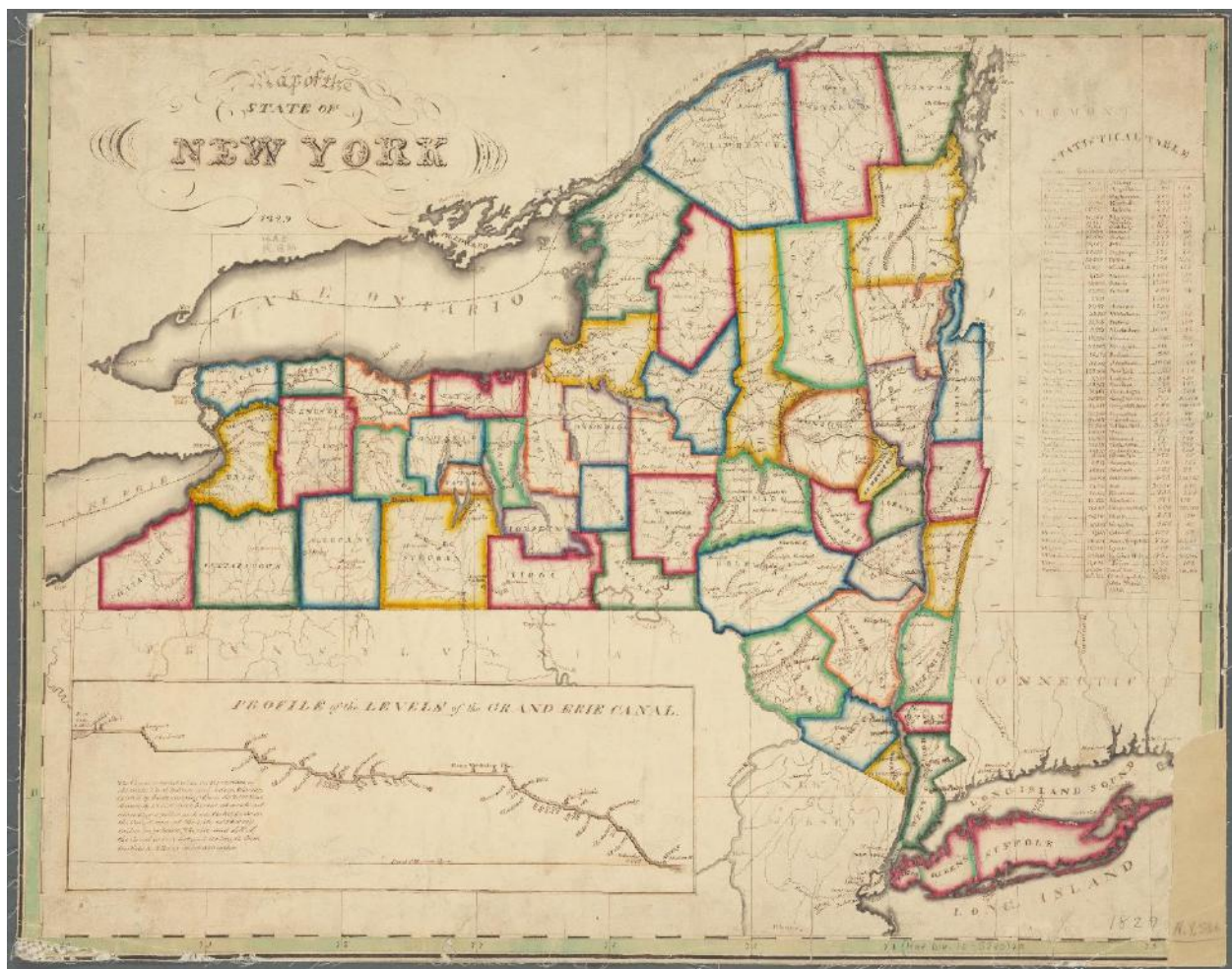




# HISTORICAL SOCIETY *of the* NEW YORK COURTS

## History of Orange County

### Bench and Bar



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Thornton, Jonathan Engel, and Ned Kopald

## Legal History of Orange County

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Nancy Y. Morgan  
*President Orange County Bar Association*

## **1. COUNTY ORIGINS**

### **a. NARRATIVE: EVENTS OF SIGNIFICANCE IN THE LEGAL HISTORY OF ORANGE COUNTY**

#### **INTRODUCTION**

The Bar Association of Orange County, New York celebrates the 110<sup>th</sup> anniversary of its founding this year. Striding the corridors of Orange County history are some of the most notable persons in the history of New York and of the United States. These include George Washington, George Clinton, Douglas McArthur, George Patton, William Westmoreland, Robert E. Lee, Sylvanus Thayer, P.G.T. Beauregard, and Dwight D. Eisenhower. The Delano, Roosevelt, Harriman, Lorillard and Loomis families; J.P. Morgan; Babe Ruth; Alexander Hamilton; Aaron Burr and Henry Seward have also played roles in our history. Hambletonian, the sire of all modern Trotters, was born and bred in Orange County.

Orange County's history has been formatively shaped by its unique location bordered on the east and west by two great American rivers, the Hudson and the Delaware. In 1802, the United States Military Academy was founded on the banks of the Hudson in the Village of Highland Falls, New York. Orange County features three cities, Newburgh, Middletown and Port Jervis, yet retains its rural and agricultural character, including its southern black dirt region with fertile volcanic soils uniquely suited to growing onions and other crops with national and world-wide markets. Orange County has its fields, forests and freshwater lakes, arms of the Appalachian and Shawangunk Mountains, Storm King and Schunnemunk Mountains, iron ores, marble quarries, and the "drowned lands" composed of volcanic soils. Skeletal remains of saber-toothed cats, woolly mammoths, and a complete skeleton of a mastodon, affectionately named "Sugar," have been unearthed here and preserved as relics of extinct species. Caves where prehistoric peoples lived have been identified and protected.

Orange County's legal history has been shaped by and has shaped American legal history. We are the heirs of several different strata of legal systems and heritages which have all contributed to our modern system of law. It is believed that the first significant presence of white European explorers occurred in the year 1609 when Henry Hudson, sailing for the Netherlands Dutch West Indies Company, landed his vessel The Half Moon on the shores of what is now the City of Newburgh. Prior to his arrival the native peoples had established their own unwritten tribal system of laws and equity, some of which has survived to this day. At the end of the last age, approximately 10,000 years ago, the Laurentian glacier retreated and carved out the natural harbor around present day New York City and the long tidal trench we call the Hudson River, the mighty river which bears Henry Hudson's name. Native peoples followed the glacier north and settled on the lands we inhabit today.

#### **NATIVE AMERICAN CUSTOMARY LAW**

One of the mightiest and most populous tribes of the eastern part of North America was the Lenape Nation. Its settlements stretched from what is now Philadelphia to Newburgh and points north. The Lenape Nation included several hundred sub-tribes and extended family groups. They spoke an Algonquian dialect, and referred to the Hudson as "the river that flows

both ways” in recognition that when the ocean tides come into New York Bay, the river flow reverses itself and actually flows north up to where Kingston is today. This natural phenomenon would have significant legal consequences several hundred years after the last Lenape left our County.

The customary tribal laws were observed and enforced by wise men and tribal elders known as sachems. When a sachem died, he could be succeeded by his widow, evidence that the status of women in the tribe was held in high regard. The Lenape were hunter-gatherers, and as such did not recognize the concept of exclusive ownership of land. Disputes were typically settled by councils of leading figures in the tribe, which heard from both sides in the dispute. This model survives today in the methods and protocols observed in the modern arbitration and mediation processes. The Lenape kept oral records, and some time later some written records of the results of these conflict resolution decisions, and followed a form of reference to precedents, a distant echo of modern caselaw. Eventually, to escape the encroachments of European settlers and the diseases they brought with them, to which the Native Peoples had no natural immunities and which devastated their population, the Lenape re-settled west of the Mississippi. Their archives are now located in Anadarko, Oklahoma, leaving us only a memory of their juridical system, which can fairly be characterized as democratic and tolerant, according to the standards of their time. The collective agreements and informal unity of the sub-tribes and family groups in general acceptance of the over-arching tribal customs and practices also echo the modern characteristics of federalism in today’s world.

#### THE DUTCH AND ENGLISH LEGACY

During Henry Hudson’s 1609 visit, he sailed as far north as today’s Albany, then called Fort Orange in honor of his sponsors, the Stadtholders of the Netherlands of the House of Orange. The stadtholders, like the majority of the people of the Netherlands, were Protestant. Their bitter enemy was King Louis XIV, the Sun King, absolute ruler of France, a Catholic. Their deep enmity resulted in King Louis seizing lands in the south of France owned by the House of Orange. Oranges, the fruit, do not grow in either the Netherlands or in Orange County, New York, but they did grow on the lands in southern France seized by King Louis. Thus, in protest, the stadtholders re-named their family “The House of Orange.” In 1688, having deposed his Catholic Majesty King James the Second, the English invited William of Orange to become King William III of England. Thus, Orange County, New York got its name, despite having a climate unfit to grow citrus fruit. The wars between the Netherlands and the two powerful Catholic countries of western Europe, France and particularly Spain, with which the Netherlands fought and won an 80-year war of independence, would also have significant impacts on the legal legacy of separation of church and state and self-governance which we enjoy today.

The Netherlands was governed by a chief executive called a stadtholder and a “States General,” a form of legislative assembly, foreshadowing a modern form of federal government, also resembling the Native Peoples’ system. James Madison, in studying all forms of governments through history, adopted these models when he drafted the United States Constitution. The U.S. Declaration of Independence also has its forebears on the Dutch Act of Abjuration of 1581, which severed the connection between the Netherlands and Spain and also espoused tolerance of the practice of religion, foreshadowing the First Amendment.

Justinian, a Sixth century emperor of the Byzantine empire, sponsored the composition of the Corpus Juris Civilis, a landmark body of written laws known to us today and the Code of Justinian. The renown Dutch jurists Grotius and Voet, updated and adapted the Corpus, another work studied by James Madison while searching for models of government for the new American democracy. Among the contributions of Grotius were the conceptualization of “natural law,” a forerunner of common law, and the rump of what became known as the laws of war. Concepts carried over from Roman law included patrilinear rights accorded to the male heads of families; and components of modern contract law, including the validity of certain oral contracts.

As a result of conflicts between the Dutch and English, in 1664 the Dutch colony of New Amsterdam was renamed as the English colony of New York, named after the English King’s brother the Duke of York. The law of the colony of New York became the common and statutory laws of England, although some components of Dutch law were carried over. A remnant of these Dutch laws can be identified in today’s General Obligations Law, among others.

## THE BRITISH COLONIAL SYSTEM

Once the English were in charge, they divided their new colony of New York into subdivisions called counties, after similar divisions in England. Orange County, with boundaries slightly different from today’s county, was one of the five original counties into which New York was divided. Commerce began to flourish, following the course of New York’s three great rivers. In the days before paved highways and the internal combustion engine, rivers provided the only means of transporting goods and crops in large quantities great distances. The Hudson River provided a watery highway from the port of New York City north, where a short portage allowed boats and barges to connect to Lake George and Lake Champlain all the way to the Canadian border. The Delaware provided a similar route down to the Chesapeake Bay and the Atlantic. The Mohawk, accessible north of Albany, allowed travelers to journey west to connect to the great Lakes and the St. Lawrence River. Orange County’s proximity to these vital water routes would have a major impact on the history of the County, the State and the nation.

This flourishing commerce resulted in newfound wealth which in turn provided the impetus for the wealthy to own large tracts of land, which in turn required the development of laws and rules to govern land ownership as well as the beginnings of commercial codes and rules. These new laws and rules also led to conflicts between the common law rights of citizens and their colonial rulers who often asserted dictatorial powers derived from the so-called divine rights of the Kings who appointed them. Orange County was divided into patents; such as the Wawayanda Patent for one, which were grants of huge swaths of land granted by the colonial governor in the name of the King to persons who performed noteworthy services to the Crown and who, it was hoped, would develop the lands so granted and enrich their sponsors back in England. When disputes arose as to the rights and obligations of these landowners and their tenants, resort would be had to English common law and precedents, generally known today as “stare decisis,” to determine the outcome.

From 1754 to 1763 war between France and England broke out. Known in Europe as the Seven Years’ War and in France as the Guerre de la Coquette, it was known in the American colonies as the French and Indian War. At the time the French dominated Canada and the British dominated the eastern Atlantic seaboard. Many consider this war the first truly world war, which saw fighting in India, the Caribbean, Europe and the Americas. Most of the eastern American

Indian tribes sided with the French, but by the time the war was settled by the Treaty of Paris in 1763, the British has ejected the French from almost all French holdings in Canada and the colonies, with the exception of French Louisiana along the lower Mississippi River. This allowed even more English, Scottish and Irish settlers to emigrate to the colonies, with the promise of land to be granted to them on condition they lived on the land and worked it to generate crops and other improvements, while providing military and other services to the Crown.

Along with George Washington who served as a colonel of colonial troops who fought alongside the British regulars, other notable persons whose later careers were founded on their service as British subjects were George Clinton, who practiced law from an office in New Windsor, and militia leader John Hathorn of Warwick.

Thus the colonial law during these times rested on English law interlaced with Dutch commercial law. It enshrined enforceable contracts and to a degree, freedom of religion. Precedents were an important component of legal dispute resolution. The judicial system included a court of equity. Slavery was still lawful at this time, but the beginnings of a recognition that individual freedom was fundamental to a legal system based upon the basic inalienable rights of all men (only later in the late 19<sup>th</sup> and early 20<sup>th</sup> century to also include women as equals under the law.)

After years of increasing intolerance by the colonists of the imposition of English taxation and commercial monopolistic practices, armed violence broke out on April 19<sup>th</sup>, 1775 at Lexington Green and Concord Bridge outside of Boston, Massachusetts. The American Revolution had begun. In 1775, delegates from various states met as the First Continental Congress. Henry Wisner from Warwick was one of the delegates from New York. That Congress sought reconciliation with the British, but maintained strong opposition among the colonies north and south to the oppressive British policies which beset them.

On May 16, 1776, the representatives of the colonies, gathered together as the Second Continental Congress, recommended to the various colonial authorities that each of them should organize themselves and formally adopt such constitutions and laws as to reformulate their governing structure as states. On July 9, 1776, a body known as the Provincial Congress of New York met in White Plains as the "Convention of Representatives of the State of New York." They declared that New York had become a state as of April 20, 1775. They further declared that the laws of the new State were adopted as those which were the common and statutory laws of England which had been in force in the colony of New York on April 19, 1775.

Delegates from Orange County to the Provincial Congress of New York included John Coe and David Pye; and from Goshen, Benjamin Tusten, Peter Clowes, and William Allison. Other delegates were from New York City, Suffolk, Westchester, Kings, Richmond, Dutchess, Ulster, and the City and County of Albany.

They further created a committee, chaired by John Jay, commissioned to draft a State Constitution. Jay and his colleagues Robert Livingston and Gouverneur Morris set to work, interrupted by the various battles fought in New York from 1775 through 1780. In 1777 Jay

presented his draft to the State's Provincial Congress. His work established a legislative body divided into two houses called the Assembly and the Senate; created the chief executive office of Governor, and established a judiciary composed of a Supreme Court, a Court of Chancery, a Probate Court, an Admiralty Court (federal courts not yet having been created under the U.S. Constitution,) and a Court of Errors and Impeachment. Under this version of the State Constitution, authority over final appeals from lower court decisions was vested in the "upper house" of the legislative body, the Senate. On March 12, 1777, Jay's draft was submitted to the State Convention, and it was adopted in part on March 13, 1777. Thereafter, exhibiting great impatience to adjourn and get back home, the delegates adopted the entirety of Jay's draft on April 20, 1777. The Provincial Congress appointed John Jay to serve as New York State's first Chief Justice of the Supreme Court, the equivalent of today's Chief Judge of the Court of Appeals. Jay would serve in that position for the next two years, and after the ratification of the U.S. Constitution in 1787, Jay was appointed by President George Washington to be the first Chief Justice of the U.S. Supreme Court. It is noteworthy that the first Constitution of the State of New York was not subject to approval by popular vote.

In June 1777, the first gubernatorial election was held. George Clinton was elected the State's first governor and was inaugurated on July 30, 1777. He took the oath of office standing on a barrel outside the courthouse in Kingston, New York. The same barrel was used as a podium by the Speaker of the Provincial Congress to announce the adoption of the State Constitution three months earlier. George Clinton served four terms as State Governor, and later went on to serve as Vice-President of the U.S. under two Presidents, Thomas Jefferson and James Madison, the only person to serve as such for two presidents.

Following Clinton, John Jay was elected to the Governorship of New York, a position he did not actively seek. During his term in office, Jay sponsored the building of canals and public works, reformed the prison system, limited the death penalty, abolished flogging, and had a bill introduced to abolish slavery although this would not happen until 1837. Jay left office with the financial condition of the State much improved.

The new State Constitution limited the right to vote to adult men who owned property worth a minimum of One Hundred Pounds (English.) It called for the election of 24 senators and 70 assemblymen for the then-declared 14 counties. Eligible voters were required to have resided in one of the 14 declared counties for no less than the six months immediately preceding the election. It also guaranteed the right to trial by jury, which right had eroded under British rule.

However, New York was occupied territory, the British army having taken over Brooklyn and Manhattan. Later that year the British Navy transported units of the British Army up the Hudson to Kingston which they then burned. Later on after the Americans had won the decisive victory at Yorktown, Virginia deciding the war, George Washington established his headquarters alongside the Hudson in Newburgh, and camped his army nearby in New Windsor, where he could keep watch over the British who still occupied New York City. The British finally evacuated New York City in November 1783, although they still occupied forts in American territory along the Lake Erie frontier for some years more, until the terms of the Treaty of Paris were finally and fully carried out.

In 1777, a band of Tory militia and native Indians led by Joseph Brant raided homes and farms near Port Jervis and killed some settlers and stole livestock. They retreated northwestward, closely followed by local militia which rallied together in Goshen. Brant laid an ambush for the Goshen militia at Minisink Ford, a crossing of the Delaware River now set aside as a historic site in Sullivan County. The Goshen militia were slaughtered to a man, all killed. Their bones lay on the battlefield for several years until they were recovered and buried under a monument which stands today outside the old Orange County Building in Goshen.

Washington and the other Founding Fathers had learned from their experience from the Revolution and afterwards under the loose Articles of Confederation from 1783 to 1789, that an unenforceable agreement between the new states would not hold together the young nation. Each state retained its own currency, postage and the like, and each state refused to tax its own citizens to pay the war debt of the other states or of the Continental Congress. Despite having just fought a long war to overthrow a tyrannical king, they recognized that a strong central federal government was necessary to hold the union of states together. Eventually a constitutional convention of the States was called, and despite many misgivings and strong opposition among the “anti-federalists,” who included George Clinton, Patrick Henry and George Mason, the U. S. Constitution was finally ratified and went into effect in 1789, followed thereafter by the Bill of Rights, the first ten Amendments to the Constitution in 1791. Washington, Hamilton and Madison had promised the anti-federalists that they would pass the Bill of Rights to give further protection to the states and to individual citizens against the power of the strong central government as the price of getting their support for the Constitution.

New York ratified the U.S. Constitution on July 26, 1788, the 11<sup>th</sup> state to do so. The vote in the State Senate was 30-27, a very close vote, largely due to the strong opposition of Governor Clinton. It passed only with additional terms which proposed 31 amendments to the U.S. Constitution, which did not become formal amendments, but many of which were incorporated into the Bill of Rights.

During these years, significant legal events transpired in Orange County. In 1785 at Yelverton’s Tavern in Chester, New York, a dispute over the Wawayanda-Cheesecocks patent was deliberated. Alexander Hamilton and Aaron Burr, who both served as officers in the Continental Army under Washington and practiced law in New York City, were on the same side of the case. Later they became bitter political enemies when Hamilton threw his support to Thomas Jefferson who became president when he and Burr tied with 73 votes each in the Electoral College following the election of 1801. Famously, Burr killed Hamilton in a duel fought in Hoboken in 1804, while Burr was serving as Vice-President of the U.S.

In 1798, the borders of Orange County were fixed by the establishment of Rockland County out of the southern part of Orange County in 1798. To compensate Orange for its lost territory, the southeastern part of Ulster County to the north including present-day Newburgh was annexed to Orange County. Courthouses were established in Goshen, the county seat, and in Newburgh which was then considered to be a ‘half-shire’ part of Orange.

The systematic enslavement of African people in their New Amsterdam colony began under Dutch rule. The Dutch West Indian Company imported 11 African slaves to New

Amsterdam in 1626. The first slave auction was held in 1655. By 1703, about 42 percent of New York City households held slaves, second only to Charleston, South Carolina. They worked as domestic servants, laborers and some as skilled artisans. They also worked as farm laborers on Long Island and in the Hudson River and Mohawk River Valleys.

During the Revolution, the British promised freedom to all slaves who fled their masters and fought for the British. Many did so, and moved to British-occupied New York City. After the Revolution, the British took 3,000 freed people from New York and re-settled them in Canada, many in Nova Scotia.

Of the northern states, New York was next to last in abolishing slavery. (In New Jersey, mandatory unpaid apprenticeships were not abolished until the passage of the Thirteenth Amendment to the U.S. Constitution in 1865.) The New York State Legislature enacted a law in 1799 providing for the gradual emancipation of slaves, but in effect it freed no slaves at that time. After it was enacted, children born to enslaved mothers were held to unpaid bondage as indentured servants to their mother's owner until men reached 28 years of age and women reached 25. Finally, the last slaves were declared free in New York on July 4, 1827.

During the entirety of the 19<sup>th</sup> century, waterways served their vital function as the highways and road networks of their day. The 6<sup>th</sup> Governor of New York, De Witt Clinton, George's nephew, pushed through the legislation required to fund and build the Erie Canal. The Canal stretched from "Al-ba-ny to Buf- fa- lo" as the famous song goes. Paralleling the Mohawk River through much of its length, but eliminating the need to portage overland boats and cargo where passage by the river was impossible, work on the canal started in 1817 and it was officially opened on May 17, 1825. De Witt Clinton's foresight was soon validated. The canal cut the costs of transporting large loads of goods across the State by as much as 95 Percent. It stretched 365 miles and created one continuous water passage connecting the Hudson River to the Great Lakes. The canal fostered great economic development in New York State and facilitated American settlement westward into the Ohio Valley and beyond. Along the shore was a well-worn pathway trod by men and mules which pulled the barges along the route. No doubt these early workers in commerce did know every inch, and not a few of the mules were named "Sal."

Orange County was soon to pick up on this idea, and work on the Delaware-Hudson Canal started in 1828. The D&H, as it was known, stretched from Kingston to Port Jervis, New York, and connected the Delaware and Hudson Rivers by water. Large quantities of goods could now be transported from upstate New York to New York City, and from the Chesapeake Bay to Canada. Notably, the D&H remained a privately-owned commercial venture licensed by the State which operated until 1899, the close of the 19<sup>th</sup> century, a testament to its effectiveness. The D&H's chief engineer was John Jervis, after whom the City of Port Jervis is named. The D&H contributed much to the economic expansion of the State and to the Orange County region, much like the proliferation of railroads in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries would do. The development of commercial laws governing such commerce also kept pace with the use of these canals.

During this time slavery was still protected by the U.S. Constitution and many states

preserved their system of latifundian slavery. This eventually led to the American Civil War. Many in the northern states did not support abolition; however, they did fight to support the preservation of the Union. The various compromises which deferred the outbreak of the Civil War included a promise by the northern states to enforce fugitive slave laws, which many in New York and other northern states found to be unsupportable. Thus in New York and elsewhere, there was established the “underground railroad,” a system of safe houses which sheltered escaped slaves and provide support for them to reach Canada which had previously abolished slavery along with the rest of the British territories by passage of the slavery Abolition Act which took effect August 1, 1834. A number of private homes and farms in Orange County were stations on the underground railroad.

The American Civil war is said to have begun on April 9, 1861 with the firing of cannons on Fort Sumter in Charleston Harbor, South Carolina. Many New Yorkers flocked to the Union Army, including many from Orange County. In Goshen was organized the 124<sup>th</sup> New York Regiment, nicknamed the “Orange Blossoms.” The 124<sup>th</sup> fought in two great and bloody battles, Chancellorsville in Virginia in May 1863 and Gettysburg, Pennsylvania in July 1863. The 124<sup>th</sup> suffered so many casualties in these battles that after Gettysburg the unit was not fought again as a unit. Today in the center of the Village of Goshen, the County Seat, there stands a monument to the 124<sup>th</sup>. There is also a commemorative monument to the 124<sup>th</sup> near the Devil’s den part of the Gettysburg battlefield.

William Henry Seward was born in the Village of Florida, Town of Chester, Orange County on May 16, 1801 in an old wooden structure which still stands today. He won a seat in the State Senate and served as New York’s Governor from 1838 to 1840. In 1849 he became U.S. Senator from New York where he advocated strong anti-slavery policies. He was the frontrunner for U. S. President for the Republican Party in the campaign of 1860, but the Republican Convention, held that year in Chicago, nominated Abraham Lincoln as the candidate after Lincoln supporters printed up counterfeit admission tickets and packed the convention hall. Lincoln then named Seward as his Secretary of State. Seward was successful in using diplomacy to prevent foreign European powers including Britain and France from recognizing the Confederacy. Had they done so, and supported the Confederacy with arms and men, it is likely the Union would have lost the war.

After Lincoln’s assassination in April 1865, Seward stayed on in the cabinet of President Andrew Johnson. There he negotiated the purchase of Alaska from Russia in 1867, then mocked as “Seward’s folly” for about \$7.00 an acre. Today, Alaska is the source of billions of dollars worth of gold, petroleum and other natural resources, as well as being one of the finest natural habitats on earth.

Members of the Harriman family of Harriman, New York, have occupied prominent positions in the history of the United States and the world. Perhaps the most prominent member of the family was W. Averill Harriman, who served as President Franklin Delano Roosevelt’s special diplomatic envoy to Stalinist Russia during World War Two. Despite the fact that Russia, then known as the Union of Soviet Socialist Republics (USSR,) was a tyrannical dictatorship under a mass murderer Josef Stalin, the United states and the USSR found themselves allied with Britain and Free France against Nazi Germany and later, against Imperial Japan. Harriman

handled the delicate and difficult relationship with Stalin and the allies, at great cost in lives and wealth, dealt Germany and Japan total defeat, preserving democracy for western Europe.

During the latter part of the 19<sup>th</sup> century and into the 20<sup>th</sup>, the laws and basic structures of the government of New York State have been under study and from time to time have evolved. New York State has adopted four different Constitutions, (1777, 1821, 1846 and 1894,) and has held eight different Constitutional Conventions (1801, 1821, 1846, 1867, 1894, 1915, 1938, 1967.) The Constitution of 1894, revised in 1938 and amended over 200 times, remains in place today. The Constitution provides that the State Legislature can propose a Convention at any time, subject to approval by the electorate. Any proposed amendments must also be approved by popular vote. The Constitution also provides that a proposition whether to hold a Constitutional Convention must be submitted to the electorate no less frequently than every twenty years.

Another major capital project which has and still has a major impact upon the people of Orange County and again illustrates the benefits and problems, legal and otherwise, associated with the sometimes-stormy relationship between the State and local governments and the legal consequences flowing therefrom. The population of New York City continued to grow during the 20<sup>th</sup> century until it became by far the most populous city in the United States. All those people needed clean, potable water, and they found a great source in the upstate reservoirs, such as the Ashokan, which collected the clear clean waters running down from the Adirondacks. Two underground pipelines were built, the Delaware and Catskill aqueducts, which channeled water from upstate down through the Hudson Valley to New York City. In return for allowing the pipes to be built through Orange County, the State and City agreed in a formal contract that in the future, should Orange County or any of its localities ever suffer a water shortage, they would be permitted to draw water from the aqueducts. The existence of these aqueducts and the legal obligations imposed upon the involved parties has dramatic impacts upon Orange County to this day.

We now shift our attention to some modern developments in the laws of New York State, which have had their beginnings in persons, events and locations in Orange County.

## THE ENVIRONMENTAL MOVEMENT

Today the environmental movement enjoys international scope. Treaties among nations seeking to protect and preserve clean air, clean water and endangered species are routinely discussed in governmental offices worldwide and at the United Nations. Some argue that this world-changing movement was born in Orange County, New York.

The utility company Consolidated Edison, which supplied electric power to New York City and environs, proposed to build a power generation facility and 240-acre reservoir on the west side of the Hudson River on Storm King Mountain in Cornwall, New York. Initially Con Ed received the license to proceed in 1963. However, when 10,000 dead fish washed up on the nearby shore, a groundswell of local opposition grew and the nation's attention was focused on the true environmental impacts of such projects for the first time.

Legal proceedings were commenced by an environmental interest group, the Scenic Hudson

Preservation Conference, an unincorporated association of a number of non-profit conservationist organizations and the nearby Towns of Cortlandt, Putnam Valley and Yorktown. The petitioners asked the federal court pursuant to Section 313 (b) of the Federal Power Act, 16 U.S.C. 825 (b) to set aside the license issued to Con Ed by the Federal Power Commission.

The Second Circuit Court ruled that “. . . on remand, the Commission should take the whole fisheries question into consideration before deciding whether the Storm King project is to be licensed . . .” This was a victory for the nascent environmental movement, for and against whom prominent figures and entities emerged, including members of the Rockefeller family, four utility companies, the “Master Builder” Robert Moses, Robert F. Kennedy (later Attorney General of the United States under his brother President John F. Kennedy, and a United States Senator from New York), Pete Seeger, Aaron Copland, James Cagney, Robert Boyle of Sports Illustrated magazine, Congressman Richard Ottinger, The Nature Conservancy, the National Audubon Society and the Sierra Club.

Eventually the opponents won out, the project was never built, and the legal foundations of the modern environmental movement was formed. Groups such as The Hudson Riverkeeper were formed and they remain guardians of our fragile environment to this day. Eventually New York State enacted legislation known as “SEQRA”, the State Environmental Quality Review Act, which now requires that projects of more than minor size and scope undergo a mandatory environmental review and adopt measures to mitigate negative environmental impacts prior to going forward with the project. SEQRA has become a model for federal legislation and legislation in other states.

And now, perhaps we can hear faintly the echoes of the voices hundreds of years old of the Lenape peoples who honored and respected the life-giving qualities of “the river that flows both ways.” We can hope that they would be gratified by the efforts of the foreigners who ejected them from their homelands, but recognized that their lives depended as much upon those sacred waters as did the Native Americans of the past. Thus it is no coincidence that Federal and State rules and regulations apply up and down the Hudson, since its tidal currents flow both north and south and its waters nourish and serve the people who live all along its banks

Another case involving the social and environmental impacts which big events and major gatherings occurred in Orange County, and again local opposition prevented the event from going forward, at least not in Orange County. The event involved was the famous 1969 Woodstock Music Festival which was originally planned to take place on a 300-acre property in the Town of Wallkill, Orange County. Joseph G. Owen, at the time Town of Wallkill Attorney and later Surrogate and Supreme Court Justice, succeeded in overcoming widespread publicity and convinced the Town to rescind and withhold any approvals the event would require, so as not to interfere with the quiet enjoyment of their Town by citizens and businesses. Eventually the concert was held on Yasgur’s farm in Bethel, Sullivan County where the Bethel Woods Concert venue stands today.

The environmental movement has truly taken hold and now governments at every level have made strong commitments to preserve and protect the natural heritage of our lands and waters. In the 1980’s New York State created the Greenway Project, dedicated to preserving and

protecting the Hudson River corridor and adjacent lands. Non-motorized hiking trails have been created, many from abandoned railroad tracks, and local projects have mirrored this strategy. Orange County created the Heritage Trail, a non-motorized longitudinal park and recreational pathway which currently runs from Harriman through Chester, Goshen and Middletown. Eventually it is planned to run all the way to Port Jervis, providing the County with one continuous cross-country greenway of its own. During the 1980's and 1990's, Orange County and many of its local municipalities adopted resolutions joining the State Greenway Project. Again, municipal attorneys were put to the test in developing cooperative agreements and harmonious rules and regulations to help coordinate trans-municipal projects and goals.

The people and governors of Orange County have long wrestled with providing the populace with adequate supplies of safe drinking water. In 1987, pursuant to the Municipal Home Rule Act, the Orange County Legislature enacted and sent to Albany a Home Rule Request, asking the State Legislature to create the Orange County Water Authority. Often during the hot summer months, various towns and areas in Orange County experienced droughts and dry periods, which impacted the population and impaired the County's active agricultural industry. The plan was for the Water Authority to create a water supply system, including three reservoirs, pumping stations, purification plants, and a circular pipeline which would serve the needs of people experiencing water shortages. At first, before the reservoirs were to be built, the water provided by the project was to come from the Delaware and Catskill Aqueducts, from which Orange County asserted that it had the right to withdraw water in accordance with the legislation and contracts entered into when the aqueducts were built. At that point, controversy and recrimination characterized the relationship between Orange County on one hand and the City and State of New York on the other. The City, much more powerful politically than Orange, given that the City's representatives in the State Legislature greatly outnumbered those from Orange County, refused to allow Orange or its local municipalities to withdraw any water, claiming that New York City was suffering from drought, thereby preventing Orange from taking its share of water. The project was stalled in political infighting and legal maneuvering, and the outcome was very much unresolved, and certain to wind up in Federal court, until an unexpected solution from an outside source resolved the entire problem.

The Army Corps of Engineers completed a comprehensive study and concluded that Orange County was literally floating on an underground sea of safe groundwater, which could be accessed from anywhere in the County if only one would dig deeply enough. Today, wells serve to relieve those situations where any area experiences a water shortage, and the multi-hundred million-dollar project was never built. A great deal of legal theorizing and intricate study of inter-governmental disagreement and conflict of laws is a prominent legacy of those days. The Water Authority lives on as a quasi-independent agency allied with the County Government, mostly providing educational and technical advice to our local towns and villages as to the best way to protect their water supplies.

## SEPARATION OF CHURCH AND STATE

Another landmark case involving the intersection and conflict between the First Amendment right of freedom of religion and the separation of church and state has sprung from the establishment and growth of the Village of Kiryas Joel (and now the new Town of Palm Tree) in the Town of Monroe, Orange County. The village and Town are occupied virtually 100

Percent by a sect of Hasidic Jews who go by the designation ‘Satmar,’ a name derived from the name of their former home located on the Hungarian-Romanian border in the Balkans. Escaping the horrors of the Nazi conquest, this sect followed their Grand Rabbi Joel Teitelbaum, (after whom both the Village—Kiryas Joel is translated to mean “Village of Joel” —and the new Town—Teitelbaum translated into English means “Palm Tree” —are named,) the sect first settled in the Williamsburg section of Brooklyn, They eventually found an attractive location to expand their community in the then lightly settled Town of Monroe.

The customs and practices of the observant group soon clashed with the secular practices of other residents of the Town. The group lived in densely populated multiple housing units, whereas many other residents of the Town lived in a less densely populated suburban Community.

Following the provisions of N.Y. Village Law, Article 2, the leaders of the Village collected the requisite number of signatures and filed the appropriate petitions with the Town to establish their enclave as a separate municipality, the Village of Kiryas Joel. The new village then passed new zoning codes to allow residential structures which suited the customs of the residents, and which were not going to be allowed by the Town Code.

The New York State Legislature enacted a law (Laws of 1989, Chapter 748) which “. . . empowered a locally elected board of education to take such action as opening schools and closing them, hiring teachers, prescribing textbooks, establishing disciplinary rules, and raising property taxes to fund operations.” Thus, not only was the village of Kiryas Joel formed, but also formed was the Kiryas Joel School District, both municipal bodies being populated exclusively by members of the Satmar sect; see N.Y. Education Law Section 1709.

Before the new school district began operations, Louis Grumet, Superintendent of the Monroe-Woodbury School District, brought suit alleging that the new school district violated the U. S. Constitution under the Establishment Clause of the U. S. Constitution, First Amendment, *Board of Education vs. Grumet*, 512 U.S. 687 (1994). The case wound its way through all of the trial and appellate courts of the State of New York to the Court of Appeals (*Grumet v. New York State Educ. Dept.*, 151 Misc.2d 60 (1992) 579 N.Y.S.2d 1004, 72 Ed. Law Rep. 998) which held that the statute did violate the Constitutional separation between church and state in that the statute departed from a course of neutrality towards religion by delegating the state’s discretionary authority over public schools to a group defined by its character as a religious community, in a context that gave no assurance that government power had been or would be exercised in a neutral manner.

Following the Court’s decision, recourse was taken to the federal courts. Again, the case wound its way through the Federal court system and the United States Supreme Court granted certiorari. The U. S. Supreme Court agreed by a 6-3 vote with the New York Court of Appeals that the law violated the Constitutionally-mandated separation between church and state (*Board of Educ. of Kiryas Joel Village School Dist. v. Grumet*, 512 U.S. 687 (1994) 114 S.Ct. 2481, 129 L.Ed.2d 546, 62 USLW 4665, 91 Ed. Law Rep. 810).

The New York State Legislature rewrote the statute four times, each with the same legal result, that the school district created by New York's statute was unconstitutional. When the New York State Legislature created the school district a fifth time, there were no further court challenges.

## CONCLUSION

The area we now know as Orange County has played an active part in the development of the laws of New York and the United States. We can trace those influences from several thousand years ago, in the customary law of the Native Americans which impacted the founding fathers' deliberations on the federal structure of the Constitution. We were part of the Dutch legal influence on New York—arguably one of the finest legal traditions in the 1600's, with distinctive proclivities towards a tolerant, and commercial culture. Then we received English law through the 111 years of British colonial rule in our region, which wisely left the Dutch tradition alone.

Perhaps the greatest impact of our County on the laws of the nation was in the events surrounding the Revolutionary War. Many of the founding fathers came through the safe route of Orange County, on their way to and from New England, the most famous of whom would be John Adams and George Washington. West Point and the holding of the Hudson was absolutely vital to Washington's purpose, and Benedict Arnold was in what was then Orange County when he deserted, having failed to provide the British a way through the Highlands. We were at the first Constitutional Congress, and George Clinton, a New Windsor lawyer and later NY Governor and US Vice President played a crucial role in the formation of the New York constitution. In Newburgh, Washington's stern refusal of an offer of kingship, and his insistence on a strong federal government, were all influences on the U.S. Constitution. Alexander Hamilton and Aaron Burr took part in a litigation at the Yelverton Inn over the Wawayanda patent. Later, this county played a role in the Underground Railroad for escaping slaves. Florida, NY born William Henry Seward was Lincoln's Secretary of State; just one of many Orange County citizens who fought for the preservation of the Union.

This County's influence has continued through modern times, as the County formed one of the first Bar Associations in 1910. Lawyers Row on Goshen's Main Street has some of the oldest active law offices in New York State, and Orange County Attorneys have been involved in some significant trials. The 1841 courthouses in Newburgh and Goshen were architectural landmarks, as is the current group of court buildings. Probably the most important recent contribution of this county's legal tradition has been to Environmental Law. Some of the most important principles underlying the laws of War originated from legal thinking at West Point. This vigorous legal community, proud of its unique and notable history, continues to make significant contributions to the jurisprudence of the State of New York and to the United States.

## b. TIMELINE

1705	The earliest court record of a trial held in Orangetown (then part of Orange County, now part of Rockland County) on October 29, 1705.
1727	Courts were first held in Goshen, New York.
1773	“On March 12, 1773, a courthouse and jail were erected in Goshen.” <sup>1</sup>
1777	New York State adopts its state constitution.
1777-1795	George Clinton served as New York’s governor.
1778	Fortifications were constructed at the bend of the Hudson River, now known as West Point.
1778/1779	<i>People v. Claudius Smith</i> ; Smith and his associates were tried at a term of the Court of Oyer and Terminer in Goshen on charges arising from the Woodhull crime (stealing a horse) and other burglaries; they were condemned to death on January 11, 1779; and they were hanged in Goshen in what is now the Presbyterian Church Park on January 22, 1779.
1779	George Washington set up his headquarters at Newburgh.
1783	Newburgh Conspiracy, when Continental Army officers on the verge of mutiny intended to challenge the Confederation Congress due to its inability to meet financial obligations to the military; George Washington addressed said officers and ended the Newburgh Conspiracy.
1783	<i>People v. Nicholas Dean</i> ; Nicholas Dean of Orange County ran a tavern that was popular with British officers, and was convicted for “adhering to the enemies of this state.” <sup>2</sup>
1785	The Wawayanda-Cheesecocks Patent trial, a seminal New York property case in Chester, New York, with both Alexander Hamilton and Aaron Burr participating.
1787-1788	Governor George Clinton leads New York’s Antifederalists during the debate over ratifying the US Constitution.
1794	Congress authorized the establishment of West Point.
1801	William Henry Seward, attorney and Secretary of State under Abraham Lincoln and Andrew Johnson, was born in Florida, New York.
1801-1804	George Clinton served again as New York’s governor.
1802	On March 16, 1802, the U.S. Military Academy at West Point was established.
1805-1809	Governor Clinton served as Thomas Jefferson’s Vice President.
1809-1812	Governor Clinton served as James Madison’s Vice President.
1817	President James Monroe ordered Colonel S. Thayer to West Point to become the Superintendent of the Military Academy.
1818	<i>People v. Jack Hodges, and David Dunning et al.</i> ; the crime that took place in Sugar Loaf, New York was the first known contract murder in the State of New York, and trial occurred in February, 1819.
1842	Courthouses in Newburgh and Goshen were opened. The Newburgh Courthouse closed in 1970, making Goshen the single county courthouse.
1852-1857	Robert E. Lee was the Superintendent at West Point.
1865	Newburgh, New York became an incorporated city.

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<sup>1</sup> <http://ww2.nycourts.gov/courts/9jd/orange/countyhistory.shtml>

<sup>2</sup> <https://www.nysarchivetrust.org/exhibits/enemies-state/people-vs-nicholas-dean>

1867	William Henry Seward, as Secretary of State under Andrew Johnson, negotiated the purchase of Alaska from Russia.
1888	Middletown, New York became an incorporated city.
1895	The Court of Oyer and Terminer was abolished by the Constitution of 1895 and its jurisdiction was transferred to the New York Supreme Court.
1899	On June 13, 1899, General Douglas MacArthur (1880-1964), arrived at the United States Military States Academy at West Point as a plebe.
1907	Port Jervis, New York became a city.
1910	Orange County Bar Association organized.
1912	The Grace Murder Case of Walden, New York, in which a brother was accused, tried, convicted, and executed for killing his brother with a meat cleaver.
1939	Orange County Bar Association incorporated.
1942	Congress expanded the Corps of Cadets at West Point to 2,496.
1943	Military flight training was conducted at Stewart Field in Newburgh.
1943-1946	The Military Academy at West Point graduated more than 1,000 commission pilots.
1950	“[T]he New York State Legislature added Article 11 to the County Law of the State of New York. Article 11 outlines the term, duties, and responsibilities of both a County Attorney and an Assistant or Deputy County Attorney.” <sup>3</sup>
1960s	The Corps of Cadets at West Point expanded from 2,200 to 4,400.
1965	U. S. Court of Appeals, Second Circuit decides <i>Scenic Hudson Preservation Conference v. Federal Power Commission</i> , 354 F.2d 608 (2d Cir. 1965), which held those who by their activities and conduct have exhibited a special interest in the aesthetic, conservational, and recreational aspects of power development, must be held to be included in the class of “aggrieved” parties under 16 USC s. 825(b).
1966	Orange County Board of Supervisors approved the Orange County Government Center’s final design.
1968	By referendum, Orange County voters approve the adoption of the Orange County Charter, to take effect January 1, 1970. The Charter replaced the Board of County Supervisors, consisting of all the Town Supervisors meeting periodically as a County legislative body, with an elected County Executive elected at large and a County Legislature divided into 21 Districts each with one legislator. The County Executive and each legislator serve terms of four years.
1969	Town of Wallkill passes law regulating mass gatherings
1970	As of January 1, 1970, the Orange County Board of Supervisors was replaced with a County Legislature government due to Orange County voters adopting a charter form of government and a reapportionment plan.
1970	The then new Orange County Government Center in the Village of Goshen, which included the Court center, was dedicated on October 26, 1970.
1970	Louis V. Mills began serving as Orange County’s first elected County Executive.
1972	The Orange County District Attorney’s Office went from part-time prosecutors to full-time prosecutors.

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<sup>3</sup> CAASNY, The County Attorneys Association of the State of New York, “About Us,” November 27, 2020, [https://www.caasny.org/?page\\_id=940](https://www.caasny.org/?page_id=940).

- 1976 The Military Academy at West Point first accepted women as cadets when Congress authorized the admission of women to all federal service academies.
- 1980 Women's Bar Association of Orange & Sullivan County (hereinafter "WBAOSC") formed
- 1983 The Brink's Robbery and Triple Murder Trial was held at the Orange County Surrogate's Court, located at 30 Park Place, Goshen, New York, with Middletown, New York native, and then Orange County Court Judge, the Hon. David S. Ritter presiding.
- 1985 Women's Bar association of Orange & Sullivan County becomes member of the Women's Bar Association of the State of New York (hereinafter "WBASNY")
- 1990 *Perales v. Heimbach*, 166 A.D. 2d 707 (2d Dept., 1990), which held that "while constitutional and statutory municipal home rule concerns have as their goal the prevention of unwarranted and possibly detrimental interference by the State in local affairs,<sup>4</sup> the home rule powers are not implicated where, as here, the legislation is of overriding State-wide concern."<sup>5</sup>
- 1992 "[T]he County Legislature amended the Charter to create the position of Counsel to the Legislature."<sup>6</sup>
- 1993 Congressman Benjamin Gilman advised the Orange County Bar Association that a Federal Courthouse would be opened in Middletown, New York.
- 1993 Serial killer convicted of killing five women and a 14-year-old girl by an Orange County jury.<sup>7</sup>
- 1993 The U.S. Court of Appeals for the Second Circuit in *Orange Environment, Inc. v. Orange County Legislature*, 2 F.3d 1235 (2d Cir. 1993), affirmed the district court's decision in *Orange Environment, Inc. v. County of Orange*, 817 F. Supp. 1051 (S.D.N.Y. 1993), in which the district court "denied the Legislature's motion to intervene in this action in order to appeal a decision that Orange County's use of a landfill without a permit from the Army Corps of Engineers violated the Clean Water Act, 33 U.S.C. §1251 (1988) *et seq.*"<sup>8</sup>
- 1994 U.S. Supreme Court decides *Board of Education v. Grumet*, 512 U.S. 687 (1994), which "[o]n writ of certiorari, the court held that the statute departed from a course of neutrality toward religion by delegating the state's discretionary authority over public schools to a group defined by its character as a religious community, in a context that gave no assurance that government power had been or would be exercised neutrally."
- 1997 The State Court Facilities Capital Review Board declared the courtrooms in the government center unfit for use.<sup>9</sup>
- 2000 The building of a Federal Courthouse in Middletown, New York was approved

<sup>4</sup> See, generally, *City of New York v. State of New York*, 76 NY 2d 479.

<sup>5</sup> See, *Matter of Kelley v. McGee*, 57 NY 2d 522; *Carey v. Oswego County Legislature*, 91 AD 2d 62, *affd* 59 NY 2d 847.

<sup>6</sup> See Orange County Charter §2.07." *Orange Environment, Inc. v. County of Orange*, 817 F. Supp. 1051 (S.D.N.Y. 1993).

<sup>7</sup> The Times Herald-Record, January 15, 2007 (posted), Mike Levine, "Six Words Tell All About Nathaniel White;" and The Time Herald-Record, July 25, 2015, Richard J. Bayne, "Fire destroys farmhouse where serial killer's victims found."

<sup>8</sup> *Orange Environment, Inc. v. Orange County Legislature*, 2 F.3d 1235 (2d Cir. 1993).

<sup>9</sup> <https://www.bloomberg.com/news/articles/2017-08-29/another-loss-for-brutalism-is-cemented-in-goshen>

2000	The Orange County District Attorney's Office, for the first time in Orange County's history, secured a murder conviction without having the victim's body. <sup>10</sup>
2000	"A traditionalist-style courthouse opened next to the complex in 2000, with other offices moving into the space left behind." <sup>11</sup>
2001	The Orange County Bar Association's office was destroyed by fire; a temporary office was to be set-up in the garage of the Executive Secretary, Elizabeth "Betty" Allen.
2002	A plaque was presented on October 15, 2002 to commemorate the first time the Appellate Division, Second Department sat in Goshen, New York.
2011	Hurricane Irene and Tropical Storm Lee caused significant damage to the Orange County Government Center in the Village of Goshen, New York, including six courtrooms.
2011	Orange County government accepted an ultimatum to create two new courtrooms for displaced Supreme Court justices in space that was then being used for Family Court waiting areas.
2012	The fate of the Orange County Government Center dedicated in 1970 was not certain after Hurricane Irene and Tropical Storm Lee. "In 2012, thanks in part to a backlash from preservationists—including a petition of over 2,000 signatures from around the world, according to World Monuments Fund—the plan failed to get a two-thirds majority vote from the county legislature."
2018	The \$74,000,000 makeover of the "new" Orange County Government Center, which preserved architect Paul Rudolph's look, neared completion.
2020	COVID-19 pandemic strikes, and the Orange County Courthouse, for the first time in its history, is closed for several months. No civil and criminal jury trials took place during that closure.
2020	Orange County, NY was selected as a Pilot to reopen criminal and civil jury trials.

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<sup>10</sup> The Times Herald-Record, July 14, 2000, Timothy O'Connor, "Two men guilty in Pendino murder case."

<sup>11</sup> <https://www.bloomberg.com/news/articles/2017-08-29/another-loss-for-brutalism-is-cemented-in-goshen>.

## **2. COURTHOUSES OF ORANGE COUNTY**

Our Bar Association commences historical work to commemorate 110 years of its existence. The British took control of the land known today as Orange County in 1664 and created “Orange County” in 1683. England provided its subjects a court system mirrored after the mother country and provided early court facilities.

The county seat of Orange County from approximately 1703 to 1737 was Orangetown, located in what is now Rockland County. Newburgh was part of Ulster County. Goshen has been our county seat since 1737. Goshen and Newburgh were designated as “half-shire towns,” each entitled by law to host a courthouse. The terms of court alternated between Goshen and Newburgh. This alternating process continued in some form until the 1950’s.

On March 12, 1773, a courthouse and jail were erected in Goshen. Originally it was two stories high. It was plain and without a belfry. Later, the building was changed by the addition of a third story, cupola and bell.

Following nine years of debate by the Orange County Board of Supervisors, the building of the early 1841 Goshen Courthouse and its “twin” Newburgh Courthouse on Grand Street were authorized by the county’s government in April 1841. The structures contained a courthouse, office and facilities for its function and a sheriff’s jail in Goshen and the still standing courthouse and prisoners’ cells in Newburgh.

Both the Newburgh and Goshen Courthouses were designed by a respected local architect, Thornton MacNess Niven. It is reported that the bid submitted for the Newburgh Courthouse construction was \$10,049. The Newburgh structure was substantially completed one year after its construction was authorized. It was officially completed in August 1842. Although the facades of the two courthouses were nearly the same, the Goshen Courthouse construction had significant delays. For example, some brick walls collapsed.

Both structures, although remodeled and repurposed continue in use today, approximately 178 years later.

The Goshen courthouse was in use for over 130 years until it was replaced by the new Orange County Government Center which included both county government offices and courtrooms and court staff offices. The site chosen was formerly occupied by the old County Home and Infirmary. The County sought to save on acquisition costs by using property already under County ownership. However, any savings were lost again when upon commencing excavation and construction it was discovered that the site had been used to bury the demolition debris generated by the deconstruction of the old County Home.

After much debate, in 1966 the County Board of Supervisors approved a radical new architectural design for the new Government Center, known as the “Brutalist” style, created by the renowned architect and designer Paul Rudolph, who became the dean of the Yale School of Architecture. Paul Rudolph believed that the architecture should “represent progressive government through ambitious design.”

This style featured unfinished corrugated raw concrete walls inside and out, free-standing entry portals, and cantilevered modular construction. This choice of design was controversial due to questions about whether such a design was compatible with the predominant neo-colonial-built landscape of the Village of Goshen.

Controversial or not, the building became a landmark and was featured in many books about notable examples of American architecture. From time to time, tour groups visited the building just to see its innovative design. The building received praise for maximizing the amount of usable indoor space.

However, after its opening, several drawbacks inherent in the design became evident. The new building had over 100 flat roofs, which were prone to water leaks requiring constant repairs. The heretofore underestimated plasticity and weight of the poured concrete floors resulted in a slow but steady separation from the walls, such that concrete slabs threatened to fall off the sides of the building onto the public sidewalks below. The building was built on swamp-like land and the pumps in the bowels of the building were not operational during the storm. Members of the public found that the serpentine hallways and staircases made it difficult to navigate the building. The windows were fixed in place and unable to be opened, making climate control in the building very challenging and expensive.

The Government Center after deterioration, neglect, storm damage and years of political combat had its courtroom complex determined to no longer be fit for courtroom uses by the New York State Court Facilities Capital Review Board in 1997. Under Judiciary Law Section 35-b, the State threatened to withhold state funds intended for other purposes, (road maintenance, public assistance, etc.) unless Orange County undertook an expansion to build new courtrooms and court staff offices. A new building expansion, featuring a more traditional modern design, was added to the existing County Government Center.

Following the terrorist attacks of September 11, 2001, the State Court Facilities Committee required further amendments to the design of the new courthouse wing. Enhanced security design measures required that hallways, parking areas and offices used by judges and court staff be arranged to provide complete separation from areas used by litigants, prisoners, attorneys and the public. No courtroom was allowed to be visible through windows from the outside of the building.

On August 28, 2011, Hurricane Irene made landfall in New York, becoming the most significant weather event in the New York Metropolitan Area since 1999. Then on September 6, 2011, the remnants of Tropical Storm Lee also hit our area. These two storms significantly damaged the Government Center, causing flooding, significant damage to building utility systems, and the proliferation of mold and mildew. The roofing system failed completely. Again, the County faced pressure from the State to make repairs and to provide the courts with the facilities required to adequately serve the needs of court staff and the public.

Lengthy and vigorous debate ensued in the Orange County Legislature. Comments were received from various parties. The architectural community urged that as much of Paul

Rudolph's original design should be preserved. Also heard from were the New York State Preservation Office, The World Monuments Fund, the Federal Emergency Management Agency, the State Court Facilities Committee, the Village and the Town of Goshen, and the public.

Eventually the County Legislature determined to build a new modern addition to the existing structure, to replace the damaged portion of the old building to house county offices in one wing and new courtrooms and court staff offices in another wing. It was finally completed in 2017.

### 3. BENCH AND BAR

#### a. JUDGES IN ORANGE COUNTY

##### Judges of Orange Common Pleas from 1702-1847

1702	William Merritt John Merrit <sup>12</sup>	1810	John Bradner R. Armstrong Jonathan Cooley
1727	Cornelius Harring John McEvers	1811	William Bodle
1733	Vincent Matthews	1812	Isaac Belknap, Jr.
1735	James Jackson	1814	William A. Clark George D. Wickham Francis Crawford
1738	Rum Ramson	1815	John Blake, Jr. Samuel Seward I Joseph Morrell Alexander Ross
1740	Abraham Harring Cornelius Cuyper Thomas Gale	1818	Stephen Jackson
1749	Daniel Denton	1821	William Thompson Daniel Tooker
1759	Michael Jackson	1823	Solomon Sleight David M. Westcott
1763	Benjamin Tusten	1824	John Hallock, Jr.
1764	John Coe	1826	Isaac Jennings
1770	John Perry	1828	Gilbert O. Fowler
1778	John Harring I Elihu Marvin Thomas Cuyper John Wheeler	1830	John B. Booth
1782	William Ellison	1831	Nathan P. Hill
1788	William Thompson I Jeremia Clark	1832	H.W. Elliot I
1789	John Suffren	1833	Nathaniel Jones
1792	William Wickham John Steward	1834	Robert Denniston Hulet Clark
1798	Moses Phillips	1836	James G. Clinton
1802	George Gardner	1838	Miles Hughes
1807	John Barber	1840	Joseph R. Andrews S.W. Fullerton
1807	Nathan H. White I	1841	G. Denniston I James D. Bull
1808	Andrew Graham Anthony Davis Daniel Birdsall	1843	Gideon W. Cock
1809	James Finch, Jr.		

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<sup>12</sup> Appointed by Queen Ann, March 8, 1702.

1844 Frederick A. Hoyt  
1845 John Sutton  
Joseph Slaughter

1846 A.M. Sherman I  
1847 David W. Bate

### **List of Surrogates 1778-Present**

1727	Henry Ludlow	1855	John C. McConnell
1754	William Finn	1859	David A. Scott
1759	John Gale	1867	Gilbert O. Hulse
1762	Edward Smith	1871	Henry A. Wadsworth
1778	Benjamin Tusten, Jr.	1883	Roswell C. Coleman
1787	James Everett	1895	Obadiah P. Howell
1790	James Everett	1907	John B. Swezey
1815	Edward Ely	1919	Elwood C. Smith
1823	Wheeler Case	1960-1970	John W. Sweeny
1827	Daniel H. Tuthill	1973-1983	Irving A. Green
1831	John B. Booth	1984	Anna Withey Gladwin
1840	George M. Grier	1985-2008	Elaine Z. Slobod
1844	Charles Borland	2010	Stephen R. Hunter
1847	Benjamin F. Duryea	2010-2019	Robert A. Onofry
1851	James W. Fowler	2020-	Timothy McElduff

### **List of County Court Judges 1847-Present**

1847	David W. Bate	1968-1979	Abraham Isseks
1851	John G. Wilkin	1971-1982	Angelo J. Ingrassia
1855	Benjamin F. Duryea	1981-1984	David S. Ritter
1859	John J. Monell	1984-1985	Peter C. Patsalos
1863	David F. Gedney	1986-1997	Thomas J. Byrne
1867	Thomas George	1987-1999	Pano Z. Patsalos
1871	Stephen W. Fullerton	1991-2015	Jeffrey G. Berry
1877	Charles F. Brown	1998-2017	Nicholas De Rosa
1883	John G. Wilkin	2000-2006	Stewart Rosenwasser
1888	John J. Beattie	2007-	Robert H. Freehill
1906	Albert H.F. Seeger	2017-	Craig S. Brown
1918	Russell Wiggins	2019-	William De Prospro
1951-1960	John W. Sweeny	2021-	Hyun Chin Kim
1958-1970	Edward M. O’Gorman		

### **List of Supreme Court Justices 1960-Present**

1960-1973	Samuel W. Eager	1985-2010	David S. Ritter
1961-1970	Clare J. Hoyt, Jr.	1994-2010	Joseph W. Owen
1970-1980	John W. Sweeny	2000-2011	John K. McGuirk
1971-1981	Edward M. O’Gorman	2008-2019	Elaine Slobod
1979-1986	Abraham Isseks	2013-	Sandra Sciortino
1983-1999	Angelo J. Ingrassia	2014-	Maria S. Vazquez-Doles
1983-2009	Joseph G. Owen	2019-	Robert A. Onofry
1984-1991	Irving A. Green	2020	Steven Milligram
1985-2005	Peter C. Patsalos		

### **List of Family Court Judges**

-1981	Paul F. Murphy	1995-2000	John K. McGuirk
1982-1994	Albert Miskin	1996-2016	Debra J. Kiedaisch
-1983	John T. Mazzeo, Sr.	2000-	Carol S. Klein
1984-1994	Elaine Slobod	2006-	Lori Currier Woods
1988-1994	Victor J. Ludmerer	2015-	Christine P. Krahulik
1994-2014	Andrew P. Bivona	2017-	Victoria B. Campbell

### **List of Court of Claims Judges**

2005 Catherine M. Bartlett (ASCJ, 2010)

### **List of Federal Judges**

1941-1948	John Bright, U.S. District Judge, Southern District of New York
1988-2008	Mark D. Fox, U.S. Magistrate Judge, Southern District of New York
1992-	Martin R. Goldberg, U.S. Magistrate Judge, Southern District of New York

## **b. COUNTY ATTORNEYS OF ORANGE COUNTY, NEW YORK**

“In 1950, the New York State Legislature added Article 11 to the County Law of the State of New York. Article 11 outlines the term, duties, and responsibilities of both a County Attorney and an Assistant or Deputy County Attorney.”<sup>13</sup>

“Article 11, § 501 of the County Law outlines the role of a County Attorney in New York State. The statute states that ‘the county attorney shall be the legal advisor to the board of supervisors and every officer whose funds are paid from county funds in all matters involving a civil nature.’”<sup>14</sup>

The following is a list of the attorneys who have served Orange County, NY as the County Attorney:

- The Hon. Thomas R. Hadaway, 1950-1970 (Governor Nelson Rockefeller appointed the Hon. Thomas R. Hadaway an Orange County Surrogate’s Court Judge)
- Peter G. Striphas, Esq., 1970-1978
- James G. Sweeney, Esq., 1978-1989 (Mr. Sweeney converted the office to a full-time position, and added several full-time assistants, especially in the area of social services.)
- The Hon. Stephen R. Hunter, 1989-1993
- Richard B. Golden, Esq., 1994-2001
- The Hon. Catherine M. Bartlett, 2002-2004 (Governor George Pataki appointed the Hon. Catherine M. Bartlett to the New York State Court of Claims in 2005; Judge Bartlett was re-appointed to the New York State Court of Claims by both Governor George Pataki and Governor Andrew Cuomo. In addition to serving on the New York State Court of Claims, Judge Bartlett is an Acting Justice, Supreme Court. Chief Administrative Judge Jonathan Lippman appointed Judge Bartlett an Acting Justice, Supreme Court, Bronx County, Criminal Division, 2005-2006; and the Hon. Jonathan Lippman appointed Judge Bartlett an Acting Justice, Supreme Court, Rockland County, 2006- 2009. Chief Administrative Judge Ann Pfau appointed Judge Bartlett an Acting Justice, Supreme Court, Orange County, 2010-present.)
- David Darwin, Esq., 2005-2013
- Langdon Chapman, Esq., 2014-present

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<sup>13</sup> CAASNY, The County Attorneys Association of the State of New York, “About Us,” accessed on November 27, 2020, [https://www.caasny.org/?page\\_id=940](https://www.caasny.org/?page_id=940).

<sup>14</sup> CAASNY, The County Attorneys Association of the State of New York, “About Us,” accessed on November 27, 2020, [https://www.caasny.org/?page\\_id=940](https://www.caasny.org/?page_id=940).

## **DISTRICT ATTORNEYS OF ORANGE COUNTY, NEW YORK**

Every County is required to elect a District Attorney to prosecute crimes that happen within that county. N.Y.S. Constitution, Article XIII, §13. Further, New York County Law §700(1) provides “it shall be the duty of every district attorney to conduct all prosecutions for crimes and offenses cognizable by the courts of the county for which he or she shall have been elected or appointed; except when the place of trial of an indictment is changed from one county to another, it shall be the duty of the district attorney of the county where the indictment is found to conduct the trial of the indictment so removed, and it shall be the duty of the district attorney of the county to which such trial is changed to assist in such trial upon the request of the district attorney of the county where the indictment was found. He or she shall perform such additional and related duties as may be prescribed by law and directed by the board of supervisors.”

The following is a list of the attorneys who have served Orange County, NY as the District Attorney from 1949 to the present:

- The Hon. Clare J. Hoyt, 1949-1951<sup>15</sup> (Governor Nelson Rockefeller appointed the Hon. Clare J. Hoyt to the New York State Supreme Court in 1961 “to fill a new position created by enlargement of the court,”<sup>16</sup> and he was elected to the Court in November 1961 for a full-term as a Supreme Court Justice).
- The Hon. Abraham Isseks, 1951-1966<sup>17</sup> (The Hon. Abraham Isseks went on to serve as a Judge on the Orange County Court, and as a Justice on the New York State Supreme Court).
- The Hon. Angelo J. Ingrassia, 1967-1970 (The Hon. Angelo Ingrassia served as President of the New York State District Attorneys Association [1968], and as a director of the National District Attorneys Association [1968-1970]. Governor Nelson Rockefeller appointed Judge Ingrassia to the Orange County Court in 1971; he won a full ten year term later in 1971 and served as an Orange County Court Judge until 1982 when he was elected a New York State Supreme Court Justice for the 9<sup>th</sup> Judicial District. Judge Ingrassia was appointed Chief Administrative Judge of the 9<sup>th</sup> Judicial District [Orange, Rockland, Westchester, Putnam, & Dutchess Counties]; Judge Ingrassia retired in 1999 due to reaching the mandatory retirement age. Judge Ingrassia was also appointed Associate Justice of the New York State Supreme Court, Appellate Term for the 9<sup>th</sup> and 10<sup>th</sup> Judicial Districts [1988-1999]. Further Judge Ingrassia also served as a Special Master to the U.S. District Court, Southern District of New York on various occasions from 2001-2006).
- Jerome S. Cohen, 1971
- Abraham J. Weissman, 1972-1975
- Norman Shapiro, 1975
- The Hon. David S. Ritter, 1976-1980 (The Hon. David S. Ritter went on to serve as an Orange County Court Judge [1981-1984]. Judge Ritter was elected a New York State Supreme Court Justice in 1985. Judge Ritter served as the Administrative Judge of the 9<sup>th</sup>

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<sup>15</sup> The New York Times, “Justice Clare Hoyt of State Court Dies,” February 22, 1970.

<sup>16</sup> The New York Times, “Justice Clare Hoyt of State Court Dies,” February 22, 1970.

<sup>17</sup> The Times Herald-Record, March 8, 2000 (posted), Oliver Mackson, “Long-serving DA to run again in 2001.”

Judicial District [Orange, Rockland, Westchester, Putnam, and Dutchess Counties] from 1988 until 1990. He was designated to the Appellate Division, Second Department in 1990. Judge Ritter retired from the Appellate Division in 2008 and from the Supreme Court in 2011.)<sup>18</sup>

- Edward J. Meyer, 1981
- Joseph P. Brown, 1982-1985
- Francis D. Phillips, 1986-2013 (District Attorney Francis D. Phillips was the longest serving Orange County District Attorney in the 20<sup>th</sup> Century, served as President of the Orange County Bar Association [1986-1987], and served as President of the New York State District Attorneys Association [1997-1998]).
- David M. Hoovler, 2014-present

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<sup>18</sup> Historical Society of the New York Courts, website accessed on November 28, 2020, "David S. Ritter," <https://history.nycourts.gov/biography/david-s-ritter/>

**c. ORANGE COUNTY BAR ASSOCIATION PAST PRESIDENTS**

1915	Henry Bacon	1993/94	David L. Levinson
1949/50	William A. Mayo	1994/95	Anne E. Hunter
1965/66	J. Allen Ballman	1995/96	Gerald N. Jacobowitz
1966/67	John W. Sweeney	1996/97	H. Malcolm Stewart III
1967/68	George R. Barlett, Jr.	1997/98	Richard F. Liberth
1968/69	Peter G. Striphas	1998/99	Kenneth L. Oliver
1969/70	William J. Haft	1999/00	Randall V. Coffill
1970/71	Henry P. Bull	2000/01	Michele P. Ellerin
1971/72	Beatrice Gawrys	2001/02	Richard Greenblatt
1972/73	Julies L. Hoyt	2002/03	Frank J. Zeccola
1973/74	Henry J. Holley	2003/04	John Ingrassia
1974/75	Patrick J. Boyle	2004/05	Richard B. Golden
1975/76	James R. Loeb	2005/06	Joseph A. Owen
1976/77	Howard S. Finkelstein	2006/07	Glen A. Plotsky
1977/78	William Fitzgerald	2007/08	Sandra B. Sciortino
1978/79	Alexander Applebaum	2008/09	Steven I. Milligram
1979/80	John T. Mayo	2009/10	Forrest Strauss
1980/81	Harry Lynch	2010/11	Barbara J. Strauss
1981/82	Pano Z. Patsalos	2011/12	John S. Selinger
1982/83	Jerome S. Cohen	2012/13	William A. Medican
1983/84	Edward Kaplan	2013/14	Patrick S. Owen
1984/85	John F. Meehan	2014/15	Christine Foy Stage
1985/86	David L. Rider (2 yrs.)	2015/16	Kevin F. Preston
1987/88	Francis D. Phillips II	2016/17	Michael K. Burke
1989/90	Mark D. Stern	2017/18	Leonard Kessler
1990/91	William D. Bavoso	2018/19	Stephen R. Hunter
1991/92	Robert E. DiNardo	2019/20	Mark T. Starkman
1992/93	Charles A. Barker	2020/21	Nancy Y. Morgan

## Highlights of the Minutes of the Orange County Bar Association

### 1981

A composite photo was taken in the fall. Frank Phillips was in charge. The Board decided to eliminate lobster as a menu item at the annual clambake and add steak because of cost considerations. Pano Patsalos made the arrangements with Kuhl's in Middletown. The cost was \$22.00 per person. The Board initially decided to invite wives to the annual dinner which was held on December 1, 1981 at the Newburgh Country Club. The Hon. Lawrence Cooke was the guest speaker. Upon further reflection, however, the Board decided not to invite wives after all; the Board thought the meeting should be "strictly business".

### 1982

Dues were raised from \$25.00 to \$50.00 per member after vote at the annual meeting. A compromise motion to limit the raise to \$35.00 was defeated. The Board faced the possibility of losing the law library in Newburgh due to lack of funding. The County Executive, Louis Heimbach, wanted to expand the Department of Social Services' office space and take over the area set aside for the law library in Newburgh. Mark Stern complained about the state of the Goshen law library. Joseph Catania complained about the absence of facilities to copy documents at the Goshen law library. Ned Kopald was to investigate the possibility of obtaining a coin operated copier at the library. Mark Stern formed a committee to explore the feasibility of obtaining "computer law" (i.e., Lexis, Westlaw) at the library.

### 1983

Mark Stern reported on the cost of "computer law". The Board decided it was too expensive. Delays on decisions on motions were discussed. The Board proposed that the motions be divided equally amongst the judges. Judge Gagliardi asked Howard Finkelstein to advise him of excessive delays so that he could take care of it. Although Judge Gagliardi provided a copier for the law library, it was discovered that it did not work. A bill introduced in the State Senate to unify the State trial courts was discussed. Judge Ritter barred attorneys from using the elevator in the Judicial Wing of the Government Center because of the Brinks trial and security considerations. The Board unanimously decided to protest to Judge Isseks with a copy to the County Executive. The matter was resolved with elevator keys and badges to be issued to members of the Bar. The telephone in the Judicial Wing of the Government Center which had been available to the Bar was taken away because the switchboard operators could no longer handle the volume of calls. Credit card telephones were to be installed. Jane Gilman, Esq. offered to rent rooms at the Sheraton Inn to members of the Bar who needed them after the annual Holiday Cocktail Party at the "low, low" price of \$29.95, "single or double occupancy".

### 1984

The Women's Bar Association complained that they were not invited to speak at the swearing in ceremony of the Hon. Elaine Slobod as Family Court Judge. The Board advised the Women's Bar that the Board was not in charge of inviting the speakers. 2 The Board decided to have a social event in March, to which "wives or girlfriends" could be invited. It would have to be a sit-down dinner and not a buffet if ladies were to be invited. It was noted that some members were four years in arrears in paying their dues. Mr. Kuhl, the caterer of the annual clambake, stated that there was a problem with portion control and the members of the Bar with respect to shrimp and clams. Mr. Kuhl stated that in the future he was only going to order a certain amount and that "when it's gone, it's gone". The Board did not feel that there should be a limit on the amount of shrimp and clams the Bar could consume. Jeffrey Sherwin and Frank Phillips were to speak to Mr. Kuhl to discuss this matter further.

#### 1985

The Board considered the purchase of a VCR to present continuing legal education programs from the New York State Bar Association. The Board received a letter from Celia W. Seidman, Commissioner of Jurors, regarding the poor state of the television set in her office for the jury pool. The State did not provide funds for the maintenance of the television or the jurors' entertainment and she asked the Bar Association to buy a new television. The Board approved the purchase in the amount of \$350.00 and presented the television in honor of past president John F. Meehan, Esq.

#### 1986

The matter of the loss of the Lawyers' Lounge at the Government Center was discussed. Matters to be investigated were the lack of private space to meet with clients, the lack of private space to make a telephone call and the lawyers' lack of access both to the elevator and the Law Library after hours. 3 The Board decided to get an answering machine for the Bar Association telephone and stop using a forwarding service. Members continued to be delinquent in dues. The Board was in favor of legislation removing the Ninth Judicial District to the Third Judicial Department.

#### 1987 Not available

#### 1988

Family Court was to move out of the space which had been the Lawyers' Lounge and the Lounge was to be returned to the Bar Association. A committee was formed to speak to the County Executive and Judge Ingrassia about restoration of the lounge. Judge Ritter, Administrative Judge announced that video cameras would be allowed in the courtrooms of New York. He stated that the Orange County Courts had one of the best disposition rates in the State. Orange-Ulster BOCES invited the Orange County Bar Association to co-sponsor a Mock Trial Tournament. The Board agreed. The first Tournament was scheduled for February, 1989.

#### 1989

The Board felt that since the County was reportedly purchasing two new office buildings in Goshen, the time had come for restoration of the Lawyers' Lounge. The Board further resolved that rude conduct of Sheriff's Deputies assigned to Family Court be brought to the attention of Judge Slobod and Sheriff Roger Phillips. The Board decided to establish a method of evaluating sitting judges.

1990 The Surrogate's Courthouse was rededicated in November after a substantial renovation. The Bar Association agreed to provide refreshments at the dedication of a new Federal courtroom at Stewart Airport. The Hon. Mark D. Fox was to preside at the new courtroom as a Magistrate Judge.

1991 One hundred members were delinquent in dues as of the beginning of the year. Justice S. Barrett Hickman requested the assistance of the Bar Association at a rededication of the 1841 Courthouse which took place in June. A composite photograph was assembled. A retirement dinner was held in November for the Hon. Irving A. Green, J.S.C. and his staff, Lena Margiotti, Secretary and Martin B. Schaffer, Esq., Confidential Law Secretary. A farewell cocktail party was held at the Goshen Inn for Justice Green, the Hon. Peter McCabe, Court of Claims Judge and the Hon. S. Barrett Hickman, J.S.C. who was returning to his resident county, Putnam County. The Bar Association purchased lecterns for the courtrooms at the request of the Hon. Peter C. Patsalos, J.S.C.

#### 1992

Robert Cunningham, retiring Chief Clerk of the Surrogate's Court and Gregory Grasselena, Esq. Judge Owen's departing law clerk, received plaques at the Annual Meeting honoring their service to the Bench and Bar. Evelyn Schneider and Lisa Fogerty received the Liberty Bell Awards on Law Day. 5 The Bar Association went on record opposing the use of mechanical voice recorders in the Surrogate's Court. A committee was formed to meet with Judges Elaine Slobod, Angelo Ingrassia and Adrienne Scancarelli to discuss overcrowding in the Family Court waiting room.

#### 1993

The Hon. Peter C. Patsalos, J.S.C. rebutted an editorial by Gerald Jacobowitz, Esq. in the Bar Association Newsletter concerning the attendance of judges at law firms' holiday parties. Justice Patsalos stated that there were legal opinions finding no ethical concerns with such attendance. Michele P. Ellerin, Esq. sent a letter on behalf of the Bar Association deploring the terrible conditions in the Family Court waiting room. A questionnaire was sent to the membership regarding a possible relocation of the courthouse from Goshen to Newburgh. 62 members were in favor of the move and 96 were opposed. The Liberty Bell award was given to the Hon. Jeffrey G. Berry, J.C.C. and Ronald Shapiro. A Pro Bono award was given to Martin B. Schaffer, Esq. for representing the residents of Camp LaGuardia in Chester. Court Clerks Richard Riker, Patricia Hogan, Louise Siepman, Lorraine Bierstine, Ronald Caplicki, Chris Thomas and Steve Reusch were honored with certificates on Law Day. John B. Cameron, on behalf of the Bar Association, placed an advertisement in the Times-Herald Record honoring attorneys who had done pro bono work after a complaint by Jane Prizant Gilman, Esq. about "lawyer bashing" in the newspaper. Congressman Benjamin Gilman advised the Bar Association that a Federal Courthouse would be opened in Middletown.

#### 1994

The Board prepared to send a questionnaire to the membership to rate the sitting judges in Orange County.

#### 1995

The Board authorized the President to send a letter to the United States Senators for the State of New York requesting the appointment of two Federal judges to sit in White Plains and that a branch of the United States District Court for the Southern District of New York be established in Middletown. Michele P. Ellerin was authorized to hire a pianist for the annual dinner in May which would be open to spouses of members. She later reported that she had hired a five piece band and ordered favors. The dinner lost money but all felt the expense was worth it. Ms. Ellerin suggested that it be held on a weekend in the future and at a different venue. The Board resolved to hold a cocktail party for County employees who had assisted Bar Association members. John Cameron was to research the ethics of doing so. Members' problems with various Law Secretaries of Orange County Judges were to be referred to the Judiciary Committee. The Board expressed displeasure at not being consulted regarding construction of the annex to the Orange County Courthouse. The President was to contact the County Executive. The Liberty Bell was awarded to Richard Mandell and Charles Reinert, a seventh grade teacher in Circleville. A judicial rating questionnaire was sent to the membership.

#### 1996 Not available

#### 1997

250 responses were received to the Judicial Rating questionnaire. They were turned over to Simon Haysom for statistical analysis. A report was to be sent to the judges, the Administrative Judge, the Office of Court Administration and the membership.

#### 1998

Peter Neuman, Esq. sent a letter to the Board expressing his displeasure with the report following the Judicial Rating Questionnaire. It was resolved to publish the report redacting a portion regarding the judges' Law Clerks and Law Secretaries.

#### 1999

The Liberty Bell awards were given to the late George R. ("Bucky") Bartlett, Jr. (posthumously) and Shirley Hadden. The Board decided to serve refreshment at memorial services to boost attendance.

#### 2000

The building of a Federal Courthouse in Middletown was approved. It was decided to hire Holbert's Catering to cater the annual clambake. The feedback of the Board with respect to the new caterer was negative. The opinion of many was to return to the original format the following year.

2001 An emergency meeting was held at the Offices of Mark D. Stern on April 3, 2001. There had been a fire at the Bar Association's office which had been destroyed. \$5,000.00 was authorized to purchase new office equipment, furniture and supplies. A temporary office was to be set up in the garage of the Executive Secretary, Betty Allen. 8 The Board decided to approach the Administrative Judge to obtain space for a Lawyers' Lounge and deposition rooms at the Courthouse. The Hon. Elaine Slobod and Arthur DeDufour, Deputy Chief Clerk of the Family Court, received the Liberty Bell awards. The following awards were presented at the Annual Dinner on May 11th. Seymour Greenblatt was awarded the Lifetime Achievement Award. Law Day Recognition to Douglas Jones and Steven Milligram. Outstanding Service to Simon Haysom, John Thomas, Burt Blustein, Louis Sherwin, Frank Zeccola and Geoffrey Chanin. Richard Greenblatt received a pro bono award. A composite photograph was to be assembled. The email addresses of the membership were requested as notices in the future were to be sent by email. On September 19, 2001, an emergency meeting of the Board was held to discuss what the Board could do to assist those affected by the attack on September 11th. The membership was to be enlisted to assist families pro bono and advertisements were placed in the Times Herald Record to so apprise the public. The composite photograph was put off to 2002.

#### 2002

The John S. McBride Lifetime Achievement Award was given to James R. Loeb. Service awards were given to John B. Cameron and Robert E. DiNardo for service to families affected by the September 11th attacks. The Hon. Benjamin A. Gilman and Ronald Caplicki received the Liberty Bell Award. A plaque was presented on October 15th to commemorate the first time the Appellate Division, 9 Second Department sat in Goshen.

#### 2003

Wilmot Decker received a plaque at the Annual Dinner marking his 72nd year practicing law. Portraits of the Hon. Angelo J. Ingrassia, the Hon. Irving A. Green, the Hon. Thomas J. Byrne and the Hon. Pano Z. Patsalos were presented at the Dinner. The portraits were to be hung in the courthouse. Brett P. Linn received the Outstanding Service Award. Louis D. Sherwin received the John S. McBride Lifetime Achievement Award. It was presented by his nephew, Jeffrey Sherwin. Larger law firms were requested

to subsidize the composite photograph which had yet to be completed. The Hon. David S. Ritter requested that the Bar Association sponsor a luncheon including the Justices of the Appellate Division who were sitting in Goshen for the second time. The Justices were to be provided lunch as guests of the Bar Association. A fifth Thursday event was planned for January 29, 2004. Moacyr Calhelha and Sandra Sciortino were in charge of the event.

#### OCBA Board minutes January 2004-2005

The annual dinner, 5th Thursday get-together, and clambake were on the agenda. There was discussion to write a letter requesting the Federal Courthouse be located in Middletown. A motion was made to have a membership rate for associate membership for attorneys that did not have an office in Orange County and the fee would be 75% of the approved rates - the motion was carried.

February 2004 Legal Services of the Hudson Valley gave a presentation on the requirement that all attorneys would volunteer 20 hours *pro bono* annually.

April 19th 2004 - A presentation was made with a proposal for the association's liability and property coverage officers and directors, legal coverage and will be discussed at the next board meeting. Over the next couple months there were discussions about the annual events. There was a concern about the need to raise money and CLE programs were discussed. However, it was determined that that would not be a good means to raise more funds for the organizations.

The annual dinner was held May 6, 2004 at the Gardens on Caitlin Creek. It was announced that the dues would be increased and the keynote speaker was U.S. District Court judge Stephen Robinson.

The municipal law committee provided a report that they meet monthly at Owen Murphy's in Goshen. The matrimonial and family court committee also reported that they set up a brown bag lunch with the family court judges and promulgated a questionnaire for input to improve family court. The Orange County bar association's 2003 composite was hung on July 7th 2004.

An appellate luncheon took place on October 19th at the Trotter's Museum with over 60 participants. The presidents of Rockland County, Putnam County and Dutchess County Bar Associations were invited along with their members and the Association extended invitations to all Orange County judges of the Supreme, Family, County and Circuit Courts and all membership were invited at a charge of \$20 per person.

At the October 18, 2004 meeting Stephen Milligram presented suggestions for a golf tournament fundraiser to add to the annual clambake. He put together a committee with Glenn Plotsky, Patrick Owen and Forrest Strauss. They agreed to meet and discuss sponsors.

Greg Hoover, Frank Zeccola, Jim Herkenham, Andrew Finkelstein, Robert Dinardo, Mark Starkman, Amanda Brady and Mark Krohn were Orange County attorneys who assisted victims of 911. May 4, 2005 Simon Haysom and Larry Klein provided a report of the bankruptcy committee to the Orange County Bar Association. They recommended scheduling training to focus on the new bankruptcy legislation.

Notice was received in 2005 that OCBA did not pay its taxes for 2000 and 2003. One hundred and twenty-three (123) people signed up for the clambake and thirty-nine (39) for the golf tournament. The

fiscal year for OCBA will be changed from January 1st through December 31st and May 15th through May 14<sup>th</sup>. This should prevent future IRS issues.

2006 -

#### Summary OCBA Minutes - 2010, 2011, 2012, 2013

Committees established. Fraternal Composite Service hired to complete the 2010 Composite Lawyers coffeehouse scheduled for Trotters Museum March

18B conflicts discussed, snow policy and lawyers lounge

Ski Club at West Point reserved for Army football tailgate.

Keynote speaker selected for Annual dinner- Associate Justice of Appellate Division, Anthony Kane. Howard Finkelstein Lifetime Achievement.

OCBA was asked to demand resolution from Orange County to provide adequate court facilities. Letter received in response from Ed Diana (County Executive). We will have options for long term facilities.

Discussion about putting a printer in lawyer's lounge

August 20, 2012 County accepted OCBA proposal to assume responsibility for 18B. Craig Brown and William Medican met with David Darwin and generated a one year contract. All 18b attorneys must be a member of OCBA.

10 judges accepted invitation to brown bag lunch with OCBA Board.

Fall 2012-CLE & dinner at Falkirk- Judge Lewis Lubell & Joe Brophy-Ethics. CLE at Trotters Museum- Evidence with Judge Paul Marx with 40 participants.

January 2013 Judge Sandra Sciortino is assigned new Matrimonial part.

Mark Stern will continue to administer 18B with OCBA oversight.

Betty Allen announced her retirement in June 2013.

Judge Ingrassia selected to receive the Lifetime Achievement Award at annual dinner.

Annual dinner and General Membership meeting. Key note speaker Honorable Mark Dillon from Appellate Division. Financials are strong. OCBA has \$98,456.65.

2014-

#### 2015

Board continues to financially support mock trial competition.

18B contract discussions are in every month's notes

Recommendation to update Bylaws

OCBA supported recertification of Judge Elaine Slobod

99 attorneys signed up for referral service-44 on website.2612 potential client calls

Lunch with Administrative Judge to discuss rebuilding Courthouse.

Website redesign discussed, proposals reviewed

Revised and reduced membership dues structure

Supplied refreshments for National Adoption day. Brownbag lunch scheduled with judges and portraits of retiring Judges Jeffrey Berry, Debra Kiedaisch and Andrew Bivona approved.

CLE accreditation application submitted and rejected.

Offered reciprocity to 9<sup>th</sup> JD Bar Associations for events.

The January meeting was canceled due to weather.

February- the board approved to share cost of mock trial, 18 B process and contract discussed, recommendation to amend the bylaws. Ned Kopald and Paul McDermott to receive the 50+ plaque

March- recertification of the Hon. Elaine Slobod discussed. E-file training scheduled.

CLE scheduled for April 27 at Trotters Museum

May- Kevin Preston named president. Committee set up to revise bylaws. Set up online banking. Memorial service for Charles Judelson & Clifford Barber scheduled. 99 attorneys signed up for our referral service 2612 potential clients call the office.

June- lunch scheduled with Judge Shankman to discuss rebuilding the government center. Mock trial awards from OCBA \$300/200/100. OCBA website improvements discussed

July- suggested name change for lifetime achievement award. Nancy Morgan setting up West Point football outing.

August- redesign website discussed new members and delinquent membership discussion. CLE committee will create plan for accreditation

September- Judicial screening recommendations approved.

October- website redesign proposals discussed. Membership dues structure revised. Portraits of retiring judges Berry, Bivona, and Kiedasch.

November- brownbag lunch scheduled with judge Slobod for matrimonial cases. CLE accreditation discussed. Refreshments approved for national adoption Day.

December- CLE application for accreditation submitted. Revision of bylaws discussed. 18 B liability insurance requirement. Reciprocity with ninth judicial district bar associations. Memorial scheduled for Hon. Peter Patsalos and James Monell.

## 2016

Monthly review and approvals of 18B applications

Proposed: The Board asked for secondary contact for attorneys

Outstanding Service Award to Nancy Morgan and Lifetime Achievement Award to James Sweeney

Annual Dinner: Guest speaker Preet Bharara.

Admission committee annual report and referral service report  
Dues reduced to \$75/\$125/\$150  
Reinstated to 5<sup>th</sup> Thursday happy hour for members and court personnel

### 2017

January 2017 2 CLE's scheduled. One Newburgh and One Goshen, Co-sponsored by Finkelstein and Partners.

Judge Craig Brown takes chair of 2017 Mock Trial. Appreciation to Judge Carol Klein for past years. Lifetime achievement; John Cameron and Outstanding Service Award; Christine Stage  
Brown bag lunch with judges May 2017.

5<sup>th</sup> Thursday get-together had a good turnout August 31<sup>st</sup>.

Judicial screening committee report accepted in September

CLE program scheduled Sept. 2017 - Employment law

Mock trial wining schools to get monetary awards of \$500/\$300/\$100 3

### 2018

Discuss Foundation and memorial services for David Ritter, Howard Finkelstein and Jeanne Thompkins.

March presented recognition plaque to Chief clerk Lynn McKelvey.

Annual dinner in May- Keynote Speaker, Honorable Craig Brown

Discussion of a social media page

Board made decision not to send donations to deceased members of Bar

### 2019

March - NYSBA Historical Society requested written history. Simon Haysom and Geoffrey Chanin selected for committee

May 2019 annual dinner Keynote speaker Michael Miller president of NYSBA.

August 8, 2019 a special meeting was called to change Section IV of Article VII of OCBA Bylaws.

Participation in meetings now allowed telecommunication.

# THE ORANGE COUNTY LAWYER

Volume 1, Number 3

Third Quarter, 1988

## Hoyt Award Won by Cornwall Student



**MONTGOMERY** - Karisue Wyson, left, a senior at Cornwall Central High School, won the Clare J. Hoyt Memorial Foundation Scholarship recently in ceremonies marking the observance of Law Day, May 1, at the Crossroads Restaurant at Scotts Corners. Second place was a tie between Tara McBennett, left, also of Cornwall Central, and Christine Thomas of Valley Central High School, second from left. The winning scholarship is for \$350, and second place, \$200. State Supreme Court Justice David Ritter, right, of Middletown, made the presentations at a dinner program. The scholarship has been presented annually for the past 16 years in honor of Clare J. Hoyt who lived in Walden and was a district attorney of Orange County and subsequently a justice of the New York State Supreme Court.

- Photo Courtesy of Wallkill Valley Times.

## Attorney Mark Fox Appointed as Part-Time Federal Magistrate

**WHITE PLAINS, N.Y.** - A well known Orange County Attorney, Mark D. Fox, of Port Jervis, has been appointed a part-time United States magistrate in an expansion move by the federal court into the fast growing Mid-Hudson Valley. Fox has been sworn into his new position by Chief Judge Charles L. Brieant.

Fox will preside at civil and criminal proceedings in Newburgh at the direction of U.S. District Court judges for the Southern District of New York. He will serve a four-year term.

Fox's swearing in ceremony was the first held in the U.S. District Court House in White Plains, which, when it was opened in 1983, was the Southern District's first thrust into its northern region. At that time it had only one full time judge.

The swearing in ceremony was attended by Fox's family and law partners, and by many of the court's other judges, magistrates and officials. After the ceremony Fox embraced his wife and 10-year-old son. As he left the courtroom he remarked: "I'm very honored and I'm eager to begin."

The District Court Executive, Clifford P. Kirsch, said the appointment of Fox will very likely be followed in the future with assignments of judges and support staff, a pace with the growth of the Hudson Valley.

Fox, a former chief attorney for the Orange County Legal Aid Society and a former assistant district attorney in the county and in The Bronx, will be permitted to maintain his private practice. He has been a partner in Bavoso, Fox and Coffill since 1977.

## Officers Were Installed at Dinner

The OCBA held its annual dinner on May 2, 1988 at Kuhl's in Middletown. The event was attended by 137 attorneys and was highlighted by the installation of the new officers and directors of the association and an address by the Hon. David S. Ritter, Administrative Judge for the 9th Judicial District. The Hon. Thomas R. Hadaway, former Surrogate of Orange County, was recognized for his many years of service at the bar and his continuing support of the OCBA.

The new officers and directors of the OCBA are: Jeffrey D. Sherwin, Pres., Mark D. Stern, 1st Vice Pres., William D. Bavoso, 2nd Vice Pres., Gladys LaForge, Sec., Charles A. Barker, Tres., Directors: Elliott Tetenbaum, Sandra Carr, Gerald Jacobowitz, Jeffrey Berry, H. Malcolm Stewart, F. Daniel Blizard. The Delegates from our association to the NYSBA are David Rider and John McGuirk.

## Referral System Needs Your Help

One of the most important services your bar association offers to you and to the public is our Lawyer Referral Service. Our executive secretary receives many phone calls every day requesting referrals, either from individuals new to the area who have legal services needs or persons who are seeking an attorney with a particular expertise.

Our referral lists need to be updated and you may expect to receive a questionnaire to that effect within the next month. Be sure to return the questionnaire to the bar association so that you may participate in this important service; participation in the Lawyer Referral Service is open to all members of the Orange County Bar Association.

### MARK YOUR CALENDARS

The OCBA's annual clambake is scheduled for August 4, 1988. This is a perfect opportunity to relax and enjoy the company of your county bar friends, judges and law clerks. There will be food and beverages provided by Kuhl's, a tennis tournament arranged by Jeff Berry and golf under the supervision of Tom O'Hara. So give yourself a day off and reserve August 4th right now!

## State Bar Head Meets with Orange County Bar



Angelo T. Cometa and William D. Bavoso

Angelo T. Cometa, president of the New York State Bar Association was the guest of the Board of Directors of the Orange County Bar monthly meeting held at Land and Sea Restaurant in Central Valley.

President Cometa's visit is the first recorded by a New York State Bar Association President to the Orange County Bar Association. His message touched on the mandatory pro bono proposal, the continuing legal education program, the dissemination of information concerning the new Code of Professional Responsibility, the state bar program on alcohol and drug dependency Lawyer Assistance Program with confidential helpline 1-800-255-0569, law office management and efficiency consultation services, IOLA funding for pro bono assistance grants to local providers. OCBA President Bill

Bavoso expressed the appreciation of the board and officers to Mr. Cometa for taking the time to make this visit and personally bring these messages.

A request was made for President Cometa to attempt to adjust the State CLE program schedule to include a site in Orange County that would be convenient access for attorneys in Orange, Ulster, Sullivan, Dutchess, Rockland, and Putnam counties. The need to travel to New York City and Albany creates a hardship and unnecessary expense.

The board was proud to report to President Cometa that the OCBA has moved forward with pro bono assistance utilizing the Mid Hudson Legal Services Corporation for client prescreening; expanded their CLE programs which have been well attended, scheduled a program for January 10, 1991 on the new Code of Professional Responsibility.

President Cometa extended a cordial invitation to all members to visit and utilize the newly expanded NYSBA headquarters building in Albany which has library, conference, fax and other facilities.

The funds for the expansion have come from contributions from the members and a loan from Norstar Bank. Contributions received by May 31, 1991 will enable contributors to be inscribed in a permanent book to be kept prominently displayed in the new headquarters.

The OCBA board voted a \$250 contribution to the NYSBA capital fund in honor of the visit by President Cometa.



Officers and Board of Directors - left to right - Bill Bavoso, Gerald Jacobowitz, Robert DiNardo, Dave Levinson, Judge-elect Jeff Berry, Angelo Cometa, Charles Barker, Anne Hunter, and John McGuirk.

## 1990 Amendments to the Lawyers Code of Professional Responsibility

The Orange County Bar Association will hold a Continuing Legal Education Program on Thursday, January 10, at The Hall of Fame of the Trotter in the Currier & Ives Gallery, Main St., Goshen, at 12 noon. A buffet will be served.

The speakers will be: A. Paul Goldblum, Esq., Regional Counsel for Liberty Mutual In-

surance; Frank R. Rosiny, Esq., Rosiny & Rosiny of New York City; and Marjorie E. Gross, Esq., Senior Vice President & Associate General Counsel for Chemical Bank.

Reservations should be made by January 4th, \$20.00 per Member and \$25.00 per Non-Member.

## —Justice Ingrassia

(Continued from Page 1)

Attorney (1958-1966) and was elected District Attorney in 1967.

His judicial career began in 1971 with an interim appointment and subsequent election to the Orange County Court where he served until 1982 when he was elected to the Supreme Court. After joining the Supreme Court, Justice Ingrassia supervised the criminal courts of the Ninth District, and was appointed Deputy Administrative Judge in 1988.

The Middletown jurist's appointment was made with the approval of Chief Judge Sol Wactler, and after consultation with Presiding Justice Guy J. Mangano of the Appellate Division, Second Department.

In making the announcement Chief Administrator Crosson said: "Throughout his long career in public service, Justice Ingrassia has demonstrated extraordinary dedication and intellectual ability. He also possesses the administrative talents necessary to manage the operations of the courts in one of the state's busiest judicial districts. I am delighted that Justice Ingrassia has agreed to take on these new responsibilities.

Because state court regulations prohibit the administrator from working past the age of 70, Judge Ingrassia's appointment will terminate by March, 1993. However he could be certified to resume hearing law suits for six more years.

His own unresolved docket of cases is being handled by Supreme Court Justice Peter C. Patsalos until January when another justice within the Ninth District will be transferred to Orange County.

Judge Ingrassia comes from a family that has long been prominent in public affairs in Orange County. His brother, Louis, is superintendent of highways for the Town of Walkill; a son, Anthony, is an Orange County Coroner, and another son, John, is an assistant district attorney.

## Memorial Service For Two Attorneys

The Orange County Bar Association held a memorial service Thursday morning, November 1, for Attorneys Thomas P. Callahan and Elliot M. Weiner, in Court Room Two of the Orange County Government Center in Goshen.

## Favor a Raise

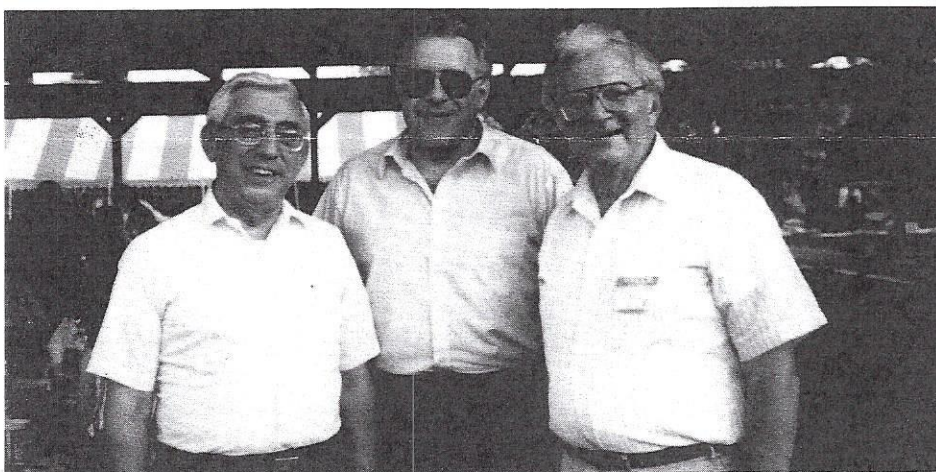
The Board of Directors of the Orange County Bar Association has passed a motion to support Bill No. 2550, Senate Number 9797, which would increase the minimum insurance on automobiles.

# THE ORANGE COUNTY LAWYER

Volume, 1, Number 4

Fourth Quarter, 1988

## County Jurists Enjoy Annual Clambake



**MORE THAN 130 attorneys attended the annual clambake sponsored by the Orange County Bar Association on August 4 at the Thomas Bull Memorial Park in Hamptonburgh. Shown here taking a break during the festivities are, left to right, Orange County Court Judge Pano Z. Patsalos, Federal Magistrate Mark Fox and Family Court Judge Bernard Spindel.**

## Acting Justice Owen's Award of 80% of Marital Residence To Wife is Upheld

The Appellate Division upheld Acting Supreme Court Justice Joseph G. Owen's 1986 decision awarding 80% of marital residence to the plaintiff wife, Jenny Pagan, following a non-injury divorce trial. The defendant husband, Joseph Pagan, had claimed that fault should be considered by the court in an equitable distribution of the marital property.

The plaintiff's case was presented by Frank J. Zeccola of the law firm of McGuirk, Levinson, Zeccola, Seaman, Reineke and Ornstein, of New Windsor. The law firm of Greenblatt and Axelrod of Newburgh represented the defendant.

### Text of Judge Owen's Decision

On December 10, 1985 and subsequent adjourned dates, the trial of this matrimonial action was had before the undersigned. At the conclusion, the court reserved decision pending submission of memoranda of law. The court has now received memoranda from both sides and will proceed to decision.

The parties were married on April 27, 1962. Two children were born of the marriage: Debra, on March 1, 1964; and Michelle on March 15, 1972.

Plaintiff brought this divorce action on the grounds of cruel and inhuman treatment and adultery. At trial, the court granted defendant's motion to withdraw the denials in his answer as to that portion of the complaint which alleged cruel and inhuman treatment and granted both parties' motion for judgment in plaintiff's favor on the first cause of action. The court reserved decision on defendant's motion to dismiss the second cause of action of the complaint which alleged adultery. Defendant has also counterclaimed for divorce on the ground of cruel and inhuman treatment.

The economic issues involve equitable distribution of the marital residence and other property, maintenance, child support of the minor child, Michelle, and a request for counsel fees by plaintiff.

Because of defendant's claim that fault should be considered an inequitable distribution of the marital property some discussion of the course of this tempestuous marriage is required.

At the time of the marriage, defendant was employed as a foreman for a bookbinding

(Continued on page 2)

## Bar Names Roe Executive Secretary

The Orange County Bar Association is pleased to announce that Donna E. Roe has been appointed executive secretary of the association. Ms. Roe is a Goshen native and has extensive background as a legal secretary. Ms. Roe may be reached at the Bar Association offices daily from 10 a.m. to 2 p.m.

## County Bar Assoc. Names New Members

The Orange County Bar Association is pleased to welcome the following attorneys as new members: Paul O'Dwyer (former president of the Common Council of the City of New York) of Goshen; William L. DeProspero of Newburgh, and Gregory Grasselena of Goshen.

## COMING EVENTS CALENDAR

10/28/88 — "Decisions 1988"; NYS Trial Lawyers Institute; Holiday Inn, Newburgh, N.Y. 9:00 AM-5:00 PM; Contact: Elliot Tetenbaum, Esq. 562-0203.

10/28/88 — Bankruptcy Law Symposium; Dutchess Co. Bar Assoc.; Holiday Inn, Poughkeepsie, N.Y. (9:00 AM-5:00 PM); Contact: Marie Meehan, 473-2488.

11/1/88 & 11/2/88 — Enforcement of Money Judgments; NYSBA; Poughkeepsie, N.Y., 6:30 PM-9:30 PM, Ramada Inn; Contact: NYSBA, 1-800-582-2452.

11/17/88 — Personal Injury Litigation, NYSBA; Howard Johnson's Plaza Hotel; White Plains, 9:00 AM-4:00 PM, NYSBA, 1-800-582-2452.

11/17/88 — "Powers, Practice and Jurisdiction of U.S. Magistrates and Hearing Officers", Women's Bar Assoc. of Orange & Sullivan Counties, Warwick Inn, Warwick, N.Y., 6:00 PM, Contact: Sandra Sciortino, Esq., 294-5105.

12/2/88 — Orange County Bar Association Holiday Party, La Masquerade, Goshen, 5:30 PM-7:30 PM, Contact: Donna Roe 294-8222.

## Comings & Goings

The law firm of Joseph G. Scali has changed its name to Joseph G. Scali and Associates, effective September 6, 1988, and is pleased to announce that Marcelle Matthews, Esq., of Middletown, N.Y., and formerly of Cleary, Gottlieb, Steen and Hamilton of Manhattan, has become associated with the firm. □

The law firm of Drake, Sommers, Loeb, Tarshis & Catania, P.C. has opened additional offices at 107 Stage Road, Monroe. The firm also has offices at 1 Corwin Court in Newburgh. □

Gregory G. Hoover, Sr., and Michele P. Ellerin announce the opening of their office for the practice of law with the firm name of Hoover & Ellerin, at 55 Main Street (Box 711) in Goshen. □

Clare V. Overlander, Esq. received the Alumni Achievement Award at the commencement ceremonies of Pace University School of Law. Ms. Overlander practices in Newburgh, N.Y. and is a founding member and director of Neighbors United for Justice in Housing. Congratulations! ■

## Owen's Award —

(Continued from page 1)

company. Plaintiff had received training as a hairdresser, and had been briefly employed as such, but was unable to pass the licensing examination. Plaintiff, by her own testimony, was a constant shoplifter stating that, "Everything that came into the home, everything except rent was stolen...The meat that was eaten off our table was stolen every day." According to plaintiff, she and defendant also sold counterfeit money. They were apparently caught by the federal authorities and plaintiff served time in Alderson Federal Penitentiary. She claims to have falsely exonerated her husband in Federal District Court. Plaintiff stated that after her release from federal prison in the early 1970's she ceased her illegal activities in support of the family.

The parties had separated several times during the marriage. During the last separation in 1982, defendant deeded his interest in the marital residence to plaintiff pursuant to an agreement between them. She argues that this agreement should be enforced against him even though the parties subsequently reconciled. Defendant argues that the agreement is now voided by the subsequent reconciliation and that he is entitled to one-half of the value of the marital residence.

The threshold issue is whether the parties abandoned their separation agreement since it would be dispositive as to the marital residence if it were still valid. The question is whether the parties cohabited with an intent to reconcile after its execution (see, *Lapidus v Lapidus*, 70 AD 2d 330). Here, plaintiff's testimony was that defendant stated

a desire to return to her and to abandon his paramour. Plaintiff agreed to take him back and in March of 1983 the parties resumed a conjugal relationship. Defendant's testimony was substantially the same. Clearly, the separation agreement was vitiated by this series of events.

Plaintiff nevertheless argues that defendant's transfer of his interest in the marital residence should be given full force and effect relying on Domestic Relations Law §50 (The Married Woman's Property Act). However, that statute incorporates by reference the other provisions of the Domestic Relations Law and cannot be used to avoid the Equitable Distribution Law (Domestic Relations Law §236 Part B) which governs in this case.

In distributing the marital residence and the other marital property the court has considered the factors set forth in Domestic Relations Law §236 Part B (5)(d). Initially and specifically, the court rejects defendant's invitation to treat this case as one of the rare

cases where marital fault should be considered in making an equitable distribution (see, *Blickstein v Blickstein*, 99 AD 2d 287).

The incident which allegedly brings in marital fault as a factor under *Blickstein* was testified to by both parties. According to defendant, on the night of April 27, 1984, while the parties were lying in bed, plaintiff got out of bed went to a closet, pulled out a rifle, and shot him in the stomach. The night was the parties' anniversary and they had been discussing defendant's plans to leave plaintiff. After the shot was fired, plaintiff indicated that she did not believe that she had shot defendant.

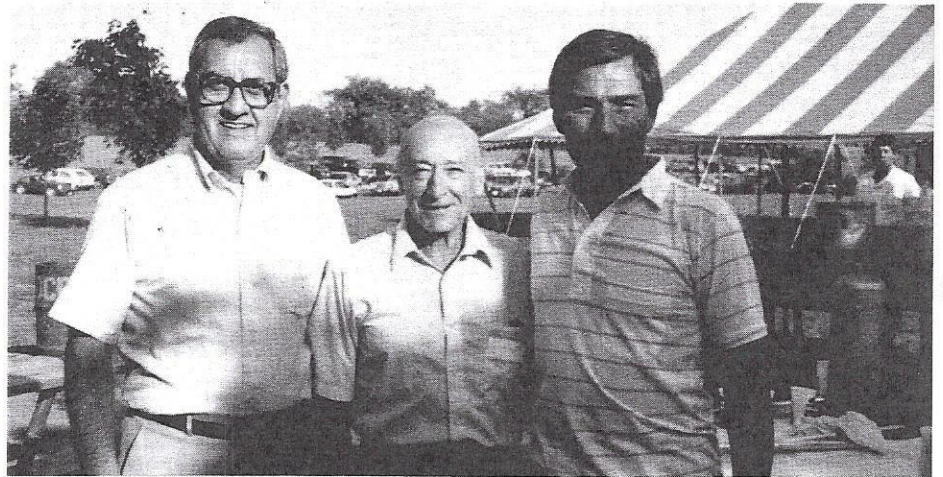
According to plaintiff, the parties were drinking champagne in bed, celebrating their anniversary, when defendant told her that every man's dream was to have a younger woman. This "dream" was the reason that he had left her and would do it again. Plaintiff got a rifle to "scare him". The rifle

(Continued on page 3)

## Court Stands in Recess...



**THE ORANGE COUNTY BAR ASSOCIATION'S annual clambake on August 4, catered by Kuhl's of Middletown, was a grand success in every way. Among those enjoying the food and refreshments were, left to right, Supreme Court Justice Angelo J. Ingrassia, Surrogate Joseph G. Owen, and Supreme Court Justice Peter C. Patsalos.**



**NO DOUBT ABOUT IT, everybody had a good time at the Bar Association's clambake. One of the groups enjoying good discussion, above, compromised, left to right, Supreme Court Justice Peter C. Patsalos, Supreme Court Justice Irving Green and Newburgh City Judge Andrew Bivona. Each has served as a Newburgh City Judge.**

# THE ORANGE COUNTY LAWYER

Vol. 3, No. 4

October, 1990

## Judge Ritter Appointed To Appellate Division

New York State Supreme Court Justice David S. Ritter, a native of Middletown and resident of the rural community of New Hampton between Goshen and Middletown, has been nominated by Governor Mario M. Cuomo to that court's Appellate Department in the Second Department, which is based in Brooklyn. Ritter, who is the administrative judge for the Ninth Judicial District, has endorsed Supreme Court Justice Angelo J. Ingrassia of Middletown, as his successor in the administrative post. The latter has served as Justice Ritter's deputy.

The Second Department of the Appellate Division has traditionally been one of the busiest appeals courts in the country. It reviews decisions made by lower court judges in a ten-county area embracing Queens, Brooklyn and Staten Island, and Orange, Rockland, Westchester, Putnam, Dutchess, Nassau and Suffolk counties.

One of the most important benefits to the law profession in Orange County in having a resident justice on the appellate court is that local attorneys will have easier access for provisional orders from the higher court. Ritter plans to keep his present base office on the third floor of the Orange County Court House in Goshen. He will be there two to three days a week.



Justice David S. Ritter

Justice Ritter is possibly only the fourth Orange County attorney to have been appointed to the Appellate Court in this century. Appointed to that court before him have been Justice Samuel W. Eager of Middletown; Justice Charles W. Sneed of Newburgh and Justice Michael Hirschberg of Newburgh.

Justice Ritter attended Middletown schools and was graduated from Middletown High

School. He received his bachelor's degree at Union College in Schenectady and his law degree at Cornell University. Following graduation he went to Washington, D.C. to serve a legal position in the Justice Department in 1959. But, he says, he never "really felt comfortable in Washington, and returned to Middletown in 1962 to practice law there." In Washington he was assigned to the baffling, and still unsolved, case of the missing labor leader, James Hoffa.

Justice Ritter is well remembered for presiding over the Brinks armored car robbery and murder case in Goshen in 1983. In 1986 he presided in the trial, on fraud and corruption charges, of former Bronx Borough President Stanley Friedman.

Ritter began his political career when he served as district attorney of Orange County from 1970 to 1980. He was elected Orange County court judge, a position he served from 1981 to 1984 when he was named to the New York Supreme Court.

His elevation to the appellate court is technically temporary. The constitution of the state provides for seven judgeships in the second department, but allows more to be appointed when needed. Ritter's appointment is to one such position. The term of office is for five years.

## Trial Lawyer Group Seeks Candidates For Advocacy Award

The American College of Trial Lawyers periodically grants a prestigious award for courageous advocacy by a member of the Bar, whether or not a Fellow of the College. The Orange County Bar Association has received a letter from a member of the College seeking nominations for candidates for that award.

Alexander C. Cordes, a Buffalo attorney, has reminded the Orange County Bar, by letter, that the College of Trial Lawyers periodically grants an award for courageous advocacy by a member of the bar, and invited the local group to submit the name or names of persons who might qualify as recipients of the award.

The award of the College for Courageous Advocacy is given for outstanding efforts by a lawyer, whether or not a member of the College, on behalf of a controversial cause or client where the representation occurs in face

of actual or possible disfavor or public unpopularity or adverse treatment by the media of the lawyer, client or cause.

Attorney Cordes advises that only a handful of awards have been made over the years. All have been exemplary, he assures, of the type of courageous advocacy which the College believes should be rewarded. The matters handled which resulted in the awards have ranged from civil and administrative matters to criminal cases. Most recent recipient of the award was Stanton Bloom of Tucson, Arizona, for his pro bono defense of a criminal case in which there was great public outrage about the alleged crime.

Mr. Cordes is a member of the Committee of the College which solicits, reviews and investigates nominations, and makes recommendations to the Board of Regents as to worthy nominees. He wrote the College has made a practice in recent years of soliciting

nominations from the various bar associations in the United States and Canada.

Mr. Cordes suggests that any nominations should be sent to him at the law office of Phillips, Lytle, Hitchcock, Blaine and Huber, at 3400 Marine Midland Center, Buffalo, N.Y., 12203.

## Comings & Goings

Frederick J. Murphy Associates, a personal injury law firm in Goshen, is pleased to announce that Shiela S. Rosenrauch has become a partner in the law firm. Mrs. Rosenrauch has been practicing law for 12 years and was formerly on the legal staff of Con Edison. She is the mother of two and lives in Suffern.

# THE ORANGE COUNTY LAWYER

Vol. 4 No. 4

October, 1991

## Mark D. Fox, Orange Attorney Appointed U.S. Magistrate Judge



Mark D. Fox

Attorney Mark D. Fox, 48, of Huguenot, who has been practicing law a long time with the firm of Bavoso, Fox and Coffill in Port Jervis, has been formally appointed to sit as a full time United States magistrate judge in White Plains. Since 1988 he has been a part time federal magistrate, serving the Mid-Hudson Valley. Recently he was appointed to the full-time position for an eight-year term, by a panel of federal judges. The appointment is not subject to approval by the U.S. Senate.

## Farewell - Not Goodbye

The Orange County Bar Association will sponsor a cocktail party on November 21, 1991 at 5:00 P.M. to honor Hon. Irving Green, Justice Supreme Court and Peter A. McCabe, Court of Claims Judge on their retirement, and the departure of S. Barrett Hickman, Justice Supreme Court back to Putnam County.

More details will go out to the membership by direct mail as soon as the arrangements have been finalized. Make a note on your calendars to be part of this festive occasion.

Fox will receive \$115,000 a year in his new position compared with the \$13,300 he has been earning as a part time federal magistrate, a position he has held since 1988. He will try only misdemeanors and such offenses as speeding and shop-lifting, not felonies. He has the power to arraign criminal defendants, review bails and issue search and arrest warrants. With the consent of both parties, he may preside over civil law suits.

In his public career, Fox has served as an assistant district attorney in the Bronx and in Orange County, and has been chief of the Orange County Legal Aid Society. He has practiced privately with the firm of Bavoso, Fox and Coffill, from which he has now resigned. The law firm has announced that Hamilton C. Davis has become a partner and the name of the firm will become Bavoso, Coffill & Davis. Davis will limit his practice to estate planning, estates, wills, trusts and business succession planning. Glen A. Plotsky, formerly a felony trial assistant district attorney in Orange County, has joined the law firm and will concentrate his practice in criminal law, divorce and family law.

Fox had been made the first local federal magistrate in 1988 in response to a growing caseload in the region. He will sit in a new federal courtroom opened earlier this year in the Stewart Industrial Park in the Town of Newburgh.

## New Grievance Chair

The board of directors has elected John H. Thomas, Jr., a senior partner in Jacobowitz and Gubits of Walden as the new chairperson of the Orange County Bar Association Grievance Committee. He succeeds Maria Melchiori who is relocating from Orange County. The committee processes complaints from the public concerning the conduct of attorneys, that are not handled by the Ninth Judicial District Grievance Committee. In many cases the complaint is based on the failure of the attorney to keep the client informed, a failure

(Continued on page 3)

## Lawyers Sought to Help Court in Candidate Review

In connection with its review of candidates for vacancies on the New York State Court of Claims, the New York State Judicial Screening Committee is seeking assistant counsel in New York City and around the state to help the Committee and its counsel review the qualifications of applicants. Assistant counsel will be asked to review a candidate's questionnaire and other written materials, as well as to contact attorneys and references, and to submit a report about the candidate.

Assistant counsel work on a pro bono basis. Interested lawyers should immediately contact Thomas J. Schwarz, Esq., Counsel to the Committee, or Jeremy A. Berman, Esq., Deputy Counsel, at Two World Trade Center, Suite 5835, New York, New York 10047 (telephone 212-417-2175).

## Free Postage Is Now Terminated

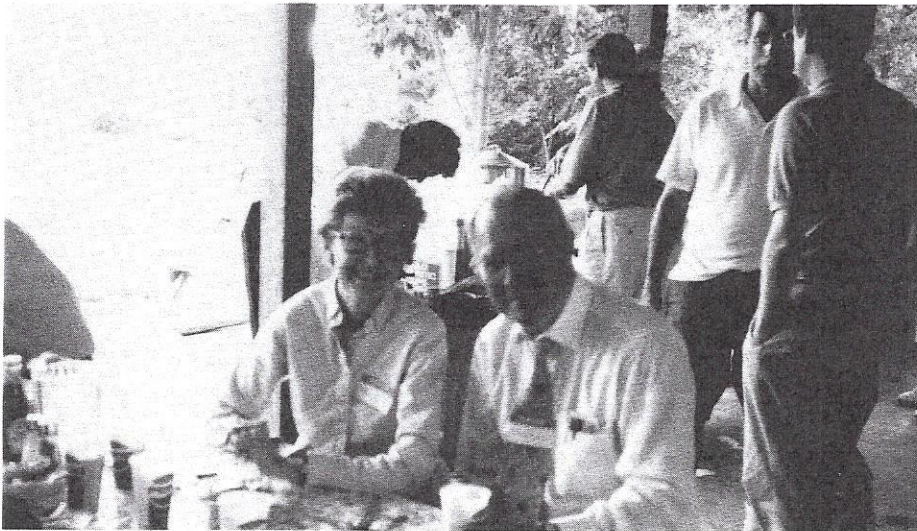
GOSHEN - Thomas W. Adams, chief clerk of the County and Supreme Courts in Orange County, advises that all lawyers must include a self-addressed, stamped envelope if they wish to have a copy of a decision forwarded to them.

Those who do not include a self-addressed, stamped envelope with their papers, will have to contact the County Clerk's office, where the decision will be filed, for a copy.

## Keep Us Informed

If you change the location of your offices, telephone number, affiliations, partnerships or retire please send that information to the Bar Association office c/o Ms. Betty Allen, P.O. Box 88, Goshen, N.Y. 10924, telephone number 914-294-8222. Your cooperation helps us keep updated records and facilitates communication with you. If you want that information to appear in the Orange County Lawyer inform Betty so that she can route the information to the editors of this publication.

## Happy As Clams At High Tide



There wasn't even a hint of a writ or a proclamation or a judicial restraining order on Thursday afternoon, August 8, at the Thomas Bull Memorial Park near Montgomery when and where the Orange County Bar Association convened for its annual clam bake. Cooling off in the top picture, in the park pavilion are, front row, left to right, Carol Klein, Robert Dinardo, OCBA president, Betty Allen, OCBA office secretary, and top row, John H. Thomas, Jr., James J. Cupero, and William Bavoso, immediate past president. In the center picture, two friends of the Bar, County Clerk Marion Murphy and State Senator William Larkin, relax at their table. The bottom picture shows, minus their judicial robes, Rockland County Judge Alfred J. Weiner and Orange County Surrogate, Joseph Owen.

## Dutchess Changes Size of Documents

Commencing June 1, 1991 the Dutchess County Clerk's office has required that a minimum one (1) inch space at the left margin will be required on each page of document submissions in order for that office to imprint recording information.

Additionally, pages (sheets of paper) greater than 9 inches by 14 inches are unable to be microfilmed and will not be accepted for recording, (CPLR 8019). This includes pages that are one continuous sheet

but are then folded, such as Blumberg forms, that are actually 9 inches by 28 inches in size. These forms may be submitted as long as they are cut, sliced, or separated, leaving a neat leading edge and meet the above 9 inch by 14 inch requirement.

If one has questions, please contact Dutchess County Clerk William R. Steinhaus or Deputy County Clerk Earl Bruno, Jr. at (914) 431-2120.

## Committee OKs 58 Members

The Admissions Committee of the Orange County Bar Association has approved the applications for membership of 58 persons for the period of June, 1990 to May, 1991, according to a report by Louis H. Sherwin, chairman. This is more than double the number of 25 which were approved in the preceding year.

Those admitted in the past year include: Brad M. Wittels, M. Weldon Brewer, Deborah L. Welsman Estis, Douglas H. Zamelis, Thomas P. Clarke Jr., Mark K. Bass, Duncan W. Clark, Steven H. Cohen, David F. Everett, Jonathan Fairbanks, George A. Kohn II, Steven Lim, Nancy Y. Morgan, Joseph P. Petrizzo, Scott Alan Nuchow, Michael A. Manna and James D. Scharfenberger.

Also Simon D. L. Haysom, Joseph A. Owen, Neal Alan Haberman, Jonathan D. Katz, Janis L. Errichetti, Douglas M. Jones, Robert F. Monson, Thomas Joseph Namia, Gary Ian Greenwald, Eleanor L. Polimeni, Mark K. Pruzan, Joel A. Reback, Sherri N. Robinson, Ronald Rosenkranz, Bruce M. Stern, Saul W. Strenger and John Tackack.

Also Joseph J. Tock, John J. Basso, Cynthia K. Fichera, Anthony John Formato, Sheldon Cohen, Marc A. Brunetti, Philip Furgang, Paul Clifford Brite, John C. Cappello, Donald Gordon Nichol, Peter C. Kostant, Maryellen Black Albanese, Laura Jean Meahan, Ansel Raymond Marks, Anthony G. Austria Jr., Robert A. Ladanyi and James P. Harris.

Also, following attorneys have been admitted since May 1991 to the Orange County Bar Association on recommendation of the Admissions Committee: Andrea Grace Durgin Pawliczek, Kevin T. Dowd, John W. Callanan, Patricia A. Bauer, Richard Andrew Russell, Seymour Greenblatt and Jeffrey G. Shapiro. A warm welcome to all of you and thank you for your support.

## New Grievance Chair

(Continued from page 1)

to give prompt attention to client's matters or fee disputes, reports Mr. Thomas. "I hope the committee never hears the name of an Orange County attorney, because each attorney can and should avoid these types of problems" he said.

## FOR YOUR INFO...

The Orange County Lawyer is a quarterly journal, published in January, April, July and October, at the office of Orange County Bar Association, P.O. Box 88, Goshen, New York 10924, and printed by the Walden Printing Co., Inc., at 63 Orange Avenue, Walden, New York. It is distributed to members of the Orange County Bar Association. Additional copies may be procured at the office of publication on payment of \$2 each. All communications should be addressed to the editors at the end of publication.

DEBRA JENKINS KIEDAISCH  
GERALD N. JACOBOWITZ  
Co-Editors  
RAY DULYE  
Managing Editor

# THE ORANGE COUNTY LAWYER

Vol. 5, No. 1

January, 1992

## Supreme Court Justice Green Steps Down Because of Age and Not His Desire

A highly respected State Supreme Court Justice, Irving A. Green of Newburgh, will have to wrap up his distinguished judicial career on December 31, despite the fact he does not want to. Justice Green says he is ready and able to go a few more years, but can't do so because a state law says he is too old.

Justice Green was first elected surrogate of Orange County in 1972 after an illustrious career as a practicing attorney in the county. In 1982 he was re-elected and in 1983 he was elected to the State Supreme Court. Actually, the state's mandatory retirement age for judges is 70, but Green was permitted to work until 76 under the exemption, provided he pass physical check-ups every two years. And now that age has come upon him.

A mandatory retirement law for judges in

Missouri was challenged about a year ago, but the United States Supreme Court ruled that judges are policy makers and as such are exempt from age-discrimination laws. Justice Green says that law was evolved by federal judges who are under no age restriction on the length of their service. Green noted that Justice Thurgood Marshall retired from the Supreme Court at the age of 83. Green says it is an arbitrary rule and not supported by common sense. He notes there are many examples of judges who have had some of their most productive years past age 70.

Justice Green and staff were honored last month by his colleagues and members of the Orange County Bar Association at a testimonial dinner held at Kuhl's Highland House in Middletown.

## Fewer Orange Attorneys are Donating Services for Free Work for the Poor

During the past year only 33 percent of the attorneys in Orange County donated free legal services to the poor under pro bono publico programs, compared to 69 percent volunteering free legal work in 50 rural upstate counties, according to Eleanor Minsky of Mid-Hudson Legal Services. Sullivan County also has the same percentage of contributing attorneys to Orange. Both counties have far less than their neighbors - Ulster with 78 percent, Dutchess with 58, Greene and Columbia with 70 and New York City with 42 percent.

Robert DiNardo, president of the Orange County Bar Association, finds the extent of participation by Orange County lawyers far from satisfying, and says "We're trying to increase that." The statewide report was submitted by a committee named by Chief Judge Sol Wachtler, and reflects a warning made three years ago by another advisory committee - if lawyers do not increase their level of volunteerism, the state may order them to perform at least 20 hours per year of volunteer work as a condition for practicing law.

Many lawyers have resisted the idea of required volunteer work as government intrusion, considering there are no similar requirements on doctors and other pro-

fessionals. Pro bono work has been one of the Orange County Bar Association's projects in recent years. In 1990 the Association voted a resolution committing members to volunteer 20 hours a year. Since then about 50 more lawyers out of a total membership of more than 400 have volunteered. Before the project only 85 lawyers regularly volunteered.

Orange County lawyers need to show more energy, Ms. Minsky says, noting, as an example, the Ulster County Bar Association which increased pro bono participation by calling lawyers directly and twisting their arms until they agreed.

President DiNardo concedes the Orange County Bar needs to do something of that nature. Meantime, the pro bono committee is seeking a state grant to hire a paid coordinator to help boost participation. DiNardo also notes that Orange's participation rate does not tell the entire story because some attorneys have been assigned by the Ninth Judicial District to take divorce trial work for needy people on a mandatory basis. Warren Greher, a Newburgh lawyer who has been assigned such cases, said some Orange County attorneys feel these mandatory assignments are sufficient.

## Index Number Must Appear When Filing Third Party Actions

GOSHEN - In discussing procedures involving filing third party actions, Orange County Clerk Marion S. Murphy, has advised the Orange County Bar Association as follows:

"We have been receiving third party actions for filing (summons with proof of service and usually complaint), but the original action has not been filed with us and hence no Index Number issued. We have been returning the third party applications with the notation, "Index Number MUST appear on all filed papers." Our intent is to have only one index number assigned to a case, regardless of the number of third party actions (impleaders), and certainly to one case.

"One of the obvious remedies would be for the Plaintiff attorney in the original action apply for an index number at the commencement of an action all named defendants of that number in the event that a third party action is contemplated. We look to your good offices for guidance and assistance in helping to resolve or alleviate this issue.

## Found Scholarship For Wallace Mahan

The family, colleagues and friends of deceased Orange County lawyer Wallace H. Mahan III, have established a scholarship fund at Marlboro High School in his name.

Mr. Mahan was born in Newburgh on March 16, 1959 and raised in Marlboro. He attended Marlboro High School, Colgate University and Albany Law School of Union University, graduating in 1984.

Upon passing the bar examination, Mr. Mahan became associated with the Newburgh law firm of Drake, Sommers, Loeb Tarshis and Catania P.C. in Newburgh. He became a principal in the firm after distinguishing himself as an outstanding lawyer in the field of civil litigation.

Those wishing to contribute to the scholarship may send their remembrance to: Drake, Sommers, Loeb, Tarshis & Catania, P.C., Attention GLH, P.O. Box 1479, Newburgh, N.Y., 12550.

## Legion of VIP Guests Added to the Success of Bar Association's Annual Clam Bake



*Betty Allen, left, the new executive secretary of the OCBA, and David Levinson, a member of the OCBA Board of Directors, find a shady table to escape the sun.*



*Supreme Court Justice Angelo Ingrassia, Family Court Judge Victor Ludmerer, and Hon. Pano Patsalos, Orange County Court Judge, find relief from the heat under the clam bake tent.*



*Having a great time at the annual clambake at Thomas Bull Memorial Park were Orange County Surrogate Justice Joseph Owen, left, and Justice David S. Ritter who has just been named to the Appellate Department, Second Division of the New York State Supreme Court.*

It was on a hot and perspiring summer afternoon - Thursday, the 2nd of August, that members of the Orange County Bar Association, augmented by a brigade of distinguished guests, unabashedly brought their undisguised hunger and thirst with them to the Thomas Bull Memorial Park on Route 218 near Hamptonburgh, for gustatorial relief.

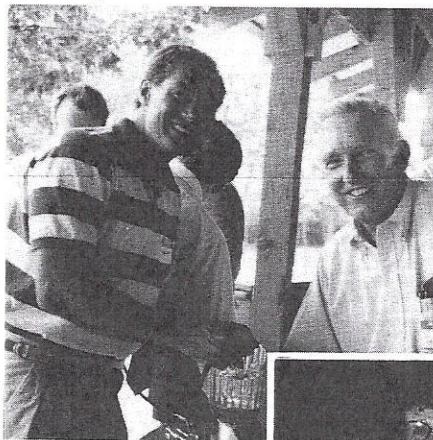
The occasion was the annual clam bake of the Bar Association, and once again it was an extraordinarily grand feast, prepared and served by the highly esteemed Kuhl's Highland House of Middletown. The bake, which started late in the afternoon, was preceded by a golf tournament and a tennis tournament.

Among the guests was a large number of Orange County judges led by the Hon. David S. Ritter, Chief Administrative Judge of the Ninth Judicial District who has just been appointed to the Appellate Division of the New York State Supreme Court, Second Department.

Other judges on the guest list included, Family Court Judge Andrew Bivona, Hon. Angelo Ingrassia of the Supreme Court, Hon. Irving of the Supreme Court; Surrogate Joseph Owen, County Court Judge Pano Patsalos; Family Court Judge Victor Ludmerer; Newburgh City Court Judge Jeff Berry.

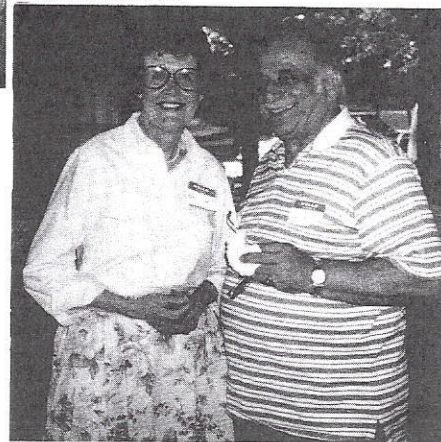
Guest judges also included Hon. Charles Brieant, Chief Judge United States Federal District Court, Southern District, New York; Federal District Judge Broderick, Federal Judge Gerard Goettel, Supreme Court Justice S. Barrett Hickman; Judge Norman Fitzer. United States Marshal Imundi and Deputy Marshal Timberman. Also guests at the bake were good friends Hon. Marion Murphy, Orange County Clerk and Deputy County Clerk Albert Pacione, Sr.

Special thanks for making the occasion so memorable go to OCBA Executive Secretary Betty Allen and Board of Director member David Levinson, Esq. for their special help and assistance. While there has been some comment concerning the price of the ticket for the clam bake, the board of directors wishes to assure all the membership that the price is kept to the lowest possible level for members of the association so they may still be able to act as gracious hosts to the various guests, and provide the same, sumptuous feast. If you did not attend you missed an opportunity to meet with your colleagues and the various guests in a social and convivial atmosphere.



*A little more ice for a tall, cool one, is what Supreme Court Justice S. Barret Hickman, and Newburgh City Judge Jeff Berry are after, just before the clams.*

*Orange County Clerk Marion Murphy, left, and Albert Paccione, Sr., her deputy chatted away while the steak was simmering.*



# THE ORANGE COUNTY LAWYER

VOLUME 7, NUMBER 4

October, 1994



*New York State Bar Association President, G. Robert Witmer, Jr., with the Officers and Board of Directors of the Association. Sandra B. Scirotino, President of the Women's Bar Association of Orange & Sullivan counties was a guest.*



*Orange County Bar Association President Anne Hunter confers with New York State Bar Association G. Robert Witmer concerning many of the New York State Bar Association's services available to its member attorneys and bar associations at the luncheon meeting held October 17, 1994.*

## Municipal Committee Active

Under the able Chair of Howard Protter, a partner at Jacobowitz & Gubits, the Municipal Law Committee continues its regular monthly meetings. At the September meeting various items of new legislation were discussed.

A. A new **General Municipal Law Section 239-N** became effective July 20, 1994. The existing General Municipal Law Section 239-N was repealed and replaced by this new law which continued to provide for referral of certain subdivision plats or proposals to the county planning agency for review. The law permits inter-municipal agreements to provide that certain proposed plats are of local rather than inter-community or county wide concern and are therefore not subject to referral.

B. **Exemptions of Lots under approved subdivision plats effective July 1, 1996.** This legislation contained in Chapter 359 recodified existing provisions of law to provide for temporary exemptions for subdivisions from newly adopted or mended zoning laws. In addition, the Town Law provision providing a period of exemption for subdivision plats developed in sections has been added to the Village Law and General City Law.

C. **Subdivision review and approval and the State Environmental Quality Review Act.** The Town and Village Laws have been amended to provide guidance and coordination in the subdivision review and SEQRA compliance processes. The subdivision/SEQRA changes take effect on November 23, 1994. Also included within this legislation is an amendment to the recently created definition of the term "Subdivision" which now may include boundary line or lot line adjustments where now new lot is created.

The committee meets on the third (3rd) Friday of each month at Oliver's Restaurant in Goshen. Contact Richard W. Hoyt, Esq. for more information.

## President Witmer Visits

The Board of Directors was pleased to have as its guest G. Robert Witmer, Jr., President of the New York State Bar Association. His visit took place on Monday, October 17, 1994 at a luncheon in his honor sponsored by the Board of Directors of the Association at Catherine's in Goshen.

Mr. Witmer is a partner in the law firm of Nixon Hargrave et al in Rochester. A long time active member of the State Bar Association, President Witmer brings to his position a dedication to professionalism and improvement of the image of New York State lawyers. Over the years he has held many official posts with the State Bar and became widely known for his active interest.

At his visit of Orange County he brought a message of cooperation between the State Bar and county bar associations and encouraged the use of the many State Bar association's services available to members and associations.

## Foreclosure Referees

Judge William E. Sherwood has advised the Orange County Bar Association that there is space available on his appointment list for referees and receivers. Interested attorneys should contact the Association of-  
fice directly in writing.

# THE ORANGE COUNTY LAWYER

Volume 7, Number 4

October, 1995

## Court House Project Moves Forward

The Orange County Government is moving forward to make the court facilities expansion a reality. Carter Gobel Associates was selected as the construction manager from among the large number of applicants. The first phase of the preliminary stages involves the selection of architects who will be responsible for the planning, design and architectural services phase of the project. As we go to press the request for proposals are out for surveyors, geotechnical engineers and other support services.

Our Association has formed a courthouse liaison committee so as to provide an opportunity for ideas and suggestions that flow from our extensive experience as users of a courthouse facility to be channelled for fair consideration. The Chair of the Courthouse Committee is Howard Finkelstein who will be assisted by Melvin Leffler, former bar presidents Ann Hunter, Jeffery Sherwin, and present Board members Kenneth Oliver and Richard Greenblatt.

Please feel free to communicate your thoughts and ideas directly to Chair Finkelstein with a copy to our Association office, P.O. Box 88, Goshen, New York 10924.

## Alternate Dispute Resolution

Luke M. Charde, Jr. describing himself as "an independent neutral" is offering mediation and arbitration services. He is drawing on his engagements in a similar process hundreds of times over the past eight years - in contract, tort and matrimonial matters - as a judicial hearing officer in all counties of the 9th District.

As the pressure for reduced legal expenses, prompt resolution of disputes, and the frustrations of clients mount, these alternates have greater appeal. If opposing counsel agree to use mediation or arbitration, then it becomes a simple matter to arrange mutually satisfactory dates with the mediator/arbitrator prompt scheduling of the session with the timetable and decision date under control of the parties. Luke is available at 23 West Street, Warwick, New York, 986-3700.

## Judiciary Committee Rates Candidates

The Judiciary Committee of the Orange County Bar Association met in Goshen, New York on September 19, 1995 under the able Co-Chairmanship of G.R. Bartlett, Jr. and Alan S. Lipman. At this time the committee interviewed all of the candidates for Orange County Court Judge and Orange County Family Court Judge. The committee will meet on October 11, 1995 to interview candidates for Supreme Court Judge.

The evaluation report from the committee will be submitted to the Board of Directors for their review and the final approval on October 16, 1995 thereafter will be released to the membership and the public.

The interviews for County Court included Judge Thomas J. Byrne and Charles L. Quaintance; for Family Court Judge John K. McGuirk, Debra Jenkins-Kiedaisch and David L. Russell. The Supreme Court candidates are Judge Albert M. Rosenblatt and Orazio R. Bellantoni.

## Williams Retirement Dinner

Justice Robert C. Williams has retired from the New York State Supreme Court after 38 years of public service, having served the citizens of Sullivan County and the Third Judicial District as Assistant District Attorney, District Attorney, Family Court Judge and Supreme Court Justice.

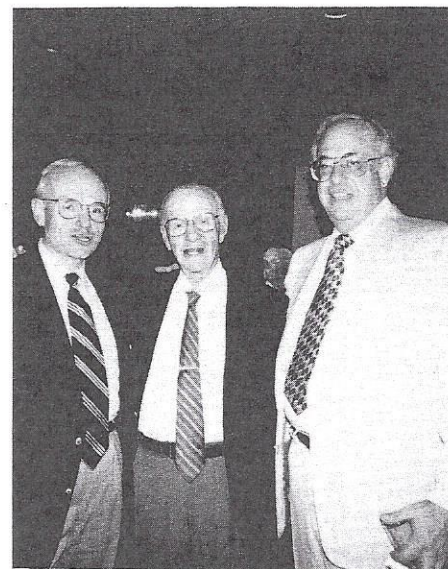
Martin S. Miller, Esq., President of the Sullivan County Bar Association has announced a retirement dinner will be held at the Concord Resort Hotel, Kiamesha Lake, New York on Thursday, October 5, 1995 to honor his years of service and dedication. There will be an open bar cocktail hour at 6:30 p.m., followed immediately by dinner.

Reduced room rates for overnight accommodations are available at the Concord Resort Hotel. Please call (914) 794-4000 for details.

The ticket price is \$38.00, which includes tax, gratuities and gift. Reservations are payable in advance. Reserve seating is available for reservations of groups of 10 persons or more. Please make your check payable to "Justice Williams Retirement Dinner" and send to:

Justice Williams Retirement Dinner  
33 North Street; Monticello, New York 12701  
Telephone: (914) 794-8415

## 90 Years Young



*Abraham Kopald flanked on either side by his sons Ned and Jonathan at the festive celebration of his 90th birthday.*

A birthday party was held September 1, 1995 to celebrate the birthday of Abraham Kopald, Esq., born, raised and living in Highland Falls, 90 years. Of those years 67 have been as a practicing attorney and member of the Orange County Bar Association.

In tribute to that enviable record, the Board of Directors recognized Abraham "Ab" Kopald for his years of service to the legal profession and the Orange County Bar Association by presenting an appropriate plaque to him as part of the festivities.

Kopald & Kopald, attorneys consists of senior partner (without challenge) the "Birthday Boy", and his two sons Ned Kopald and Jonathan Kopald who are also members of the Orange County Bar Association.

The many clients and friends who stood up to say a few words were a fine tribute to his career and to the legal profession. When asked what secret recipe was, he said, "just keep moving". An avid swimmer and golfer, he is at the office every day doing what he has enjoyed for 67 years.

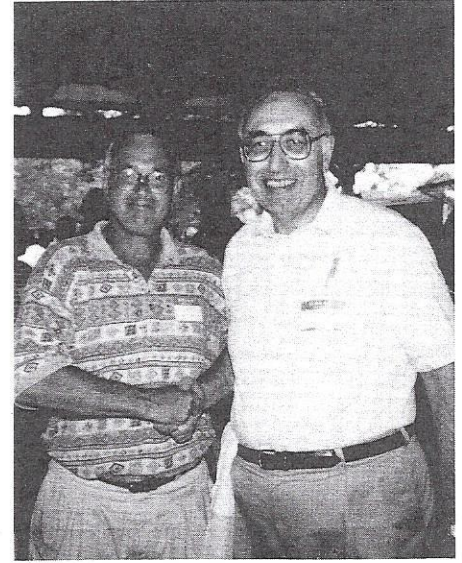
*The Orange County Lawyer, Page 5*  
**Clam Bake Big Hit**



*The long and short of it. Judge John P. DiBlasi and Association President Gerald N. Jacobowitz discuss the advantages of the Pepsi generation.*



*Go to your corners and come out fighting. Family Court Judge John McGuirk and Debra Kiedaisch both flash the smiles of candidates.*



*Judge Joseph G. Owen and Barton Bloom cementing good will between the bench and the bar.*

## Judicial Evaluation Coming

The Judiciary Committee has finalized the proposed judicial evaluation questionnaire and it will be sent to our members shortly. The questionnaire asks for the evaluation by the Bar of Judges before whom they have appeared representing litigants. Each member of the Association will receive one copy of the questionnaire which with instructions will consist of three pages, each both sides. Members will be asked to reproduce copies to the extent necessary since each questionnaire is to be completed for a single judge. The completed questionnaires are to be returned to the Association office where they will be sorted by judge and then a compilation for each judge will be prepared by a committee of the Association.

The questionnaire and its use are modeled after the Florida and New Jersey systems that are already in place and your Association will draw on their procedures and experience to make sure this effort is constructive and positive.



*Judicial opinions about golf shirts are discussed by Supreme Court Judges Robert C. Williams, Angelo Ingrassia, District Attorney Francis Phillips, Federal Magistrate Mark Fox.*

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# THE ORANGE COUNTY LAWYER

Volume 8, No. 1

January, 1996

## Pro Bono Fund Raiser

The first annual spring dinner dance to support the Pro Bono Legal Services program of the association will be held on March 30, 1996 at the Inn at Central Valley. The meeting will start with a cocktail party, cash bar, followed by dinner and dancing. Chairperson Michele Ellerin, the Perle Mesta of Orange County has planned a delightful evening of good food, drink, music and dancing, fellowship and friendship all to support a worthwhile public service activity. All proceeds will be allocated to Orange County Pro Bono Legal Services programs.

Hon. Angelo J. Ingrassia, J.S.C. is the honorary dinner chairman joined on the honorary committee by Hon. Benjamin A. Gilman, Congressman, William J. Larkin, Jr., State Senator, Assemblywoman Nancy Calhoun, Assemblymen John J. Bonacic and Jacob E. Gunther, III; Orange County Executive Joseph G. Rampe, Hon. Roberta K. Murphy, Chair of the Orange County Legislature. Also serving on the Committee are G.R. Bartlett, Jr. of Walden,

Alan S. Lipman of Goshen, Kenneth A. MacVean of Middletown, Peter D. Barlet of Warwick, David B. Gubits of Walden, Henry N. Christensen of Goshen, Marc W. Suffern, II of Slate Hill, Ruth B. Kassel of Middletown, Arthur Shapiro of Middletown, Gary Greenwald of Goshen

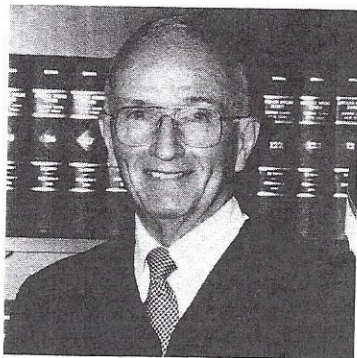
In view of the reduced activities of Mid-Hudson Legal Services and the substantially reduced funding from the Federal and State governments for legal services programs, the Orange County Bar has undertaken to sponsor a new locally controlled legal services provider via a non-profit 501C3 corporation. This dinner dance is a major fund raiser to provide funds for the continued operation of the legal services program. A journal will be promoted as a further source of funds.

Set aside the date and look for your invitation in the mail. Michele promises a great time will be had by all. Tickets for 2 are less than one billable hour.

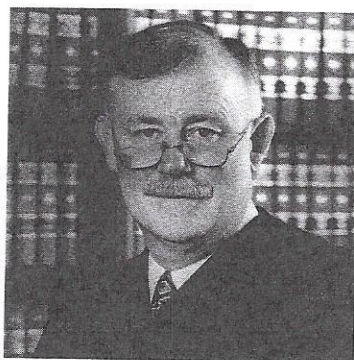
## Court of Appeals Protects Fee Collections by Unregistered Attorneys

Attorneys who have not kept their registration current with the Office of Court Administration by failing to pay the biennial fee (currently \$300) may nevertheless collect fees for legal services rendered. So says the Court of Appeals in the case of *Benjamin v. Koepfel*, 85 NY 2d 549. When defendant refused to pay plaintiff his referral fee on the grounds that plaintiff was unregistered, the Court unanimously held that registration fees were more a revenue-generating mechanism rather than a licensing plan protective of the public's interest in requiring attorneys to be registered. Voiding the fee, if otherwise deservedly earned, would be contrary to, not supportive of, public policy. The Court refused to delve into an analysis of the value of services actually performed on the case by the referring attorney. Practitioners should note that the plaintiff did belatedly pay his registration fees in full in this case prior to the Court's hearing the case.

## Judge Byrne and Judge McGuirk Are Sworn In



County Court  
Judge Thomas  
J. Byrne



Family Court  
Judge John K.  
McGuirk

Goshen - On Tuesday, January 2nd, family, friends and members of the legal community convened in Court Room 2 to witness the administration of the oath of office to Family Court Judge John K. McGuirk and County Court Judge Thomas J. Byrne. The inclement weather raging out doors was more than outweighed by the heart warming spirits reigning within. Chief Administrative Judge of the 9th Judicial District, Justice Angelo J. Ingrassia administered the oath to Judge McGuirk, who then recognized the family, friends and col-

leagues whose support contributed to his ascension. Judge Byrne was sworn in by his close friend and fellow County Court Judge Pano Z. Patsalos. Noteworthy among Judge Byrne's remarks was his reference to his continuing adherence to judicial independence, despite periodic pressure from the media, the bar and the public. Both judges will now continue their service on the bench, with the added glow of the commencement of a new term of office and the honor of this important and touching occasion.

## Chanin New Co-Editor

With the ascendancy to the Family Court Bench of Hon. Debra Jenkins-Kiedaisch, Orange County Legislative Counsel Geoffrey E. Chanin has become the new co-editor of the *Orange County Lawyer*.

Judge Kiedaisch remains as a member of the Orange County Bar Association Board of Directors but relinquishes her posts on all committees. The new co-editor has served in the post of legislative counsel since the position was created in February 1993, where he is the principal legal adviser to the Orange County Legislature with  
(Continued on Page 5)

## Mark These Dates

The annual meeting and dinner of the Association will take place on May 23, 1996. The annual clam bake will be held on August 8, 1996. Don't miss these popular events.

# The Orange County LAWYER

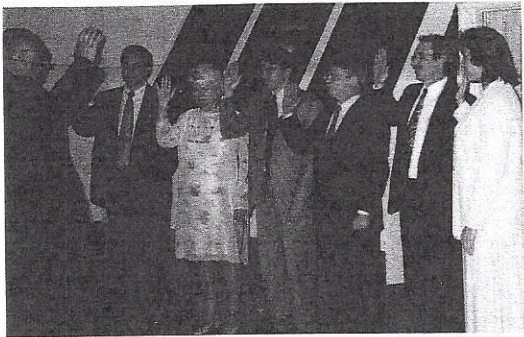
Volume 9, No. 5

Spring 2000

## Annual Dinner a Gracious Affair

*Cofill Passes Gavel to Ellerin*

Slate Hill's Garden on Catlin Creek was the springtime scene for the Bar Association's Annual Dinner and business Meeting. 150 Association



The Honorable Judge Owen presides over the swearing-in of the Board of Directors

members were joined by a roster of judicial and municipal luminaries as Committee chairs delivered their annual reports and the new officers of the Association were sworn in by Supreme Court Justice Joseph G. Owen. On a balcony overlooking the gardens, attendees

dined al fresco and heard guest speaker Forrest Strauss de-mystify the procedures of the Ninth Judicial District Grievance Committee which he serves as Principal Attorney.

Admissions Committee Chair Louis Sherwin reported that out of 505 attorneys registered in Orange County, 398 were Association members, an admirable rate of participation. Frank Zeccola reported on continuing improvements to the Association's referral service, with statistics showing totals by category, with the great plurality of referrals made for family and matrimonial matters.

In his outgoing address President Randy Cofill thanked the Board of Directors for their continuing support. He mentioned several ongoing Association initiatives, including the website, linkable to individual members' own web pages; the Federal Courthouse (see related article herein;) and the natural growing pains of a formerly small rural bar association becoming larger and wielding more significant societal impact in a new millennium.

New officers for the year 2000-01 were sworn in: Director Douglas Jones, Secretary Sheila O'Donnell, 3rd Vice President John Ingrassia, 2nd Vice President Frank Zeccola, 1st Vice President Richard Greenblatt and President Michelle Ellerin. In her opening address as President, Michelle took the theme of new beginnings: "A new century and millennium, new technology, new strategies and practices and new demands upon the profession." She introduced 5-year planning as appropriate to accommodate the long-term view in a period of rapid changes. Michelle called upon members to look both outwardly to assess public needs, and inwardly to help direct the Association's future course.

Both separately and together, Randy and Michelle lauded the Association's Plenipotentiary Magnificat, Betty Allen, who received special recognition for her tenth year of service. As always, she remains the firmament in which we shine.

It was a cordial and sweet evening in the Garden for all. Now if only municipalities and corporations held their meetings like that...

## Law Day Observed

Hosted by the Bar Association's Law Day Committee of Carol S. Klein, Douglas M. Jones and Steven I. Milligram, the legal community observed Law Day on May 1, in Courtroom 2 in Goshen. The full docket included Opening of Court by Chief Clerk Thomas Adams, introductions by Doug Jones and the presentation of Congressional certificates by Congressman Ben Gilman to this year's Liberty Bell Award winners, Angelo Ingrassia and Marion Romaine. The mock trial champions from Port Jervis and runners-up from Burke High School were recognized by County Court Judge Jeffrey Berry, who commended and thanked BOCES Superintendent, William Bassett.

A moment of silence was observed for members deceased within the past year: Allen Indzonka, Fred Falick and Abraham Kopold. Bar Association President Randy Cofill then presented Angelo Ingrassia with the Liberty Bell Award for his many years of service dedicated to the legal community and to all the people of Orange County. Carol Klein, President of the Women's Bar Association of Orange and Sullivan Counties presented a Liberty Bell to Marion Romaine, recently retired from a long career as Commissioner of Jurors. The presentations were enhanced by personal reminiscences by Judges David Ritter, Peter Patsalos and John McGuirk and District Attorney Frank Phillips. And following a refreshing reception, we all went back to work, putting our ideals into our practices.



Doug Jones, Steve Milligram, Carol Klein, Randy Cofill.

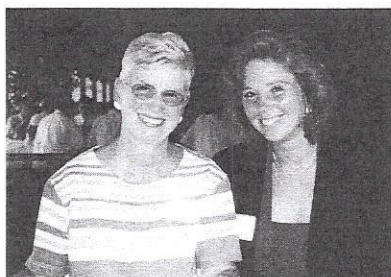
# The Orange County LAWYER

Volume 9, No. 6

Winter 2001

## PICNIC MAKES LAWYERS HAPPY AS CLAMS!

As the first dusting of frost covers our windshields, we are warmed by the memories of the Bar Association's Annual Clambake at the County's Thomas Bull Park on



*Betty & Michelle bid welcome!*

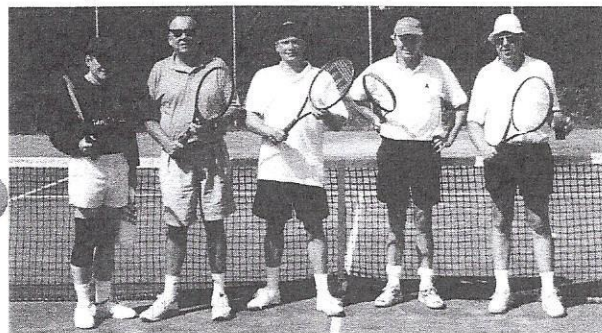
August 10. Luminaries of the legal scene attending included Judges Nicolai, Breiant, Slobod, Berry, Owen, Bivona, and McGuirk among others; and also Elizabeth Holbrook, Tom Adams, Richard Mandell, Gladys Braxton,



*Glen Plotsky congratulates Bill Glass*

Art DeDufour, Mark Fox, Pano Patsalos, Thomas Byrne, Angelo Ingrassia, and columns of regulars. Bill Glass and David Levinson were victorious on the golf links, and tennis warriors

hoisting the Pymm's Cup were Pat Boyle, John Lee, Peter Eliopoulos, Simon Haysom and John Mayo. Our convivial hostesses, President Michelle Ellerin and Plenipotentiary-Factotem Betty Allen saw to it that all were suitably entertained and fed. So as you scrape and shovel, remember the picnic and we'll see you next year! ■



*Pymm's Cup or Davis Cup—You decide!*

## WOMEN'S BAR FÊTES NEW OFFICERS, HONORS YWCA

The Women's Bar Association of Orange and Sullivan Counties installed a new slate of officers at its annual dinner on June 15, held at the beautiful Eagle's Nest in Bloomingburg. Judge Robert Williams administered the oath to the new board: Risa Sugerman, President; Carla Wise, 1st VP; Bonnie Kraham, 2nd VP; Jacqueline Ricciardi, Treasurer; Helen Ullrich, Secretary; and out-going President Carol S. Klein as State Delegate. The YWCA of New Windsor was honored for its administration of the Supervised Visitation Program, the Healthy Women's Partnership and the Children's Center in Family Court, and on hand to receive the awards were YWCA Executive Director Christine Sadowski and her staff: Lisa Foss, Ellen Sigler and Rachel Ambroziak. Risa Sugerman gave a moving address pointing out the need for a women's bar association is still strong in today's society, and that progress for women of all stations was beneficial to every member of society—today and in the future. ■



## EDITORIAL

*Everything's Absolutely Relative!*

We were glad to see that the dispute over hanging and dimpled chads did not result in the collapse of the prevailing social order and civil unrest spilling over into the streets of America. After all, only the political control of the Nation, hegemony over the Western hemisphere and the fate of the world was at stake. While the general public may have had its faith in the executive (oh, those boards of elections!) and legislative (who wrote those contradictory laws, anyway?) branches may have taken some heavy blows, at least there remained sufficient faith in the judicial branch, namely the U.S. Supreme Court, to render a decision which sounded "fair" enough to the great majority of citizens to avoid the stimulation of acts of revolution in the face of the collapse of the American democracy. Perhaps

*continued on page 3*

## ORANGE COUNTY BAR ASSOCIATION HOLDS ANNUAL MEETING; ELECTS OFFICERS

The OCBA held its annual meeting on May 6, 2004 at the Gardens at Catlin Creek.

Following remarks by outgoing President John Ingrassia and the Invocation by Supreme Court Justice John McGuirk, U.S. District Court Judge Steven C. Robinson delivered the Keynote address, a moving tale of his rise to the bench, overcoming great challenges along the way.



Justice McGuirk then swore in the new slate of officers for 2004-05.

Richard Golden addressed the membership as their new President, following which deserving luminaries were



honored;

Steven Hunter presented a recognition of B. Sears Hunter for his long notable career.



Stewart Glenn presented an honorific of James L. Monell who has practiced for over 50 years. Hon. Martin Goldberg honored retired judge Victor J. Ludmerer with his portrait,

which will hang in the Orange County Courthouse.



## 845 Life: Wallkill judge sent the Woodstock fest packing in 1969

Posted Apr 28, 2019 at 5:28 PM

Updated Apr 28, 2019 at 5:28 PM

Imagine being able to send a major concert event packing with just the stroke of a pen.

Judge Joseph G. Owen did exactly that 50 years ago when, as the Town of Wallkill justice and a local lawyer, he drew up a law that put sewage and water restrictions on mass gatherings and sent a group of music concert promoters in search of another venue.

Three weeks later, the Woodstock Music and Art Fair kicked off its “3 Days of Peace & Music” at Max Yasgur’s Dairy Farm in the Sullivan County town of Bethel.

The rest, as they say, is history.

“I didn’t have anything against the promoters or what it was all about,” Owen says, sitting in the dining room of his Circleville home. “At that time, it was the proper thing to do.”

"I was just following the instructions of the town board. The citizens of Wallkill mandated that something be done," he says. "They were all up in arms."

But let's back up a little.

Joseph Owen was born in Chester and moved to Middletown with his parents when he was just an infant. He graduated from Middletown High School in 1951, from City College of New York in 1955 and from Fordham Law School in 1959. He was admitted to the New York State Bar later that year.

He was a Wallkill town justice from 1968 to 1984, the county's Surrogate Court judge from 1985 to 1993, and took office as a state Supreme Court justice in 1994. He reached the mandatory retirement age of 76 and retired in 2010.

"In the early part of June in 1969, the Wallkill town supervisor told me that there were going to be 40,000 hippies invading the area in August," Owen remembers. "I didn't think too much of it and I went on vacation in Palm Beach with my family."

"I'm on the beach in Florida and I look up and see a plane towing a banner that says: 'Come to the Woodstock Festival in Wallkill, N.Y.'"

"When I saw that, I thought 'This is going to be a lot bigger than 40,000 people,'" he says. "So I cut my vacation short and came back home and found that the Town of Wallkill didn't have any statute that regulated a gathering of that many people."

"You have to remember this was 1969, and Route 211 was only a two-lane roadway," he says. "There were no shopping centers, and most of the town's roads were dirt and we only had one constable."

"The concert was planned for Blumel Road, and there was no water or sewer out there," Owen says. "We felt it would be a disaster, so I drafted a law regulating large gatherings for over 5,000 people."

"The proposed law provided for water, sewer, sanitation and police protection for large gatherings, plus a \$10 million bond to take care of any damages," he says. "We had a public hearing in July and it passed, and we took it to Albany the next day and it became law."

“In the meantime, I’m talking to their lawyers and telling them they should investigate Ulster or Sullivan counties where there was more land,” he says. “We got a stop-work order but they continued. So, we got an injunction to arrest the promoters, and at that point their lawyers told me they decided to move it to Sullivan County.”

So how does he feel about it now?

“After everyone saw what happened, it became apparent,” he says. “We absolutely did the right thing.”

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#### 4. NOTABLE CASES AND TRIALS OF ORANGE COUNTY, NEW YORK

The earliest court record is of a trial held in Orangetown (then part of Orange County, now part of Rockland County) on October 29, 1705. “Upon ye presentment of Coonradt Hanson that George Jewell kept a dog which was injurious to many of the neighbors, it was ordered that the said Jewell should hang the said dog.”<sup>19</sup> “This was the first capital punishment on record in the County, and the court, by its decision, seemed to think there was no other way to kill a dog than by choking.”<sup>20</sup>

Courts were first held in Goshen in 1727.

##### People v. Claudius Smith

During the American Revolution, Claudius Smith was a notorious felon in Orange County with Tory sympathies.

Smith’s family came to Orange County from Long Island well before the Revolution. Smith was born in Brookhaven. By the time of the war, his family had lent its name to Smith’s Clove which later became the Town of Monroe and Smith’s children were grown. Smith, his children and several other men were a gang of thieves. They preyed in particular on those they knew to be sympathetic to the Revolution.

On the evening of October 6, 1778, Smith’s gang attacked the home of Captain Ebenezer Woodhull in Oxford, allegedly intending to rob the house and murder him. Woodhull was not home that night, but they broke in on Mrs. Woodhull who, hearing the men breaking into the house, placed her good silver under her baby in a cradle. While the thieves searched her house for valuables, Mrs. Woodhull busied herself with attending to her baby, endeavoring to quiet her child. Smith and his band, not finding any valuables, stole a horse which was in the Woodhulls’ meadow.

Later that night, around midnight, the thieves attacked the home of Major Nathaniel Strong in Blooming Grove. Major Strong, hearing his door being broken in, emerged from his bedroom with two pistols. The assailants called to him to deliver up his arms. Strong put his guns down, whereupon he was shot with two musket balls and died immediately. Although it is historically disputed as to whether Claudius Smith took part in the October 6, 1778 crimes himself, Governor Clinton issued a proclamation declaring Smith an outlaw and offered a reward of five hundred dollars for his capture and delivery to the jail of Orange County. Smith fled to Long Island which was under the control of the British. A revolutionary, Major John Brush, was a wealthy Long Island farmer who had gone to Connecticut, which was in American hands. He secretly returned to Long Island periodically to check on his properties. On one such foray, he heard where Smith was hiding. On his return to Connecticut, he enlisted the help of four other men to capture Smith. The five crossed Long Island Sound in a whale boat and landed on Long Island at 11:00 p.m. They found the lodging where Smith was staying and surprised him in bed. They bound him, took him back to Connecticut and sent an urgent message to Governor Clinton,

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<sup>19</sup> Page 46 of the first Court Record of Orange County, 8th Sessions of Orange Co., Oct. 29, 1705

<sup>20</sup> Eager, History of Orange County [S.T. Callahan, Newburgh, NY, 1846-47] p. 17

who was then in Poughkeepsie, announcing Smith's capture. The Governor instructed them to deliver Smith to the Sheriff of Orange County at a landing in Fishkill. Smith and his associates were tried at a term of the Court of Oyer and Terminer<sup>21</sup> in Goshen on charges arising out of the Woodhull crime and other burglaries, but not the Strong murder. On January 11, 1779 they were condemned to death.<sup>22</sup> Smith and his associates were hanged in Goshen in what is now the Presbyterian Church Park on January 22, 1779. Legend has it that his skull was placed in the masonry of the courthouse.

### People v. Nicholas Dean

People vs. Nicholas Dean, indicted for "Adhering to the enemies of this State," Orange County Court of General Sessions, 1782.

During the years of the American Revolution, New York City, Long Island and Staten Island were occupied and governed by the British Army. Many New York loyalists moved to British-governed territory. New York became a state when it adopted the State Constitution in 1777. The State Legislature adopted laws making it a crime to support the British and their allies. Jeremiah Coleman, a tailor of Goshen, informed an Orange County Grand Jury in November 1782 that in April 1777 he had been captured by British troops in New Jersey. He was imprisoned in New York City, then released to work for the British army as a tailor. He frequented a tavern operated by Nicholas Dean, whom he had known before the war. In December 1777, Dean with two British officers confronted Coleman while he was drinking a "bowl of toddy." Not giving Dean time to finish his drink, Coleman ordered him to leave, saying "he did not keep a house for rebels." Dean also owned a sloop which carried rum and sugar to the British troops occupying Philadelphia. The Grand Jury indicted Dean for 'adhering to the enemies of this state.' He was convicted by the Supreme Court without a trial in 1783.

### People v Jack Hodges, and David Dunning et al.

The crime which was the subject of this case took place in 1818 in Sugar Loaf, New York and is the first known contract murder in the State of New York.

James Teed and David Conkling, Teed's brother-in-law, offered \$1000 to Jack Hodges, a free Black man, and David Dunning if they would kill Teed's uncle, Richard Jennings. Teed and Conkling wanted Jennings dead because of a long property dispute arising from Teed's father's will. There was a great deal of litigation between the parties which also involved Teed's mother, Hannah, who was Jennings' sister. Hodges and Dunning's part in this family feud arose from the fact that they lived on Conkling's land and worked for him.

One particularly litigious court session in 1818 prompted James Teed and Conkling to offer the reward. The Teeds plied Hodges in particular with liquor for several days while he stayed at Hannah Teed's house in Sugar Loaf, and on December 21, 1818, Dunning spotted

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<sup>21</sup> The Court of Oyer and Terminer consisted of a Supreme Court Justice and two or more judges of the Court of Common Pleas with jurisdiction to hear all felony cases including those punishable by life imprisonment or death. The Court of Oyer and Terminer was abolished by the Constitution of 1895 and its jurisdiction was transferred to the New York Supreme Court. (Historical Society of the New York Courts, <https://history.nycourts.gov/court/court-oyer-terminer/> [accessed 11/15/2020])

<sup>22</sup> Eager, *Id.* at 550-559.

Jennings walking by and began to follow him with Hodges following farther behind with a loaded gun. Once they were in some woods, Dunning engaged Jennings in conversation concerning some timber. When Hodges caught up, Dunning asked Hodges whether he would help with cutting the timber. Hodges raised his gun and cocked it. Jennings asked him whether the gun was loaded. Hodges said it was not but then pointed it at Jennings and pulled the trigger. Jennings fell to the ground but did not die. Dunning said, "damn him, he is not dead yet" and clubbed Jennings to death with the gun, breaking it.

Hodges went back to Hannah Teed's house and was rewarded, not with the money, but with some more liquor. After several days, when people realized Jennings was missing, a search for him ensued. Conkling and James Teed gave Hodges ten dollars and told him to go to New York City with a promise that he would see his reward at some later date. They also gave him a letter of recommendation for employment. James Teed followed Hodges to Newburgh to ensure that he got on a ferry to New York City.

Hodges' sudden absence from the community apparently awakened suspicions and Charles Durland of Chester, along with three companions, followed Hodges' path to New York City, which had involved an overnight stay in Cold Spring. Durland asked people along the route whether they had seen Hodges. He found Hodges in New York City and arrested him, brought him back to Orange County, and placed him in the custody of the Sheriff.

Hodges, Dunning, Conkling and the Teeds were tried for murder and for accessorial liability for murder in February, 1819. They were tried in succession by the same jury. Hodges' case was tried first. His attorney was Henry G. Wisner, Esq, who was assigned by the court. The People called Samuel S. Seward, a surgeon, as a forensic witness. The standards of the time for the admissibility of such testimony appear to have been low. Dr. Seward had examined a wound on the forehead of the victim. He put his thumb in the wound and determined that the victim's skull had been cracked open. He did not examine the other wounds critically and could not remember whether he had examined a wound on the back of the head. He said the gun shot had taken off part of the victim's ear, although he could not remember which ear. In his medical opinion, the wound to the forehead was the cause of death.

Based upon Dr. Seward's testimony, Mr. Wisner summed up to the jury in Hodges' defense on a theory that Hodges had not produced the fatal wound; Dunning had killed Jennings by beating him with the gun. The jury did not accept this theory and found Hodges guilty of murder. After he was found guilty, he became a witness for the prosecution against his co-defendants who essentially tried to pin the entire blame for the murder on Hodges, arguing the jury could not rely upon a Black man's veracity to convict Whites. This argument did not persuade the jury. James Teed and Conkling were found guilty as accessories before the fact. Dunning was found guilty of murder. Hannah Teed withdrew her plea of not guilty and pleaded guilty to being an accessory after the fact for having sheltered Hodges after the murder.

The court sentenced Hannah Teed to thirty days in jail by reason of her sex and motherhood. The other four were sentenced to death by hanging.<sup>23</sup>

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<sup>23</sup> Report of the Trial of the Murderers of Richard Jennings in Orange County, New York with full trial transcript, Published by Benjamin F. Lewis, Newburgh, New York 1819.

The Legislature later commuted the sentences of Hodges and Conkling to life imprisonment.<sup>24</sup>

*The Grace Murder Case – 1912 – Walden, New York*

On September 11, 1912, 28-year-old Jack Grace's mutilated, decomposing body was found at the Twentieth Century Club in Walden, New York.<sup>25</sup> The prime suspect was Antone William Grace, also known as Bill; Bill Grace was accused of killing his brother, Jack, with a meat cleaver.<sup>26</sup>

Bill Grace was going to marry a local woman from Walden, when his brother Jack Grace was going to tell her about Bill Grace's other marriages.<sup>27</sup> To prevent this, Bill Grace murdered his brother, and then stole from him.<sup>28</sup> Bill Grace allegedly stole \$320, two diamond rings, and a diamond pin.<sup>29</sup>

At Bill Grace's trial, the prosecution presented evidence found in Bill Grace's shaving mug, which were the two diamond rings and the diamond pin; all of which were under a piece of soap in the shaving mug.<sup>30</sup> "The prosecution also argued that Jack was killed sometime in the wee hours of Sunday morning, September 8; bystanders on Main Street said they heard noises coming from the Twentieth Century Club at 6:10 a.m. that morning. Bill was then seen leaving the club at 6:45 a.m."<sup>31</sup>

Bill Grace maintained his innocence and attempted to introduce reasonable doubt. "He maintained that the last time he saw his brother he was with a man named Connelly, who did not have the best reputation. Jimmy O'Connell (or Connelly), better known as 'Kid,' was a wrestler of considerable fame in Orange County. Jack also had made a name for himself as a wrestler; the two were known to be acquainted with each other."<sup>32</sup> However, the defense was not successful as Bill Grace, after a two-day trial, was found guilty of first degree murder by the jury in under an hour.<sup>33</sup> Bill Grace was sentenced to death.<sup>34</sup>

There were more legal proceedings after the verdict. There was an unsuccessful appeal, and a plea of clemency to then Governor William Sulzer, which was denied.<sup>35</sup> Bill Grace was executed in the electric chair at Sing Sing on August 4, 1913.<sup>36</sup>

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<sup>24</sup> Eager *Id.* at 441.

<sup>25</sup> <https://hvmag.com/life-style/history/the-grace-murder-case-of-walden-ny-a-history-of-orange-countys-own-lizzie-borden-murder-trial/>

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

Orange County's contribution to the Development of National Environmental Law

A significant environmental law case has its origin in Orange County, NY. *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F.2d 608 (2d Cir. 1965), centered on a hydroelectric plant that Consolidated Edison planned to build on the west side of the Hudson River at Storm King Mountain in Cornwall, New York.

The Court stated that “[t]he Storm King project is to be located in an area of unique beauty and major historical significance. The highlands and gorge of the Hudson offer one of the finest pieces of river scenery in the world. The great German traveler Baedeker called it ‘finer than the Rhine.’ Petitioners’ contention that the Commission must take these factors into consideration in evaluating the Storm King project is justified by the history of the Federal Power Act.”<sup>37</sup> The Court made a significant ruling regarding standing. The Court held those who by their activities and conduct have exhibited a special interest in the aesthetic, conservational, and recreational aspects of power development, must be held to be included in the class of “aggrieved” parties under 16 USC s. 825(b).<sup>38</sup> Thus, such a party has standing.

The proposed “Storm King project aroused grave concern among conservationist groups, adversely affected municipalities and various state and federal legislative units and administrative agencies.”<sup>39</sup> The Court, in a footnote, notes the activities of various interested groups and parties. Bills were introduced in Congress for the purpose of preserving the Hudson River and adjacent areas.<sup>40</sup> On May 10 and 11, 1965, the House of Representatives Subcommittee on Fisheries and Wildlife Conservation held hearings. House of Representatives , 89th Congress, 1st Sess., on Hudson River Spawning Grounds. In addition, on November 19 and 20, 1964, The New York Joint Legislative Committee on Natural Resources held hearings.<sup>41</sup>

This proceeding arose when the petitioners, the Scenic Hudson Preservation Conference, “an unincorporated association consisting of a number of non-profit, conservationist organizations, and the Towns of Cortlandt, Putnam Valley and Yorktown,” asked the Court pursuant to §313(b) of the Federal Power Act, 16 U.S.C. §825(b), “to set aside three orders of the respondent, the Federal Power Commission: (a) An order of March 9, 1965 granting a license to the intervener, the Consolidated Edison Company of New York, Inc., to construct a pumped storage hydroelectric project on the west side of the Hudson River at Storm King Mountain in Cornwall, New York; (b) An order of May 6, 1965 denying petitioners’ application for a rehearing of the March 9 order, and for the reopening of the proceeding to permit the introduction of additional evidence; (c) An order of May 6, 1965 denying joint motions filed by the petitioners to expand the scope of supplemental hearings to include consideration of the practicality and cost of underground transmission lines, and of the feasibility of any type of fish

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<sup>36</sup> *Id.*

<sup>37</sup> *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F.2d 608 (2d Cir. 1965).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> See *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F.2d 608 (2d Cir. 1965); see House Introduction No. H.R. 3012, 3918; Senate Introduction No. S 1386.

<sup>41</sup> See *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F.2d 608 (2d Cir. 1965); Preliminary Report on the Joint Legislative Committee on Natural Resources, On the Hudson River Valley and the Consolidated Edison Company Storm King Mountain Project (issued February 16, 1965).

protection device.”<sup>42</sup> The Second Circuit ruled that “[o]n remand, the Commission should take the whole fisheries question into consideration before deciding whether the Storm King project is to be licensed” and that “the Commission should reexamine all questions on which we have found the record insufficient and all related matters. The Commission’s renewed proceedings must include as a basic concern the preservation of natural beauty and of national historic shrines, keeping in mind that, in our affluent society, the cost of a project is only one of several factors to be considered. The record as it comes to us fails markedly to make out a case for the Storm King project on, among other matters, costs, public convenience and necessity, and absence of reasonable alternatives. Of course, the Commission should make every effort to expedite the new proceedings. Petitioners’ application pursuant to Federal Power Act §313(b), 16 U.S.C. §8251(b), to adduce additional evidence concerning alternatives to the Storm King project and cost and practicality of underground transmission facilities is granted. The licensing order of March 9 and the two orders of May 6 are set aside and the case remanded for further proceedings.”<sup>43</sup>

#### Orange County Entertainment Law – Woodstock Relocated

“Imagine being able to send a major concert event packing with just the stroke of a pen...Judge Joseph G. Owen did exactly that 50 years ago when, as the Town of Wallkill justice and a local lawyer, he drew up a law that put sewage and water restrictions on mass gatherings and sent a group of music concert promoters in search of another venue.”<sup>44</sup>

“Three weeks later, the Woodstock Music and Art Fair kicked off its ‘3 Days of Peace & Music’ at Max Yasgur’s Dairy Farm in the Sullivan County town of Bethel.”<sup>45</sup>

“‘In the early part of June in 1969, the Wallkill town supervisor told me that there were going to be 40,000 hippies invading the area in August,’ Owen remembers. ‘I didn’t think too much of it and I went on vacation in Palm Beach with my family.’”<sup>46</sup> “‘I’m on the beach in Florida and I look up and see a plane towing a banner that says: ‘Come to the Woodstock Festival in Wallkill, N.Y.’”<sup>47</sup> “‘When I saw that, I thought ‘This is going to be a lot bigger than 40,000 people,’ he says. ‘So I cut my vacation short and came back home and found that the Town of Wallkill didn’t have any statute that regulated a gathering of that many people.’”<sup>48</sup> “‘The concert was planned for Blumel Road, and there was no water or sewer out there,’ Owen says. ‘We felt it would be a disaster, so I drafted a law regulating large gatherings for over 5,000 people.’”<sup>49</sup> “‘The proposed law provided for water, sewer, sanitation and police protection for large gatherings, plus a \$10 million bond to take care of any damages,’ he says. ‘We had a public hearing in July and it passed, and we took it to Albany the next day and it became law.’”<sup>50</sup>

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<sup>42</sup> *Scenic Hudson Preservation Conference v. Federal Power Commission*, 354 F.2d 608 (2d Cir. 1965).

<sup>43</sup> *Id.*

<sup>44</sup> The Times Herald-Record, April 28, 2019, John DeSanto, “845 Life: Wallkill judge sent the Woodstock fest packing in 1969.”

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

“‘In the meantime, I’m talking to their lawyers and telling them they should investigate Ulster or Sullivan counties where there was more land,’ he says. ‘We got a stop-work order but they continued. So, we got an injunction to arrest the promoters, and at that point their lawyers told me they decided to move it to Sullivan County.’”<sup>51</sup>

### *The Brink’s Robbery and Triple Murder Trial*

“On October 20, 1981, in the course of a robbery at the Nanuet Mall in Rockland County, a Brink’s security guard was killed. Shortly thereafter, while attempting to apprehend the suspected perpetrators, two Rockland County police officers were also shot and killed.”<sup>52</sup> The Court had “to determine whether this is one of the exceptional cases in which a pre-voir dire change of venue should be ordered.”<sup>53</sup>

The Appellate Division, Second Department, stated “[i]t should be noted that, even in the face of the evidence submitted, we do not here conclude that under no circumstances could a fair and impartial jury to hear this case be found in Rockland County. Nevertheless, as demonstrated by the record before us, the process of jury selection in Rockland County, which will undoubtedly be both protracted and burdensome, will in all likelihood prove futile. In such cases, a pre-voir dire change of venue is often advisable.”<sup>54</sup>

In *People v. Boudin*, 90 A.D. 2d 253 (2d Dept. 1982), the Appellate Division, Second Department, ruled “the action under consolidated Rockland County Indictments Nos. 81-285 and 82-6, as against all defendants named therein, shall be removed from the County Court of Rockland to the County Court of Orange County.” The Court removed the matter to Orange County because “[i]t both affords a convenient, nearby locale and provides an opportunity for adequate security for the trial. Moreover, according to the latest United States census, Orange County and Rockland County have populations of almost identical size, with racial and age breakdowns which are markedly similar.”<sup>55</sup>

The trial was held in 1983 at the Orange County Surrogate’s Court, located at 30 Park Place, Goshen, New York; and Middletown, New York native, then Orange County Court Judge, the Hon. David S. Ritter, “presided over the highly publicized Brink’s robbery and triple murder trial.”<sup>56</sup>

### *Orange County, NY Municipal Law Precedent: Municipal Home Rule -v- Overriding State-wide Concern*

In *Perales v. Heimbach*, the Respondent, New York State Social Services Commissioner, filed an Article 78 proceeding (N.Y. C.P.L.R. Art. 78), to compel appellants, County Executive and County Legislature, to appoint a county social services commissioner and to obtain a judgment declaring Local Laws 1982, No. 3 of Orange County, “invalid to the extent that it

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<sup>51</sup> Id.

<sup>52</sup> *People v. Boudin*, 90 A.D. 2d 253 (2d Dept. 1982).

<sup>53</sup> Id.

<sup>54</sup> Id.

<sup>55</sup> Id.

<sup>56</sup> <https://history.nycourts.gov/biography/david-s-ritter/>

provides that the Commissioner of Social Services of Orange County shall serve at the pleasure of the County Executive.”<sup>57</sup>

Appellants, County Executive and County Legislature, appealed from an August 5, 1988 judgment of the Supreme Court, Orange County (J. Hickman), “which (1) granted the petition in its entirety, (2) directed Louis Heimbach, as the Orange County Executive, to appoint a Commissioner of Social Services of Orange County for a term of five years in accordance with Social Services Law §116, (3) declared that Local Laws 1982, No. 3 of Orange County, is invalid to the extent that it provides that the Commissioner of Social Services of Orange County shall serve at the pleasure of the County Executive, and (4) denied the respondents-defendants’ motion to dismiss the hybrid proceeding and action.”<sup>58</sup>

“The appeal of the order granting the petition was not moot even though a county social services commissioner had been appointed in the interim because the state social services commissioner had not been informed of the candidate’s qualifications prior to the appointment and had not yet approved the appointment.”<sup>59</sup>

The Second Department affirmed the Supreme Court’s judgment. “[W]hile constitutional and statutory municipal home rule concerns have as their goal the prevention of unwarranted and possibly detrimental interference by the State in local affairs (*see, generally, City of New York v. State of New York*, 76 NY 2d 479), the home rule powers are not implicated where, as here, the legislation is of overriding State-wide concern (*see, Matter of Kelley v. McGee*, 57 NY 2d 522; *Carey v. Oswego County Legislature*, 91 AD 2d 62, *affd* 59 NY 2d 847). Moreover, insofar as Local Laws, 1982, No. 3 of Orange County, provides that the Commissioner of Social Services for the county shall serve at the pleasure of the County Executive, it is inconsistent with and superseded by the requirement of Social Services Law §116(1) that the appointment of a local commissioner be for a term of five years. Accordingly, the Supreme Court acted properly in declaring that portion of the local law to be invalid and in directing the appellant Orange County Executive to appoint a Commissioner of Social Services for the county for a term of five years. The appointment must be made in accordance with Social Services Law §116 as well as the applicable regulations of the State Commissioner (*see*, 18 NYCRR part 679).”

A motion for leave to appeal to the Court of Appeals was made. “Motion for leave to appeal denied with one hundred dollars costs and disbursements necessary for reproduction of memorandum in opposition only.”<sup>60</sup>

#### *Tension Between the Executive and Legislative Branches of County Government over the County’s Landfill*

“The Orange County Legislature (the ‘Legislature’) appeals from an order entered March 18, 1993 in the United States District Court for the Southern District of New York, Gerard L. Goettel, *Judge*, that denied the Legislature’s motion to intervene in this action in order to appeal a decision that Orange County’s use of a landfill without a permit from the Army Corps of Engineers violated the Clean Water Act, 33 U.S.C. §1251 (1988) *et seq.* The county attorney,

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<sup>57</sup> *Perales v. Heimbach*, 166 A.D. 2d 707 (2d Dept. 1990).

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

acting at the direction of the county executive, declined to take the appeal. The Legislature contends that the district court erred in holding that the Legislature: (1) did not have independent standing to intervene; and (2) failed to meet the requirements for intervention as of right under Fed.R.Civ.P 24(a)(2).”<sup>61</sup>

The Second Circuit affirmed the Southern of District of New York “for substantially the reasons stated by Judge Goettel in his thorough opinion.”<sup>62</sup> In doing so, we note the Legislature’s concession at oral argument that there was no collusion between the county executive and the plaintiffs regarding the county executive’s decision not to appeal the district court’s order. We also take care to specify that the county executive’s authority to direct the conduct of this litigation is necessarily checked and balanced by the Legislature’s fiscal and policy powers. *See, e.g., N.Y. County Law §226-b (McKinney 1991).*”<sup>63</sup>

### *A Serial Killer in Orange County*

Nathaniel White was convicted of murdering five women and a fourteen (14) year old girl by an Orange County jury in 1993.<sup>64</sup>

Two of the victims’ bodies were found at a farmhouse on Harriman Drive, Goshen, New York.<sup>65</sup> On August 4, 1992, the bodies of victims Angelina Hopkins and Brenda Whiteside, “were found at the house, which is located near South Street, about six-tenths of a mile from the former Arden Hill Hospital in the Village of Goshen.”<sup>66</sup> In 2015, “it [the farmhouse] burned to the ground.”<sup>67</sup>

On Wednesday, April 14, 1993, at 4:30, an Orange County jury made their decision and there was a verdict.<sup>68</sup> “He murdered five women and one 14-year-old girl.”<sup>69</sup>

“The court clerk asks, How do you find the defendant on the charge of intentionally causing the death of Julianna Frank? ‘Guilty.’ On the charge of intentionally causing the death of Laurette Reviere Huggins? ‘Guilty.’ Of intentionally causing the death of Angelina Hopkins? ‘Guilty.’ Of causing the death of Brenda L. Whiteside? ‘Guilty.’ Causing the death of Adraine Hunter? ‘Guilty.’ The death of Christine M. Klebbe? ‘Guilty.’ The jury foreman spoke the only six words anyone need know about Nathaniel White.”<sup>70</sup>

Nathaniel White is serving a 150-year term at a New York State correctional facility.<sup>71</sup>

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<sup>61</sup> *Orange Environment, Inc. v. Orange County Legislature*, 2 F.3d 1235 (2d Cir. 1993).

<sup>62</sup> *See id.*

<sup>63</sup> *Id.*

<sup>64</sup> The Times Herald-Record, January 15, 2007 (posted), Mike Levine, “Six Words Tell All About Nathaniel White.”

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* and Inmate Lookup – NYS Department of Corrections and Community Supervision.

First Amendment/Establishment Clause case from Orange County goes to the U.S. Supreme Court

“The Satmar Hasidic sect takes its name from the town near the Hungarian and Romanian border where, in the early years of this century [20th Century], Grand Rebbe Joel Teitelbaum molded the group into a distinct community. After World War II and the destruction of much of European Jewry, the Grand Rebbe and most of his surviving followers moved to the Williamsburg section of Brooklyn, New York.”<sup>72</sup> Then about 20 years prior to the Court’s decision in *Board of Education v. Grumet*, 512 U.S. 687 (1994), “the Satmars purchased an approved but undeveloped subdivision in the town of Monroe and began assembling the community that has since become the village of Kiryas Joel. When a zoning dispute arose in the course of settlement, the Satmars presented the Town Board of Monroe with a petition to form a new village within the town, a right that New York’s Village Law gives almost any group of residents who satisfy certain procedural niceties. See N.Y. Village Law, Art. 2 (McKinney 1973 and Supp. 1994).”<sup>73</sup>

The New York State Legislature passed a statute (1989 N.Y. Laws, ch. 748), which “empowered a locally elected board of education to take such action as opening schools and closing them, hiring teachers, prescribing textbooks, establishing disciplinary rules, and raising property taxes to fund operations. N.Y. Educ. Law §1709 (McKinney 1988).”<sup>74</sup> Before the new district began operations, this action was brought alleging that the new statute was unconstitutional under the Establishment Clause of the First Amendment, U.S. Const. amend. I. On writ of certiorari, the Court affirmed the judgment of the Court of Appeals of the State of New York, holding that the statute departed from a course of neutrality toward religion by delegating the state’s discretionary authority over public schools to a group defined by its character as a religious community, in a context that gave no assurance that government power had been or would be exercised neutrally.<sup>75</sup>

Murder Conviction without a Body

In 2000, for the first time in Orange County’s history, “prosecutors have secured a murder conviction without having the victim’s body.”<sup>76</sup> “After a four-week trial, the jury of 10 men and two women deliberated just over eight hours. The courtroom was ringed by close to 30 sheriff’s deputies and court officers. But the defendants [Gregory Chrysler and Lawrence Weygant] sat silently and still as the verdicts were read.”<sup>77</sup> “The case was a difficult one for prosecutors. They had no body, no weapon and no eyewitnesses. Only the recent case of Irene Silverman in Manhattan garnered a conviction under similar circumstances.”<sup>78</sup>

Lawrence Weygant appealed “from a judgment of the County Court, Orange County (Berry, J.), rendered October 12, 2000, convicting him of murder in the second degree,

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<sup>72</sup> *Board of Education v. Grumet*, 512 U.S. 687 (1994).

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> The Times Herald-Record, July 14, 2000, Timothy O’Connor, “Two men guilty in Pendino murder case.”

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

conspiracy in the second degree, and conspiracy in the fifth degree, upon a jury verdict.”<sup>79</sup> The Second Department “[o]rdered that the judgment is affirmed.”<sup>80</sup> Lawrence Weygant tried to go to the Court of Appeals; but Lawrence Weygant’s leave to appeal was denied,<sup>81</sup> and the motion for reconsideration of the denial was also denied.<sup>82</sup>

Gregory Chrysler appealed “from a judgment of the County Court, Orange County (Berry, J.), rendered September 13, 2000, convicting him of murder in the second degree, conspiracy in the second degree, and conspiracy in the fifth degree, upon a jury verdict.”<sup>83</sup> The Second Department “[o]rdered that the judgment is affirmed.”<sup>84</sup>

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<sup>79</sup> *People v. Weygant*, 13 AD 3d 563 (2d Dept. 2004).

<sup>80</sup> *Id.*

<sup>81</sup> *People v. Weygant*, 4 NY 3d 837 (2005).

<sup>82</sup> *Id.*

<sup>83</sup> *People v. Chrysler*, 13 AD 3d 550 (2d Dept. 2004).

<sup>84</sup> *Id.*

## 5. COUNTY RESOURCES

### a. COUNTY LEGAL RECORDS

#### Orange County Surrogate's Court Records on File<sup>85</sup>

Prior to the establishment of the New York State Surrogate's Court, jurisdiction over probate matters was exercised by the Colonial Prerogative Court, and its successor, the Court of Probates. The State Archives holds records of the Prerogative's Court for the period of 1665-1783 and the Court of Probates for the period 1778-1823.

Orange County Surrogate's Court maintains the following records onsite:

• Wills and Probate Decrees	1787-1991	Libers A-Z and 27-218
• Letters and Testamentary	1837-1982	Libers A-Z and 27-79
• Original Wills	1847-1914	Stored in Cylinders
• Administration CTA Proceedings	1938-1945	Stored in Cylinders
• Letters of Administration CTA	1871-1993	Libers A-F
• Testamentary Trustees Appointed	1924-1967	Liber 1
• Letters of Testamentary Trusteeship	1928-1993	Libers 1-6
• Administration Proceedings	1823-1969	Stored in Cylinders
• Letters of Administration	1787-1992	Libers A-Z and 27-57
• Orders of Administration	1858-1992	Libers A-Z and 27-31
• Temporary Administration	1872-1965	Libers A
• Administrator's Bond Records	1808-1939	Stored in Cylinders
	1890-1941	Liber 1-68
• Guardianship Proceedings	1802-1932	Stored in Cylinders
• Guardianship Bonds	1802-1929	Stored in Cylinders and Libers 1-6
• Orders Appointing Guardians	1932-1993	Libers 1-5
• Letters of Guardianship	1823-1993	Libers A-W and 1-5
• Annual Accountings of Guardians	1838-1950	Stored in Cylinders
• Decrees (Accounting)	1831-1964	Libers A-Z and 27-83
• Misc. Petitions, Orders & Decrees	1868-1959	Stored in Cylinders
• Miscellaneous Orders	1869-1993	Libers 1-64
• Inventory of Assets	1782-1954	Stored in Cylinders
• Minutes from Court Proceedings	1888-1994	Libers 1-45
• Transfer Tax Records	1889-1996	Stored in Cylinders
• Notice of Election	1933-1987	Libers 1-3

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<sup>85</sup> Prepared by Amy Miller, Chief Clerk of the Orange County Surrogate's Court.

**1939-Present *Estates are assigned File Numbers and Indexed by name***

- Estate and Guardianship Records      1939-1940      on Microfiche
- Estate and Guardianship Records      1941-1961      on Microfilm
- Estate and Guardianship Records      1962-Present      Paper Files and stored digitally in UCMS
- Estate Records      2017-Present      E-Filed records are only available for viewing in UCMS

Estate records include: Probate, Administration, Voluntary Administration and numerous miscellaneous proceedings, including but not limited to Accounting, Wrongful Death, and Discovery proceedings. Guardianship records include guardianship proceedings outlined under Article 17 of the Surrogate's Court Procedure Act.

This Court also maintains the following secured records: Original Wills for Safekeeping and Adoption records. *These documents are not available for public viewing.*

## Orange County Supreme Court & County Court Records<sup>86</sup>

### Records located at the County Clerk's Office

- Matrimonial, Civil, Criminal, Conservatorships, Lunacy, Miscellaneous Court Papers: 2001-Present
- Docket Lis Pendens: 1823-Present
- Supreme Court Minutes: 1852-1993
- Records of Conviction: 1871-1952
- County Court: 1942-1993
- Adoption Orders: 1943-1970

*Contact the County Clerk's Court Paper office at 845-291-3286 to arrange for access to these records, which may be viewed to the extent permitted by law.*

### Records located in Orange County Records Management Center

- Matrimonial, Civil, Criminal, Conservatorships, Lunacy (1987), Miscellaneous Court Papers: 1985-2000

*These records are not open to the public at this site and must be requested with the County Clerk's Court Paper office at: 845-291-3286, which may be viewed to the extent permitted by law.*

### Records located in Archives

- Common Pleas: 1700-1800
- Supreme Court Minutes: 1750-1916
- Indictments: 1755-1966
- Oyer & Terminer Indexes: 1787-1854
- Bail Records: 1798-1813
- Miscellaneous Court Papers: 1800-1905
- Testimonies: 1800-1970
- Insolvent: 1811-1888
- Referee Report of Sale: 1813-1902
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- Supreme Court Judgment Book: 1854-1951
- Convictions: 1860-1954
- County Court Minutes: 1871-1938
- Stipulations: 1878-1907
- Money Judgment: 1900-1931
- Lunacy: 1880-1986
- Supreme Court Files (Matrimonial, Civil, Criminal, Conservatorships): 1902-1984

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<sup>86</sup> Prepared by Kelly A. Eskew, Deputy County Clerk.

- Motions: 1973-1982
- Transcripts of Judgments: 1919-1986

*These records are not open to the public at this site and must be requested with the County Clerk's Court Paper office at: 845-291-3286, which may be viewed to the extent permitted by law.*

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### Individual Contributors:

James G. Sweeney, Esq. Orange County Attorney, 1978-1989 Francis D. Phillips, Esq. Orange County District Attorney, 1986-2013 Michelle Figliomini, President, Orange County Historical Society  
Orange County Historians and Historical Societies

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## INDEX TO JAMES G. SWEENEY MAP CASE

### Drawer No. 1

USGS maps (old and new)

Harriman State Park (Bear Mountain) trail maps

### Drawer No. 2

Misc., old deeds and documents (Fowler, Webb, etc.)

Clinton's "Marble Book"

### Drawer No. 3        empty

### Drawer No. 4

1876 Rockland County Atlas

Guthorn's Maps of the Revolution Sauthier's 1779 Map of the Province of NY

Erskine's untitled Map of the Clove and West Point area (c.1775) Johnson's 1886

Map of NY State

Sheppard's 1825 Map of NY and p/o of Canada

### Drawer No. 5

Orange Turnpike Map and Notes

1886 Map of Sussex Co., NJ

### Drawer No. 6

Misc. Maps (not organized)

Cheesecock Patent Maps

1775 Montessor Map of the Colony of NY (Orange Co. Section)

Appalachian Trail Maps (in Mombasha Lake area)

Erskine's Maps 1777-1779

Harriman land maps

Rockland County maps

### Drawer No. 7

Sterling Forest Maps

### Drawer No. 8

Misc. historical "stuff" (unorganized)

Historical newspapers

### Drawer No. 9

Historical newspapers, cont'd

as of 3/17/07

rev. 2/15/13

## **JGS "CATALOGUE" OF BOOKS RE: HISTORY**

### **NEW YORK COLONIAL AND EARLY STATE HISTORY**

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## JGS FILE INDEX

### FILE NO.    CONTENT

1. JOS's bibliography re: the history of the Monroe area (1650-1955) last revised 2007)  
Contains extensive and important reference materials (primary and secondary) both print materials and maps
2. Charles Clinton's "Marble Book" exact and complete typewritten copy including the several distributions of lots among the partners (this is a copy done, I believe, by Fred L. Knight in the 1920's)
3. Notes re: the Cheescock Patent  
Includes copies of the original documents in script and transcribed, also biographies of original proprietors and subsequent partners, origin of the name, JGS's essay re: same, and important background materials
4. Wawayanda vs Cheescock Proceedings 1785  
Includes Burr's, L'Hommedieu and Hamilton's trial notes; JGS's essays re: same, and important background materials
5. Burr's letters from Cheescock Proceedings 1785  
Includes JGS's essay re: same
6. Notes re: the Greenwood Tract (Arden/Parrot), the O'Neal Mine, and the "Iron Lot" of the Cheescock Patent.
7. Aaron Burr "The Conspiracy Cases" and cases involving both Burr and Hamilton

8. Notes re: the history of Sterling Forest

Includes JGS's essay re: same and important background materials

9. Notes re: early roads and turnpikes in the Monroe area

Includes notes re: (1) The original Clove Road (and JGS's essay re: same); (2) The Orange Turnpike; (3) The Monroe -Haverstraw Turnpike; (4) The Bellvale -Monroe Turnpike; (5) The O'Neal Mine Road; (6) The Dunderberg-Clove Turnpike; (7) The New Windsor to Cornwall Turnpike (part of the Clove Road); (8) The Goshen Road; and (9) the laws re: the formation of and dissolution of turnpikes in general.

10. Judicial opinions involving Monroe area

Includes the key opinions re: Mombasha and Walton Lake.

11. Notes re: the Monroe-Tuxedo-Warwick boundary line and JGS's report re: same

12. Notes re: the "Gore Wars" between NY and NJ over boundary

13. Notes re: the name of the Town of Monroe-Munroe

Includes JGS several essays re: same and important background materials

14. Notes re: the "Undivided 485 acres" of the Sterling Forest tract.

15 Notes re: the diary of William "Bill" Noxon of NYC and Monroe (1900- 1928) "the diarist"

16. Miscellaneous files:

A. Miscellaneous correspondence

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B. Village of Monroe Centennial 1994

C. "History of Orange County" JGS lecture notes

D. Notes re: the Evans Patent.

E. Misc. materials from Roscoe W. Smith files

F. Notes re: Thomas Smith of Woodbury Clove (the man who gave his name to "Smith's Clove")

G. Extracts from the Gazetteers of 1813, 1824, 1836 and 1860 re: Munroe -Monroe

H. The letters of Grant Bradley

I. The John Brooks address of July 4, 1808 and JGS's essay re: same

J. Notes re: the Thompson farm house a/k/a the Hinman Barret House on Schunnemunk and Forrest Road (Includes Thompson family genealogy)

K. Notes re: Thomas Benton Brooks (1836-1900)

Last revised January 23, 2014

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Response	Alpha Place Name	Municipality	Last Name	First Name	Address 1	Address 2
	Chester	Town of Chester	Patrick	Clifton	119 Brookside Avenue	N/A
	Chester	Village of Chester	Horn	Lorraine		
	Cornwall on Hudson	Village of Cornwall-on-Hudson	Christensen	Kathleen	Village Hall	325 Hudson Street
	Deerpark	Town of Deerpark	Burns	Lynn	25 Grange Road	PO Box 621
	Florida	Village of Florida	Scott	Bob	Florida Village Hall	P.O. Box 505
	Goshen	Village of Goshen	Connor	Edward	Village Hall	276 Main Street
	Goshen	Town of Goshen	Figliomeni	Michelle	41 Webster Avenue - 1st floor	P. O. Box 217
	Greenville	Town of Greenville	Ewanciw	Peter	Greenville Town Historian	1537 U. S. Highway 6
	Greenwood Lake	Village of Greenwood Lake	Ludmerer	Victor	Greenwood Lake Village Hall	P. O. Box 7
	Hamptonburgh	Town of Hamptonburgh	Gramm	John		2819 State St. 207
	Harriman	Village of Harriman	Escallier	Irma		1 Church St.
	Highlands	Village of Highland Falls & Town of Highlands	Bailey	Stella	Village Hall	303 Main St.
	Middletown	City of Middletown	Laskaris	Peter	City of Middletown	146 West Main Street
	Minisink	Town of Minisink	Gurdineer	Teresa	PO Box 112	N/A
	Monroe	Town of Monroe	Nelson	James	Town of Monroe Historian	1465 Orange Turnpike
	Monroe	Village of Monroe	Burroughs	Linda	4 Stage Road	N/A
	Montgomery	Town of Montgomery	St. Patrick	Linda	1420 Clinton St.	
	Montgomery	Village of Montgomery	St. Patrick	Linda	1420 Clinton St.	
	Mount Hope	Town of Mount Hope	Craig	Nancie	Mount Hope Town Hall	Rt. 211 W.
	New Windsor	Town of New Windsor	Marshall	Glenn	555 Union Avenue	N/A
	Newburgh	City of Newburgh	McTamey	Mary	123 Grand Street	N/A
	Newburgh	Town of Newburgh	Santacroce	Joseph	1496 Route 300	N/A
	Orange County	Orange County	Yaun	Johanna	1841 Courthouse	101 Main Street
	Unionville	Village of Unionville	Edwards	Dean	P. O. Box 422 (or Village Hall P. O. Box 148)	

City	State	Zip	Email	Phone	Notes
Chester	NY	10918	historian@thetownofchester.org	845-469-7645	
Chester	NY		lorneh@optonline.net		
Cornwall-on-Hudson	NY	12520	historian@cornwall-on-hudson.org	845-534-4200	
Huguenot	NY	12746	deerparkhistorian1863@gmail.com	845-856-2702	also historical society?
Florida	NY	10921	rbs111@optimum.net		formerly William Pillmeier, who ne
Goshen	NY	10924	edwardpconnor@gmail.com	845-294-6750	
Goshen	NY	10924	thefigs@frontiernet.net		Also Orange County Historical Soc
Port Jervis	NY	12771	townclerk@optonline.net	Town Clerk will forward queries	
Greenwood Lake	NY	10925	victorhud@gmail.com	845-477-9215	
Campbell Hall	NY	10918	call after 6	845 427 2760	
Harriman	NY	12926f	deputyclerk@villageofharriman.org	845 783 4421	Clerk will forward email
Town of Highlands	NY	10928	sbailey@highlandfallsny.org	845 446 0400	also Town of Highlands Historical;
Middletown	NY	10940	historian@frontiernet.net	845-343-6434	also Historical Society of Middleto Precinct
Westtown	NY	10998	teresa.gurdineer.minisink@gmail.com	845-754-4786	
Monroe	NY	10950	ianelson39@yahoo.com	845-783-3406	
Monroe	NY	10950	Astro1@frontiernet.net		
Montgomery	NY	12540		845-457-0098	
Montgomery	NY	12549	No email	(845)457-5135	
Otisville	NY	10963	Left message 8/16	(845)386-1460 (town hall)	
New Windsor	NY	12553	historynw@aol.com	845-562-5782	
Newburgh	NY	12550	newburghhistory@usa.com	845-569-8090	
Newburgh	NY	12550	historian@townofnewburgh.org	845-564-4552	
Goshen	NY	10924	yaun@orangecountygov.com	845-360-6978	
Unionville	NY	10988	dovedwards2@hotmail.com	(845) 726-4321 or Village Hall (845) 726-3681	

Walden	Village of Walden	Mattise	Mary Ellen	54 Gladstone Avenue	N/A
Wallkill	Town of Wallkill	Deserto	Gwenn	Town Hall	99 Tower Dr. Bldg. A
Wallkill	Town of Wallkill	Hunt-Ingrassia	Dorothy	6 Lochinvar Ln.	
Warwick	Town of Warwick	Hull	Richard	92 Four Corners Road	N/A
Warwick	Village of Warwick	Jordan-Tulin	Ivy	2 Colonial Avenue	PO Box 353
Warwick	Town of Warwick	Gardner	Sue	Albert Wisner Public Library	1 McFarland Dr.
Washingtonville	Village of Washingtonville	Standish	Linda	9 Fairlawn Dr.	
Wawayanda	Town of Wawayanda	Horan	Edward	188 County Route 49	N/A
Woodbury	Town of Woodbury	Rose	Leslie	543 Rt. 32	P. O. Box 30
Blooming Grove	Town of Blooming Grove	Versweyeld	Jean		
Port Jervis	City of Port Jervis	Decker	Kelly		
Cornwall	Town of Cornwall	O'Dell	Mary Ann		
Monroe	Village of Kyras Joel			P. O. Box 56	
Montgomery	Village of Maybrook	Sparks	Darlene		
Otisville	Village of Otisville				
Monroe	Village of South Blooming Grove	Mullany	James		
Tuxedo	Village of Tuxedo Park	VACANT			
Tuxedo	Town of Tuxedo				

Walden	NY	12586	<a href="mailto:volunteer@frontier.net">volunteer@frontier.net</a>	845-692-4862	Assistant Historian
Middletown	NY	10941			Town Historian; Also Historical Ass
Middletown	NY	10941	<a href="mailto:towhistorian@frontier.net">towhistorian@frontier.net</a>		2 flyers
Warwick	NY	10990	<a href="mailto:afica@warwick.net">afica@warwick.net</a>	845-986-7803	
Warwick	NY	10990	<a href="mailto:lordan_tulin@hotmail.com">lordan_tulin@hotmail.com</a>	845-986-3236	
Warwick	NY	10990	<a href="mailto:warwickhistory@gmail.com">warwickhistory@gmail.com</a>	845-987-8917	Deputy Historian
Washingtonville	NY	10992	<a href="mailto:clerical@washingtonville-ny.gov">clerical@washingtonville-ny.gov</a>	(845) 496-3221	<a href="http://www.washingtonville-ny.gov">http://www.washingtonville-ny.gov</a>
Slate Hill	NY	10973	<a href="mailto:ed.horan@yahoo.com">ed.horan@yahoo.com</a>	845-699-1756	
Highland Mills	NY	10930	<a href="mailto:historian@woodburyhistoricalsociety.org">historian@woodburyhistoricalsociety.org</a>	845-928-6770	poss. Also Woodbury Historical So
			<a href="mailto:fwersweweld@hvc.rtr.com">fwersweweld@hvc.rtr.com</a>		
			<a href="mailto:pinymayor2@citlink.net">pinymayor2@citlink.net</a>		Mayor is acting historian as of 8/1
			<a href="mailto:historian@cornwallny.gov">historian@cornwallny.gov</a>		
Monroe	NY	10950			
			<a href="mailto:dsparks@wallkill.com">dsparks@wallkill.com</a>		Snail Mail Flyer
			<a href="mailto:villageclerk@villageofotitsville.com">villageclerk@villageofotitsville.com</a>		
			<a href="mailto:trusteemullany@villageofsouthbloomingtonnys.com">trusteemullany@villageofsouthbloomingtonnys.com</a>		

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Port Jervis	City of Port Jervis	Decker	Kelly		
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Monroe	Village of Kiryas Joel			P. O. Box 56	
Montgomery	Village of Maybrook	Sparks	Darlene		
Ottsville	Village of Ottsville				
Monroe	Village of South Blooming Grove	Mullany	James		
Tuxedo	Village of Tuxedo Park	VACANT			
Tuxedo	Town of Tuxedo				

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Warwick	NY	10990	<a href="mailto:ljordan_tulin@hotmail.com">ljordan_tulin@hotmail.com</a>	845-986-3236	
Warwick	NY	10990	<a href="mailto:warwickhistory@gmail.com">warwickhistory@gmail.com</a>	845-987-8917	Deputy Historian
Washingtonville	NY	10992	<a href="mailto:clerical@washingtonville-ny.gov">clerical@washingtonville-ny.gov</a>	(845) 496-3221	<a href="http://www.washingtonville-ny.gc">http://www.washingtonville-ny.gc</a>
Slate Hill	NY	10973	<a href="mailto:ed_horan@yahoo.com">ed_horan@yahoo.com</a>	845-699-1756	
Highland Mills	NY	10930	<a href="mailto:historian@woodburyhistoricalsociety.org">historian@woodburyhistoricalsociety.org</a>	845-928-6770	poss. Also Woodbury Historical So
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			<a href="mailto:Pinyamayor2@ctlink.net">Pinyamayor2@ctlink.net</a>		Mayor is acting historian as of 8/1
			<a href="mailto:historian@cornwallny.gov">historian@cornwallny.gov</a>		
Monroe	NY	10950			
			<a href="mailto:dsparks@wallkill.com">dsparks@wallkill.com</a>		Snail Mail Flyer
			<a href="mailto:villageclerk@villageofotisville.com">villageclerk@villageofotisville.com</a>		
			<a href="mailto:trusteemullan@villageofsouthbloomingtonnyc.com">trusteemullan@villageofsouthbloomingtonnyc.com</a>		