

REMARKS

*Michael E. Getnick**

PROFESSOR CONNORS: At this point, I would like to introduce the President-Elect of the organization that Professor Siegel has spoken for on so many occasions: Michael Getnick of the New York State Bar Association.

(Applause)

MR. GETNICK: Professor Siegel, it sounds like I may be the one person who wasn't a student of yours at Albany or wherever.

(Laughter)

You may not realize it, but you and I have a relationship that goes back to 1969. I wasn't so fortunate as to be your student at Albany Law School. I went to Cornell Law School and in those days when you took the practice exams for the bar it was with the Practicing Law Institute. And there was this Professor Siegel who was going to be teaching one part of that course. Please keep in mind those are the old days, and so he would be speaking live in New York City, and up at Cornell we would then get the two-reel tape the next day to hear what Professor Siegel had to say.

My cousin, who was at NYU Law School, said "you're not going to believe what happened." I don't know if you remember this but he said, there was just some student who went crazy, you know, during the lecture, but Professor Siegel just kept on going as if that was fine.

I know you're looking like maybe you don't recall this, but I used it to a great advantage because I said to some of my classmates: "you know, this man is wonderful, but there's something about

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him—he probably could just drive a student crazy.”

(Laughter)

I told them I wouldn't be surprised if something like that happened.

Well, of course, and the next day on the tape you heard this terrible shriek the student let out, and you continued to teach the course, as if nothing happened.

(Laughter)

But the real point about this—if there's anybody from Cornell here don't turn me into the school—we took a semester to learn the civil procedure in New York. How could anybody teach that to you in five days? But I can tell you, when we were done with those tapes, I could only imagine how it was to see you in person. I knew that anybody in that classroom—because we had students from Duke and elsewhere that had never taken New York procedure—that they were totally prepared on the bar exam based upon the way you were able to teach that course. And I thank you—and a lot of students are in debt to you.

(Applause)

The first thing Pat told me when he said I could speak is what everybody tells me, you can't speak for long, maybe, you know, five minutes at the most.

So I've said this before and some of you have heard it. I tell this story that I've learned that lesson because there was an essay contest in New York City for third graders to write about the life of Socrates. And the boy that won was a third grader. He did it in three sentences. He said Socrates was a great man, he talked a lot and they killed him.

(Laughter)

Well, for me to have the podium at this point, and listening to the speakers—they're hard acts to follow, I'm almost more concerned to know that Judge Rosenblatt is the next speaker because he is such a well known singer. Stewart Jones mentioned the Adirondack Mountains. In the Catskill Mountains—there's always a warm up act for the singers. So I feel a little bit that I may be that warm up act for Judge Rosenblatt.

Something very interesting happened today and many of you probably saw it. We got the New York Law Journal and Judge Kaye's picture is right on the cover and most of the articles are dedicated to Judge Kaye.

When I flipped through, there was an article that said “Jacob

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1995.” And what they were referring to was a case, *In the Matter of Jacob*, which came out on November 2nd of ‘95.¹

In those days, before you had all of the internet and all, you had to wait sometimes for those big reporters to come out, or you could have an earlier look at the New York Law Digest. Yesterday, I asked the Bar Association, “Could you get me the New York Law Digest that followed that decision?” Sure enough, in December of 1996, there it was on the front page.

This was a very interesting decision. To tell you what it was about—I’m not going to read this whole thing—but it said that a closely divided Court of Appeals has ruled that, in a pair of cases, that a person who is the de facto partner of a child’s biological parent and is participating in the raising of the child may adopt the child, and it makes no difference whether the partnership is heterosexual or homosexual.

Judge Kaye, as you may remember, my partner Nick Priore who unfortunately recently passed away, was the lawyer who was on the prevailing side of that case.

One thing that is most important is that when people comment on the judiciary they never attack the judiciary. They should write about the opinions in a way which is respectful and becoming.

I was so interested because here was this hot topic case and what the court said was then paraphrased by Professor Siegel as follows,

The Court admonishes that a contrary holding “would mean that thousands of New York children actually being raised in homes headed by two unmarried persons could have only one legal parent, not the two who want them,” and could “jeopardize the legal status of the many New York children” already so adopted.

On the affirmative side, the Court shows its decision holds great advantages for the adopted child, a transcendent consideration. Apart from “the emotional security of knowing that in the event of the biological parent’s death or disability, the other parent will have presumptive custody,” there are numerous property advantages for the child including social security and life insurance benefits, standing to bring a claim for the wrongful death of the adoptive parent, additional inheritance rights in intestacy, and

¹ *In re Jacob*, 660 N.E.2d 397 (N.Y. 1995).

coverage under both parents' health insurance policies.²

Judge, you wrote such an excellent decision and I don't know if you could have asked for a better condensation than Professor Siegel was able to get out to the rest of us so quickly.

Just a couple of statistics, and I don't mean to bore you with this. October 2008, was the 586th edition of the Law Digest. Now, I think it's already been said that you started this in November of 1977. That issue was Number 215. The professor will give me a correction if I'm not giving the right information. But, that's what I was told.

And another thing you would be interested in is that the predecessor was Albany Law School Dean, Ralph D. Semerad, who was the editor from June of 1968 to October of 1977.

When you're a lawyer and you try a case in front of the Appellate Division or the Court of Appeals, it will always bring a big smile to your face if you're fortunate enough to have Professor Siegel comment on one of your cases.

And, fortunately for me, I've had that experience, but I've also had the experience of being on the losing side of the case and reading the commentary from Professor Siegel. There's a big advantage to that because if you didn't know why you lost when you left the courtroom—

(Laughter)

—you'll soon understand when you read the Law Digest.

Now, I know that you don't necessarily like getting proclamations and resolutions, and we do have a large one for you from the Bar Association. And I don't want to go over my five minutes, but I'm going to give this to you. And the reason why I'm going to take the chance of reading to this—of reading what the resolution says—is because it's remarkable, it's absolutely remarkable.

I thought I knew all of Professor Siegel's achievements, and I'm sure we didn't cover them all in the resolutions. What it says is "Resolution honoring and recognizing David D. Siegel, Distinguished Professor Emeritus of Law, whereas Professor Siegel has been a celebrated teacher of New York and Federal Civil Practice at Albany Law School." And then they mention a bunch of other law schools where you also were associated.

Whereas Professor Siegel has authored numerous

² David D. Siegel, *Court of Appeals Holds That Child Can Be Adopted by Unmarried Partner, Heterosexual or Homosexual, of Biological Mother*, N.Y. ST. L. DIG., Dec. 1995, at 1 (quoting *In re Jacob*, 660 N.E.2d at 398, 399, 405).

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indispensable works on civil practice, including *Siegel's New York Practice*, four editions; *Siegel's Practice Review* since 1993; his monthly newsletter on civil practice; commentaries on McKinney's New York CPLR; USCA commentaries on Title 28 of the Federal Code; and the Federal Rules of Civil Procedure and Conflicts of Law in a Nutshell, 3rd edition.

Whereas Professor Siegel, for many years, and in an elegant style uniquely his own, has unselfishly shared his knowledge, expertise and insight regarding civil practice with countless lawyers and judges by virtue of his lectures and writings for continuing legal education programs presented by the New York State Bar Association and by numerous other legal organizations across the state and nation.

Whereas Professor Siegel has served with distinction on important committees of the New York State Unified Court System, including: the Advisory Committee on Civil Practice; on other well known committees of the State Bar Association; the Committee on Courts of the Appellate Jurisdiction; the Committee of Continuing Legal Education; and the Committee on Court Operations.

Whereas Professor Siegel has co-authored two of the most popular books ever published by the State Bar Association: Practitioner's Handbook for Appeals to the Appellate Divisions of the State of New York and Practitioner's Handbook to the Court of Appeals.

Whereas Professor Siegel—*and I'm almost done*—has served as editor and author of one of New York State Bar Association's flagship publications, the monthly New York State Law Digest, since 1977.

Now therefore it is resolved that the New York State Bar Association recognizes the extraordinary accomplishments and legal legacy of David D. Siegel.

And it is further resolved that the New York State Bar Association expresses its sincere appreciation to Professor Siegel for his many years of dedicated service to the Association.

And it is further resolved that the New York State Bar Association honors Professor Siegel for the knowledge, appreciation, and improvement in the practice of law he has singularly fostered in generations of New York lawyers.

And that's signed by Bernice Leber, the President of the State Bar Association.

It's been my honor to be part of this wonderful program, Professor Siegel. Hats off to you. You are a wonderful and amazing person and this is so befitting that you be honored tonight.

(Applause)

PROFESSOR CONNORS: Michael, I think we discussed this earlier, but one of the interesting things, a big part of Professor Siegel's work is the CLE's to the New York State Bar Association, but of course the New York Law Digest. And when lawyers want to renew their subscription to the New York State Bar Association they often write to New York State Law Digest and use that address to do it.

And I remember the Court of Appeals—when we clerked and we'd have our coffee hours—cases would come down and we would always wait to see what Professor Siegel would say about the case. And the clerks that work with the judge that offered the dissent, they would argue that they got the better of the argument if Professor Siegel dedicated more space to the dissent.

(Laughter)

Those were heated arguments at coffee.