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Journal

FORMING A HISTORY SOCIETY FOR THE NEW YORK COURTS



Inside

**Public Employees' Speech Rights
Mediation in Commercial Cases
Proof of Service by Mail**

Preserving a Heritage

Historical Society Will Collect Records of New York's Courts

BY HOWARD F. ANGIONE

Spurred by a concern that irreplaceable records of the courts in New York are being lost, a group of prominent judges and attorneys have formed the Historical Society of the Courts of the State of New York.

The group, patterned after a similar society that has existed for many years to preserve the history of the U.S. Supreme Court, has received a charter from the New York State Board of Regents. It plans to locate the materials it is collecting at the Pace University School of Law in White Plains.

The officers are Albert M. Rosenblatt of the Court of Appeals, president; Richard J. Bartlett, the attorney who headed the commission that established a new penal law for the state in 1967, vice president; E. Frances Murray, the librarian at the Court of Appeals in Albany, secretary; and Stephen P. Younger of Patterson, Belknap, Webb & Tyler LLP in New York, treasurer.

Members of the board of trustees include Chief Judge Judith S. Kaye of the Court of Appeals, who traces the impetus for the project to the 1997 commemoration of the 150th anniversary of the Court of Appeals "when we

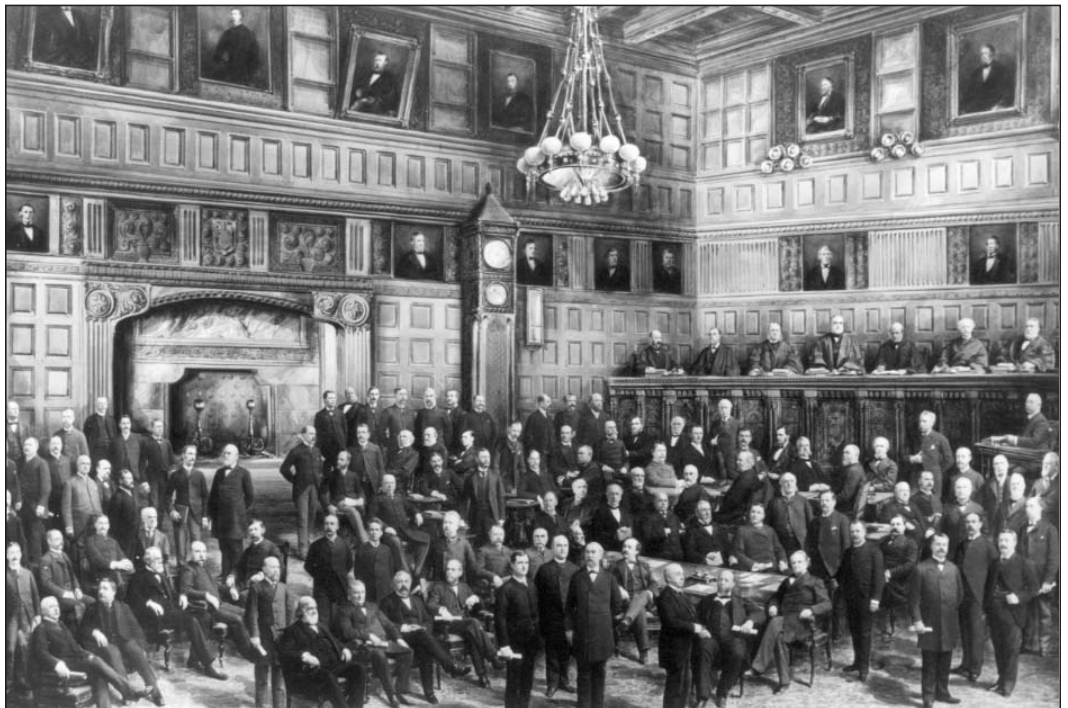
were shocked to realize how little of the history of the state's courts was being preserved and that opportunities to preserve personal recollections and memories were being lost every day."

Attorneys and judges from throughout the state are being invited to participate in the activities of the society. A program/membership committee is headed by Henry M. Greenberg of Couch White, LLP in Albany and Steven C. Krane of Proskauer Rose LLP in New York City, immediate past president of the New York State Bar Association.

A Web site describing the society's activities and acquisitions is being prepared and is expected to be available this fall, at www.courts.state.ny.us/history.

Recalling the efforts to commemorate the Court of Appeals' anniversary, Judge Kaye said, "We realized, for example, that we had portraits for only six of the eight judges of the original Court of Appeals. Fortunately Judge Rosenblatt was able to find a picture of Charles H. Ruggles and we found a distant nephew of Charles Gray who provided his portrait." The com-

In this photograph, members of the Court of Appeals in 1890-1892 are shown on the bench at the far right. In attendance at a ceremonial gathering were New York attorneys and dignitaries.



memorative project led eventually to the publication of a book, *There Shall Be a Court of Appeals*, a title taken from the language in Article VI, § 2 of the New York State Constitution in 1846.

The historical society is taking on a broader mandate to collect and preserve records of all courts throughout the state, providing background and the human stories that go beyond officially reported court decisions.

"We struggled mightily to put together our own history at the Court of Appeals," Judge Kaye said. "It made us realize that a concerted effort would be necessary to organize and record the history of the state's courts. To perpetuate our justice system, we need to know and understand its roots. We want to provide a resource where everyone—attorneys, historians, students, and the public—can explore how our court system has evolved."

Concluding her thoughts on a lighter note, Judge Kaye added, "And besides, it's fun!"

Judge Rosenblatt said he hopes the project will help to show future generations what life and law were like up through the dawning of this new millennium. "We should not disappoint them," he said. "Perhaps if we help them understand us and our forebears, they can improve on what we all have done. We want to save what is about to be lost, assemble what we have, and make a tableau for the future."

He noted that, as a starting point, the society is fortunate to have access to some "great riches," including a minute book for the New York State Supreme Court that survives in a library in Flushing and contains material dating back to the establishment of that court in 1691. Other items available include intact blueprints of New York City Hall, which was completed in 1703 and

served as the site of the Peter Zenger trial, and a roll of New York lawyers that bears the signature of Alexander Hamilton. And then there are "the riches we have yet to discover—the documents and relics that will turn up once we cast the net."

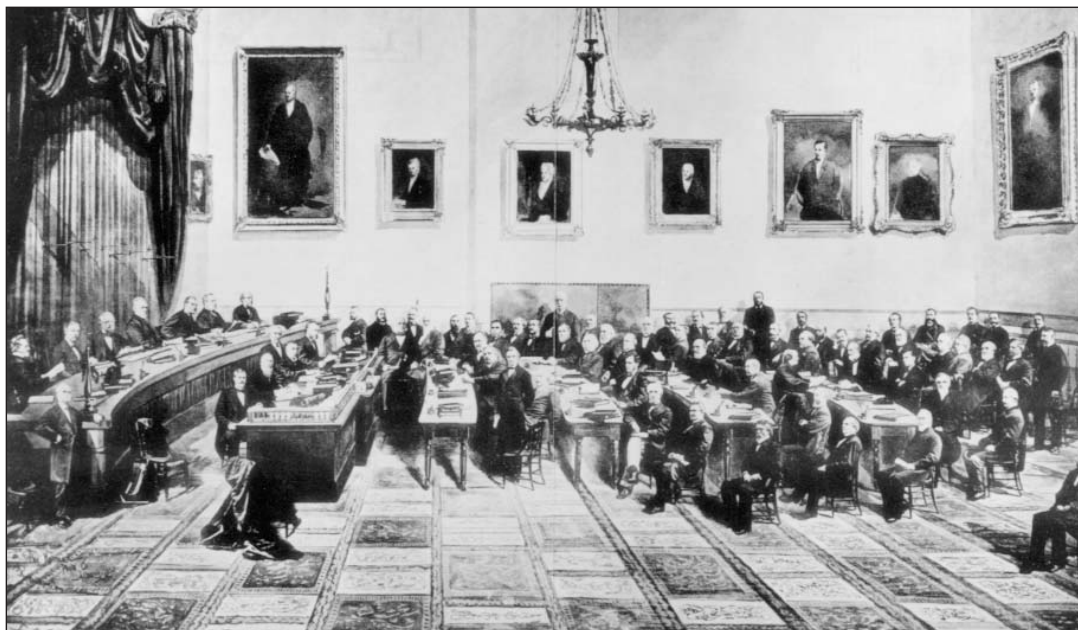
Turning philosophical, Judge Rosenblatt reflected that computers and cameras now make it possible to record historical events, but they have "very little imagination and no soul. In this respect, humans have it all over their computers and cameras, but human beings have a serious shortcoming: when the heart stops beating, the mind's memory bank is lost forever. Herodotus, Thucydides, Plutarch, Josephus, The Venerable Bede and James Boswell each had his own extraordinary talent and a capacity for detail and perspective. But there is one thing they have in common—an achievement so extraordinary that we are forever in their debt: they wrote things down."

Trustees of the society, in addition to the officers and Judge Kaye, are Barbara A. Brinkley, Stuart M. Cohen, Norman Goodman, John D. Gordan III, Henry M. Greenberg, Andrew L. Kaufman, Steven C. Krane, Jonathan Lippman, E. Leo Milonas, M. Catherine Richardson, Leon Silverman, Christine W. Ward and William M. Wiecek.

Shown below are samples of some of the photographs being assembled by the society.

Anyone interested in participating in the society's activities will find an application for membership on the Web site. Questions may also be directed to Joann Dean at Pace University School of Law, (914) 682-3222.

HOWARD F. ANGIONE is the editor of the *Journal*.



This 1878 photograph depicts members of the bar in the first courtroom used by the Court of Appeals. Shown at the tables are five former judges of the Court of Appeals, numerous current and former judges of the Supreme Court, and prominent lawyers from throughout the state.