



*“But how are their decisions to be known?”*

1 Johnson's Reports iv



C E L E B R A T I N G

200

Years of New York State Official Law Reporting



*“But how are their decisions to be known?”*  
*“We must look . . . to our own courts, for those precedents which have the binding force of authority and law. But how are their decisions to be known? Must they float in the memories of those by whom they are pronounced, and the law, instead of being a fixed and uniform rule of action, be thus subject to perpetual fluctuation and change? No man doubts of the propriety or necessity of publishing the acts of the legislature. As the rights and interests of every individual may be equally affected by the decisions of our courts, one would naturally imagine, that it would be equally a matter of public concern, that they should be made known in some authentic manner to the community.”*

*1 Johnson’s Reports iv-v*

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On the Cover:

The “Old Hun Building,” on the left,  
25 North Pearl St., Albany, N.Y.  
Office of State Reporters Samuel Hand (c. 1873) and Hiram E. Sickels (c. 1874)  
and Supreme Court Reporter Marcus T. Hun (c. 1874).

North Pearl St. and Maiden Lane, Albany  
Unidentified Photographer  
1919

Main Photograph Collection  
Albany Institute of History & Art Library





West, a Thomson Company,  
congratulates the New York State Law  
Reporting Bureau on the  
200th Anniversary of official law  
reporting in New York State.

West is proud to have been  
selected to publish the New York Official  
Reports and to produce this  
commemorative booklet.



*“But how are their decisions to be known?”*

1 Johnson’s Reports iv

200 YEARS OF NEW YORK STATE OFFICIAL LAW REPORTING





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Above left to right:  
Seated: George Bundy Smith, Chief Judge Judith S. Kaye. Standing: Victoria A. Graffeo,  
Robert S. Smith, Susan Phillips Read, Carmen Beauchamp Ciparick, Albert M. Rosenblatt.

## JUDGES OF THE NEW YORK STATE COURT OF APPEALS

The Law Reporting Bureau operates under the general supervision of the Court of Appeals and under the direction and control of a State Reporter who is appointed and removable by the Court (Judiciary Law § 430).



Judge Victoria A. Graffeo is the Court of Appeals liaison to the Law Reporting Bureau. The liaison Judge provides general oversight of the Bureau on behalf of the Court, consults with the reporter on matters requiring Court approval, and presents law reporting issues to the full Court as appropriate.

Left:  
Judge Victoria A. Graffeo, Court  
of Appeals liaison to the Law  
Reporting Bureau.



*The Chief Judge of the State of New York*



## FOREWORD

*Judith S. Kaye*

April 2004

First and foremost, celebration of a major anniversary—as 200 surely is—deserves major congratulations. Congratulations to our forebears for having and nurturing a great idea, and to our colleagues pictured in these pages for bringing that idea so magnificently into the 21st century. It is unimaginable that there ever could have been law without law reporting, so vital is the recorded word to the very existence, progress and stability of our system of justice.

In New York, we are especially fortunate to have had the tradition of law reporting carried forward with consummate professionalism. We are proud of, and enormously grateful to, our State Reporter and Law Reporting Bureau for their constant creativity and care in the presentation of the courts' work product, assuring accuracy and accessibility for all of us and for the public.

Congratulations too for having produced this really wonderful report. One of the burdens and responsibilities of having a 200-year history is sharing it, telling it. And this booklet does indeed tell the story splendidly. Through the history of law reporting in New York, we also see the evolution of our home City, Albany, and our nation, as State Reporters organized banks, established businesses, practiced law with great distinction, and served in state and federal government—two as Chief Judges of the Court of Appeals, one State Reporter even with 12 children! I found this tale of two centuries completely absorbing.

With congratulations, and thanks, go our good wishes for the next two centuries. In a world filled with uncertainty, of one thing we have no doubt, and that is the continuing superb quality of law reporting in New York.





# LAW REPORTING BUREAU STAFF



Gary D. Spivey  
State Reporter



Charles A. Ashe  
Deputy State Reporter



William J. Hooks  
Assistant State Reporter



Michael S. Moran  
Chief Legal Editor



Left:  
From left seated: Assunta Capoccia, Michael G. Manning, Kelli J. Flansburg, Ira B. Feinberg, Susan Samson, Josette Altobelli.  
Middle row: Dennis M. Lent, John W. Lesniak, Gail A. Nassif, Sharon R. Hanson, Amy M. Schneider, Angie Alvarez-Bartz, Milagros Figueroa, Cynthia A. DeViddio, Nancy LaPorta, Katherine D. LaBoda, Susanne McKenzie, Valerie Winfield.  
Back row: William J. Hooks, Chilton B. Latham, Sally J. Barker, Gary D. Spivey, Lana Lanese, Michael S. Moran, Gayle M. Palmer, Maureen L. Clements.  
Photograph by Teodors Ermanson



Left:  
Seated: Russell Clements, Cynthia McCormick.  
Standing: Kimberly I. Concilla, Linda M. Paonessa, Charles A. Ashe, Cindi Byrne.  
Not pictured: Carol Olson.





# PREFACE

This booklet chronicles the story of official law reporting in New York State. It is a story of two centuries of change but an unchanged purpose.

## TWO CENTURIES OF CHANGE

These pages trace the history of official law reporting from the days when James Kent lamented that “there were no reports or State precedents” to the present day, when the Official Reports, now in a Third Series, comprise some 1,700 volumes. The expansion of official law reporting from its coverage of only the decisions of the court of last resort to its present coverage of all levels of the court system is described, as is the evolution from a dispersed system of separate reporters for the various courts to a unified system under a State Reporter with responsibility for publishing opinions of courts at all levels.

The individuals who served as reporters are pictured and described in biographical sketches, and their accomplishments both as reporters and in other capacities – as jurists, elected and appointed officials, bar leaders, educators, and legal writers – are noted.

Offices of the State Reporter in Albany, where the reporters have been based almost from the beginning, are pictured and plotted on an historical map of the capital city.

Finally, the technologies through which the Official Reports are produced and distributed are described, from the days of reporters working with quill pens by candlelight or lamplight to the present day in which the staff works at personal computers, utilizing a broad range of programmatic editing tools, and from the era when the reports were distributed only in printed form to the modern era in which they are distributed in a variety of media, both print and electronic.

## AN UNCHANGED PURPOSE

Throughout the two centuries of change outlined in this booklet, the New York Official Reports have continued to serve the purpose for which they were created: to make known the decisions of the courts.

As Reporter William Johnson noted in the quotation from which the title of this booklet is taken, it is essential to the effectiveness of a legal system founded on the common law that the courts have the means to make their decisions known. From the earliest days, the New York Official Reports have served as that instrumentality, ensuring that the decisions of the courts are made available in the precise manner and form decreed by the courts.

Making known the decisions of the courts also serves the needs of the members of the public to be informed of the rule of law by which they are governed. For this reason, the Legislature, with the approval of the Governor, has for the past 200 years authorized and funded a system of law reporting, a testament to the special role of the Official Reports in our democracy.

The staff of the New York State Law Reporting Bureau is proud of its heritage and is pleased to provide this booklet as a permanent record of its service, and that of its predecessors, to the court system and to the people of the State of New York.



# MILESTONES IN OFFICIAL REPORTING



1804 Supreme Court of Judicature authorized to appoint reporter; official publication begins.

1847 New Court of Appeals authorized to appoint "State Reporter"; First Series of New York Reports begins.

1869 Reorganized Supreme Court authorized to appoint reporter; Supreme Court Reports begin.

1892 Office of Miscellaneous Reporter created; Miscellaneous Reports begin.

1896 Appellate Division Reports begin, supplanting Supreme Court Reports.

1917 Board of Reporters created; chaired by State Reporter.

1938 Law Reporting Bureau created pursuant to 1925 amendment to New York Constitution; State Reporter assumes responsibility for Appellate Division and Miscellaneous Reports.

1956 Second Series begins; Style Manual adopted.

1988 Statute authorizes reports to be issued "in any medium or format."

1992-2003 Reports published in CD-ROM and on-line formats.

2004 Third Series begins.





# History

## History of Law Reporting

*"In a jurisprudence where the judgments of the past are to regulate those of future times; where that which has been, is to form the rule of that which is to be, the utility and importance of transmitting, to those who are yet to come, decisions of our days, to be acknowledged, need only be named."*

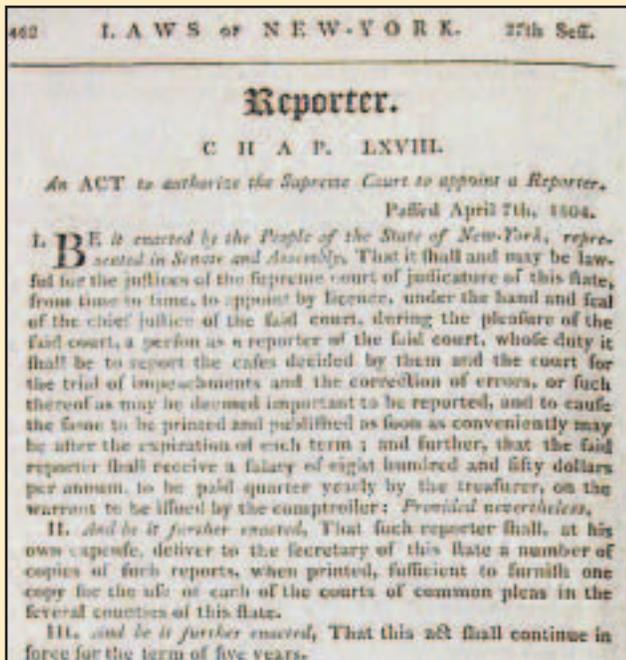


Left:  
State and Pearl Streets,  
Albany, N.Y. in 1805.

New York State Museum  
& Archives

## A BRIEF HISTORY OF OFFICIAL LAW REPORTING IN NEW YORK

On April 7, 1804, the New York State Legislature enacted a statute that provided for the designation of an official reporter to publish the decisions of the Supreme Court of Judicature and the Court for the Trial of Impeachments and the Correction of Errors (precursors to today's Court of Appeals). George Caines, an accomplished author and attorney, was appointed to that position, and official law reporting commenced in New York. This year, as official law reporting in New York celebrates its 200th anniversary, the Law Reporting Bureau, under the twenty-fifth State Reporter, continues the rich tradition of officially publishing the decisions of the New York courts.



Above:  
The April 7, 1804 law (L 1804, ch 68) creating  
the position of reporter.

## BEGINNINGS OF OFFICIAL REPORTING

During the colonial era and the early years of American independence, the common law was largely unwritten. Trial proceedings were rarely transcribed and judges did not hand down written decisions as a matter of course. The doctrine of precedent in the absence of American case reports required judges and attorneys to rely on their personal recollections of a case, with no effective means of verifying conflicting representations as to its meaning, significance, or outcome. While some copies of English law reports were available in the colonies and English common law was relied upon where appropriate, English precedent grew increasingly unsuited to the resolution of uniquely American legal issues. The diminishing practical significance of English common law and the outcome of the American Revolution ultimately inspired the development of American common law. Printed reports of judicial decisions increasingly were perceived as necessary to memorialize the substantive differences between English and American common law and to promote uniform administration of justice in America.

# HISTORY OF LAW REPORTING



Left:  
Chancellor James Kent.  
Portrait courtesy of the  
Court of Appeals  
Collection



Left:  
Johnson's Reports and  
Johnson's Chancery  
Reports, which contained  
most of Kent's decisions.

In New York, these goals were enthusiastically championed by James Kent (1763-1847). An able attorney, law professor and author, Kent was appointed to New York's Supreme Court of Judicature in 1798 and was named Chief Justice in 1804. Kent lamented the lack of law reporting: "When I came to the Bench there were no reports or State precedents. The opinions from the Bench were delivered ore tenus. We had no law of our own, and nobody knew what it was." As Chief Justice, and later as Chancellor of the Court of Chancery, New York's court of equity, Kent purposefully and enthusiastically encouraged his brethren to transcribe their decisions and concomitantly sought to foster reliance on these written decisions: "The reports of judicial decisions contain the most certain evidence, and the most authoritative and precise application of the rules of common law."



Above:  
Albany, N.Y. in the early 1800s.  
New York State Museum & Archives



## THE KENT-JOHNSON COLLABORATION

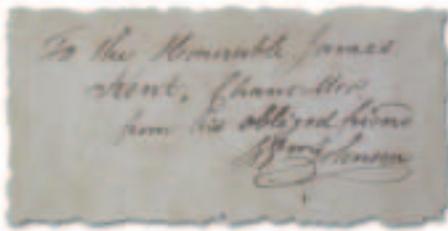
As young men in New York City, James Kent and William Johnson were personal friends long before Kent assumed the bench or Johnson became his Reporter.

Their personal and professional collaboration established the foundation of official law reporting in New York and made the New York Official Reports a model for the nation. In admiration of their work, United States Supreme Court Justice Joseph Story was moved to remark: “No lawyer can ever express a better wish for his country’s jurisprudence than that it may possess such a Chancellor and such a reporter.”

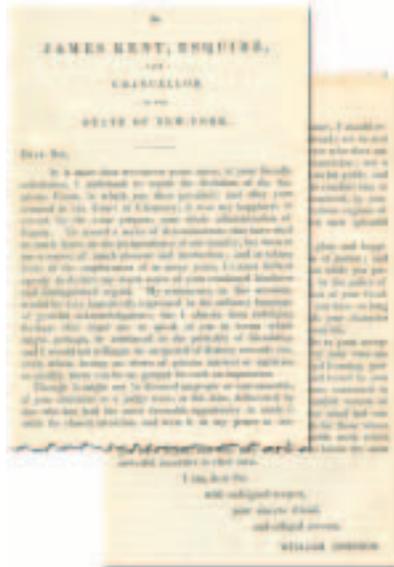
Kent wrote on the occasion of Johnson’s retirement that “you retire with my gratitude, love, and admiration. If my name is to live in judicial annals, it will be in association with yours.” In addition, he later dedicated his Commentaries to Johnson. Johnson, in turn, dedicated his Chancery Reports to Kent.



Above: James Kent's dedication of his Commentaries on American Law to William Johnson (James Kent, 1 Commentaries on American Law, at iii [2d ed, O. Halsted 1832]).



Above: Inscription written by William Johnson to Chancellor Kent.



Left: Dedication of William Johnson's Chancery Reports to James Kent (7 Johns Ch 3-4 [1823]).



Above: Early street scene of Broadway, Albany, N.Y.

Photograph courtesy of the New York State Dormitory Authority

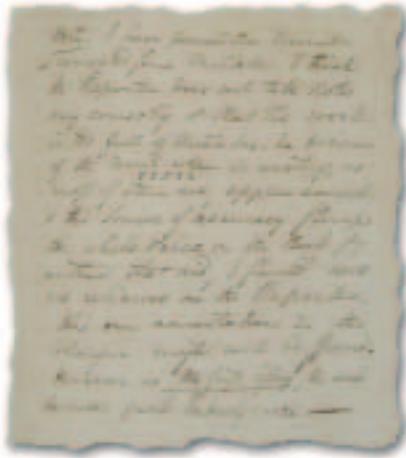
The historical record does not reveal Chancellor Kent’s role, if any, in the passage of the 1804 statute that initiated official reporting. Nevertheless, his contribution to the origins of official law reporting in New York is undeniable. Kent influenced the appointment of William Johnson to succeed Caines as official Reporter. Johnson’s Reports were noted for their thoroughness and accuracy, and he is credited with setting the high standard of the Official Reports. Following Kent’s appointment as Chancellor, Johnson was also named the first official Reporter of the decisions of the Court of Chancery.

As the volume of reported opinions grew, Johnson recognized the need to provide a method for researchers to find opinions of interest. In 1815, he published a digest, organized by subject, of all opinions of the Supreme Court of Judicature and the Court for the Trial of Impeachments and the Correction of Errors. This was effectively the first compilation of the jurisprudence of the State of New York. Johnson continued to update the Digest in later years, and the Digest or “Index” has remained a feature of individual Official Reports volumes until the present day, but there would be no further comprehensive compilations of the Digest until the dawn of the twenty-first century.

### KENT'S CRITICISM OF CAINES

Whether Kent's admiration for Johnson colored his disdain for Johnson's predecessor, George Caines, is unknown. What is known is that Kent lobbied to have Johnson replace Caines, was highly critical of Caines as a Reporter and as a person, and expressed his disgust over Caines' efforts to regain the reportership upon Johnson's retirement. Others are more favorable to Caines, one noting that his "reports were distinguished by brevity and accuracy, and for long enjoyed a high reputation with both bench and bar."

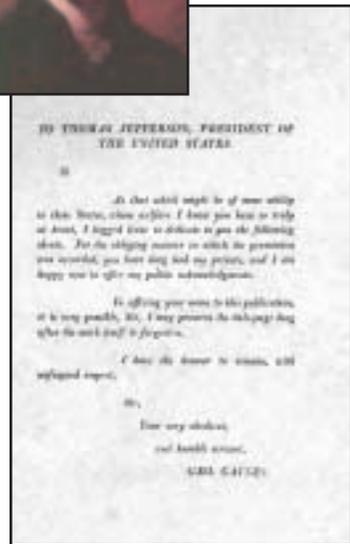
The politics of the day may at least partially explain Kent's attitude toward Caines. Both Kent and Johnson were Federalists, while Caines appears to have been a Jeffersonian. Caines dedicated his *Lex Mercatoria Americana* to Jefferson and wrote admiringly to Jefferson requesting permission for the dedication (to which Jefferson replied graciously). Also, on the eve of his appointment as Reporter, Caines argued for the prosecution in a New York Supreme Court case in which a printer was accused of libeling Jefferson. Federalist icon Alexander Hamilton argued for the defense, and Kent wrote an opinion favoring the defense (*People v Crosswell*, 3 Johns Cas 337 [1804]). Furthermore, one of Kent's sharpest criticisms of Caines was for giving short shrift to the argument by Hamilton in *Vandervoort v Smith* (2 Caines 155 [1804]).



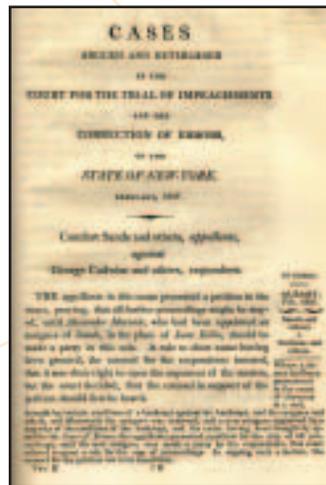
Left: Notation by Chancellor Kent regarding George Caines, then Reporter, reads as follows:

"Mem.: I have penned this November & corrected some Mistakes. I think the Reporter does not take Notes very correctly & that the work is too full of Mistakes. The decisions of the Court when in writing, as most of them are, appear correct and this source of accuracy stamps the whole value on the book, for without that aid, I should have no reliance on the Reporter. His own annotations in the Margin might well be spared. However, as the first essay, the work deserves great Indulgence."

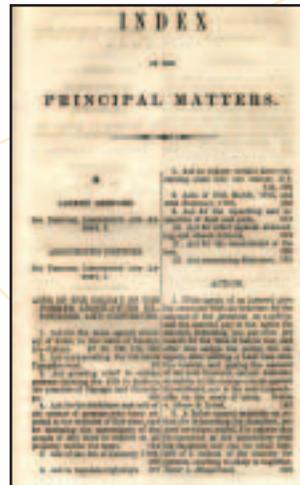
Kent's copy of 1 Caines' Reports 107. (New York State Library, Albany, N.Y., Manuscripts and Special Collections, James Kent Law Book Collection)



Right: Caines' dedication of *Lex Mercatoria Americana* to Thomas Jefferson, pictured top right.



Right: Decision reported in Johnson's Reports with margin annotation, which would now be a headnote. (*Sands v Codwise*, 2 Johns 485 [1807].)



Left: The Index in 2 Caines' Reports, an early form of the present Digest-Index.



Left:  
David Dudley Field was the primary architect of the Code of Procedure, adopted 1846, also known as the Field Code.

Portrait courtesy of the Court of Appeals Collection

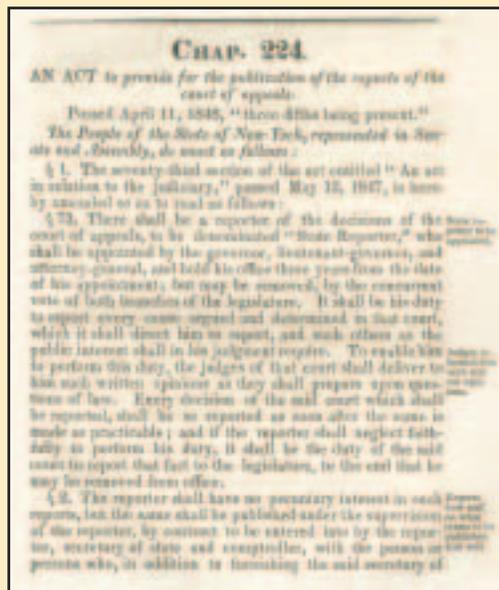
## EXPANSION OF OFFICIAL REPORTING

As the nineteenth century unfolded, the official reporting of decisions spread gradually to New York's other courts. Official Reports of the New York City Superior Court commenced in 1828 and those of the Vice-Chancellors' Courts in 1831.

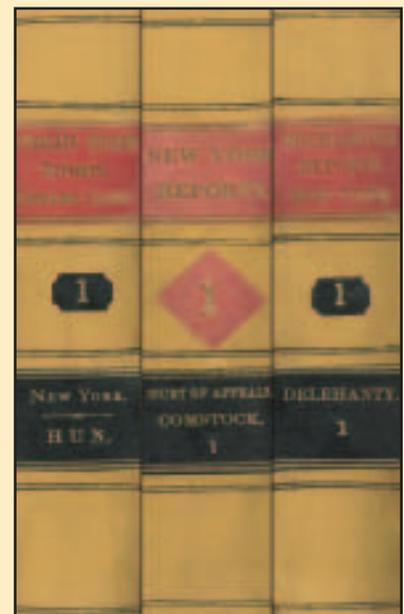
The New York Constitution of 1846 and related legislation initiated drastic reform of the court system and established the groundwork for a unified system of official reporting of cases on a statewide basis. Notably, the new Constitution provided impetus for the adoption of a Code of Procedure. Known as the Field Code after its primary architect, David Dudley Field, the new system abolished the distinction in forms of procedure between suits in law and equity. Among other reforms, the

Court for the Trial of Impeachments and the Correction of Errors and the Court of Chancery were abolished, the jurisdiction of the Supreme Court was radically altered, and a new court of last resort – the Court of Appeals – was created. The First Series of the New York Reports, covering cases decided by the Court of Appeals, commenced publication in 1847 under a reporter denominated the “State Reporter” and appointed by the executive branch.

The Judiciary Article of 1869 continued the reorganization initiated by the New York Constitution of 1846. Four General Terms of the Supreme Court, the precursors to today's Appellate Division, were authorized. The Article also transferred the authority to appoint the State Reporter from the executive branch to the Court of Appeals and provided for official publication of the decisions of the Supreme Court by a separate Supreme Court Reporter.



Left:  
Legislation passed April 11, 1848 (L 1848, ch 224, amending L 1847, ch 280, § 73) creating the position of State Reporter for the publication of decisions from the new Court of Appeals.



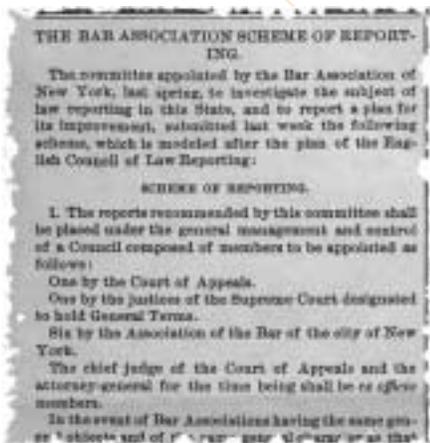
Right:  
First volumes of the New York, Appellate Division, and Miscellaneous Reports.

# HISTORY OF LAW REPORTING

*"It has sometimes been urged, that a rapid accumulation of law books is to be regarded as an evil; but that this opinion is at least questionable, will be evident to those who will compare the general state of legal learning amongst the profession in this country anterior to the publication of Johnson's Reports, with its condition at the present day. Independently, however, of this consideration, it should be remembered, that society is never stationary; that new discoveries are springing into existence, as former modes of life and action are passing away; and that the improvements of society give birth to new varieties of intercourse, which call for and obtain correspondent changes,—not in the principles of justice itself,—for these are immutable—but in the administration of justice."*

*1 Hall's Superior Court Reports iii*

While the Official Reports of the New York City Superior Court had been issued since 1828, and those of the New York City Court of Common Pleas since 1850, there was as yet no statewide system for the publication of the decisions of the lower courts. Concern over the multiplicity of unofficial reports led to a broad condemnation of the "evils" of law reporting, and to a Bar Association proposal to place law reporting under control of a council modeled after the English Council of Law Reporting. These concerns were assuaged, in 1892, by legislation (L 1892, ch 598) creating the office of Miscellaneous Reporter. This new office was charged with reporting the opinions of all courts of record, other than the Court of Appeals and the General Terms of the Supreme Court, as were deemed to be in the public interest to be published. The Miscellaneous Reports soon commenced publication.



Left:  
1874 Albany  
Law Journal  
report of the Bar  
Association's  
scheme of Law  
Reporting.

*"Enough is known of this Law Reporting business now to show that it is an evil from which the Bar should be rescued, and one whose amendment is of very great importance." (New York City Commercial Advertiser [June 13, 1873] [editorializing on multiplicity of unofficial trial court reports].)*

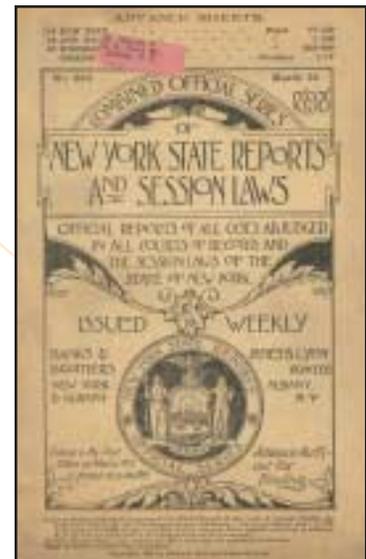
With the creation of the Appellate Division of the Supreme Court under the Constitution of 1894, the Appellate Division Reports supplanted the Supreme Court Reports and were published by the Supreme Court Reporter.

The 1894 Constitution also created the Appellate Term of the Supreme Court, and from the beginning its opinions were reported in the Miscellaneous Reports. (A later legislative requirement that the Miscellaneous Reports include all Appellate Term opinions involving a question of law proved unworkable and was removed.)

Advance sheets combining the reports of the reporters' offices were authorized by 1894 legislation.

An 1896 rule required that "[a]ll cases cited in the briefs from the courts of this state shall be cited from the reports of the official reporters."

Thus, as the nineteenth century came to a close, the tripartite system of official statewide reporting of the decisions of New York's courts was in place, and the preeminence of the Official Reports was firmly established.



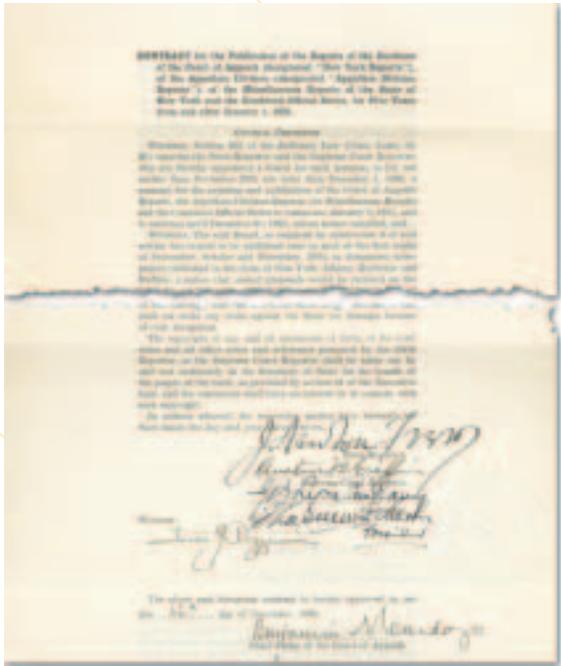
Above:  
March 12, 1898 combined New York Advance Sheet No. 253, with the original recipient tag for delivery to Marcus T. Hun, 25 North Pearl St., Albany, N.Y.

## CONSOLIDATION OF OFFICIAL REPORTING

A 1917 law (L 1917, ch 775) set up a Board of Reporters chaired by the State Reporter and authorized the board – subject to the approval of the Chief Judge of the Court of Appeals – to enter into a single contract for the printing and publication of its three publications and the combined advance sheets.

Legislation enacted in 1924 (L 1924, ch 173) abolished the office of the Miscellaneous Reporter and transferred its functions to the office of the Supreme Court Reporter.

A constitutional amendment in 1925 created a State Law Reporting Bureau, under the direction of a single State Reporter, appointed by the Court of Appeals. The State Reporter was charged with publishing the decisions of all the courts of New York. The constitutional authority was exercised in 1938 (L 1938, ch 494). The offices of State Reporter and Supreme Court Reporter were merged, and the Law Reporting Bureau was established with Louis J. Rezzemini serving as the first State Reporter under the modern model of official reporting in New York.



Above:  
Five-year contract signed on November 26, 1930 by Chief Judge Benjamin N. Cardozo.



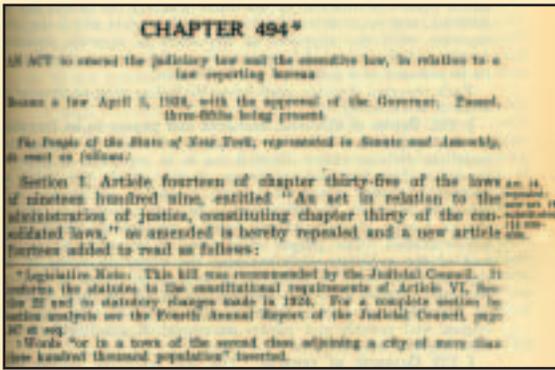
Above:  
Signing of 1991-1995 publishing contract with Lawyers Co-operative Publishing Company (LCP) on October 23, 1990. From left: George Taylor (LCP), Principal Legal Editor Amy M. Schneider, Fred Romano (LCP), Assistant State Reporter William J. Hooks, and seated, State Reporter Frederick A. Muller.

### MARIE DEBES CAULEY, LEGAL EDITOR

Marie Debes Cauley holds the distinction of being the first female legal editor at the Law Reporting Bureau. In 1954, prior to her service at the Bureau, Mrs. Cauley worked for the Department of Civil Service, where she was offered the position of department head. She left Civil Service in 1961 to join the Bureau, where she worked until retiring in 1978. Mrs. Cauley was a graduate of the College of New Rochelle in 1947 and Fordham Law School in 1951. Today, one third of the attorneys at the Bureau are female.



# HISTORY OF LAW REPORTING



Above:  
1938 legislation creating the Law Reporting Bureau.

Right:  
Picture from Louis J. Rezzemini article in the Knickerbocker News, Albany, N.Y., June 3, 1938. Used by permission of the Hearst Corp.



Official reporting was now centralized in the Law Reporting Bureau under the State Reporter. The Bureau was charged by statute with publishing all the decisions of the Court of Appeals (New York Reports) and the Appellate Division (Appellate Division Reports), and any decision of the lower courts determined by the State Reporter to be worthy of reporting because of its usefulness as precedent or its importance as a matter of public interest (Miscellaneous Reports).



Above:  
From left, State Reporter Edward J. Dimock, Deputy State Reporter Frederick Colson, and Assistant State Reporter Leland F. Coss at Mr. Colson's retirement dinner in May 1945.



Above and right:  
1966 retirement party for Adrian Seligman, left, with Deputy State Reporter George W. Greene, center, and future State Reporter John T. Fitzpatrick, right.



Left:  
1945 Law Reporting Bureau office picture, featuring, seated from left, Deputy State Reporter Frederick Colson, State Reporter Edward J. Dimock, and Assistant State Reporter Leland F. Coss. Standing on the right is John T. Fitzpatrick, future State Reporter.

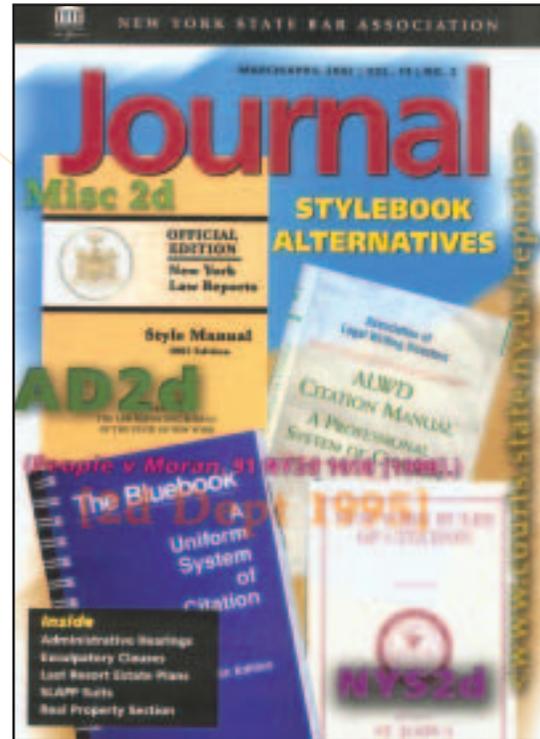


Left:  
1998 retirement dinner for Law Reporting Assistant Patricia King, left, with Mary Corbett, Secretary to the State Reporter, James M. Flavin.

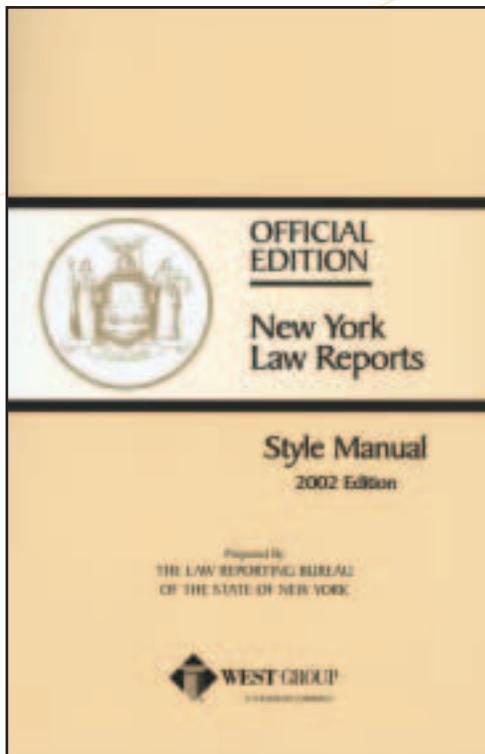
# HISTORY OF LAW REPORTING

The introduction of a Second Series of the Official Reports in 1956 provided an opportunity to give a uniform appearance and format to what had previously been three separate publications. A new Style Manual established a uniform style for all three publications. The New York Reports, Appellate Division Reports, and Miscellaneous Reports were now components of a consolidated product line, produced by a single staff in accordance with common editorial standards.

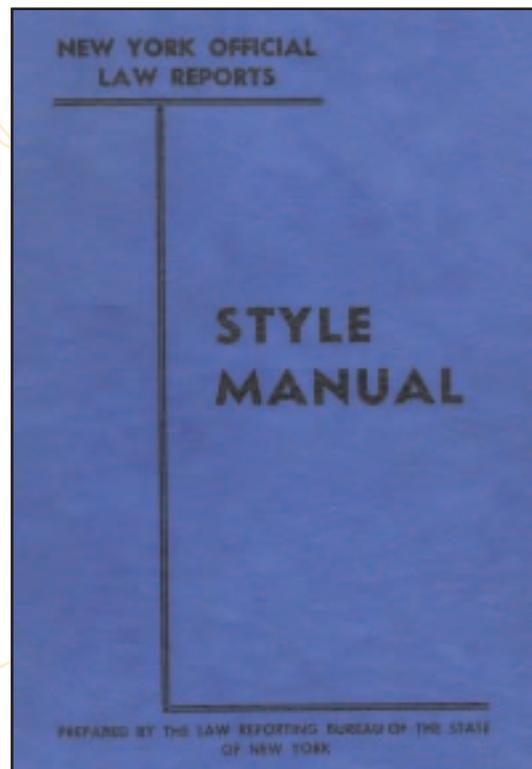
*"Whenever the application of any of the rules in this Style Manual results in ambiguity or whenever the rules appear contradictory or lead to an apparent poor style, use common sense but use it sparingly. The advantages of uniformity outweigh other disadvantages in style."  
New York Official Law Reports Style Manual (1956 ed).*



Above:  
New York State Bar Journal, March/April 2002 edition, featuring the new Style Manual.



Above:  
Current Style Manual.



Above:  
Style Manual from 1956.

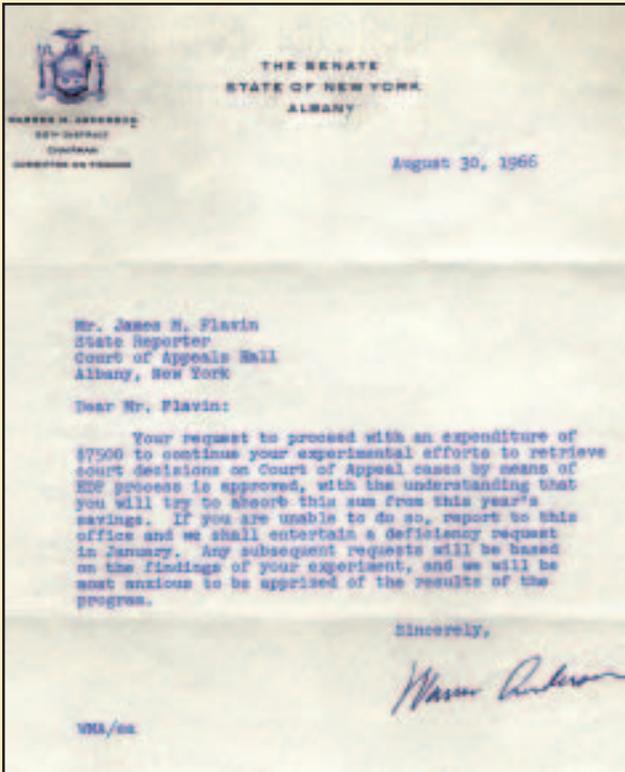
## NEW LAW REPORTING TECHNOLOGIES

The second half of the twentieth century was a period of technological innovation in the publishing of the Official Reports. A “Microlex Edition,” which utilized a microprint reader for viewing miniaturized pages, was introduced in the 1950s, some three decades ahead of the development of the modern microfiche edition.

In 1965, a novel approach to legal research – electronic retrieval of decisions resident in a computer database – piqued the interest of State Reporter James M. Flavin. A contract was entered into between the State Reporter and International Business Machines Corporation (IBM) “to test a pilot case retrieval system for New York State Court of Appeals cases.” This initiative gained some momentum the following year with the New York State Senate’s approval of a \$7,500 appropriation to pursue the concept. Under a 1967 contract, an IBM 2741 workstation was provided to the Law Reporting Bureau for transmitting the text of New York Reports 2d volumes to the remote IBM Datatext System. While the pilot case retrieval system did not immediately

prove to be practicable, this early experiment with computerized case retrieval did, however, foreshadow the next chapter in official reporting – the electronic publication of the Official Reports.

Authorization for electronic publication of the Official Reports came in a 1988 statutory amendment providing for publication “in any medium or format” in addition to print, including “microfiche, ultrafiche, on-line computer retrieval data base, and CD-ROM.”



Above:  
August 30, 1966 letter from the Chairman of the New York State Senate Committee on Finance, Warren M. Anderson, approving a \$7,500 appropriation for work on an electronic case retrieval system.

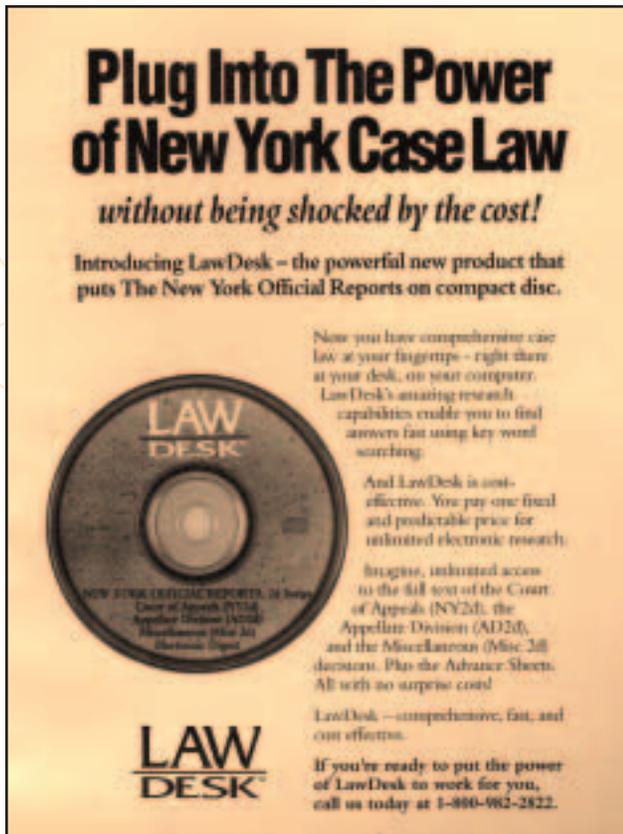


Above:  
The IBM 2741 was a Selectric typewriter, embedded in a small desk-size cabinet, modified for telecommunications.

*“Our concern with computers is at a very low level. I do not believe that any satisfactory system has been developed for retrieval of law from court decisions. It is primarily to keep aware of development in the field that I have determined to put some of our opinions on the computer.”*

*Letter from State Reporter James M. Flavin, May 16, 1967.*

# HISTORY OF LAW REPORTING



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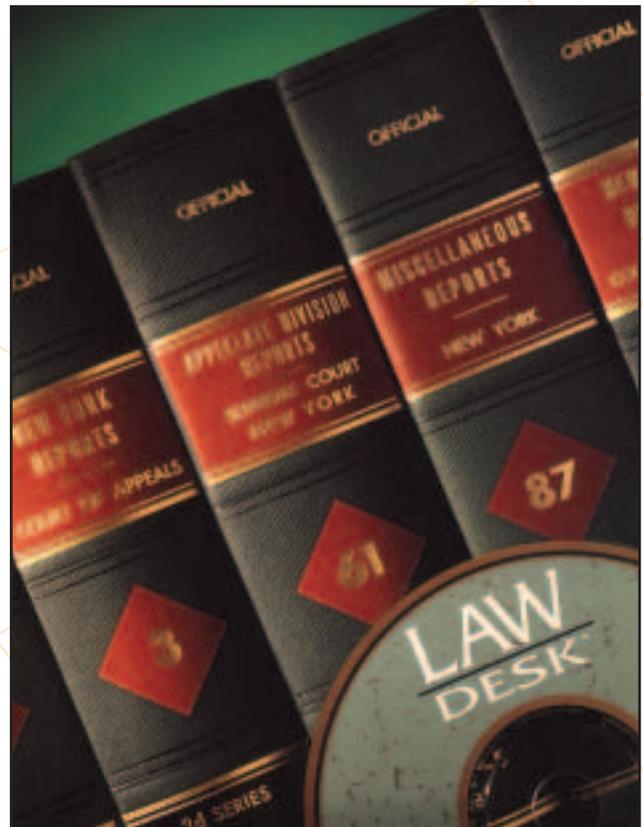
April/May 1992

**THE STATE COURT REPORTER SPEAKS, AND INTRODUCES A NEW CD-ROM PRODUCT**

By: Bill Mills, New York Law School Library

New York State's is the largest and most complex court system of any in the United States, including the Federal court system. It is not surprising, then, that New York State runs the nation's most elaborate official court reporting operation. More than three and a half million cases enter the state court system annually, resulting in over 14,000

Left: Newsletter account of presentation by State Reporter Frederick A. Muller to Law Library Association of Greater New York, Jan. 15, 1992.



Above and right: LawDesk promotional materials.

In 1992, a project championed by Frederick A. Muller, the twenty-third State Reporter, culminated in production of the New York Official Reports, Second Series, on the LawDesk CD-ROM platform – the first-ever publication of the Official Reports in an electronic format. An Internet-based update service was developed in 1997 as an adjunct to the CD-ROM product. “LawDesk on the Internet: New York Slip Opinion Service” provided subscribers the most recent court decisions not yet available in the advance sheets or on CD-ROM.

A watershed in official law reporting in New York came in 1999 with the on-line publication of the Second Series on Westlaw. The Official Reports, Second Series, was now available in the most convenient and efficient research format.

# HISTORY OF LAW REPORTING

With the rapid expansion of the Internet at the dawn of the twenty-first century came an increasing public interest in obtaining current court opinions through this new medium. In response, the Law Reporting Bureau Web site was launched in 2000, providing free public access to the Slip Opinion Service database of recent decisions. Slip opinion and point page citations were assigned to meet the need for a uniform method of citing the opinions.

In 2001, the remaining gap in electronic coverage of the Official Reports was closed with publication of the Official Reports, First Series, on Westlaw. In addition, coverage provided by the Slip Opinion Service was enhanced to include all otherwise unpublished Appellate Term opinions and all lower court opinions that the State Reporter deemed of interest but previously had been unable to publish in the printed reports because of space limitations.

On the eve of the 200th anniversary of official law reporting in New York, the Official Reports Digest was published on Westlaw in 2003. For the first time since the days of William Johnson, a complete cumulative digest for the New York Official Reports was now available to researchers.

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Above:  
The Official Reports on Westlaw advertisement.

**New York State Law Reporting Bureau**

FAQ Contents Search Publications Decisions

"New York decisions shall be cited from the official reports" (CPLR 5202(a))

The New York State Law Reporting Bureau, under the direction of a State Reporter appointed by the [New York State Court of Appeals](#), edits and prepares for publication all of the decisions of the Court of Appeals and the Appellate Division as well as selected decisions of the trial-level courts. The decisions are contained in the Official Reports, which include the New York Reports, the Appellate Division Reports, and the Miscellaneous Reports.

The New York State Law Reporting Bureau is the largest official reporter of court decisions in the United States. It was established under [article 14 of the Judiciary Law](#) and seeks to provide the legal community with timely and affordable access to accurate New York State court decisions.

This site offers information about our office and its operations, our print, CD-ROM, and on-line publications, and our criteria for publication of trial-level court decisions. It also contains an on-line copy of the Official Reports Style Manual, a number of helpful links to court and agency sites, and links to the on-line edition of the Official Reports and our New York Slip Opinion Service.

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New York State Law Reporting Bureau  
 One Courtland Plaza, Suite 1700, Albany, NY 12242  
 Phone: (518) 474-9222  
 Fax: (518) 474-9393

Above:  
New York State Law Reporting Bureau home page at [www.courts.state.ny.us/reporter](http://www.courts.state.ny.us/reporter), which provides free public access to the Slip Opinion Service database of recent decisions.



Above:  
Albany from across the Hudson River circa early 1800s.  
New York State Museum & Archives

## CONTINUING ADAPTATION TO CHANGE

Throughout its first 200 years, official law reporting in New York has stood the test of time, consistently demonstrating its adaptability to changes in the court system and publishing technology. In the infancy of official reporting, William Johnson, upon noting that New Yorkers must look to our own courts for the precedents that have the binding force of authority and law, wondered “how are their decisions to be known?” Two centuries later, the answer resounds from library shelves and computer drives throughout the land: their decisions shall be known through the Official Reports of the courts of the State of New York.



Above:  
Albany skyline today.  
Albany County Convention & Visitors Bureau



Since the institution in 1804 of official law reporting in New York, 25 individuals have served as official reporters of the courts of last resort. This number includes six reporters of the former Supreme Court of Judicature and the Court for the Trial of Impeachments and the Correction of Errors, and 19 reporters of the Court of Appeals, including two who filled the position on an interim basis. From as early as 1814, these reporters were known as State Reporters, a designation that was formalized in 1847. This section includes portraits and biographical sketches of these reporters, followed by information about the official reporters of other New York courts.

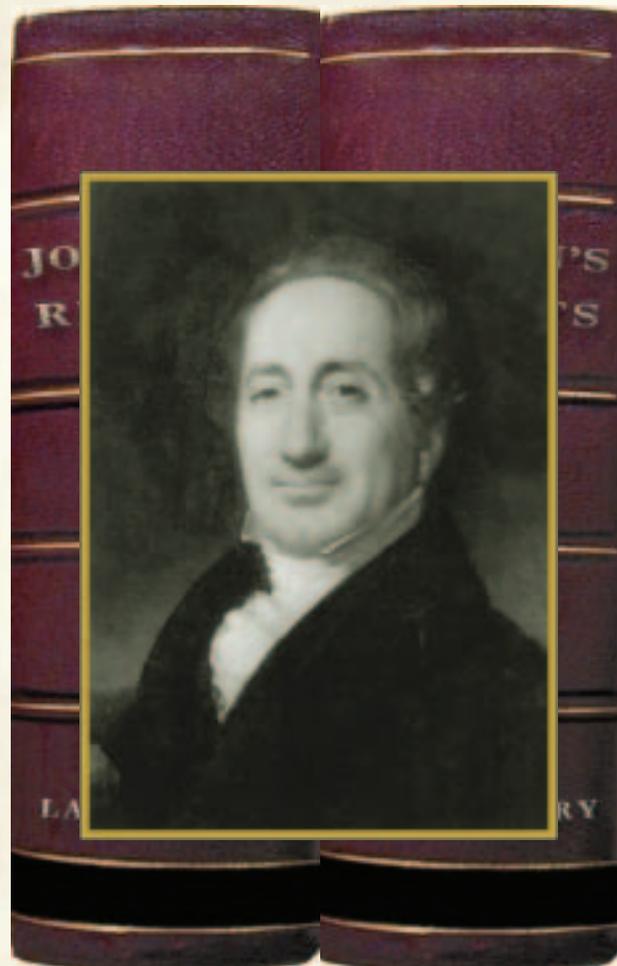
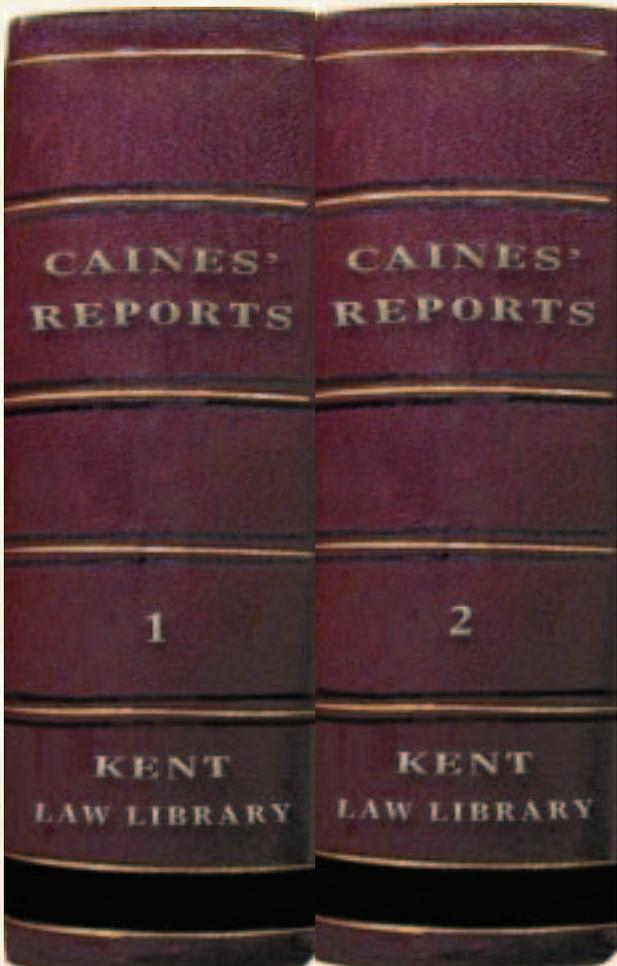


# Reporters

The Official Reporters

*“An official reporter is as essential to the usefulness and reputation of a judge as a poet is to a hero.”*

2 Chester, Courts and Lawyers of New York, at 843 (1925)



## George Caines

SUPREME COURT REPORTER: 1804 - 1805

Born in 1771, George Caines holds the distinction of being the first official Reporter on this continent. Appointed by the State Supreme Court, pursuant to New York legislation, he served in this capacity from 1804 until 1805, producing three volumes of the Reports, which reported decisions from May 1803 to November 1805. In 1802, prior to becoming Reporter, Caines was a counselor-at-law in New York City, where he published the first volume of *Lex Mercatoria Americana*. He also presented the case for the prosecution in *People v Croswell* (3 Johns Cas 337 [1804]), a celebrated libel case. While serving as Reporter, he also compiled and published two volumes of Cases Argued and Determined in the Court for the Trial of Impeachments and the Correction of Errors in the State of New York (known as Caines' Cases in Error). He edited a second edition of William Coleman's Reports of Cases of Practice Determined in the Supreme Court of Judicature of the State of New York 1794 to 1800 (known as Coleman and Caines' Cases). Additionally, Caines authored and published a practice manual, Summary of the Practice in the Supreme Court of the State of New York (1808) and Practical Forms of the Supreme Court of New York taken from Tidd's Appendix. When Caines' term of service ended as Reporter, he returned to private practice in New York City. He collaborated with Washington Irving on Irving's first book, a translation of F. De Pons' *A Voyage to the Spanish Main* (1806). As a prominent member of the New York bar in 1816, Caines successfully represented a passenger against members of the crew in a unique suit for an assault and battery that took place on a British ship (*Duffie v Mattheuson*, 2 Am St Trials 901 [1814]). He married Cornelia Johnston, the widow of Gulian Verplanck, on May 27, 1802 in the Trinity Church, New York City. Caines was a Master in Chancery, an assistant to the Chancellor. He was a founder in 1819 of the Missionary and Bible Society of the Methodist Episcopal Church. He died suddenly in Catskill, New York, on July 10, 1825, while en route to his residence in Windham, and is buried in the Thompson Street Cemetery in Catskill.

## William Johnson

SUPREME COURT REPORTER: 1806 - 1823

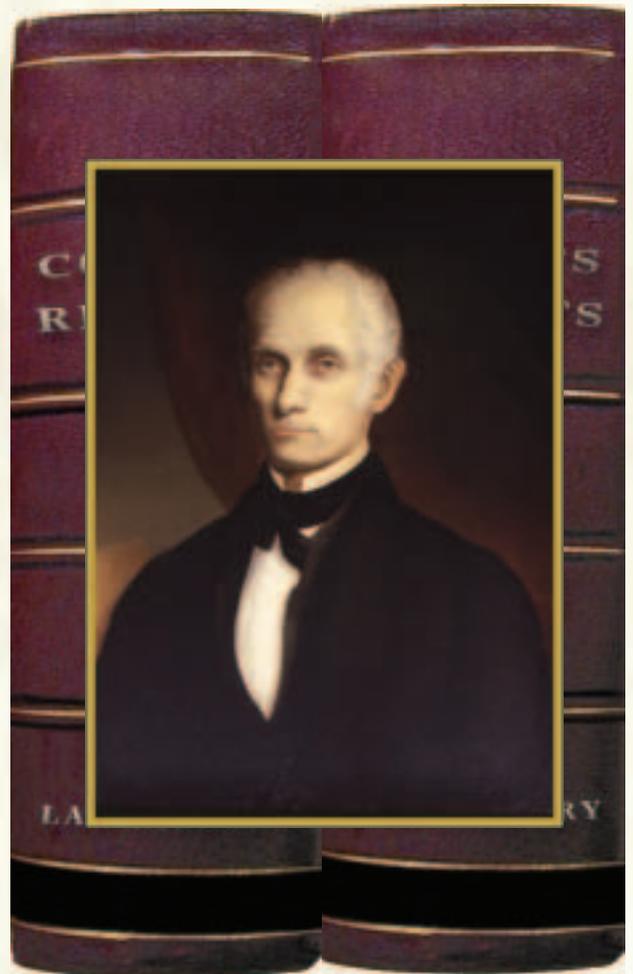
The second official Reporter of New York was born on December 17, 1769 in Middletown, Connecticut. William Johnson graduated from Yale College in 1788, studied law, and, following admission to the bar, became a practicing lawyer in New York City. As a prominent figure in New York's turn-of-the-century intellectual and literary communities, Johnson was instrumental in the founding of the New-York Historical Society and in the creation of the New York public school system, while also serving as a trustee of Columbia College. While in New York City, Johnson befriended James Kent, who in 1798 was appointed Justice of the New York Supreme Court. In 1806, Kent, who had risen to Chief Justice, installed Johnson as Reporter of the Supreme Court. During the next 18 years he published 20 volumes of the Reports. Additionally, Johnson published seven volumes of the Cases of the State Court of the Chancery from 1814 to 1823; three volumes of Johnson's Cases, covering Supreme Court decisions from 1799 to 1803; Digest of Cases in the Supreme Court of New York from 1799 to 1836; and a translation from the French of *The Maritime Law of Europe*, by M.D.A. Azuni. In the *North American Review* (July 1820), Justice Joseph Story said of Johnson, "No lawyer can ever express a better wish for his country's jurisprudence than that it may possess such a Chancellor [as Kent] and such a reporter [as Johnson]." In 1809, Johnson married Maria Templeton; they had four children. William Johnson died on June 25, 1848 in New York City at the age of 79.

## *Esek Cowen*

SUPREME COURT REPORTER: 1823 - 1828

Esek Cowen was born in Rhode Island on February 24, 1787. His family moved to Greenfield, Saratoga County, in 1790 and later to Hartford, Washington County. During his early years he worked on his family's farm, attending a neighborhood school for only six months. Self-taught, he mastered classical and English literature, even learning Latin and Greek. He became a teacher at the age of 15 to support his legal studies, which began at age 16. He was admitted to the bar in 1810. In 1812 he moved to Saratoga Springs, where he practiced and was active in the community, serving on local and regional school committees and becoming a Justice of the Peace in 1815. Cowen was Reporter of the Supreme Court and Court of Errors from 1823 to 1828, publishing nine volumes of the Reports. Appointed Judge of the 4th Circuit by Governor Nathaniel Pitcher in 1828, he was elevated to the State Supreme Court by Governor William Marcy around 1835, serving there until his death. Judge Cowen published a Treatise on the Civil Jurisdiction of Justices of the Peace in New York, in 1821, and later published, with Nicholas Hill, Cowen and Hill's Notes on Phillips' Evidence (1839). He was cofounder of one of the first temperance organizations in the United States, established in Northumberland in 1812. Also, he was instrumental in the construction of Saratoga Springs Bethesda Episcopal Chapel in 1832. He was married to Martha Berry Rogers and they had three children. Judge Cowen died in Albany on February 11, 1844.

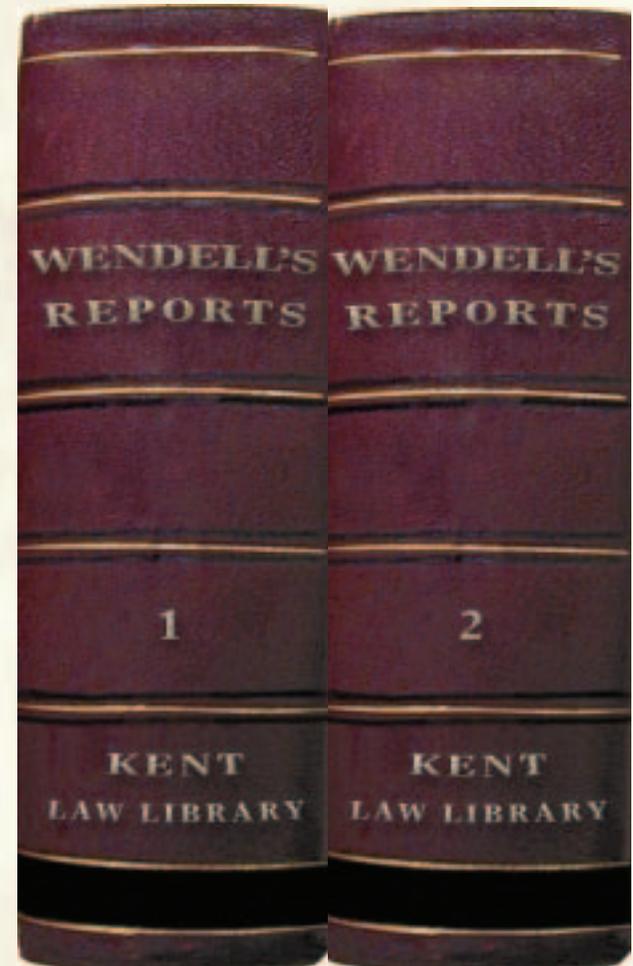
(Portrait courtesy of the Court of Appeals Collection)



## *John L. Wendell*

SUPREME COURT REPORTER: 1828 - 1841

Wendell, born in Albany on January 2, 1785, of Dutch ancestry, was educated in Albany and Cambridge, New York. He studied law in his brother Gerritt's law office prior to admission to the bar. While in Cambridge, he served as Judge of Washington County in 1821 and 1823. In 1828, Judge Wendell became the fourth official Reporter of New York, publishing 26 volumes of the Reports by 1841. In addition to publishing the New York Reports, he published a digest of Supreme Court cases (1836) and edited editions of Starkie's Law of Slander (1843) and Blackstone's Commentaries (1847). An active member of the community, Wendell was one of the incorporators of the Washington Library; a founding member of the Cambridge Washington Academy, serving on the board of trustees as secretary from 1815 to 1825 and treasurer from 1815 to 1821; and secretary of the Washington Bible Society in the State of New York from its inception in Washington County in 1813. He and his wife Susan Carter had eight children. Judge Wendell died in Hartford, Connecticut, on December 19, 1861.



## *Nicholas Hill*

SUPREME COURT REPORTER: 1841 - 1844

The fifth official Reporter, Nicholas Hill, Jr., was born in the Town of Florida, New York, in 1805, the son of a Revolutionary War veteran and preacher. After leaving home at an early age, he held a variety of positions before studying law, culminating in his admission to the bar in 1829. Hill began legal practice in Amsterdam, New York, and, while so engaged, coauthored the esteemed treatise *Notes on Phillips' Evidence* with former Reporter and Supreme Court Judge Esek Cowen. Hill relocated to Albany in 1840 and shortly thereafter was appointed Reporter of the Supreme Court and Court of Errors, succeeding John L. Wendell. During his four-year tenure as Reporter, Hill published seven volumes of the Reports. In 1845 he returned to private practice, joining with Peter Cagger and future Court of Appeals Judge John K. Porter to form Hill, Cagger & Porter, one of the prominent law firms in the state. During the ensuing years of active practice, Hill appeared in over three quarters of the cases on the Court of Appeals docket. He remained active in the legal profession until his death, after a brief illness, on May 1, 1859.

(Portrait courtesy of the Court of Appeals Collection)



## *Hiram Denio*

SUPREME COURT REPORTER: 1845 - 1848

Born in Rome, New York, on May 21, 1799, Hiram Denio commenced his legal studies at the age of 17 with Judge Joshua Hathaway of Rome and later studied in the office of Storrs & White in Whitesboro. After admission to the bar in 1821, Denio established a private practice with Wheeler Barnes in Rome. While in Rome, he was appointed County District Attorney, serving in this position from 1825 to 1834. In 1826, he relocated to Utica, forming another legal practice, this time with E.A. Wetmore. In 1834 he was appointed Circuit Judge and Vice-Chancellor for the 5th Circuit. However, four years later, he was forced to resign due to illness, returning to private practice once more. He served as Bank Commissioner from 1838 to 1840. In 1845 Judge Denio assumed the position of Reporter, publishing five volumes of the Reports before leaving the post in 1848. Appointed to fill a vacancy on the Court of Appeals in June 1853, he was reelected twice, serving as Chief Judge from 1856 through 1857. Considered one of the foremost judges in New York, he retired in 1866. Judge Denio served as trustee of Hamilton College from 1835 until his death. In 1859, Madison University (now Colgate University) awarded him the honorary degree of LL.D. With William Tracy, he edited an edition of the revised statutes of New York published in 1852. Judge Denio died in Utica, New York, on November 5, 1871.

(Portrait courtesy of the Court of Appeals Collection)

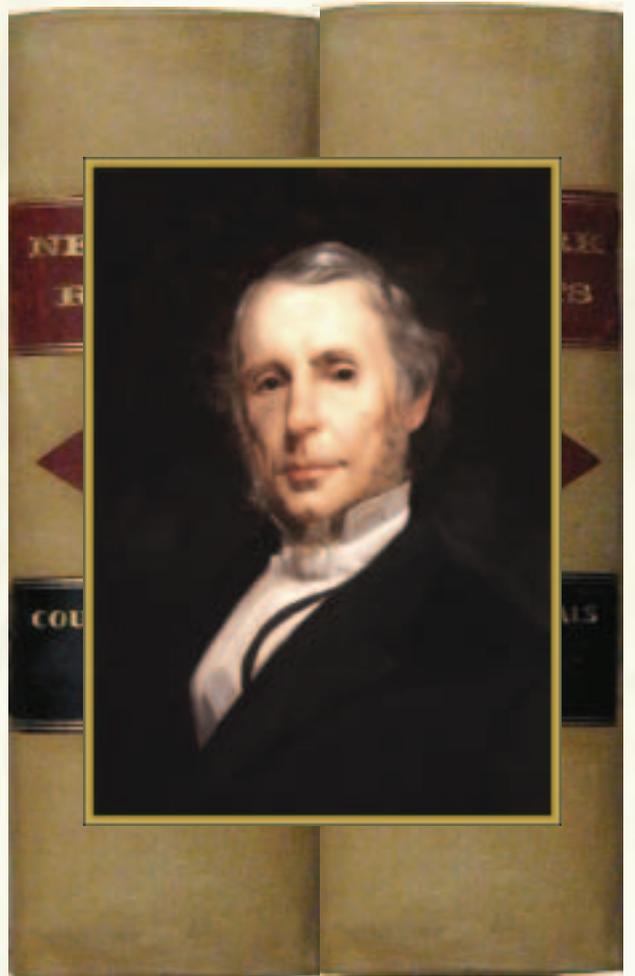


## *George F. Comstock*

STATE REPORTER: 1847 - 1851

George Comstock, the son of Serajah Comstock, a Revolutionary War soldier, was born in Williamstown, Oswego County, on August 24, 1811. At the age of 14, owing to his father's death, Comstock had to become self-sufficient. He taught school and, through his savings, was able to attend and graduate from Union College in 1834 with high honors. After graduation, he taught in a private school in Utica, while also studying law. Then moving to Syracuse, he joined the law firm of Noxon and Leavenworth, where he practiced after his admission to the bar in 1837. In 1847 Governor Young appointed Comstock as State Reporter, making him the first Reporter formally to hold the title of State Reporter, which was created by the 1847 Judiciary Act. Comstock held this position for four years, publishing the first four volumes of the New York Reports. In 1849 he was one of the organizers of the Syracuse Savings Bank, and, in 1852, President Fillmore appointed Comstock Solicitor of the Treasury of the United States, a capacity in which he served until the end of the presidential term. In 1855 he was elected Associate Judge of the Court of Appeals, and served as Chief Judge from 1860 to 1861. Comstock's 1856 opinion in *Wynehamer v People* (13 NY 378 [1856]), annulling a prohibitory liquor law, was one of his most celebrated. After leaving the Court in 1861, Judge Comstock returned to Syracuse, where he practiced for the next 30 years. At the request of Chancellor James Kent's heirs, Judge Comstock edited a new edition of Kent's Commentaries. In 1869 he was instrumental in the movement to establish Syracuse University. He was married to Cornelia Noxon. Judge Comstock died in Syracuse on September 27, 1892.

(Portrait courtesy of the Court of Appeals Collection)

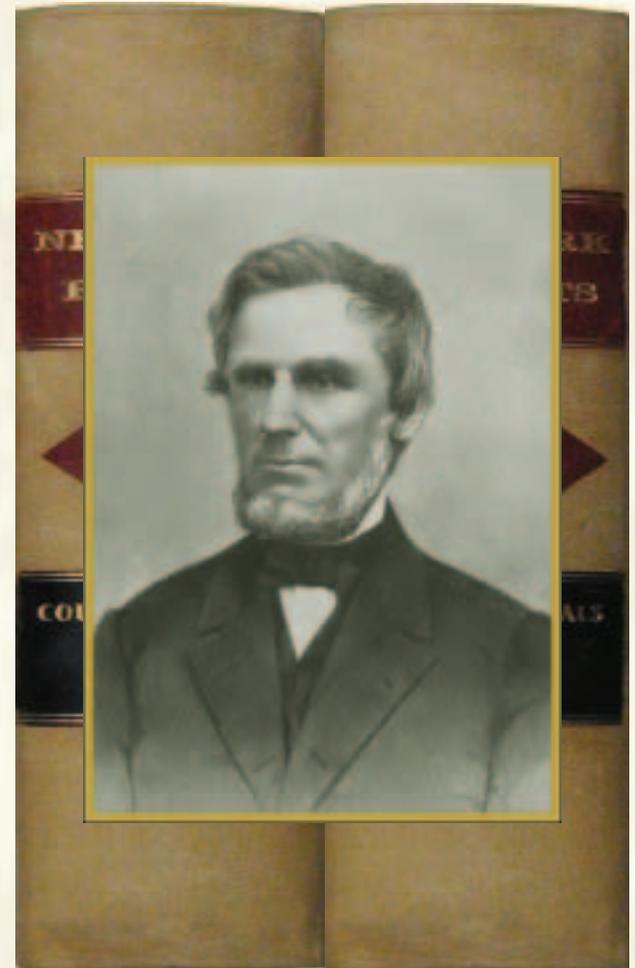


## *Henry R. Selden*

STATE REPORTER: 1851 - 1854

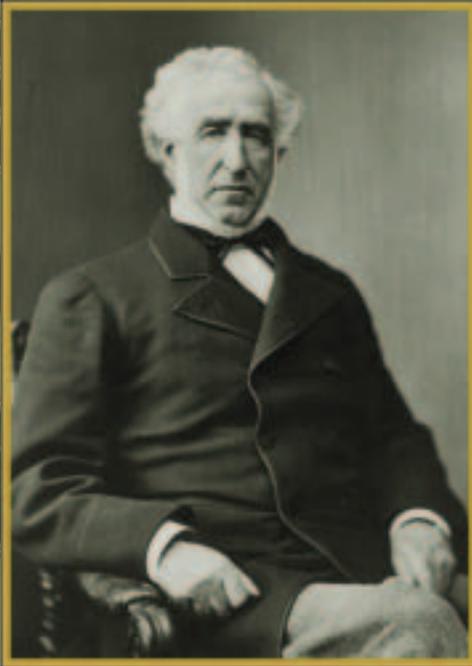
The eighth official Reporter of New York, and the second formally to be designated "State Reporter," Henry Selden was born on October 14, 1805 in Lyme, Connecticut. He was the younger brother of Samuel L. Selden, who was to become Chief Judge of the Court of Appeals. Selden moved to Rochesterville, New York, in the 1820s and studied law with his brother and with future Court of Appeals Judge Addison Gardiner. He was admitted to the bar at the age of 25 and moved to Clarkson, New York, before settling in Rochester. Selden became a prominent member of the Rochester community, where he was instrumental in establishing the New York Republican party and in developing a telegraph enterprise that would ultimately become Western Union. Selden replaced George Comstock as State Reporter in 1851 and continued in that capacity until 1854, publishing six volumes during his tenure. In 1856 he was elected Lieutenant Governor of the state, a position he held until 1858. When Samuel Selden retired from the Court of Appeals in 1862, Henry Selden was appointed Associate Judge. Judge Selden continued on the state's high court until 1865, retiring due to illness. Later that year he was elected to the New York State Legislature. In 1872 Selden returned to his Rochester law practice, defending Susan B. Anthony's right to vote in a nationally celebrated case. He was married to the former Laura Ann Baldwin, and they had 12 children. Henry Selden died on September 18, 1885 at his residence in Rochester.

(Photograph courtesy of New York Red Book, Albany, N.Y.)



## *Francis Kernan*

STATE REPORTER: 1854 - 1856

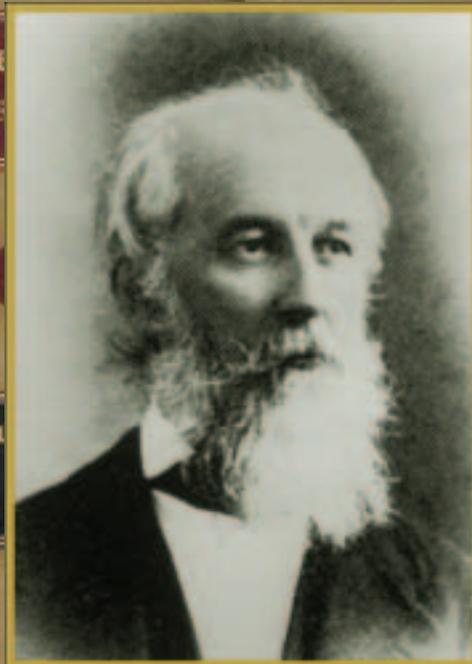


Francis Kernan was born in Wayne, Steuben County, on January 14, 1816. He graduated from Georgetown College, Washington, D.C., in 1836. After studying law in Watkins and Utica, he was admitted to the bar in July 1840 and entered practice with Joshua A. Spencer. Serving as State Reporter from 1854 to 1856, he published four volumes of the New York Reports. Elected to the State Assembly in 1860, Kernan, as the Democratic candidate, subsequently won a seat in the United States House of Representatives in 1862, representing the Oneida district. He unsuccessfully ran for reelection in 1864. In 1875 he was elected to the United States Senate, the first Democratic Senator from New York in 24 years. He held this position until 1881, when he resumed his practice after an unsuccessful bid for reelection. As Senator, Kernan served on the Judiciary Committee and was often consulted by President Abraham Lincoln on matters pertaining to war. During this time period, he, along with Roscoe Conkling and Horatio Seymour, served as the heads of state politics, known as the "Utica trio." He was a member of the Constitutional Convention in 1867, a member of the Board of Regents of the State University of New York from 1870 to his death, and for over 20 years served as school commissioner in Utica. He and his wife, Hannah Devereux, had 10 children. Kernan died in Utica on September 5, 1892.

(Photograph courtesy of the U.S. Senate Historical Office)

## *Erasmus Peshine Smith*

STATE REPORTER: 1857 - 1863



Born in New York City on March 2, 1814, Smith moved to Rochester as a child and graduated from Columbia College in 1832 and Harvard Law School in 1833. After law school, he returned to Rochester, where he engaged in private practice and briefly served as City Attorney. In 1850 he was selected as chair of mathematics and instructor in political economy at the newly established University of Rochester. In 1853 Smith wrote *A Manual of Political Economy*, a popular treatise that promoted the "American System" of economic thought. He was appointed State Reporter in 1857, publishing 13 volumes of the New York Reports. During Smith's tenure, the practice of numbering the reports consecutively through the entire series and only secondarily by the reporter's name was instituted, a custom which has been followed since. He was appointed Commissioner of Immigration in Washington, D.C., in 1864 but left this position shortly thereafter to become Examiner of Claims at the Department of State where, under William H. Seward and Hamilton Fish, he helped shape department policy. In 1871, at the behest of the Japanese government, Secretary Fish appointed Smith to serve as legal advisor to the Japanese Minister of Foreign Affairs, the first American chosen to assist the Japanese government in an official capacity. The treaties and reforms initiated by Smith were instrumental in bringing about the industrial revolution that occurred in Japan during the period of 1876 through 1886. Smith returned in 1876 to Rochester, where he remained active in the city's affairs and helped rear his grandchildren, among whom were Wolcott and Caroline Balestier, friend and wife, respectively, of Rudyard Kipling. Smith died in Rochester on October 21, 1882.

(Photography courtesy of the Rochester Historical Society)

## *Joel Tiffany*

STATE REPORTER: 1863 - 1868

The eleventh official Reporter of New York was born in Barkhamstead, Connecticut, on September 6, 1811. Tiffany attended Amherst College, married Caroline Tyron, and moved to Elyria, Ohio, by 1835. He practiced law in Elyria and Medina, Ohio, for several years, including a brief term as a prosecuting attorney. He also was active in the early Republican party and was instrumental in establishing its platform on several issues. During the years preceding the Civil War, Tiffany achieved prominence as an outspoken advocate of abolition, culminating in his book, *A Treatise on the Unconstitutionality of American Slavery*, published in 1849. Upon relocating to New York City in the 1850s, Tiffany published *Tiffany's Monthly*, a periodical "Devoted to the Investigation of Spiritual Science." His published 1859 interview with Book of Mormon witness Martin Harris remains an important historical resource on the origins of Mormonism. From 1863 to 1868, while residing in Albany, he served as State Reporter and published volumes 28 to 39 of the *New York Reports*. During his tenure as State Reporter, Tiffany authored several legal treatises, including *The Law of Trusts and Trustees, as Administered in England and America* (1862) and *Tiffany & Smith's New York Practice* (1864). In 1869, Tiffany moved to Illinois, where he became the first president of the Village of Hinsdale in 1873. After the death of Caroline Tyron, he was married to Margaret Mason. Tiffany was the father of nine children. He died in Hinsdale on July 1, 1893.

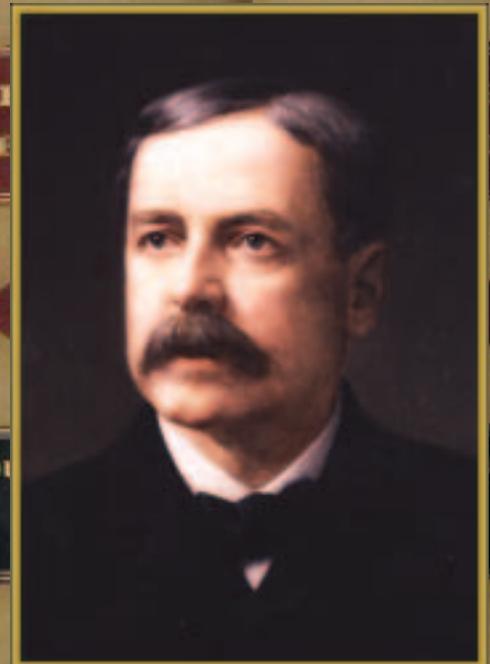
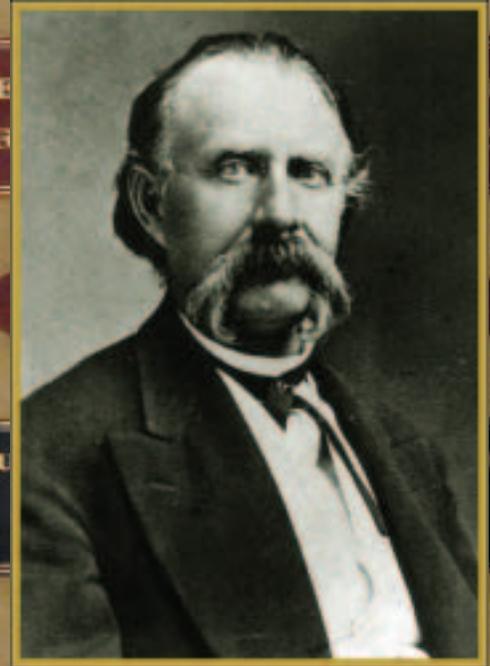
(Photography courtesy of the Hinsdale Historical Society)

## *Samuel Hand*

STATE REPORTER: 1869 - 1871

The twelfth official Reporter, Samuel Hand was born on May 1, 1833 in Elizabethtown, New York, the son of Augustus C. Hand, who served as Justice of the Supreme Court and ex-officio Judge of the Court of Appeals. Hand was a precocious student and graduated from Union College at the age of 17. He studied law with his father and, following his admission to the bar, continued to practice law with him until 1859. Hand relocated to Albany and established a practice there, soon becoming a partner in one of the leading law firms in the state. In 1863 he was appointed Corporation Counsel of Albany. Hand was appointed State Reporter in 1869, a position he held until 1871. During his tenure six volumes of the *New York Reports* were published. In 1875 Hand was appointed to the Commission on Reform of Municipal Government. He was appointed Associate Judge of the Court of Appeals in 1878 to fill the seat left vacant by Judge William F. Allen until Allen's term of office expired in 1879. Judge Hand then served as the second president of the newly formed New York State Bar Association, succeeding former Court of Appeals Judge John K. Porter. Judge Hand died on May 21, 1886 in Albany. In a lifetime of achievement, one of Judge Hand's most notable legacies was his son, Learned Hand, who became one of the most distinguished and respected jurists of the twentieth century.

(Portrait courtesy of the Court of Appeals Collection)



## *Hiram E. Sickels*

STATE REPORTER: 1872 - 1895



Hiram Sickels, the thirteenth official Reporter, was born in Albion, Orleans County, on June 24, 1827. Sickels attended Albion Academy and, at the age of 16, read law in the law office of Curtis & Stone in the same village. Admitted to the bar in 1848, he practiced in Medina for 13 years until the outbreak of the Civil War. Commissioned a First Lieutenant in the Seventeenth Volunteer Battery of the light artillery in 1862, Sickels served from Fort Fisher to Appomattox until June 1865, leaving as Captain for his valiant performance of service to his country. Returning to practice in Albion after his military duty, he moved in 1871 to Albany, where he spent the rest of his life. Until 1872, he edited opinions of the Attorneys General of the State of New York. Sickels then assumed the post of State Reporter in February 1872, a position he held until his death, publishing 101 volumes of the New York Reports, more than any other Reporter. While Reporter, he also served as referee for litigations and was on the faculty of Albany Law School, teaching evidence for 14 years. With the organization of the Civil Service, he served as the chairman of the State Board of Examiners from 1883 to 1888, as appointed by the Civil Service Commissioners. He married Caroline A. Fairman in 1852. Sickels died on July 4, 1895.

(Photograph from Chadbourne, The Public Service of the State of New York)

## *Edmund H. Smith*

STATE REPORTER: 1895 - 1900



Edmund Smith was born on September 27, 1848, the eldest son of Supreme Court Justice James C. Smith, who is considered a founder of the Republican party. Smith attended Canandaigua Academy from 1860 to 1865 and was admitted to the bar in New York City in November 1871. In the spring of 1873, he was appointed assistant to Colonel Bliss, United States District Attorney, but resigned due to illness. He accepted a faculty position at Hobart College, Geneva, in September 1874. Smith worked in the New York Court of Appeals Clerk's Office in 1892, and in 1895 he became State Reporter, publishing 16 volumes of the New York Reports by 1900, when he left the office to administer his father's estate. His sister, Emily Smith Putnam, was in the first graduating class of Bryn Mawr College, and was later to become Dean of Barnard College. Smith married the former Elizabeth Hopkins Bradford on December 27, 1876. He died in Canandaigua, at the age of 67, on October 18, 1915.

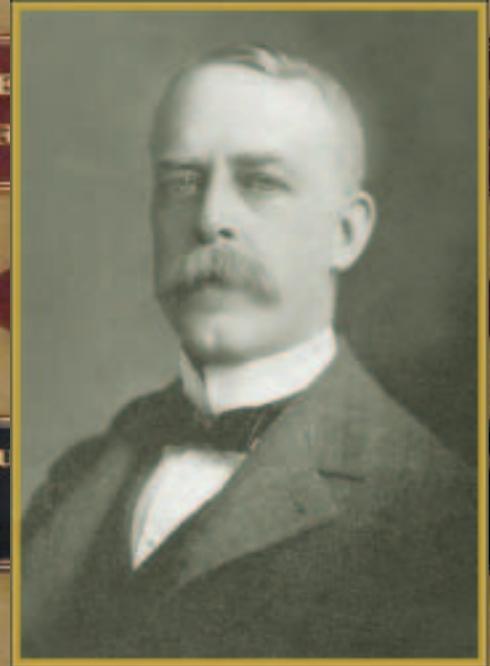
(Photograph courtesy of New York Red Book, Albany, N.Y.)

## *Edwin A. Bedell*

STATE REPORTER: 1900 - 1908

Edwin Bedell, born in Albany on October 9, 1853, was raised by his grandfather after his parents' death when he was a young child. He attended Albany Academy and was graduated from Hope College, Michigan, in 1873 with honors. After graduation, he studied law at Albany Law School and in the office of Peckham & Tremain, being admitted to the bar in 1874. He served as assistant to the Attorney General for five years starting in 1884, leaving this position in 1889 to join the Reporter's office as Assistant State Reporter. Bedell continued in this position for 12 years, during the tenures of Reporters Hiram E. Sickels and Edmund H. Smith. Succeeding to the position of State Reporter in June 1900, he served in this capacity until his death, publishing 29 volumes of the New York Reports. Bedell was an expert in copyright law and an accomplished musician. A member of the Madison Avenue Reformed Church and its organist for 32 years, he prepared "The Church Hymnary" in 1891. In 1883, he married Caroline E. Sickels, daughter of the then State Reporter. Bedell died on March 16, 1908.

(Photograph courtesy of New York Red Book, Albany, N.Y.)



## *Alvah S. Newcomb*

INTERIM STATE REPORTER: 1908 - 1909

Alvah Newcomb was born in Prattsville on December 8, 1851. His family, who traced their ancestors back 700 years, were descendants of Francis Newcomb, who settled in Quincy, Massachusetts, in 1635. After receiving his education at the common schools and with a private tutor, Newcomb attended Kingston Academy and spent two years at Union College, ultimately graduating from Dartmouth College with the class of 1878. He studied law in Poughkeepsie and was admitted to the bar in 1879, practicing in the firm of Fowler and Newcomb until 1881. Thereafter, Newcomb and his father ran the family paper business until the elder Newcomb's death. From 1887 to 1889, Newcomb clerked in the county surrogate's office. Forming the partnership of Brinnier and Newcomb in 1889, he later worked in the firm of Newcomb and Metzger. Active in the Republican party in Ulster County, he served as secretary and chief manager of Benjamin Harrison's presidential campaign in 1888. He was appointed Deputy State Reporter in 1900. Since Newcomb was free to continue his law practice in addition to his work in the Reporter's office, he moved to Albany and opened a private practice. He lectured on international law at Albany Law School from 1902 to 1903. Assuming the position of Interim State Reporter from 1908 to 1909 on the death of Edwin A. Bedell, he published two volumes of the New York Reports. Even though a lifelong Republican, Newcomb took an active role in the presidential campaign of Democratic Judge Alton B. Parker in 1904. He was married to Elsie Hendricks Conklin. Newcomb died in Kingston on February 2, 1928.

(Photograph courtesy of Dartmouth College Library)



## *J. Newton Fiero*

STATE REPORTER: 1909 - 1931



The seventeenth official Reporter of New York was born in Saugerties in 1847. Fiero graduated from Union College in 1867, studied law in the Delhi office of Supreme Court Justice William Murray, and was admitted to the bar in 1869. By 1891 he was in private practice with Amasa J. Parker in the Albany area and had started teaching Common Law and Code Practice and Pleading at Albany Law School. From 1895 to 1924, he served as the law school's sixth Dean, the longest term in the school's history. During this time period, the school adopted a two-year program of study. In the forefront on the issue of legal ethics, Dean Fiero and two of the law school's trustees, Thomas H. Hubbard and Judge Alton B. Parker, who was Chief Judge from 1898 to 1904 before resigning to run for President, prepared the code of ethics adopted by the New York State Bar Association. Additionally, Fiero is credited with implementing the formation of the State Board of Law Examiners, creating a uniform system for the examination of applicants to the bar. In 1909, while at Albany Law School, Dean Fiero was appointed State Reporter, publishing 63 volumes of the New York Reports by his death in 1931. Active in various bar associations, he was president of the New York State Bar Association in 1893 and 1894, and also served as vice-president of the American Bar Association. Dean Fiero was the author of numerous books, including a treatise on special proceedings and special actions and the Principles of the Law of Torts (1900). He was married to the former Jeanette S. McCall, and they had three children. Dean Fiero died in Albany on April 13, 1931.

(Photograph courtesy of Albany Law School)

## *Louis J. Rezzemini*

STATE REPORTER: 1931 - 1942



The eighteenth official Reporter of New York, born in 1872, attended Albany High School. As a high school sophomore in 1888, Rezzemini began the study of law in the office of Hiram E. Sickels, then the State Reporter, commencing what was to be a lifelong relationship with the Reporter's office, spanning over 50 years and the tenure of five Reporters: Hiram E. Sickels, Edmund H. Smith, Edwin A. Bedell, Alvah S. Newcomb, and J. Newton Fiero. After a clerkship with Fiero, he was admitted to the bar in 1893. Serving as State Reporter for his last 11 years with the Reporter's office, Rezzemini published 36 volumes in the first series: 34 New York Reports volumes, one Appellate Division Reports volume, and one Miscellaneous Reports volume. He left the office for a period of nine months to serve in the Spanish-American War, and was stationed in Honolulu. Active in the community, his memberships included the Shriners and the St. Andrew's Society. He was married to Joan Montignani, and they had two children. Rezzemini died in 1947 at the age of 75.

## *Edward J. Dimock*

STATE REPORTER: 1943 -1945

Dimock, a graduate of Yale University in 1911 and Harvard Law School in 1914, was born on January 4, 1890 in Elizabeth, New Jersey. He practiced with the firm later known as Hawkins, Delafield & Wood from 1918 to 1941, leaving practice in 1941 to become a lecturer at Yale Law School until 1946. From 1943 to 1945 Dimock served as State Reporter, publishing 17 volumes in the first series: five of the New York Reports, five of the Appellate Division Reports, and seven of the Miscellaneous Reports. In 1945 he was appointed chairman and member of the Appeals Board established under the Contract Settlement Act of 1944, which adjudicated disputes between World War II contractors and government agencies, deciding 260 cases between 1945 and 1951. Dimock was appointed Judge of the United States District Court for the Southern District of New York by President Truman on July 11, 1951 and served until 1970, except for one day of service in 1983, hearing an immigration matter at the age of 93. In 1953 he presided over the second round of the Smith Act trials. Judge Dimock served for 45 years as a trustee of the Miss Hall's School in Massachusetts, where four of his five daughters had graduated. In 1953 Dimock became a member of the board of managers of the Havens Relief Fund Society, a position his friend and colleague Judge Learned Hand occupied for the previous 30 years. From 1956 to 1970 he served as the Society's vice-president. He was active in local, state, and national bar associations, and was a member of the House of Delegates and Board of Governors of the American Bar Association. Judge Dimock died on March 17, 1986.



## *Leland F. Coss*

STATE REPORTER: 1945 - 1953

Leland Coss was born on August 31, 1898, the only son of the Albany County Sheriff. He attended public schools in Albany before attending Columbia University and later returned home to obtain his law degree at Albany Law School. Upon admission to the bar, Coss worked as a legal editor for the Edward Thompson Company at Northport, where he gained important experience in legal publishing. Coss subsequently returned to Albany, joining the law firm of Wollard & Coogan. In 1929, he began his employment in the State Reporter's office under J. Newton Fiero. Coss was appointed State Reporter in 1945, succeeding Edward J. Dimock. For the next eight years, Coss published 13 volumes of the New York Reports, 14 volumes of the Appellate Division Reports, and 20 volumes of the Miscellaneous Reports. During his 24-year tenure at the Law Reporting Bureau, Coss was prominent in his church and in the community as a member of several organizations, including the local Masonic lodge and the Westland Hills Improvement Association. He was married to the former Margaret A. Naughton. Coss died on September 5, 1953 in Albany.



OFFICIAL



## *James M. Flavin*

STATE REPORTER: 1953 - 1976

James Flavin, the twenty-first official Reporter, was born on March 13, 1908. He graduated Phi Beta Kappa from Syracuse University in 1933, and from Syracuse Law School in 1935. Flavin was appointed Law Clerk to Judge Irving G. Hubbs of the Court of Appeals in 1937, and Clerk in the Office of the Clerk of the Court of Appeals in 1938. He left the Court in 1941 to practice law with Cravath, deGersdorff, Swaine & Wood in New York City. From 1943 to 1945 he served in the United States Army and graduated from the Army Intelligence Japanese Language School in 1945. In 1945 he rejoined the Court as First Deputy State Reporter. Flavin's tenure as State Reporter, from 1953 to 1976, spanned the First and Second Series of the Official Reports. As State Reporter, he was responsible for publishing 180 volumes, including 14 volumes from the First Series (four of the New York Reports, five of the Appellate Division Reports, and five of the Miscellaneous Reports) and 166 volumes from the Second Series (37 New York Reports, 48 Appellate Division Reports, and 81 Miscellaneous Reports). For a two-year period from 1972 to 1974, he also served as Clerk of the Court of Appeals. He was a member of the American, New York State, and Albany County Bar Associations, serving as chairman of the New York State Bar Association Committee on Electronic Legal Research from 1969 to 1973 and chairman of the American Bar Association Committee on Technology and the Courts. An active Rotarian, he was a district governor of Rotary International and chairman of the Board of Trustees of the Albany Rotary Foundation. He also was president of the Alumni Association of Syracuse Law School and a member of the Albany Historical Society and the University Club of Albany. He was married to Magdaline Piefer, and they had two children. Flavin died in Albany on July 13, 1984.

OFFICIAL

OFFICIAL



## *John I. Fitzpatrick*

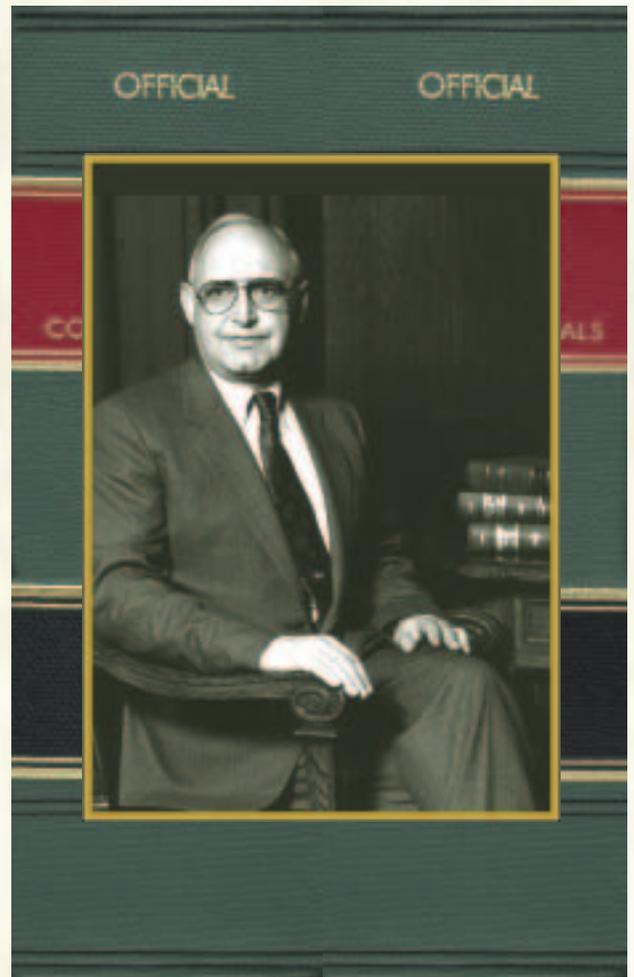
STATE REPORTER: 1976 - 1990

Fitzpatrick, a lifelong resident of Albany, was born on November 10, 1922. His father, who died in 1933, was a library section head of the New York State Library and from 1926 to 1928 was president of the American Association of Law Libraries. Fitzpatrick attended Siena College from 1940 to 1942, and graduated from Albany Law School in 1944. Later in 1944, he joined the Law Reporting Bureau, starting what would be a 46-year career with the Bureau. He served under three State Reporters—Edward J. Dimock, Leland F. Coss, and James M. Flavin—before being appointed Reporter in 1976. During his 14-year tenure as Reporter, Fitzpatrick published 211 volumes, including 38 volumes of the New York Reports, 108 volumes of the Appellate Division Reports, and 65 volumes of the Miscellaneous Reports. This represents the greatest number of volumes published by any Reporter in the history of official law reporting in New York. Fitzpatrick was a communicant of the Holy Cross Church in Albany and a member of the New York State Bar Association, University Club, and Steuben Athletic Club. He was an avid reader, known to have a good sense of humor, and enjoyed close family ties. Fitzpatrick died in Albany on May 23, 1998.

## *Frederick A. Muller*

STATE REPORTER: 1990 - 1998

Muller, born on December 18, 1937, is a 1960 graduate of the University of Rochester and a 1963 graduate of the University of Chicago School of Law. He served as a Captain in the United States Air Force Judge Advocate General's Corps from 1964 to 1967, with tours of duty in many foreign locations, including Turkey. On January 1, 1968, Muller joined the Court of Appeals as Senior Law Clerk to Judge Matthew T. Jasen. After his clerkship, he entered private practice with Hodgson, Russ, Andrews, Woods and Goodyear in Buffalo. Three years later, in 1973, Muller reentered state service as Assistant Consultation Clerk for the Court of Appeals. In 1982, he was named Deputy State Reporter and served in this position until his appointment as State Reporter in 1990. He published 18 volumes of the New York Reports, 88 volumes of the Appellate Division Reports, and 31 volumes of the Miscellaneous Reports. Under Muller's leadership, the Official Reports appeared for the first time in a CD-ROM version. Additionally, Muller was a charter member and president (1990 to 1991) of the Association of Reporters of Judicial Decisions, a member of the Advisory Committee for the University of Chicago Manual of Legal Citation, and a coauthor of the American Bar Association Appellate Judges Conference Judicial Opinion Writing Manual. He is married to the former Ellen Willard, and they have two children.



## *Charles A. Ashe*

INTERIM STATE REPORTER: 1998 - 1999

Born September 28, 1947 in Rochester, Ashe is a 1969 graduate of Cornell University with a bachelor's degree in government and a 1972 graduate of Syracuse University Law School. He joined the staff of the Law Reporting Bureau in 1972. Ashe was appointed Assistant State Reporter in 1982 and Deputy State Reporter in 1990. He was named Interim State Reporter in December 1998, serving from the retirement of Frederick A. Muller until the appointment of Gary D. Spivey in March 1999. He published one volume of the New York Reports, two volumes of the Appellate Division Reports, and two volumes of the Miscellaneous Reports. He continues to serve as Deputy State Reporter. Ashe is a past president (2000 to 2001) of the Association of Reporters of Judicial Decisions (ARJD), and has served on the Honors and Education Committees of that organization. He currently chairs the ARJD's Web Site Committee. Ashe is married to the former Margaret Draper, and they have four children.



# Gary D. Spivey

STATE REPORTER: 1999 - PRESENT

Gary Spivey was born on July 20, 1940, in Madison, Indiana. He attended Indiana University in Bloomington, studying journalism and political science, and worked during the summers as a journalist. After graduation, he enlisted in the United States Army and served for more than three years in Vietnam in the Army's signals intelligence service. Returning to Indiana University after military service, he entered the School of Law, where he served as Managing Editor of the Indiana Law Journal, and received his doctor of jurisprudence degree in 1970. Pursuing his dual interests in law and writing, he then started a legal publishing career as a legal editor with the Lawyers Co-operative Publishing Company (LCP) in Rochester, N.Y., where he rose through the ranks to become editor-in-chief of the organization. His tenure was marked by a broad expansion of the LCP product line, including the development of a number of multi-volume publications on federal law topics. His responsibilities at LCP included the contract for the publication of the New York Official Reports, and in this role he first became familiar with and visited the office of the State Reporter. In 1988, he became a director of LCP and the first president and CEO of LCP's electronic publishing subsidiary, Veralex Inc., which developed and distributed on-line, diskette, and video disc products in a joint venture with the Mead Data Central (LEXIS) organization. In this capacity, he worked with the State Reporter's office on the development of the Official Reports on CD-ROM. At the end of 1991, he accepted a position at the Shepard's Citations company in Colorado Springs, where he served as vice-president, Electronic Publishing and Development, and led the development of Shepard's CD-ROM product line. In March 1999, Spivey became the only person other than Leland F. Coss (1945 to 1953) to come to the position of State Reporter from a background in legal publishing. To date, 94 volumes of the Official Reports have been published under his name: eight of the New York Reports, 66 of the Appellate Division Reports, and 20 of the Miscellaneous Reports. In his role as State Reporter, Spivey has served as a member of the Commission on Public Access to Court Records and the Computer-Assisted Legal Research Committee. He is a member of the New York and federal bars and is chair of the American Bar Association (ABA) Intellectual Property Law Section's Committee on University Intellectual Property Law. He is a past president of the American Society of Writers on Legal Subjects (Scribes). Spivey is the author of numerous articles on a variety of legal subjects, including some 80 annotations in American Law Reports, and has testified on a number of legal publishing industry issues before the U.S. Department of Justice, the Administrative Office of U.S. Courts, and the ABA. He is a past president of the West Irondequoit, New York Board of Education, a former chair of the St. Margaret Mary Parish Council in Irondequoit, and a president-elect of the Southeast Asia Army Security Agency Veterans Association. He and his wife, the former Miriam Lang, are parents of three adult sons.



# OTHER OFFICIAL REPORTERS



The history of official law reporting in New York is not limited to the official reports of the courts of last resort.

During the course of the nineteenth century, official reports for other courts were introduced. Like the reports of the Supreme Court of Judicature and the Court for the Trial of Impeachments and the Correction of Errors, other official reports of this era are called “nominative” reports, since they are cited by the name of the reporter who compiled them. The most prolific of the reporters of the nominative reports was Marcus T. Hun, who published 92 volumes of the decisions of the General Terms of the Supreme Court, the predecessor of the Appellate Division.

Just as the nominative reports for the courts of last resort had come to an end with the introduction of the New York Reports in 1847, the nominative reports of the lower courts were completely eliminated by the introduction of the Appellate Division Reports and the Miscellaneous Reports in the 1890s.

While the Appellate Division Reports and the Miscellaneous Reports originally had their own reporters, the elimination of these positions was completed with the consolidation of all official law reporting under the State Reporter in 1938. The Supreme Court (Appellate Division) Reporter became First Deputy State Reporter. Earlier, the office and personnel of the Miscellaneous Reporter had been folded into the office of Supreme Court (Appellate Division) Reporter.

Thus, the current Deputy State Reporter, Charles A. Ashe, and Assistant State Reporter, William J. Hooks, can be considered direct successors of the Supreme Court (Appellate Division) Reporters and Miscellaneous Reporters, respectively. Under the supervision of the State Reporter, Mr. Ashe has primary responsibility for the Appellate Division Reports and Mr. Hooks for the Miscellaneous Reports.

A complete list of all official reporters, other than reporters of the courts of last resort, follows.

## 1. Reporters of the Court of Chancery (1814-1848):

William Johnson	1814-1823	7 Volumes	Johns Ch
Samuel M. Hopkins	1823-1826	1	Hopk Ch
Alonzo C. Paige	1828-1845	11	Paige Ch
Oliver L. Barbour	1845-1848	3	Barb Ch

## 2. Reporters of the Vice-Chancellors' Courts (1831-1848):

Lewis H. Sanford*	1843-1847	4 Volumes	Sandf Ch
Charles L. Clarke (Whittlesey, Vice-Ch.)	1839-1841	1	Clarke Ch
Charles Edwards (McCoun, Vice-Ch.)	1831-1850	4	Edw Ch
Murray Hoffman*	1839-1840	1	Hoff Ch

# OTHER OFFICIAL REPORTERS



### 3. Reporters of the New York City Superior Court:

Jonathan Prescott Hall	1828-1829	2 Volumes	Hall
Lewis H. Sanford*	1847-1852	5	Sandf
John Duer*	1852-1857	6	Duer
Joseph Bosworth*	1856-1863	10	Bosw
Anthony L. Robertson*	1863-1868	7	Robt
James M. Sweeny	1869-1870	2	Sweeny
Samuel Jones* and James C. Spencer*	1871-1892	29	Jones & Sp

### 4. Reporters of the New York City Court of Common Pleas:

E. Delafield Smith	1850-1856	4 Volumes	ED Smith
Henry Hilton*	1855-1860	2	Hilt
Charles P. Daly*	1859-1891	16	Daly

### 5. Reporters of the Supreme Court (General Terms):

Abraham Lansing	1869-1873	7 Volumes	Lans
Marcus T. Hun	1874-1896	92	Hun



#### **MARCUS TULLIUS HUN**—SUPREME COURT REPORTER: 1874 - 1905.

Supreme Court Reporter Marcus Hun, born in Albany in 1845, was a graduate of Albany Academy, Union College, and Albany Law School. He practiced law with Russell Johnson and Learned Hand until 1902, when he formed a new firm with his son-in-law Lewis R. Parker. In 1874 he was appointed Supreme Court Reporter, a position he held for 32 years until his retirement in 1905. The resolution in 108 App Div xlv states: "The unvarying accuracy of his reports, and their complete fulfilment of the requirements of an ideal standard of excellence, afford abundant evidence of the sedulous and painstaking care which he has bestowed upon their preparation, as well as of the unusual skill and judgment which he has brought to the discharge of a difficult and onerous duty. His long-continued efforts for the improvement of the reporting system of this State constitute a distinguished public service which merits and has received the universal approval both of the bench and the bar."

(Photograph from New York State Men [Frederick Hill ed])

# OTHER OFFICIAL REPORTERS



## 6. Reporters of the Supreme Court (Appellate Division):

Marcus T. Hun	1896-1905	108 Volumes	App Div
Jerome B. Fisher	1906-1919	180	App Div
Austin B. Griffin	1920-1938	76	App Div



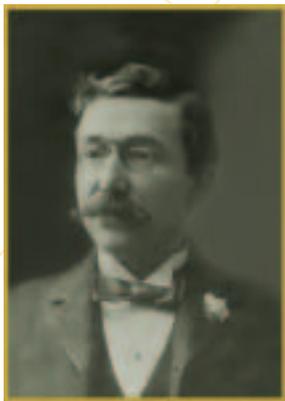
### **JEROME B. FISHER**—SUPREME COURT REPORTER: 1905 - 1919.

Jerome Fisher served as Supreme Court Reporter from November 10, 1905 to June 18, 1919. The memoriam in 189 App Div lxxiv states: "He was a lawyer of high and varied attainments, a judge learned and upright, and these qualities he brought to the service of this Court and expanded for the benefit of his brethren of the Bar. In addition to his professional attainments he had a fine public spirit and a fraternal sense of kinship which made him a leader beloved by many."

(Photograph courtesy of New York Red Book, Albany, N.Y.)

## 7. Miscellaneous Reporters:

F.B. Delehanty	1892-1897	21 Volumes	Misc
Robert G. Scherer	1898-1905	26	Misc
Charles C. Lester	1905-1911	27	Misc
Joseph A. Lawson	1911-1916	23	Misc
William V.R. Erving	1916-1924	25	Misc



### **ROBERT GEORGE SCHERER**—MISCELLANEOUS COURT REPORTER: 1898 - 1905.

Robert Scherer, born in Albany, attended Cornell University and Columbia Law School before being admitted to the bar in 1882. Scherer, committed to public service, was a member of the Board of Public Instruction from 1885 to 1889 and the State Assembly, holding the position of chairman of the Judiciary Committee. Additionally, he was a member of the New York State Bar Association's Committee of Law Reform and a charter member of the Albany County Bar Association. In the resolution in 47 Misc 695, 696 it is said that: "To all interests intrusted to him he gave prompt, careful and skillful attention. Thoughtfulness, thoroughness and efficiency characterized his efforts. He was faithful, energetic, resourceful, exact, and industrious." Scherer died at the age of 44 on October 28, 1905.

(Photograph courtesy of New York Red Book, Albany, N.Y.)

\*Indicates that Reporter was also judge of the court.

# O F F I C E S O F T H E O

One Commerce Plaza



33 Washington Avenue



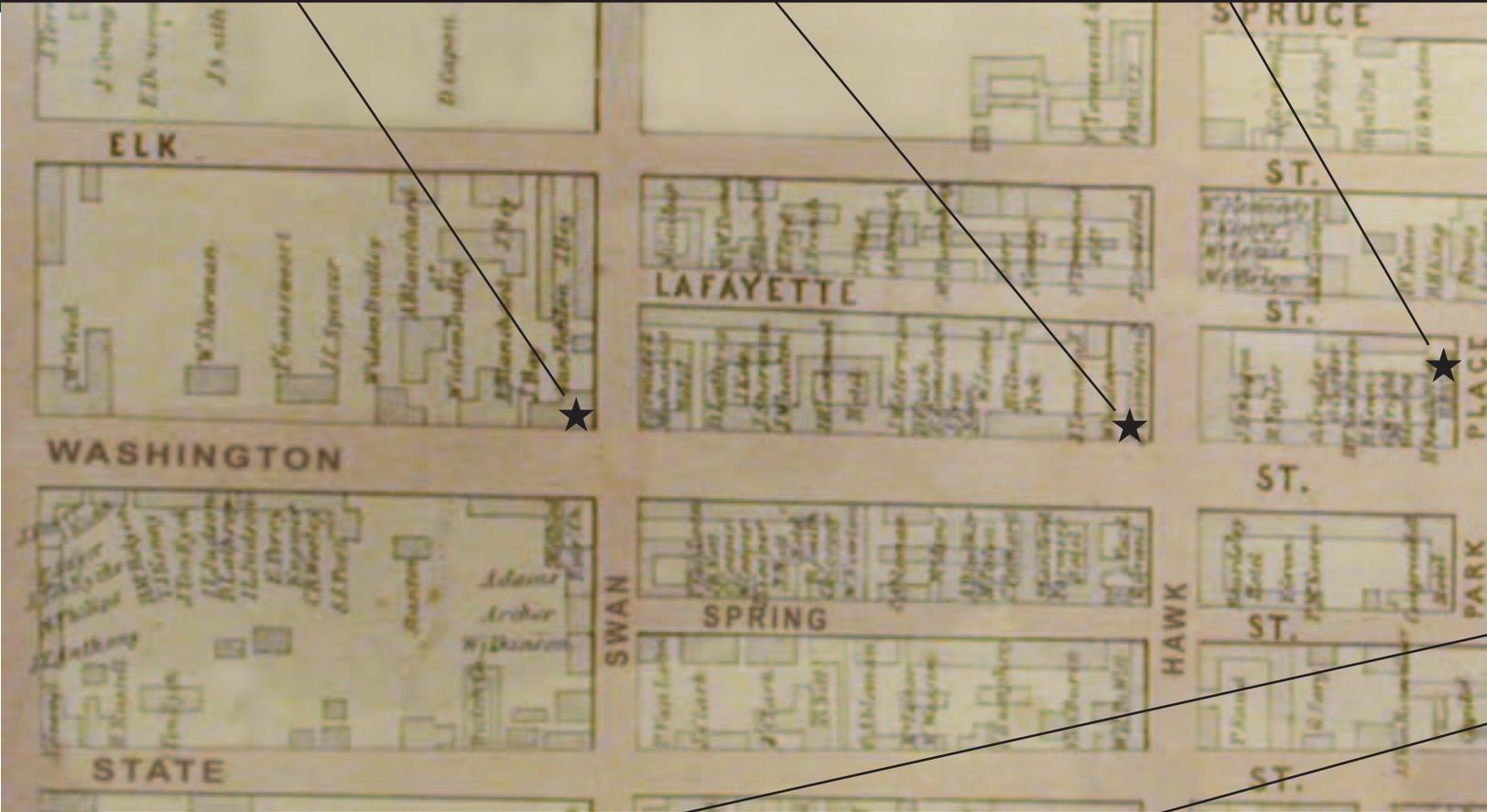
2 Park Place



11

7

3



8

2



25 Eagle Street



125 State Street

# A L B A N Y

# F F I C I A L R E P O R T E R

Court of Appeals Hall



68 North Pearl Street



527 Broadway



10

1

4

9

5

6



100 State Street



25 North Pearl Street



38 State Street

# N E W Y O R K



In the early days of official law reporting in New York, the reporters appear to have operated out of their private law offices. The first (Caines) and second (Johnson) were located in New York City, and the third (Cowen) had an office in Saratoga Springs. But beginning with the fourth Reporter (Wendell), most reporters have maintained their offices in Albany. All of their known offices can be found within a quarter-mile radius of the old State Hall (now Court of Appeals Hall), which became the home of the office of State Reporter when the Court of Appeals first occupied it in 1917. Until 1938, the State Reporter was responsible only for the publication of the opinions of the Court of Appeals and predecessor courts of last resort, work that could be accomplished by the reporter and five assistants. But with the creation of the Law Reporting Bureau in 1938, the consolidation of all official reporting under the State Reporter, and the growth in the number of published opinions, the staff gradually outgrew its office space in Court of Appeals Hall. Since 1985, the Law Reporting Bureau has occupied leased space on the seventeenth floor of One Commerce Plaza.



1

Above:  
68 North Pearl St., site of office of John L. Wendell (c. 1828).  
City of Albany bicentennial parade route, Kenmore block, North Pearl St., July 18-22, 1886. Main Photograph Collection Albany Institute of History & Art Library



2

Left:  
Etching of State St. and Broadway in 1837. 125 State St. was the site of the office of John L. Wendell (c. 1831).  
Courtesy of the Albany Public Library





3

Left:  
2 Park Place, site of office of John L. Wendell (c. 1839), in what is now Academy Park.  
Photograph courtesy of the Albany Public Library

4

Below:  
527 Broadway, third building from the right. Office of Joel Tiffany (c. 1863).  
Photograph courtesy of the Albany Public Library



5

Left:  
"Old Hun Building," 25 North Pearl St., Albany, N.Y. Office of Samuel Hand (c. 1873) and Hiram E. Sickels (c. 1874).  
Hun Building, S.E. Corner of Maiden Lane and North Pearl St., Albany  
Stephen Schreiber, Jr.  
1919  
Main Photograph Collection  
Albany Institute of History & Art Library





6

Left:  
National Commercial Bank building, seen as the Hampton Hotel,  
38 State St., Albany, N.Y. Office of Hiram E. Sickels (c. 1889),  
Edmund H. Smith (c. 1896), and Edwin A. Bedell (c. 1901).

South Side of State St., Albany  
Attributed to Stephen Schreiber, Jr.  
c. 1930  
Main Photograph Collection  
Albany Institute of History & Art Library

7

Right:  
33 Washington Ave., Albany, N.Y. (corner with Hawk St.), current  
location of the New York State Education building. Office of Edwin A.  
Bedell (c. 1905-1906); his name and title appear on the plaque to the  
left of the second door from the corner.

Corner of Washington Ave. and Hawk St., Albany  
Stephen Schreiber, Jr.  
c. 1900  
Morris Gerber Collection  
Albany Institute of History & Art Library



8

Left:  
Building far left, 25 Eagle St., Albany, N.Y. (corner  
with Maiden Lane). Office of Edwin A. Bedell (c. 1907-1908).

Eagle St., Albany  
Unidentified Photographer  
c. 1950  
Morris Gerber Collection  
Albany Institute of History & Art Library





9

Right:  
Albany Savings Institution, 100 State St., Albany, N.Y. Office of  
Alvah S. Newcomb (c. 1909) and J. Newton Fiero  
(c. 1910).

Albany Savings Institution, State St., Albany  
Attributed to Stephen Schreiber, Jr.  
c. 1920  
Morris Gerber Collection  
Albany Institute of History & Art Library



10

Left:  
Court of Appeals Hall, 20 Eagle St., Albany, N.Y.  
Office of J. Newton Fiero (c. 1917), Louis J. Rezzemini,  
Edward J. Dimock, Leland F. Coss, James M. Flavin, and  
John T. Fitzpatrick.

Photograph courtesy of the Court of Appeals Collection



11

Right:  
One Commerce Plaza, 99 Washington Ave., Albany, N.Y.  
The current location of the New York State Law Reporting Bureau  
since the fall of 1985. Office of John T. Fitzpatrick, Frederick A.  
Muller, Charles A. Ashe, and Gary D. Spivey.



# EDITORIAL TECHNOLOGY



Above:  
Georg Friedrich Kersting, *Man Reading by Lamplight* (1814)  
(Oskar Reinhart Foundation).

would be made in America until 1812. He wrote on paper made from rags, since the method of making paper from wood pulp would not reach America until the next century. Caines worked by natural light when available and by candlelight or lamplight when it was not. If he used a lamp, it likely was fueled by lard oil or other rendered fat, since whale oil, while available, would have been prohibitively expensive (at about \$200 per gallon in today's dollars).

The editorial office environment would change only gradually over the next century. The steel point pen would remain the common writing instrument throughout the 1800s, until supplanted by the

When George Caines became New York's first official Reporter in 1804, his tool of the trade was the quill pen. A steel point pen had been patented in the previous year, but the new invention would not become commercially available for another 30 years. His office may have been equipped with graphite pencils, but these would have had to have been imported, since none

fountain pen in the early twentieth century. Candles and oil lamps would give way to gas lighting and then to Thomas Edison's incandescent light bulb.

The first major advance in editorial office technology came with the invention of the typewriter, which reached the American market in 1874, during the tenure of State Reporter Hiram E. Sickels (1871-1895). It is doubtful that typewriters were used in the office of the State Reporter during his tenure, since few were comfortable with "mechanical writing" at that time, and the instruments would not be perfected until the time of State Reporter Edwin A. Bedell (1900-1908). Eventually, typewriters became commonplace in the office of the State Reporter, although few legal editors used them. Most editors lacked the skill to use the typewriter and, in any event, preferred to write in longhand and leave the typing to the secretarial staff.

During the tenure of the technologically progressive State Reporter James M. Flavin (1953-1976), electric typewriters came on the market and into the Law Reporting Bureau. The use of the IBM electronic typewriter, with its revolutionary design and increased typing speed, set the stage for the implementation of computer technology in the editorial process.



## CHANGING TIMES

Changing technology can bring a certain amount of apprehension to those who are comfortable with the tools that they have been using. While we tend to associate this resistance to technological changes with our current computerized climate, this is not completely true. Therese Landry, secretary to Reporters Leland F. Coss and James M. Flavin, recalls the time when she left for her honeymoon, only to find upon her return that her manual typewriter had been replaced by an electric one. She was not very happy with the prospect of becoming proficient in the use of the new typewriter, but, since management refused to return the old one, she had no choice. She said: "They probably realized that if they returned the manual typewriter, I would never have learned to use the electric one. And they would have been right."

# EDITORIAL TECHNOLOGY



Above:  
Photograph from ABC Notebook

## ALBANY BUSINESS COLLEGE GRADUATES AT THE BUREAU

The IBM Selectric typewriter was the latest technology when this picture was taken. It is a 1970s depiction of the staff members at the Law Reporting Bureau who were graduates of the Albany Business College, three of whom, Susan Samson, Carol Olson, and Lana Lanese, are still with the Bureau. Standing from left are Susan Samson, Carol Olson, Barbara Hudson-Lesniak, Marie Harris, and Lana Lanese. Seated is Gretchen Hodges.

Computers became an integral part of the Law Reporting Bureau's operations in the 1970s with the installation of two terminals remotely connected to the publisher's IBM minicomputer system. These consoles (IBM 3767 communication terminals) were "dumb" typewriter stations that displayed output on typed hard copy rather than display screens. At these stations, operators keyed the full text of each decision received for publication, along with formatting "tags," headnotes, and other editorial enhancements (mostly still prepared by legal editors in longhand). A telephone line modem connection allowed the operator to dial up, log in, and send the decision file to the off-site minicomputer.

In the early 1980s the office migrated to a Wang multiuser system with an on-site OIS 140 minicomputer. The eight networked terminals were outfitted with nine-inch monochrome screens that displayed unformatted text. As with the earlier systems, decisions were keyed in their entirety from typed decisions received via mail from the courts and were interspersed with formatting tags as well as editorial revisions and additions. The decision files were saved on floppy disks that initially were mailed to the publisher. Eventually a modem enabled the transmission of files over telephone lines, and other upgrades were made.



Wang OIS 140 minicomputer and  
5536 workstation



Ten years later, the Wang system was replaced by interconnected personal computers, a file server, and networked printers. The Windows operating system provided a graphical user interface so that the screen display accurately reflected the text and page formatting. Also in the early 1990s, the New York State Office of Court Administration (OCA) began to collect appellate court decisions electronically and transmit the decision files to the Law Reporting Bureau. A dedicated leased-line connection between the Law Reporting Bureau and the publisher's facilities enabled high-speed exchange of files and reduced time to publication.

# EDITORIAL TECHNOLOGY

During the past decade all Bureau employees have been equipped with state-of-the art computing equipment, provided by the publisher pursuant to the Official Reports publishing contract. Now, even legal editors work at a keyboard, the ease and efficiency of personal computing having overcome the century-long aversion to “mechanical writing.” In addition, the Law Reporting Bureau has become part of OCA’s CourtNet wide area network, greatly facilitating communications between judges’ chambers and the Bureau.

Today, the Law Reporting Bureau utilizes technology in nearly every aspect of its editorial operations. Through the creativity of Chief Legal Editor Michael S. Moran, editorial processes have been automated to a degree unsurpassed in any other known editorial office, public or private.

Verification of citations by paging through books in the Bureau library largely has been superseded by electronic research using either on-line services or the Bureau’s legal CD-ROM library. All decisions are electronically preverified to flag possibly erroneous citations. In addition, the citations in each decision are hypertext-linked to the full text of each cited case, statute, or other authority, allowing editors to verify citations against cited sources via a single mouse click.

Proofreaders may review all corrections at any time by referring to a document that color-codes all additions and deletions. Additionally, instead of proofreading in paired teams, the office can employ customized “text-to-speech” software to read decisions to proofreading staff.

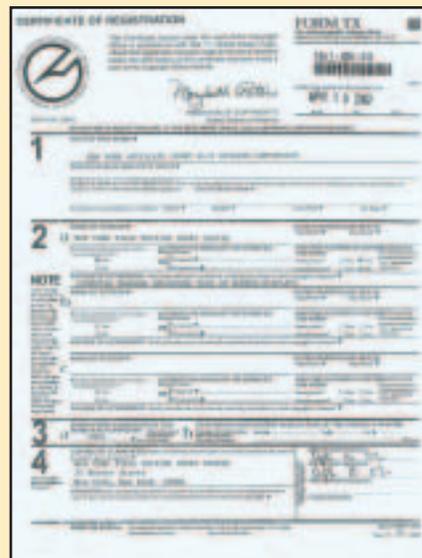
Finally, when decisions are ready for release, institutionally developed software converts the corrected decisions to the proper formats for transmission to the publisher, posting on the Bureau’s Web site, and updating records in the Bureau’s comprehensive in-house administrative database.



Left: Milagros Figueroa demonstrates the “text-to-speech” software for Court of Appeals Judge Victoria A. Graffeo with Senior Legal Editor Kelli J. Flansburg looking on.



Above: Chief Legal Editor Michael S. Moran demonstrates automated editorial procedures to then Court of Appeals Judge Richard C. Wesley (now United States Circuit Judge), as Stuart Cohen, Clerk of the Court, and Deputy State Reporter Charles A. Ashe look on.



Above: Copyrights have been registered for several editorial automation programs developed by the Law Reporting Bureau.

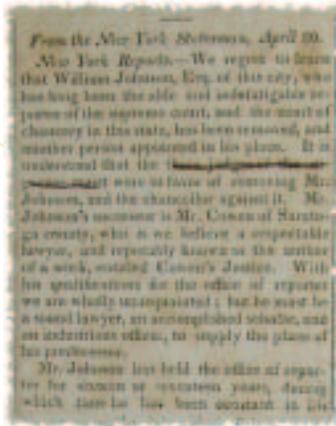
# TWO CENTURIES OF LEADERSHIP AND SERVICE

From the early days of the Republic, the New York Official Reports have held an eminent position in the literature of American jurisprudence, and the official reporters and their colleagues have rendered extraordinary service to the nation, state, and legal profession.

## LEADERSHIP IN OFFICIAL REPORTING

The importance of the New York Official Reports, even beyond the boundaries of New York State, long has been recognized, and New York's reporters have been recognized leaders in official reporting.

- On the retirement of William Johnson as Reporter, Justice Joseph Story of the Supreme Court of the United States wrote that Johnson's reports "will form an era, not merely in the jurisprudence of New York, but of America."
- New York judicial decisions continue to be the most-frequently consulted and cited state court decisions in American law.
- New York has provided two presidents of the Association of Reporters of Judicial Decisions, the international professional organization of official reporters: Frederick A. Muller and Charles A. Ashe.



Left: Newspaper clipping from the New York Statesman, April 30, 1823, regarding William Johnson's retirement as Reporter. This article was affixed to Chancellor Kent's personal copy of Johnson's Reports. The strike-out is Kent's, indicating his disagreement with a statement in the article.



Left: Portrait of Justice Joseph Story by George P. A. Healy. Courtesy of the Collection of the Supreme Court of the United States

## JURISTS

Six official reporters have gone on to high judicial office.

- Esek Cowen (Supreme Court of Judicature)
- Hiram Denio (Chief Judge, Court of Appeals)
- George F. Comstock (Chief Judge, Court of Appeals)
- Henry R. Selden (Court of Appeals)
- Samuel Hand (Court of Appeals)
- Edward J. Dimock (U.S. District Court)



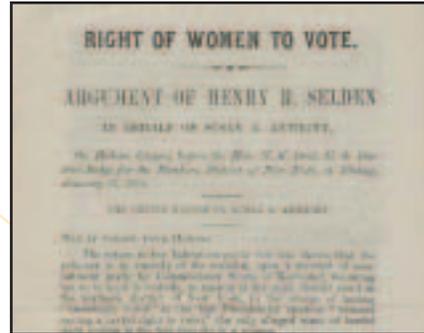
Left: Edward J. Dimock, District Court Judge for the Southern District of N.Y. Photograph at 648 Fed Supp lxxxv

# TWO CENTURIES OF LEADERSHIP AND SERVICE

## GOVERNMENT AND POLITICS

Several State Reporters held important positions in government and politics.

- Francis Kernan was a U.S. Senator.
- Henry R. Selden was Lieutenant Governor.
- George F. Comstock was U.S. Solicitor of the Treasury.
- Erasmus Peshine Smith was legal advisor to the Japanese Minister of Foreign Affairs.
- Alvah S. Newcomb managed Benjamin Harrison's presidential campaign.



Above:  
Henry R. Selden defended Susan B. Anthony.  
Susan B. Anthony House Collection

## BAR ASSOCIATIONS

State Reporters have held prominent positions in state and national bar associations.

- Samuel Hand was the second president of the New York State Bar Association.
- J. Newton Fiero was president of the New York State Bar Association and vice-president of the American Bar Association.
- Edward J. Dimock was a member of the Board of Governors of the American Bar Association.

The Law Reporting Bureau has provided technological leadership to the New York State Bar Association:

- State Reporter James M. Flavin chaired the Bar Association's Committee on Electronic Legal Research, which pioneered on-line legal services.
- Chief Legal Editor Michael S. Moran developed the Web site for the Bar Association's Committee on Attorneys in Public Service and has written and lectured on technology issues.



Above:  
New York State Bar Association  
One Elk St., Albany, N.Y.

Right:  
Chief Legal Editor Michael S. Moran's article in the New York State Bar Association's Government, Law and Policy Journal. (Moran, *Internet Access and Employer Risk*, 2 NY St BA Gov't, Law & Pol'y J 18 [Spring 2000].)



# TWO CENTURIES OF LEADERSHIP AND SERVICE

## ALBANY LAW SCHOOL

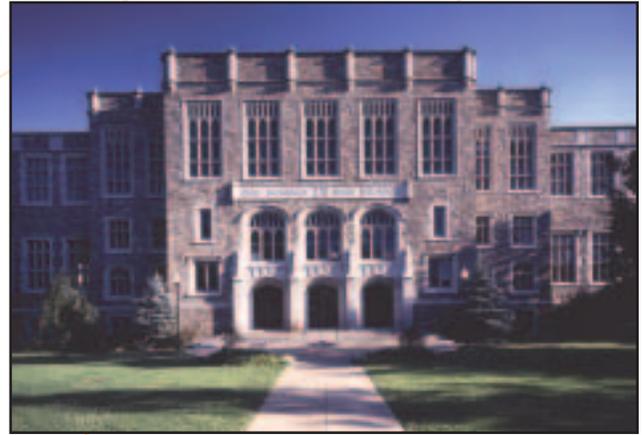
The office of the State Reporter has a long and rich affiliation with Albany Law School.

- J. Newton Fiero served as Dean.
- Hiram E. Sickels taught evidence.
- Alvah S. Newcomb lectured on international law.
- Edwin A. Bedell, Leland F. Coss, and John T. Fitzpatrick attended the law school.
- Eleven current members of the staff are graduates.

## LEGAL LITERATURE

Not surprisingly, New York reporters have been prolific authors and editors of legal works.

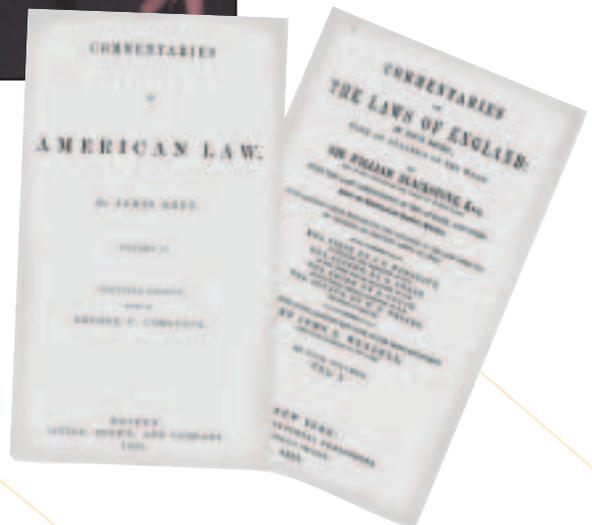
- George Caines wrote *Lex Mercatoria Americana*, a commercial law treatise.
- William Johnson translated a work on maritime law.
- Esek Cowen wrote a treatise on civil jurisdiction.
- John L. Wendell edited Blackstone's *Commentaries* and a work on slander.
- Nicholas Hill and Esek Cowen coauthored a work on evidence.
- Hiram Denio edited an edition of New York statutes.
- George F. Comstock edited *Kent's Commentaries*.
- Joel Tiffany wrote a treatise on the unconstitutionality of slavery and treatises on trusts and New York practice.
- J. Newton Fiero wrote treatises on torts and special proceedings.
- Gary D. Spivey wrote for *American Law Reports* and was president of the American Society of Writers on Legal Subjects (Scribes).



Above:  
Albany Law School  
80 New Scotland Ave., Albany, N.Y.

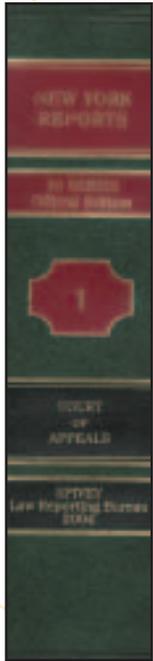


Left:  
Court of Appeals Judge  
Victoria A. Graffeo and Principal  
Legal Editor Amy M. Schneider  
were Albany Law School  
classmates.



Below:  
Title pages from Kent's  
*Commentaries* edited by  
George F. Comstock and  
Blackstone's *Commentaries*  
edited by John L. Wendell.

# A THIRD SERIES FOR A THIRD CENTURY

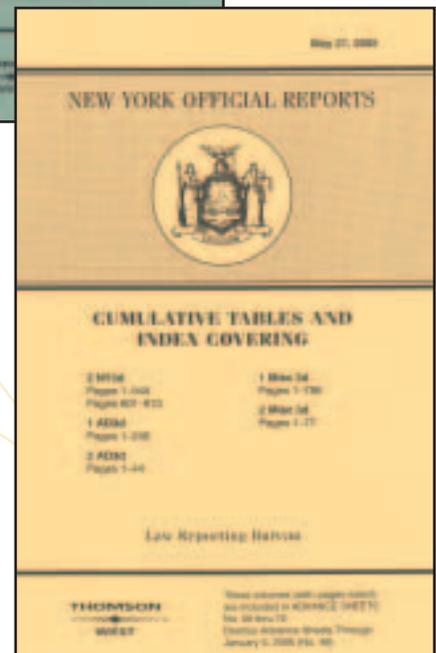
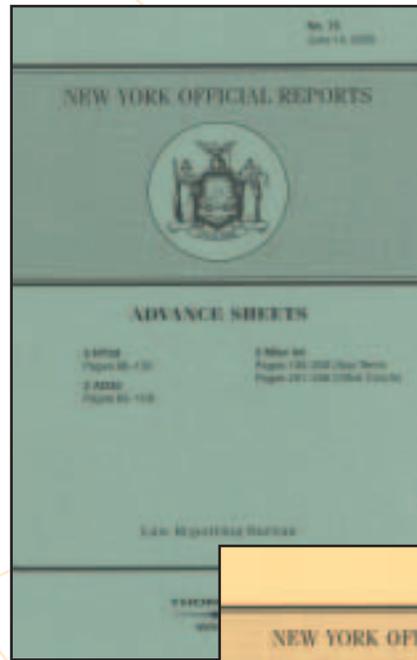


At the dawn of the third century of official law reporting in New York State, a Third Series of the New York Official Reports was introduced in January 2004. The Second Series, introduced in 1956, had served the bench and bar well for nearly 50 years, but was not designed for the modern era of electronic production techniques and distribution media. Therefore, in the Third Series, the Official Reports have been redesigned in all media to take advantage of the attributes of each medium in a manner consistent with valued traditional attributes. Content has been expanded to include previously unpublished materials; the format and arrangement of materials have been enhanced for greater clarity and improved utility; and the physical appearance of the bound volumes and advance sheets

has been modernized. Print and electronic materials have been integrated, and research references to on-line materials have been added.

A new interim bound volume for the New York Reports has been provided to facilitate researching Court of Appeals opinions; headnotes and Digest classifications have been integrated with Appellate Division memorandum decisions for greater ease of use; and the coverage of the Miscellaneous Reports has been expanded to include all Appellate Term opinions, which will be reported either in full or abstracted form.

Like the nominative reports and the First and Second Series that preceded it, the Third Series of the New York Official Reports will continue to serve the bench, bar, and citizenry by providing a faithful rendering of the decisions of the courts of the State of New York.



# ACKNOWLEDGMENTS

Albany Institute of History & Art  
 Albany Law School  
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 Thomson Company  
 Yale University



Above:  
 1990 swearing-in ceremony of State Reporter Frederick A. Muller, seated  
 center, with his wife Ellen, left, and son John, right. Court of Appeals Judges  
 standing from left: Richard D. Simons, Judith S. Kaye, Fritz W. Alexander, II,  
 Chief Judge Sol Wachtler, Vito J. Titone, Stewart F. Hancock, Jr., and Joseph  
 W. Bellacosa.



Above:  
 Principal Legal Editor Chilton B. Latham with  
 Court of Appeals Judge Victoria A. Graffeo  
 during a visit by Judge Graffeo to the Bureau.



Above:  
 Court of Appeals Judge Howard A. Levine and  
 Management Analyst Cynthia McCormick.

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Above:  
1948 Bureau picnic, from left: John T. Fitzpatrick, Anne Mitchell, James M. Flavin, unidentified woman, Harry Wolkin, unidentified woman, Henry Gould, Therese M. Landry, Irving Butler, Leland F. Coss, and Gretchen Dolan.



Above:  
1948 Bureau picnic, from left: an unidentified woman, Henry Gould, Anne Mitchell, and Therese M. Landry.



Above:  
1948 Bureau picnic, from front left: James M. Flavin, Gretchen Dolan, John T. Fitzpatrick, unidentified woman, and Therese M. Landry. Back row from left: Harry Wolkin, unidentified woman, Irving Butler, Henry Gould, and Leland F. Coss. Anne Mitchell (kneeling).

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Above:  
Law Reporting Assistants Carol Olson and Linda M. Paonessa.



Above:  
Chief Legal Editor Michael S. Moran and Principal Legal Editor John W. Lesniak developing software used at the Bureau.



Above:  
1979 office picnic, left back: Principal Legal Editor Amy M. Schneider. Center from left: Law Reporting Assistant Susan Samson, with Helen Fanshawe and Jennifer Jaffee. Front from left: Marie Harris and Gretchen Hodges.

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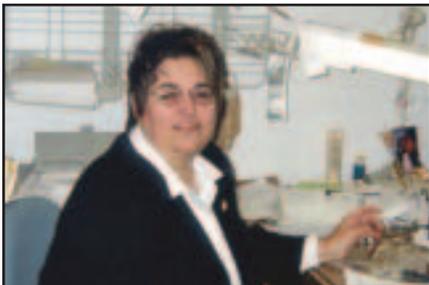
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5. Computers: Frederick A. Muller, *Electronic Assembly and Distribution of the Official Reports of New York State Court Decisions* (paper presented at 1992 International Conference on Computers and the Law, Oct. 1, 1992) (on file at New York State Law Reporting Bureau).

## Two Centuries of Leadership and Service

### Leadership in Official Reporting

1. On the national influence of New York decisions, *see generally* Stewart E. Sterk, *The New York Court of Appeals: 150 Years of Leading Decisions*, in *There shall be a Court of Appeals: 150th Anniversary of the Court of Appeals of the State of New York*, at 50 (1997), <<http://www.courts.state.ny.us/history/elecbook/thereshallbe/pg50.htm>>.
2. Justice Story quotation is from Letter from Joseph Story to William Johnson (May 16, 1824) in *1 Life and Letters of Joseph Story*, at 428-429 (1851).



Above:  
Gayle M. Palmer, Senior Administrative Secretary, at her desk.



Above:  
1870s picture of State Reporter Edmund H. Smith and his family, with the Honorable James C. Smith, Edmund Smith's father, seated center.



Above:  
Linda Wittenburg, from West, a Thomson Company, and Senior Legal Editor Katherine D. LaBoda reviewing 200th Anniversary booklet pages.



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