

John Caher: Welcome to Amici, news and insight from the New York Judiciary and the Unified Court System.

Today's program is most unusual in that it is 30 years old. Let me explain. On December 17, 1985, Judge Matthew J. Jasen as renowned and revered judge in the New York State Court of Appeals, said his final goodbyes to his colleagues shortly before retiring after 18 stellar years on the state's highest court. The court routinely holds these special parties in its inner sanctum, which is normally well off-limits to the public. However, on this rare occasion, the doors were opened briefly to a television crew from the PBS /WMHT program, "Inside Albany."

With a 100th anniversary of Judge Jasen's birth approaching on December 13th, the Historical Society of the New York Courts posted the 1985 video on its blog. You can view the program through the Historical Society's web page. What follows is the audio.

Host 1: The Court of Appeals... let Inside Albany in this week for the first time to show retiring ceremonies for a judge, Matthew Jasen.

Judge Jasen: Once it seemed so far off—18 years ago when I first came here—and now the thought of it just a few weeks away, generates great emotions.

Host 1: Jasen has sat through 15 retirement ceremonies during his term on the court. This week was his turn. As usual, the ceremonies were held in the judges' conference room, an area usually off-limits to the public. Jasen's fellow judges, court staff members and his replacement, Justice Stewart Hancock of Syracuse, were all there to say goodbye, and as usual, the chief judge lead the farewell.

Judge Wachtler: After 18 years of service on our court, Matt, your absence will surely be felt. But your more than 800 opinions, that serve as models of clarity and scholarship and independence of thought, will remain as guideposts to those of us whom you leave behind to carry on.

Host 1: Jasen was the court's senior associate justice and he wrote some celebrated dissents which were later upheld in the U.S. Supreme Court. Now, he will return to Buffalo, to practice law.

Judge Jasen: I think the fondest memory of the court is being a member of this court and setting in on the great decisions that must be made and decided by seven people.

Host 1: When you go back through the luminaries who have served on this court, when you walk into that court room, have you had a sense of history, have you had a sense of here I am in their footsteps?

Judge Jasen: One couldn't help but have that in this beautiful court room. I think it's one of the finest court rooms of its kind in the country. There is no question that one is as moved by the surroundings and of course the challenge that goes with the cases that we have to hear and the people we sit with in conference. Each, all these things, add to the aura.

Host 1: When you were a little boy, did you say, "I'm going to grow up and be on the Court of Appeals?"

Judge Jasen: Of course not. As a matter of fact... when I left law school in the depths of the Great Depression, I never thought of being a judge, let alone a judge on the Court of Appeals, but time and circumstances changed all that.

In 1946, I was in Europe and I was appointed a United States judge in Heidelberg, Germany and there I was exposed to the result of the Holocaust and what one man and his followers did to a lot of innocent women and children. After my judicial career was inaugurated under those circumstances, and I must say that it's never left me, it taught me to be sure that this did not happen in this country and it afforded me an opportunity, by being on a Court of Appeals, to ensure that this country would never suffer the fate that other people did under different circumstances in Europe.

Host 1: Do you think that there is or should be some type of geographic or ethnic balance on the court? This always comes up when a new judge is about to be appointed now.

Judge Jasen: Well, not as such, because I think the first question that the Governor or the appointing authorities should bear in mind is, is that person qualified, does he have judicial aptitude? That's the first and foremost question that must be answered. All things being equal in that respect, say of three or four candidates, the governor may have a choice to make, then of course the next factor might be, and he certainly could consider, the background of the individual insofar as the area where he comes from, the ... point of view he may offer to a court, a collegial court of this sort. It would be terrible to have them all of one type, of one background, from one area. I don't think it would be good for the state of New York particularly, where we have so many fine people located in different parts of the state.

Host 1: Think you will be complaining about judges as a practicing attorney?

Judge Jasen: Well, I, I don't know, it depends on what happens. I'll be now a subject for the winds and the demands of judges I've heard some lawyers complain about.

Host 2: You know, the eighteen years that judge Jasen has been on the Court of Appeals bench and all the decisions that that represents, he has probably had more impact on the state of New York than many of the luminaries we interview every week. This is probably the first time he has ever appeared in a television interview.

Host 1: I think you have committed us to covering the Court of Appeals a bit more.

John Caher: Thank you for listening to this edition of Amici, if you have a suggestion for a topic on Amici, call John Caher, 518-453-8669 or send him a note at [jcaher@nycourts.gov](mailto:jcaher@nycourts.gov). In the meantime, stay tuned.