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Honorable Judith S. Kaye

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TRIBUTE TO JOSEPH W. BELLACOSA

HONORABLE JUDITH S. KAYE†

I am always delighted to join in any tribute to my friend, Dean, Judge, Senior Associate Judge, Chief Administrative Judge, Professor Joseph W. Bellacosa. This one, however, is hard, for at least two reasons.

First, this marks a significant juncture in his life, and as such, it takes me back to his departure from the Court of Appeals, just four years ago, in June 2000. That fork in the road was, for me, nothing short of impossible, unthinkable, and unimaginable to contemplate, much less accept. The Dean and I had met more than two decades earlier when I first visited Court of Appeals Hall as a practicing lawyer and brand new trustee of the Clients' Security Fund (now the Lawyers' Fund for Client Protection), and he was the revered, trailblazing Clerk of the Court of Appeals.

Miracle of all miracles, we shortly thereafter became judicial colleagues, both appointed to the Court of Appeals by Governor Mario M. Cuomo. We spent the next fourteen remarkable years on the Court together—from Volume 69 of the New York Reports, Second Series, to Volume 94, thousands of pages of shared lawmaking, thousands of days of shared events in our families and in our lives. How fortunate we were, and are, at the Court of Appeals to enjoy a close bond with one another, and I surely cherish my Court years with Judge Bellacosa (also known around the Albany Courthouse, where he maintained his Chambers, as “Judge B,” “Judge Joey,” and just plain “Joe”).

Not that we were without our differences and disagreements—hardly so. Indeed, our deep and abiding personal bonds are perhaps even more extraordinary when you think how much of our time at the Court is spent with warring adversaries, sparring litigants, and close and difficult legal

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issues, as we hammer out—and sometimes battle out—the decisional law of the State of New York. Writing this tribute, I have deliberately chosen not to pull up the decisions that divided us, not to think about what a powerful adversary Judge Bellacosa could be when we were on opposite sides—both of us believing with all our hearts that we were correct on the law. Rather, I prefer to reflect today on what a great friend, supporter, and ally he was, especially in his role as Senior Associate Judge.

Having focused this tribute to the Dean largely on our personal attachments to one another, I would not want to close this 25-year “Court of Appeals” segment without acknowledging his enormous scholarly output during these years, including: his illuminating Commentaries to McKinney’s Criminal Procedure Law during his Clerk of the Court years; his hundreds of writings for the Court of Appeals; and his breathtaking list of published articles on a range of subjects that defies encapsulation—all with the unmistakable imprint of a profound thinker, prodigious researcher, and facile writer.

This tribute is hard for a second reason. It signals my friend’s departure from the other beloved institution in his life, St. John’s University, where he spent his student, law student, teaching, administering, and most recently, “deaning” years. His class ring always is proudly in evidence; he is through-and-through a fan, promoter, and advocate for St. John’s, which could have no better symbol of its success as a front-rank, humanitarian educational institution.

I recall the delight with which the Dean embarked on the journey from his Albany “home” back to his Queens “home” with what he called its “multi-dimensional respects” (meaning closeness to family in every way) and the pleasure he has taken from his innumerable interactions, projects, and initiatives launched at the Law School. I know he feels that same bittersweet sense of satisfaction today as he did in June 2000, taking strength from his leadership of the Law School and looking onward, upward, and forward to the next challenge.

To the gratitude and good wishes of the Dean’s St. John’s family, I add the gratitude and good wishes of the Judge’s Court of Appeals family: Sempre Avanti!