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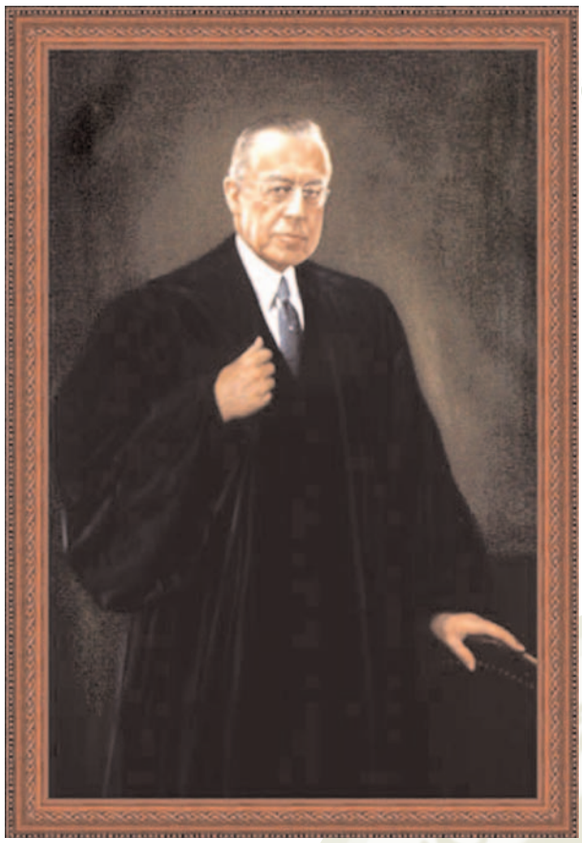
Chief Judge Albert Conway*—A Personal Note

by David D. Siegel



Chief Judge Albert Conway

STRIPED PANTS, DETACHABLE COLLARS, HIGH BUTTON SHOES, coffee blossom honey, newspapers for wet feet, lessons about wintry drafts.

The editors asked me for some personal remembrances about Chief Judge Albert Conway. I just named a few. If I inject a case or statute along the way, it will only be because of something personal about it, like *People v. Liebenthal*, which marked the moment when I emerged into the world of the law as a reasonable man, pronounced so by the Chief Judge of the New York Court of Appeals.

The Judge was a man of the early 20th Century. Tall, straight, with striped pants, high shoes...and the first collars I ever saw that weren't part of a shirt.

I was one of Albert Conway's law clerks during the last year and a half of his tenure as Chief Judge. I joined him in the middle of 1958; he retired at the end of 1959. He turned 70 that year and retirement was the law. (I note this for the record, lest anyone think that my coming on board accelerated his departure.)

The Judge was a man of the early 20th century. Tall, straight, with striped pants, high shoes (maybe spats—I forget) and the first collars I ever saw that weren't part of a shirt. One of my tasks was to get these laundered, and one of my early excursions through Albany was in search of a place that knew what they were. The grocer in Albany knew what coffee blossom honey was, however, and guessed that I was working for Judge Conway when I asked for it. (On one occasion, a jar of the honey broke while being transported in a sack of briefs, necessitating replacement of both the briefs and the honey.)

The Judge's mild idiosyncrasies contributed so much to my affection for him.

He lived on Carroll Street, in old Brooklyn. In a brownstone, with just the kind of front door from which one would expect a man of the early 1900s to emerge. On one rainy winter's day when he was home with a cold, I had to take a batch of papers to him for review. After a trek to Carroll Street from our out-of-Albany chambers in the Second Department's courthouse on Monroe Place in Brooklyn, I

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The Historical Society *of the* Courts *of the* State of New York

SPRING / SUMMER 2004

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From the Executive Director

Dear Members

I AM PLEASED TO PRESENT YOU WITH THE LATEST newsletter of The Historical Society of the Courts of the State of New York. In this newsletter, David D. Siegel shares with us his personal reflections of the time he spent as one of Cheif Judge Albert Conway's law clerks. John Q. Barrett takes us through the early legal career of Robert Houghwout Jackson when he argued cases before the New York Court of Appeals, prior to becoming United States Solicitor General (1938–1939), United States Attorney General (1940–1941), Associate Justice of the United States Supreme Court (1941–1954) and chief American prosecutor before the International Military Tribunal at Nuremberg, Germany (1945–1946). Henry M. Greenberg follows with an insightful introduction to the welcoming address given by Chief Judge Irving Lehman to General Dwight D. Eisenhower on June 19, 1945. The address, printed in full, was presented to General Eisenhower at a welcoming dinner in New York City "upon his victorious homecoming as the leader of the Allied Forces in World War II." Carol Kammen then reports on the events leading up to women serving on our juries and finally, Brian D. Burns offers an interesting piece of history from Cooperstown, New York on the Otsego County Courts.

Thought-provoking newsletters like this are just one of the benefits of membership in The Historical Society of the Courts of the State of New York. In addition, members receive an award-winning annual calendar and our soon-to-be-released journal, New York Legal History: A Journal of The Historical Society of the Courts of the State of New York. Members also receive invitations to our annual lectures and special events. This year's annual lecture, "David Dudley Field and the Code Concept," will feature principal speakers Ted Widmer, Philip J. Bergan and David D. Siegel. The lecture will be held on May 12, 2005 at the Association of the Bar of the City of New York from 6:00 p.m. to 8:30 p.m. On September 19, 2005 at the Association of the Bar of the City of New York, The Historical Society will present "The Empire of Reason," a lively film re-enactment that portrays the session debates surrounding New York's ratification of the Federal Constitution. The film will be followed by a panel discussion. The Historical Society's oral history project continues to expand with the completion of the interview for New York Court of Appeals Judge Richard D. Simons and the start of interviews for New York Court of Appeals Judge Matthew J. Jasen and Richard J. Bartlett, the State's first Chief Administrative Judge. We also continue to develop our website with your support and contributions.

As we move forward in preserving the rich legal history of our State, we thank our members and institutional supporters for your generosity in making these activities possible. ■

Sue Nadel
Executive Director, The Historical Society of the Courts of the State of New York

Contributors to this Issue

John Q. Barrett is Professor of Law at St. John's University in New York City and Elizabeth S. Lenna Fellow at the Robert H. Jackson Center in Jamestown, New York (www.roberthjackson.org). He discovered, edited and introduced Justice Jackson's previously unknown, never-published memoir, *That Man: An Insider's Portrait of Franklin D. Roosevelt.*

Hon. Brian D. Burns is a multi-bench judge, presiding over the Otsego County, Family, and Surrogate courts. He also serves on the New York State Family Violence Task Force and is an adjunct Professor at Hartwick College, teaching Criminal Justice and Business Law. Previously, he served as the Otsego County Acting District Attorney.

Henry M. Greenberg is a shareholder in the Albany office of Greenberg Traurig, LLP. He is a trustee of The Historical Society of the Courts of the State of New York and the editor-in-chief of its newsletter. He is also currently the Chair of the New York State Bar Association's Legislative Policy Committee, a Fellow of the New York Bar Foundation, and a member of the Advisory Group to the New York State–Federal Judicial Council. He is a graduate of the University of Chicago and the Syracuse University College of Law.

Carol Kammen is a Senior Lecturer in History at Cornell University and the Tompkins County Historian. She was named the New York State Public Historian of the Year, 2004-05. Professor Kamen writes and lectures about local history. Her latest book is *Cornell University: Glorious to View*, a new history of the university. She is a graduate of George Washington University.

David D. Siegel is Distinguished Professor of Law at Albany Law School. Professor Siegel was a law clerk from 1958-1959 to the Honorable Albert Conway, former Chief Judge of the New York Court of Appeals. He is the Editor of the *New York State Law Digest* and *Siegel's Practice Review* and the author of *New York Practice* (3d Ed.), *Conflicts in a Nutshell* (2d Ed.), *New York Court of Appeals Handbook* and *Appellate Division Handbook* (2d Ed.). Professor Siegel is well known for his annual commentaries on civil practice (McKinney's Consol. Laws) and federal practice (U.S. Code Annotated) and is a frequent lecturer on civil practice for the bench and bar. Professor Siegel is a graduate of Brooklyn College, St. John's University School of Law, and New York University School of Law.

Robert H. Jackson's Oral Arguments *Before the* New York Court of Appeals

by John Q. Barrett

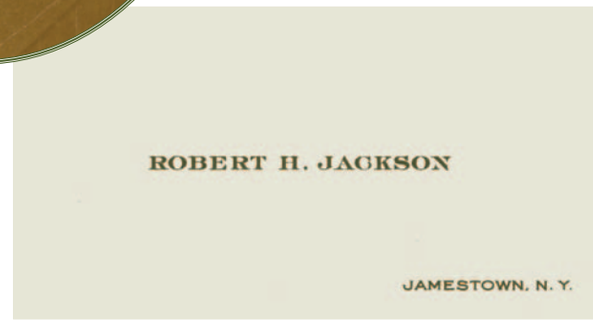
New Yorkers recall with pride that Robert Houghwout Jackson (1892–1954) was one of us.[1] Jackson became western New York State's leading lawyer during twenty years (1913–1934) in private practice, based primarily in Jamestown. He then went to Washington, D.C., to join FDR's New Deal, and later became an Associate Justice of the United States Supreme Court (1941–1954).

We also know Robert Jackson as a great American courtroom lawyer. He was perhaps the finest Supreme Court advocate ever during his years as Solicitor General (1938–1939) and then Attorney General (1940–1941) of the United States. During 1945–1946, Justice Jackson served as chief United States prosecutor of the principal surviving Nazi leaders before the International Military Tribunal at Nuremberg, Germany. Jackson's notable courtroom work there included opening and closing statements that may be the most eloquent, and the most enduringly important, in the history of modern advocacy.

Robert Jackson's work in New York State courtrooms is, in comparison to his Supreme Court and Nuremberg achievements, much less well known. One underappreciated aspect is that Jackson in his younger years argued seven cases before the New York Court of Appeals. This essay collects and briefly describes these cases and Court of Appeals decisions. Although the actual oral arguments were not transcribed, the reported decisions and archived Court records give us relatively complete accounts. The cases display some of the variety of commercial and public law litigation typical of New York State general law practice in the period between World War I and the start of FDR's presidency. The resulting decisions show that Jackson, for all of his manifest talent, had quite a mixed record on the big stage of the New York State court system.

Robert Jackson's first contacts with the New York Court of Appeals actually occurred before he was a lawyer. In September 1911, when Jackson was only 19 years old and had already spent a year as an apprentice in a Jamestown law office, he enrolled for a year of classroom education at Albany Law School. His classes filled only his mornings, however, so Jackson spent many afternoons attending oral arguments at the nearby Court of Appeals.

After completing that school year and spending one more year as a law apprentice, Jackson turned 21, took and passed the New York bar examination, was admitted and began practicing law in 1913.



Portrait and Business Card reproduced with the permission of the New York State Bar Association from its Robert Jackson exhibit, New York State Bar Center, Albany, NY.

An Opening Victory

In January 1918, the 25-year-old Jackson made his first oral argument to the New York Court of Appeals.[2] The case grew out of a bond trade gone bad. Two Jamestown furnituremen had agreed with a bond trading company to swap Midwestern traction company bonds for Colorado irrigation district bonds. The Jamestown men, Otto Bloomquist and Wallace Snow, soon learned that the bond dealer had lured them with misrepresentations. They sued the traders, John Farson and Son, and won a trial court judgment that gave them their original bonds back.[3]

continued

After the Appellate Division affirmed but modified this judgment,[4] Farson took the case to the Court of Appeals. Louis Thrasher, the senior member of a two-man Jamestown law firm, entered his appearance for Bloomquist. Jackson, then a Jamestown sole practitioner, entered an appearance for Snow. (Jackson seems not to have been involved in the case before it reached Albany.)

On January 18, 1918, Thrasher and Jackson each argued against Farson's counsel, Albany lawyer Adelbert Moot. (Yes, a lawyer named Moot.)[5] Less than two weeks later, the Court of Appeals announced its decisions to affirm.[6] Both Thrasher and Jackson had won their cases.

"Who is Jackson? I have never heard of him."

Apprenticeship Resumed

JACKSON DID NOT MAKE ANOTHER ORAL ARGUMENT at the Court of Appeals for almost four years. His next opportunity came in December 1921, before a Court that now included Judge Benjamin N. Cardozo.

This litigation began in a Jamestown business saga. Two men, Emil Moller and Charles Bloomquist, were minority stockholders in a stationery supply business. When it reached the brink of insolvency and their majority partner threatened to oust them, Moller and Bloomquist hired one of Jackson's seniors in the Jamestown bar, Clare Pickard, to advise them on how to save the business and their jobs. Shortly thereafter, the majority stockholder died. Moller and Bloomquist then offered to buy the majority shares, but the decedent's estate would not sell to them. So they asked lawyer Pickard to find a willing buyer to whom the estate would sell. Pickard found such a fellow, a man named Mason, but he was able to purchase the stock only with financial and managerial help from Pickard himself. So Pickard and Mason together bought the majority shares from the estate. Business tensions soon developed, however, culminating in the majority (Pickard and Mason) firing the minority (Moller and Bloomquist). In response, Moller and Bloomquist demanded the right to buy the majority shares. Their theory was that Pickard and Mason had purchased these shares as fiduciaries for Moller and Bloomquist, who had rights—which they now were exercising—to purchase the shares at any future date.

After Pickard and Mason refused to sell, Moller and Bloomquist, represented by Jackson, filed suit to compel this stock sale. Jackson asserted their alleged contractual rights to purchase, and he argued that attorney Pickard's stock purchase had violated his professional duty to his clients.

The Court of Appeals disagreed. On the ethics issue, Judge Cardozo's opinion for the unanimous Court found that Pickard had violated no duty because he had purchased the stock with his clients' knowledge and approval and in response to their solicitation.[7]

This defeat must have had a double sting for Jackson. It was a setback for his clients and thus for him, of course. In addition, the advocate who bested Jackson in Albany, at least in terms of the outcome, was his distant cousin Frank H. Mott. Jackson had, in his two law apprentice years, worked in Mott's office. It's a fair bet that the very talented and voluble Mott used this decision to remind his protégé that he was still the master advocate.

The Allegheny College Case

SIX YEARS PASSED before Jackson next argued before the Court of Appeals. In 1927, he argued—and lost—the famous *Allegheny College v. National Chautauqua County Bank of Jamestown*[8] case. It is well known to most U.S. law students because it is a standard in first year Contracts casebooks and courses.

The case began with a charitable bequest. Mary Yates Johnston pledged $5,000 to the College, which agreed that it would use her gift to create a fund in her name that would support the education of students preparing for the ministry. Johnston gave $1,000 to Allegheny while she was still living. The remainder would be delivered, according to Johnston's pledge, 30 days after her death. But six months after Johnston gave the first $1,000, she informed the College that she was repudiating the pledge.

Following Johnston's death and her executor's failure to deliver $4,000, Allegheny College filed suit to collect. The College claimed that it had an enforceable contract. Jackson, representing the defendant Jamestown bank that was executor of the Johnston estate, argued that her partially fulfilled pledge to the College had been a mere promise unsupported by consideration, not an enforceable contract, and that the estate was not responsible for the remainder of the pledge because Johnston subsequently had repudiated it.

Benjamin Cardozo, by now Chief Judge of the Court of Appeals, wrote the Court's opinion explaining its judgment against Jackson's client. Allegheny College's implied commitment to publicize Johnston scholarship once it was fully funded had provided the consideration necessary to create a binding contract, and it rendered her attempted repudiation ineffective.[9]

The Losing Streak Ends

JACKSON'S SECOND WIN before the Court of Appeals came in 1929. His client was a western New York bank that held a $7,500 mortgage on a large land parcel. After the landowner died insolvent, the bank's cashier was appointed to co-administer the estate. The cashier and his fellow administrator, the landowner's widow, subsequently agreed to sell a 10 acre parcel, free and clear, to one Ernest Caflisch for $300. Caflisch then paid $200 to the estate, moved onto the land and made $400 worth of improvements, but when he tried to pay the final $100 to the bank, the bank refused to accept it or to give him the deed to the 10 acres.

The administrators proceeded instead with a Surrogate's sale of the entire 80 acre parcel. At this sale, Caflisch agreed

Robert H. Jackson, Harry R. Lewis and *Benjamin S. Dean* for respondent. The instrument is only a promise to make a gift or subscription and lacks consideration which the law of New York requires for actionability.

to withdraw his objections to the sale. Because this move would free the bank to buy the full parcel, the bank agreed that it would acquire the land and then sell Caflisch the 10 acres outright for $100. The bank did purchase the land from the Surrogate for $1 but then refused to sell the 10 acres to Caflisch instead selling the entire parcel to another buyer for $1,500.

Caflisch brought suit in equity seeking return of the money he had paid for the land plus the value of the improvements he had made. At the Court of Appeals, Jackson argued successfully that it should dismiss Caflisch's complaint against the bank. The Court held that he had no cause of action against the bank for the estate administrators' acts and that he had not been damaged by withdrawing his objections to the sale.[10]

Not Candid Means Not Insured

In 1930, Jackson argued before the Court of Appeals on behalf of a widow, Anna Minsker, who was seeking the $10,000 death benefit promised in her husband's life insurance policy. The late Eli Minsker had been insured for less than a year when he succumbed to nephritis and endocarditis. At that point, his insurer, the John Hancock Company, sought to return the premiums paid to date rather than pay the much greater death benefit. John Hancock claimed that Eli had, on his insurance application, misrepresented his medical treatment history.

In the Court of Appeals, Jackson advanced two positions. He argued on the facts that Eli's misrepresentation was not material. He also argued that Eli had made his true medical history known both to the John Hancock's medical examiner and to its local sales agent, which meant that its issuance of the policy had not been affected by any misrepresentation. The Court found that the facts were as Jackson claimed, and that his position was consistent with the Court's prior precedent. It also held, however, that a new statute dictated a decision in favor of the insurer.[11]

New York's Workmen's Compensation Law

Jackson's final two arguments before the Court of Appeals were made on the same day in March 1931. In each, he represented an employer that the New York State Industrial Board had found liable to a claimant under the former Workmen's Compensation Law. Each award had been affirmed by the Appellate Division, and the Court of Appeals affirmed those judgments—Jackson, in other words, got swept in this doubleheader.

The principal case, *Helfrick v. Dahlstrom Metallic Door Company*,[12] began when a blacksmith, Paul Helfrick, injured his fingers while working for the Dahlstrom company in Jamestown. The State Industrial Board awarded him worker's compensation. Jackson, representing the company and its insurer, argued that the statutory provision that made Industrial Board decisions final on all fact questions violated both New York State Constitution and U.S. Constitution Fourteenth Amendment procedural due process requirements. The Court of Appeals rejected both arguments and upheld the validity of the statute.[13]

Jackson's second case was fact-based. He argued a furniture company's challenge to a compensation award to a 17-year-old who had been injured on the company's turning lathe. Jackson argued that the injured boy was not entitled to compensation under the statute because he never was employed by the company—he had been working as an apprentice to his uncle, who was paying the boy out of his own pocket. The Court of Appeals, with one Judge dissenting, affirmed the award summarily.[14]

Although Robert Jackson's Court of Appeals arguments produced a losing record of decisions, we can infer from his subsequent achievements and his historical greatness that this probably had more to do with his clients' causes—and perhaps their insistence on continuing to litigate certain matters—than it did his talents as a legal thinker, writer and advocate.

We do know, directly, that Jackson in his days as a young Albany advocate impressed at least one of his tough, and generally well-regarded, judges. In February 1930, the American Law Institute's council met to vote on candidates who had been nominated for membership. Robert Jackson of Jamestown, then age 38, was one of the nominees. During discussion, a committee member voiced his skepticism: "Who is Jackson? I have never heard of him."

The ALI's vice president, New York's Chief Judge Benjamin N. Cardozo responded with a certainty that was prophetic: "You will—in time."

Professor John Q. Barrett (barrettj@stjohns.edu) is writing Jackson's biography. He would like to hear from readers who have information or material about the New York cases summarized here or any aspect of Jackson's life or career.■

Endnotes:

1. For a recent demonstration with varying eloquent explanations for this justified pride, see 68 Albany Law Review 1-76 (2004), publishing twelve Jackson tribute essays.
2. In at least one case that reached the Court of Appeals when Jackson was a young lawyer, he participated in the briefing and was named in the case record but did not argue because he was junior counsel. *See In re Pennsylvania Gas Co.*, 225 N.Y. 397, 122 N.E. 260 (1919), *aff'd*, 252 U.S. 23 (1920).
3. *Bloomquist v. Farson*, 88 Misc. 615, 151 N.Y.S. 356 (Sup. Ct., Chaut. Co., 1915).
4. *Bloomquist v. Farson*, 170 A.D. 64, 156 N.Y.S. 47 (4th Dept. 1915).
5. *Cf.* Shel Silverstein, *A Boy Named Sue*, on Johnny Cash, Johnny Cash at San Quentin (Legacy Recordings 1969).
6. *Bloomquist v. Farson & Snow v. Farson*, 222 N.Y. 375, 118 N.E. 855 (1918).
7. *Moller v. Pickard*, 232 N.Y. 271, 274-75, 133 N.E. 887, 888 (1922).
8. *Allegheny College v. National Chautauqua County Bank of Jamestown*, 246 N.Y. 369, 159 N.E. 173 (1927).
9. *Id.* at 373-78, 159 N.E. at 174-77.
10. *Caflisch v. Clymer St. Bank*, 252 N.Y. 226, 229, 169 N.E. 286, 286-87 (1929).
11. *Minsker v. John Hancock Mut. Life Ins. Co.*, 254 N.Y. 333, 336-39, 173 N.E. 4 (1930).
12. *Helfrick v. Dahlstrom Metallic Door Co.*, 256 N.Y. 199, 176 N.E. 141 (1931), *aff'd* 284 U.S. 594 (1932) (per curiam).
13. *Id.* at 203-08, 176 N.E. at 142-44.
14. *Westfelt v. Atlas Furn. Co.*, 256 N.Y. 578, 177 N.E. 147 (1931).

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Chief Judge Lehman Welcomes General Eisenhower to New York City

AN ADDRESS WELCOMING GENERAL DWIGHT D. EISENHOWER

by IRVING LEHMAN[1]
CHIEF JUDGE OF THE COURT OF APPEALS OF THE STATE OF NEW YORK

Introduction by Henry M. Greenberg

On the evening of June 19, 1945, the City of New York held an official welcoming dinner in honor of General Dwight D. Eisenhower upon his victorious homecoming as the leader of the Allied Forces in World War II. The dinner was at the Waldorf Astoria Hotel and followed a ticker tape parade for Eisenhower witnessed by an estimated 4,000,000 people.

"The setting for the dinner included not one dais, but five, graduated downward. In the background the flags of the United Nations were clustered. On either side of the stage were more United Nations flags and along the boxes in the ballroom were smaller American flags and vivid green ivy. The tables, flower-bedecked, looked like tulips in a huge bouquet. In the first dais sat most of the non-commissioned aides of the General. Five dinner jackets interspersed in their ranks denoted the presence of the five borough presidents. In the center of the second dais, behind the metallic stems supporting microphones, was General Eisenhower, flanked on his left by Mayor [Fiorello] La Guardia and on the right by Governor [Thomas] Dewey."[2] 1,600 people were in attendance.[3]

The Chief Judge of the New York Court of Appeals, Irving Lehman, was selected to give the welcoming address on behalf of the City. Speaking several years later of Lehman's reaction to this selection, Edmund H. Lewis, who succeeded Lehman as Chief Judge, observed: "Because the heart of New York was in that welcome and because Irving Lehman sensed so deeply, and with such accurate knowledge of the facts, what an allied victory had meant to all peoples of the earth, he felt himself greatly honored when he was chosen to introduce the City's guest."[4] In his remarks, "flares the vivid, flaming spirit of Irving Lehman the man, the great humanitarian."[5]

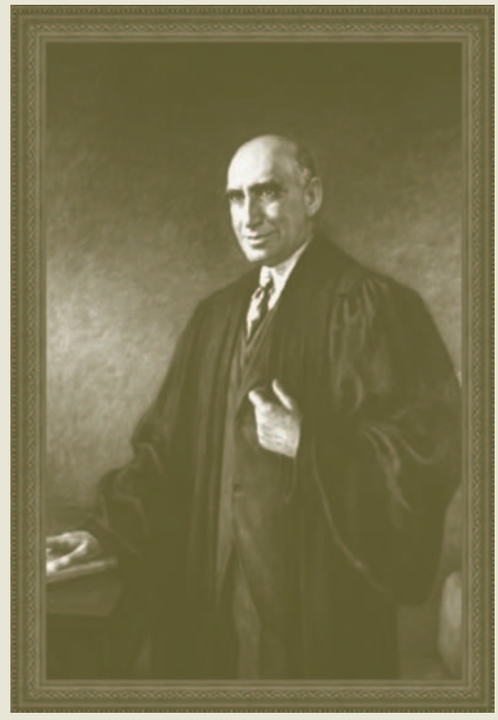
The welcoming address was destined to be Lehman's last public utterance. Approximately three months after delivering it, at age 69, he died unexpectedly at his home in Port Chester, New York.■

To General Eisenhower—

Today from the sidewalks of New York, from its roofs and windows, from its ball grounds and parks, millions roared their warm welcome home to you. They brought you a wordless message more eloquent than the most carefully chosen words could achieve; a message of affection for you as a man and of gratitude to you as the Supreme Commander who led the armies of the Allied Nations to triumphant victory in Europe. That message, I know, went straight to your great heart from the great hearts of millions of New Yorkers. And believe me, Sir, that the People of New York have great hearts. Since that night in November 1942, when our armies attacked in North Africa, we have shared your anxieties as we have shared your confidence in ultimate victory, and even when we grieved for the loved ones we have lost we bore our losses with all the fortitude we could summon.

It has been said that there are more Italians in New York City than in Rome, more Irish than in Dublin, more Jews than in Jerusalem or Tel Aviv. Doubtless you, Sir, have heard some say that because of this diversity of racial and national origin, the great principles of freedom and democracy on which American institutions are soundly based are not perhaps as deeply cherished or as well understood here as, let us say, in Kansas, and that our citizens will not make the same willing sacrifices to maintain what we call the American heritage. The names on the daily casualty lists which we anxiously scan with heavy hearts, the names on the list of men cited for heroism and selfless devotion, which we read with glowing pride, attest beyond challenge the worth of New York's immigrant sons. Those who say otherwise ignore the real spirit of America and the real spirit of New York.

I once heard that spirit dramatically expressed by Al Smith, the Happy Warrior born in New York of immigrant parents, and John W. Davis, the accomplished diplomat, statesman and acknowledged leader of the bar. It was at a small private dinner in 1933, soon after Hitler became Chancellor. A member of the German Debt Commission, then in this country, with a skill never surpassed by Goebbels, tried to persuade us that night that the roots of Nazism lay in Germany's economic misery and that the way to destroy Nazism was to assist Germany to become a prosperous and satisfied nation. Al Smith then spoke up and said in his inimitable way: "Sir, America can't understand that kind of talk or accept that kind of excuse or explanation. Five years ago I ran for President, and I won't say that racial and religious prejudices were without influence in that campaign, but I got over fifteen million votes, and if the winners had attempted to put me in a prison or concentration camp more that fifteen million Americans would have marched on Washington and would have freed me. That," he said, "is America." Then Davis broke in and said: "And the Davises would have marched side by side with the Smiths."



Irving Lehman
Chief Judge of the Court of Appeals of the State of New York

That is the spirit of America, as you, General Eisenhower, know perhaps better than any other, for you have seen Americans of British stock and of Irish stock—of Italian stock, of German stock and even of Japanese stock—Catholics and Protestants and Jews, but Americans all—gallantly march shoulder to shoulder, through hell itself, that government of the people, by the people and for the people, should not perish from the earth. Last week, at your press conference in Paris, you gave expression to that knowledge when, in reply to a request for comment on the contribution made by Negro soldiers, you said: "I do not differentiate between soldiers. I do not say White soldiers or Negro soldiers." Mayor La Guardia will surely agree with me that nowhere is the spirit of America more fervent than in New York—in the hearts of those millions who greeted you so tumultuously today.

And that noisy greeting, with its eloquent message to you of the City's warm affection and gratitude, left unsaid part of what was in their hearts and I think the People of the City would like me to bring to you tonight a more solemn message than you heard today. Last month when our victory in Europe was announced, there was some unrestrained joy just as there was unrestrained rejoicing today, but almost immediately the People of New York in sober mood flocked to church and synagogues, where they gave thanks to the Lord whose prophet had said that "Out of Zion shall go forth the law and the word of the Lord from Jerusalem * * *. And they shall beat their swords into ploughshares, and their spears into pruning-hooks. Nation shall not lift up sword against nation—Neither shall they learn war any more." On that day of victory the same millions who today greeted you so joyously, Catholics, Protestants and Jews—yes, and even men who reject all creeds—worshipped the Prince of Peace who taught all Christendom the way to peace when in Jerusalem He proclaimed for all the world to hear that the greatest commandments of the law which God had long before revealed to man on the slopes of Mount Sinai are: "Thou shalt love the Lord thy God with all thy heart

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CHIEF JUDGE LEHMAN WELCOMES GENERAL EISENHOWER

Continued from page 7

and with all thy soul," and "Thou shalt love thy neighbor as thyself." That is the law which went forth from Zion. That is the word of the Lord which went forth from Jerusalem, and when all the world listens to the Prince of Peace and obeys the commandments of the Lord, then will the Kingdom of God be established on earth and the words of the prophet fulfilled, for nation will no longer lift up sword against nation.

And so I want to say to you, General Eisenhower, for the people of this great city that we who have acclaimed you so tumultuously today as the man who led our armies to glorious victory, also silently love you deep in our hearts because never for a moment have you forgotten that American soldiers are not mere pawns in the game of war, but our loved youths, and because you have loved them, as we do; and we honor you, Sir, because you—the man trained in the arts of war, captain of the embattled nations which in righteous wrath took up their arms to defend their right to live in peace—have, alongside of Franklin D. Roosevelt, the peace-loving leader of a peace-loving people, brought us nearer to the day when all men may dwell securely in their own homes, fearing none and hating none.■

Endnotes:

1. Irving Lehman served as a Judge for 37 years. He was a Justice of the New York State Supreme Court from 1909 to 1922. In 1923, he was elected to a 14-year term as an Associate Judge of the Court of Appeals and in 1937 was reelected to that position. On November 7, 1939, he was elected Chief Judge of the Court of Appeals and served as such until his death on September 22, 1945.
2. Alexander Feinberg, *General Stresses Devotion to Peace*, N.Y. Times, June 20, 1945, at 6.
3. *Id.*
4. Edmund H. Lewis, *The Contribution of Judge Irving H. Lehman to the Development of the Law*, 32 (1951).
5. *Id.*

CHIEF JUDGE ALBERT CONWAY—A Personal Note

Continued from page 1

was invited in, asked to sit down, and ordered to place my wet shoes on newspaper, which he spread out for me. It absorbs moisture, he said. (His chief clerk—Jim Niehoff, himself to become a Judge and serve on the Appellate Division—later told me that a magazine was not acceptable. Not absorbent.)

It was on this occasion that I experienced—again very personally—the adage about no man being a hero to his valet. While seated, and properly newspapered, I suddenly saw the Judge look up and shout, "Alice [Mrs. Conway], is the front door open? I feel a draft." A few seconds later came the response. "No, Albert. The door's closed." A few minutes after that, again the inquiry to Alice and again a negation from Alice. The third time was an adventure to one who stood as much in awe of the Judge as I did. The dialogue this time: "Alice, I'm sure that door's open." The response: "Well Albert, if you think the door is open, get up and close it yourself."

Hardly upset, the Judge looked up with a twinkle and issued an oral injunction. "David," he said, "Don't ever get married."

Albany chambers in the fall of 1958 were on the second floor of the Capitol because the courthouse was being renovated. (The years go by. In 2004, another renovation was completed, generated by the obsolescence of the 1958 renovation that had taken our chambers to the Capitol.) Looking up at the Capitol from the bottom of State Street, the Judge's chambers were on the right (north), the governor's on the left (south). (The governor at the time was Nelson Rockefeller, whom the Judge had sworn in and whom we met often in the corridor.)

We worked late hours. One night when the Judge was chatting with another clerk, I was slouching in the doorway of his office, hoping to beat the sunrise. I emitted, alas, an audible yawn. The Judge looked over. "Are we keeping you up, David?" In later years, with an appropriate store of arrogance built up, I might have responded to the effect, "I wish you were." But these were early years, so I just flushed an appropriate red and tried to look energetic.

People v. Liebenthal[1] involved a statute that made public solicitation for a lewd purpose a crime. In an Eighth Avenue subway toilet in Manhattan, the defendant, holding packages in one arm, was going about his business with the other when the gentleman in the next stall made him a lascivious offering. Mr. Liebenthal, apparently also a gentleman, thought it rude to refuse, and so extended his hand in accommodation. A policeman stationed in a closet within the bathroom, peeking out of louvers at the top of the door—not the most charming of constabulary assignments—stepped out and arrested them both.

A prosecution ensued. Both were convicted. Mr. Liebenthal's case got to the Court of Appeals and fell to Judge Conway, who put me to work on it, asking for my recommendation. The initiator was clearly soliciting. But Mr. Lienbenthal seemed to me not to be soliciting, but merely responding to a solicitation. I suggested reversal, but the Judge overruled me, finding the statute broad enough to take in Mr. Liebenthal's conduct. The Judge asked me if I could write up an affirmance, perhaps building it around a broad definition of solicitation. I did, finding a few dictionaries with the more expansive definition the Judge thought warranted. I drafted a report to affirm. The Judge edited it, professed himself satisfied and circulated it. Needless to say, the other Judges knew nothing of our internal differences; they saw only the Judge's recommendation to affirm. These were confidential matters.

I heard nothing more about the case for months. Then one evening—also in the Capitol, this time just after the Court had conferred—a tall shadow fell across my desk. "David," the Judge said, "I'd like to see you in my office." He didn't ask me to sit. I stood in front of the desk as he swiveled about, eyeing me—curiously, I thought. "David, we just voted on the *Liebenthal* case." I just stood there. The Judge detected a hopeful expression on my face, but was having none of it. "No, no, David. We carried the court. The case was affirmed." Now another swivel or two, and the

He stared at me. With a gentle shrug, and of course the twinkle, he said, "Well, I guess reasonable men may differ."

Chief Judge Conway with his law clerk, David D. Siegel, at the Court of Appeals in 1959.

addendum: "But you know, Judge Fuld and Judge Van Voorhis dissented on the ground that there was no solicitation." [2]

He stared at me. With a gentle shrug, and of course the twinkle, he said, "Well, I guess reasonable men may differ."

On Thursday nights in Albany, the Judge took us to the little quasi nightclub at the DeWitt Clinton hotel. Fancy. (This was years ago, remember.) On one of those evenings an overdosed woman with a big straw hat was parading around planting the hat on any head she pleased, and giggling. It pleased her on one of these circuits to plant the hat on Chief Judge Albert Conway. And there he sat, gentle man that he was, red-faced but grinning, until one of us in the entourage stood up, took off the hat and returned it to the overdosed lady with thanks.

There's a statute on the books that supplies a device known as the stipulation for judgment absolute. It's still there at CPLR 5601(c). (I'm not backtracking on my promise to keep this personal, as you'll see.) It addresses a party who has won a big verdict at trial only to see it reversed by the Appellate Division with a new trial ordered. It lets the disappointed party take an appeal to the Court of Appeals from the order directing the new trial, but only on condition that the appellant (verdict winner/Appellate Division loser) stipulate that if the order is affirmed, a final judgment will be entered and a new trial forfeited. It's a perilous device that we in the procedure vineyard warn against often.

Lawyers often don't understand it. In confidence that they can get the new trial order reversed, and their big verdict reinstated, they take the appeal and file the stipulation.

My most graphic contact with this statute was while sitting as a spectator in the courtroom a few rows back from counsel's table. An elderly advocate, with little hair but great enthusiasm, had just begun his argument when Judge Charles Desmond—the senior associate, sitting on the Chief's right— intervened with a comment. "I see you're up here on a stipulation for judgment absolute." "Yes, your honor." "Are you aware that if we should find the Appellate Division anywhere within its broad discretion to grant a new trial, we will affirm and you'll lose your verdict and the new trial both?" "Why, yes, I believe I understand that, Judge." Now Judge Desmond sat back. With arms spread wide, he had a little fun. "Anywhere within its broad—brrrrroooooaaadBROOOOOOOOOOAAADDD—discretion, and you're out of court irrevocably."

Beads of perspiration formed on the back of the unhappy lawyer's head, but now came the consoling voice of the Chief Judge: "Perhaps you'd like to take a moment to confer with your adversary in the lawyers' room." The man nodded vigorously, did an about-face and disappeared with his opposite number into the lawyer's room, and out of my life.

What he did in the lawyers' room, I was told, was agree to withdraw the appeal, with relief and gratitude. It was a graphic lesson—not just to him but to me—on the perils of the stipulation for judgment absolute. I've carried my distrust of it into four editions of my textbook on New York Practice.[3]

The only soft thing I associate with this draconian statute is the gentle voice of the Chief Judge, ushering a grieving stipulator into the shelter of the lawyers' room.■

Endnotes:

* The Honorable Albert Conway died in 1969 at the age of 80. He served as a Judge of the Court of Appeals from 1941 to 1959. He was first elected to the Court as an Associate Judge on November 5, 1940. In 1954, he was elected Chief Judge and served in that position until his mandatory retirement on December 31, 1959.

1 People v. Liebenthal, 5 N.Y.2d 876, 182 N.Y.S.2d 26, 155 N.E.2d 871 (1959).

2 By a 5-2 vote, the Court of Appeals affirmed without opinion the defendant's conviction. Id. at 876, 182 N.Y.S.2d at 26, 155 N.E.2d at 872. Judges Fuld and Van Voorhis dissented and voted "to dismiss the complaint upon the ground that there was no evidence to establish solicitation upon the part of the defendant as required by the statute." Id.

3 See David D. Siegel, New York Practice § 527 (4th ed.).

Women Jurors in Tompkins County

by Carol Kammen

Women jurors pictured in front of an Ohio Courthouse in 1921

IN 1932 MRS. L. N. SIMMONS OF Ithaca appeared at a meeting of the Tompkins County Bar Association ("TCBA"). She was concerned about the absence of women in the jury box.

For the following meeting there is an interesting entry in the TCBA minutes. E. N. Jackson proposed that the organization approve the following motion: "Be it resolved that the sentiment of the TCBA be recorded as against any legislation giving any such rights."[1] Everyone knew just what rights Mr. Jackson was fulminating against. Judge Kent, long the peacemaker of this body, asked immediately that no action on the motion be taken, and the resolution was withdrawn.

After that the minutes are silent. Then in 1936 the issue re-emerges. The question of women serving on juries had been of keen interest to the state chapters of the League of Women Voters. And it was of interest to judges who knew that finding qualified jurors was difficult, especially given the number of exemptions allowed for all sorts of occupations and conditions. To them, women represented a large pool of jury candidates, and ones, they assumed, who would be relatively docile.

In 1936, the TCBA received a letter from the Hon. Henry S. Fraser of Albany, asking its opinion on a number of bills pending in Albany. One was the women's juror bill. In a vote, twelve members of the local bar voted in favor of allowing women to serve on juries, with the same qualifications and exemptions applicable to men. Six men voted against this bill. Six members abstained.

The history of this issue is interesting. Women had served in juries in the 1880s in Wyoming, but that was largely because the population was so small that women, as well as men, were counted so that the territory would qualify for statehood. After a time, however, as Wyoming became somewhat more populous, rights for women declined.

By 1937, when New York was pondering the issue, nine states, including Indiana, Kentucky, Wisconsin, California, Michigan, Minnesota, Pennsylvania and Ohio, had compulsory jury duty laws on their books. In New Jersey, women were allowed to serve on state court juries; the counties had the option of allowing or disallowing them as each pleased. In North Carolina all persons were required to serve, but there was always the question in that state if women and blacks were to be considered legal "persons." Vermont designated all legal voters eligible for jury service, but women jurors were rare.

NEW HAMPSHIRE HAD A LAW THAT DECLARED that jury duty not be imposed on women, and South Carolina forbade it entirely. The *New York Times* commented wryly, that "in many states it was not the law that prohibited women from serving on juries, but rather the disposition of the courts to get along without them."[2] The League of Women Voters stood avidly behind reform, as did the National Women's Party. Their arguments were that 40% of the wealth in New York was controlled by women, that women were already at work (some of them) and that jury duty was no more onerous than much of the work already thought to be proper for women. In addition, these groups argued, women were as qualified as men, and in many cases more qualified by virtue of being attentive, less biased, less prejudiced, endowed with instinct and intuition, more interested in actual justice, less open to bribery, likely to be closely attentive to the evidence and less willing to arrive at a verdict for any reason other than sound reasoning.

Women, the proponents argued, took their duties more seriously than men and they had fewer political obligations and allegiances. As a final argument, some said that women were unlikely to be swayed by an attractive female litigant (always a danger!) and that women's presence would raise the tone of judicial proceedings across the state.

The problem with these arguments, however, is that all of them were based on recognizing gender differences rather than the rights and obligations of citizenship. It was on this latter position that the League of Women Voters argued and it was the basis of the bill before the New York State Legislature.

Some courts feared, however, that women jurors might cause problems. They would need to separate women's bathrooms, for example, and a female matron would be required. There was also the impropriety of one or two women entering the jury room with ten or eleven men. What of their safety, judges worried, and of their reputa-

Would men lose "privilege" if women served on juries? Would women be swayed by handsome lawyers?

tions? Some lawyers wondered if women on the jury would prevent male jurors from smoking, or even from speaking frankly? Would men lose "privilege" if women served on juries? Would women be swayed by handsome lawyers? Would they be overly tempted to believe persuasive witnesses rather than relying on the evidence? Would women be sullied by hearing sordid details that often arose in court? Would lawyers, accustomed to speaking "man-to-man" to juries, be inhibited by a female juror? Perhaps, suggested some male jurists, women could be restricted to civil cases and protected from the nastiness found in criminal law?

Questions and evasions came primarily from men who feared that women jurors would be one more instance of women invading and dominating traditionally male roles. These doubting men had some unexpected allies for many women also doubted the need or propriety of women in the jury box. They argued that women were too fragile, and too emotional, too preoccupied by household ties and duties to serve on a jury. It was woman's role to care for children and the ill, and consequently to demand jury duty of them would deprive these two classes of needed attention. (Of course, no one mentioned that many women were beyond childbearing age and were not needed at home, that women already juggled a number of duties and that many women worked outside the home.) How could dinner be on the table on time, they wondered, if a woman had to spend her day in court?

There was also the issue of the three dollars a day paid for jury service. Would it not be better if that money were reserved for men who needed all the help they could get to support their families?

Rural women generally voiced distaste for jury duty, and for some very special reasons. Most rural women did not drive and they did not have access to family automobiles which were needed on the farm. How, then, on a daily basis could rural women get to the courthouse? And would they have adequate clothing for jury service? These were not frivolous fears. Men, it was pointed out, could go to town in overalls but women could not.

IN 1937 WOMEN HAD A POWERFUL ALLY. Jane Todd was a Republican Assemblymember from Westchester County. She had submitted a women's jury bill three years in a row and three times her bill passed the Republican-dominated Assembly, the last vote 112 to 18.[3] It was the Senate, controlled by the State's Democrats that killed the first two bills. In 1937 rather than defeating Miss Todd yet again or ignoring the issue, the Democrats submitted parallel legislation called the Kleinfeld Permissive Women Juror Bill, which allowed rather than required a woman to assume the duties of juror. This modified bill provided a more comfortable position for the senators to take.

The discussion in the Senate Chamber hinged, as Senator Williamson stated, "on the question if woman had advanced far enough to serve on the jury?" On March 25, 1937, the New York State Legislature passed the Kleinfeld Permissive Women Juror Bill making jury service for women permissible, thereby allowing counties to set their own standards.

TOMPKINS COUNTY ADOPTED VOLUNTARY JURY SERVICE, which meant that any woman registered to vote would be added to the jury lists while any woman not caring to serve could register in the courthouse her unwillingness to serve. At the same time, the Tompkins County League of Women Voters announced that Judge Harold Simpson would conduct the first Jury School for local women. Simpson, an advocate of women on juries, believed "there are difficulties in the City court which women should be able to help straighten out." Simpson was particularly concerned about the problem of exemptions for jury service, which allowed "practically the entire white col-

Studies in Expression: When Women Are Jurors

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Women Jurors, continued from page 11

lar class" to excuse itself and that adding women to the jury pool could help alleviate the problem. The judge added that 20 years earlier, women had rarely appeared in the courtroom, but "with the advent of automobiles and women in the business world, women are more frequently litigants and it is only fair that they also be jurors."

Judge Riley Heath addressed the second session of the Jury School. He said: "Naturally I feel that court work is very serious and very important," but he observed that the need to listen carefully and to determine who is telling the truth and what the facts are is something women do in everyday life. He saw no problem with wom en doing that in court. Arthur Adams, the District Attorney, said tersely, "Women jurors would be OK with him."

On January 22, 1938, there were eight women's names on the February Grand Jury roll, each listed by occupation and place of residence. Most were housewives, one a librarian, and one was retired. Of the eight, Mary Curtis was automatically excused because she had placed her name on the list stating she was not willing to serve.

At the very same time that citizens wrestled with the issue of jury service, The Rev. Edward T. Horn was urging women to "get a hobby." He thought a hobby would provide a means of relaxation and an escape from nervous tension. Mrs. Simmons, the women who had introduced the issue of women jurors to the TCBA six years earlier, endorsed Horn's talk, calling attention to the quilts, needlepoint, small pitchers and collections of salt and pepper shakers gathered by club members as evidence of women's hobbies.

Judge Ely Personius of Elmira, of the 6th Judicial District, struck a blow against women jurors, declaring "women ineligible for grand jury service" because the wording in the law excluded them. In response to this, Assemblymember Stanley C. Shaw and State Senator C. Tracey Stagg, both of Ithaca, introduced a bill to change the language in state law that juries be composed of "bodies of persons" rather than "bodies of men" as previously written. Until the legislators in Albany were able to make the change, however, a ruling held that the "word men in the code is not confined to the masculine gender and that women drawn locally would be allowed to serve."[4]

> *"The discussion in the Senate Chamber hinged, as Senator Williamson stated, "on the question if woman had advanced far enough to serve on the jury..."*

The standard from that time on was that New York women were permitted to serve on juries but any woman seeking an exemption because of gender would be granted one. Counties had the option of setting their own rules and interpreting the regulations as best suited their populations.

In January, Tompkins County's first woman juror was drawn. Her name gave the officials a "thrill" for she was not a woman who had attended the Jury School — someone who might have been seen as militant, but a "housewife and a typical one she is." Mrs. Hall, wife of the Town of Groton's Chief of Police said, "My interest is in my home and my husband's work." She was pleased to be the first woman called to serve. When asked if she would seek exclusion by gender, her reply was, "I should say not."[5]

Six women served in the jury box that year, and all together, only three women from the county took themselves to the courthouse to state their unwillingness to serve. From that time on, women were called to serve as jury members and because of this "permissive" rather than "mandatory" legislation, they were allowed to decline if they so desired. Other counties found their own solutions.

This was the situation in Tompkins County from 1938 until 1975. In that year, the United States Supreme Court ruled in *Taylor v. Louisiana* that a jury was not duly constituted without a fair cross section of society and that men and women were equally obligated to jury service.[6]

WHEN WOMEN WON THE VOTE IN 1919 citizenship was not totally assured. What New York approved in 1937 was a halfway measure. The issue was concluded in 1975 when the obligations of citizenship were declared to fall upon all segments of a community equally, without regard to gender or race.[7] Equality in the jury pool had been a long time coming.■

Endnotes:

1. *Minutes of Meeting of Tompkins County Bar Ass'n,* 138-39 (April 26, 1932 and June 1, 1932) (on file with Michael R. May, Esq., Ithaca, NY). For further background, *see Elisabeth I. Perry, Culture, Strategy, and the Politics in the New York Campaign for Women's Jury Service,* 1917-1975 (1998) (unpublished paper on file with author).
2. *States That Admit Women Jurors,* N.Y. Times at 9:1.
3. *See Papers of Jane Hedges Todd* (1920 – 1966) (Collection #2765 Box 3/9 in the Rare and Manuscript Collections, Kroch Library, Cornell Univ).
4. *Judge Expects Women to Aid Courts,* Ithaca Journal, Oct. 13, 1937.
5. *Wife of Groton's Chief First Woman Juror,* Ithaca Journal, Oct. 22, 1937 at 1.
6. *Taylor v. Louisiana,* 419 U.S. 522 (1975).
7. *See id.*
8. The photograph appearing on page 10 is reprinted from the Jefferson Gazette, Gazette Newspapers, Inc., 46 W. Jefferson Street, Jefferson, Ohio 44047. This photo is authorized to be used in this newsletter. Any other use of this material is strictly prohibited without the written permission of Gazette Newspapers, Inc.
9. The photograph appearing on page 11 - Gibson, Charles Dana. *"Studies in expression: When women are jurors"* 1902. Cabinet of American Illustration (Library of Congress). [http://hdl.loc.gov/loc.pnp/ppmsca] [cai2a1282603059] (April 28, 2005).
10. The photograph appearing on page 12 - Johnston, Frances Benjamin. *"Grouping of young women reading in library of normal school,* Washington, D.C." 1899. Frances Benjamin Johnston Collection (Library of Congress). [http://hdl.loc.gov/loc.pnp] [cph 3c00288] (April 28, 2005).

Courthouses of Cooperstown

by Brian D. Burns

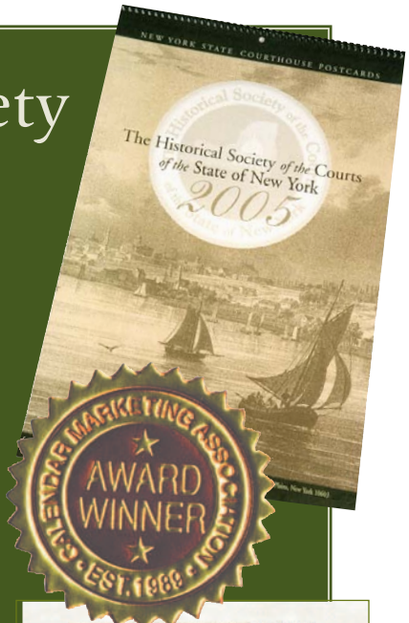
Cooperstown, New York, is best known as home of the National Baseball Hall of Fame. Every year, thousands of fans make the pilgrimage to this village to pay homage to Major League Baseball's heroes and legends. After viewing Babe Ruth's actual uniform and watching grainy black-and-white footage of games played at the turn of the 20th century, visitors leave with a greater appreciation of our national pastime and its place in history. What most visitors don't know is that the Hall of Fame stands just a few feet from an entirely different type of history—the history of the Otsego County Courts.

In 1788, William Cooper (father of noted author James Fenimore Cooper) founded Cooperstown and in 1791 became the first Judge of the Court of Common Pleas for Otsego County. He directed that a courthouse be erected at what is now the corner of Main and Pioneer Streets. The courthouse, made of wood, also housed the jail. Death sentences were carried out directly outside, where condemned prisoners were hanged, while less serious punishments were carried out across the street at the public whipping post and stocks. Because of relatively poor transportation, community members called to jury duty often spent the night in Cooperstown. Judge Cooper himself paid to house jurors at Griffin's Tavern, across the street from the courthouse. Judge Cooper's particular fondness for Griffin's was no accident: he had taken his first oath of office there. Griffin's Tavern also provided quarters for the jailer, as well as a place for travel-weary lawyers, litigants and judges to obtain refreshments.

Cooperstown had been named the County Seat in 1791, when the courthouse was the only public building in town. The County Board of Supervisors, first convened in 1804 held its first meeting at the courthouse, but the minutes reveal that legislators were so familiar with Griffin's Tavern that their first order of business, after calling the roll, was to adjourn to Griffin's Long Room for further proceedings. To be sure, politicians of the day keenly felt the need to maintain the appearance of public propriety. For that reason, the minutes record only that the meeting was adjourned to the "Long Room," without indicating that the meeting room was inside a tavern.

In the early 1800s, the original courthouse was replaced with a more imposing brick structure. In 1840, the new brick courthouse was destroyed by fire, and was reconstructed a year later three blocks away. Four decades later, this third building was torn down and yet another, the one still in use today, was erected in its place. Today's courthouse, now the fourth to stand in Cooperstown, is no longer the site of hangings and public floggings. Our standards of justice have evolved over the centuries, but today's Otsego County Courthouse would surely make Judge Cooper proud, reflecting the ideals of justice and community that inspired the construction of Cooperstown's first courthouse in 1791.

Historical Society Calendar Wins Gold Award



The Calendar Marketing Association, a worldwide association for the calendar industry and sponsor of the premier calendar awards competition in the industry, awarded the Gold Award for Best Non-Profit Wall Calendar to The Historical Society of the Courts of the State of New York's 2005 "New York State Courthouse Postcards" calendar.

A panel of judges examined over 350 entries in several highly competitive divisions and rated the entries on quality of artwork, photography, graphics, readability, information quality, originality and complete execution of the calendar subject or theme.

The Historical Society calendar is an excellent illustration of the multi-faceted collaboration that defines the organization. The historical postcards are from the private collection of Society President and Associate Judge of the Court of Appeals, Albert M. Rosenblatt. The county information for each month was provided by local historians, judges, court personnel and members of the bar. The design was conceptualized by Judge Rosenblatt and Chief Judge Judith S. Kaye, who acted as Editors-in-Chief. Lastly, the graphic design was done by Patricia Everson Ryan whose enormous talent and outstanding work transformed the raw product into a spectacular award-winning calendar.

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