

John Caher: Welcome to Amici, news and insight from the New York Judiciary and the Unified Court System. We are joined today by Marilyn Marcus, executive director of the Historical Society of the New York Courts.

The Historical Society of the New York Courts was founded in 2002 by the New York Chief Judge Judith S. Kaye. Its mission is to “preserve, protect, and promote the legal history of New York, including the proud heritage of its courts and the development of the Rule of Law.” The society advances that mission through educational outreach to New York State students and through public programs and publications, which informs our knowledge and role as citizens today.

Marilyn, thank you for chatting with us today. First of all, could you tell us a little bit about yourself and your background and how you came into this position?

Marilyn Marcus: John, first, let me thank you for this opportunity to spread the word about the Historical Society of the New York Courts, and also to commend you on this wonderful initiative of reaching a new audience with new technology through these podcasts.

John Caher: Thank you.

Marilyn Marcus: I'm an attorney. I practiced all of my career in commercial and bankruptcy law, mostly with large New York firms until about 10 years ago when I became the executive director of the Historical Society. I also have a master's in American History, and I applied both to law school and for a PhD program way back when ~~when~~ those choices were still available, and decided to take the law school route, which I never regretted. But this job gives me the opportunity to also be part of my other love, which is history.

John Caher: It sounds like a perfect fit. How did the Historical Society come to be, and why was it established. What was its purpose, its goals?

Marilyn Marcus: The founder of the Historical Society is former Chief Judge Judith Kaye, and she started to think about the Historical Society while she was the Chief Judge. She herself, in my opinion, is such a towering historic figure for New York. She is the first woman on the High Court in New York, which is the Court of Appeals. She is the first [woman] Chief Judge of New York, and she's the longest running Chief Judge. Not only is she our founder, she's a major historic figure for us as well.

Marilyn Marcus

She created the Historical Society with her partner/pal, Al Rosenblatt, who at that time was an Associate Judge on the Court of Appeals, and Judge Rosenblatt was the founding president of the organization and has continued to be an inspiration and very important part of this organization. How lucky can a person get to have Judge Kaye and Judge Rosenblatt as founders?

I'll just tell you a little story, which I think is so wonderful and such a great example of Judge Kaye. She tells the story that when she first came to the bench and was sitting from that new vantage point for her, she looked around in the gorgeous courtroom, the Richardson Courtroom that everyone should see at least once in their life. She, and looked at all the portraits that circle the entire courtroom, and thought to herself, "I don't know anybody who's here. I have no idea who these people are. This is unacceptable." She started to work on a book with her chief reference attorney, Frances Murray, to figure out who these people were and to create some sort of a little directory to identify them, so you'd see, and also to begin to look at the history of the courthouse.

That was the germ of the idea, and then together, Judge Rosenblatt and Judge Kaye chose as the model for our Historical Society the U.S. Supreme Court's Historical Society. The two models for an organization such as ours is to are having an historical branch or a group within a court system, or to have an independent 501(c)3, We and we followed the model of an independent 501(c)3. We are an independent non-profit, but we exist under the umbrella of the court system. It allows us to do fundraising and be somewhat self-sufficient, and to have access to wonderful resources through the courts and the wonderful people who work within the court system.

John Caher: I see. You've got a perfect wave of three people, yourself, Chief Judge Kaye, and Judge Rosenblatt, who are history buffs and lawyers, in the same place at the same time with the same goal.

Marilyn Marcus: They actually started the Historical Society before my time, and it started in a very small way at the Judicial Institute with Bob Keating who then was head of the Judicial Institute and continues to be involved as a Trustee Emeritus. I came on a few years later when they realized they needed an outside full time executive director. But I have continued to work with them very, very closely, and together we've grown the society. I can't not make reference to the board. We have an amazing group of lawyers and judges, some of them founding members, and their contributions are equally as important to the success of the society as are mine and the judges.

John Caher: What are, in your view, the society's most significant accomplishments and contributions since its founding?

Marilyn Marcus: There are a couple of areas. I'll just do the areas generally, and then if you'd like, we can go into them more specifically.

We put on every year anywhere from three to five public programs that are open to the public ~~and, they're~~ free. We get amazing attendance. The ~~programs are~~ mostly held in New York City at the New York City Bar Association, which very kindly opens its doors to us, and we have anywhere from 200 to 400 plus people attending our programs.

Then, I'd say the second area of importance in what we do is our education initiatives. We work hard to reach students in New York State, primarily middle school and high school students, about what it is ~~thate~~ judges do, ~~thate~~ courts do. ~~We look at,~~ how ~~de~~ lawyers lawyer, how do juries function, specific lessons and also lessons ~~onte~~ the rule of law and justice ~~generally. We do that.~~ We also hold a wonderful essay contest that's open only to community college students, and we offer prizes for ~~winning essays.that.~~

In addition, we have an oral history program where we have taken the oral history of almost all of the living retired Court of Appeals judges, all ~~of them~~ except the most recent retirees, and also legal figures of importance. ~~We plan to continue this important work.~~ We also have certain publications. We put out a scholarly journal called *Judicial Notice* ~~where both prominent historians and non-professional lawyers with a passion for legal history submit articles. We and~~ have ~~also~~ published some books, ~~including an important compilation of biographies of all of the judges of the Court of Appeals.~~ We've been very busy campers here.

John Caher: I'll say. I have attended several of your events, and they are outstanding. Just a couple questions on that. One, you mentioned the programs you put on, and the various topics include things like the ratification of the Constitution in New York, Thurgood Marshall, slavery, Nuremberg trials, a wide variety of topics. How do you decide what to focus on and which ones to create programs from? Is that something the board discusses, or do you take suggestions from others, or what?

Marilyn Marcus: I think you're hitting on all of it, John. We always are open to discussion and have it on the agenda at our board meetings. I also look a great deal to Judge Rosenblatt for his ideas on this, and things come to us, as well as our going to them. For example, something I'm very proud of is we have a continuing initiative of programs with the [U.S.] Supreme Court's

Historical Society. We actually have put on four [programs] already that have brought Supreme Court Justices to New York and to our programs. That initiative is really about looking at the New York's contribution to the Supreme Court benchfriends, so we look to our New York Justices, like Ruth Bader Ginsberg, Sonia Sotomayor, Justice Kagan, and these have been amazing programs.

We also look to our own. For example, one of our trustees is Justice Randall Eng. With his guidance, we and we've been talking and decided we needed to know more about the impact of Asian Americans in the law, and we put together a panel of pioneering Asian American judges sitting in our court system together with s and a wonderful presentation that Denny Chin at the Court of Appeals, Second Circuit, and his wife put on for us. The ideas grow spontaneously.

John Caher: I see. You also mentioned the oral histories that you've conducted with several Court of Appeals judges and various other luminaries. Will the transcripts and video of those be made available to the public or are they available now?

Marilyn Marcus: We have a protocol when it comes to the oral histories.

We videotape them, and the subject has the opportunity to choose who they want to do the will conduct the interview, for them. Very often with the judges, it's a former clerk, and so there's a very warm, intimate relationship, and that's the feel of these oral histories. We develop a transcript after that, which is reviewed by the Court of Appeals and by the participants, and they can make any edits they want. Our goal is to put those transcripts up on the website, and ultimately have the videos available, though we're still figuring out how that's best going to work. For sure, over the coming months and years, we'll be putting the transcripts up and making those videos available. Also, we take from those videos little clips and use them in other ways online.

John Caher: I know you also have other videos on your website and links to various publications, including your great magazine, *Judicial Notice*. All of your programs, all of your productions, the aim I understand is to make them all available to the public. Is that correct?

Marilyn Marcus: That's absolutely correct, and I should say when I talk about our initiatives, that the development and the continuing growth of our website is key for us because in this day and age, people are going to come to you not just as members, but the great majority will come to you through the website. Our website is constantly evolving and taking on

more and more technological features. We've recently taken the videos, which we realized were a growing a number, and created a videos section to showcase them. ~~The, and the~~ videos include just about all the public lectures that we've done. They are all available to watch and to learn from.

Plus, we've done videos about ourselves and our mission. We've worked—and I'd like to have the opportunity to talk a little bit more about our student initiatives—but we've gone into the classroom and taken videos of some of the curriculum we've developed, and it's so gratifying to see the way these students understand, can understand, the intricacies of the Constitution and the Bill of Rights and the law.

We have also taken videos of our judges. Last year, we were very, very fortunate to be able to have Charlie Rose interview the three living Chief Judges of the court, which begins with Sol Wachtler and then Judith Kaye and of course Judge Lippman, and that's an amazing one. We've done a great video of the Commercial Division courts and what they do. We consider these videos important. It's the way people like to learn nowadays, we hope to continue to have this grow.

John Caher: You mentioned students and learning. Can you discuss the educational component of the society? I know you have a number of resources available on the website for various educational levels. Can you elaborate on that, on how that works?

Marilyn Marcus: Happy to. We do have an academic center on the website, and this is something that we're working to grow. We hope to have all of the curriculum that we develop with our projects available to teachers all over, anybody who wants to come, and to students. It's also the place where we have all the materials for the different essay contests over the years.

To elaborate a little more, we have an ongoing partnership with Bard College through Bard High School Early College, which is a high school that has a couple of campuses, one downtown, one in Queens. It's a public high school but has some enriched resources available to it, and we've worked with the teachers there to develop curriculum for the high schoolers. Also, they have a wonderful program where they bring in middle school students from the under-resourced middle schools in the neighborhood for an after school program, and we've focused lots of resources into developing curriculum for this group as well. I and my Board have had, to have the privilege to sit in on classes.

John, it's just a very ... It's very gratifying to see that learning take place. We also moved a little more broadly with Bard this year and we funded a workshop up at the Bard campus. They have a great program where they bring teachers from all across the state to their Bard Institute for Writing and Thinking, where the teachers learn how to teach this curriculum. I think there's a certain reluctance to teach if you're not versed in the law, if you're not a lawyer, which most teachers aren't. This breaks through those barriers and helps teachers to teach.

For example, the Lemon slave case, where New York was way ahead of the U.S. Supreme Court in finding that a slave once bought into the state was no longer property and could not be re-attached by the so-called owner. In many ways, this is a breakthrough, I think, to try to get legal history and legal content before the students. We're doing that, and we're continuing to work with Bard at its various campuses. We're hoping to fund a fellow who will ~~be at the school who will~~ specifically work with us to develop curriculum and then get it taught, so a real liaison there.

I had mentioned briefly our essay contest, which is the David Garfinkel Essay Scholarship, where we reach out to all of the community colleges across the State and ask them to write on different topics of law. Last year, the topic was the LGBT community and their road to equality, and we have been fortunate enough to have some of our judges willing to go into these schools and be role models and talk to the students. It's a growing initiative and one we're proud of because these are students who could be overlooked, and here's an opportunity to win a prize, make some money, build their resume, and hopefully we can direct them a little bit on the road to even more education.

That's what we have going on now, and I have every confidence that with my wonderful committee, which John Siffert ~~has shared for many years,~~ one of our lawyer trustees, has chaired for many years, ~~that~~ we're going to continue to grow this.

John Caher: I know many of your programs and offerings are free and available to anyone who wants them. There's also a membership option, which I guess entitles you to your periodical, *Judicial Notice*, which I happen to have in front of me, and which is phenomenal.

Marilyn Marcus: Thank you.

John Caher: What are the benefits of membership and how many members do you have?

Marilyn Marcus: As I said before, we are a membership organization, and we need the support of our members for the finances to put out our materials and to fund these various initiatives.

Our goal initially goes back to the thinking of Judge Kaye and Judge Rosenblatt. Our goal was not to make this exclusive, but to make it very easily available. We offer a lot of free membership to students, to beginning lawyers, and then on a very tiny little sliding scale, we only charge \$10 for membership for new attorneys two to five years ~~out, and then a regular membership has ...~~ We've held the line for memberships at \$50 a year for all the years of this organization's existence, ~~with and then~~ a \$25 membership for people within the courts and other public service.

Obviously, we can't support ourselves with this, but we do want to make ourselves as available as possible to as many people as possible. Then we look to others to support us at higher levels, and we do have a fundraiser every year. Membership, what do you get? You get invitations and notice of all of our public lectures. Coming up now, we have one in Buffalo, believe it or not, because we do try to go around the state, so we have one in Buffalo at the law school there, Western New York Women Pioneers. We have one coming up, another one with the Supreme Court, in November that I'm not going to talk about yet, but it's very, very exciting. We're also going to do another law and literature program this year.

~~All of those, you'll receive invitations to, In addition to receiving flyers and invitations, members are entitled to free, and they're free. The only thing is if you want to have CLE credit, you have to be a member, and if you're a member, the CLE credits are free, So~~ not only do you get to go to the program, but you get ~~to get~~ your CLE credits for the program, all free with that minimal membership. You'll also get our calendar every year, which hangs on, I'm proud to say, many walls within the court system.

John Caher: And mine as well.

Marilyn Marcus: Good, and I hope outside of the court system as well. Another benefit is a copy of our annual journal *Judicial Notice*, and now as we move more and more ahead with trying to be online, we do an email newsletter four times a year, just to keep people apprised not only with what we're doing, but with what's going on in the legal community and in our world. That all comes with a membership. Then, if people wish to give more, there are more benefits, but I guess I won't go into that now. It's all available on the website and easily explained there.

John Caher: It is a tremendous resource, which I found not only in my current position with the Office of Court Administration, but in my prior life as a writer for the *New York Law Journal*. The Historical Society was just always a great place to turn to when I needed some information.

Marilyn Marcus: I'm so glad to hear you say that because in addition to showcasing what we do and having our videos ~~available~~ and past programs available as well as in the academic center resources, we take very seriously our resources on the ~~history of the~~ legal history of New York. We work very hard to develop materials that people are going to want to go to. I have to tell you that we've been looking at statistics lately on our website traffic, and we had last year about a 161,000 visits. People are coming to us for our information, and I think our section on legal history is very important.

We include biographies of judges, from the Court of Appeals on down, in great detail. We have a section that Frances Murray is working with us on, which is legal history by era. We're not there yet. We're still developing the sections, but the full ~~gambit-gamut~~ of legal history, from the beginning of Dutch rule and then under English rule, right up to the present. ~~We're doing that.~~ We're also trying to show the world how beautiful our courthouses are, both inside and outside, and developing beautiful images of not only the courthouses, but the Lady Justice figures that sit in and on the courthouses.

We're thinking that this is the way to go. Our membership is under 1,000. ~~We'd certainly like more.~~ We ~~also have offer~~ free membership for our judges to encourage their participation. We'd certainly like more members, but an online presence is equally important. ~~as well, but~~ I do believe that in this world, we have to look at the bigger picture of how people are getting their information, and the website is playing a big role in that.

John Caher: The Third Branch for many reasons is perhaps the most mysterious branch of government, but it seems like you are very rapidly reaching Judge Kaye's vision of opening that treasure box.

Marilyn Marcus: We're trying. We're trying very hard, John.

John Caher: I know you are. Marilyn, thank you for our insight, and thanks for spending some time with us today.

Marilyn Marcus: I want to thank you for this opportunity. It was great fun.

John Caher:

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