get things done, kind of character, and that piece of who I hope I ultimately became, really came from Leo -- that it's not enough to just get a job with a lot of authority, it's not enough to do all the meetings and talk about the all the problems and the issues. Get it done! No BS! That was a real trait of Leo's, he knew how to navigate the system and go from A to B, instead of just, you know, studying everything to death. And as you know, from your working with me, that was not my character either, but a lot of that I learned from Leo. I was the number two for a long time, working for other people. I worked under Wachtler, Bellacosa, and there was a guy by the name of Matt Crosson, who was the chief administrator, he wasn't a judge, and I worked for Matt as a number two when Wachtler was Chief Judge. Then I was Leo's

number two under Judith Kaye, but I learned a lot in that number two job, watching the interaction between Chief Judge and Chief Administrative Judge, who are like the chief executive officer and the chief operating officer of a big corporation. As the Chief Administrative Judge, you're really a number one also.

AG: It's leadership.

JL: It's leadership. Leo knew how to be a leader.

AG: Right.

JL: And he knew how to enjoy it, he knew how to not take himself too seriously, and again, the great thing that he also told me was that you want to enjoy life. He just knew how to laugh, his wife Helen was very much the same way, and so he was also a great mentor for me and someone who taught me so much. All these people, again, I come back to this idea of love, family, this world that I was fortunate enough to live in. I know that other Chief Judges have done their oral histories, but what's unique for me -- and we're not even near getting to that point yet -- is that by the time I became the Chief Judge, the courts had already been my life for so many decades.

AG: Yes.

JL: This was my passion. I knew every inch of that court system, from having been exposed to every conceivable job. I think it's different when you come from outside, at a later point in your career, to become the head of a large entity or organization through your connections, fortuitous timing or whatever. But I had this different grounding than most people had. Judith made her reputation as a private practitioner, a respected commercial litigator. Sol had grown up in

Nassau County politics, I think he was a Town Supervisor who made his name running for Nassau County Executive at some point, which even though he didn't succeed, it led to Governor Rockefeller appointing him to the bench. But the point is, they had different career tracks. I had the career track of the Unified Court System, from day one, occupying each of these jobs, broadening my horizons, and meeting all these people who were mentors, who filled in a blank canvas, and who helped prepare me to the point where there was no one who was more ready and qualified to run the whole state court system than I was. Whatever good I've done, I've been able to do, or whatever credibility I have, it comes from learning and working with all these people, who not only were mentors but family. We came from the same world, and we understood what that world was all about.

[00:58:58]

AG: So, Judge Lippman, you're a lifelong Democrat, yet you were first appointed to the bench by a Republican Governor, George E. Pataki, in 1995. Tell us the story behind your appointment.

JL: It's an interesting story. I was the deputy chief administrator, Leo was the Chief Administrative Judge. In those two-plus years that Leo was the Chief Administrative Judge, I got to know Judith Kaye much better than earlier, because now I was part of her team. Leo made me his total partner, everywhere Leo went, I went. When he went to see Judith Kaye, I went to see Judith Kaye. He went to see the Speaker of the State Assembly, I went to see the Speaker of the Assembly. That really was the nature of our relationship. And then at some point, Leo

decided to go back to the Appellate Division, and by that point, Judith and I were very close and Judith was going to make me the Chief Administrative Judge, except there was only one problem, I wasn't a judge.

[01:00:15]

AG: Right.

JL: Leo went to see Mike Finnegan, who was Pataki's counsel. He went alone this time, and he said: "I'm leaving. You know Jonathan Lippman, he worked with you guys when you came into the office." Which was true, I had worked with a lot of the Pataki people when they wanted to make some budget cuts. He says, "You know him very well, he's worked with all your people. I'm going to leave, he's going to become the chief administrator, but it doesn't work well in our system when the chief administrator is not a judge and is not the Chief Administrative Judge. Is there any way we can get him a judgeship?" They say: "Well, I don't know about that, we just got into office, we have a lot of deserving people we want to make judges." So, we're figuring, this may not work, but I continue to work with their people on a lot of issues between the Judiciary and the Executive Branch. And there comes a point, near the end of the legislative session, in June.

AG: Of '95, right?

JL: Yeah, right. I was going to become the Chief Administrative Judge January 1, 1996.

AG: Correct.

[01:02:05]

JL: That date was fast approaching and right near the end of the 95 legislative session, they did have some Court of Claims judgeships, but it wasn't going to be so easy. Pataki decided -- and I had gotten to know and work with him, too -- to establish a screening panel with none other than -- and all these intersecting spheres of one's life! -- Larry Cooke, the former Chief Judge, as the chair of the screening committee.

AG: Okay.

JL: So, I went through the screening committee.

AG: Yeah, you interviewed with him again.

JL: Yes, so I interviewed better this time.

AG: You did better.

JL: Yeah. So, I got through the screening panel and was found well qualified, but the issue was still, would they appoint me? Two days or so before the end of the legislative session, I get a call from Finnegan, to come in and see him. I go see him and he says, "I want you to know that we're not appointing you because of Judge Kaye, we're not appointing you because of Judge Milonas, we're appointing you because we know you, we've worked with you, and we want to make you a Court of Claims Judge, and don't ever forget that it was us who made you a Court of Claims Judge." There's often tension between the branches, and we're fierce in our independence as judges, but he wanted to make the point, in a very direct way, that this was really an issue of comity with one branch accommodating another branch of government. I was going to become the Chief Administrative Judge, they were going to work with us, Judge Kaye would be

happy, that's a good thing. But they still wanted me to know, we're appointing you, not Judge Kaye, not Judge Milonas. So then they actually nominate me to the Court of Claims. But everything had to move fast because the session was ending. They appointed me, by the way, to sit in the original Court of Claims, under paragraph A of the Court of Claims Act, which handles actions brought against the State, not the other sections of the Court of Claims where the Judges are assigned to sit in the Criminal Term of Supreme Court.

AG: Right.

[01:04:35]

JL: It's a choice judgeship. So, I think, great, this is the greatest. All of a sudden, I'm going to be a judge, and I wasn't even a spring chicken by that point. I had had all these important jobs, and I was 50 years old. My family is thrilled, and they're coming up to Albany. I'm thinking, on the last day of the session I'm going to go through the Judiciary Committee and then I'm going to be approved on the floor and I'm going to be sworn in as a judge, and the plan was I'd be the Deputy Chief Administrative Judge until the beginning of the year, and then on January 1st, I'd become the Chief Administrative Judge, by appointment of Chief Judge Kaye. Great, the family comes up for the last day of the session, and we're expecting to go through the Senate and be approved on the floor, everything looks great -- and then I get a call, that morning of the last day of session. We're up in Albany and we had slept in the hotel that ultimately I would sleep in as the Chief Judge years and years later. I get a call from the chair of the Senate Judiciary Committee, who was a good friend of mine, Jim Lack.

AG: Yes.

[01:06:26]

JL: Who ultimately became a judge himself. He says, "John, you better get over here, there's an insurrection. The Republicans are going berserk."

AG: Really?

JL: Well, Pataki, a Republican Governor, finally gets into office after all those years, and all of the Republicans are waiting with their tongues hanging out, to be judges, and the first guy he appoints to be a judge --

AG: Is a Democrat.

JL: Not only is he a Democrat, they don't know who in the hell he is.

AG: Right.

JL: He's from Westchester County and the Westchester County Republican Leader doesn't know who he is, and they are flipping out. They're calling Pataki and they're saying we're holding up the nomination, this guy's never going to be a judge. Senator Lack says, "you better get over here," and so I tell my wife, "Well, I think there's a little problem." I go over to the Capitol and I meet Jim Lack, and he says, "Look, there's this other Senator, whose name is Nicholas Spano, he's holding up your nomination for all the reasons that we said; you're a Democrat, you're from Westchester County, he doesn't know who you are, and he's got all these people in Westchester County who want to be judges."

AG: They're lined up.

JL: So, he says, "You're going to have to sit down with this guy, because he will not let this get to the floor." Spano was an influential senator at that time.

[01:08:06]

AG: At that time, sure.

JL: Over his dead body will this Lippman guy get to the floor. So, Judge Milonas is with me, I had him meet me over there, and we both go in to see Spano. Basically, what happens is, to make a long story short, we try and charm him, we joke with him -- we couldn't figure out what else to do with the guy. But in the course of all that, we manage to tell him who I am, what I do, where I live in Westchester County, how I've worked with the Pataki people for many years, how I've had a career in the court system where I'm more than qualified to be a Court of Claims judge, and all of this stuff and, basically, in the course of this meeting, we kind of win him over. And then that day, the day it happened, I believe Senator Spano seconded my nomination on the floor of the Senate. I was confirmed and everything worked out well, but when Jim Lack called me that morning and said you'd better get your "you know what" over here, because things are just falling apart -- it was like you work for all those years in the court system and you're finally going to be at the apex, you're finally going to be a judge, and this thing is coming apart at the seams and your family is there, thinking this is going to be all pretty and easy. So, that's how I became a judge with a Republican Governor, and it was so unusual because these guys, including some extremely competent Republican lawyers, had been out in the wilderness with Cuomo Sr. for all those years, and the first thing out of the box is this guy nobody knows who's a Democrat.

AG: I think you ruined it for every Democrat ever after, in the Pataki administration.

JL: Well, for a while anyway. It shows you how even though we're an independent, nonpolitical branch of government, we intersect with the political world and there's a lot of interdependence between the two other branches and the judiciary. So, it's not so easy to just say we're independent, and that's it. It doesn't work like that. Government is this many-faceted world, with all kinds of interactions, and you have to maintain your independence and remember who you are, but by the same token, you can't be aloof and in the corner and think that there's not going to be relationships between the three branches of government.

AG: You have to cooperate and cultivate relationships.

JL: Exactly. And you have to remember what Alexander Hamilton said, that the Judiciary is the least powerful branch of government. The Judiciary, in many ways, is the junior branch because we don't have the power of the purse, and the other two branches have the power of the purse over us. We have the ultimate power when the legal cases come to us. So it's interesting to see that dynamic between the different branches, how we're independent but interdependent. You and I have worked on that theme at various times, Tony.

[01:12:35]

AG: Many times, yes. And so then, in January 1996, you did become the Chief Administrative Judge, a very demanding job. Can you remember, in that first year or two, what were some of the biggest challenges that you remember facing in that new position?

JL: I think it's so interesting that we come to that issue following a discussion about the relationship between the branches.

AG: Absolutely.

JL: So right away, the thing that hit me in the face was Governor Pataki and his administration challenging our courts for being soft on crime and being very harshly critical of the high court, of Chief Judge Kaye and the Court of Appeals, whose members had basically been appointed by Democratic governors, primarily Cuomo Sr.

AG: Yes.

JL: And the criticism was vicious – the Judiciary was putting criminals on the streets, they're soft on crime, and a threat to the safety of the public.

AG: Right.

[01:14:00]

JL: That was a crisis at the time, it shook the court system, and Judge Kaye was just fit to be tied about what was going on. So, the first challenge was how to deal with that, maintaining our independence and trying to get these guys to cut it out, and defending ourselves in an appropriate way. Part of that criticism was that the judges were literally putting people on the street. There was a particular judge in the New York City Criminal Court, by the name of Lorin Duckman.

AG: Sure.

JL: And everyone's got their own views when it comes to being soft or tough on crime. We understand that criticism comes with the job of being a judge, people are going to throw rocks sometimes and be critical. But this particular judge was criticized for being too easy on criminals and for releasing a defendant on bail who went out and killed his girlfriend, and there were a lot of stories, again,

coming from the Republican side of the aisle, about the soft on crime Judiciary.

AG: There was a media campaign.

JL: Yes.

AG: I mean, the papers really picked up on it every single day, the *Post*, the *Daily News*.

JL: Yes, the tabloids, yeah.

AG: Absolutely.

JL: It was a media campaign directed not only at the high court but also the rank and file judges.

AG: Yes.

JL: But with Duckman, the Governor himself got involved and brought a complaint to the Judicial Conduct Commission, claiming that he was unfit, and when the Commission investigated they did find a pattern of inappropriate conduct and abuse of power and recommended that he be removed from office. But in the meantime, we were faced with the problem of how to defend the judge and our institution. Well, you can't say the judge was right or wrong in his bail decision, that's not for court administration or for the Chief Judge to say. So, we let the legal process take its course, the Commission investigated and recommended removal, and the Court of Appeals eventually agreed and removed Judge Duckman from the bench. The legal process worked the way it was supposed to and things eventually calmed down, but that made for a very hectic opening period for me, because all that harsh criticism created an atmosphere that was chilling to judicial independence, because even though we're judges we're also

human and it's hard not to be influenced by the fear that one unpopular decision can end up in the tabloids and destroy your career and your chance to be reelected or reappointed. That's why I had to push back, for the sake of our institution, because judges are required under the constitution to issue rulings without fear or favor, but these weren't issues that were foreign to me from my years coming up through the courts. And that's what the Chief Administrative Judge did, because the Chief Judge, we can't have her, on an everyday basis, defending every judge in the court system, and what's interesting is that I was defending our judges and pushing back against the same guys who had just appointed me --

AG: Sure, to the bench.

JL: -- to a judgeship. So again, dealing in the real world with this idea, this tension, that we're fiercely independent, but understanding that we don't exist in a vacuum, and while you have to be able to defend the judiciary, you also recognize that the other branches of government are going to determine your budget. So, this theme of balanced powers, of pushing and pulling against the other branches, it comes up again and again, certainly in my career in the courts, and it was one of the opening challenges of my new job -- welcome to being the number one, the Chief Administrative Judge.

AG: Yes.

[01:18:22]

JL: And then I guess the other issue at the beginning was the Matrimonial Commission that Judge Kaye and Judge Milonas appointed. They had taken a hard look at all the complaints about matrimonial litigation, put out matrimonial

rules of practice, and a lot of matrimonial lawyers hated it and were making a big stink about it. It's one of the most controversial areas of practice, matrimonial law. You're dealing with people's lives.

AG: Yes.

JL: So dealing with a lot of the uproar about that, and at the same time we were working with Louis Craco, from Willkie Farr, who was a prominent lawyer who headed a commission that Judge Kaye appointed, on civility.

AG: Professionalism.

JL: Yes, professionalism in the courts, and the State Bar was very upset about some of that, and the matrimonial lawyers were upset. There were all kinds of pieces to this, including a code of civility for lawyers, what they could do and what they couldn't do, what was considered civil and how to regulate lawyer conduct through rules of civility. I got to experience some of that later on, as the Chief Judge, in terms of laying down new protocols for lawyers, and it could get very touchy. So that was also very much a part of being the Chief Administrative Judge, dealing with the other branches of government on the one hand and dealing with the bar, which is regulated by the judiciary and is really a main constituency of ours.

AG: Absolutely.

[01:20:10]

JL: Both of them were at cross purposes with the court system at that time. The administration in Albany, we had to deal with them every day, you're soft on crime, the high court decisions are terrible, affecting the public safety, criticizing

individual judges. And then the bar is saying that we are destroying the practice of law in New York State.

AG: You're intruding into their...

JL: Intruding on their prerogatives as lawyers, telling them how to do their jobs. We can't do that and, yet, we felt we were the legal regulators, that's how and why we issued those rules. Our job was not to make sure that lawyers earned a lot of money. It was to make sure that the public had trust and confidence in the profession, in the bar, in the legal system, in the justice system.

AG: Of course.

JL: And that same theme would come back later, which I'm sure we'll discuss, about initiatives of the Chief Judge, where we had very difficult, rocky times with the bar. Again, whether it's the administration in Albany, whether it's the bar, everyone is entitled to their point of view. Everyone is trying to make the world better, but we have certain responsibilities and certain obligations as a judicial branch of government that are unique, that are given to us by the Constitution, that are fundamental to the way our system of justice works. The judicial branch, in some ways, is the place of last resort in our democratic system of government.

[01:22:18]

AG: Absolutely.

JL: So, it was an interesting opening period as the Chief Administrative Judge.

AG: You got through that opening period.

JL: We survived.

AG: Yes, and went on to be the longest serving Chief Administrative Judge in State

history, approximately twelve and a half years, and for all of that period, you ended up working hand in hand, and some have said you were practically joined at the hip, with Judith Kaye. Can you tell us a little bit about that unique partnership that you had and what made that relationship so effective and successful over the years?

JL: Well, I think part of it was, as I mentioned before, that I didn't jump right in to be the Chief Administrative Judge. We developed a relationship over a number of years. I knew her before, but over the two years plus that Leo Milonas was the Chief Administrative Judge, I got to know Judge Kaye very well and she got to know me. She understood that I had almost an encyclopedic knowledge of the courts and she came to rely on me for really knowing the nuts and bolts of the system, while I saw this visionary, dynamic, first woman on the high court.

AG: She was.

JL: Obviously, the first woman Chief Judge, this dynamic, strong – again, visionary, is the only word I can use -- Chief Judge, who I so admired and respected. She kind of needed me for the unique things that I knew about, and I needed her for laying out the vision we could all follow. She was gracious enough to say, and she'd say it everywhere, that we were partners.

AG: She certainly did.

[01:24:30]

JL: She always said it, and I recognized I was the junior partner and she was the senior partner, but the very fact that she made me her partner was the basis of that relationship, that symbiotic relationship where they would say that we finished

each other's sentences because we knew each other so well. We knew where we were going, and we were so united on how to get there, that the thought in one head was the same thought in the other head, and we did often feel that we were literally joined at the hip. For me, with the court system being in so many ways my family, and with how much I loved the institution, when I saw this shining star who burst on the scene as the first woman in this role, I understood that my role was to make her tenure as Chief Judge spectacularly successful, and that's what I wanted to do, for her and for our system. And she knew that I had no interest other than in seeing her succeed as the Chief Judge. I might be the number one in the sense of being the chief operating officer, but I had spent my whole life as the number two, and I understood that the job of the number two – and here I had both roles, being number two to her but being the operating officer of the court system as number one – was to support and promote her success. She knew this herself, because by that time, she had a lot of friends throughout the system. She would have people come back and report to her, "Oh you know, I was at a meeting and Chief Administrative Judge Lippman was there, and he was talking about you like you were the one person in the world who was making this court system work." She knew I had her back.

AG: Right.

[01:26:41]

JL: And that was the point, that she didn't have to be with me every minute, know where I was, because she knew that I was always working for us, for her, for our partnership, but in particular, for the Chief Judge. That's when it came to the

point where -- and she would always talk about this -- I was always in the office early, and she'd start calling me at six o'clock in the morning. We'd speak 20 times during the day, every day, and Tony, you know that's all true.

AG: No exaggeration, no exaggeration.

JL: You know? Twenty times during the day, starting at early dawn, because she knew that I was the one person who knew what people were saying about her and us. I'd have already absorbed the early morning papers. You know in those days, we didn't have the cell phones where you could read the stories the night before and get everything. So, I'd know what's in the morning papers, who's saying what, and what we're going to do for the day in response. I'd say to her, "I'm going to talk to this one, I'm going to try and convince them to do so and so. So, don't worry, sit on your cases, get through the day at the court, I'll let you know later what's happening. This was how it was, for 12 years, a hundred times a day, starting from early in the morning, knowing everything about each other, the family, the kids, the personal life, in addition to the court life. I mean for God's sake, Stephen Kaye would call me regularly to say, "It's really killing her about this thing, that thing, the other thing, and Jonathan, you've got to help her, you know, you've got to do this." So, I not only had her, I had the husband, but the thing is, Stephen was so great, he only wanted the best for her and for us, he was a fabulous character and a great lawyer. Loved him too.

[01:28:50]

The relationship was so close. For instance, talking about Stephen, when you get to these positions, whether it's Chief Administrative Judge, Presiding Justice,

Chief Judge, you're going to have a lot of attention, people give you a lot of awards. So, Stephen was a commercial lawyer, and I was getting one of these awards, near the early part of my time as Chief Administrative Judge, from the commercial and federal litigation section of the state bar, at the Gideon Putnam, up there in Albany. It was a dinner on a weekday night and Stephen Kaye, a busy commercial lawyer, insisted -- because of this relationship I had with Judith and everything surrounding it -- insisted on driving up and back, to the Gideon Putnam, from Manhattan, that same night, all by himself, to give me the award.

AG: Really?

[01:30:08]

JL: This was the kind of loyalty, devotion --

AG: Respect.

JL: -- that we had for each other. That's just one example of this wonderful personal relationship that we had. She knew I always had her back. Every year, they'd go to Switzerland in July, when the court term ended, and spend a month together, Stephen and Judith. There was one year when Governor Pataki was just brutally trying to cut our budget. It wasn't only us, don't get me wrong, he wasn't only picking on the Judiciary, but his administration wanted to cut the state budget. It would have been extreme, a tremendous amount of money. She was in Switzerland, I was in New York, in Albany, and we were talking all the time, with the six-hour time difference, about every detail. Finally, we prevailed, and she didn't know what to do with herself, she was so relieved. When she came back, it was, "Oh, Jonathan..." That's the way she was, I mean, you know Judith,

it was “Jonathan, no one in the world could have done this except you.” She was so gracious. But that’s how we were with each other, and whether it was the littlest thing or the biggest thing in the world, it was a rare period of my life where I felt so devoted to someone and something beyond my own family. In this case, even beyond my devotion to the court family and the courts, was this very special personal, joined at the hip relationship.

AG: Partnership.

[01:32:37]

JL: And she didn’t have to make me the partner. It could have been, “You’re the guy, just make it happen, but you’re not my partner.” Instead, she’d go out of her way, when she was speaking to Chief Judges around the country and anybody else, to say, “I don’t do anything, I just stand around and Jonathan makes it happen.” You know, the way she’d say things like that?

AG: She was a very gracious woman.

JL: She was very gracious when she loved you and she trusted you.

AG: Yes.

JL: Then, she was always over the top.

AG: That’s true.

JL: No one could be over the top like her -- although I learned from her. You’ve seen me, I know how to be over the top. When I’d introduce her in public, she’d always say something funny like, “Oh, a master of understatement,” because I’d be saying, “She’s the greatest Chief Judge in the history of the western world and the universe,” because I learned from her. So that was the relationship with Judith

Kaye, and what a wonderful part of my life it was. It's something I got such joy out of, and those 12 years were beyond anything else. Nothing could compare to that.

[01:34:09]

AG: I remember them well.

JL: Yeah, I know you do.

[End of Audio File]