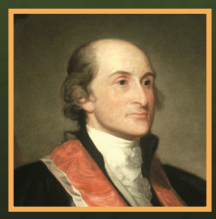

HISTORICAL SOCIETY
of the NEW YORK COURTS

HON. JONATHAN LIPPMAN
Former NYS Chief Judge (2009-2015)

HON. JANET DIFIORE
NYS Chief Judge (commencing 2016)

2016 Gala Dinner

April 14, The New York Public Library

Passing the Gavel

Continuity, Collaboration and Transition

Remembering Judith S. Kaye

THE HISTORICAL SOCIETY *of the* NEW YORK COURTS

The Society was launched in 2002 as a not-for-profit organization with the mission of preserving the legal history of the State of New York. It seeks to educate students and foster scholarly understanding and public appreciation of the rich legacy of the New York courts and the legal profession.

ANNUAL SERIES and OCCASIONAL LECTURES

The Society has held lectures each year since 2003 at the New York City Bar as well as other forums across the State. The programs feature guest speakers who are prominent lawyers, jurists and scholars, experts in their fields. Here are the programs since 2011:

2011
- 2011 Society Gala: Honoring Roy L. Reardon
- Nominated From New York: The Empire State's Contributions to the Supreme Court Bench *John Jay: A Family Affair*
- Stephen R. Kaye Memorial Program 2011 *Lincoln, the Civil War, and Freedom of the Press: New York Divided*

2012
- 2012 Society Gala: Honoring the NYS Bar Association
- Nominated From New York: The Empire State's Contributions to the Supreme Court Bench *Thurgood Marshall: "Mr. Civil Rights"*
- Scales of Justice: *An Evening of Live Music & Copyright Law*
- The Bartlett Commission, Reshaping the Law: *A 50 Year Retrospective and an Enduring Legacy*

2013
- 2013 Society Gala: Honoring Lady Justice: New York State Court of Appeals Women Jurists
- PRO BONO New York Lawyers and Public Service
- Stephen R. Kaye Memorial Program 2012 *(Rescheduled) A Tour of Our Beautiful Courthouses: Preserving, Protecting and Defending Them*
- Nominated from New York: The Empire State's Contributions to the Supreme Court Bench *Learned in the Law: Role of the Solicitor General…a New York Point of View*

2014
- 2014 Society Gala: Honoring the New York State Commercial Division: What a Success!
- Upstate New York law Schools Present: Illustrious Alumni At Albany Law School: *Bronson, Brewer, Matthews & Jackson*
- An American Tragedy: *The Law & The Arts*
- Stephen R. Kaye Memorial Program 2014 *Asian-Americans and the Law: New York Pioneers in the Judiciary*

2015
- 2015 Society Gala: At the Helm: A 30 Year Legacy of Leadership
- The Legendary Learned Hand Up Close and Personal: *15 Years on the District Court and Beyond*
- Fighting Human Trafficking on the Front Lines: *New York State Courts and their Law Enforcement Partners*
- Program II in the series New York State Law Schools Present: *Western New York Women Pioneers in the Law: A Celebration*
- Nominated from New York: The Empire State's Contributions to the Supreme Court Bench *Charles Evans Hughes, Chief Justice of the United States*

2016
- Litigation & Literature in the N.Y. Courts: *Shaw, Shakespeare & Sherlock*

NEW YORK COURT of APPEALS LECTURE SERIES (Since 2008)

The Society has sponsored the New York Court of Appeals lecture series held in Albany since 2006. This represents the first time this important building has been open to the public as well as Society members for an educational lecture series.

2008
- David J. Stern: On Courts and Sports
- Owen Pell & Monica Dugot: Stolen Art
- Woodstock: The Music of the First Amendment

2010
- The Hudson: Yesterday & Today

2011
- The Hellhounds of Wall Street

2012
- Shakespeare and the Law

2013
- Festival of the Romantics: A Natural Celebration

2015
- Dancing with the Law: Counsel, Choreography and Copyright

PUBLICATIONS

The Society publishes annually *Judicial Notice,* a journal featuring articles of historical substance and scholarship, including writings by distinguished historians, attorneys and other authors. The Society has also published several books:

2013 **Opening Statements: Law, Jurisprudence and the Legacy Of Dutch New York**

2007 **The Judges of the New York Court of Appeals: A Biographical History**
edited by Hon. Albert M. Rosenblatt with foreword by Chief Judge Judith S. Kaye, providing a comprehensive, authoritative guide to 160 years of the important legal legacy of the New York Court of Appeals. Published by Fordham University Press.

2006 **Historic Courthouses of the State of New York: A Study In Postcards**
by Julia and Albert Rosenblatt, featuring rare postcard images of county courthouses throughout New York State with accompanying text.

2006 **Court of Appeals Lecture Series**
Compendium of three lectures comprising the 2006 Court of Appeals Lecture Series.

DAVID A. GARFINKEL ESSAY SCHOLARSHIP

The annual David A. Garfinkel Essay Scholarship invites CUNY & SUNY community college students from across the State to write an original essay on specified topics of legal history. Cash prizes are awarded to the winners.

2008 The Courts and Human Rights in NY: The Legacy of the Lemmon Slave Case

2009 The New Netherland Legal System and the Law of 21st Century New York

2010 The Evolution of Justice Along the Erie Canal

2011 The Legal Legacy of the Triangle Shirtwaist Factory Fire

2012 The Blue and the Gray: New York During the Civil War

2013 Cyberspace and the Law: What Are Our Rights and Responsibilities?

2014 Who Watches the Watchers? Free Speech and Free Press in the Electronic Age

2015 LGBT: The Road to Equality

2016 You the Juror: What role does jury service play in our democracy?

WEBSITE (www.nycourts.gov/history)

The Society has continued to develop its website. It is now home to hundreds of judicial biographies, court histories and historical postcards about the beautiful courthouse architecture around the state. The site archives past Society activities like events and publications, houses oral histories and hosts the Society's ambitious Legal History by Era project, a comprehensive look at the State's history since 1624.

The Society also launched a legal history blog last fall at blog.nycourt-history.com, featuring articles on a wide range of historical topics. We invite judges, attorneys, scholars and authors to consider interesting points of legal history in new ways.

ORAL HISTORY

The Society is recording the oral histories of prominent retired judges and other legal luminaries of New York State to preserve the living record of their experiences. Our Oral History project has made great strides. This year, we have added to our collection two prominent members of the Bar, Robert B. Fiske, Jr. and Roy L. Reardon, and plan to continue the development of our Court of Appeals Judges collection of oral histories with recently retired judges.

EDUCATION INITIATIVES

The Society has continued its relationship with Bard High School Early College in 2015, launching two new initiatives. The first, in partnership with Bard College's Institute for Writing and Thinking, helped train teachers in using historically important cases as primary sources in their classrooms. These units have now been taught across the state. Second, the Society has sponsored the **Judith S. Kaye Fellowship** starting with the Spring 2016 Semester to teach legal history at the high school level. The first course examines the development of civil rights and liberties in New York and helps students understand legal writing and research. The materials from these initiatives, along with previous projects, will be available online.

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April 14, The New York Public Library

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VIDEO PRESENTATION
Passing the Gavel
Honoring the Former and Newly Appointed
New York State Chief Judges
Jonathan Lippman & Janet DiFiore

CLOSING REMARKS
Introduction
Robert J. Giuffra, Jr.
Gala Co-Chair

Jonathan Lippman
Former Chief Judge of the State of New York

Janet DiFiore
Chief Judge of the State of New York

CHIEF JUDGE

Janet DiFiore

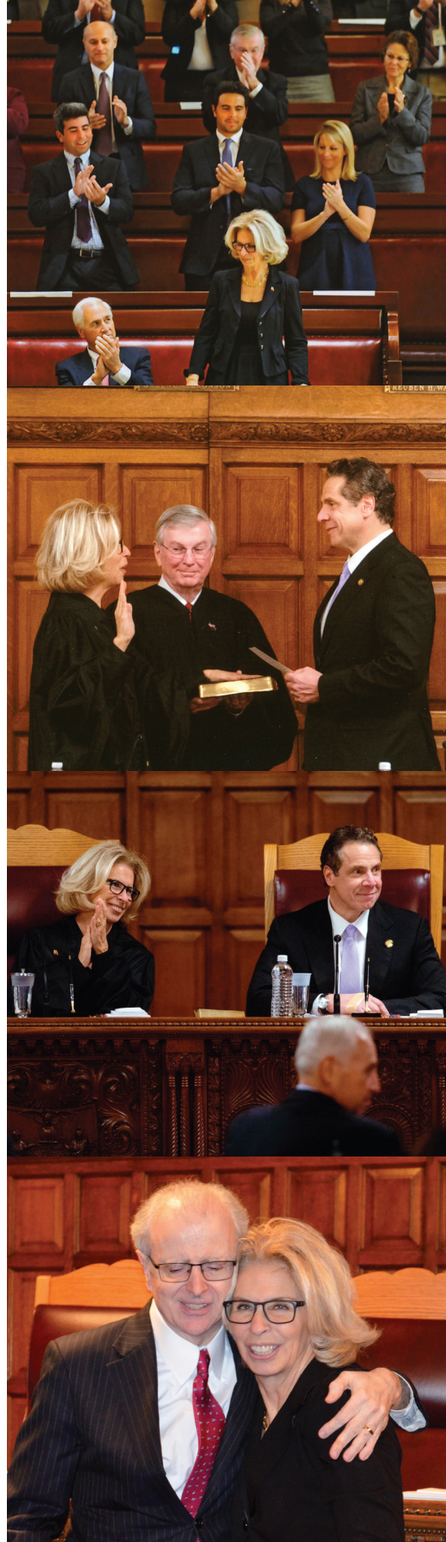
Chief Judge Janet DiFiore has devoted her career to the fair administration of justice, both as a judge and prosecutor. Throughout her career, she has brought to her work a combination of bold and effective ideas, a willingness to work extensively with colleagues and partner agencies, and a non-partisan approach to problem-solving which emphasizes collaborative effort and shared credit.

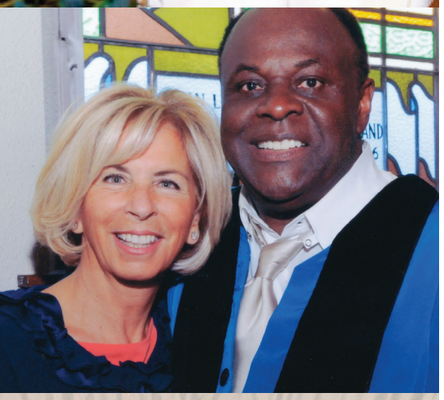
Janet DiFiore was born and raised in Mount Vernon, New York, where she attended grade school and High School. She attended C.W. Post College, Long Island University and St. John's University School of Law where she received her Juris Doctor degree. She was admitted to the Bar of the State of New York in 1982.

Judge DiFiore entered public service in 1981 as an Assistant District Attorney in the Westchester County District Attorney's Office remaining there until 1987 and returning in 1994 as Chief of the Office's Narcotics Bureau.

In 1998 she was elected a Judge of the Westchester County Court, presiding over criminal and civil matters and sitting by designation in the Family Court, Surrogate's Court and Supreme Court. She served as a County Court Judge until 2002, when she was elected a Justice of the New York State Supreme Court.

Shortly after her January 2003 swearing in as a Supreme Court Justice, during the administration of Chief Judge Judith Kaye, Judge DiFiore was appointed by then-Chief Administrative Judge Jonathan Lippman to serve as Supervising Judge of the Criminal Courts for the 9th Judicial District. As Supervising Judge, she restructured the case assignment system to bring more efficiency to the management and disposition of criminal cases and led a collaborative effort in the criminal courts of the 9th Judicial District that completely eliminated the backlog of criminal cases that did not meet the Standards and Goals (reportedly the first and only time since the Standard and Goals were established that any Judicial District in New York has done this). Also as the Supervising Judge, Judge DiFiore led the collaborative effort to establish the 9th Judicial District's Mental Health Courts and Sex Offender Courts.





In 2005, Judge DiFiore resigned from the bench and was elected as Westchester County District Attorney. As District Attorney, she served as the chief law enforcement officer of Westchester County, home to nearly one million people who reflect the broad economic, social, racial and ethnic composition of New York State itself. District Attorney DiFiore headed an office of 235 Assistant District Attorneys, Criminal Investigators and support personnel, prosecuting approximately 30,000 cases per year, with a felony conviction rate that was consistently among the highest in New York State.

Judge DiFiore's law enforcement strategies have addressed the persistent problems of crime and poverty in cities that have been part of New York State's strategic IMPACT and GIVE anti-violent crime funding programs. She has also been at the forefront of establishing innovative education and prevention initiatives to reduce crime. Countywide strategies include targeting crimes involving gang violence, domestic violence, child abuse, elder abuse, identity theft, the environment, animal abuse, and driving while under the influence of drugs and alcohol.

Early in her first term as District Attorney, Judge DiFiore led the multiagency effort to create a Child Fatality Review Team in Westchester County to examine deaths of children that are suspicious or are the result of abuse or neglect, and identify factors that might prevent future child fatalities. Working with partner agencies, the Child Fatality Review Team has worked to improve child safety in the County since 2007.

Also in her first term as District Attorney, then-District Attorney DiFiore was approached by the Innocence Project on behalf of an individual who had been convicted as a teenager in 1990 of the rape and murder of a 15-year old girl in Peekskill, New York. A Westchester County jury had convicted this individual based upon police testimony of a confession by the defendant. Because an FBI laboratory analysis of the evidence recovered from the deceased victim produced a non-matching DNA profile and this exculpatory evidence was admitted at his trial, this individual was not entitled, by statute, to further DNA testing of the sample. Notwithstanding these circumstances Janet DiFiore personally reviewed the case file and insisted on new DNA analysis of the evidence. This new DNA profile matched the profile of an inmate incarcerated for his conviction in another Peekskill murder case. That inmate made a credible confession to the murder. Then-District Attorney DiFiore immediately acted to have the murder and rape convictions vacated and the individual wrongfully convicted released from custody. The District Attorney's Office then secured a conviction of the true murderer. In order to identify and learn from the mistakes that led to this conviction of an innocent man, Judge DiFiore commissioned an independent group of outside experts to review the entire record of the case and at its conclusion, publicly issued the independent commission's report in an effort to contribute to law enforcement's understanding of wrongful convictions.

As the chief law enforcement officer in Westchester County, Judge DiFiore recognized that there was a critical need to coordinate investigative resources and enhance information sharing among Westchester County's 42 local police departments, the County Police, the New York State Police, and the state, federal and regional law enforcement agencies that work in the County. Working with these partners, she led the effort to establish the Westchester Intelligence Center, which supports multi-agency investigations by obtaining evidence through databases, analyzing telephone data, identifying crime trends that cross jurisdictional borders, monitoring the myriad of platforms of social media used by criminals, and serving as a clearinghouse for information for law enforcement.

In 2009, Judge DiFiore was appointed by then-Chief Judge Jonathan Lippman to serve as Co-Chair of the newly created Justice Task Force which examines the causes of wrongful convictions and recommends changes to the criminal justice system to safeguard against such convictions. Judge DiFiore held that position until her confirmation as Chief Judge in 2016.

From 2011 to 2012, Judge DiFiore served as President of the District Attorneys Association of the State of New York, leading the organization of New York State's 62 elected District Attorneys in its work to enhance public safety by setting forth the perspective and experience of New York's prosecutors in the public debates on criminal justice legislation and policy. During her tenure as President she was a lead participant in building support among colleagues for the "all crimes" DNA legislation, which included post-conviction access to DNA testing by defendants that became law.

Also in 2011, then-District Attorney DiFiore was appointed by Governor Andrew Cuomo as the first Chair of the 14-member Joint Commission on Public Ethics, the statewide ethics agency created by the Public Integrity Reform Act of 2011. District Attorney DiFiore led the effort to develop this important Commission from infancy into an efficient 50+ person operation which regulates public officials, state employees, lobbyists, and lobbying clients.

In 2014 Janet DiFiore served as a member of the Governor's Commission on Youth, Safety and Justice recommending reforms to the laws governing the prosecution of young offenders.

On December 1, 2015, Governor Cuomo nominated her to the position of Chief Judge of the Court of Appeals and the State of New York. On January 21, 2016, Janet DiFiore's nomination was unanimously confirmed by the New York State Senate.

Chief Judge DiFiore lives in Westchester County, New York with her husband Dennis E. Glazer a retired partner of Davis Polk & Wardwell LLP. They have three grown children and one adored granddaughter.

FORMER CHIEF JUDGE

Jonathan Lippman

The Honorable Jonathan Lippman, former Chief Judge of New York and Chief Judge of the New York Court of Appeals, the state's highest court, is Of Counsel in the New York office of Latham & Watkins and a member of the firm's Litigation & Trial Department. He provides strategic counsel to clients on New York Law and appellate matters nationwide, and is a leader of the firm's pro bono practice.

Judge Lippman served as Chief Judge of the State of New York and Chief Judge of the Court of Appeals from February 2009 through December 2015. During his tenure on the Court of Appeals, Chief Judge Lippman authored major decisions addressing constitutional, statutory, and common law issues shaping the law of New York, the contours of state government, and the lives of all New Yorkers.

As the state's Chief Judge, he championed equal access to justice issues in New York and around the country and took the leadership role in identifying permanent funding streams for civil legal services. Chief Judge Lippman made New York the first state in the country to require 50 hours of law-related pro bono work prior to bar admission and established the Pro Bono Scholars and Poverty Justice Solutions Programs to help alleviate the crisis in civil legal services. He strengthened the state's indigent criminal defense system, addressed the systemic causes of wrongful convictions, created Human Trafficking Courts across New York State, and led efforts to reform New York's juvenile justice, bail and pre-trial justice systems. Judge Lippman championed the commercial division as a world class venue for business litigation, reformed the state's attorney disciplinary system, adopted the Uniform Bar Exam, and succeeded in the creation of a statewide salary commission for judges.

Chief Judge Lippman has served at all levels of the New York State Court system in a career spanning more than four decades, including service as a staff attorney, administrator and judge. From January 1996 to May 2007, he served as the longest-tenured Chief Administrative Judge in state history, playing a central role in many far-reaching reforms of New York's judiciary and its legal profession. From May 2007 to 2009, Judge Lippman served as the Presiding Justice of the Appellate Division of the Supreme Court, First Department, dramatically reducing the court's pending backlogs.

In 2008, Judge Lippman received the William H. Rehnquist Award for Judicial Excellence, presented each year by the nation's Chief Justice to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics. Judge Lippman was selected for his "unparalleled ability to promote and achieve reform in the state courts. His leadership in the New York courts contributed to numerous improvements in that state's justice system and served as an example for courts across the country." In 2013, the American Lawyer named Chief Judge Lippman one of the Top 50 Innovators in Big Law in the Last 50 Years. A New York Times article in December 2015, stated that Judge Lippman had left an altered legal profession in New York by using "his authority to promote an ideal of lawyering in public service."

This year, Judge Lippman was named Chairman of the Independent Commission on New York City Criminal Justice and Incarceration Reform, a 27-person blue ribbon commission, formed to examine the future of the Riker's Island jail facilities in the context of systemic criminal justice reform.

NOTABLE ACHIEVEMENTS

2010 • The Task Force to Expand Access to Civil Legal Services is created and is the first of the Chief Judge's many initiatives to expand access to justice to impoverished New Yorkers.

2010 • The State Legislature creates the NYS Office of Indigent Legal Services, Chaired by the Chief Judge, to ensure the fair representation of indigent defendants.

2011 • The 2011 State of the Judiciary calls for increased funding for judicial civil legal services, by 2014 resulting in an annual budget increase of $40 million dollars for services.

2012 • Legislation is passed granting state judges their first pay increase in 12 years, a result of the creation of the Judicial Compensation Commission which had been advocated for by the Chief Judge.

2012 • The Chief Judge announces that 50 hours of pro bono work will become mandatory for admission to the bar in New York in 2013

2013 • The Human Trafficking Intervention Initiative is launched, creating the nation's first Human Trafficking Courts dedicated to intervening in the legal cases of trafficking victims.

TASK FORCES & COMMISSIONS

2009 • The New York State Justice Task Force (wrongful convictions)

2010 • Chairs the Indigent Legal Services Board, which was created by statute

2010 • Permanent Commission on Sentencing

2010 • Task Force to Expand Access to Civil Legal Services in New York State

2012 • Advisory Committee on NYS Pro Bono Bar Admission Requirements

2012 • Task Force on Commercial Litigation in the 21st Century

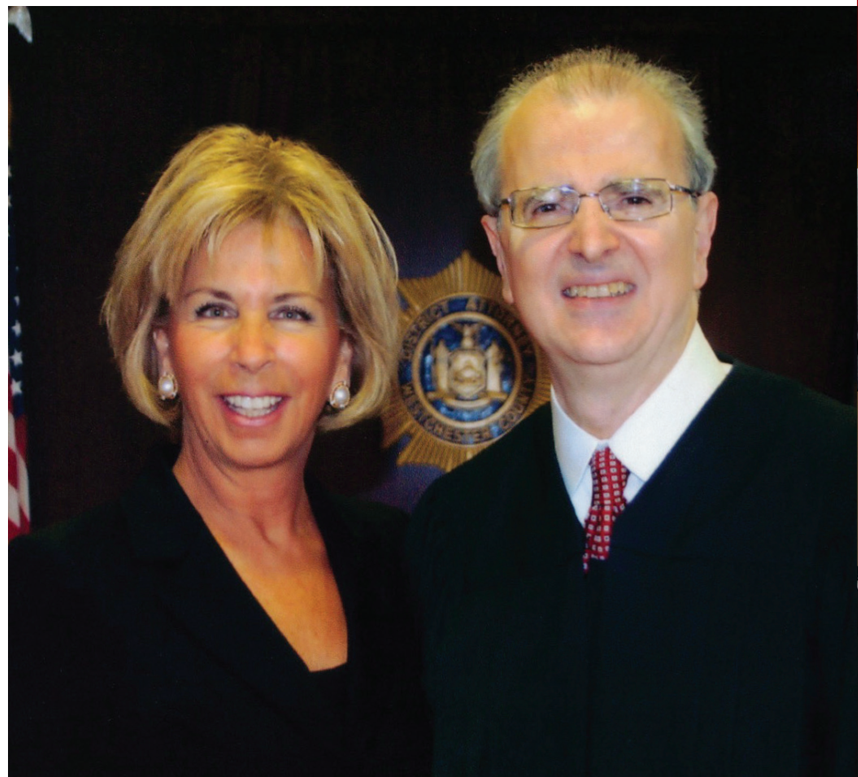
2013 • Commercial Division Advisory Council

2013 • Committee on Non-Lawyers and the Justice Gap

2014 • Pro Bono Scholars Task Force

2015 • Commission on Statewide Attorney Discipline

2015 • Advisory Committee on the Uniform Bar Examination



Judith S. Kaye

THE FIRST WOMAN NAMED TO THE COURT OF APPEALS

"All the News That's Fit to Print"

The New York Times

VOL.CXXXII . . No. 45,768 — NEW YORK, FRIDAY, AUGUST 12, 1983

KEY TOWN IN CHAD REPORTED TO FALL TO LIBYAN ASSAULT

Government Force Said to Quit Faya-Largeau Under Heavy Air and Armor Attack

By ALAN COWELL
Special to The New York Times

NDJAMENA, Chad, Aug. 11 — Libyan troops and rebels backed by planes, armored vehicles and artillery were reported today to have overrun Chad's northern oasis of Faya-Largeau, forcing Government forces to retreat into the desert.

A Western source said that the battlefield situation meant that the Libyan leader, Col. Muammar el-Qaddafi, had "abandoned all restraint" in his support of former President Goukouni Oueddei, whom he is trying to return to power here.

[In Washington, President Reagan denounced Libya's military actions in Chad but said that as far as United

HER FIRST COMMENTS

"I don't think of myself as a crusader. My gender travels with me. Being the first woman, I don't lay that aside. That enhances the excitement."

HER FIRST DECISION

Holding invalid a local law that "imposes an additional layer of regulation in an area where the Legislature has evidenced its intent to pre-empt the field of regulation."

Consolidated Edison Co. v. Town of Red Hook, 60 N.Y.2d 99 (1983)

HER FIRST SOLE DISSENT

"The considerations favoring law-trained Judges are all the more compelling where, because of the nature of the charges, a jury trial has been provided by law. While lay Judges bring a welcome sense of community values and practical wisdom to the courtroom, when a trial is conducted before a jury, those perspectives are furnished by the jury. The Judge's role in a jury trial is necessarily more technical. The Judge must assure that the rules of evidence are complied with, and that the jury is correctly instructed on the law. Despite the courses prescribed for nonlawyer Town and Village Justices, their training in the law, and especially their exposure to the complexities of a criminal jury trial, do not approach a law school education and experience at the Bar."

People v. Charles F., 60 N.Y.2d 474, 480-581 (1983)

HER LEGACY

"As I prepare to assume my next title as New York's first woman former Chief Judge, it seems to me that the Judiciary I leave behind, while in one key regard deeply pained personally and individually, has heroically risen to its obligation to serve the public wisely and diligently, soundly and innovatively, preserving and carrying forward the best of the past to meet the demands of a rapidly changing society. And every day the news reminds us that—as dockets rise and pressures intensify—the courts must continue to be good, responsible citizens, attentive always to budgeting leanly and transparently, and making careful use of our resources in every aspect of our operations."

The State of the Judiciary (2008)

HISTORICAL SOCIETY *of the* NEW YORK COURTS

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Passing the Gavel: Continuity, Collaboration And Transition

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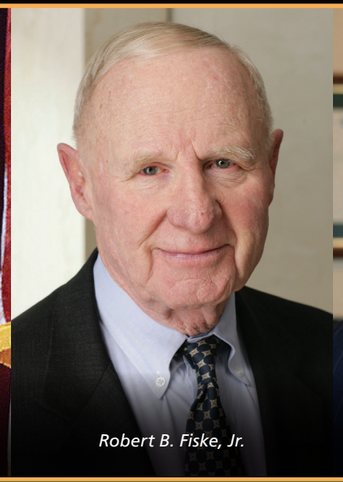
Hon. John G. Roberts, Jr. during second part of the evening's program. Credit: New York Law Journal & Rick Kopstein



Robert B. Fiske, Jr.

Roy L. Reardon

Bard High School Early College students at work on the theme of justice. (Courtesy of photographer Editha Mesina & BHSEC)

From our latest pre-event reception prior to Litigation & Literature in February

EVENTS

RECENT EVENTS

Nominated from New York: Charles Evans Hughes, Chief Justice 1930-1941

November 2015 • NYU Law School, Tishman Auditorium

Presented by The Honorable John G. Roberts, Jr., Chief Justice of the United States. Presented In Association with the Supreme Court Historical Society.

UPCOMING EVENTS

Prosecuting the Mob: How Federal & State Attorneys Convicted New York's Most Notorious Criminals

Summer 2016 • New York City Bar Association

Stereotypically, organized crime has been run out of a shady social club somewhere in the further reaches of Manhattan or Brooklyn. This event will dispense with that and look at the real-life prosecutions of some of New York's most notorious organized crime figures from Dutch Schultz to Lucky Luciano and others. The event will feature prosecutors and attorneys involved in these cases, who will talk about how, when and why they were able to successfully prosecute these cases. Check the Upcoming Events page of the Society's website for more information in the coming months!

ORAL HISTORIES

We are actively recording the oral histories of important retired judges and outstanding members of the Bar. Through this project, we enrich the public's knowledge and preserve the living record of these individuals through an understanding of their experiences in their own words. We film these intimate and illuminating interviews, transcribe them, and make them available for viewing on our website. This year, we have added to our collection two prominent members of the Bar…Robert B. Fiske, Jr. and Roy L. Reardon. We plan to continue the development of our Court of Appeals Judges collection of oral histories with recently retired judges. This video library grows in value as we so sadly lose the living representatives. Our 8-hour oral history of Judith S. Kaye is one such example.

EDUCTION INITIATIVES

Judith S. Kaye Fellow

The Spring 2016 semester at the Bard High School Early College campus in New York City saw the start of the Judith S. Kaye Fellowship. This is a new position sponsored by the Society for the teaching of legal history. This first course looks at the development of civil rights and liberties in New York, focusing on teaching students how to analyze legal decisions and conduct historical research. We plan to share this curriculum online.

2016 David A. Garfinkel Essay Scholarship

This Year's Topic: YOU, THE JUROR - What Role Does Jury Service Play in Our Democracy?

We are very happy to have visited Guttman Community College, CUNY, for the first time this spring where we had a delightful workshop about the scholarship. We also went back to Queensborough Community College and we were received by very engaged students and faculty. We are very grateful to Prof. Irene Byrnes from SUNY Broome Community College for having started the Institute on Race, Gender and the Jury System, which is based entirely on the Garfinkel Essay Scholarship. We hope to continue to develop our contacts with NYS community colleges to provide this enrichment to an underserved and very worthy segment of NYS students.

The Society thanks Gloria and Barry Garfinkel for their generous support of the Scholarship.

JOIN *the* SOCIETY

Our members are an integral part of our Society. Thanks to their support, we are able to continue offering our publications, school programs and public lectures about New York's rich legal history. With your help we can expand our reach with new platforms, such as our new legal history blog.

Membership Benefits Include:

- **Invitations to all Society events**
- **Complimentary CLE credit at most Society programs**
- **Copies of our journal, *Judicial Notice* and annual calendar**
- **15% discount on Gift Shop Items**

The Society has a wide range of programs planned for 2016, and we hope you will choose to be a part of them.

Please consider joining the Society or renewing your membership today!

Becoming a member is easier than ever, just log on to our website **www.nycourts.gov/history** and click on **Join & Give.**

THE HISTORICAL SOCIETY *of the* NEW YORK COURTS

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