Court of Appeals
STATE OF NEW YORK
THE COURT OF APPEALS OF THE STATE OF NEW YORK

The Court of Appeals is the highest court in the State of New York. It is composed of a Chief Judge and six Associate Judges who serve terms of fourteen years.

Judges of the Court are appointed by the Governor, from among names submitted to him by the Commission on Judicial Nomination. The Governor’s choice is subject to confirmation by the State Senate.

This highest appellate court was deemed necessary by the People of the State to establish statewide principles of law for all cases in the context of deciding particular law suits. The court is thus generally limited in its jurisdiction to broad policy issues of law as distinguished from individualized factual disputes. However, no jurisdictional limitation has ever been based upon the amount of money at issue or the status or rank of the parties.

HISTORY

For the first several decades of New York’s history as a State, its highest court was composed of the Justices of the Supreme Court, (a trial court) the Chancellor (a judicial officer) and the members of the State Senate, and was known as the Court for the Trial of Impeachments and the Correction of Errors. It was modeled after the “Lord’s Court” in the House of Lords in England. Because of its unwieldiness, it never achieved renown as a judicial body.

The Court of Appeals was established by the Constitutional Convention in 1846 with eight members; four to be elected for eight-year terms by the voters statewide and the other four to be the Supreme Court Justices having the shortest remaining terms to serve as acting Court of Appeals Judges for one year.

The Constitutional Convention of 1869 created the Court of Appeals as we know it today. This Court sat to hear appeals for the first time in July, 1870. New York State had grown by this time to be a bustling center of commerce and industry and litigation had so increased that its court of last resort had fallen behind its work.

Despite many temporary measures proposed to relieve the situation, calendar congestion and delay plagued the Court of Appeals for fifty more years. A formula for limiting the number of appeals which might be brought to the Court evolved gradually over the years and finally in the 1920s the Court achieved currency in handling its business. Over the past fifty years, the Court has remained reasonably current and recent innovations ensure that appeals are heard in the Court of Appeals shortly after the appeal is made ready by the parties filing their briefs.

State Court System:
The New York State Court of Appeals sits at the top of the State judicial system. Matters argued before it have usually been heard in two courts below and, except in cases involving a federal question where the United States Supreme Court utters the last word, a decision in the New York Court of Appeals is the ultimate statement of the law for New York State.
OUTLINE OF NEW YORK STATE COURT SYSTEM

Court of Appeals

Appellate Divisions —
one in each Department
(4)

Supreme Court — Statewide

Appellate Term
1st and 2nd Depts. only

Family Court
1 each county except one for New York City
(5 counties in N.Y.C.)

Surrogates Court —
1 in each county
(62)

County Court — 1 in each county outside of N.Y.C.
(57)

Court of Claims
Statewide

New York City Civil Court

New York City Criminal Court

District Court
Nassau and Suffolk

City Courts outside
New York City

Town Court

Village Court
EARLY SESSIONS

Prior to the Constitutional Convention of 1846, sessions of the Court for the Trial of Impeachments and the Correction of Errors were held, at least a portion of the time, on the second floor of the old Capitol Building located on the north side of State Street in Capitol Park, east of the present Capitol Building.

When the Court of Appeals was organized in July, 1847, it met in the old Capitol Building and continued there until May 11, 1883. It sat in the new Capitol for the first time on October 1, 1883, in a room temporarily assigned to the use of the State Senate and continued there until the new courtroom in the southeast corner of the third floor of the Capitol was completed on January 14, 1884.

After thirty years, the rooms assigned to the judges and the attorneys became inadequate and the space was needed by other departments. As the business of government expanded, it was apparent that other accommodations would be required. Plans were then made to relocate the Court in State Hall, down the street from the Capitol.

COURTROOM

The old courtroom in the Capitol, designed by H.H. Richardson, of New York City and Boston, and once described as the finest "of any court in the world" was duplicated in the new wing of the State Hall. All the oak trim, the portraits, the furniture, the fireplace of "the choicest Mexican onyx," the hand-carved oak bench, the railings, and other striking features of the old chamber, installed in 1884, were moved to the new courtroom in 1917 where they remain in use to this day.

The portraits lining the upper walls of the courtroom are those of former judges of the Court. Generally, the top row holds portraits of former Chief Judges and the bottom row contains those of former Associate Judges.

Prominently displayed over the bench is the red-robed figure of John Jay, who was the first Chief Justice of the New York State Supreme Court and who then became first Chief Justice of the United States. In the rear is the lifesized bronze statue of Robert R. Livingston, the first Chancellor (a judicial office then) of the State.

COURT OF APPEALS HALL

State Hall, designed by Henry Rector, of Albany, was originally erected in 1842 for the use of several State offices, including those of the Comptroller and the State Architect and Engineer, whose occupancy continued until 1916 when the building was transferred to the Court of Appeals.

Courthouse Rotunda.
As one enters the central lobby of the Courthouse the rotunda, with its graceful Doric and Ionic columns, carries the visitors' eyes upward toward the State Seal on the interior of the building's dome.
THE BUILDING

Plans for the second restoration and modernization of Court of Appeals Hall were first made in 1949. The work began in June of 1958 and was completed 16 months later.

On October 5, 1959, this beautifully restored building was rededicated to the cause of justice under the law, in ceremonies in which all the three branches of State government – the Executive, the Legislative and the Judiciary – participated.

The building is Greek-Ionic in its external architecture, and has been described as a vivid example of Greek revival architecture that is delightful and impressive.

The rotunda, which is painted with a brilliantly colored and ornamented dome, exemplified the three forms of Greek architecture – the plain Doric capitals and columns of the first floor are surmounted by Ionic carved capitals on the second floor and elaborate Corinthian capitals on the third floor. The exterior front capitals and bases are copies from those of the Temple of Nike Apteros on the Acropolis.

THE COURT AND ITS WORK

For the purpose of this brochure, the jurisdiction of the Court can be stated only generally; in detail it is quite complex and fills volumes.

Litigants in appropriate civil and criminal cases may have the Court of Appeals hear their appeals from final determinations of lower trial courts, and administrative tribunals, sometimes directly but more usually following review by an intermediate appellate court.

For example, litigants have an automatic right to appeal to the Court of Appeals:

1. In civil cases involving a substantial question under the Constitution of the United States or the Constitution of the State of New York;

2. In civil cases where there had been two dissenting opinions on a question of law at the Appellate Division.

3. In murder cases where the defendant has been sentenced to death.

In all other criminal cases and in most other civil matters, under a certiorari reform bill sought by the Court and enacted by the Legislature in 1985 as chapter 300, litigants must petition the Court of Appeals or one of the four Appellate Divisions of the Supreme Court for permission to have their appeals heard by the Court of Appeals.

With the exception of rare death sentence cases and a few cases involving constitutional issues, which come directly from the trial court, most cases have already been heard and decided by a trial court either with or without a jury, and have then been reviewed by the Appellate Division of the Supreme Court before they reach the Court of Appeals. Some less serious criminal cases are heard in other intermediate appellate courts, the Appellate Term of the Supreme Court, or the county courts before they can get to the Court of Appeals by permission only of a Judge of the Court of Appeals.

Cases involving questions under the United States Constitution or under Federal law may go

Conference Room
In the Conference Room on the second floor of the building, the Judges gather in private on mornings when the Court is in session to discuss and decide cases that have been argued in the Courtroom.
from the New York Court of Appeals to the United States Supreme Court for review, but further appeals after the New York Court of Appeals has spoken are very few.

The judicial reform measures of 1978 added a new and significant category of cases for the Court of Appeals to review. Disciplining of all Judges of the State for misconduct or ethical misbehavior is now within the exclusive authority of the Commission on Judicial Conduct. Determinations of that Commission are subject to the full direct review of the Court of Appeals upon request by the affected Judge or Justice. Those reforms also added that the Court must review and certify to the Governor and the Legislature, the entire Judicial Branch Budget for each year.

SESSIONS OF THE COURT

There is one term of the Court of Appeals each year commencing in early January and continuing throughout the year in monthly sessions. After its June oral argument session the Court meets again in July for the purpose of disposing of all cases then pending before it for decision. The Court thus maintains its currency.

The flow of business to and through the Court, however, continues on a full-time basis throughout the year. In periods between the sitting sessions of the Court, including the summer, the Clerk's Office is fully operational and the Judges at their residential chambers continue their work of signing orders, conferring with counsel and holding hearings, writing opinions and preparing cases for the next session of the Court. These are referred to as in-Chambers sessions held in each of the residential offices of the Judges throughout the State. The in-Court sessions consist of all seven Judges attending and working together at Court of Appeals Hall in Albany.

The duration of the in-Court sessions for hearing appeals and for conferencing is usually two weeks. Three weeks of in-Chambers work usually intervene between the formal sessions. In-Chambers time, principally, is devoted to deliberation and writing of opinions in cases already heard; preparation for the cases to be heard at the ensuing session of the Court; and hearing and determination by each of the Judges of the hundreds of requests for permission to appeal criminal cases and preparing recommendations to the Court in civil motions for leave to appeal. The Judges have many other judicial and professional responsibilities to fulfill during these periods, as well.

The two week in-Court sessions require the Court to sit Monday through Thursday beginning at two p.m., and on Friday starting at one p.m., until the full calendar each day has been heard. These oral argument sessions last throughout the afternoon. All sessions are open to the public. Usually only the attorneys for the parties are present and they orally present their clients' claims to the Court, whose members customarily engage in a lively dialogue with counsel in an effort to distill the issues in each case and to discern the paths towards proper decisions. The formal conferences of the Judges, for discussion and decision of all cases that have been heard, are held in the

Typical Judge's Room:
Each Judge has a chambers with rooms for personal secretary and law clerks. The Judge's room contains a working library of the basic law reports for research work.
Library Conference Room on the second floor of Court of Appeals Hall every day when the Court is in session. These conferences are closed and confidential.

When in session, the Court convenes promptly at the appointed hour, with its entrance into the courtroom announced by the Crier as follows:

"The Judges of the Court."

Everyone rises and remains standing as the black-robed Judges walk to their places on the Bench in order of seniority. Then the Crier’s voice is heard again:

"Hear Ye, Hear Ye, Hear Ye. All persons having any business before this Court of Appeals, held in and for the State of New York, may now draw near, give their attendance, and they will be heard."

The Chief Judge then calls the first case and arguments by the attorneys are heard throughout the afternoon. No testimony is taken nor new evidence received.

The Court has before it a record or appendix (summary) of all the proceedings in the lower courts, with briefs (legal memoranda) containing the arguments of law to be urged by counsel for each side. These documents and internal memoranda on the cases have been read by the Judges in advance of oral argument.

The attorney representing the party bringing the appeal to the Court of Appeals, known as the appellant, opens the argument and occasionally but rarely closes it with a short rebuttal; the attorney for the prevailing party below, called the respondent, makes argument following the appellant’s counsel.

As each case is completed, the next in order is called and heard. This continues until the calendar for the afternoon has been completed, at which time the Crier formally adjourns Court for that day.

"All Please Rise: Hear Ye, Hear Ye, Hear Ye. All persons having any further business before this Court of Appeals, held in and for the State of New York, may depart hence and appear here tomorrow afternoon at 2 o’clock, to which time this Court now stands adjourned."

After the day’s calendar is completed the Judges leave the Bench and confidentially and randomly draw the assignment for an initial oral presentation to the other Judges of the Court at the very next morning’s Conference. As a matter of course, this requires each Judge to engage in late night work at the Court every day the Court is in session.

As each case is presented by the designated reporting Judge in Conference, the other Judges, in reverse order of seniority, orally state their views. A vote is then taken and thereafter formal opinions by the majority and the dissenters, if any, are written and exchanged during the ensuing days or weeks. Decisions are handed down by the Court on days designated by it. Over 95% of the appeals and motions are decided and publicly disseminated within four to six weeks after they have been presented to the Court by argument or submission of papers.

The Chief Judge of the Court of Appeals also holds the title and office of Chief Judge of the State of New York and the Associate Judges serve as a kind of board of directors in assisting him in the executive management of the entire Unified Court System of the State.

The Judges and staff of the New York State Court of Appeals, through its Public Information Office, welcome the opportunity to show Court of Appeals Hall and to explain the work of the Court.
THE PRESENT COURT

Sol Wachtler, Chief Judge of the State of New York, was born in Brooklyn, New York, April 29, 1930, the son of Philip and Fay Wachtler. He was appointed Chief Judge by Governor Cuomo on January 2, 1985; elected Associate Judge of the New York Court of Appeals, 1972; appointed Justice of the Supreme Court by Governor Rockefeller, 1968; elected Supreme Court Justice 1968; Councilman, Town of North Hempstead, 1963; Supervisor, Town of North Hempstead, 1964; Chairman, Committee on Public Safety, Nassau County Board of Supervisors, 1966. Chairman, Federal/State Judicial Council of New York State 1984; Member, Board of Overseers of The Nelson A. Rockefeller Institute of Government, State University of New York. B.A. (cum laude) Washington and Lee University; LL.B. (cum laude) Washington and Lee School of Law, Order of the Colt; Columbia School of Architecture; Fellowship graduate, National Judicial College, University of Nevada. Honorary Doctor of Laws degrees (LL.D.): Washington and Lee University School of Law, Albany Law School of Union University, Brooklyn Law School, Hofstra Law School, Syracuse Law School, Long Island University, Benjamin N. Cardozo School of Law; Doctor of Humane Letters (LHD) C.W. Post College. In charge of Courts and Boards Section, Provost Marshal Center; Instructor in Military Law, Provost Marshal School. Guest lecturer in law: United States Information Agency in Munich and Stuttgart, Germany; Columbia University Law Seminar, University of Leyden, Holland; Yale University School of Law; Albany Law School; St. John's Law School; Brooklyn Law School; Hofstra Law School. Wife Joan and four children: Lauren, Marjorie, Alison, and Philip.
RICHARD D. SIMONS


JUDITH S. KAYE

Judith S. Kaye, *Associate Judge of the Court of Appeals*, was born in Monticello, New York, August 4, 1938. B.A. Barnard College, 1958; LL.B New York University School of Law (cum laude), 1962. Admitted to the New York Bar, 1963. She engaged in private practice in New York City since 1963. She served as a Trustee of The Clients’ Security Fund, Trustee of the Law Center Foundation of New York University, Director of The Legal Aid Society, Director of the American Judicature Society, Executive Committee member of the Association of the Bar of the City of New York, and as an active committee member of the New York City, New York State and American Bar Associations. She was appointed an Associate Judge of the Court of Appeals by Governor Mario M. Cuomo on September 12, 1983.
FRITZ W. ALEXANDER, II

Fritz W. Alexander, II, Associate Judge of the Court of Appeals, was born in Apopka, Florida on April 24, 1926. A.B. Dartmouth College, 1947; LL.B New York University School of Law, 1951; admitted to the New York Bar 1952. Founding partner, Dyett, Alexander & Dinkins; District Director, Upper Manhattan Rent Office; elected Judge, New York City Civil Court 1970-1976; elected Justice, New York State Supreme Court 1976; designated Associate Justice of the Appellate Division, First Department by Governor Hugh L. Carey in 1982; appointed member of the New York State Commission on Judicial Conduct by Governor Carey 1979; reappointed by Governor Mario M. Cuomo in 1983. A Manhattan resident-Trustee of Law Center Foundation of New York University; Past President, Dartmouth College Black Alumni Association; former President of the Harlem Lawyers Association; former Vice President of the Association of the Bar of the City of New York. Active in the National Bar Association, American Bar Association, Metropolitan Black Bar Association and New York State Bar Association. Appointed Associate Judge of the Court of Appeals by Governor Cuomo on January 2, 1985.

VITO J. TITONE

STEWART F. HANCOCK, JR.


JOSEPH W. BELLACOSA

JUDGES OF THE COURT OF APPEALS

Under constitution of 1846

Name and Residence
Freeborn G. Jewett, Skaneateles
Greene C. Bronson, New York City
Charles H. Ruggles, Poughkeepsie
Addison Gardiner, Rochester
Samuel A. Foote, Geneva
Alexander S. Johnson, Utica
Hiram Denio, Utica
George F. Comstock, Syracuse
Samuel L. Selden, Rochester

Name and Residence
Henry E. Davies, New York City
William B. Wright, Monticello
Henry R. Selden, Rochester
John K. Porter, Albany
Ward Hunt, Utica
Martin Grover, Angelica
Lewis B. Woodruff, New York City
Charles Mason, Hamilton
Robert Earl, Herkimer
John A. Lott, Brooklyn

CHIEF JUDGES OF THE COURT OF APPEALS

Under Constitutional amendment of 1869 and 1894 constitution

Name and Residence
Sanford E. Church, Albion
Charles J. Folger, Geneva
Charles Andrews, Syracuse
William C. Ruger, Syracuse
Robert Earl, Herkimer
Alton B. Parker, Kingston
Edgar M. Cullen, Brooklyn
Willard Bartlett, Brooklyn
Frank H. Hiscock, Syracuse
Benjamin N. Cardozo, New York City

Name and Residence
Cuthbert W. Pound, Lockport
Frederick E. Crane, Brooklyn
Irving Lehman, New York City
John T. Loughran, Kingston
Edmund H. Lewis, Syracuse
Albert Conway, Brooklyn
Charles S. Desmond, Eden
Stanley H. Fuld, New York City
Charles D. Breitel, New York City
Lawrence H. Cooke, Monticello
Sol Wachtler, Manhasset
# Judges of the Court of Appeals

Under constitutional amendment of 1869 and 1894 constitution

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<td>William F. Allen, Oswego</td>
<td>Frederick Collin, Elmira</td>
<td>Stanley H. Fuld, New York City</td>
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<td>Martin Grover, Angelica</td>
<td>William H. Cuddeback, Buffalo</td>
<td>Bruce Bromley, Brooklyn</td>
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<td>Rufus W. Peckham, Albany</td>
<td>John W. Hogan, Syracuse</td>
<td>Charles W. Froessell, Jamaica</td>
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<td>Charles J. Folger, Geneva</td>
<td>Nathan L. Miller, Cortland</td>
<td>John Van Voorhis, Rochester</td>
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<td>Charles A. Rapallo, New York City</td>
<td>William B. Hornblower, New York City</td>
<td>Adrian P. Burke, New York City</td>
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<td>Charles Andrews, Syracuse</td>
<td>Benjamin N. Cardozo, New York City</td>
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<td>Alexander S. Johnson, Utica</td>
<td>Samuel Scabury, New York City</td>
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<td>Theodore Miller, Hudson</td>
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<td>Kenneth B. Keating, Rochester</td>
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<td>George F. Danforth, Rochester</td>
<td>William S. Andrews, Syracuse</td>
<td>Matthew J. Jasen, Buffalo</td>
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<td>Francis M. Finch, Ithaca</td>
<td>Abram I. Elkus, New York City</td>
<td>James Gibson, Hudson Falls</td>
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<td>Benjamin F. Tracey, Brooklyn</td>
<td>Irving Lehman, New York City</td>
<td>Domenick L. Gabrielli, Bath</td>
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<td>Rufus W. Peckham, Jr., Albany</td>
<td>Henry T. Kellogg, Valcour</td>
<td>Hugh R. Jones, New Hartford</td>
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<td>John Clinton Gray, New York City</td>
<td>John E. O'Brien, New York City</td>
<td>Sol Wachtler, Manhasset</td>
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<td>Denis O'Brien, Watertown</td>
<td>Irving G. Hubbs, Poughkeepsie</td>
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<td>Issac H. Maynard, Stamford</td>
<td>Leonard C. Crouch, Syracuse</td>
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<td>Richard D. Simons, Rome</td>
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<td>Judson S. Landon, Schenectady</td>
<td>Edmund H. Lewis, Syracuse</td>
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<td>William E. Werner, Rochester</td>
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<td>Fritz W. Alexander, II, New York City</td>
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<td>Willard Bartlett, Brooklyn</td>
<td>Charles S. Desmond, Buffalo</td>
<td>Vito J. Titone, Staten Island</td>
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<td>Frank H. Hiscock, Syracuse</td>
<td>Thomas D. Thacher, New York City</td>
<td>Stewart F. Hancock, Jr., Cazenovia</td>
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<td>Emory A. Chase, Catskill</td>
<td>Marvin R. Dye, Rochester</td>
<td>Joseph W. Bellacosa, Guildersland</td>
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Clerk of the Court
DONALD M. SHERAW


MEMBERS OF THE CLERK'S STAFF
Deputy Clerk — Stuart M. Cohen

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Barbara L. Arielly  
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Terry J. Ward  
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Building Superintendent — John A. DeCotis  
Deputy Building Superintendent — Brian J. Emigh
"The doors of the Court of Appeals are open to all who within the limits of its jurisdiction may seek its aid and the weakest and frailest equally with the strongest may enter with an abiding faith that they will have patient hearing and receive at its bar what is justly their due."

Lewis E. Carr, Representing Albany County Bar Association at dedication of building January 8, 1917.

Courtroom:
The Court of Appeals Courtroom is considered one of the finest in the world. The hand-carved bench and oak paneling; the Mexican onyx fireplace and the portraits add to the beauty of the room.