

Charles S. Desmond, Chief Judge of the New York Court of Appeals: A Tribute

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CHARLES S. DESMOND — CHIEF JUDGE OF THE COURT OF APPEALS

A TRIBUTE

The Honorable Charles S. Desmond, who until his recent retirement was Chief Judge of the New York Court of Appeals of the State of New York, has exerted a wide and pervasive influence on the development of the law of this State during twenty-six years of active service as Associate Judge and Chief Judge of that Court. His many legal opinions, law review articles, his important contribution to court administration and reform — including Chairmanship of the Judicial Conference and the Administrative Board — as well as his lectures and teaching in the law schools, has made a place for him in the jurisprudence of this State which has been equaled by few and surpassed by none. I have so recently expressed my high regard for his judicial work and my deep affection for him as a personal friend that I shall not attempt to repeat what is there said about how much I think of him and how greatly I value my fourteen years of close association with him on the Court. If I may, I would like to quote several sentences from that article.

Every prevailing or dissenting opinion, with Desmond, Ch. J., in accord or in opposition, has been written better, with a clearer understanding of the issues, the record, and the decisional or statutory law, because of his participation, his vigorous thought, and his well informed mind. Rarely have practical knowledge of people and events been combined with philosophic reasoning and book learning to so large a degree. . . .

When the conflicts in thought and experience that go into the fashioning of the law are over, when we have striven in conference mightily — often as mightily as the lawyers in argument on the other side of the bench — we unfailingly (as the Bard said) eat and drink as friends. No acerbities, to my certain knowledge,

have ever been carried into our personal lives, and for this the sophistication and good will of our retiring Chief are in no minor part responsible. Competent as an executive as well as an intellectual, it has been a pleasure to sit under him as Chief both in court and in conference. He is making no lugubrious departure in obedience to the age limit in the Constitution. Instead, he moves on to the New York State Constitutional Convention as the only delegate to be elected with Democratic and Republican endorsement. After that, there will be more worlds to conquer.¹

It is a pleasure to join with my associates on the Court of Appeals in this combined tribute to a great Judge.

JOHN VAN VOORHIS.*

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For more than a quarter of a century former Chief Judge Charles S. Desmond has had a strong influence on the trend of the law in New York State. Abounding in vitality, he is opposed to regimentation; fascinated with the need for judicial independence, he has played a meaningful part in the process of "making law." This man of courage and integrity from Eden, after a rather impressive early background in elementary and preparatory schools, went on to win honors at the collegiate and post-graduate levels where he received a complete education grounded in the arts and classics. Such a broad and disciplined foundation in learning, an anomaly in today's climate of specialization and experimentation, gave former Chief Judge Desmond a firm mastery of "the uneasy trade of judging." This is an inestimable quality of paramount importance, for in passing upon significant and profound questions of law, a judge must rely on and draw from not only his formal legal training, but also his own human experience and personal philosophy and ide-

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¹ Van Voorhis, *Chief Judge Desmond and the New York Court of Appeals*, 52 CORNELL L.Q. 351, 353 (1967).