

Historical Society Program: Illustrious Alumni of St. John's University School of Law

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Authors

Judge Carmen Beauchamp Ciparick, John Q. Barrett, Justice Randall T. Eng, Michael A. Simons, Chief Judge Janet DiFiore, and Judge Mary Kay Vyskocil

**HISTORICAL SOCIETY PROGRAM:
ILLUSTRIOUS ALUMNI OF
ST. JOHN'S UNIVERSITY SCHOOL OF LAW**

JUDGE CARMEN BEAUCHAMP CIPARICK

JOHN Q. BARRETT

JUSTICE RANDALL T. ENG

MICHAEL A. SIMONS

CHIEF JUDGE JANET DIFIORE

JUDGE MARY KAY VYSKOCIL

On November 13, 2019, St. John's University School of Law, in partnership with the Historical Society of the New York Courts, hosted a program celebrating connections between the law school and New York's courts. The event specifically honored five alumni who have served on the New York Court of Appeals: the late Hon. Vito J. Titone '56, '84HON; Hon. Joseph W. Bellacosa '59C, '61L, '87HON; Hon. Carmen Beauchamp Ciparick '67, '03HON; the late Hon. Theodore T. Jones, Jr. '72, '07HON; and the Hon. Janet DiFiore '81, '17HON. The program featured Dean Michael A. Simons and Professor John Q. Barrett, along with Judge Ciparick, Chief Judge DiFiore, Hon. Randall T. Eng '72, '16HON, and Hon. Mary Kay Vyskocil '83. Below are the lightly edited remarks of the evening's speakers.

For more information about the event, including a video recording of the program, please follow this link: <https://history.nycourts.gov/events/st-johns-law-illustrious-alumni/>

WELCOMING REMARKS

JUDGE CARMEN BEAUCHAMP CIPARICK[†]

Good evening.

Thank you so very much, Dean Simons. It is wonderful to be here tonight among so many friends from my St. John's family, my Historical Society family, and, of course, my beloved Court of Appeals family. How lovely that the Historical Society of the New York Courts and St. John's University School of Law have come together to celebrate the deep connection between St. John's Law and the New York State court system. And thank you so much to Professor Barrett, to my sister in the federal court system, the Hon. Mary Kay Vyskocil, and to the former Presiding Justice of the Appellate Division Second Department, the Hon. Randall Eng. And thank you to all responsible for putting this program together.

Tonight, we are looking back to our time in law school as well as our careers in the court. And, of course, we must look back to our wonderful benefactor, the great Governor Mario Cuomo, who appointed three of us to the Court of Appeals: Judge Vito Titone, Judge Joseph Bellacosa, and myself.

In fact, those of you who attended my induction in January 1994 may recall the Governor praising the merit selection system that "wrought three St. John's graduates" to the Court of Appeals. Judge Titone retired from the bench and went into private practice; Judge Bellacosa also retired and became Dean of this great law school. Then came Judge Ted Jones, appointed by Governor Eliot Spitzer, who served much too briefly and suddenly, and most sadly, left us. I retired at the end of 2012, leaving no St. John's member on the Court of Appeals bench, but gladly our present Governor Andrew Cuomo, in his great wisdom, appointed our spectacular Chief Judge, the Honorable Janet DiFiore, to the Court where she serves now so graciously and grandly.

[†] St. John's University School of Law '67, '03HON. Judge Ciparick is the former Senior Associate Judge of the New York Court of Appeals, who retired in 2012 after serving on the Court of Appeals for nineteen years. She currently co-chairs the National Appellate Practice Group at Greenberg Traurig, LLP.

I am thrilled to be here; little did I dream when I joined the St. John's law school evening division class at 96 Schermerhorn Street in February 1964 that thirty years later I would be on the Court of Appeals. And here we are fifty-five years later. Hard to believe!

Well, we are here to celebrate ourselves and our joint accomplishments. Thank you for this great honor and for attending tonight. I will sit down and turn the program over to our most distinguished Professor John Q. Barrett, Professor of Law here at St. John's, a Justice Robert H. Jackson scholar, and a trustee of our Historical Society of the New York Courts. Enjoy the program and have a great evening.

THE ST. JOHN'S PATH TO NEW YORK JUDICIAL SERVICE

JOHN Q. BARRETT[†]

Thank you, Judge Ciparick. Good evening, friends, and thank you all for being here.

I am pleased to welcome you to this special law school, where I have been on the faculty for twenty-four years, and also to welcome you as a Trustee of a special organization that preserves, teaches, and incubates the next chapters in the history of the courts of the State of New York. I also advise the St. John's student chapter of the Historical Society; I would like its past and present officers to stand and be recognized.

Welcome and thank you, in particular, to alumni and students, to Chief Judge DiFiore, to Judges Bellacosa, Ciparick, Eng, and Vyskocil, and to my excellent deans, Mike Simons and, if I may repeat myself, Joe Bellacosa.

I will speak briefly this evening, paving a bit the path to the main event—Dean Simons's lecture. My topic is St. John's University School of Law as once new and now historic, including as a path to achievement in New York's courts.

[†] Professor of Law, St. John's University School of Law, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, New York. This publication is an edited version of my November 13, 2019, remarks. I thank the late Philip V. Brennan, Jr., for sharing research on and recollections of his great-uncle Dr. Philip A. Brennan, and Anthony R. Scarcella and Danielle M. Stefanucci for their excellent research assistance.

The Vincentian community opened St. John's College, a men's college, in Brooklyn in 1870.¹ In 1906, St. John's received a state charter that elevated the school to university status.²

On September 28, 1925, St. John's University opened a new law school.³ Two founding fathers persuaded the Vincentian fathers to take this step.⁴ One was George Matheson, a Scottish immigrant and New York lawyer.⁵ The other was Dr. Phillip A. Brennan, a lawyer and also a medical doctor.⁶ Dr. Brennan was very involved in St. John's, starting not only this law school but also, in the following four years, its School of Commerce and its School of Pharmacy.⁷ Brennan and Matheson persuaded the Vincentians that there was a market to serve: that would-be law students, including many immigrants, both men and women, were unable to enroll in the law schools that then existed.

Initially, St. John's University School of Law was mostly a night school program, and most of its degrees were conferred on undergraduates.⁸ The school held classes, very full from the start, in the Terminal Building at 50 Court Street in Brooklyn.⁹

St. John's law school was surrounded by courts, by litigation of all types, and these were worlds of opportunity and achievement for new St. John's lawyers. They became prosecutors and criminal defense attorneys. They practiced civil law of all types. They became law secretaries to state court judges. Dr. Brennan, our founding father, became a justice of the New York State Supreme Court in 1933, for example,¹⁰ and he immediately employed his

¹ See *Church Buildings.*, BROOKLYN DAILY EAGLE, Sept. 16, 1870, at 2; see also *St. John's College*, BROOKLYN DAILY EAGLE, Sept. 16, 1871, at 4.

² See 3 UNIVERSITY OF THE STATE OF NEW YORK, ANNUAL REPORT OF THE EDUCATION DEPARTMENT 304 (1906).

³ See *St. John's Law School Opens in Terminal Building*, BROOKLYN DAILY EAGLE, Sept. 28, 1925, at 8.

⁴ See *id.*; see also Marjorie E. Berman, *The Mystery of Mary Daly's Message*, 18 FED. B. COUNCIL Q., 8, 10–11 (2011).

⁵ See *George Matheson of St. John's Law*, N.Y. TIMES, Apr. 30, 1957, at 29.

⁶ See *St. John's Law School Opens in Terminal Building*, *supra* note 3, at 8.

⁷ See *Phillip A. Brennan, Former Justice*, 71, N.Y. TIMES, July 3, 1944, at 11.

⁸ See *Lawyer Must be Artist, Wagner Tells St. John's*, BROOKLYN DAILY EAGLE, June 12, 1929, at 10.

⁹ See *St. John's Law School Opens in Terminal Building*, *supra* note 3, at 8; see also Robert Hanley, *St. John's Law Marks 50 Years*, N.Y. TIMES, Nov. 22, 1975, at 33.

¹⁰ See *Phillip A. Brennan, Former Justice*, 71, *supra* note 7, at 11.

nephew John T. Brennan '32 as his first law secretary.¹¹ In short order, St. John's lawyers became judges in city and county, trial and appellate courts.

Judges were an important part of the St. John's education and environment long before alumni took the bench, however, including at the very top of the New York courts. New York Court of Appeals Chief Judge Benjamin Nathan Cardozo was the School's first commencement speaker, delivering on June 15, 1928, his impressive, enduring address, "Our Lady of the Common Law."¹² (Chief Judge Cardozo loved his State court job. He left it reluctantly in 1932, when President Hoover's nomination, confirmed by the United States Senate, "elevated" him to the Supreme Court of the United States.¹³)

But high judicial examples and opportunities do not solve a law school's practical problems. From 1926 onward, St. John's was overcrowded with students. It responded by leasing additional space in neighboring buildings. Soon they too overflowed.

In September 1929, the School of Law moved into a fourteen-story building at 96 Schermerhorn Street in downtown Brooklyn.¹⁴ Many of our leading alumni were educated in that building. They included the benefactors who made this building possible: Leon Finley '29 and Jerome Belson '48, with his wife Maxine. They, like most St. John's graduates, did not become judges—they became successes in law practice and business. Another leading "non-judge" produced by St. John's was Hugh Carey '51, who served the public in U.S. military uniform, in Congress, and in the governor's office in Albany. Another was Mario M. Cuomo '56, New York's governor for three terms. Another is Roy Reardon '54, a leading trial and appellate attorney at Simpson Thacher and in courts across the country and Executive Vice President of the Historical Society's board.

By the 1930s, St. John's again confronted space limits. But by then it had new options. They perhaps existed because someone played golf with one eye on the ball and the other on real estate. I refer to New York City's Hillcrest Golf Club—you are sitting on it.

¹¹ See *Brennan Hailed by 1,000.*, N.Y. TIMES, Jan 4., 1933, at 3.

¹² See *St. John's Awards Diplomas to 500 at 1st Commencement*, BROOKLYN DAILY EAGLE, June 15, 1928, at 4; see also Benjamin N. Cardozo, *Our Lady of the Common Law*, 13 ST. JOHN'S L. REV. 231 (1939).

¹³ See *Cardozo Nominated for Supreme Court to Succeed Holmes*, WASH. POST, Feb. 16, 1932, at 1; see generally ANDREW L. KAUFMAN, CARDOZO (1998).

¹⁴ See *St. John's College*, THE BROOKLYN DAILY EAGLE, Aug. 25, 1929, at 22; see also *St. John's College Plans New Building*, N.Y. TIMES, Dec. 15, 1927, at 14.

As early as 1936, through a process that still is mysterious to me, St. John's acquired this land in Jamaica, Queens.¹⁵ In that time when ever more people were becoming automobile owners and drivers in New York—thank you, Robert Moses—the Hillcrest Golf Club was conveniently located just off the Grand Central Parkway.

Hillcrest also was adjacent to Jamaica Estates. It was a lovely neighborhood where people were building grand houses. And some were raising loving, thoughtful children who grew up to spread hope, kindness, and honesty across New York, the nation, and the world. To name one now-famous family, apartment developer Fred Trump and his wife Mary, who already lived nearby on Wareham Place,¹⁶ built a grand house on Midland Parkway, just a few blocks from here.¹⁷ And they raised their children there. And they—none a St. John's University graduate—grew up to . . . Well, they left the neighborhood.

In 1954, St. John's broke ground to move the University to this property in Queens.¹⁸ St. John's turned the former golf course into this campus. The School of Law moved into this new building in 1972.¹⁹ In 1994, this building was doubled in size and modernized.²⁰

Through all of these years, a big and proud part of our legacy has been alumni judges. This has been the case throughout all levels of the courts of the State of New York. But I want to highlight the illustrious alumni who have served as Associate Justices of the Appellate Divisions of the New York State Supreme Court, including as Presiding Justices on those courts:

- Owen McGivern '34 was appointed to the Appellate Division, First Department, in 1967 and served as its Presiding Justice from 1974 until 1975.

¹⁵ See *New Queens Site of St. John's University*, THE BROOKLYN DAILY EAGLE, Apr. 10, 1936, at 13.

¹⁶ See Sarah Maslin Nir, *Donald Trump's Childhood Home Goes to Auction*, N.Y. TIMES (Jan. 17, 2017), <https://www.nytimes.com/2017/01/17/nyregion/donald-trump-childhood-home-auction.html?searchResultPosition=1>.

¹⁷ See Jason Horowitz, *Trump's Queens Neighborhood Contrasts with the Diverse Area Around It*, N.Y. TIMES, Sept. 23, 2015, at A15.

¹⁸ See *St. John's Campus In Queens Is Begun*, N.Y. TIMES, Feb. 12, 1954, at 18; *Break Ground This Week for New St. John's*, BROOKLYN DAILY EAGLE, Feb. 7, 1954, at 6.

¹⁹ See Paul Many, *New Law School for St. John's*, N.Y. TIMES, Sept. 3, 1972, at 78.

²⁰ See *Major Projects at New York Colleges and Universities*, N.Y. TIMES, Sept. 12, 1993, at 12.

- Frank A. Gulotta '32 was appointed to the Appellate Division, Second Department, in 1971 and served until 1983.
- Harold Birns '37 was appointed to the Appellate Division, First Department, in 1975 and served until 1982.
- Vito J. Titone '56 was appointed to the Appellate Division, Second Department, in 1975 and served until his appointment to the New York Court of Appeals in 1985.
- Milton Mollen '50 was appointed to the Appellate Division, Second Department, in 1976 and served as its Presiding Justice from 1978 until 1990.
- Herbert B. Evans '50 was appointed to the Appellate Division, First Department, in 1977 and served until 1979.
- Joseph P. Sullivan '57, was appointed to the Appellate Division, First Department, in 1978, served as its Presiding Justice from 2000 until 2001, and continued as an Associate Justice until 2007.
- David T. Gibbons '49 was appointed to the Appellate Division, Second Department, in 1979 and served until 1986.
- Guy James Mangano '55 was appointed to the Appellate Division, Second Department, in 1979 and served as its Presiding Justice from 1990 until 2001.
- David Ross '42 was appointed to the Appellate Division, First Department, in 1979 and served until 1997.
- James F. Niehoff '51 was appointed to the Appellate Division, Second Department, in 1981 and served until 1987.
- Isaac Rubin, J.S.D. '40, was appointed to the Appellate Division, Second Department, in 1982 and served until 1990.
- Joseph J. Kunzeman '52, J.S.D. '85 was appointed to the Appellate Division, Second Department, in 1985 and served until 1992.
- John F. Lawton '55 was appointed to the Appellate Division, Fourth Department, in 1986 and served until 2005.
- Vincent R. Balletta, Jr. '51 was appointed to the Appellate Division, Second Department, in 1988 and served until 1996.
- Israel Rubin '50 was appointed to the Appellate Division, First Department, in 1989 and served until 2002.

- Vincent Pizzuto '50 was appointed to the Appellate Division, Second Department, in 1992 and served until 1998.
- Edward J. Hart '50 was appointed to the Appellate Division, Second Department, in 1994 and served until 1996.
- George D. Marlow '66 was appointed to the Appellate Division, First Department, in 2001 and served until 2008.
- Reinaldo E. Rivera '76 was appointed to the Appellate Division, Second Department, in 2002.
- James M. Catterson '85 was appointed to the Appellate Division, First Department, in 2004 and served until 2012.
- Robert A. Spolzino '83 was appointed to the Appellate Division, Second Department, in 2004 and served until 2009.
- Daniel D. Angiolillo '77 was appointed to the Appellate Division, Second Department, in 2006 and served until 2013.
- Ruth C. Balkin '76 was appointed to the Appellate Division, Second Department, in 2006.
- Randall T. Eng '72 was appointed to the Appellate Division, Second Department, in 2008 and served as its Presiding Justice from 2012 until 2017.
- Joseph D. Valentino '71 was appointed to the Appellate Division, Fourth Department, in 2012 and served until 2015.
- Stanley L. Pritzker '86 was appointed to the Appellate Division, Third Department, in 2017.
- Alan D. Scheinkman '75 was appointed to the Appellate Division, Second Department as its Presiding Justice in 2018.

In addition to noting that impressive history, we also are here tonight as part of making new history—seeing young talent and predicting high achievements, including judicial service, ahead. I focus particularly on the students here. Some of you will be in Carnesecca Arena and become graduates of this law school next May. More will follow each year after that. And many of those St. John's Law alumni will become, in time, New York State court judges.

We are lucky that both St. John's University School of Law and the Historical Society of the New York Courts will incubate their talents and, in time, teach their achievements on long and

high judicial paths. We look forward to a successor program of this variety, which some decades hence will celebrate the successors to tonight's honorees.

Thank you all very much. It is my pleasure to introduce my fellow Trustee on the Historical Society board and the former Presiding Justice of the Appellate Division, Second Department, Justice Randall Eng.

REMARKS

JUSTICE RANDALL T. ENG[†]

Thank you, Professor Barrett, and Chief Judge DiFiore, Dean Simons, Judge Ciparick, Judge Bellacosa (or Dean Bellacosa, or just Joe), and Judge Vyskocil.

It's a great pleasure for me to be home. In just a few moments that I have, I'm going to reflect on why this is home to me and why this is my professional home.

I came to St. John's University School of Law in the fall of 1969. I had a choice to make: which law school acceptance do I take? Do I go to Brooklyn Law School? Do I go to Fordham Law School? Or do I go to St. John's? I lived in Queens then, and I had to drive by the site of our present law school every day on my way to school when I went to St. John's at the Brooklyn campus.

In making my judgment I looked, of course, at the other schools. Brooklyn Law School in 1969 was in a brand new state-of-the-art building just a block or two from St. John's at 96 Schermerhorn. Fordham was in Lincoln Center, an ideal location right in the cultural capital of New York. Then St. John's was in a building opened in the 1920s. They were going to move to Queens. The building was getting run down. Some of the seats weren't even intact, as I recall. The library was getting a little tattered. I said to myself, "Well, I have to make a choice, and it's got to go deeper than just architecture."

So what did I do? I looked at the tradition of St. John's—the history. I saw what the mission of the Vincentians was and how they assisted so many emerging groups in finding their place in

[†] St. John's University School of Law '72, '16HON. Justice Eng is the former Presiding Justice of the Appellate Division, Second Department, who retired in 2018 after serving on the bench for thirty-five years. He is currently Of Counsel to Meyer, Suozzi, English & Klein, P.C. as a member of the firm's Litigation, Appellate Practice, and Criminal Defense groups.

society and in the law. And I did some homework. I noted that the only Asian American law professor in New York at that time, Kenneth Wang, was a member of the faculty here. I said, "This is tremendous." He's been on the faculty since the 1950s. There must be something very special about this place that it would welcome an Asian law professor, actually one-of-a-kind at that time.

Then I did some further research. It seems that the first Chinese-American person admitted to the bar in New York State, Thomas Lee in 1935, was a St. John's graduate. So I said that there's something about St. John's that will elevate me, will lift me, and will give me the opportunity to reach my full potential.

So I chose St. John's and I've never looked back since. St. John's has been wonderful to me. It got me from being an insecure law student to eventually becoming Presiding Justice of the Second Department. I even had a chance once to sit with Chief Judge DiFiore on the Court of Appeals. So I have had a wonderful judicial career.

There was more to it than just a foundation that was historically established. Along the way, two of the most significant mentors that I had in my career were St. John's graduates. They were both named Tom, they were both former police officers, and they both were of Irish heritage. But that's where the coincidences stopped.

The first Tom was the Honorable Thomas J. Mackell. He was District Attorney of Queens County, and he appointed me as an assistant in 1972—I became the first Asian-American assistant district attorney in New York State.

The other Tom was the Honorable Thomas J. Manton. He was the Queens Democratic chair, he was a Member of Congress, and he too had been an evening student at St. John's Law. He took a chance and supported me for a Supreme Court nomination. So I became then one of the first two Asian-American Supreme Court justices in New York, and then my career progressed from there.

I've always had St. John's interns. I've always valued the counsel of the faculty at St. John's. I was privileged to serve as an adjunct faculty member for a number of years. I gave a commencement address. I've always seen St. John's as my legal home in a career that's run forty-six years and is still going.

I remember that I was inspired when I was on the faculty as an adjunct. I said, "I'm going to bring the court to the academy." That's something that had not been done, to my knowledge. So I at the time—and you have to be in certain positions to get things done—happened to be the administrative judge of a criminal term of Queens Supreme Court. I said, "I'm going to bring a trial to this beautiful, state-of-the-art courtroom." I had the perfect case. It happened to involve illegal dumping, the defendants were corporations so I didn't have to worry about security, and there would be all kinds of interesting exhibits, including infrared and drone photography. Well, I put it all together, and wouldn't you know, the defendants took a plea. That's the only time that I, as a trial judge, was very unhappy about a three-defendant case that would have probably lasted two weeks or so ending in a disposition. So I was thwarted there.

The last anecdote is that I said, "Well, how about the Appellate Division?" Because thirteen years later I found myself on the Appellate Division. I became Presiding Justice, and when you're Presiding Justice, you're the boss and you can do things. So with the assistance and support of Dean Simons, we brought the Appellate Division to St. John's. We sat here in the Belson courtroom, and we had a full calendar of regular business. I'm happy to say that we had no problem populating our bench with St. John's law graduates. I had three colleagues with me, and we heard a whole calendar of cases.

So that in a nutshell is my experience at St. John's. I have to say that I would not be here, having enjoyed the positions that I've held, the experiences that I've had, the friendships that I've made, without having had the nurturing environment here at St. John's, both academically and spiritually. I've made a whole host of lifetime friends.

So I thank everyone for attending this evening's proceedings. I love the Historical Society. I love St. John's. I love the courts. Thank you.

ST. JOHN'S LAW:
LAUNCHING PAD TO THE NEW YORK COURT OF APPEALS

MICHAEL A. SIMONS[†]

I want to take you back over ninety years to 1928, when St. John's School of Law graduated its first class, from 96 Schermerhorn Street in Brooklyn. That's when our story begins, because one year later, also in Brooklyn, a young Italian couple named Vito and Elena Titone gave birth to their third child whom they called Vito Jr.

That same year, two childhood sweethearts, Eduardo Beauchamp and Patria Comas, moved from Puerto Rico to the Upper Manhattan neighborhood of Washington Heights, where they were among the first settlers from the Island of Enchantment to make their home in the Heights. Thirteen years later, their daughter Carmen was born.

Around that same time, a young Italian immigrant named Frank Bellacosa met and wooed and married Antoinette Tullo. Frank was a union laborer, working as an ice man; Antoinette was a seamstress. They lived in Bedford-Stuyvesant, and in 1937, Antoinette gave birth to their first son: Joseph Bellacosa.

Living not far from there, in Crown Heights, Brooklyn, was an African American couple named Theodore Jones and Hortense Parker. Ted Sr. worked on the Long Island Railroad; Hortense was an educator. In 1943, Hortense gave birth to their third child; they named him Teddy.

And finally, about twelve years later, in Mount Vernon, New York, just over the border from the Bronx, an Italian-American couple, immigrants themselves, gave birth to their only child: Janet DiFiore.

Each of those children would find their way to St. John's School of Law, which was founded in 1925 precisely for students like them: for the children of immigrants; for strivers seeking the American dream; and for students who had been shut out of other opportunities because of their religion, or class, or race, or ethnic

[†] Dean and John V. Brennan Professor of Law, St. John's University School of Law. Special thanks to Anthony R. Scarcella, St. John's Law class of 2021, for excellent assistance in preparing the slide show that accompanied this presentation. And thanks, too, to the Historical Society of the New York Courts for co-sponsoring the event at St. John's for which this presentation was prepared.

background. The story that I'm going to tell today is just that—one of opportunity, of breaking barriers, and of serving the public.

In 1925, when St. John's Law opened its doors, the local newspaper noted that that first class contained "every nationality, creed, cult, age, and section of the country," making the Law School the most "democratic in the city."¹ Although the law school was part of a Catholic university, that first class was filled with Jewish students.² The 1925 class had thirty women.³ The law school graduated its first Hispanic graduate in 1929,⁴ its first African American graduate in 1931,⁵ and a few years after that, one of the first Chinese-American lawyers in all of New York state.⁶ That spirit of diversity and inclusion and opportunity, a Vincentian spirit, which persists in the law school to this day, is exemplified by these five New Yorkers.

Let's fast forward to 1953, when young Vito Titone started at the law school. Fresh off two years in the Army, he soon found and bonded with another child of Italian-American immigrants. They would study together, they "double dated" with the two women who would become their wives, and they would be important to each other's careers. That classmate was Mario Cuomo, who would go on to become the fifty-second governor of New York State. And if the first theme of this story is opportunity and breaking barriers and the American dream, the second theme is Mario Cuomo.

It was natural that Vito and Mario would bond. Like now, prejudice against immigrants was prevalent, and that prejudice erected barriers to participation in the profession at the highest levels. In fact, Judge Titone used to like to tell the story that a well-meaning law school administrator called the two men into his office and told them that, despite their obvious talents, they would "never get anywhere" if they kept using those first names.

¹ *Prominent Men in Law School*, THE TORCH, Oct. 2, 1925, at 1.

² Susan Landrum, *Opening Doors: From the Start St. John's Changed the Face of Legal Education*, ST. JOHN'S LAW ALUMNI MAGAZINE, Fall 2015, at 23–25.

³ *Id.* at 24.

⁴ *Diversity, Equity, & Inclusion*, ST. JOHN'S UNIVERSITY SCHOOL OF LAW, <https://www.stjohns.edu/law/jd-admissions/diversity-equity-inclusion> (last visited Feb. 7, 2020).

⁵ *Id.*

⁶ *New York to Have First Chinese Lawyer; Thomas H. Lee to Be Sworn In on Monday*, N. Y. TIMES, Nov. 7, 1936, at 19.

Vito Titone, of course, didn't change his name. He graduated from the law school in 1956, married his sweetheart Margaret later that year, and soon hung out a shingle with a partner. Maltese & Titone in Manhattan would be his professional home for the next dozen years, while his actual home would be in Staten Island, where Margaret was from. After getting involved in Staten Island politics, Vito was elected to the New York State Supreme Court in 1968. He would spend six years on the trial court, before being designated in 1975 to the Appellate Division, Second Department. The Presiding Justice at the time was Milton Mollen, St. John's Law class of 1950, and the governor who appointed Judge Titone to the Appellate Division was Hugh Carey, St. John's Law class of 1951.⁷

While Judge Titone was serving on the Supreme Court and Appellate Division, Joe Bellacosa was also starting his career in the court system. Joe had been educated in Catholic schools in Brooklyn, and he spent six years in seminary prep before deciding that his vocation lay elsewhere—in his marriage to Mary and a career in the law. Joe arrived at the law school, still in Brooklyn, in 1959. A star student, he was an editor on the *Law Review*, which gave him occasion to edit an article about the jurisdiction of the Court of Appeals—written by a young lawyer named Mario Cuomo.

After a couple years in private practice, Joe made his way into the court system, serving as a law assistant and ultimately the law secretary to Judge Marcus Christ in the Appellate Division, Second Department, beginning Joe's deep immersion in—and lifelong devotion to—both the New York State court system and judicial administration.

In 1970, Joe returned to alma mater to join the faculty, teaching Criminal Law, Professional Ethics, Civil Procedure, Criminal Procedure, Legal Writing, and Advocacy. He also served as Assistant Dean for Dean John Murphy, a role that put him in charge of the law school's move from Schermerhorn Street in Brooklyn to Queens. During his time on the faculty, he rekindled his relationship with another teacher of legal writing: Mario Cuomo.

⁷ For more information about Judge Titone, as well as a collection of other sources, see *Vito Joseph Titone*, HISTORICAL SOCIETY OF THE NEW YORK COURTS, <https://history.nycourts.gov/biography/vito-joseph-titone/> (last visited Feb. 7, 2020).

In 1974, Charles Breitel, then Chief Judge of the Court of Appeals, convinced Joe to come back into public service and back into the court system, this time as the Chief Clerk of the Court of Appeals. It was a big decision to move his young family to Albany, a decision made easier by the fact that his friend Mario Cuomo was also moving to Albany, because he had been appointed Secretary of State by Governor Hugh Carey. For the next dozen years, Joe immersed himself in judicial administration, helping Judge Breitel run the court, and then, when Joe became Chief Administrative Judge, helping Judge Breitel run the court system.⁸

While Joe was helping Chief Judge Breitel run the court system, one of the system's rising stars was a fellow St. John's Law graduate, Judge Carmen Ciparick. Carmen had arrived at the law school in 1965, after graduating from George Washington High School in Washington Heights, and then from the tuition-free, all-female Hunter College of the City University of New York. After college, she became a teacher at a junior high school in Central Harlem, teaching social studies and physical education, and then she enrolled in law school at night.

There were only eight women in her entire class, and only three in the night section.⁹ When she graduated in 1969, only three percent of the nation's lawyers were women,¹⁰ and very few of them were judges.

Carmen began her legal career as staff attorney with the Legal Aid Society. And then, in 1969, she too joined the court system: first as a counsel to the Judicial Conference of the State of New York, a precursor to the Office of Court Administration, and then as the Chief Law Assistant for the New York Criminal Court and New York Supreme Criminal Branch, as well as Counsel to the Administrative Judge for New York City Courts.

⁸ For more information about Judge Bellacosa, as well as a collection of other sources, see *Joseph William Bellacosa*, HISTORICAL SOCIETY OF THE NEW YORK COURTS, <https://history.nycourts.gov/biography/joseph-william-bellacosa/> (last visited Feb. 7, 2020).

⁹ For more information about Judge Beauchamp-Ciparick, as well as a collection of other sources, see *Carmen Beauchamp Ciparick*, HISTORICAL SOCIETY OF THE NEW YORK COURTS, <https://history.nycourts.gov/biography/carmen-beauchamp-ciparick/> (last visited Feb. 7, 2020).

¹⁰ *Id.* (citing CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* (University of Illinois Press, 1993)).

Along the way she married her husband Joe, and Carmen Beauchamp became Carmen Ciparick. And then, in 1978, Carmen Ciparick became Judge Ciparick when Mayor Koch appointed her to the New York City Criminal Court—making her the first Puerto Rican woman to serve on the bench in New York State history and one of the youngest judges in the state.¹¹ She would go on to serve in the Supreme Court in the Bronx and in Manhattan, in both the criminal and civil parts.¹²

When Judge Ciparick was making her way through law school at night while teaching during the day, Ted Jones was making his way through the jungles of Vietnam doing his service in the Army. After being born in Brooklyn, Ted had grown up in Queens, going to Shimer Junior High School right here in Jamaica and then graduating from John Adams High School in Ozone Park, Queens. It was in junior high that he met Joan Hogans, who would become his wife. Ted then left New York for college—the only one of our five judges to do that—going to Hampton University in Virginia. It was at Hampton that Ted joined the Omega Psi fraternity and the Reserve Officer's Training Corps of the Army. He graduated Hampton in 1965 as an Omega Psi brother and a Second Lieutenant in the Army. He would go on to spend two years in Vietnam, returning home in 1969 as a captain.

Captain Jones then enrolled at St. John's Law, just as Carmen Beauchamp was graduating, and just as Assistant Dean Bellacosa was returning. Ted graduated in 1972, just before the law school moved to Queens, and he began his career as a Legal Aid lawyer in Brooklyn. And then, in 1975, right after Joe Bellacosa left for Albany, Ted Jones hung out his shingle in downtown Brooklyn. His office was on Fulton Street, but he was very much a "Court Street lawyer"—and a good one at that, practicing criminal defense for almost fifteen years. And then, in the late 1980s, Ted Jones was elected to the Supreme Court in Brooklyn, where he would serve one fourteen-year term and then get re-elected to another.¹³

In the meantime, a young woman from Mount Vernon was making a name for herself in Westchester. Janet DiFiore was on a single-minded mission: she had decided in high school that she

¹¹ *Id.*

¹² *Id.*

¹³ For more information about Judge Jones, as well as a collection of other sources, see *Theodore T. Jones, Jr.*, HISTORICAL SOCIETY OF THE NEW YORK COURTS, <https://history.nycourts.gov/biography/theodore-t-jones-jr/> (last visited Feb. 7, 2020).

wanted to be a prosecutor in Westchester County. As a college student at C.W. Post, she interned in the Westchester District Attorney's Office. She chose St John's Law, by then in Queens, because she thought it was her best path to that office. As a law student, she interned again in that office, and when she graduated, she was the first Assistant District Attorney hired in the 1981 class. She had, what she thought was, her dream job.¹⁴

So here we are. It's 1985. Vito Titone is sitting on the Appellate Division; Joe Bellacosa has just become Chief Administrator for the Court of Appeals; Carmen Ciparick is a Supreme Court judge; Ted Jones is a court street lawyer thinking about running for the Supreme Court; and Janet DiFiore is a young Assistant District Attorney in Westchester. The New York Court of Appeals had been in existence for 138 years and St. John's Law had been in existence for 60 years, but there had never been a St. John's graduate on the high court.

Two other important things have happened, though. First, in 1977, the Court of Appeals switched, by constitutional amendment, from election of Court of Appeals judges to a merit selection process. And second, in 1983, Mario Cuomo became governor of New York State.

Now, lest you think there is some St. John's bias here, the first four judges Cuomo appointed were from other law schools: Sol Wachtler, Dick Simons, Fritz Alexander, and Judith Kaye. But finally, in 1985, he appointed his friend Vito Titone to the high court. And then, two years later in 1987, he appointed his former faculty colleague Joe Bellacosa. And then, seven years after that, he appointed Carmen Ciparick, the first Hispanic and only the second woman ever to serve on the high court.¹⁵ And that wasn't an accident: Governor Cuomo had already appointed Judith Kaye, the *first* woman on the court, and he would later make her the first female Chief Judge of the court, and Fritz Alexander was the first African American to serve on the court.¹⁶

¹⁴ For more information about Chief Judge DiFiore, as well as a collection of other sources, see *Janet DiFiore*, HISTORICAL SOCIETY OF THE NEW YORK COURTS, <https://history.nycourts.gov/biography/janet-difiore/> (last visited Feb. 7, 2020).

¹⁵ *Carmen Beauchamp Ciparick*, *supra* note 9.

¹⁶ *Judith Smith Kaye*, HISTORICAL SOCIETY OF THE NEW YORK COURTS, <https://history.nycourts.gov/biography/judith-smith-kaye/> (last visited Feb. 7, 2020); see also *Fritz Winfred Alexander, II*, HISTORICAL SOCIETY OF THE NEW YORK COURTS, <https://history.nycourts.gov/biography/fritz-winfred-alexander/> (last visited Feb. 7, 2020).

At the press conference in 1987 when Governor Cuomo introduced Vito Titone as his next nominee to the court, he specifically noted the importance of diversity. In particular, he noted that diversity—racial diversity, gender diversity, ethnic diversity—is the key to quality.

So by 1994, when Judge Ciparick joined the court, St. John's Law had gone from never having a judge on the high court to having three at once. And what distinguished those judges was not their ethnicity, or their politics, or their connections to St. John's. It was their dedication to judging, to deciding each case on its facts, to leading the development of the law in humane and predictable ways, to creating an excellent court. That is, in fact, what Mario Cuomo said he was looking for when he chose judges: "I am not seeking to create . . . a liberal court or a progressive court or a conservative court. I want *an excellent court*."¹⁷

And that's what he got. These three St. John's Law graduates would serve together for several years. Then, Judge Titone retired in 1998 and Judge Bellacosa retired in 2000. That left Judge Ciparick as the lone St. John's representative on the court until 2007, when she was joined by the court's fourth ever African American judge: Ted Jones.¹⁸ And they would serve together for the next five years, until 2012—when Judge Ciparick reached mandatory retirement age, and Judge Jones, sadly, died unexpectedly from a heart attack. St. John's was left without an alumnus on the court, and the Court was deprived of the wisdom and humanity of a wonderful man who always understood how the legal system impacted regular folk.

That characteristic—understanding how the legal system impacted regular folk—could really describe all of the St. John's judges. When Mario Cuomo talked about what he expected from judges, he noted his hope that that they would choose to move the court in a more "humane" direction. And that's what these St. John's judges did:

- Whether it was Judge Titone ruling in 1989 that nontraditional households, including gay partnerships, could be considered "families" for rent-control purposes;

¹⁷ New York State Archives, *Governor's News Conference: Court of Appeals - Judge Vito Titone, 1985*, YOUTUBE (Dec. 3, 2018), <https://www.youtube.com/watch?v=IfMV95LVqwU>.

¹⁸ *Theodore T. Jones, Jr.*, *supra* note 13.

- Or Judge Bellacosa, in 1994, railing against the unfairness of a sentencing system that resulted in a fifteen-year sentence being given to a seventeen-year-old girl for one sale of two grams of narcotics;
- Or Judge Ciparick, in 2001, holding landlords accountable for lead paint poisoning;
- Or Judge Jones singlehandedly ending the 2005 New York City transit strike, or holding in a groundbreaking case in 2007 that criminal defendants could introduce expert testimony about the reliability of eyewitness identifications.

And if you had to draw one theme from the rulings of Titone, Bellacosa, Ciparick, and Jones, it was just that—humanity. Viewing the role of the legal system as serving people.

And if there's one other theme in this story, it is just that: service. These judges have devoted themselves—before, during, and after they were on the court—to serving others and serving the legal profession. Whether it is:

- Judge Ciparick being an officer of and mentor to so many in the Puerto Rican Bar Association; or
- Judge Bellacosa chairing the American Bar Association Section on Legal Education and serving on the Board of Bread & Life in Brooklyn; or
- Judge Jones chairing the Court's Diversity Committee, and chairing, along with the Westchester District Attorney, the special Justice Task Force on Wrongful Convictions,

the career of each of these judges has been motivated by service.

And, they have paid it forward by giving back to St. John's. Judge Ciparick has been on the Board of our Alumni Association for decades. Judge Jones was, at the time he died, a member of the St. John's University Board of Trustees. And Judge Bellacosa made the ultimate sacrifice, leaving the court in 2000 to take on a new role—Dean of St. John's Law, at a time when the law school greatly benefited from his leadership and steady hand. He was my dean when I was a young law professor; he showed me how to be a leader; and he launched me on the path that has brought me, and us, to this place.

For Judge Bellacosa, becoming dean was coming full circle to the law school that launched him, like it launched Vito Titone, and Carmen Ciparick, and Ted Jones, and Mario Cuomo. Each of those lawyers had an audacious dream and was willing to take a leap. For Joe, it was believing that a kid from Bed-Stuy whose father

hauling ice for a living could be a lawyer, and a law professor, and a judge, and a judge on the highest court in the state. That took multiple leaps of faith, including in 1974, when he moved his family to Albany to be clerk of the Court. At that time, his colleague Mario, who was also moving to Albany to be Secretary of State, wrote his friend Joe a note. I have the original of that note here. It says:

“Joe – Congratulations, congratulations. See you in Albany . . .
– *Did it occur to you that we may both be making a mistake?*”¹⁹

I’m happy to say that the answer to that question, forty-five years later, is still a resounding “no.” And Judge Bellacosa didn’t make a mistake twenty years ago when he decided to come back to serve as dean. And it’s an honor, fifteen years after he retired again, to welcome him back tonight.

I have one more duty, and that’s to introduce Janet DiFiore. When I last mentioned Janet DiFiore, she was trying cases as an Assistant District Attorney in Westchester. After doing that for six years, she would spend the next six years in private practice, then return to the District Attorney’s Office to be chief of narcotics, then spend seven years on the bench, being elected first to the County Court then to the Supreme Court, and then being elected Westchester District Attorney in 2006. She came to St. John’s in 1978 because she wanted to be a Westchester prosecutor. Twenty-eight years later, she had become head of that office—her dream job. But ten years after that, another dream job awaited—when, in 2016, Mario Cuomo’s son nominated District Attorney DiFiore to be Chief Judge DiFiore, the fifth St. John’s Law graduate to grace the court and the first to be Chief Judge.²⁰

Three years into her ten-year stint on the court, the Chief Judge has already made her mark. Mario Cuomo wanted “an excellent court,” and he got it. Chief Judge DiFiore, though, has even bigger ambitions, and that is an excellent court system. She has brought her passion for administration to running, and relentlessly improving, our \$2 billion state court system. After three years, her Excellence Initiative has made extensive progress across the state in reducing backlogs, resolving cases, increasing

¹⁹ Letter from Mario Cuomo, Governor of New York State, to Joseph William Bellacosa (1974) (on file with author).

²⁰ *Janet DiFiore*, *supra* note 14.

trial capacity, and providing better and more comprehensive service to the public. She has also been a dear friend to St. John's Law, including serving as our commencement speaker in her first year as Chief Judge.

I want to thank the Historical Society—for sponsoring tonight with us, for giving us the impetus to pull this together, and for all the work that the Society does to preserve the history of New York's courts and to strengthen the bonds among all of us who care about the court system.

I'll just say one thing, and this is directed to the Chief Judge: I know that your time on the court won't end for another seven years. But be careful, because, and Judge Bellacosa will appreciate this, who knows: by 2026 when you step down from the Court, St. John's may need a new dean.

REMARKS

CHIEF JUDGE JANET DIFIORE[†]

Well, Dean Simons, that was extraordinarily well done!

What a great honor it is to be here, and to be honored among these very distinguished and accomplished alumni. I want to add my thanks to the Historical Society and its Young Lawyers Committee for the work that they have done in law schools throughout the State, and here tonight, in bringing this program together. And of course, my favorite dean, Dean Simons, and Professor Barrett, thank you so much.

I am fully aware that the bench of accomplished alumni from this law school is a very deep one, so I want to especially thank the organizers of tonight's event for selecting this particular group to serve as examples of the lawyers and judges who reflect the rich history and traditions of this law school.

[†] Janet DiFiore is the Chief Judge of the Court of Appeals and of the State of New York. Judge DiFiore received her law degree from St. John's University School of Law in 1981, the same year she entered public service as an A.D.A. in the Westchester County District Attorney's Office. Judge DiFiore was elected to the Westchester County Court in 1998 and the Supreme Court for the 9th Judicial District in 2003. In 2006, Judge DiFiore was elected as the District Attorney of Westchester County. Governor Andrew Cuomo nominated Judge DiFiore to the position of Chief Judge in December 2015, and she was unanimously confirmed by the New York State Senate in January 2016.

To my mind, in tonight's celebration of that history and of those traditions, the natural place to start for us is where we began, listening to the names of the honorees: Titone, Bellacosa, Beauchamp Ciparick, Jones, Eng, and of course our other participant, Judge Vyskocil. Those names, and the histories and stories behind those names, are a testament to the wonderful diversity and inclusive nature of this law school going back to 1925, when it literally opened the doors to opportunity for people of every socioeconomic, ethnic, racial, and religious background. St. John's afforded opportunities for people from every walk of life that they could never have imagined. The achievements of tonight's honored alumni reflect the special history and traditions here at St. John's Law. I do believe that we represent and reflect the dreams, the talent, and the determination of men and women who, first in downtown Brooklyn and now in Jamaica, Queens, received a first-rate legal education and a strong, essential grounding in the values of justice, charity, and service.

Speaking of service, the seven judicial honorees and participants tonight represent 210 years of public service, 150 of those years in the judicial branch of our government. Collectively and individually, these people represent the best qualities of our profession. I can say, as someone who has had the honor and the privilege of knowing them as colleagues, friends, mentors, and role models, of working with them and attempting to follow their examples, that these individuals have set the bar at a very high place for all of us to aspire to.

How fortunate we have been to have known them. Ted Jones was a wonderful lawyer, a fabulous trial judge, a wonderful associate judge at the Court of Appeals, my fellow co-chair on the Justice Task Force, and a man who was so passionate in his devotion to criminal justice reform. He made sure that we worked hard to reduce the possibility that someone would be convicted of a crime that he or she did not commit. I learned an extraordinary amount from his humility, from his gentility, and from his strength.

Carmen Beauchamp Ciparick is an absolute trailblazer for women, myself included, and for Latinas in the judiciary and the legal profession. She is a person who never stops serving. Not only does she serve on the Justice Task Force but she also chairs the Mayor's Advisory Committee, an extremely important committee that works to populate the bench with competent, dedicated judges. Just this morning, Judge Ciparick testified at

the joint legislative hearings that were conducted in Manhattan in support of our latest proposal for a constitutional amendment to simplify the court system. Judge Ciparick never says “no,” and we are all the better for her service—thank you, Judge Ciparick.

Judge Bellacosa is a valued mentor and friend to all and someone whose support I am so happy to have. Judge Bellacosa is a true public citizen. He is a man who has given his heart and his soul to every institution he has served: the Unified Court System, his beloved Court of Appeals, and his beloved law school. These institutions are all distinctly better today because of his commitment to service and his devotion to the purity of purpose of each of those institutions—thank you, Judge Bellacosa.

Judge Titone was someone who I wish I had known better, but I did have the privilege of knowing and briefly working with him. Aside from our shared pride and interest in all things Italian, I certainly can bear witness, particularly now, to how his legacy and his commitment to justice contributed to the excellence of the Court of Appeals and the development of a regular, predictable body of law to the benefit of all of us. His legacy continues to challenge us at the Court to do our very best in our work.

I also want to say a few things about my dear friend, Justice Eng, a true gentleman, a scholar-judge, and a wonderful leader as Presiding Justice of the Appellate Division, Second Department, the busiest appellate court in America. He was a magnificent member of the Administrative Board of the Courts that I chair and where we served together. He was always forward-leaning and thoughtful in setting the policy agenda for the New York State courts. In terms of my efforts to improve the New York State court system, I could not imagine a greater, more knowledgeable partner to implement and guide our “Excellence Initiative” than Justice Eng. We very much appreciated his work, and we miss him.

Judge Mary Kay Vyskocil is a wonderful friend and colleague with whom I have shared many experiences, including celebrating all of her achievements operating and practicing at the highest levels of the law. She was just a fabulous lawyer and partner at Simpson Thacher, and we all were so thrilled and proud to watch as she ascended to the federal bench. And now, God willing and fingers crossed, there are more good things in store for Judge Vyskocil.

Every one of these extraordinary individuals was without question the beneficiary of the special, caring, and enriching traditions of our law school. To my mind, this is exactly why our

graduates gravitate to the high ideals of public service and public interest law in such impressive numbers and in so many varied and admirable ways, including by serving on boards and committees and organizations in our communities and in government. I do believe that this is why our alumni continue to come back to St. John's and give back again and again and again, enriching our law school in so many ways, by teaching, by mentoring, by hiring our graduates, and by sharing the fruits of their successes, endowing needed scholarships and supporting the law school and its graduates.

This is who we are, we the products of this law school. We are individuals whose training, education, and experiences have shown us the value and the satisfaction of working and living to achieve the highest professional and personal fulfillment while always practicing the Vincentian tradition: "I am here for others."

In closing, I want to say what a spectacular and totally indulgent evening this has been. I want to thank all of you for being here, and I especially thank all of those who worked so hard to put this program together. Thank you very much.

CLOSING REMARKS

JUDGE MARY KAY VYSKOCIL[†]

Tonight's event was spectacular. It brings together two institutions that are very dear and special to me: St. John's Law School and the Historical Society of the New York Courts. So I'm just delighted to see so many students and more recent alumni in the crowd here. I hope that tonight has made you as proud as it's made me to be an alumna of this law school. If you're not an alumnus of St. John's and you are here because you have an affinity for the Court of Appeals or because you love legal history, I hope that we have given you a sense of the enduring legacy of St. John's and its impact on the Court of Appeals and on the development of the law in New York State.

[†] St. John's University School of Law '83. Judge Vyskocil practiced general commercial litigation for almost thirty-three years at the New York City-based law firm Simpson Thacher & Bartlett, LLP. She retired as a Senior Litigation Partner in early 2016 to serve as a United States Bankruptcy Judge for the Southern District of New York. In January 2020, Judge Vyskocil was sworn in as a United States District Judge for the Southern District of New York after serving on the bankruptcy bench.

The mission of the Historical Society, the external sponsor of tonight's event, is to preserve, protect, and promote the legal history of New York, including the proud heritage of its courts and the development of the rule of law. Those of us from St. John's who are privileged to serve as trustees of the Historical Society have been talking for some time about putting together an event here at St. John's. About four years ago, the Historical Society inaugurated its "New York law schools present" series. This is the third, following on Albany Law School's program on its illustrious alumni and then the University of Buffalo law school's program highlighting pioneering women in New York legal history. I'm very proud that we were able to put on this event at St. John's, and I can't think of a better focus than our deep connection to the New York Court of Appeals.

But I will add—and you have heard a little bit about this tonight—that we also have many, many other prominent alumni who have contributed to the development of the law in New York and to public service. We have had two alumni serve as governor of New York State. We have alumni who have served on courts throughout the New York State court system, including several presiding justices of the Appellate Division. We have judges on the federal bench. We have many graduates who have gone into public service—some have served as district attorneys and assistant district attorneys throughout New York State. We've had a Director of Central Intelligence, a head of the Securities and Exchange Commission, and another who headed the Commerce Department. We've had police commissioners and fire commissioners. And, of course, we count among our alumni corporate leaders and prominent practicing lawyers, who through their leadership and advocacy have helped to shape the law in New York and safeguard the rule of law.

So while we have celebrated much tonight, I hope that we can be back in the not-too-distant future for part two of illustrious alumni of St. John's.

Thank you all for being here.