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ADRIAN P. BURKE

BERNARD E. GEGAN*

I am grateful for the chance afforded me by the Editors to say a few things about Judge Burke. While no man may be a hero to his valet, that is not necessarily true of the Judge to his law clerk. I will readily confess that, despite the brashness of youth, I approached my job as law clerk with not a little fear and trembling because of the awesome reputation of the New York Court of Appeals and the famous judges who sat on it. But I need not have had to worry because, like all his clerks, I soon found that Judge Burke is the most human of men. Not the slightest chemical trace of self-importance or pretense weighted down his ebullient personality. To the Judge (as he is invariably known among the company of ex-law clerks) a clerk was not just an employee hired to do research; he was a fellow man to be talked to, argued with, yelled at and looked after. The looking after encompassed a physician's concern for one's health, a paternal interest in one's family and an ever-willing counsel in one's subsequent career.

But what I think stands out most clearly in recalling my clerkship days is the talk, the richness of the talk. Service with the Judge was a graduate seminar in the humanities. The material and spiritual forces that shaped ancient and modern events; insight into human character; perspective on contemporary conflicts in values — all these and more were grist for the conversational mill that ground steadily in the chambers in New York and Albany. The Judge is not a taciturn man.

What I can't remember so clearly is how the law work got done. I seem to recall times when the talk turned to law and other times, temporary ebbs in the conversation, when the Judge would retreat to his office and we clerks to ours. Books would pile up, notes would pass, the Judge would shout (never using the buzzer): "Miss Moore, bring your pad" — and the work would be done.

The product of this delightful, chaotic process continued over the Judge's nineteen years on the bench, is a bond of respect and affection toward this wise and good man on the part of each and every one of us who served as his law clerk. I think it is also true that the same qualities of mind and character that endeared him to his clerks also account for the special contribution all agree he has made to the law of the State during his years on the Court. Always ready to depreciate his own

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scholarship in the law, he possesses the greatest quality of true, working scholarship: openness of mind. Never locked into preconceptions or concerned with a public image, Judge Burke approached each case as an individual problem to be solved, by study and thought, as justly as humanly possible — but always under the law. He accomplished his goals with rare gifts of humor, patience, moderation and perseverance in the belief that the course of justice cannot dispense with carefully and consistently worked out principles and rules.

He has now moved from senior Judge on the State's highest Court to chief advocate for the State's greatest city. It is characteristic of the man that, at an age when most men are content to lay down their burdens, he has chosen to continue his public service in a new arena. I congratulate the City and envy his new associates.