



"Appellate Division, Fourth Department, 100th Anniversary "

The Appellate Division of the
Supreme Court
Fourth Judicial Department



1896-1996



"Appellate Division, Fourth Department, 100th Anniversary "

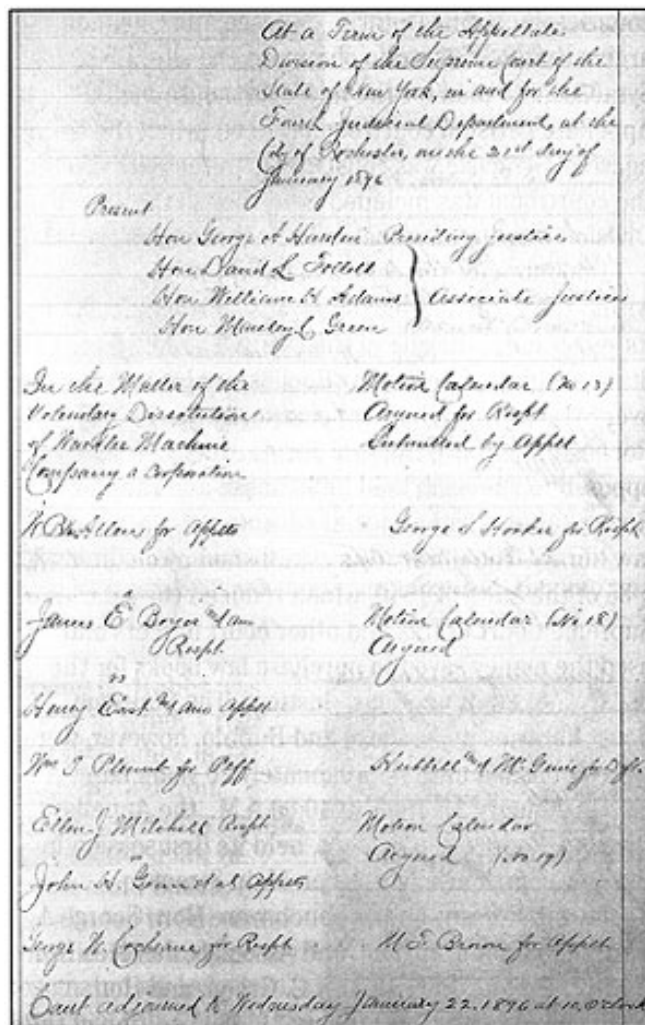
The Clerk's office staff- 1996. Top row, from left to right: Frances Cafarell, Assigned Counsel Court Clerk Specialist; Kathy Brumagin, Court Analyst; Denine Bratcher, Principal Appellate Stenographer; Michelle Crew Court Attorney; Caralyn Ross, Court Attorney; Patricia Middlebrook, Appellate Law Typist; Lawrence Dalton, Civil Motion Court Clerk Specialist; Paul Reiter, Calendar Court Clerk Specialist; Shirlyn Ruffin, Appellate Law Typist; Doreen Ross, Executive Assistant; Anne Rutland, Court Attorney; Patricia LaPlaca; Senior Appellate Court Clerk; Ingrid Durfee, Appellate Law Typist; Middle row, from left to right: Barry Porsch, Court Attorney; Donalyn Schult, Appellate Law Typist; Joan Varney, Criminal Motion Court Clerk Specialist; Timothy Smith, Court Attendant; Bridget Cullen, Court Attorney, Carl Darnall, Clerk; Alessandra Zorgniotti, Court Attorney; John Fritsch, Senior Court Attendant; Patricia Morgan, Deputy Clerk; Jeffrey Calabrese, Court Attorney; Joan P. Brimlow Consultation Clerk; Laura Croog, Decision Court Clerk Specialist; Bottom row from left to right: John Casey, Court Attorney; Brett Harvey, Court Attorney; William Kibler, Court Attorney; Tammy McGraw, Appellate Law Typist; Jonathan Federman, Court Attorney; Stephen Seleman; Deputy Chief Court Attorney; Andres Colon, Court Attorney; Michael Wojick, Calendar Court Clerk Specialist; Michael Nolan, Court Attorney; George Whelehan, Appellate Law Typist. Not pictured: Craig Peterson, Chief Court Attorney; Nicole Botti, Court Attorney; Linda Farrow, Management Analyst; Donna Brown, Administrative Secretary; Marilyn Casaceli, Appellate Law Typist; J. Paul Brennan, Chief Court Attendant; Doris Ellingsworth, Court Analyst; Christine Osadciw, P.C. Analyst.

PREFACE

For 100 years, the Appellate Division, Fourth Department, has served the citizens of western and central upstate New York as the intermediate appellate court for the Fifth, Seventh and Eighth Judicial Districts. The history of the Court during that period has included many changes: its Justices have increased in number from 5 to 11; its yearly caseload has more than quadrupled, growing from 496 to over 2,000; the number of its Clerk's Office employees has increased from 4 to over 40; the Court and its staff have outgrown two facilities and are preparing to move to a third location; and the Court currently is considering major changes in its rules of practice in order to cope with the ever-increasing caseload. One factor, however, has remained constant during the past century. Each of the benches that has sat as the Appellate Division, Fourth Department, has been committed to the principle of providing justice to the litigants appearing before it. In that spirit, we dedicate this centennial publication to the Justices and staff who have sewed this Court so well during its first 100 years.

THE FIRST BENCH

The Constitution of 1894 replaced the five existing General Terms with four Appellate Divisions. The jurisdiction of the Fourth Department was drawn to include the Fifth Judicial District, comprised of the counties surrounding the Cities of Syracuse, Utica and Watertown; the Seventh Judicial District, comprised of the counties surrounding Rochester; and the Eighth Judicial District, comprised of the counties surrounding Buffalo. The Cities of Syracuse, Rochester and Buffalo all competed for



The Day Calendar for January 21, 1896 prepared by Newell C. Fulton, the first clerk of the court

the new appellate court. The Rochester Union and Advertiser reported that the Rochester Chamber of Commerce planned to send a delegation to Albany in March 1895 to the Assembly's Judiciary Committee, to urge that committee to select Rochester as the site of the Appellate Division. Additionally, the Monroe County Bar Association received letters from prominent attorneys in several



The Appellate Division sitting in Syracuse during the October 1995 Term

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counties, including Ontario, Genesee and Chemung, urging that Rochester be chosen as the site. In Syracuse, the plan for the new courthouse included an Appellate Division courtroom. Indeed, when the court- house in Syracuse was constructed in the early 1900's, the courtroom was included even though the Appellate Division was already located in Rochester.

Undoubtedly, the central location of Rochester within the Fourth Department was a critical factor in its selection as the site of the Court. The New York State Archives reports that Rochester also had an edge over Syracuse and Buffalo because, by the 1870's, Rochester held two General Terms every year as opposed to one each held in Syracuse and Buffalo. Rochester also had a special advantage because of its law library. The library was established by chapter 386, § 35 of the Laws of 1840, which reduced the salaries of Supreme Court Clerks and other court officers and used the money saved to purchase law books for the library and Supreme Court Justices. The Supreme Court libraries in Syracuse and Buffalo, however, were not established until approximately 20 years later.

On January 21, 1896, at 10:00 A.M., the Appellate Division, Fourth Department, held its first session in the new courthouse located on Main Street in Rochester. Present on the bench were Hon. George A. Hardin, Presiding Justice, and Associate Justices Hon. David L. Follett, Hon. Manley C. Green, and Hon. William A. Adams. The January 21, 1896 edition of the Rochester Union and Advertiser reported that, although Hon. Hamilton Ward of Buffalo was expected, he had not yet arrived.

The Court's first five justices included a former Presiding Justice of the General Term, a former District Attorney and State Senator, a former member of Congress, a former Chief Judge of the temporary second division of the Court of Appeals, and a former practitioner from a small community. The designation of justices with distinguished legal careers has provided this Court with successive benches composed of the finest judicial talent available. Moreover, the varied backgrounds of its justices has enabled this Court, throughout its history, to view its cases from differing perspectives, thereby helping to insure the fairness of its decisions.

Designation to this Court did not mark the end of the public career of a number of its justices. Many have gone on to serve on the State's Court of Appeals, in the Federal Court system, in other branches of government, or on an international level.

THE PRESIDING JUSTICES

The quality of the justices who have sat on the Appellate Division, Fourth Department, is well illustrated by each of the 16 Presiding Justices who have distinguished this Court. In addition to performing the duties of an Appellate Division Justice and serving as the Court's Chief Administrator, the Presiding Justice serves on the Administrative Board of the Courts, which is responsible for establishing policy for the Unified Court System. Finally, the Presiding Justice oversees the operation of the Court's four auxiliary agencies, comprised of the Office of Grievance Committees, the Character and Fitness Committees, Mental Health Legal Services, and the Law Guardian Program.



Present, past and future Presiding Justices taken at a testimonial luncheon for retiring Associate Justice G. Robert Witmer on January 7, 1981. From left to right: Michael F. Dillon, Presiding Justice - 1979-1991, Charles D. Brietel, Former Chief Judge of the Court of Appeals, G. Robert Witmer, M. Dolores Denman~ the current Presiding Justice, Harry D. Goldman, Presiding Justice - 1969-1973

Until 1977 the Presiding Justices of the four Appellate Divisions were also the Chief Administrators of the trial courts for their respective Departments. However, an amendment was adopted to the New York State Constitution on November 8, 1977 that vested administrative authority over the courts with the Chief Judge of the Court of Appeals in consultation with the Administrative Board of the Courts composed of the Chief Judge and the Four Presiding Justices (NY Const., art VI, §28).

FORMER PRESIDING JUSTICES OF THE FOURTH JUDICIAL DEPARTMENT

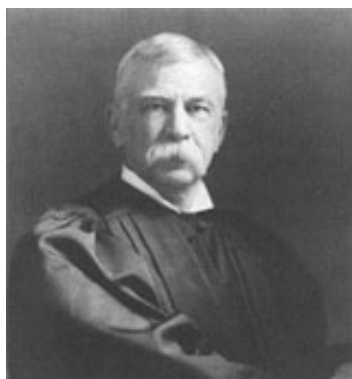


George A. Hardin was born in the Town of Winfield, Herkimer County, on August 17, 1832. He graduated from Union College in 1852 and was admitted to practice in 1854. From 1858 to 1861, he served as the Herkimer

County District Attorney. He was elected to Supreme Court in 1871 and in 1881 he was assigned by Governor Cornell to the General Term of the Fourth Judicial District. In 1884 he was named Presiding Justice of the General Term by Governor Cleveland and in 1895 was designated the first Presiding Justice of the Appellate Division, Fourth Department, by Governor Morton. He retired from the bench in 1899 and died on April 16, 1901.

William II. Adams

was born in the Village of Lyons, Wayne County, on March 27, 1841. He studied law in a law office and was admitted to practice in 1864. He practiced law in Canandaigua until his election to Supreme



Court in 1888. In 1896 Justice Adams was designated to the Appellate Division, Fourth Department. He was appointed Presiding Justice in 1899 and held that position until his death on October 12, 1903.



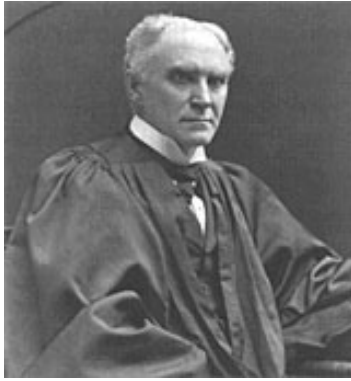
Frederick W. Kruse was born in Merklenberg-Schwerin, Germany, on June 25, 1852. He was educated in Springville, New York, and was admitted to practice in 1877. He practiced law in Arcade and Olean, New York

and served as a member of the New York State Assembly from 1884 to 1887. He was elected County Judge of Cattaraugus County in 1897. He was appointed to Supreme Court by Governor Roosevelt in 1900 and was elected to that position in the next general election. He was designated to this Court in 1906. In 1913 he became the Presiding Justice and served in that capacity until 1922, when his term expired. He died on March 18, 1938.

Irving G. Hubbs was born in Sandy Creek, Oswego County, in 1870. He graduated from Cornell University in 1891 and practiced law in Parish and Pulaski. He was elected to Supreme Court in 1918 and was designated



an Associate Justice of this Court in the same year. He was appointed Presiding Justice in 1923. In 1928 he was elected an Associate Justice of the Court of Appeals. He resigned from that Court in 1939 and died on July 22, 1952.



Peter Baillie

McLennan was born in the Town of Lyndon, Cattaraugus County, in 1850. He graduated from Alfred University in 1873, was admitted to the bar in 1876 and practiced law in Syracuse. He was

elected to Supreme Court in 1892 and was designated to this Court in 1898. He was appointed Presiding Justice by Governor Odell in 1903, serving in that capacity until his death on May 8, 1913.



Charles Brown Sears

was born in Brooklyn in 1870. He received his law degree from Harvard University and was admitted to practice in 1895. He practiced law in Buffalo until 1917, when he was appointed to Supreme

Court. He was designated an Associate Justice of this Court in 1922. On January 1, 1929, Justice Sears became Presiding Justice and on January 3, 1940 was appointed an Associate Justice of the Court of Appeals by Governor Lehman. Upon retiring on December 31, 1940, he was appointed an Official Referee of the Court of Appeals. In 1946 he sat as a Judge on the International Military Tribunal at Nuremburg, serving as the Presiding Judge for one trial. He returned to Buffalo in 1947 and died on December 17, 1950.

Harley N. Crosby was born in Parish, Oswego County, in 1873. He graduated from Cornell University in 1897 and was admitted to practice in 1898. He practiced law in Falconer, New York until his appointment as Chautauqua County Surrogate in 1906. He was elected to Supreme Court in 1922. On January 1, 1929, he was designated to this Court and became Presiding Justice on January 1, 1940. He retired on December 31, 1943 and died on April 26, 1955.



Francis D. McCurn was born in Westernville, Oneida County, in 1889. He received his law degree from the Syracuse University College of Law and was admitted to practice on July 15, 1915. He practiced law in Syracuse and was appointed a Supreme Court Justice in 1934. He lost the subsequent election, but was reappointed on November 4, 1937 and was elected in 1938. He was appointed to preside over an extraordinary term held in 1938 and 1939 in New York City to investigate police corruption. He was designated to the Appellate Division, Fourth Department, on January 4, 1940 by Governor Lehman, and sat briefly in the Appellate Division, First Department, in 1951. He was elevated to the position of Presiding Justice of the Fourth Department by Governor Dewey in 1953. Justice McCurn retired in 1959, having sat on the Appellate Division, Fourth Department, for 19 years, second in length of tenure only to Hon. Harry D. Goldman. Following his retirement, Justice McCurn returned to practice in Syracuse, and taught part-time at Syracuse University. He died on September 16, 1971.



Benjamin B. Cunningham was born in Rochester, Monroe County, in 1874. He studied law in the office of W. B. Crittenden in Rochester and was admitted to practice in 1895. He practiced law in Rochester and became a Justice of Supreme

Court in 1920. On January 1, 1937; he was designated an additional Associate Justice of this Court by Governor Lehman and, on January 1, 1944, he became Presiding Justice. Upon retiring at the age of 70 on December 31, 1944, he was appointed an Official Referee. Justice Cunningham died on January 2, 1946.



Alger A. Williams was born in Buffalo, Erie County. He graduated from the University of Buffalo Law School and was admitted to practice in 1921. He practiced law in Buffalo and in 1937 became associated with Reid S. Moule, who also was to become

a member of this Court. They practiced law together until January 1947, when Justice Williams was elected to Supreme Court. In 1955 Justice Williams was



Marsh N. Taylor was born in Newton, Kansas, in 1883. He graduated from Albany Law School and was admitted to practice in 1905. He practiced law in Rochester until he joined the Monroe County District Attorney's Office in 1911,

becoming First Assistant District Attorney in 1920. He was elected to Supreme Court in 1927. In 1937 he was designated an Associate Justice of the Appellate Division, Fourth Department, by Governor Lehman. He was appointed Presiding Justice by Governor Dewey on January 3, 1945, and died in office on August 15, 1953.

appointed an Associate Justice of this Court, and in January 1960 he became Presiding Justice, serving in that position until 1968. Following his retirement that year, he returned to Buffalo to practice law with the law firm of Raichle, Moore, Banning and Weiss. He died on April 7, 1978.

Earle C. Bastow was

born in Petersburg, Rensselaer County, in 1898. He graduated from Albany Law School and was admitted to practice on November 22, 1921. He practiced law in Utica, New York until his appointment as an Assistant District



Attorney in 1932. He was elected District Attorney of Oneida County in 1942. In 1947 he was elected a Supreme Court Justice for the Fifth Judicial District and was appointed to the Appellate Division, First Department, by Governor Dewey in 1953. Governor Harriman designated Justice Bastow to the Appellate Division, Fourth Department, on January 31, 1956. Justice Bastow continued to assist the Appellate Division, First Department, by sitting in that Court when this Court was not in session. Justice Bastow was appointed Presiding Justice in May 1968 and at the end of the year, having reached the age of 70, was certified as a retired Supreme Court Justice and was redesignated to this Court for a term of two years. He retired from the bench on December 31, 1970. He died on May 26, 1986.

John S. Marsh was born on March 6, 1908, in the Bronx. He graduated from Albany Law School and was admitted to practice on January 14, 1932. He practiced law in Niagara Falls until 1939, when he was appointed Niagara County District



Attorney. In 1948 he was appointed Niagara County Judge and presided over the Children's and Surrogate's Court as well as the Criminal Court. In 1953 he was elected to Supreme Court. During the 1960's, he was appointed by Governor Harriman to preside over a series of trials of reputed organized crime figures in Utica, the culmination of an investigation that resulted in 22 convictions. In 1965 he was designated to the Appellate Division and became Presiding Justice in 1973. Presiding Justice Marsh retired from the Court at age 70, at the end of 1978. Following his retirement, he served as a Deputy Commissioner for the Department of Environmental Conservation, conducting hearings on the Manhattan Westway Project. He later served as a hearing officer for the State Commission on Judicial Conduct. He died on April 15, 1993.



Harry D. Goldman was born on March 27, 1903 in Rome, Oneida County. He received his LL.B from Brooklyn Law School and was admitted to practice in 1931. He practiced law in Rochester, where he became a partner in the law firm of Goldstein,

Goldman and Goldman.

He was elected to Supreme Court in 1956 and was appointed an Associate Justice of this Court in 1957 by Governor Harriman. He was appointed Presiding Justice in 1968 by Governor Rockefeller and served in



Michael F. Dillon was born in Lackawanna, Erie County, on April 20, 1927. He received his LL.B from the State University of New York at Buffalo Law School in 1951 and was admitted to practice in October of that year. He served as Corporation

Counsel for the City of Lackawanna from 1958 to 1960. In 1963 he was elected District Attorney for Erie County and held that office for 10 years. He was

that capacity until he reached the age of 70, in 1973. Thereafter, he was certified as a retired Supreme Court Justice and was redesignated to the Court as an additional Associate Justice. He retired from the bench in 1977, having served on the Court longer than any other Justice, and returned to the practice of law with his former law firm. In addition to serving on the Appellate Division, Justice Goldman was elected President of the New York State Supreme Court Justice's Association in 1963 and, for many years, was a member of the Executive Committee of the United Community Chest. Justice Goldman received many honors and awards during his career, including the Root-Stimson award from the State Bar Association for outstanding community service and the 1966 Kiwanis Club Citizen of the Year Award. Justice Goldman died on September 21, 1995.

elected to Supreme Court in 1973. On January 1, 1976, he was designated an Associate Justice of the Appellate Division, Fourth Department. He was appointed Presiding Justice by Governor Carey on January 1, 1979, and was reappointed to that position in 1987. He served as Presiding Justice until his death on July 9, 1991, having served longer than any other Presiding Justice. Among his achievements was the creation of the Indigent Criminal Appeals Management Program (22 NYCRR part 1021), a benchmark program in this State designed to monitor the perfection of assigned criminal appeals, which enabled the Court to clear a 10 to 15 year backlog of assigned criminal appeals.

FORMER ASSOCIATE JUSTICES

Associate Justices of this Court have also provided outstanding service to the Appellate Division, Fourth Department, and to the citizens of this State, as illustrated by the following former members of the Court:

Hamilton Ward was born in Salisbury, Herkimer County, on July 3, 1829. He was admitted to practice on July 2, 1851. In 1856 he was elected District Attorney of Allegany County. He was elected to the Congress of the United States in 1864, where he served three terms, and was elected New York State Attorney General in 1879. He was appointed to Supreme Court in 1891 and to the General Term in 1895. He was designated an Associate Justice of the Appellate Division, Fourth Department, on January 20, 1896 and served as one of its first five members until his death on December 27, 1898.

Frank Harris Hiscock was born in the Town of Tully, Onondaga County, on April 16, 1856. He graduated from Cornell University in 1875 and was admitted to practice in 1878. He was elected to Supreme Court in 1896 and was designated to this Court in 1901. He was appointed an Associate Justice of the Court of Appeals in 1906. In 1916 he was elected Chief Judge of that Court and served in that capacity until his retirement in 1926. In 1935 he became an Official Referee of the Court of Appeals. He died on July 2, 1946.

R. Foster Piper was born in Duke Center, Pennsylvania, on August 9, 1889. He graduated from Syracuse University College of Law in 1910 and was admitted to practice in 1911. He practiced law in Buffalo and was elected to the State Assembly in 1930. While in the Legislature, he served as the Chair of the Judiciary Committee and as a member of the Rules Committee. He was elected to Supreme Court in 1941, and was appointed to the Appellate Division

in 1949 by Governor Dewey. He served as an Associate Justice until his death on August 18, 1955.

Philip Halpern was born in Buffalo, Erie County, on November 12, 1902. He received his law degree from the University of Buffalo Law School in 1923 and was admitted to practice in 1924. Following a two-year association with the General Counsel of the Brooklyn Manhattan Transit Company, he returned to Buffalo to practice law. He later served as Acting Dean of University of Buffalo Law School, as counsel to the State Public Service Commission and as a delegate to the 1938 Constitutional Convention. He was elected to Supreme Court in 1947. He was appointed to the Appellate Division, Third Department, by Governor Dewey in 1952 and was appointed by Governor Harriman to the Appellate Division, Fourth Department, in 1958. In 1961 Justice Halpern was named to the State Commission on Revision of the Penal Law and Code of Criminal Procedure. During his career, he represented the United States on the United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities and served with Mrs. Franklin D. Roosevelt as a member of the Advisory Council to the United States Delegation to the United Nations Commission on Human Rights. He served on this Court until his death on August 25, 1963.



Walter J. Mahoney was born in Buffalo, Erie County, on March 10, 1908. He received his law degree from the University of Buffalo and was admitted to practice in 1934. He was a reporter for the Buffalo Times before being elected to the New

York State Senate in

1936. He served in the Senate for 28 years. From 1954 to 1964, he was temporary President and Majority Leader, holding those positions longer than any other State Senator. In 1965 Governor Rockefeller named Justice Mahoney to the State Thruway Authority. He resigned from that position after being elected in 1967 to Supreme Court and in 1974 was designated an Associate Justice to this Court by Governor Wilson. He retired in 1977 to return to private practice in Buffalo. He died at the age of 73 on March 1, 1982.

James H. Boomer was born on August 13, 1922. He served during World War II as a Naval aviator, from 1942 to 1946. Justice Boomer graduated summa cum laude from the Syracuse University College of Law in 1948 and was admitted to practice that year. He served as this Court's first research assistant, from January 1948 to July 1949. He became Corporation Counsel for the City of Rochester in 1949 and served in that capacity until 1961. Thereafter, he practiced law in Rochester until he was elected to Supreme Court in November 1970. He was designated to the Appellate Division, Fourth Department, by Governor Carey in 1982. During his term, he served as a Trustee to the Appellate Division Law Library and as Chair of the Indigent Criminal Appeals Management Council for the Seventh Judicial District. He also served briefly as a temporary judge of the Court of Appeals. Justice Boomer was an avid hiker and mountain climber, scaling Mount Kilimanjaro at the age of 70. He died on November 14, 1993 during a hiking expedition.



**The late James H. Boomer
Associate Justice- 1982-93**

WHERE ARE THEY NOW?

The following former Associate Justices are still actively pursuing their judicial careers or private practice or are enjoying retirement:

G. Robert Witmer was born in Webster, Monroe County, on December 26, 1904. He graduated from Harvard Law School in 1929 and was admitted to practice that same year. He practiced law in Rochester, later forming a partnership with William G. Easton. In 1933 he became Town Attorney for the Town of Webster, holding that office for 10 years. In 1945 he was elected Monroe County Surrogate and

served in that position until his election to Supreme Court in 1953. He served as Administrative Judge for the Seventh Judicial District from 1962 to 1968. In addition, he was designated on a part-time basis to the Appellate Division, First Department, from 1963 to 1967. He was designated an Associate Justice of this Court in 1967 and served in that capacity until 1980. During his term with the Court, he was a co-chairman for a New York State Bar Association Committee that prepared the Practitioner's Handbook For Appeals to the Appellate Divisions and was a charter member of the Pattern Jury Instructions Committee from 1962 to 1987. He also served temporarily on the Court of Appeals in 1974. Following his retirement from the Court in 1980, Justice Witmer was appointed Judicial Administrative Officer and administered the Preargument Program until his retirement in 1994.



The 1977 Court. Top row from left to right: Stewart F. Hancock, Jr., M. Dolores Denman, Harry D. Goldman, G. Robert Witmer. Bottom row from left to right: Richard D. Simons, Reid S. Moule, John S. Marsh, P.J., Richard J. Cardamone, Michael F. Dillon

Richard C. Cardamone was born in Utica, Oneida County. He received his law degree from Syracuse University College of Law and was admitted to practice in 1952. He practiced law in Utica and served as Oneida County Republican Chairman for more than three years, until he was appointed to Supreme Court in 1962 by Governor Rockefeller. He was designated to this Court in 1971 and served as an Associate Justice until 1981, when he was appointed by President Reagan to the United States Court of Appeals for the Second Circuit. Justice Cardamone currently serves on that Court.

"Equality and justice, the two great distinguishing characteristics of democracy, follow inevitably from the conception of men, all men, as rational and spiritual beings."

- Robert Maynard Hutchins

Richard D. Simons was born in Niagara Falls, Niagara County. He graduated from the University of Michigan Law School and was admitted to practice in 1952. He served as an Assistant Corporation Counsel and then as Corporation Counsel for the City of Rome from 1955 to 1963. He was elected to Supreme Court in 1963 and was designated an Associate Justice of the Appellate Division, Third Department, in 1971. In 1973 he was designated an Associate Justice of this Court and served until January 3, 1983, when he was appointed an Associate Judge of the Court of Appeals by Governor Cuomo. Justice Simons served as Acting Chief Judge of the Court of Appeals from November 1992 to March 1993 and currently serves on that Court as an Associate Judge.

Stewart F. Hancock, Jr., the grandson of the Court's third Presiding Justice, Hon. Peter B. McLennan, was born in Syracuse, Onondaga County, in 1923. He is a graduate of Cornell Law School and was admitted to practice on September 20, 1950. He practiced law in Syracuse with the law firm of Hancock — Estabrook from 1952 to 1961, and from 1964 to 1971. In 1962 he became Corporation Counsel for the City of Syracuse. He was elected to Supreme Court in 1971 and was designated to this Court in 1977. He served as an Associate Justice until he was appointed to the Court of Appeals in 1986. He retired from that Court in 1993 and currently resides in Syracuse, where he has rejoined the law firm of Hancock — Estabrook.

James P. O'Donnell was born in Herkimer County. He graduated from Albany Law School and was admitted to practice in 1948. He practiced law in Herkimer County and served as the Village Attorney and as Herkimer County Attorney. In 1968 Justice O'Donnell was elected to Supreme Court and he was re-elected to that position in 1982. On August 24, 1983, he was designated to this Court, on which he served as an Associate Justice until March 1986, when he returned to the Supreme Court bench. Justice O'Donnell currently serves as a Judicial Hearing Officer for the Fifth Judicial District.

THE CURRENT BENCH

The long-standing tradition that the Court be composed of justices from diverse backgrounds who also represent the best available judicial talent is continued with the current bench:

M. Dolores Denman, the current Presiding Justice of the Appellate Division, Fourth Department, is the first woman to have been appointed to that position. Presiding Justice Denman graduated from the State University of New York

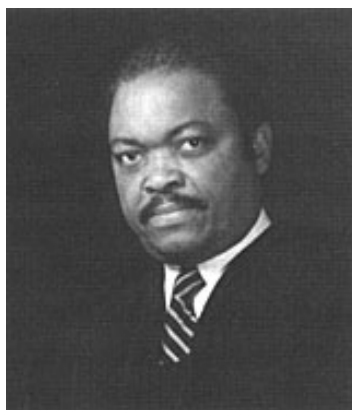


at Buffalo School of Law. Following her admission to practice on April 4, 1966, she became a member of the staff of General Counsel of the Panama Canal Company, the U.S. Government corporation that governed the Panama Canal and its support facilities. In 1969 she became an Assistant District Attorney for Erie County. In 1972 Justice Denman was appointed to the Buffalo City Court and was elected to a full term of that court in the general election. She was elected to Supreme Court in November 1976 and was designated an Associate Justice of the Appellate Division, Fourth Department, on May 18, 1977. On June 18, 1978, Justice Denman resigned from the judiciary to accept designation as a candidate for the Office of Attorney General of the State of New York. On January 1, 1979, she was appointed to fill an interim vacancy in Supreme Court and was elected to that position in November of that year. On January 5, 1981, Governor Carey designated Justice Denman an Associate Justice of the Appellate Division. Governor Cuomo appointed Justice Denman Presiding Justice on November 19, 1991. As Presiding Justice, Justice Denman is a member of the Administrative Board of the Courts and serves on the New York State Pattern Jury Instructions Committee, the Executive

Committee of the New York State Supreme Court
Association, and the ABA Counsel of Chief Judges of
Intermediate Appellate Courts.

Samuel L. Green,

Senior Associate Justice, received his law degree from the State University of New York at Buffalo School of Law and was admitted to practice on April 3, 1968. He practiced law in Buffalo until his appointment to Buffalo City Court in 1973. In November 1978 he was elected to Supreme Court and was designated an Associate Justice of the Appellate Division, Fourth Department, on February 25, 1983 by Governor Cuomo. Justice Green has twice been recommended by the Commission on Judicial Nomination to the New York State Court of Appeals. He currently serves as Chair of the Indigent Criminal Appeals Management Council for the Eighth Judicial District. Justice Green is a lifetime member of the NAACP and the Buffalo Urban League, and serves on the governing board of the Albright Knox Art Gallery. He was also a member of the New York State Judicial Commission on Minorities. In addition, he served on the Governor's Advisory Panel for Project 2000, and was a member of the Committee to Utilize the Services of Retired Judges and the New York State Task Force on Permanency Planning for Children in Foster Care. Justice Green received the 1995 Outstanding Jurist Award from the Erie County Bar Association, and the Distinguished Alumnus Award from the State University of New York at Buffalo School of Law. He was also awarded merit for distinguished service on the trial bench by the New York State Trial Lawyer's Association.



Committee on the Legal Profession and the Courts (the Craco Committee). She also is a member of the New York State Court Futures Working Group and the New York State Association of Supreme Court Justices, and was the Chair of the Nominating Committee of the Greater Rochester Association for Women Attorneys. In addition, Justice Pine is a member of the Otetiana Council of the Boy Scouts of America, the Rochester Rotary Club, and currently chairs the Advisory Committee of the American Liver Foundation, Western New York Chapter. She also serves on the Advisory Counsel to the College of Business at the Rochester Institute of Tecimology, is a member of the Ethics Committee of the Kirkhaven Nursing Home, a trustee of the Downtown United Presbyterian Church and is a member of the National Association of Women Judges and the New York State Association of Women Judges.

John F. Lawton

graduated with honors from St. John's University School of Law in 1955. Following his admission to practice that year, Justice Lawton joined the law firm of Mackenzie, Smith, Lewis, Michell and Hughes in Syracuse, New York, later becoming a partner. During his years of private practice, Justice Lawton was active in the Onondaga County and New York State Bar Associations, serving as a member of the Board of Directors of the Onondaga County Bar Association, and as a Chair and an instructor in Continuing Legal Education Seminars sponsored by both Associations. Justice Lawton was active in grievance matters, serving as a member of the New York State Bar Association Special Committee that developed the Fourth Department Grievance Plan in 1974, and thereafter serving as Chair of the Fifth Judicial District Grievance Committee until 1977. He was a member of the Onondaga County Legislature from





Elizabeth W. Pine

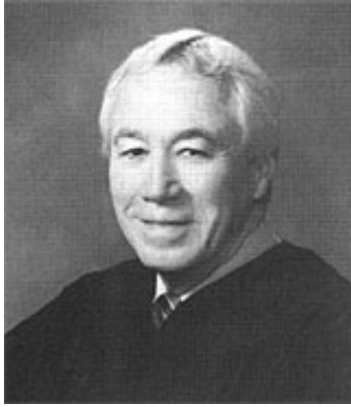
received her LL.B from Harvard Law School in 1960. Following her admission to practice on November 3, 1960, Justice Pine practiced law in Rochester until 1973. She was elected to Monroe County Family Court in 1974 and

served as Administrative Judge of that court from October 1975 through 1976. She was elected to Supreme Court in 1976 and was designated an Associate Justice of the Appellate Division in 1985 by Governor Cuomo. In addition to her judicial responsibilities, Justice Pine serves as the Trustee for the Appellate Division Law Library. In 1994 Justice Pine was appointed by the Chief Judge of the Court of Appeals to serve as a member of the

1970 to 1977, and Chairman from 1976-1977. In 1982 Justice Lawton was elected to the Supreme Court, Fifth Judicial District, and, on April 1, 1986, was designated by Governor Mario Cuomo to this Court as an Additional Associate Justice. On January 1, 1994, he was designated as a member of the Constitutional Court.

Justice Lawton served as a U.S. Army Infantry Officer during the Korean War and retired from the U. S. Army Reserve with the rank of Captain in 1965.





Leo J. Fallon graduated from Cornell University Law School with distinction where he served as a member of the Board of editors of the Cornell Law Quarterly and was elected to the Order of the Coif. He was admitted to practice on

November 10, 1953 and became associated with the law firm of Hodgson, Russ, Andrews, Woods & Goodyear. He served as an Assistant U.S. Attorney for three years and became a partner in the law firm of Offerman, Fallon, Mahoney & Cassano in 1958. From 1958-1971, he served as Hamburg Town Justice. Justice Fallon served as Hamburg Town Supervisor from 1972 to 1981, was Chair of the Southtowns Sewer Agency from 1974 to 1981, and was the Western New York Coordinator for the Cuomo Gubernatorial Campaign in 1983. He was elected to Supreme Court in November 1986 and was designated to the Appellate Division, Fourth Department, in 1992. Justice Fallon is a member of the New York State and Erie County Bar Associations.

Richard C. Wesley received his Juris Doctor degree from Cornell University Law School where he was editor of the Cornell Law Review and was admitted to practice in 1971. He practiced law in Geneseo and became a partner in the law firm of Streb, Porter, Meyer and Wesley. In 1979 Justice Wesley was appointed assistant counsel to Assembly Leader James L. Emery and was elected in 1982 as a member of the New York State Assembly for the 136th Assembly District. In 1985 he was named



John J. Callahan is a resident of the City of Buffalo. During World War II, Justice Callahan served aboard a U.S. submarine in the Pacific Theater. He graduated from St. Bonaventure University in 1951 and received a Juris Doctor degree from the

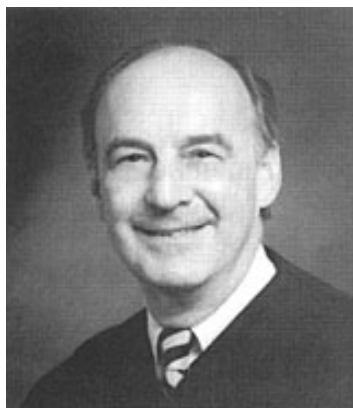


University of Buffalo School of Law in 1954, For 20 years he worked in the courts as a trial attorney and maintained an office for the general practice of law in Erie County. Governor Rockefeller appointed him a member of the Niagara Frontier Port Authority in 1965. From January 1, 1972 to December 31, 1974 he served as a legal advisor to the Honorable Ann T. Mikoll. He was sworn in as a Supreme Court Justice in the Eighth Judicial District on January 1, 1975. Governor Hugh L. Carey appointed him an Associate Justice of the Supreme Court, Appellate Division, Fourth Department on January 1, 1979. He was reelected a Supreme Court Justice on January 1, 1989 and reappointed to the Appellate Division, Fourth Department by Governor Mario M. Cuomo. He has been redesignated as an Appellate Division Justice by Governor George Pataki on January 1, 1996 for a two-year period. Justice Callahan has been awarded the New York State Conspicuous Service Cross by Governor Pataki in recognition of distinguished service rendered aboard a U.S. submarine during World War II. Among many other awards received over the years, he has been honored to receive the Distinguished Alumni Award for the Judiciary from the State University at Buffalo; an award of merit from the New York State Trial Lawyers Association; a citation from the Buffalo Area Chamber of Commerce for distinguished service to the Niagara Frontier; and Who's Who in American Colleges and Universities.

Legislator of the Year by the Livingston-Wyoming Association of Retarded Citizens. He is also a past Chair of the Livingston County Alcohol and Drug Abuse Prevention Council. He was secretary to the Livingston County Bar Association in 1979 and also served as a member of the Seventh Judicial District Attorney Grievance Committee. Justice Wesley was elected to Supreme Court in 1986 and served as Administrator of the Judicial Hearing Officer Program and as Supervising Judge of the Criminal Courts of the Seventh Judicial District. Justice Wesley was appointed to the Appellate Division, Fourth Department, by Governor Cuomo on March 25, 1994.

"A good judge is true in word, honest in thought, and impartial in his acts; without fear of any but God, without hate of any but the wicked."

- Saherus De Quincy



John H. Doerr received his BA degree from the University of Notre Dame and his LL.B from Fordham University School of Law. Following his admission to practice in 1949, Justice Doerr served as legal assistant to former Supreme

Court Justice William B. Lawless. He was elected to the New York State Senate in 1964 and in 1967 served as General Counsel to the Committee on Conservation at the Constitutional Convention. He was elected to Supreme Court in 1968 and was appointed Administrative Judge for the Eighth Judicial District. He was designated an Associate Justice of this Court in 1979. Currently, Justice Doerr serves as a member of the Appellate Division's Coordinating Committee to Review Proposed Amendments to the Code of Professional Responsibility.

Reuben K. Davis

received his LL.B from Boston University School of Law. Following his admission to practice on March 2, 1950, Justice Davis practiced law in Brooklyn until 1955. From 1955 to 1966, he practiced law in



Rochester as a partner with the law firm of Hurst and Davis. He served as a Deputy Corporation Counsel for the City of Rochester from 1966 to 1967, and as a City Court Judge in 1968. From 1968 to 1969, Justice Davis served as Commissioner for the Department of Buildings in the City of Rochester. He was elected to Rochester City Court in 1974 and to Supreme Court in 1982. He was designated to this Court by Governor Cuomo on January 1, 1987. Justice Davis has also served as Chair of the Monroe County Human Relations Commission and has been a member of the governing body of the U.N.C.A. of Greater Rochester, the Rochester Chamber of Commerce, the Center for Governmental Research, the Memorial A.M.C. Zion Church, the Montgomery Neighborhood Center and the Monroe County Bar Association.

John P. Balio received his LL.B from Albany Law School. Following his admission to practice on June 21, 1949, he practiced law in Utica until 1973. He served as an Assistant Oneida County Attorney from 1956 to 1960 and as the Oneida County Attorney from 1960 to 1962. Justice Balio began his judicial



career as a New Hartford Town Justice, serving in that capacity from 1970 to 1973. He served as Oneida County Family Court Judge from 1973 to 1980 and was elected to Supreme Court in 1980. He was designated to this Court on March 19, 1986 by Governor Cuomo. He currently chairs the Indigent Criminal Appeals Management Council for the Fifth

"The five members of the Constitutional Court are designated for five year terms while the designation of additional Associate Justices continues until the need no longer exists Once a Justice reaches the age of seventy, the Justice must retire unless certified for two years of continued service as a retired Supreme Court Justice and redesignated by the Governor as an Additional Associate Justice However, a Justice who has been certified and redesignated may serve no longer than the last day of the

Judicial District and is the Court's representative on the Advisory Committee on Attorney Admissions. Additionally, he is a member of the Oneida County Bar Association, the Central New York Women's Bar Association, the New York State Magistrate's Association, the Oneida County Magistrate's Association, and the American Justinian Society of Jurists. He is also a Fellow of the New York State Bar Association and the American Bar Association and a Director of Respect For Law Alliances, Inc.

**year in which he or she reaches age 76
(NY Const., art VI, §25 [b]) ."**

- Robert Maynard Hutchins

**David O. Boehm**

received his LL.B from Temple University Law School and was admitted to practice on September 27, 1947. He practiced law in Rochester and, in 1967, became President of the Monroe County Bar Association. He was a member of the Monroe

County Charter Commission and Chairman of the Monroe County Penitentiary Study Committee. In 1969, Justice Boehm was elected to Monroe County Court and became Administrative Judge of that court and Vice-President of the New York State County Judges Association, before being elected to Supreme Court in 1975. In 1992, he was designated an Associate Justice of this Court. Justice Boehm was President of the New York State Association of Justices and is presently a member of its Executive Committee. He serves on the New York State Pattern Civil Jury Instructions Committee. He was among the founders of the Boys and Girls Club of Rochester and served on its Board of Directors. Justice Boehm is on the Board of Governors of the Jewish Home of Rochester, served as a member of the Board of Directors of Temple B'rith Kodesh, the Jewish Family Service, Jewish Community Center and the Friends of the Rochester Public Library. He was twice Chair of the Civic Award Committee of the Real Estate Board of Rochester. Justice Boehm was among the founders of East House Corporation, a half-way house for the mentally ill. The Boehm House, a quarter-way residential facility, was named after him, in recognition of his service. Justice Boehm is a member of the Executive Committee of the Criminal Law Section of the New York State Bar Association and is a founding member of the Rochester Inns of Court.

THE CLERK'S OFFICE

At its opening session on January 21, 1896, the Court was assisted by the four members of the Clerk's Office staff: Newell C. Fulton, Clerk, Wilbur N. Newell, Court Crier, and Michael Radigan and Edgar Jones, Court Attendants. During its first 100 years of operation, while 76 justices have been designated to the Court, only six individuals have been appointed Clerk. Newell C. Fulton, the Court's first Clerk, served from 1896 to 1921. Herbert W. Wait, who held the position longer than any other person, was the Clerk from 1922 to 1962. Lester A. Fanning was appointed to the position in 1962 and served until his retirement in 1975. Mary F. Zoller, the first woman to be appointed Clerk of any of the four Appellate Divisions, served from 1975 to 1982. Carmen S. Leone was the Court's fifth Clerk, serving from 1982 to 1990. The Court's sixth and present Clerk is Carl M. Darnall. The responsibilities of the Clerk, of course, are administrative. However, because the Clerk and staff are career employees, the Clerk's Office often serves as the memory for the Court, providing continuity in procedures as the Court's membership changes.

The main function of the Clerk's Office is to provide administrative support to the Court in the areas of intake and distribution of records and briefs, calendar preparation, publication of decisions, and preparation of orders. The Clerk's Office is also responsible for administering the Court's Character and Fitness Program, which involves processing applications for admission to practice submitted by candidates who have passed the New York State Bar Examination or who seek admission without examination, assisting the Court's Character and Fitness Committees with their examination of those applications, and arranging the bar admission ceremony. On the other end of the spectrum, the Clerk's Office is responsible for the administration of attorney disciplinary proceedings. Additionally, the Clerk's office performs budget, payroll, personnel and purchasing functions. In 1896 the duties in those financial areas were minimal. However, as the rules and regulations of the Office of Court Administration

**"Injustice anywhere is a threat to
justice everywhere."**

- Martin Luther King

and the State Comptroller's Office have grown in number and complexity, so have the fiscal responsibilities of the Clerk's Office.

APPELLATE DIVISION LAW LIBRARY

The Appellate Division Law Library has a long and distinguished history. It will celebrate its 150th birthday just hi time for the start of the new millennium. The library actually pre-dates the court for which it is currently named by almost fifty years.

When the State adopted a new constitution in 1848, which abolished the office of the Chancellor, his large legal library became available for other purposes. After much lobbying from local communities, it was decided to split the Chancellor's collection, sending half to Rochester and half to Syracuse. Those libraries were named Court of Appeals Libraries. The second Rochester Courthouse was under construction in 1849, and it became the library's first home.

The library moved to the third Rochester Courthouse when it was constructed in 1896. This building also housed the new Appellate Division Court. Pursuant to Chapter 258 of the Laws of 1900, the library was renamed the Appellate Division Law Library. Chapter 258 also transferred administrative control of the library to the justices of that Court. By that time, the library had grown significantly from its initial 1,000 volume collection to approximately 25,000 volumes, making it one of the largest law libraries in the nation. It also remained open to the public, making it the only public appellate court library in New York.

As the library approaches its 150th birthday, it continues to rank among the largest court libraries in the nation. Its collections have grown to include 250,000 volumes, a massive microform collection, audio and video materials, and many electronic databases. It is also one of the first court libraries to have developed a substantial reference collection available on a free CD-ROM network.

THE AUXILIARY AGENCIES

The Court's administrative responsibilities extend to its four auxiliary agencies, comprised of Mental Health Legal Services, the Character and Fitness Committees, the Office of Grievance Committees, and the Law Guardian Program. Mental Health Legal Services (MHLS) is responsible for providing legal services to mentally ill and developmentally disabled individuals involved in administrative proceedings concerning retention, transfer and treatment in State institutions. In 1995 MHLS reviewed the cases of approximately 56,000 clients.

The Character and Fitness Committees for the Fifth, Seventh, and Eighth Judicial Districts are comprised of attorneys appointed by the Presiding Justice. They serve on a volunteer basis and are responsible for certifying the character and fitness of applicants for admission to the practice of law in New York State who have passed the Bar Examination and Multistate Professional Responsibility Examination.

The Office of Grievance Committees consists of a Grievance Committee for each of the three judicial districts within the Fourth Department. The members of each Committee, appointed by the Presiding Justice, are volunteer attorneys and non-attorneys from each county within the judicial district. Each of the three Committees appoints its own staff, which is responsible for investigating complaints of professional misconduct and for petitioning cases involving serious misconduct to the Appellate Division if so directed by the appropriate Grievance Committee.

The Law Guardian Program is comprised of the Law Guardian Office and the Law Guardian Advisory Committee. The Law Guardian Office is chiefly responsible for providing education and training to those attorneys seeking appointment to law guardian panels in the Fourth Department and for providing continuing training for those already so appointed. It is also responsible for auditing and approving payment vouchers submitted by law guardians. The Law Guardian Advisory Committee, comprised of volunteers from the judicial and legal communities, is responsible for evaluating the law guardian programs



The law library staff shown in the library's main reading room. From left to right: Robyn Smith, Joseph Valenti, Judy Weiner, David Voisinel (Director), Ann Camman, Robert Gutz, and Maryanne Clark.

in each of the counties within the Fourth Department and for making recommendations for improving those programs.

The unselfish service of the volunteer members of the Grievance Committees, the Character and Fitness Committees and the Law Guardian Advisory Committee has always been greatly appreciated by the Court.

THE CASELOAD AND CHANGE

In 1896, 496 cases were heard by this Court. By 1960, the yearly caseload had increased by less than 100 cases to 597 appeals and proceedings. In the last 35 years, however, the Court's caseload has more than tripled and in 1995 over 2,000 matters were calendared. Different factors have been responsible for the increasing caseloads in the Court's recent history. Increasing crime rates due to population growth and resulting social problems have undoubtedly contributed to the increase in the criminal appeals. Of equal importance was the case of *People v Hughes* (15 NY2d 172), which guaranteed the right of indigent individuals convicted of crimes in New York State Courts to representation on their appeals by assigned counsel. The impact of the *Hughes* decision was immediate. In 1965, the year in which *Hughes* was decided, this Court decided 193 criminal appeals. The following year, that number increased to 288 criminal appeals and has since grown steadily to nearly 850 criminal cases decided in 1995, more than four times the number decided in 1965.

Interestingly, the number of civil cases decided by this Court has kept pace with the number of criminal appeals, increasing from 441 cases in 1965 to 1,115 in 1995. While it is difficult to point to a single factor responsible for that increase, the population growth in the three judicial districts comprising the Fourth Department and the increasing complexity and litigiousness of today's society are undoubtedly contributing factors.

The increasing caseload of the Court during the last 35 years has been the driving force behind change in the number of Justices designated to this Court, the Clerk's Office, and its facilities.

In addition, innovative programs have been designed to help deal with the increased caseload.

The effect of the increased caseload on the growth of the Court's membership is evident from the fact that, until 1967, the Court's roster increased by one Justice only, added in 1924, whereas the membership has been increased by five since 1967, with additional justices being added in 1968, 1969, 1977, 1983 and 1991.

The impact of increasing caseloads has also been felt in the Clerk's Office. In 1896 and for over 50 years thereafter, the Clerk's Office provided strictly administrative support to the Court, including intake and distribution of records and briefs, calendar preparation, publication of decisions, and preparation of orders. In 1948, however, the duties of the Clerk's Office were expanded to include substantive assistance with the Court's caseload when the Court hired its first research assistant and future Associate Justice, James H. Boomer. In 1996 the Clerk's Office still fulfills its traditional administrative role. As the caseload of the Court has grown, so has its staff, which now numbers 42 employees. The increased caseload has necessitated the need to specialize the administrative functions of the Clerk's Office, including case intake and distribution, calendar preparation, and consultation and decision. The Court's legal research staff has grown as well, increasing to 16 Court Attorneys assigned to research and prepare preliminary reports on calendared cases.

In addition to increasing the Court's criminal appellate workload, the *Hughes* case created the additional responsibility in the Clerk's Office of processing applications for poor person relief and the assignment of counsel, answering inquiries from inmates in correctional facilities and processing vouchers submitted by assigned counsel. The increasing caseload has also



The Court from 1932-1936. From left to right: Edmund H. Lewis, Ernest I. Edgcomb, Robert F. Thompson, Charles B. Sears, Presiding Justice, Harry L. Taylor, Harley N. Crosby. The court is flanked by its seven member staff that has increased substantially in number (see [inside front cover](#)).



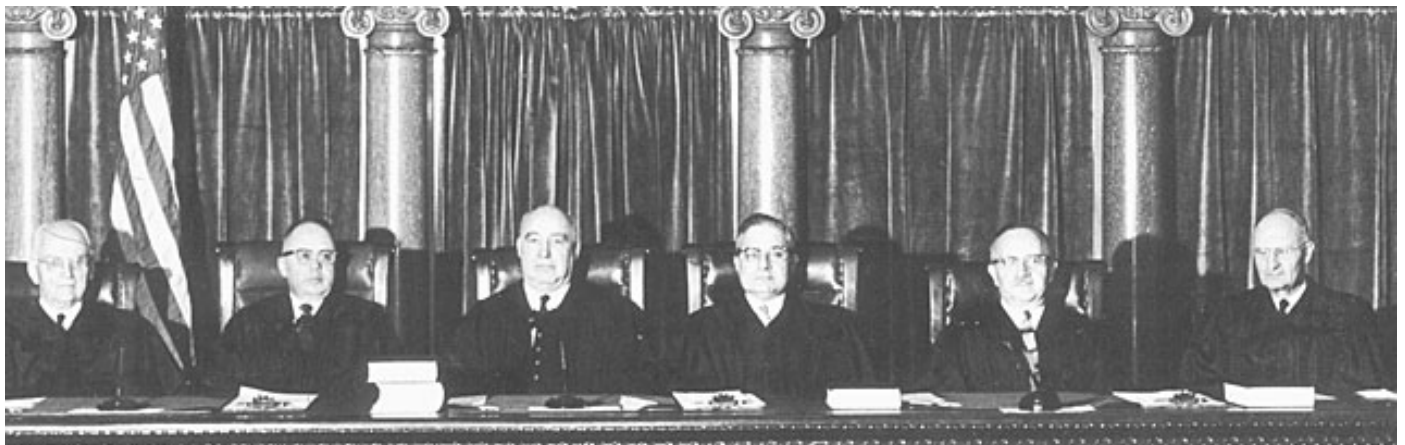
"Appellate Division, Fourth Department, 100th Anniversary "



The Court from 1945-1947. From left to right: George A. Larkin, Francis D. McCurn, William F. Dowling, Marsh N. Taylor, Presiding Justice, Samuel J. Harris, William F. Love



The Court in 1954, from left to right: John C. Wheeler, Raymond C. Vaughn, Francis D. McCurn, Presiding Justice, Henry J. Kimball, R. Foster Piper, H. Douglas Van Duser



The Court from 1960-1963. From left to right: William E. McClusky Earle C. Bastow, Alger A. Williams, Presiding Justice, Harry D. Goldman, Philip Halpern, Frederick T. Henry

Court's new facilities were being completed in 1963, the planners could not have anticipated that the Court would outgrow them in less than 33 years. As additional justices and staff have been added, it has been necessary to subdivide the six original appellate chambers constructed in the Hall of Justice and to locate three of the four Rochester justices on other floors of the building. Additionally, the Clerk's Office space has



Honorable G. Robert Witmer, Associate Justice 1968-1980; Judicial Administrative Office 1981-1994



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

"Appellate Division, Fourth Department, 100th Anniversary"

1. George A. Hardin	1896-1899	1st P.J. 1896-1899	39. William F. Love	1945-1950	
2. David L. Follett	1896-1899		40. Raymond C. Vaughan	1947-1957	
3. William H. Mains	1896-1903	2nd P.J. 1899-1903	41. Henry J. Kimball	1947-1959	
4. Manley C. Green	1896-1898		42. R. Foster Piper	1949-1955	
5. Hamilton Ward	1896-1898		43. John C. Wheeler	1951-1956	
6. Peter B. McClelland	1898-1918	3rd P.J. 1903-1918	44. H. Douglas Van Duser	1954-1955	
7. Alfred Spring	1899-1912		45. Alger A. Williams	1955-1968	11th P.J. 1960-1968
8. Edwin Nash	1899, 1902-1903, 1905-1906		46. Earle C. Bastow	1957-1970	12th P.J. 1969
9. Walter Lloyd Smith	1899-1901		47. Harry D. Goldman	1957-1977	13th P.J. 1970-1973
10. Pardon C. Williams	1901-1911		48. Philip Halpern	1958-1963	
11. Frank C. Laughlin	1911		49. William E. McClusky	1960-1963	
12. William Rumsey	1901		50. Frederick T. Henry	1960-1973	
13. Frank H. Hiscock	1901-1906	Court of Appeals 1906	51. Robert E. Noonan	1963-1965	
14. John M. Davy	1901-1902		52. Frank DelVecchio	1964-1975	
15. Martin L. Stover	1904-1905		53. John S. Marsh	1965-1978	14th P.J. 1974-1978
16. Frederick W. Kruse	1906-1922	4th P.J. 1913-1922	54. G. Robert Witmer	1968-1980	7th Justice
17. James A. Robson	1907-1916		55. Domenick L. Gabrielli	1969-1972	Court of Appeals 1972
18. Nathaniel Foote	1912-1919		56. Reid S. Moule	1969-1984	8th Justice
19. John S. Lambert	1912-1921		57. Richard C. Cardamone	1971-1981	US Court of Appeals 2d Circuit 1981
20. Edger S.K. Merrell	1913-1918				
21. Pasqual C.J. DeAngelis	1916-1920		58. Richard D. Simons	1973-1988	Court of Appeals 1983
22. Irving G. Hubbs	1918-1928	5th P.J. 1923-1928 Court of Appeals 1928	59. Walter J. Mahoney	1974-1977	
23. William W. Clark	1920-1928		60. Michael F. Dillon	1976-1991	15th P.J. 1979-1991
24. Rowland L. Davis	1921-1926		61. Stewart F. Hancock	1977-1986	Court of Appeals 1986

25. Charles B. Sears	1922-1940	6th P.J. 1929-1940	62. M. Dolores Denman	1977-78,1981-	9th Justice,
		Court of Appeals 1940			16th P.J. 1991-
26. Leonard C. Crouch	1928-1992	Court of Appeals 1932	63. Emmett J. Schnepf	1978-1986	
27. Harry L. Taylor	1924-1936	Sixth Justice	64. John J. Callahan	1980-	Acting P.J. 1991
28. S. Nelson Sawyer	1926-1928		65. John H. Doerr	1980-	
29. Ernest I. Edgcomb	1928-1937		66. James H. Boomer	1982-1993	
30. Robert F. Thompson	1928-1987		67. Samuel L. Green	1983-	
31. Harley N. Crosby	1929-1943	7th P.J. 1940-1943	68. James P. O'Donnell	1983-1986	10th Justice
32. Edmund H. Lewis	1933-1940		69. Elizabeth W. Pine	1985-	
33. Benjamin B. Cunningham	1937-1944	8th P.J. 1943-1944	70. John P. Ballo	1986-	
34. Marsh N. Taylor	1937-1953	9th P.J. 1945-1953	71. John F. Lawton	1986-	
35. William N. Dowling	1938-1947		72. Reuben K. Davis	1987-	
36. Samuel J. Harris	1940-1947		73. Thomas J. Lowery	1990-1991	11th Justice
37. Francis D. McCurn	1940-1959	10th P.J. 1953-1959	74. Leo J. Fallen	1992-	
38. George A. Larkin	1944-1948		75. David O. Boehm	1992-	
			76. Richard J. Wesley	1994-	



**THE COURTS OF THE APPELLATE DIVISION,
FOURTH DEPARTMENT**

1896-1996

1896

HON. George A. Hardin, Presiding Justice
HON. David L. Follett,
HON. William H. Adams,
HON. Manly C. Green,
HON. Hamilton Ward, Associate Justices

1898

HON. George A. Hardin, Presiding Justice
HON. David L. Follett,
HON. William H. Adams,
HON. Peter B. McLennan,
HON. Alfred Spring, Associate Justices

1899-1900

HON. George A. Hardin, Presiding Justice
HON. William H. Adams,
HON. Peter B. McLennan,
HON. Alfred Spring,
HON. Walter Lloyd Smith, Associate Justices

1900-1901

HON. William H. Adams, Presiding Justice
HON. Peter B. McLennan,
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. Frank C. Laughlin, Associate Justices

HON. William H. Adams, Presiding Justice
HON. Peter B. McLennan,
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. William Rumsey, Associate Justices

HON. William H. Adams, Presiding Justice

HON. Peter B. McLennan,
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. Frank H. Hiscock,
HON. John M. Davy, Associate Justices

1902-1903

HON. William H. Adams, Presiding Justice
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. Frank H. Hiscock,
HON. Martin L. Stover, Associate Justices

1903-1904

HON. Peter B. McLennan, Presiding Justice
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. Frank H. Hiscock,

1905

HON. Peter B. McLennan, Presiding Justice
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. Frank H. Hiscock,
HON. Edwin A. Nash, Associate Justices

HON. Peter B. McLennan, Presiding Justice
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. Edwin A. Nash,
HON. Frederick W. Kruse, Associate Justices

1907-1911

HON. Peter B. McLennan, Presiding Justice
HON. Alfred Spring,
HON. Pardon C. Williams,
HON. Frederick W. Kruse,
HON. James A. Robson, Associate Justices

1912-1913

HON. Peter B. McLennan, Presiding Justice
HON. Alfred Spring,
HON. Frederick W. Kruse,
HON. James A. Robson,
HON. Nathaniel Foote, Associate Justices

HON. Peter B. McLennan, Presiding Justice
HON. Frederick W. Kruse,
HON. James A. Robson,
HON. Nathaniel Foote,

HON. John S. Lambert,

1913-1915

HON. Frederick W. Kruse, Presiding Justice
HON. James A. Robson,
HON. Nathaniel Foote,
HON. John S. Lambert,
HON. Edgar S. K. Merrell, Associate Justices

1916-1919

HON. Frederick W. Kruse, Presiding Justice
HON. Nathaniel Foote,
HON. John S. Lambert,
HON. Pasqual C. J. DeAngelis,
HON. Irving G. Hubbs, Associate Justices

1920-1921

HON. Frederick W. Kruse, Presiding Justice
HON. John S. Lambert,
HON. Pasqual C. J. DeAngelis,
HON. Irving G. Hubbs,
HON. William W. Clark, Associate Justices

HON. Frederick W. Kruse, Presiding Justice
HON. John S. Lambert,
HON. Irving G. Huhbs,
HON. William W. Clark,
HON. Rowland L. Davis, Associate Justices

1922-1923

HON. Irving G. Hubbs, Presiding Justice
HON. William W. Clark,
HON. Rowland L. Davis,
HON. Charles B. Sears,
HON. Leonard C. Crouch, Associate Justices

1924-1926

HON. Irving G. Hubbs, Presiding Justice
HON. William W. Clark
HON. Rowland L. Davis
HON. Charles B. Sears
HON. Leonard C. Crouch,
HON. Harry L. Taylor, Associate Justices

1926-1928

HON. Irving G. Hobbs, Presiding Justice
HON. William W. Clark,
HON. Charles B. Sears,
HON. Leonard C. Crouch,

HON. Harry L. Taylor,
HON. S. Nelson Sawyer

1929-1932

HON. Charles B. Sears, Presiding Justice
HON. Leonard C. Crouch,
HON. Harry L. Taylor,
HON. Ernest I. Edgcomb,
HON. Robert F. Thompson,
HON. Harley N. Crosby.

1932-1936

HON. Charles B. Sears, Presiding Justice
HON. Harry L. Taylor,
HON. Ernest I. Edgcomb,
HON. Robert F. Thompson,
HON. Harley N. Crosby,
HON. Edmund H. Lewis, Associate Justices

1937

HON. Charles B. Sears, Presiding Justice
HON. Ernest I. Edgcomb,
HON. Robert F. Thompson,
HON. Harley N. Crosby,
HON. Edmund H. Lewis,
HON. Benjamin B. Cunningham, Associate Justices

HON. Charles B. Sears, Presiding Justice
HON. Ernest I. Edgcomb,
HON. Harley N. Crosby,
HON. Edmund H. Lewis,
HON. Benjamin B. Cunningham,
HON. Marsh N. Taylor, Associate Justices.

1938-1940

HON. Charles B. Sears, Presiding Justice
HON. Harley N. Crosby,
HON. Edmund H. Lewis,
HON. Benjamin B. Cunningham,
HON. Marsh N. Taylor,
HON. William F. Dowling, Associate Justices

1940-1943

HON. Harley N. Crosby, Presiding Justice
HON. Benjamin B. Cunningham,
HON. Marsh N. Taylor,
HON. William F. Dowling,
HON. Samuel J. Harris,
HON. Francis D. McCurn, Associate Justices

HON. Benjamin B. Cunningham, Presiding Justice
HON. Marsh N. Taylor,
HON. William F. Dowling,
HON. Samuel J. Harris,
HON. Francis D. McCurn,
HON. George A. Larkin, Associate Justices

1945-1947

HON. Marsh N. Taylor, Presiding Justice
HON. William F. Dowling,
HON. Samuel J. Harris,
HON. Francis D. McCurn,
HON. George A. Larkin,
HON. William F. Love, Associate Justices

1948

HON. Marsh N. Taylor, Presiding Justice
HON. Francis D. McCurn,
HON. George A. Larkin,
HON. William F. Love,
HON. Raymond C. Vaughan,
HON. Henry J. Kimball, Associate Justices

1949-1950

HON. Marsh N. Taylor, Presiding Justice
HON. Francis D. McCurn,
HON. William F. Love,
HON. Raymond C. Vaughan,
HON. Henry J. Kimball
HON. R. Foster Piper, Associate Justices

1951-1953

HON. Marsh N. Taylor, Presiding Justice
HON. Francis D. McCurn,
HON. Raymond C. Vaughan,
HON. Henry J. Kimball,
HON. R. Foster Piper,
HON. John C. Wheeler, Associate Justices

1953-1954

HON. Francis D. McCurn, Presiding Justice
HON. Raymond C. Vaughan,
HON. Henry J. Kimball,
HON. R. Foster Piper,
HON. John C. Wheeler, Associate Justices

1954-1955

HON. Francis D. McCurn, Presiding Justice
HON. Raymond C. Vaughan,

HON. Henry J. Kimball,
HON. R. Foster Piper,
HON. John C. Wheeler,
HON. H. Douglass Van Duser, Associate Justices

1955

HON. Francis D. McCurn, Presiding Justice
HON. Raymond C. Vaughan,
HON. Henry J. Kimball,
HON. John C. Wheeler
HON. H. Douglass Van Duser,
HON. Alger A. Williams, Associate Justices

1956

HON. Francis D. McCurn, Presiding Justice
HON. Raymond C. Vaughan,
HON. Henry J. Kimball,
HON. John C. Wheeler,
HON. Alger A. Williams,
HON. Earle C. Bastow, Associate Justices

1957

HON. Francis D. McCurn, Presiding Justice
HON. Raymond C. Vaughan,
HON. Henry J. Kimball,
HON. Alger A. Williams,
HON. Earle C. Bastow,
HON. Harry D. Goldman, Associate Justices

1958-1959

HON. Francis D. McCurn, Presiding Justice
HON. Henry J. Kimball,
HON. Alger A. Williams,
HON. Earle C. Bastow,
HON. Harry D. Goldman,
HON. Philip Halpern, Associate Justices

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1960-1963

HON. Alger A. Williams, Presiding Justice
HON. Earle C. Bastow,
HON. Harry D. Goldman,
HON. Philip Halpern,
HON. William E. McClusky
HON. Frederic T. Henry, Associate Justices

1963

HON. Alger A. Williams, Presiding Justice
HON. Earle C. Bastow,
HON. Harry D. Goldman,
HON. William E. McClusky
HON. Frederic I Henry,
HON. Robert E. Noonan, Associate Justices

1964

HON. Alger A. Williams, Presiding Justice
HON. Earle C. Bastow,
HON. Harry D. Goldman
HON. Frederic T. Henry
HON. Robert E. Noonan
HON. Frank DelVecchio, Associate Justices

1965-1967

HON. Alger A. Williams, Presiding Justice
HON. Earle C. Bastow,
HON. Harry D. Goldman,
HON. Frederic T. Henry,
HON. Frank DelVecchio,
HON. John S. Marsh, Associate Justices

1968

HON. Earle C. Bastow, Presiding Justice
HON. Harry D. Goldman,
HON. Frank Del Vecchio,
HON. John S. Marsh,
HON. Alger A. Williams,
HON. Frederic T. Henry,
HON. G. Robert Witmer; Associate Justices

1969-1970

HON. Harry D. Goldman, Presiding Justice
HON. Frank DelVecchio,
HON. John S. Marsh,
HON. G. Robert Witmer,
HON. Domeniek L. Gabrielli,
HON. Earle C. Bastow,
HON. Reid S. Moule,
HON. Frederick T. Henry, Associate Justices

1971

HON. Harry D. Goldman, Presiding Justice
HON. Frank DelVecchio,
HON. John S. Marsh,
HON. G. Robert Witmer,
HON. Domeniek L. Gabrielli,
HON. Reid S. Moule,
HON. Richard C. Cardamone
HON. Frederick T. Henry, Associate Justices

1973

HON. Harry D. Goldman, Presiding Justice
HON. Frank DelVecchio,
HON. John S. Marsh,
HON. G. Robert Witmer,
HON. Reid S. Moule,
HON. Richard C. Cardamone
HON. Richard D. Simons
HON. Frederick F. Henry, Associate Justices

1974

Hon. John S. Marsh, Presiding Justice
HON. G. Robert Witmer,
HON. Reid S. Moule,
HON. Richard J. Cardamone,
HON. Richard D. Simons,
HON. Walter J. Mahoney,
HON. Harry D. Goldman,
HON. Frank Del Vecchio, Associate Justices

1975

Hon. John S. Marsh, Presiding Justice
HON. Reid S. Moule,
HON. Richard J. Cardamone,
HON. Richard D. Simons,
HON. Walter J. Mahoney,
HON. Harry D. Goldman,
HON. Frank Del Vecchio
HON. G. Robert Witmer, Associate Justices

1976

Hon. John S. Marsh, Presiding Justice
HON. Reid S. Moule,
HON. Richard J. Cardamone,
HON. Richard D. Simons,
HON. Walter J. Mahoney,
HON. Michael F. Dillon,
HON. Harry D. Goldman
HON. G. Robert Witmer, Associate Justices

1977

Hon. John S. Marsh, Presiding Justice
HON. Reid S. Moule,
HON. Richard J. Cardamone,
HON. Richard D. Simons,
HON. Michael F. Dillon,
HON. Stewart F. Hancock,
HON. M. Dolores Denman,
HON. Harry D. Goldman,
HON. G. Robert Witmer, Associate Justices

1978

Hon. John S. Marsh, Presiding Justice
HON. Reid S. Moule,
HON. Richard J. Cardamone,
HON. Richard D. Simons,
HON. Michael F. Dillon
HON. Stewart F. Hancock,
HON. Emmett J. Schnepf,
HON. G. Robert. Witmer, Associate Justices

Hon. Michael F. Dillon, Presiding Justice
HON. Richard J. Cardamone,
HON. Richard P. Simons,
HON. Stewart F. Hancock,
HON. Emmett J. Schnepf,
HON. John J. Callahan,
HON. John H. Doerr,
HON. G. Robert Witmer
HON. Reid S. Moule, Associate Justices

Hon. Michael F. Dillon, Presiding Justice
HON. Richard J. Cardamone,
HON. Richard D. Simons,
HON. Stewart F. Hancock,
HON. John J. Callahan,
HON. John H. Poerr,
HON. M. Dolores Penman,
HON. Reid S. Moule,
HON. Emmett J. Schnepf, Associate Justices

1982

Hon. Michael F. Dillon, Presiding Justice
HON. Richard D. Simons,
HON. Stewart F. Hancock,
HON. John J. Callahan,
HON. John H. Duerr,
HON. M. Dolores Denman,
HON. James J. Boomer,
HON. Reid S. Moule,
HON. Emmett J. Schnepf, Associate Justices

1983

Hon. Michael F. Dillon, Presiding Justice
HON. Stewart F. Hancock,
HON. John J. Callahan,
HON. John H. Doerr,
HON. M. Dolores Denman,
HON. James J. Boomer,
HON. Samuel L. Green,
HON. James P. O'Donnell,
HON. Reid S. Moule,
HON. Emmett J. Schnepf, Associate Justices

1985

Hon. Michael F. Dillon, Presiding Justice
HON. Stewart F. Hancock,
HON. John J. Callahan,
HON. John H. Doerr,
HON. M. Dolores Denman,
HON. James J. Boomer,
HON. Samuel L. Green,
HON. James P. O'Donnell,
HON. Elizabeth W. Pine,
HON. Emmett J. Schnepf, Associate Justices

1986

Hon. Michael F. Dillon, Presiding Justice
HON. John J. Cailaltan,
HON. John H. Doerr,
HON. M. Dolores Denman,
HON. James J. Boomer,
HON. Samuel L. Green,
HON. Elizabeth W. Pine,
HON. John P. Balio,
HON. John F. Lawton,
HON. Emmett J. Schnepf, Associate Justices

1987

Hon. Michael F. Dillon, Presiding Justice

HON. John J. Callahan,
HON. John H. Doerr,
HON. M. Dolores Denman,
HON. James J. Boomer,
HON. Samuel L. Green,
HON. Elizabeth W. Pine,
HON. John P. Balio,
HON. John F. Lawton,
HON. Reuben K. Davis, Associate Justices

1991

Hon. Michael F. Dillon, Presiding Justice
HON. John J. Callahan,
HON. John H. Doerr,
HON. M. Dolores Denman,
HON. James J. Boomer,
HON. Samuel L. Green,
HON. Elizabeth W. Pine,
HON. John P. Balio,
HON. John F. Lawton,
HON. Reuben K. Davis,
HON. Thomas J. Lowery, Associate Justices

Hon. M. Dolores Denman, Presiding Justice
HON. John J. Callahan,
HON. John H. Doerr,
HON. James J. Boomer,
HON. Samuel L. Green,
HON. Elizabeth W. Pine,
HON. John P. Balio,
HON. John K Lawton,
HON. Reuben K. Davis, Associate Justices

1992

Hon. M. Dolores Denman, Presiding Justice
HON. John J. Callahan,
HON. James J. Boomer,
HON. Samuel L. Green,
HON. Elizabeth W. Pine,
HON. John P. Balio,
HON. John F. Lawton,
HON. Leo J. Fallon,
HON. David O. Boehm,
HON. John H. Doerr
HON. Reuben K. Davis, Associate Justices

1993

Hon. M. Dolores Demnan, Presiding Justice
HON. John J. Callahan,
HON. Samuel L. Green,
HON. Elizabeth W. Pine,

HON. John P. Balio,
HON. John F. Lawton,
HON. Leo J. Fallon,
HON. Hon. John H. Doerr,
HON. James J. Boomer,
HON. Reuben K. Davis,
HON. David O. Boehm, Associate Justices

1994

Hon. M. Dolores Denman, Presiding Justice
HON. Samuel L. Green,
HON. Elizabeth W. Pine,
HON. John F. Balio,
HON. John F. Lawton,
HON. Leo J. Fallon,
HON. Richard C. Wesley
HON. John J. Callahan,
HON. John H. Doerr,
HON. Reuben K. Davis
HON. David O. Boehm, Associate Justices

1995

Hon. M. Dolores Denman, Presiding Justice
HON. Samuel L. Green
HON. Elizabeth W. Pine,
HON. John F. Lawton,
HON. Leo J. Fallon,
HON. Richard C. Wesley
HON. John J. Callahan,
HON. John H. Doerr,
HON. John P. Balio,
HON. Reuben K. Davis,
HON. David O. Boehm, Associate Justices

"Appellate Division, Fourth Department, 100th Anniversary "



The Appellate Division Courtroom in the Hall of Justice in Rochester



The Appellate Division Courtroom in the Courthouse in Syracuse

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The Fourth Judicial Department

