

THE HISTORICAL SOCIETY OF THE NEW YORK COURTS

ORAL HISTORY PROGRAM

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

**Part VI: Chief Judge of the State of New York (2009-2015)
Part VII: Professional and Personal Life After the Court of Appeals**



Found on exterior entrance to New York Court of Appeals

THE HISTORICAL SOCIETY OF THE NEW YORK COURTS

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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: August 14, 2018

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

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Oral History Project

INTERVIEWEE: Hon. Jonathan Lippman

INTERVIEWER: Antonio Galvao, Esq.

DATES: August 14, 2018

[Begin Audio File Part 4]

AG: Moving away from the Court of Appeals now and turning to your role as the head of the judicial branch of government, the Chief Judge, as we know, wears two hats.

JL: Right.

AG: So, not only were you the Chief Judge of the Court of Appeals, but you were also the chief executive officer of New York's judicial branch of government. And just so people have some context for what follows here, that's a huge public organization with a \$2.5 billion budget, give or take a couple hundred million, 3,200 state and local judges, over 15,000 nonjudicial employees, four million new filings in our courts every single year, in 350 courthouses in 62 counties all around the State.

Let's talk about what kind of leader you were as Chief Judge. You had a very distinct, I would say progressive, vision of the role of judges in the state courts, and I've heard you say, on many occasions, that the state courts are the emergency room for society's worst ailments, and that judges and state courts had an affirmative duty to reinvent the way they do business, in order to keep up with changing times and in order to address the modern and nontraditional challenges

we face. Do I have that all right, and how did you arrive at this understanding of the mission of the judiciary?

JL: Well, I think you have it right, and we've talked a little bit about this already. I had sort of an activist view of what the Chief Judge, as the head of the judicial branch of government, should be doing, and I preached this around the country to other Chief Judges. Basically, we have a mission that goes beyond just deciding the cases that we have in front of us, and that mission is systemic in nature – to see that justice is being done by our entire court system and done equally for everybody. So, I brought that overarching view and combined it with my own background as an administrator and someone who was responsible for action, who was used to making things happen and getting things done. That was kind of my approach to doing business, and I think it was one of the reasons I was selected to be the Chief Judge, because I had that strong background.

[00:02:37]

AG: That track record.

JL: I was able to draw on all those years when I was the Chief Administrative Judge, and even before that as the deputy chief administrator, when I was very much tied into all the interesting reforms that were happening around the country. As I mentioned earlier, I was a big part of that national scene of court administration, even before I became the Chief Judge, which I think is unusual with Chiefs, who generally have been in the trial or appellate courts before they became Chief, and they don't know about that whole world out there of people who are more focused on court management and improving court operations and the delivery of justice.

AG: Yeah, they don't have the national perspective.

JL: Exactly. So, I had an overarching view of what the judiciary as an institution should be doing. To use a term from some of the speeches and articles I wrote, the Chief Judge is the steward of the judiciary, and in many ways, of the legal system, and as the steward I had a big picture view of what we were supposed to be doing as a court system – pursuing justice – and I had a kind of activist base of experience, meaning that I was used to not just sitting around but making things happen. Along with all that, I had a very broad national perspective on the role of state court systems in the United States of America and not just in New York. So I think all of those things contributed to my own persona, my identity as the Chief Judge. We're all different. Certainly, all the Chiefs who I've been familiar with were all different, but that's kind of the nucleus of why I was who I was and why I went about things the way I did. It wasn't just that I woke up in the morning and said, "Oh, what can I do now," but it was an outlook that was ingrained in me.

[00:04:50]

I remember that I succeeded a very proactive Chief Judge, who was not exactly a wallflower in terms of trying to improve the administration of justice, and there were many new ideas and reforms that came from the Judith Kaye years.

Obviously, I was the Chief Administrative Judge making those things happen, and I was dealing with a Chief Judge who had a broader view of what that position should be, rather than a very insular, narrow perspective on that role. So you put all those things together, that's what led me to kind of charge out of the gate at a

hundred miles an hour, because my view was that we really had a lot to accomplish to improve our justice system, and I was now the one who had that – I think we’ve described it before as the bully pulpit – that moral, judicial and institutional pulpit to get things done.

AG: And, yet, that view still represented a real break from judicial leaders and Chief Judges of the past. Why was that, because of the changing times?

[00:06:06]

JL: Yeah, I think that’s right. I think the work of the judiciary becomes more and more challenging in terms of dealing with the complexity of the issues and the aftermath of the problems affecting our communities and the institutions and the world around us. I remember, Judith Kaye had started this idea that the judiciary can’t be totally reactive and just take this limited role of deciding cases, but that we should resolve cases in a way that is more interactive with and relevant to the public and the world around us. So I think when you combine the complex world that certainly I faced, and I think each Chief faced their own interesting challenges --

AG: But it’s a more complex world.

JL: A difficult world, we all recognize that. So I already had these ideas in my head: from the national perspective, from my predecessor, from my own institutional experience as an administrator. And I thought that we should be very out front, very bold as to the role of the judiciary in terms of being an active player in informing the public debate and shaping the public agenda on issues of justice. As we talked about before, the judiciary is independent yet interdependent with the

other branches of government. It all fit together for me, and that's the way I felt, that I couldn't just sit there. I felt instinctively that the judiciary in New York should be a national leader, and I felt it was important to put us on the map. New York leads in so many areas, why shouldn't we lead in judiciary policy, court administration, and reforming civil and criminal and family justice? If not us, who?

[00:08:57]

AG: Well, speaking of New York being a national leader, I think it's fair to say that access to justice was your leading priority as Chief Judge and, indeed, you became one of the leading voices, if not the leading voice, in the country on this issue. Tell us why and how you came to make this the central issue of your tenure.

JL: Well, I think that we talked a little bit about it, that the Legislature had started to focus on this and held hearings about the State's plan to ensure access to legal services for poor New Yorkers, and that piqued my interest. Again, it was a national question, one of the great challenges of our time. As we said, each Chief faces a different world around them, and the challenge then was access to justice, due to the economic recession, growing poverty and the increased numbers of foreclosures and evictions. How does the average person who can't afford a lawyer access the courts? There was a lot of talk about it nationally, but no one was really doing that much.

[00:10:06]

AG: It was an impossible challenge.

JL: Yes, a challenge, but the discussions were all happening in a broader way, and my mind set is always results-oriented, program-oriented. Again, I spent a lifetime as a court administrator, so the question for me was what to do to actually increase access to legal services? The economic crisis only heightened the problems of poverty and racial disparities, which are part of the conversation to a significant degree whenever you talk about access to justice. All of it was tumbling around in my mind, and the way I do these things as an administrator is I kind of let the issue permeate my thinking, and I start to focus on it, I kind of walk around it, I talk to a lot of people, I see what's happening elsewhere – there's no shame in picking up a good idea from somebody else – and eventually something, an idea, crystallizes from the fog.

But, again, I wanted us to be leaders and provide the ideas that other people would pick up from us. So all of these ideas in relation to access to justice kind of just came to me so clearly, and I guess my own personal background, doing good deeds, repairing the world, which comes from my own lifetime experience, was something that really drew me to this issue.

AG: Yes.

JL: In any event, access to justice was such a broad umbrella that it covered not only what people normally associate with that term, poor people having their day in our civil courts, but also, obviously, this parallel mission of mine, which was criminal justice reform and providing access, in the broader sense, for people without money in need of criminal representation. I viewed them as sort of parallel tracks and access as being a broader concept that would cover both the

civil and criminal sides. So, while there had been some advances nationally, with obviously the *Gideon* decision on the criminal side providing some definition of what the right to counsel looks like – if you don't have money, your liberty is at stake, you get a lawyer – certainly there was very little like that on the civil side. It was very unformed, and while we're doing much better today, there was really nothing out there, no constitutional right to counsel, for civil legal services, which was the orphan of the justice system, and very underfunded. It had been for many years. People were dismissive of the legal services community; civil legal services were fine and good, but we don't have money for everything. So all of it just clearly came together for me as to what my main focus should be on the administrative side, and it fit in with, as we've talked about, my judicial philosophy of protecting individual liberties and rights and making sure that everyone gets their day in court. All of these things merged together in my mind and made clear to me what I should get up and focus on every day as the Chief Judge, in addition to my hearing cases at the Court of Appeals.

[00:14:39]

AG: Let's talk for a minute about how you actually did make a meaningful difference in this area. We're talking about a historically intractable, seemingly impossible problem, plus you couldn't have picked a worse time, I mean the worst economic downturn since the Great Depression, with state funding tighter than ever, and the court system actually experiencing painful layoffs.

JL: Yes, not only in New York, around the country.

AG: Yes. Judges upset, they hadn't had a raise in 10 years and, yet, you're able to get the ball rolling with \$25 million for civil legal services in the judiciary budget for fiscal year 2011/12. How did you do it?

JL: Well, with difficulty, as I always say. I had it in my head that I had to do this. I had formed, by that point, what ultimately became the Permanent Commission on Access to Justice, which showed how bad the problem had become. And I put the civil legal services money in the budget because I thought it was my duty and obligation as the steward of the justice system to do this, which was as important, more important than anything else.

[00:16:00]

That first year it was a titanic struggle. We had the new Governor, Andrew Cuomo, who had just come in and quite understandably wanted to cut down the size of government. My argument against cutting our budget was that it's not about treating the judiciary differently than the other branches of government, but what's the consequences of treating us the same as everybody else, and the consequences were reducing court services and access to justice for poor people trying to get into the courts. So I put the request for this new money in the budget and this was a major flip for us in the court system. Judith Kaye had been urged for years to put legal services funding in our budget, and she had resisted it, and I was a part of it, I know, because I was the Chief Administrative Judge, and the feeling was, if you put it in the budget, then it makes the whole judiciary budget a political target. So she didn't want to do that and I supported her in that position, but I felt that the world was changing, and that this was the moment to do it for all

the reasons that we've talked about. I put it in the budget and the Governor immediately came to me and asked me to cut the judiciary budget and, obviously, a main source of new monies was these monies for civil legal services.

AG: Right.

JL: The legislature, the executive branch, no one wanted us to keep those monies there and I was kind of bullheaded about it. Again, I felt very strongly that this was what we should be doing. We got into this issue of layoffs, because the Governor and the legislature wanted to cut us a tremendous amount of money.

[00:18:16]

AG: And they did.

JL: And they did, and my answer was that you can cut us, but I'm not going to cave. I'm putting in these millions of dollars for civil legal services, access to justice, because it's as important as anything else in the justice system right now. My answer was that if you cut us all this money and we have to lay off people, and the result is that we have to close the doors of the courthouses, that would be terrible; but if I don't put money in the budget for legal services for the poor, that would mean we might be able to keep the doors of our courthouses open but we wouldn't be able to carry out the most basic part of our constitutional mission – providing equal justice for all – in which case you might as well close the courthouse doors anyway, so it didn't matter. People were saying, how could you lay people off and still put millions of dollars in the budget and give it to legal services for the poor? And that was my answer to that question.

AG: That must have been a very painful dilemma for you. I mean the court system was your life, and those people, so many of them, you've said so many times, they were like your family. What was that like for you?

JL: Terrible. Terrible. But, fortunately, we were able to bring back many of those people.

AG: Eventually, right?

JL: But that's what it means to be the head of a branch of government. It's establishing priorities and deciding what's the most important thing for your institution. That was painful, you wanted to cry, and I'm sure we all did at various points in that struggle. But I was also making a point, to the other branches, that you don't get it, that this is what we're all about. And that if we don't pursue justice for everybody – rich and poor, high and low – if we don't have equal access to justice in this state, we have nothing. And you can do whatever you want to us, because we don't have the power of the purse. We talked about this before, dependent, independent, interdependent. You have the power of the purse, you could do whatever you want, but we understand what our mission is and you're going to have to deal with this every single year, because as long as I'm Chief, this is the priority – access – making sure everyone in this state can get their day in court, both civil and criminal. And I just did it, and you know what? The judges hated it, because they said, "Hey, we're cutting staff, we're cutting resources, and then we're giving money to these guys, civil legal services, what is that all about?" The Legislature and the Governor were not happy. You know, they're asking us to cut our budget, and I insist on keeping this new money in

there. We had some criticism, and a lot of support, too, don't get me wrong. The bar understood, but they also, certainly, didn't want to see us cutting resources because it makes it harder for lawyers to practice in court.

AG: They have to practice in our courts, absolutely.

JL: But I felt – here's when being the number one, and I was the number two for so many years, when being number one takes its toll – you sometimes have to do the hard things, the things that may not be that popular. And, yet, while we had our days of trouble with that, with the money for civil legal services, we incrementally increased it every year.

[00:22:26]

AG: Right.

JL: While there was some pushback and people would say, well, you cut that service or program, basically, they got it. And I didn't care, I was not going to cut legal services, and we had a goal of getting to \$100 million for legal services for the poor.

AG: And you made it.

JL: And we made it. I needed a little help at the finish line. The last budget, I proposed it, but my dear friend, Janet DiFiore, was already the Chief when it was passed.

AG: Right.

JL: But I proposed that last \$15 million to get us up to \$100 million a year for direct grants to civil legal service providers, and we made it, and that was our goal, and I was just not going to allow anything that would leave us short of what I felt

needed to be done. And then, what happened was, with that money we gave grants to legal service providers around the state. We became the national model and created a template for the entire country on civil legal services and some of the other things that we did to expand access to justice. We became the template for how you do access to justice, not just with showing the importance of state and local funding, but thinking out of the box on non-monetary reforms like the 50-hour pro bono service requirement in law school for anyone who wants to be admitted to the bar in New York, and different programs like Pro Bono Scholars, which allows law students to complete their last term of law school by doing totally pro bono work.

AG: All cutting-edge, first in the nation.

JL: Yes. And all different. I did the same thing that I did with all these sort of programmatic, policy-related initiatives. I walked around and walked around and talked to a lot of people, until I got the idea that this was what should be done. We also ruffled some feathers -- I think we talked about this, in one of the other sessions -- with the bar. They didn't like the 50-hour rule because they thought it moved us toward mandatory pro bono for lawyers. They didn't like the idea of being mandated to report the amount of pro bono they provided, another rule we adopted, because they felt that it was an intrusion on their ability to practice law. But you asked me, how did we become the place in the country that is known for leading on access to justice issues? It was by pushing the envelope, not being afraid to offend or irritate people if your cause was just. If you're doing it for no reason other than to irritate or offend people, obviously that's not what you want

to do. But this was a moral obligation that the courts had, that the Chief Judge had as the head of the judicial branch of government, and that's what was resonating in my head every day of those years as the Chief Judge.

AG: Right.

JL: That's what produced all those different initiatives and, basically, when you ask how did we do it? By being single-minded and focused, and while there were people who had all kinds of problems with one thing or another that we did, I had a vision of where I wanted to go and what I thought was best for the court system. Don't get me wrong, it wasn't that I was a single person fighting the battle and everyone was disagreeing with me. I had plenty of support from our Administrative Board, the Presiding Justices, from many judges and others who shared my views, and from the bar on certain parts of the agenda, and from many public officials. Look, you can't get these kinds of things through, the ones that required legislative approval, without at least some significant support from the Legislature and the Governor. So, while I may have irritated them a little bit along the way, in the end, we always got what we were looking for, or almost always, and I'm proud of that. I'm proud – how should I put it without sounding like I'm patting myself on the back? – that in this particular area, access to justice, legal services, criminal justice reform, all of the things that fit under that equal justice umbrella, I feel good that we made a difference. Again, I had lots of support from lots of people, but this was the thing that was important to me, and I feel good that we had so much success with it. Some of it required legislative approval, and others we just said we're doing it, often with the support of the Court of Appeals

or the Administrative Board, where we said, “If you don’t like it, we’ll talk to you about it, but I do have the authority to do it, and we’re going to do it.” So, I felt a personal sense of accomplishment in this particular area, because I knew this wasn’t happening anywhere else in the country, people were taking note of it. And it was really difficult, but nothing worthwhile is easy, you know that old expression?

AG: Right.

JL: We were able to do it by being laser-focused, insistent, and having, in my view, the moral high ground, which allowed me to point out to people, not in a nasty way but in a direct way, that this is our responsibility, this is our obligation, that we can’t be parochial, we can’t feather our own nest. This is about justice. So that was a very personally and professionally satisfying part of being the Chief Judge.

AG: And Judge, I think I would raise one additional point on that. As you said, you felt it was the morally right thing to do.

JL: Yeah.

AG: But beyond that, one of the reasons you made so much progress was your ability to show, simultaneously, that it was the wise thing to do, from a fiscal perspective, from a social policy perspective, and I think that won you a lot of converts over the years.

JL: Yeah.

AG: Including the people who originally may have opposed you, and I think that’s a very important point as well.

[00:30:04]

JL: I agree. And we said it just like that, “yes, there’s a moral obligation to provide legal services for the poor, and it’s the right thing to do,” but what was different with our approach, as opposed to all the previous efforts, was how we said, let me show you, empirically, how access to legal services for the poor is good for the state’s economic bottom line. Through the Commission on Access to Justice, we did studies that demonstrated that for every dollar spent on civil legal services for the poor, there was a return to the state economy of five, six dollars, and the way one major study showed, a return of ten dollars. We had experts come to our public hearings on legal services, including the Comptroller of the State of New York, saying that the best investment the State could make is in legal services for the poor, not just because it’s the moral and right thing to do, but because it’s the smart thing to do for the well-being of our State, keeping people in their homes, keeping families together and saving the state millions and millions of dollars in social services and safety net spending down the road. I think we got that point across very, very well, and over time, people really started to understand it.

AG: They started to see it.

JL: Yeah, and I think we tried to make it as hard as possible for anybody to be against spending money to help poor people get legal representation. Morally, again, I think it resonated, but more than that, we’re not only doing the right thing, we’re adding to the economic bottom line, the economic well-being and the stability of our State and our communities. So I think with that combination, it became very difficult to resist it, and that’s exactly what we wanted.

[00:32:24]

AG: Yes. So, thanks to your efforts to get funding in the judiciary budget, we're now up to \$100 million a year in direct grants to civil legal services providers for low income people who are facing legal issues involving the essentials of life.

JL: Right.

AG: Give us a sense of what kind of difference that money is making on the ground, to close the access to justice gap in New York State?

JL: I think that's a great question. We were faced with how do we -- what criteria do we use in giving out that money? We're getting more and more money every year but how do you use it in the most effective way? And we came up with this idea that people who are facing legal problems involving the necessities of life should be the beneficiaries of that money, legal crises affecting the roof over their heads, their physical safety, domestic violence.

AG: Sure.

JL: Their livelihoods, their families. Those were the kinds of legal issues that we wanted to channel that money into. So we used that criteria, of the necessities essential to life, and we set the eligibility at 200 percent of the poverty level.

AG: The federal poverty level.

JL: That the monies would be used to give legal help to people in need who earned 200 percent or less. And then if you look at the criteria we used, think about what we're talking about. What could be more important to any person than their home, the roof over their heads, literally? And so the money would go to avoiding evictions, foreclosures, homelessness.

[00:34:15]

AG: Homelessness.

JL: Homelessness. These are perfect examples of the necessities of life. That's what we mean, that we're all entitled to a roof over our heads, every single one of us, and the housing issue is even more prominent now, because of the additional monies coming from New York City as a result of the new Right to Counsel Law in the city, which is going to make sure that every person facing eviction who can't afford a lawyer gets represented. So now you have not only the state monies going to these legal service providers, but also city monies. In addition, I mentioned domestic violence. Who could be more in need than a person, usually a woman, who has been abused, beaten, traumatized, probably has children that she's dealing with at the same time, who needs protection, needs legal help? And dealing with families, education, health care, what could be more important than having a lawyer to help you? Your livelihood. People having trouble paying bills, going into bankruptcy? They may be involved in a criminal case and they lose their job and their families and dependents may need legal help with public assistance or social security or government benefits. These aren't just abstractions. Some people talk about legal services becoming a cottage industry, but it's a cottage industry to help people. Say you had a particular legal service organization that maybe had 20 people working for them. In practical terms, with these grants that we gave out, they can hire five more lawyers, a 25% increase, or they can hire more support staff to help the lawyers so that if they're representing people with eviction proceedings, whatever it might be, maybe now they can represent 25 people instead of 20, which turns out to be a 25% increase in the

number of people served. So, it had a dramatic effect in terms of serving more low-income people, and it was almost embarrassing, how the legal service providers were so appreciative. They were just so used to everyone ignoring them. Here they were, doing God's work.

AG: That's right.

JL: At low pay. No one cared and no one helped them, and all of a sudden there was this new channel of monies coming to them. So, to see the actual impact of the concept, all the way down to people working in the field to help real human beings who were suffering, that was very satisfying. That was the end game, and it worked.

And we've done so many other things along these lines to help. We now have Legal Hand offices in different parts of the City, storefronts in under-served neighborhoods that help people on a walk-in basis with different services and legal advice to help them resolve all the different problems in their lives before they become legal cases in our courts. So, you have all these different programs out there, but what fuels it all is the money we were able to get from the State.

AG: The resources.

JL: You can't do it by just having a good idea. You need the resources to make it happen. It's very, very meaningful to me, that we were able to do that, to secure the resources to implement all these great ideas, and then to see the actual positive results on the front lines.

AG: We've talked about New York being a national leader, and you mentioned that we were the first state to have a law student pro bono requirement, and then there's

the Pro Bono Scholars Program. And then at some point, the Administrative Board of the courts adopted a new rule mandating that, as part of their biennial attorney registration process, all lawyers report the number of pro bono hours and charitable contributions that they made. There was a real outcry from many practitioners.

JL: Right.

AG: Particularly the State Bar Association. Can you talk about how you dealt with some of this pushback?

JL: By being tough about it, tough love, and reminding people of what they're supposed to be doing as lawyers, and that our job as legal regulators is to ensure that the public has trust and confidence in the legal profession, and not necessarily to enhance the economic prospects of lawyers. I had people during those years, lawyers who stopped me on the street to say, "What are you doing, you have no right to tell me that I have to report the number of hours I work pro bono." Just terribly upset, feeling that we were going toward a system of mandatory pro bono for lawyers, and that we would require them to do so many hours of work pro bono, like we did with the law students. They threatened to sue me as the Chief Judge, they had tremendous uproars at their State Bar annual meetings, and they came to me and said, "You can't do this to us." I tried being tough, feeling that the bar could be parochial when they wanted to be and that it was my job to ensure that they weren't being parochial at the expense of the public interest. It was a difficult time, but you know what? I think that people around the country saw what was going on here in New York and it reinforced the notion, and I still

speaking about this around the country, that judicial leadership is so important in getting our different constituencies to rise above parochialism and self-interest. The judicial branch of government can be the one that reminds the legal profession -- we have such a close relationship -- of what lawyers are supposed to be at their best. I would remind them of the biblical mandate in Deuteronomy to do justice: "Justice, justice shall ye pursue, for rich and poor, high and low alike," or just talk to them about their responsibilities in the society we live in today, about how you can be the most successful lawyer but you still have to remember what being a lawyer is all about, it's about helping people and serving others, and that's what they're supposed to be doing, and if they make money at the same time, hey, that's great. We all admire that, this is America, this is a capitalist system, making money is not a bad thing, as long as you remember what it means to be a lawyer, and what goes along with the honor and the privilege of practicing law in New York and around the country.

[00:42:20]

AG: Well, while we're on the topic of the bar, you had the opportunity, over many years as Chief Judge and Chief Administrative Judge to work closely with so many leaders of the bar, real leaders of the legal profession in New York State, with the State Bar, the City Bar, as well as many specialty and ethnic bar associations. Who are some of the bar leaders that you got to work with who really stand out in your memory, and maybe some quick thoughts on some of them?

JL: Well, I had so many wonderful experiences with all of them, whether it was working collaboratively or crossing swords, I always felt we had a wonderful relationship. For the courts, the bar is the one place we go to first for support.

AG: Yes.

JL: In New York, there are, as you say, specialty bars and then there's the State and the City Bars. The City Bar had a little different constituency, and does today, than the State Bar, which is more of a big tent organization that has a lot of single practitioners, particularly upstate.

AG: Right.

JL: The City Bar has more of a big city, big firm cast to it. The City Bar is often viewed as somewhat more progressive in its views because, again, the State Bar has a larger constituency. As it turned out, two of the City Bar's Presidents during my tenure were former judges. My dear friend, Leo Milonas, whose Deputy I was when he was the Chief Administrative Judge. What a fabulous reunion to get to work with Leo again during my tenure.

[00:44:18]

Barry Kamins, who ultimately became a judge, was the loveliest, finest of people, and delightful to work with. Mike Cardozo, who I dealt with for 25 years on court reform issues, was the City Bar President, and ultimately became the Corporation Counsel for New York City.

AG: Under Mayor Bloomberg.

JL: Mike and I worked together on many important projects. Pat Hynes was the City Bar President and she was great to work with. Her husband is Roy Reardon, who is a major figure in the Historical Society.

AG: Yes.

JL: And the State Bar. Seymour James, who I got to work with as the Attorney in Charge of the Legal Aid Society, was the State Bar President. As was Steve Younger, who sits on the Board of the Historical Society. Mike Cooper was the City Bar President, I believe, when Judith was the Chief Judge, but someone who I know so well and feel strongly about. There are so many. Betsy Plevan in the City Bar, who has played such a great role in legal services reform. Carey Dunne, City Bar, who now works for District Attorney Vance.

[00:46:00]

John Kiernan from the Debevoise firm was City Bar President. Roger Maldonado, my great pal, who I appointed to so many different assignments in court administration. Evan Davis, who I have so much respect for was City Bar President. There were just so many terrific people who led the State Bar and City Bar and the different organizations, going back to my years when I was the Chief Administrative Judge and the deputy. Glenn Lau-Kee, a very good friend of mine to this day, so supportive, such a terrific State Bar President. David Miranda, President of the State Bar, and so helpful to us. There have been so many, and again, while we had our issues, we all understood that despite the different perspectives we had interlocking roles when it came to what was best for the administration of justice. All of the minority bars, the Women's Bar Association.

AG: The Trial Lawyers, and on and on.

JL: The Trial Lawyers, who were major supporters of mine, the Metropolitan Black Bar Association, the Puerto Rican Bar Association, the Hispanic Judges Association.

AG: Of course.

JL: All of the above. It's a mosaic of New York and of the legal community, and it was one of the high points of my professional life, to deal with all of them. Steve Krane, who was Judith Kaye's law clerk at one point, became the President of the State Bar, passed away too young. Vinnie Doyle III, the younger Vinnie Doyle.

AG: From Western New York.

JL: Yes, from Buffalo, who was the son of my great friend and colleague, Vince Doyle.

AG: The Administrative Judge.

JL: He was the Administrative Judge in Erie County and the Eighth Judicial District. I mean, there were so many. Vince Buzard, who is a delightful guy, from the Rochester area. There were just so many great ones. I'm sure I've insulted three of them, four or five, maybe ten of them, who I didn't mention, because I knew them all over the years. They're an integral part of the fabric of our legal system. I loved talking and working with all of them, agreeing, occasionally disagreeing, but always moving forward.

AG: Together.

JL: Yes, together, to improve the justice system and the legal system here in New York and around the country.

AG: Here's a "by the way" for you. We talked about governors, but you know, the Mayors of New York City are very important players in what goes on with the court system. Any memories of the Mayors you've dealt with over the years?

JL: Oh, definitely. Giuliani was a real trip to deal with.

AG: A trip?

JL: He was a great supporter of ours, and while some people find that Giuliani has a rough side to him, a rough edge, he was a great supporter of the judiciary. He was a lawyer who understood what the judiciary was all about. You'd go into a meeting with Giuliani on an issue, maybe about the location of a new courthouse you wanted the City to build, whatever it was, and he'd know more about your issue than you did. Always greatly prepared.

AG: Right.

[00:50:16]

JL: If he was your friend, he was your friend, and he was very supportive of us, myself, Judith, all of us, but he wasn't easy to deal with. He was for us, because he got it, he got what the judiciary was all about.

Mike Bloomberg, great to deal with, a non-lawyer but a prince in so many regards. He loved Judith, and his term crossed over to when I was the Chief, and he loved her, loved me, always tried to be supportive. If we asked him to do anything, he'd always do it, whether it was funding for a program or speaking at an event, or supporting some of our initiatives, like the Commercial Division, going back to when he was a businessman. Great to deal with. I have very fond memories of Bloomberg and the Bloomberg years. De Blasio came in at the end,

when I was the Chief. I used to meet with him before – well, first I’ll just take a moment with each of them to touch on their signature lines. Bloomberg, when you’d see him, his famous line was, I know he always said this to his people, was, “Jonathan, Chief, you’re doing great, don’t screw this up.” You know, that was his famous line. He sees you, “Oh, you’re doing great, don’t screw this up.”

AG: Okay.

[00:52:12]

JL: De Blasio, I had known when I was the Chief Administrative Judge, and I often spoke with him. He was, and is, a very progressive, liberal type. Whenever I’d see him at some event, and it was often about legal services and that kind of thing, this is even before I became the Chief, he would always say to me, “Brother, you’re doing God’s work.” And that was his punch line.

AG: Okay.

JL: Mike’s was “don’t screw this up,” but de Blasio would say, “Brother, you’re doing God’s work.” And, of course, I dealt extensively with Mayor de Blasio, even after I’ve left being the Chief Judge, because he’s still the Mayor. It was so interesting to work on all these issues with public officials, the bar, the legislature, the executive branch. They’re all integral to the judiciary. Again, I go back to that term, we’re interdependent in so many ways. Not only are there people in the other branches who we depend on, but we have all our different constituents, our legal services community, the Women’s Bar, the minority bar, the institutional bars, I mean they’re all critical to the work of the courts. We all keep each other honest. There are different issues where we take the lead and we try to explain

what's important from the judicial branch's perspective, and there are other times when we do have to be reactive and consider the impact on us. Are we going to be supportive? Or is this something where we have to stand up and say, "Wait, blow the whistle," and say, "Hey, you can't do this to us?" Maybe we have to say, "We're independent, and this is going to create a problem." Deciding when you do need to say that and when you don't is very important. I think every Chief Judge can tell you that you can't be passive and give in all the time and, yet, you can't fight every battle.

AG: Right.

JL: We don't have that unlimited authority to do whatever we want. So it's finding that right balance on the battles that you fight and the ones that you sometimes say, "Discretion is the better part of valor."

AG: Let's go back to an issue that we talked about briefly before. Judicial salaries was a huge thorn in your side for most of the time that you were Chief Administrative Judge and then as Chief Judge. For years, you kept saying that the solution was an independent commission which would meet every four years and make judicial pay recommendations that could then have the force of law.

JL: Right, right.

AG: Well, eventually, that legislation was finally enacted in 2010. What has the commission system meant to the health and well-being of the judiciary?

JL: Well, it's been a godsend. I talked about how poor Judith was tortured about it for 12 years, not being able to get judges a pay raise. We finally did it, in that first year when I became the Chief. It meant everything to the judges because they felt

disrespected. They felt that they were not being treated commensurately with the important work that they did. It made them miserable, cranky, the morale was low. It didn't matter what we did in all those years when Judith was the Chief and I was the Chief Administrative Judge -- it didn't matter. It could be the greatest thing in the world that we did, and they were still critical. Nothing pleased them, because on a daily basis, they felt they couldn't support their families.

AG: Right.

[00:56:09]

JL: They couldn't make a career of being on the bench, they weren't being treated as professionals, and it showed. Look, I don't mean to say that they would intentionally do anything, but it showed in their work. If you're dispirited, if you're kind of down on yourself, on the institution, it's not a good tonic for doing your best work.

AG: Obviously.

JL: They were good soldiers, they did what they were supposed to do, but the salary drought had a very negative impact overall. So, having this commission-based system, one of the things which again I'm so proud of getting done in that first year, has changed radically -- night to day -- what the judiciary in this State is all about. As of now, Supreme Court Justices are paid the same amount as the Federal District Court Judges who they always looked at with green eyes for all those years, and they really feel so good about that. Every year of those four years following the appointment of a new compensation commission, what happens is the judges are going to either get a raise or certainly--

AG: A cost of living increase.

JL: –and it’s going to happen every four years, like clockwork. The legislature now wants to copy that for themselves. Fortunately, we were able to -- remember, this was one of the issues that hurt us, where the judiciary and the legislature were in lockstep on salary increases -- dis-attach the judges from the legislature on salary increases. The judicial compensation commission has been absolutely the best thing that could have happened to the judiciary in this State. It gives them the respect and the dignity that they deserve.

[00:58:00]

AG: Makes people want to be judges, because it’s more worthwhile financially.

JL: It’s a very competitive salary. I mean, I’m not saying it’s competitive with people who earn all kinds of money with the big firms, but it’s very competitive and it’s no longer the case that the lowest ranking lawyers, the most junior lawyers in the big firms and the private sector, earn more than the most senior judges in the state.

AG: Right.

JL: I’ve told these stories about my own children. I’m the Chief Judge of the State and they go to work at a big firm--

AG: And they make more than you.

JL: –in a very short period, if not at the beginning, they’re earning more than the Chief Judge. There are lots of benefits to being the Chief Judge and I’m not complaining for a second, but to ask these judges to do the kind of important work that they do in our society and to be treated so dismissively was terrible. So, it

was fabulous, I couldn't be happier that we totally changed their self-image, because they were so cranky in those years when I was trying to get it done, and even after I got it done, they were still a little cranky. But now I see them in the street, and they practically want to carry me around on their backs. So it was terrific.

AG: In 2013, you launched the nation's first statewide Human Trafficking Initiative, featuring dedicated court parts focused on intervening and providing necessary services to victims of sex trafficking. Tell us about this unique initiative and how it came about.

JL: Well, this had become an emerging issue on a national level, not that anyone was doing anything about it particularly, but there was a growing awareness about it as a problem. You saw all the articles in the papers, people in the law enforcement and court communities were talking about human trafficking, and it even got into the popular culture, the people from Eastern Europe and other areas of the world who were trafficking young women. And there was a lot of talk of what to do about it, especially from law enforcement on how they should deal with it. Again, the way these things work with me, they kind of get into my consciousness and then I start thinking big, sometimes too big.

[01:00:42]

AG: Right.

JL: I started to think, well, can we really make a dent in this problem, an almost insoluble problem? I had some people around the judiciary with some experience in this regard. Judy Kluger, the Executive Director of Sanctuary for Families, had

been our Deputy Chief Administrative Judge for Court Operations and Planning and had been the head of the Sex Crimes Bureau.

AG: Oh, in the District Attorney's office, right.

JL: The Kings County District Attorney's office. She was very knowledgeable in this area, as were a number of people in our system. We had done an experimental court part in Queens, starting to try and figure out how to deal with prostitution and sex trafficking. In any event, I came up with, as I am prone to do, this idea of let's just solve this whole problem in one fell swoop, and instead of doing a little bit of a pilot court, why don't we do a statewide sex trafficking, or human trafficking initiative? We put it together with a lot of interaction from the DAs around the state. We put it together so that 95% of the sex trafficking victims in the State would be covered by 10 or 12 of these human trafficking courts in strategically located areas around the State, which would serve as regional hubs for cases involving human trafficking victims. Remember, the whole concept of these courts is that people understand that the defendants in these courts are really victims.

[01:02:47]

AG: Right.

JL: They're prostitution-related crimes, and they're really victims and you have to treat them as such and provide special services to break the cycle of abuse and victimization, connect them to mental health care, housing, and educational and employment opportunities, instead of constantly incarcerating them. And everyone in the criminal justice system — judges, prosecutors, and defense

attorneys — works together to come up with the best response for each defendant to break the cycle of abuse and put their lives on a new trajectory. So we put together this comprehensive approach, and I announced it in a big speech that I gave at the Citizens Crime Commission. It got a lot of attention, both here in New York and nationally, and it became, again, the template for how you deal with this difficult societal/criminal problem, and how you deal with it in a systemic way. We followed up with a national conference here in New York --

AG: I recall.

JL: -- in November of 2015, the Human Trafficking Summit, where we showcased our approach and we had hundreds of speakers and attendees from all around the country on how state courts should approach human trafficking. In fact, I'm currently heading a nonprofit that deals with that same issue of how you deal with human trafficking in the state courts. I'm very proud of that. It's a problem, of course, that is not amenable to easy solutions, but other states are trying to model our approach or something like it, and I think we have made great advances in how to deal effectively with sex trafficking. It's a horrible problem. You get kids who are 12 years old and get forced into prostitution, literally taken, like the movie, remember, that's called *Taken*?

AG: Yes.

[01:04:46]

JL: These kids are taken at a very young age and sold into this business, which is a form of modern day slavery. So I'm very, very proud that we're able to at least...

AG: Make an impact.

JL: Yeah, make an impact, and I think we have.

AG: Another priority of your administration was the prevention of wrongful convictions, which led to your creation of the New York State Justice Task Force, with then-Westchester District Attorney, Janet DiFiore, and your colleague, Ted Jones, Jr., as the co-chairs. Tell us why you created the Justice Task Force and how well has it lived up to your original vision of what it could accomplish?

JL: Well, in my view, there's no greater atrocity for our justice system than to have an innocent person convicted of a crime they didn't commit. Nothing could be worse.

AG: The opposite of justice.

[01:06:05]

JL: Yeah, the opposite of justice is right. So, I had grown very familiar with Barry Scheck and Peter Neufeld, with the Innocence Commission, with the kind of work they were doing with new DNA technology to exonerate dozens of individuals many years after they were wrongfully convicted. And when Janet DiFiore was the DA in Westchester County, there was quite a prominent case of a person being exonerated after many years, where she re-opened his case and ordered new DNA testing which connected a different individual to the crime, who ultimately confessed to the rape and murder of a young female victim. Again, as is my wont with these kinds of things, I was just kind of thinking about it, circling around it, and I wanted to put together a group representing all the different pieces of the criminal justice system that could come together and look at why each wrongful conviction happened, and look for patterns and flaws in the criminal justice

system or the process that maybe we could correct to help to avoid something like that happening again in the future, because let's face it, one wrongful conviction is one too many.

AG: Absolutely.

JL: So how do you do that? How do you get people from the prosecution, the defense, the police, the judges, everybody in the criminal justice system involved? So, we put together this group with the word justice in it, because, after all, that's the goal.

AG: Yes.

JL: I wanted to give it expertise and credibility, so I brought in my friend, Judge DiFiore, who we've talked about before, who I knew for so many years when she was a judge, before she was the DA in Westchester County, and I thought she brought great credibility to this issue and a prosecutorial point of view.

[01:08:12]

Then, I asked my colleague, Ted Jones, who was a defense attorney before he came to the bench as a Brooklyn Supreme Court Justice and ultimately made it to the Court of Appeals. So, I chose the two co-chairs to have some balance between prosecution and defense, and also by putting Teddy on the Task Force, it put the imprimatur of the high court on the panel, and I think that was important, too.

And now that we're talking about all of this, to give credit where credit is due, the State Bar had done a panel that studied wrongful convictions, with Barry Kamins, who eventually became City Bar President and a judge as one of the co-chairs.

And I put him on the Justice Task Force, knowing that the State Bar had also done some good work in this area, which, again, had been getting into my thinking.

AG: It was percolating.

JL: Yeah, it was percolating, exactly right. So, anyway, I put the group together, and if I may say so, they were great co-chairs, both great people, they loved each other, and we had great members on it, and they've put together so many proposals that were adopted and became law, really targeting the root causes of wrongful convictions: for example, expanding the state's DNA database and allowing more access to post-conviction DNA testing; videotaping of interrogations in serious crimes; improved procedures for eyewitness IDs and lineup procedures to make sure they're accurate; standing Brady Orders reminding prosecutors of their obligation to turn over exculpatory evidence and defense counsel of what it means to provide effective assistance of counsel. Just a whole package of reforms that have been adopted and are making a big difference.

AG: Yes.

[01:10:03]

JL: I feel very good about it to this day under Chief Judge DiFiore. She's no longer the chair but she has prioritized the work of the Justice Task Force and they are doing beautiful work and coming up with meaningful proposals to improve the fairness and accuracy of our criminal justice system. I think having people crossing over the different disciplines in the criminal justice system is really very helpful, and that's what made the Task Force unique. Criminal justice reform is so

difficult, but we were able to do something new, have a new way of approaching it, by giving people a forum, with the imprimatur of the judiciary, where they could battle those issues out and find some common ground and come to some kind of position. I think it has really worked well and works to this day.

AG: It has. This is one of the few groups that has generated reform recommendations that have become concrete law.

JL: It's about respect and credibility. I think people respect this group, and so I'm really proud of it, and again, it's ironic that DA DiFiore became Chief Judge DiFiore. So it all worked out very well.

AG: Along with your focus on all of these nontraditional issues that we've been talking about for the last hour or two, you also devoted a lot of time and attention to the more conventional areas of the court system, certainly, like commercial litigation. Tell us about the Commercial Division of the New York State Supreme Court and what it has meant to the court system, the commercial bar and even the State economy.

JL: Well, certainly we did try to pay close attention to court operations and the troops in the field, and I must say that my successor, Chief Judge DiFiore, has done a spectacular job with her Excellence Initiative of focusing on reducing the backlogs in the courts. Over the years, we lived through the problem, addressing serious backlogs on an emergency basis, and making progress overall but with the volume and the size of our system they always seemed to come back. What Janet is trying to do is institutionalize that approach to staying current and avoiding backlogs. But anyway, in the particular area that you mentioned, the Commercial

Division, we did have a tremendous amount of success, and I must give credit where it's due, since that initiative originally started under Judith's tenure, and some of the early planning I think even went back to Chief Judge Wachtler. Again, you see all these things as a continuum with the court system, and that's what these Historical Society sessions are all about, to see how things evolve. In any event, Judith had been a commercial lawyer and when she became the Chief Judge she wanted to emphasize commercial litigation, and Judge Milonas and I were tapped with the job of implementing a Commercial Division with judges and staff who would have expertise in handling commercial litigation. Talk about different relationships, I remember when we were first developing the idea that Mike Bloomberg came to do a talk. I don't remember whether it was the first anniversary of the Commercial Division, or something public along those lines. He came to do a talk about what a great idea that was.

AG: Not only that, Donald Trump also came once.

JL: Yes, yes, he did, he did.

AG: I believe it was the fifth anniversary.

JL: It could have been the fifth, yes, he did, and he had a lot of commercial litigation.

AG: Yes, he did.

JL: So Leo and I put the Commercial Division together in almost no time. I think I told the story where we said to Judith, "Yeah, we can do it in six months," and she said, "Yes, 30 days will be great."

[01:14:00]

So, we implemented it and it was terrific, but when I became the Chief Judge, I certainly felt that it was – lagging is the wrong word – but that it needed a fresh start.

AG: An infusion.

JL: A new burst of energy, yeah. And so I got the retired but still indomitable Judith Kaye, who had started all of this, and Marty Lipton from Wachtell Lipton, to head what we called the Task Force on Commercial Litigation in the 21st Century.

AG: That's right.

JL: To look at how we could update the Commercial Division with regard to technology, procedures, process. They came up with a number of wonderful recommendations to make it a 21st century court, one that could compete, which was one of my goals, with Delaware and California and Texas, a first class court capable of resolving commercial litigation with high expertise and efficiency. Then I said, well, that was great, they made those recommendations, but we've got to get these things done now, and I came up with this other force in the world of commercial litigation, and that was Robert L. Haig from Kelley Drye, and I said, "Bob, you're going to head an Advisory Council that's going to make sure that all of the recommendations that Judith and Marty made get implemented."

AG: You picked the right guy.

JL: Oh, let me tell you . . . Bob, total focus, never wavers, and each one of those recommendations, and more, have been implemented through Bob's efforts and those of the advisory council, which is made up of the cream of commercial lawyers.

AG: And judges.

JL: And judges, in the city and state. In fact, during the time that I was the Chief Judge, and it continues to this day with Janet, those recommendations were on the agenda for every Administrative Board meeting, and the new rules for the Commercial Division were a major focus of every meeting. Many of them were from the implementation of the Kaye-Lipton report, but Bob and the Advisory Council came up with some of their own, and the Commercial Division became such a major focus of the Administrative Board meetings that it reached the point where the PJs would say to me, "We can't take it anymore, no more Commercial Division reform!" But that has continued into Janet's reign also.

[01:16:16]

AG: They still are, and it's having a positive impact.

JL: A dramatic effect of updating the Commercial Division.

AG: It's really become like the laboratory of innovation for how to streamline civil litigation, which really could be useful to the rest of the system.

JL: Well, that was the idea, that we always felt that if we could do innovative thinking on this most complex of caseloads in the Division, then we could take it to scale, and a lot of the reforms would be applicable within the other parts of the court system. And they are and have been, and that's exactly what we did.

AG: I think that's right, yes. So, turning to another topic. No one would know better than you that the Chief Administrative Judge is an integral partner of the Chief Judge in overseeing the day-to-day operations of the courts, but certainly in carrying out the Chief Judge's overall vision and direction for the court system.

Tell us about your two Chief Administrative Judges: Ann Pfau and then you had Gail Prudenti.

JL: And I had Larry Marks.

AG: Okay, that's right, and you had Larry Marks. Why did you select each one of them, and what was your working relationship with them like? Can you give us some special memories?

JL: Well, Ann had worked very closely with me before I became the Chief Judge. I had the interim period, when I was the Presiding Justice, when we were not working together, but before I left to take that position, I recommended to Judith that – again, this is another example of that continuum of the court system – that Ann be made the Chief Administrative Judge, because she had worked very closely with me and really understood that job, and Judith did appoint her. Then, I had that two-year period when I was the PJ of the Appellate Division and was working with Judith on the Administrative Board, and when I became the Chief Judge, it was a very natural thing for me to pick it up again and have Ann remain as the Chief Administrative Judge.

[01:18:47]

Ann was great. Obviously, we had worked together for many, many years before I was the Chief Judge, and she was a straight shooter. Strong. Not tall in stature, but strong in stature and commitment. She was a tough customer in her own way. I always kind of liked to be the “good news” person, and Ann didn't mind – not that she liked it – but didn't mind delivering bad news.

AG: Right.

JL: She was good at it and didn't mind that. When I finally became the Chief Judge and I had all these deep roots into the court system that we've been talking about for hours and hours, I didn't want to be the bad guy, but Ann could handle it. She was terrific and a very good administrator. She had acquired already, during my years and during the Kaye years, an ability to deal with the legislature, and she made her friendships and alliances up there. She was someone who was very well versed in everything that I was interested in, because she had worked for me when I was the Chief Administrative Judge. She had good ties with the bar. So, Ann was a delight to have as the Chief Administrative Judge, and we were there together when I became the Chief Judge and we got the salary increase. I was amazed at what she was able to accomplish, and happy, not only for myself, but for Ann, who was like family to me, someone I'd worked with for many years. Again, she had this flint in her that made her good in that role. So, what a treat to reunite with Ann and have her as the Chief Administrative Judge. And then there came a time when Ann wanted to go back to, and did go back to, the trial bench. She had not really had a chance to be a real judge, as opposed to an administrator, so she went back to the bench and I made an offer she couldn't refuse to Presiding Justice Gail Prudenti, to give up being the Presiding Justice in the Second Department and become the Chief Administrative Judge. Remember, I had "discovered" Judge Prudenti years ago, in Suffolk County. I always joke about how I found her in the wilds of Suffolk County and made her the Administrative Judge there, and then ultimately she became the PJ. And now I asked her to give

up one of the best jobs in the court system, being the Presiding Justice of the Second Department.

[01:22:17]

AG: Absolutely.

JL: But she had loved being an administrative judge and agreed to do it, and she was very different than Ann. She had a different demeanor to her. She could charm the birds out of a tree, and she did, often. I brought her in at that point, to tell you the truth, because I thought she would be good, also, with the executive branch. We were having our troubles with Governor Cuomo, who had cut our budget dramatically.

AG: Right.

JL: I wanted to establish better relations with him, stronger relations, and even though Gail was a Republican when she was running for office, she was very good with people of all kinds and had good ties to not only judges but county governments, political people around the state, and I thought she would do well with the Republican Senate and with the Democratic Governor Cuomo; again, not only because she had those good ties, but she also had this lovely personality and I knew that she would handle herself well with the Democratic side of the legislature, even though she was a Republican. After all, she was working for the Democratic Chief Judge. And she was a big hit up there, particularly in the legislature. She did well with the judges because, again, she knew them all, going back to when she was an administrative judge and a trial judge, but she was a particularly big hit up in the legislature, where they waited with bated breath for

Judge Prudenti to come and see the Democrats, the Republicans, the executive branch, because she brought with her that charming demeanor and persona. She was very helpful up there with our budget. She brought in a whole new crew of people to work with her, who were very helpful with our budgets. She managed the impossible and I think she got – maybe Ann got the first passage – but she got the second passage of the constitutional amendment to raise the mandatory retirement age for judges.

AG: Oh, right.

[01:24:47]

JL: It ultimately was not meant to be, but getting it through two successive legislatures was a real accomplishment, and Gail was very central to getting that done, especially in the Republican Senate, getting that second passage. So she was just a terrific Chief Administrative Judge, as was Ann, but in a totally different way.

AG: But both effective.

JL: Yeah, both very effective. And then there came a time when my term was coming to an end and I was not going to be the Chief Judge anymore and Gail wanted to go on to different things. So, near the end, I guess with about a year left in my term, I don't remember the exact timing, Gail went to Hofstra Law School and became the Executive Director of their Center for Children, Families and the Law, with an eye toward becoming the Dean of the Law School, where she is now. So, a great partnership, and it was difficult for both of us for Gail to leave, but I wanted her to go on with her life.

[01:26:11]

So, I appointed Larry Marks, someone who had worked very closely with me over the years, particularly in the criminal justice arena, and who had worked closely with Ann when she was the Chief Administrative Judge, and he was really one of the two prime people in the Office of Court Administration, working directly under the Chief Administrative Judge, along with Ron Younkins. Ron just recently retired and he was terrific. He dealt with facilities, the budget and every other issue you can think of. If there was an issue that no one could figure out how to deal with it, or what to do with it, Ron Younkins would handle it, and he did just a great job.

AG: Yes.

JL: But in any event, I made Larry the Chief Administrative Judge for most of the last year, or it may have been only 8 or 10 months, whatever it was, and Larry picked up on the job very quickly because he had worked for all the Chiefs, established good relationships in Albany, and he worked with me on a lot of my parting initiatives. Right to the very last day, I insisted upon doing, some people would say, "crazy" out of the box things. I would say more forward-looking initiatives, to further move the court system in a positive direction. So we worked together on a whole panoply of issues, and until the very end I was doing what I thought were very interesting things. For example, Larry and I worked together on something Gail and I had started, revamping the whole attorney disciplinary system.

AG: Yes.

[01:28:21]

JL: And so many other things that I wanted to get done [laughs] before I left, and certainly the attorney disciplinary system was one. The other one, I don't remember whether it was Larry or Gail, but we ultimately got it done, was the Uniform Bar Exam, which was a major change in the State, to go from the venerable New York Bar Exam to the Uniform Bar Exam, which in my view was a tremendous accomplishment and change in the way we did our business in New York, so I was very proud of that. Larry helped me bring all of those final initiatives to fruition, some of which had started with Gail. He also helped me to round out and follow through on all the different criminal justice initiatives that I had done over the years, many of them with Larry's help. So, it was a delight to again work closely with Larry, who now is doing similar wonderful things for Janet, my successor, serving as her Chief Administrative Judge. So, they were all great Chief Administrative Judges, all better than that guy who was the Chief Administrative Judge for 11 and a half years.

AG: Oh, I'm not so sure about that.

JL: They were all pretty, pretty darn good and it was a delight to work with people that you're so close to on a personal and professional level. Let me say, too, that there's another person who I'm very close to on a personal and professional level, which is none other than Tony Galvao. You've heard of him?

[01:30:08]

AG: Ah, yes.

JL: Yeah, yeah. So that guy was someone who I worked with for how many years, Tony?

AG: Lots. Fifteen? From day one as Chief Administrative Judge.

JL: From day one as Chief Administrative Judge, for sure, and before that, you had worked for Carmen Ciparick at the Court of Appeals.

AG: That's right.

JL: And then you came to work with me. Tony was – I hate to talk about him in the third person – both an idea person, coming up with new and terrific ideas, but also someone who wrote beautifully. You know, when I think of him, and I don't mean it as a funny comparison, what Ted Sorensen did for John F. Kennedy, Tony Galvao did for Chief Judge Lippman, and Chief Administrative Judge Lippman.

AG: Thank you.

JL: Tony wrote beautifully, could get into my head – and nobody could get into my head – but Tony, you got into my head, you could see what I was thinking and when we talked about something it didn't take more than two seconds for you to get the idea and then turn it into something that I could articulate and I could use. I would say, "I want it to sing," in a way that would soar and, Tony, you made it "sing." So, Tony, you played an instrumental part in my being able to articulate ideas, convey them, and make them resonate with people both here in New York or around the country.

[01:32:17]

AG: Thank you.

JL: So, I can't think of a person I'm more grateful to for all of your wonderful assistance.

AG: Well, I appreciate your saying that and it was an honor to work for you, so thank you very much. We did work very well together, yes.

JL: And we had fun.

AG: We really had a fun ride. You made it a lot of fun.

JL: And there's one last person who I will always be grateful to for her incredible devotion.

AG: Oh, I think I can guess who.

JL: Jill Shukin – I think she was Jill Ross when we hired her – was with me for at least 15 years. She started as a secretary and she ended up as my Chief of Staff because she was just so competent and she really became like my personal organizer and gatekeeper. She handled all my scheduling, kept everything organized for me, all my personal and professional obligations, and made sure I knew where I was going every day and she just handled so much day to day stuff. By the end, she became so identified with me that I think a lot of people who called our chambers were really looking to speak to her more than me. Jill was very smart, had a wonderful manner with people but she was fiercely loyal and could be tough with people when she had to be. I honestly couldn't have managed as well as I did as Chief Administrative Judge and Chief Judge without Jill and I will always be grateful to her for how devoted she was to her job and to supporting me and being my very dear friend and confidant.

AG: I agree, Jill was the greatest . . . On your next to last day in office, the *New York Times* published a long article about you with this headline, "NEW YORK'S CHIEF JUDGE LEAVING A LEGACY HIGHLIGHTED BY SOCIAL

JUSTICE.” Let’s focus on your legacy for a moment. How do you hope to be remembered?

JL: Well, I think that headline framed it about right as to what I’d want to be known for. I’d have framed it a little differently, but I was happy when that article came out. I thought it captured the essence of what I was all about. To me, it’s all about – and we’ve talked about this before – it’s all about the pursuit of justice for everybody, hence the reference there to social justice. To me, ensuring access to justice and equal justice for all is the very reason we have courts to begin with, and making those ideals a reality is what dominated my existence, both administratively and adjudicatively. That’s how I want to be known, that I pursued it with every fiber of my being, every second of the day, from the moment I got up in the morning, to the moment I went to sleep at night.

[01:34:26]

AG: Yes.

JL: That’s what I wanted to do, not only to pursue justice in the broadest systemic sense, which I did, but in the sense of making justice a reality for each and every person who comes into one of our courthouses. I wanted to make justice happen in real terms and not just talk about it, not just pontificate about it in the abstract.

AG: Make it real.

JL: Yeah, tangible and real and concrete. The other thing that’s meaningful to me, early on in my career, in late 1995, the *New York Times* did a small article about my being appointed the Chief Administrative Judge. It was a very short piece, not like when I became the Chief Judge and there was a big article with pictures and

everything. The reporter said that Judge Lippman has become known as the “workhorse of the court system.” Like I said, it was a little article, but I never forgot that. And I guess that’s the other part of who I was, that along with that total commitment to the pursuit of justice and equal justice as my calling, that I left it out all there on the floor. I didn’t keep anything in reserve. I worked, and I worked, and I worked, and I never took it easy. I left it all out there, everything I had, I put it out there on the floor toward that mission.

If I could be remembered for that, for the pursuit of justice, administratively, adjudicatively, that I did everything within my power, each and every day, to balance the scales of justice for everyone, for the rich and the poor, the powerful and the weak, and that I left everything I had out there . . . if I could be remembered in those ways, that would please me and make me happy.

[01:36:13]

AG: So, Judge Lippman, inquiring minds want to know, is there really life after being Chief Judge?

JL: Well, you know, Judith always called it the “life after,” and people would kind of blanch, because they weren’t sure what she meant by the “life after.” I can assure you that there is a life after, in her words.

AG: Good.

JL: What happened to me is that when I was approaching the time to leave, because I was this person who couldn’t help himself and was working on all these big initiatives that we talked about right to the last day, I didn’t really focus on the next step that much until near the very end. I really couldn’t decide. I thought

about teaching. I had a couple of the law school deans who mentioned to me, “Gee, maybe you’d like to come to our law school.” I was also sought after by presidents of universities and certainly over the last years turned down a number of opportunities to be the dean of a law school. And those things did appeal to me. I thought about heading some kind of nonprofit, either on criminal justice, access to justice or court reform. I kept waiting for the right thing to kind of hit me, where it would all fall into place in my mind. I discussed these things very quietly. When you’re the Chief Judge, you kind of live in a glass house, so I said nothing publicly. But I thought a little bit about it and talked to a few people. Finally, right near the end, I put some feelers out very carefully and discreetly. As the Chief Judge, I certainly didn’t want to do anything that would be perceived as inappropriate. I wanted to be careful in that last period, that anyone or anything you’re inquiring about didn’t have any business before the Court.

AG: Of course.

[01:38:26]

JL: But I did have a couple of feelers out, and really, what it came down to was, would I go to a big firm that valued my professional lifetime of experience of working in the courts and in and around state government and, of course, my lifelong commitment to the pursuit of justice, which I wanted to continue? So, while there was a lot of interest from different people, I just couldn’t hit on that one right thing and it seemed like the best way for me to pursue all the goals I still wanted to pursue was to go to a big firm. The firms that were interested were excellent New York firms that I was very familiar with, but then there was

another kind of firm, Latham and Watkins, that had started as an out-of-state law firm before New York became central to its business and to its identity. They were looking for more of a branding in New York, and they had a little different template than what I would call the New York City old line firms. I certainly had some great choices, and right at the end I decided to go with Latham and Watkins, which is where we're shooting these videos. I talked to a number of people at the law firm, and this is a firm that believes in exposing new partners or counsel to what the firm is all about beforehand, what the firm's culture and values are all about, and I found the firm particularly attractive for a number of reasons. It had a national and international reputation as one of the most successful law firms in the world, very high in its prestige. It had a global footprint, which was important to me, because when I was the Chief, I would speak around the world on various issues. But despite all of that, it had very round edges. A lot of the really successful law firms like Latham can have a dog-eat-dog kind of environment, but when I talked to a lot of people, no one would ever say anything bad about it, because they're just nice people and good people. Also, particularly important to me, the clincher, was this law firm shares my value system. It has a social conscience, with a very strong pro bono program and a very strong understanding that law firms don't exist in a vacuum separate and apart from their communities. Latham understands what it is to be -- for a law firm to be a good citizen.

AG: Right.

JL: In other words, a citizen of the world. We're not oblivious to the problems of the world around us. So, for all of those reasons and more, and really a lot of it is

instinctive, I just got a very strong feeling that Latham and Watkins was the place for me, so I agreed to be Of Counsel to the law firm. Ironically, on the day that we announced my coming to Latham and Watkins, Judith Kaye died, which certainly made it a bittersweet day.

[01:42:24]

AG: Oh, I do remember that.

JL: Anyway, being the kind of character that I am, I didn't waste a single day. On December 31st, I left being the Chief Judge of the State of New York, and on January 1st, I became Of Counsel to Latham and Watkins. Some people might have wanted to take a few months off, but none of that for me, and so it was the beginning of a beautiful relationship that continues to this day. It's a firm that I'm very proud of, not only of their global presence and their great success – they're the first law firm in the world to earn \$3 billion in revenue in a year, which is hard to even comprehend – but in particular that it has this value system, which is so important to me, which is shared by the people who work here. The things that we care about here at Latham are important to me, and what's happened is -- and I know you're going to ask me a little bit about this -- I've been able to both do the work of a major commercial law firm here in New York City and around the world, and practice law, really, for the first time in my life.

[01:44:29]

AG: Right.

JL: And at the same time, continue my public interest work, with the firm being just tremendously supportive of the things that I'm doing, and have done, on access to justice, on criminal justice reform, and all the other things that matter to me.

AG: So, before we get to that public work, can you give us just a quick sense of the kind of work you're doing here, the kinds of cases that you're handling?

JL: Yeah. In general, they run the gamut of what one might expect in a big commercial litigation firm, where I'm part of the litigation group. Without mentioning specific names, because a lot of the cases are still pending, I get involved in the kinds of cases that maybe have a public dimension to them, where my background in government and public interest, fairness issues might be of assistance to the clients and the lawyers working on the case. I do a lot of appellate work, where I obviously have an expertise, especially if it's a meaningful case or subject matter that I have an interest in. Just in the last year, I've been able to start practicing at the Court of Appeals, because we have this rule where you can't appear in front of the Court for two years after leaving.

AG: Yes.

JL: I've been able to appear in the Appellate Division and the State Supreme Court before that, again on a lot of public-type cases, where they may be paying cases, but the issues involved have a very public aspect to them. So, I've done appeals work, representing a foreign government where maybe my international experience with foreign court systems might help, or on cases where we're dealing with some of the institutions that I know very well here in New York and around the country, the Attorney General's office, the Justice Department. Things

along those lines. So it's a full plate, really beyond what I imagined big law firms do.

[01:46:52]

AG: Right.

JL: But I think it's been a perfect match for me, since I like to do two jobs at once, as I did when I was the Chief Judge, the adjudicative and the administrative. Similarly, here, while I have so much of what we would call the moneymaking side of the law firm, where again it's a very successful law firm, by the same token, I'm one of the leaders of our pro bono practice, because that's the kind of law firm we are, and I have the public interest work, which I mentioned before, promoting reforms on access to justice and criminal justice issues. I've had the opportunity to head a lot of public projects. I'll just mention a couple of them. I've headed the Rikers Commission, the Independent Commission on New York City Criminal Justice and Incarceration Reform, which recommended how New York City could replace the totally dysfunctional Rikers Island jail facilities with a more modern, efficient and humane system of smaller facilities in each borough. I'm heading, with my friend Martha Minow, the former Dean of Harvard Law School, a national task force established by the federal Legal Services Corporation to study the impact of natural disasters on low-income communities and to figure out how we can do a better of delivering legal services to these communities to help them bounce back. Latham and Watkins is the pro bono counsel to the Commission and the Task Force on both of these major projects.

[01:48:48]

AG: I see.

JL: We get a lot of our people involved in these very significant pro bono projects. Even before the Rikers Commission, the firm played a major role in supporting all the work that led to the enactment of the civil Right to Counsel bill for housing cases in New York City. I've also headed a group called Justice 2020, for Brooklyn District Attorney Eric Gonzalez. With the input of leading criminal justice professionals, we've drawn up and will be releasing shortly an action plan for modern criminal justice reform in New York City and around the country, and a template for what a forward-looking prosecutor's office should look like and the positions they should be taking to preserve public safety while keeping our communities strong in the twenty-first century. So those are some of the kinds of reform activities that the firm has been very supportive of in this other part of my life that goes beyond practicing law, which I'm happy to say, I'm also doing at a very, very high level at Latham.

AG: Well, let's talk briefly about the Rikers Island Commission, because you've certainly received a lot of attention for your work there. How did you come to lead the work of the Commission and what kind of impact are you having, or do you hope that the Commission will have, on criminal justice reform?

[01:50:13]

JL: As my term as Chief Judge was coming to an end, both Mayor de Blasio and the then-Speaker of the City Council, Melissa Mark-Viverito, had spoken to me about possibly heading up a commission as to what to do about Rikers Island, which had become just totally untenable. There was so much negative attention and

reports of brutality and victimization, just horrible events associated with Rikers, and there was a federal investigation which found systemic abuses and mistreatment taking place there, which resulted in a very publicized settlement where the City agreed to all kinds of major reforms. Pretty soon after I came here to Latham, Speaker Mark-Viverito finalized that idea, after talking with the Mayor, and she formed a commission for me to chair, and I told her that Latham would be the pro bono counsel and that I would put together the members of the commission and give them a report in a year as to what they should do with Rikers Island and the criminal justice system in New York City. So I did just that. She announced the Commission at her State of the City Address, I think in March of 2016, after I'd just joined the firm, and I went about recruiting the commission members, people with great gravitas and leaders in New York City, everyone from Darren Walker, the President of the Ford Foundation; to Jeremy Travis, the President of the John Jay College of Criminal Justice in Manhattan; Kathy Wylde, the head of the Partnership for New York City, which is the largest group of business leaders in the City; Richard Aborn, the head of the Citizens Crime Commission; Ana Oliveira, the head of the New York Women's Foundation. On and on. We also included in that commission former incarcerated people and advocates. So, a big tent, but very much, in its overall view, representative of mainstream New York, capturing the diversity of the city, and a group that would be hard to argue with.

AG: Yeah.

[01:52:50]

JL: We worked for a year, and we had criminal justice entities, the Center for Court Innovation, the Vera Institute, the CUNY Institute of State and Local Government and criminal justice wonks helping us.

AG: Right.

JL: We were able to get private funding from the Ford Foundation and Open Society and others. I wanted the Commission to be independent from any government entities or officials. We studied the issues for a year. And then, what should I say? I stalked the mayor for a year.

AG: Okay.

JL: To try and – I'm looking for the right word – to try and get him to come on board with closing Rikers. Very soon after we started, it became clear to me and the commission that Rikers Island was an accelerator of human misery. Whether you were there for three days, three weeks, three months or three years, you came out worse than when you came in. If you came in a normal human being, you came out a hardened criminal, and it was violent and horrible and inhumane, and we went to Rikers Island and we quickly came to the conclusion that it had to close. We understood that we needed to put out a roadmap to lower the population at Rikers, from where it was, to 5,000 people. It started years ago with 22,000, and it was at over 10,000 at that point, and we said let's get it down to 5,000 inmates and then build new local jails, one in each county, that would be more humane, modern, with air and space, treating people like human beings. They should close that miserable place and also put Rikers Island to better use, this island that had views of New York City, a prime piece of real estate that could be put to so many

better uses, and do a monument to the inhumanity of that place, so that people always remember what went on there. So anyway, we're getting this report ready, and I'm stalking the mayor. The Governor was for closing Rikers, the Mayor was against it. The two of them never agree on anything. The advocates were yelling to close it and we had this mainstream commission with gravitas urging him to close it. I was constantly calling the Mayor and saying this is right in your wheelhouse, this is what you should be doing, but he was resisting, and the Mayor and the Governor were jousting about it. We had the *New York Times* and other influential voices saying that it has to be closed. The Mayor was having trouble both with the policy and the politics of it, but eventually, near the end, he got it, that this could be good policy and good politics. He called me like three weeks before we were going to put out the report and we had a real crunch to finish the report because he now wanted to get on the train. We had five-, six-hour meetings for a period of a couple of weeks, when we were trying to iron this out. While he wanted to close Rikers and announce that it was the policy of the city to close Rikers, he did not want to buy into the particulars of the report. One of the reasons, and I understood it, was that he was running for election and he really didn't want to be talking about building jails in the local boroughs. So, we decided to do it on two tracks. He would do an announcement that it's the public policy of the City to close Rikers, and a day or a couple of days later, I would put out the full-blown report with the real roadmap on how to close it. I think he wanted to get out ahead of this speeding train, ahead of this big report that was going to come out, and he did.

[01:56:55]

AG: Yes.

JL: By the same token, we were intent on putting out the roadmap and we did. So what's happened is, we are in an implementation phase, we hope to complete the ULURP, [Uniform Land Use Review Procedure] the land use process, by the middle of 2019 and close Rikers by mid-2024/2025. We're amazed that we've gotten this far. It's like turning around a battleship in port, you know?

AG: It's moving another mountain.

JL: It's moving a mountain, and this is some mountain, let me tell you, but the Commission continues to be funded. This year we got half a million dollars in funding from the City Council, and we have additional money from private foundations to continue our work. We view ourselves as the honest broker, independent, and where the administration needs an elbow in the side, we give it to them; when it needs a pat on the back, we give it, with the goal of getting this done and getting it done so that it's the signature achievement of Mayor di Blasio and certainly the signature achievement of the Rikers Commission. So, I'm proud of our work, and we're amazed that we've been able to achieve this major public policy goal, but it's not done until it's done. So, yes, every public official is now for closing Rikers Island, but let's get it implemented and done first, then we can rest, and then we can sleep, but not until then.

[01:58:34]

So, we're issuing one-year reports and focus reports, we do interviews and op-eds, and all kinds of things to keep the momentum going. So, I'm very proud

of it. It's an issue which is fundamental to the soul of New York City, to what this city is all about. We cannot allow this stain on the city's soul to continue, and I'm proud, not only to have done it now, in public life as a part of Latham, but to have done it all pro bono. We had over 30 people working thousands and thousands of hours, helping the Commission to understand the issues and put out the report, but I'm also proud to have done it as a former Chief Judge of the State of New York, as part of this continuing judicial mission of pursuing justice, which doesn't just end with the "life after," it doesn't end on the day you stop being a judge. For those of us who have devoted our lives to the courts, this is our family, this is our mission, this is what we do, and that's what the Historical Society does, to keep alive all these things that are so much a part of the continuum of our court system. This public interest work that I've been doing at Latham is so directly relevant to the years that I was the Chief Judge, and to all of the things that I did as the Chief Judge to promote equal justice.

AG: I agree, yeah.

JL: And now, to be able to do this work in public life, which relates back directly to the great bulk of my professional life in the courts, it's a very nice coming-together of the things that matter to me.

[02:00:10]

AG: A great opportunity. Before we get to two final questions, Judge, maybe you could tell us a little bit about your personal life these days? I understand that you have some grandchildren? How is that going?

JL: I have three grandchildren.

AG: Three! Wow, okay.

JL: My son, Russell, and his wife, Jennifer, have three children. He's a lawyer, as you know, and we now have our newest grandchild, about six months old.

AG: What are their names?

JL: Well, their names are Ryan, who is the oldest, who is about six and a half, Juliette, who is three, is the middle child, and Ben is the youngest, who is six months, and he's just learning to sit up. So, this is a major accomplishment for Ben. Russell is living in Westchester, where he was brought up, with Jennifer and the kids. My daughter, Lindsay, is also a lawyer, and she practices in New York City. She's living in the Village and we see her a lot because she's in the city, and they both worked in big firms and now are at big corporations, but with the law still very much a big part of their professional lives. Russell has gravitated a little bit more into the management side, in addition to the legal side, taking after his father a little bit.

AG: Yeah.

JL: Lindsay is very engaged in her work, which she's doing very well with. They both work in the city, Lindsay in the midtown area. In fact, Lindsay works opposite where I had my chambers as the Chief Judge, at 230 Park Avenue across from Grand Central, in the Met Life Building. Russell works downtown, in the South Street Seaport area, downtown Manhattan, near the headquarters for the Office of Court Administration.

[02:02:30]

AG: Beaver Street.

JL: Yeah, Beaver Street, right near there. So, everything always seems to be circular, you know?

AG: Okay. I wonder if you could give us your thoughts on the current direction and future of our legal profession and our justice system in this country. It's the summer of 2018, Donald Trump is President, the country seems polarized and divided in so many respects. Are you optimistic about our future? Pessimistic? What are your thoughts?

JL: Well, as you know, I'm a glass half full person, so I'm always optimistic. I do think there is, talking about the country and the judiciary, certainly a polarization that none of us are happy with. You know why. As you know, I know Donald Trump very well, from his days here in the city, and we have a very good relationship, but I think the polarization in the country is difficult. It does concern me, and it particularly concerns me that the judiciary has been a flashpoint on a number of the big problems facing the country, like immigration, just to name one matter, and the question of new Supreme Court Justices, and the controversies surrounding their nominations, including the one we have pending right now, with Justice-Designate Kavanaugh. But just like anything else, when you look at the big sweep of history, there are always new precedents, new directions. And a lot of those issues will continue to come to our courts as a last resort, and I think that's good, all fine and good, that's what the courts are for, but the developments that you point out do give me concern, particularly how this very polarized political climate affects the judiciary and its role of being independent. In the end, I have great confidence in the independence of the judiciary as a whole.

Regardless of what judges did previously in their lives, whether they were Republicans, Democrats, public lawyers, corporate lawyers, when they join the judiciary they come to understand what it means to be a judge, and how being part of an independent judiciary trumps everything else that came before that. So, I'm concerned but optimistic that we will always be able to overcome the difficulties, the controversies, and I believe that we will weather it all. In some ways, the judiciary will always have the last word, which is a tough place to be in, but that's the way it is and it goes with the terrain.

[02:05:03]

As for the legal profession, I think we're also going through growing pains. We've talked a lot about public interest lawyers, legal services and access to justice, but now having been exposed to the private sector and the world of the big law firms – and this goes for the smaller ones, which obviously I've had a great deal of contact with all these years – I do think that the economic template has changed for the legal system and certainly for big law, and for the small guy, all of whom have to struggle to stay ahead. So, it does concern me. How do we keep legal services available and affordable? And I'm not just talking about legal services for the very poor, I'm saying for the average person.

AG: Yes.

JL: How do we keep our services as lawyers reasonably priced and rational, where people of all kinds can get justice? How do you do that? That's where some of the ideas that we've talked about a little bit may come in, like using non-lawyers to help people, especially the middle class, because how do you get justice for them?

We need to look into whether there are different scenarios that are being experimented with in different parts of the country on how to deliver more reasonably priced legal services. Even for the big guys, the big corporations, the way the big firms are billing their hourly rates, it's all changing. How do you keep legal services moderately priced for the largest of consumers, the most wealthy, for the average person, and for the poor? How does the legal profession meet its calling, its mission, that everyone gets their day in court, everyone gets justice? All of it is changing.

[02:07:05]

So, do I have some concerns? Yes, it's a fast changing world, and it's not easy. Even with all the talk about the large revenues for the big law firms, we have the struggling smaller practices and the single practitioners. The world is complex, and the delivery of justice is not easy. There are different models around the world, but we're the one place, here in the United States, which is the envy of the world in terms of how we deliver our legal product. And the same goes for our judiciary – the envy of the world. So, I have great confidence, especially when I look at a place like Latham, which is just thriving, and all the other law firms, big, small and in between, which keep finding ways to evolve and deal with the complex world around us. I am very bullish on the future of the legal system, the judicial system, lawyers and judges. This has been my life, this is what I care about, and I think we're going to be just fine, I really do.

[02:08:20]

AG: Good, all right, glad to hear it. So, in my experience, you were always a relentlessly energetic person, always forward-looking. You used the word optimism again, and you seem determined to get things done, always determined to make things better. So I think it's only appropriate that we end this interview not by looking back, as we have been now for a number of hours, but by looking forward. What are your goals for the future? What do you still want to get done?

JL: Well, I think that's a good question, because let me say one thing about my future personal life that I really want to get done, which is to spend more time with my beautiful, fabulous wife, Amy.

AG: All right, that's a good answer.

JL: Who, as you know, was a practicing lawyer. I know she's going to watch this at some point, so I want to make sure I say that she's the most important thing in my life, and the most important thing that I want to get done is to spend more time with the fabulous Amy, because how could I have done anything that I've done in life without Amy, my -- the love of my life. So, that for sure, but on the professional side, I do want to, obviously, continue this new experience of practicing law at the highest level, which is very meaningful to me, and again, everyone should have the opportunity to experience these different phases in their lives, and I want to continue to deal with interesting cases, and I want to continue to do the public interest work that makes life worthwhile for me.

[02:10:00]

One thing I want to achieve, and we talked about it a little bit, is I want to make sure that criminal justice reform -- and I see that the Trump Administration is

starting to get into it, that the President had a meeting on prisons and sentencing just this last weekend -- that criminal justice reform happens in this country.

Everyone from Bernie Sanders to the Koch brothers, they all get it now, mass incarceration doesn't work. Criminal justice reform, especially bail reform, is very important to me. I want to see Rikers Island closed, that needs to be done.

On the access side, we need to see the day, and we talked about it, where there's a civil *Gideon* in this country, meaning that everyone who needs a lawyer gets it in civil cases involving the essentials of life, whether it's by public policy, by statute or by constitution. That has to happen, and I want to get that accomplished, and that's why I continue to be so active on access to justice as well as criminal justice issues. Those twin pillars, which I've talked about, of having meaningful access to lawyers and courts, and of pursuing equal justice and a level playing field for every person, regardless of their station in life, that's what I've devoted my whole professional life to, and nothing will ever stop me from wanting to see those things come to ultimate fruition. That's what I want to see happen for our society. And how could you be in the judiciary for all your life and not want to see those things happen? And happen, let me say, not only on the legislative and administrative side, but through our common law court system and a common law jurisprudence that continues to evolve as our society evolves. I don't care what you call yourself, you could call yourself an originalist or a common law thinker, but any way you cut it, the law has to evolve in order to meet the values and expectations of society, especially as this complex world keeps getting more and more difficult for all of us. And so long as the law continues to evolve to reflect

our common values as a society, people will have respect for the rule of law, which has been, and always will be, the savior of this country. And that's what we've all got to dedicate our lives to, isn't it?

[02:12:37]

AG: Yes, I agree.

JL: I want to thank the Board of the Historical Society of the Courts of the State of New York, and its fabulous Executive Director, Marilyn Marcus, for giving me this wonderful opportunity. I want to thank the Board's Chair, Carmen Ciparick, and its President, my good friend, Al Rosenblatt, for giving me this opportunity to look back on all the wonderful people and events that have been so much a part of my life for all these years. I'm so grateful to have had this chance to do so.

Thanks so much.

AG: Judge Lippman, it was a great pleasure, thank you so much.

JL: Thank you, Tony.

[End of Audio File]