A TRIBUTE TO PRESIDING JUSTICE ANTHONY V. CARDONA: A JURIST WHO HAS ALWAYS SOUGHT TO “DO THE RIGHT THING” IN THE LAW AND IN LIFE

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It is a tremendous honor to add my words to the many well-deserved tributes lauding our outstanding Presiding Justice, Anthony V. Cardona. In preparing this tribute, I let myself first be intimidated by reading other testimonials eloquently written by attorneys who have clerked for eminent jurists. Daunted, I nevertheless decided to go forward with this task in light of the unique thing I do have to share, namely, the glimpse I can give of what it has been like to be in the privileged position of working alongside Judge Cardona for almost a decade. Anyone reading this who has known the Judge—from his successful private practice, to his legendary work as a family court judge, to his distinguished service as a supreme court and appellate division justice—could tell you that he considers family to be the most important institution of all. When the Judge speaks of family, he does not just mean the families of the various litigants he has represented or those who have appeared before him on the bench. Nor is his view of family limited to his own beloved family, helmed by his wonderful wife Aline and their terrific children and grandchildren. His definition embraces his colleagues and friends in the court system as well, including those of us fortunate enough to have worked beside him at the Appellate Division, Third Department, or here in chambers.

I worked in Judge Cardona’s chambers for the first time in 1996 for a short stint as a temporary law clerk alongside his trusted Senior Law Clerk, Peter R. Porco. It was an especially busy time to be here, and my initial nervousness over hoping to make a good impression soon turned to awe once I realized just what an

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extraordinary human being the Judge really is. I particularly remember, shortly after I started, that I was relieved to be at the end of what seemed to be a tremendously long day. We had conferenced and completed several difficult cases with the Judge running through what seemed to my eyes to be an impossibly long list of tasks. As I started to pack up my things, I was frankly looking forward to going home and putting my feet up. To my surprise, the Judge walked in, bright as a new penny, and cheerily informed us that he was about to go out to “poke his head in” at two different functions before attending a big retirement dinner to “say a few words.” When I expressed amazement at his energy level with such a busy agenda after a hard day, he nonchalantly replied that no, this was “fun”; if I really wanted to be shocked, I should look at what he had scheduled for the rest of the week. As I shook my weary head, I felt how an average athlete probably feels in the presence of an Olympian: completely humbled.

My early impressions of the Judge were not just of his superhuman energy level but also of his determination and devotion to the law and his work. My favorite memories in chambers are those times spent sitting with the Judge, discussing every aspect of a case, trying to—in his favorite words—“do the right thing.” In the early days, these talks included Peter Porco, who shared a close and special friendship with the Judge that began while both were in private practice. I particularly enjoyed witnessing the affectionate bantering between them, with each playing little practical jokes on the other. When the volume of work called for coming in on weekends, the Judge always expressed the utmost gratitude for our help, and we always came in cheerfully, ready to make the best of it. Peter would bring in bagels and coffee—the Judge seemed to especially appreciate the opportunity to talk with us about the cases without the telephone ringing or other distractions. Judge Cardona has never really cared for e-mail or letters and prefers speaking to people directly, always making sure he is on top of every situation. With so many people competing for his attention, the Judge has always enjoyed those times when the office is quiet and everyone can speak freely without interruption.

I remember one particularly challenging case during this period that concerned issues involving the rights of the disabled and their caretakers, parents, and guardians. The Judge let me know right away that there was nothing more important than understanding everything about this case and finding the most just resolution. I recall many long conversations about the law to be applied in this
case and the Judge—who resided at that time out in the “wilds” of Westerlo, New York—told me that his best ideas regarding our draft decision came to him as he peacefully mowed his rolling lawns on his tractor. I should mention as an aside that it is not at all atypical for the Judge to pursue tranquil contemplation at the same time he is doing other tangible work. After all, he is a man who would apologize to staff for letting us down on the very few occasions he was out of the office for illness. Of course, in contrast, if any one of us or our family members were ill or in distress, the first words out of the Judge’s mouth would immediately be: “Go and do what you have to do, we will take care of what needs to be done here.” In any event, when the time came to draft the final wording of this particular case in order to circulate to the panel, the Judge went through every single word; he was determined that we would anticipate and address any possible concern the other justices might have. We must have rewritten this draft about ten times and I recall how nervous I was when he finally said it was ready to be distributed. I also know how proud the Judge was when our court ultimately issued a unanimous decision.

The case received a certain amount of attention at the time it was handed down but, of greater importance to our chambers was the satisfaction we felt in doing the best we could to help produce a meaningful decision for the litigants and the people of New York. Although we have certainly worked on more difficult cases since that time, and the Judge’s tractor logged in many more miles, this case was the first where I really got a chance to know and appreciate how he thinks about cases and makes his decisions. The parties in our cases are not simply names on paper to him—they are real persons whose concerns are as vital to him as if they were standing in front of him. After I returned to central staff at the appellate division in 1997, the Judge would always mention that particular case whenever I saw him and remark what a great experience it was working on that decision.

I returned to Judge Cardona’s chambers in early 2001, this time to stay on as the second law clerk in the office. From that point, the Judge’s staff consisted of Peter Porco, myself, and the Judge’s ever-cheerful administrative assistant, Julia Cannizzaro. As always, the office was very busy with our cases, the Judge’s busy administrative calendar, and various other extra projects that always seemed to pop up—no matter how many times our indefatigable boss would tell us he meant to cut back his schedule and stop spreading himself so thin, that never seemed to happen. There simply have never
been enough hours in the day for Judge Cardona to do all he wants to do. He always tries to set the right tone by being a steady presence in the various committees and boards he participates in and he considers his participation as a member of the Administrative Board of the Courts to be one of his highest responsibilities.

The strong qualities of leadership I have always admired in the Judge were never more apparent to me than at the time of the September 11, 2001 terrorist attacks. Although Judge Cardona has often spoken of how much he was inspired by the strength and compassion his good friend former Court of Appeals Chief Judge Judith S. Kaye displayed that day, I hope he will not be embarrassed to learn how grateful we all were for the reassuring words and calm resolve he showed to us in our appellate division family. I recall that there were court proceedings scheduled that day and, while some people wondered if they should be cancelled, the Judge did not think this would send the right message. He made it clear that people who needed to leave work and check on loved ones could do so, but the court’s work would continue no matter what. This did not mean he was not also shaken by these terrible events, far from it. His feelings are best demonstrated by a moving e-mail he sent to all the justices and court staff on September 14, 2001, the day marked as one of “Prayer and Remembrance” for the terror attack victims. Among other things, the Judge stated:

I do not know exactly what I want to say to each of you but feel a strong desire to communicate with you. This is an awful tragedy—the senseless destruction of precious human life has caused tremendous pain and sadness in our country and in each of our hearts. My emotions have been varied as I am sure yours have also . . . We care for each other—we are committed to our responsibilities and we will go forward. But today, let us pause and remember.¹

It was not surprising that the Judge would reach out to his court family and share his feelings at such a difficult time, but it was nonetheless much appreciated. Without dwelling on it, the Judge knew that the right thing to do was reassure everyone that their grief was not only understood, but also shared, and we took comfort in this.

¹ E-mail from Anthony V. Cardona, Presiding Justice, New York State Supreme Court, Appellate Division, Third Department (Sept. 14, 2001) (on file with author).
Judge Cardona's strength and resilience were demonstrated to me again in mid-2003 when he was told that the health of his beloved mother, Dora, was failing. I remember the summer of 2003 as a difficult time when the Judge's mother entered hospice care. He would spend almost every night there and, even when I knew he must be tired, he would still come into the office the next day, ready to tackle whatever was on the agenda. I was so sad for the Judge when I learned his mother passed away on August 9, 2003. As I stood at the end of what seemed to be an impossibly long line at the wake, all I can remember is how worried I was that he would be exhausted by having to speak with so many people. When I finally got closer to where the Judge stood with his family, I was astonished to see him looking more awake and animated than he had been for a while. After the Judge greeted me and thanked me for coming, I confided my amazement that he was so energetic after what must have been a grueling couple of days. He told me that, to the contrary, he was drawing great strength from the affection and friendship everyone was showing him and it was exactly what he needed right now. He felt so blessed. This was such a wonderful thing for him to say since it was clear that he appreciated how much everyone there wanted to support him when he needed it most. I know how hard it was for him to lose his mother, but once again he showed that he never lost sight of what she—and his late father—taught him about counting his blessings and treating others with courtesy and respect.

Unfortunately, Judge Cardona's recuperative powers would be tested again the next year. While we were elated when the Judge was reelected in the 2004 general election, our happiness was short-lived. Our office experienced grief on a completely different scale on November 15, 2004, when we learned that our dear friend and colleague Peter Porco was killed under the most tragic circumstances imaginable. I will never forget the anguish in the Judge’s voice as he broke the news to me and, later, how he hugged both Julia and me as we cried together. The months following Peter's death are painful to recall, and none of us—not even the Judge—were immune to the strain and sadness of it all. Even though some days were definitely better than others, we tried to follow the Judge's lead and remember that Peter would have been the first person to remind us that the court’s work is what should come first. I am grateful for the many kind words the Judge spoke to me during this terrible time. They were especially generous given how close Peter and the Judge were, and how keenly I knew
the Judge missed him. The Judge’s swearing-in ceremony in early 2005 turned out to be an elaborate proceeding, filled to overflowing with colleagues and friends. While it was bittersweet attending the ceremony without Peter, I was filled with so much pride and respect for the Judge as he spoke. Once again, I could see he was drawing strength from the well-wishes of the many who attended; I was so grateful to them on his behalf.

The years since that swearing-in ceremony have brought many changes in the Judge’s chambers, including the additions of administrative assistant Julianne Gaynor and new justices to our court. Under the Judge’s leadership, our appellate division courtroom and offices underwent much-needed renovations and improvements. Despite the many changes, however, the Judge’s dedication to his duties has never wavered. We were very fortunate in the fall of 2006 when two of the appellate division’s finest attorneys, Lisa Connelly and Katie Rotello, agreed to share the other law clerk position in our chambers. While Peter Porco will always be missed, we are immensely grateful to Lisa and Katie for the hard work, new friendships, and insights they have brought into this office. The Judge’s resolve to “do the right thing” in following the law has never diminished and he still loves to “brainstorm” our cases, discussing every aspect of a decision before it is handed down. I have never known the Judge to compromise his ideals or integrity in any decision, great or small. He works tirelessly to make sure that everyone, especially the underdog, has his or her position heard and fairly considered by the court. I must also report that the Judge’s boundless energy and enthusiasm for every challenge before him—including lately, golf—continues unabated. In all this time, the Judge has stayed true to his favorite lesson from his parents: “Work hard, treat people fairly and the rest will take care of itself.”

While our chambers has almost certainly had more than its fair share of tears, we have also been blessed with an abundance of good belly laughs, almost always from the Judge himself. I still smile to myself whenever I hear the Judge’s booming laugh when he shares a joke with a friend or colleague. He has been blessed with good humor, as well as good judgment, and I know I am not the only person who is better for having known him. His dedication and concern for me and my co-workers have been rare gifts. I, on behalf of our entire chambers family, thank the Albany Law Review for this opportunity to publicly express the gratitude and admiration we all feel for our presiding justice and what he has accomplished for our court and the people of New York.