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Courts—featuring stories
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opportunities in and around
the New York State courts.
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and months.



**Second Department
Employees Honored with
Newly Established Award**

Seven employees of the Appellate Division, Second Department, were honored in November with the Department's first annual Milton Mollen Commitment to Excellence Award, named for its former, long-serving Presiding Justice (January 1978 to March 1990), now of counsel to Herrick, Feinstein LLP. A spry nonagenarian, the Hon. Milton Mollen was on hand to congratulate the award winners during a ceremony held in the stately Appellate Division courthouse at 45 Monroe Place in Brooklyn.

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**Thurgood Marshall:
“Mr. Civil Rights”**

The Supreme Court Historical Society and The Historical Society of the Courts of the State of New York hosted a tribute in February, in commemoration of Black History Month, to trailblazer Thurgood Marshall, the first African American to sit on both the Court of Appeals, Second Circuit—which comprises New York, Connecticut and Vermont—and the U.S. Supreme Court, joining the former in 1961 and the latter in 1967.

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Among the recipients of this prestigious honor were Izetta Johnson, a senior management analyst in Kings County; Maria-Alana Recine, a court attorney referee in the Ninth Judicial District; Sharon Levy, a senior court officer in Nassau County; Bonnie Schmitt, a principal LAN administrator in Suffolk County; Arthur Bowden and Jane Lincoln, case management coordinators in Queens and Richmond counties, respectively; and Lorraine Benton-Horne, an associate appellate court clerk. The honorees represent each of the six judicial districts within the Second Department, which comprises Dutchess, Kings, Nassau, Queens, Orange, Putnam, Richmond, Rockland, Suffolk and Westchester counties.

Chief Administrative Judge and former Second Department Presiding Justice A. Gail Prudenti, who established the Milton Mollen Commitment to Excellence Award, discussed its significance prior to the presentation ceremony. "This award recognizes the achievements and efforts of employees in the Second Department who have demonstrated the highest level of professionalism, dedication and service—qualities personified by the eminent Milton Mollen," she said. "It gives us the opportunity to pay homage to Justice Mollen, and to honor the unsung heroes in our court system and let them know how much we value their contributions."

The award presentation was preceded by tributes from a long list of distinguished jurists and public officials who have worked with Justice Mollen over the years, including former New York City Mayor David Dinkins, who as mayor appointed Mollen to lead a commission to investigate police corruption; Guy James Mangano, also a former Presiding Justice of the Second Department, who endearingly referred to his colleague as "the energizer bunny who has been beating the drum for 91 years"; Kings County District Attorney Charles Hynes; and Betty Weinberg Ellerin, former Presiding Justice of the First Department.



From left to right: A. Gail Prudenti, Chief Administrative Judge of the Courts of New York State; Milton Mollen; Jonathan Lippman, Chief Judge of the State of New York
Photo credit: Rick Kopstein

Thurgood Marshall: “Mr. Civil Rights”



From left to right: Jonathan Lippman, Chief Judge of the State of New York; Sonia Sotomayor, Associate Justice of the Supreme Court of the U.S.; Professor Randall L. Kennedy; Judith S. Kaye, Former Chief Judge of the State of New York; George Bundy Smith, former Associate Judge of the New York State Court of Appeals; Albert M. Rosenblatt, President, The Historical Society of the Courts of the State of New York

Photo credit: Rick Kopstein

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New York State Chief Judge Jonathan Lippman and former Chief Judge Judith Kaye introduced the event, part two of the series, “Nominated from New York: The Empire State’s Contributions to the Supreme Court Bench,” held at the New York City Bar Association’s headquarters in mid-Manhattan.

U.S. Supreme Court Associate Justice Sonia Sotomayor welcomed the keynote speaker, Professor Randall L. Kennedy of Harvard Law School, who clerked for Marshall in the early 80s. Describing Marshall as “the embodiment of the American dream for a just society,” Justice Sotomayor called him “one of our own,” also reminding the audience that there are currently four Supreme Court justices from New York State. “He opened an era of change and opened the door for a kid of Puerto Rican heritage like me to become a Supreme Court justice,” she said.

Professor Kennedy discussed Marshall’s early years, during which he worked primarily as a civil rights lawyer, becoming the lead attorney for the NAACP and earning the nickname “Mr. Civil Rights” for his passionate pursuit of equal justice.

In 1940, Marshall made his first appearance before the U.S. Supreme Court, representing four black men who had been sentenced to death as a result of coercive interrogation. He won a unanimous reversal for them. Six years later, he represented Irene Morgan v. the State of Virginia. Miss Morgan had been asked to get off a bus traveling interstate to make way for white passengers. According to Virginia law at the time, this was considered a legitimate request. But, because the travel was interstate, Marshall argued, the laws governing Virginia were invalid. He won another seminal case.

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Marshall led the most effective campaign of social reform litigation in history, said Kennedy. In 1936, in *Murray v. Pearson*, he represented Donald Murray, who sought entry to the University of Maryland Law School, from which Marshall himself had been excluded because of his race. This case was one of the first to fight state laws establishing “separate but equal” public schools for black and white students. Marshall argued that “since the State of Maryland had not

provided a comparable law school for blacks that Murray should be allowed to attend the white university.”

“For us, the heirs to Marshall, racism has been given a bad name; no racist wants to be known as a racist...things are far more complicated now.”

While Marshall spent much of his life in pursuit of equality in education, *Brown v. Board of Education*—the landmark 1954 U.S. Supreme Court case that declared as unconstitutional the “separate but equal” state laws—was not his favorite, according to Kennedy. Instead, it was *Smith v. Allwright*, which struck down a 1944 Democratic primary election in which Texas expressly excluded blacks from participating.

The lecture ended with a conversation between Professor Kennedy and George Bundy Smith, a retired New York Court of Appeals Justice who, as a law student in 1961, participated in the Freedom Ride from Atlanta, Georgia to Montgomery, Alabama. Smith recalled traveling to Washington in 1958 with his sister to hear Marshall argue *Cooper v. Aaron*, in which the State of Arkansas attempted to reject *Brown v. Board of Education*. The case resulted in the full desegregation of Arkansas schools.

Later fielding questions from the audience about the continuing racism in today’s society, Professor Kennedy described the current situation as more complex because we no longer have the “very large, well-defined targets” like those Marshall was able to focus on. “For us, the heirs to Marshall, racism has been given a bad name; no racist wants to be known as a racist... things are far more complicated now,” he said.

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