

JOHN CAHER: Welcome to “Amici,” news and insight from the New York Judiciary and Unified Court System. Today, we have a special treat, a wide-ranging interview with Chief Judge Jonathan Lippman, conducted by Greg Berman, director of the Center for Court Innovation.

GREG BERMAN: You all know Judge Lippman is the head of one of the three branches of government, but that's not really why I asked him here to speak. I asked him to come here today because of the last 20 years that we've been doing this, I don't think there's anybody, both in New York or nationally, who has done more to advance the cause of justice reform than Chief Judge Lippman. And in particular, I think he's done an enormous amount on the issues that we care about: trying to create a level playing field for everybody, regardless of race, class or creed, trying to promote alternatives to incarceration, trying to nudge the judiciary to kind of reach outside the walls to, you know, check in with the community.

GREG BERMAN: So walk me through—so I know a little bit about the career, and that you spent the bulk of it within the office of court administration.

JUDGE LIPPMAN: Virtually all of it. And I kind of just wandered into the courts. There was a job open. I went to the law department in the Supreme Court in Manhattan. There came a point when I became a—I won't go through all the details—supervisor in the law department and then made the leap into court administration. And I think during those years was the point that I realized, “Gee I really love this. It's meaningful to me, all these people coming in and out of the halls of justice, seeking this intangible thing that's not so concrete—justice.”

GREG BERMAN: So I'm wondering how you'd describe your judicial philosophy.

JUDGE LIPPMAN: To me, it's all about the pursuit of justice. That that's what I do on the bench, and that's what I do in my role as the head of the judiciary. We pursue justice. This goes back to biblical times, you know, the Old Testament tells us: “Justice, justice shall you pursue,” rich and poor, high and low alike. To me, that's my judicial philosophy.

My view is that the law is better articulated, and evolves more clearly, if there are strong majority and strong dissents or concurrences that sharpen the issues. Because my belief is that if there's such an emphasis on consensus and unanimity, what you get in a decision is very little. That you water it down to get this unanimity, this one voice. And I'd rather see sharp majority, sharp dissent, let everyone know what the law is, and if the law is ever going to evolve and change, you need those strong dissents that say what's wrong with the direction that the law is going. Unanimity as an end in itself is not what I'm all about. I don't believe in it. I believe in saying what you think and being very strong in your views.

GREG BERMAN: How do you choose what issues you're going to invest your political capital in?

JUDGE LIPPMAN: I care about what's just. I care about justice. I care about equal justice. I care about, that everybody gets their day in court. You talk about the bar, and we've been fighting with them about *pro bono* work, and how, what we should require of them in terms of *pro bono* work. And, you know, to me it's the most basic responsibility of a lawyer, to serve others. And that's what we do. And to promote justice we don't just feather our own nests. We're supposed to be doing things to help everybody, whether they have money or not. So, you know, it's in that line, you talked about the big commercial establishments, this new consumer credit package that we have, it's about giving people a fair shake in court. I equate even the budget battles with the governor or the Legislature on, you know, no courts, you know, the ABA had a slogan recently in relation to this—the budget battles—“No courts, no freedoms, no liberties.” You know? We need to fund the courts. We need to do justice. At the same time, you know, we talk about keeping the doors of the courthouses open through these funding issues. To me, if they're open but what's inside is not equal justice, you might as well close them. Don't give me the funding. Because to me, if I could keep the courtrooms open, but it wasn't a level playing field, then I don't want to keep them open. So it's about your priorities. I guess when you talk about what you choose to take on, I guess it's things that touch my sense of justice and what's right, what our mission is, what should be most important to us.

GREG BERMAN: I'd be remiss if I didn't ask you, how has the Center for Court Innovation helped you get things done?

JUDGE LIPPMAN: Well, I think the Center for Court Innovation—and I don't say this because I'm here. You know, I'm not timid in stating my mind about things. I think the center is a great resource for the court system. You know, we call it the research and development of the court system. John Feinblatt, Greg, and I made that up. I don't know what it means. (LAUGHTER) But that's what we say, that it's the research and development arm of the court system.

How you change the way we do our business. Think out of the box. Take people on. Take the system on. Try new things. Energize us. And you know what usually happens is, the average judge is not thinking about the things that you do all day, and I do a good part of my day—about how to change, how to change the world. But when you expose that average judge to new ideas, a new way of doing things, they love it. They become the vigorous supporters of the Center and the kinds of ideas you have.

GREG BERMAN: What do you think you're going to miss the most as you think about leaving this job?

JUDGE LIPPMAN: You know? That's what, that's what gives me the buzz, is moving the mountains. That's what makes me happy, that's what I want to do. And even, although I said I, I really don't like trying to move the mountain and failing, I do get a certain amount of satisfaction from stirring the pot and making people a little bit crazy, even if we don't ultimately get what where we want to go. But that's,

that's what it is. Moving this large, vast, justice system. Moving it, budging it, pushing it, pushing the envelope.

GREG BERMAN: Reading past articles about you, there was one fact that I came across that I just couldn't believe. And in a certain story, you said that one of the things you like to do is go to Woodbury Commons but not buy anything (LAUGHTER). Is that possibly true?

JUDGE LIPPMAN: Yes. (LAUGHTER) This emanates from, these kind of wild rumors, emanates from a story in *The New York Times* about, you know, that Sunday piece that they have on people's routines on Sunday? So mine was headed "The chamomile tea and briefs." I told them that I spend most of my weekends drinking chamomile tea and reading briefs, because I'm too busy working with all of you with how to make everybody crazy, so I have some time to do my legal cases. So, that was the thrust of it. But in the course of it, they said, what do you do?

JUDGE LIPPMAN: The reason why I think we all need to do things like tool around the shopping mall and not really buy anything, but just walk around, which I think I said in that story—but what I mean about these kinds of jobs—and I've had these kind of jobs since, I'd say 30 years when I went into the state system as the deputy chief administrator and started working, you know, day and night and traveling, giving speeches. So I get that job as the deputy chief administrator, and I used to come in from Westchester, and our offices used to be at 270 Broadway, in the Arthur Levitt State Office Building. And I'd go, I'd come in from Westchester and I'd go into the City Hall subway stop, and then walk through City Hall Park to get to 270 Broadway. And I used to go in early in the morning when it's dark, and I'd come back late at night when it's dark. And one day I was walking through City Hall Park and I stopped myself in my tracks and I literally could not figure out whether I was going to or coming from (LAUGHTER) work, and I wasn't sure which. So that's why sometimes you need to walk around, not buy anything, and just you know? (LAUGHTER)

GREG BERMAN: So I have one final question.

JUDGE LIPPMAN: Final, final question.

GREG BERMAN: Final final question. So I've had the privilege of going to some meetings in your office. And every time I do, I walk by, there's a fake newspaper headline. I'm going to misquote it, but it says something like, "You've been Lippmanized." And I think that that's a reference to—but I'm not sure—I think that's a reference to your ability to meet with people and convince them to do things that they thought they didn't want to do. But I've never asked you. What does "Lippmanized" mean?

JUDGE LIPPMAN: That also comes from a *New York Times* article of one kind or another. Theoretically, it's supposed to mean what you say. To get people to do things that they don't want to do. If you care about what you do, if you have passion, if you have sincerity, if you, if you leave it out there on the floor, let people understand who you are and what you're all about, sometimes, sometimes maybe you could get somebody to do what they were not originally inclined to do, or at least feel good even if they're doing something they don't want to do. To make them not feel that you're, you're railroading them, but you're reasoning together. You do what you have to do, because—and I say this about the profession all the time, and I say it about what the Center for Court Innovation does— this is really a noble quest that we're on. This idea of justice, of taking the courts and making them an instrument to promote what is one of the rock bottom centers of our society, of our way of life—this is important enough. Let's get them to change the way they think, and if not, let's just get it done because it's so important that we meet our mission. Your mission here and the mission of the courts are one—and that's to make sure that justice is done. That's what we do. And I thank you for really going 100 times over where you have to, beyond the call of duty, to get justice done. Thank you.

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.