A TRIBUTE TO PRESIDING JUSTICE ANTHONY V. CARDONA:
VISION AND RESOLVE

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The old saying “justice is blind” is often used to describe the essential fairness and impartiality which is expected to imbue every judicial determination. However, it could also describe the lighting conditions which had existed in the courtroom of the Appellate Division, Third Department, in Albany’s Empire State Plaza, since that room’s construction in the early 1970s. Simply stated, the lighting in our courtroom was inadequate at best and downright dim at worst. The high-coffered ceiling, recessed light fixtures, wood-paneled walls, and dark blue carpeting combined to create an almost chapel-like environment which made squinting a popular past-time for the judges, lawyers, and citizens who attended proceedings in this otherwise impressive chamber. Over the years, attempts to correct the problem were made, but nothing seemed to work. This unfortunate situation continued until, at some point in the mid-1990s, Justice Anthony V. Cardona, a few short years after he became presiding justice, suggested—or more accurately directed—that the problem had persisted long enough and should be rectified. Justice may be blind, the PJ reasoned, but the judges and lawyers were nonetheless entitled to clearly see their written work and each other; they were also entitled to a dignified and attractive setting in which matters before the court could be heard and determined. Soon thereafter, a corrective project was initiated. The staff, predictably, was thinking small and totally “inside the box.” We were content to basically replace some light fixtures and carpeting in the courtroom and leave the rest of the premises in status quo, namely shopworn, shabby, and simply worn-out after

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thirty years of hard use. The Presiding Justice, as would become his regular practice, was thinking big and definitely “outside the box.” He urged that a comprehensive renovation of the court’s facilities be undertaken, one which would provide the court with a facility befitting its work and best serve the needs of the lawyers and litigants who would use it for years to come. The result of his persistence and forward thinking was the beautiful but functional 2005 renovation of the entire appellate division premises in what was then known as the Justice Building (now the Robert Abrams Building for Law and Justice).

The magnificent courtroom and justices’ conference room, and the attractively appointed staff offices, serve as a constant reminder (to this writer) of Presiding Justice Cardona’s vision and resolve, which made the project a reality. However, there are many other examples of the PJ’s innovation and focus on the big picture, which will serve as hallmarks of his stewardship of this court. I will mention only two: first is the highly-successful Civil Appeals Settlement Program (“CASP”).1 Instituted several years ago, CASP requires civil litigants and their attorneys to appear before an experienced settlement officer to attempt to resolve their differences, prior to the hearing of an appeal. This program has resulted in the settlement of thousands of matters and has saved countless litigants a great deal of time and resources in the process. All of this was brought about by the Presiding Justice’s longstanding belief that if you can get people together to discuss their differences in good faith, and in a calm and respectful setting, amazing things can happen. As the CASP settlement statistics attest, he was clearly correct in this belief. The other innovation was the initiation, in the mid-1990s, of the program under which regular sessions of this court are conducted throughout the twenty-eight counties which comprise the Third Judicial Department. This program, affectionately known as “Have Gavel Will Travel,” has been a tremendous success and is widely acclaimed by the citizens of our department who get to see firsthand—and perhaps for the first time—how an appellate court functions. As a result of this program, the court has sat in every county in the Third Department, with several counties being visited more than once. I can attest to the fact that the aspect of this program which Presiding Justice Cardona relishes the most is meeting with groups of local students who attend travel sessions and listen to appellate

arguments. The Presiding Justice thoroughly enjoys explaining how the court works and answering the students’ questions about the appellate process. As has been attested to by several teachers and students over the years, the result is an educational experience which cannot be duplicated in the classroom.

The mentioned examples are really just a small part of Presiding Justice Cardona’s overall approach to his responsibilities and the issues which he deals with every day. He is constantly trying to improve the judicial system and is always asking our judges and staff, and the lawyers and litigants who use our court, for suggestions on “how we can make it better.” He does not seek change for the sake of change, but insists upon innovation and a fresh approach to problem-solving in order to avoid complacency and thereby improve the process. He is never satisfied with the status quo, and his tireless energy and persistent desire to “do things right” are an inspiration and challenge to all who come into contact with him.

This writer has had the honor of working for, and with, five presiding justices of this court since 1972. I have had the privilege of working with Presiding Justice Cardona the longest—since his appointment as PJ in 1994. Despite all of his many accomplishments, both as a wise judge and an able administrator, I am impressed most by the fact that he is a man of simple values who is guided by certain uncomplicated principles. Among these are family, fairness, respect for the law, courtesy towards all, and just a plain sense of what is right and what isn’t. I know for a fact that he lives by and practices these values and principles every day, and that is what makes him a great judge, a person of character, and an example to all those around him. He is always eager to remind us that behind all the records and briefs, beneath all the legal argument and paperwork, there are real human beings whose lives may be profoundly and intimately impacted by the decisions which the court renders. In the same vein, he never hesitates to share with others the simple adage taught to him by his father: “Work hard, treat others fairly, and the rest will take care of itself.” Those who know Presiding Justice Cardona understand that he has always followed his father’s wise advice and, by his actions, he constantly tries to convince others of its plain yet profound wisdom.

In *The Nature of the Judicial Process*, the distinguished jurist Benjamin N. Cardozo wrote: “The work of a judge is in one sense enduring and in another sense ephemeral. What is good in it endures. What is erroneous is pretty sure to perish. The good
remains the foundation on which new structures will be built."²

It goes without saying that Justice Anthony V. Cardona has certainly accomplished a great deal of good in his years as a judge, especially over his sixteen years as Presiding Justice of the Appellate Division, Third Department. That good will undoubtedly endure and serve as the foundation for future accomplishments to the benefit of the lawyers, litigants, and citizens of this state for a long time to come.

It is therefore wholly fitting and appropriate that the *Albany Law Review* will dedicate the first issue of *New York Appeals* to Presiding Justice Cardona. On behalf of the court’s staff, we enthusiastically congratulate him on this well-deserved honor.

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