

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

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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.<sup>1</sup>

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

Whenever and wherever he has appeared in these fifty states or abroad—at the Inns of Court, the universities, the bar associations or judicial conventions—he has left his mark as a wise man, a twentieth century thinker with roots in the past and a view toward the future, a cosmopolitan from Eden. In one of his publications Charles Desmond “makes no claim to profundity, legal learning or felicity of style.”<sup>1</sup> While this adequately illustrates his humility, it inaccurately describes his ability, as is evident from his contribution to this issue of the Law Review. In the near future, with leisure, we hope he will trouble himself to expand this present endeavor so that he may outline in his inimitable way, for the benefit of us who follow him, what went on behind the scenes over the past fifty years.

ADRIAN P. BURKE.\*

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It is a delightful privilege for me to pay tribute to my former colleague, Chief Judge Charles S. Desmond, upon his retirement from the Court. This tribute is intended as a personal salute to a man of many talents and achievements with whom I had the privilege of serving on the Court.

On the first day I joined the Court, approximately four years ago, it was the Chief who welcomed me as an associate judge of the Court. The warmth of his greeting and his innate friendliness clearly indicated to me that the newest member of the Court had a friend in its Chief Judge. From the very beginning, his solicitude for all his associates was evident, and this made my transition from the trial bench to the appellate court easier than it might have otherwise been. In addition, I noticed that a spirit

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<sup>1</sup> DESMOND, THROUGH THE COURTROOM WINDOW iii (Author's Foreword) (1959).