JUDGE CARMEN BEAUCHAMP CIPARICK: AN EXTRAORDINARY JUDGE AND PUBLIC SERVANT

antonio E. galvao*

On December 1, 1993, I was serving the second of a two-year clerkship as a Central Staff Attorney at the New York Court of Appeals when Governor Mario Cuomo nominated Justice Carmen Beauchamp Ciparick to serve as the newest member of the court. The historic nomination—she would be the first Latin American and second woman to sit on New York’s highest court—was received with excitement and curiosity at the court. After attending the Governor’s press conference and observing the nominee in person, I decided to apply for a clerkship with her.

The next week, she interviewed me in her supreme court chambers in the New York County courthouse. With a warm smile and a few anecdotes she made me feel comfortable and welcome right away, and I took it as a good sign that she asked as many questions about my personal background and interests as my legal skills. Though the interview went well my clerkship hopes faded when the year ended without further word from her. On January 4, 1994, as I was sitting in the back of the crowded courtroom waiting for Judge Ciparick to be sworn into office momentarily, a court attendant suddenly entered the courtroom and motioned for me to step outside. I was informed: “They want you in the robing room right now.” In response to my uncomprehending, “What?!” the attendant grabbed me by a lapel and we did a quick trot through the courthouse to the robing room.

The narrow robing room was crowded with the members of the court, and the doorway was blocked by Governor Cuomo. Looking over the Governor’s shoulder, I caught the eye of Chief Judge Kaye who pointed me out to Judge Ciparick, who asked me, with the whole court assembled, if I still wanted the job. And so I was hired. To make it all the more thrilling, the first person to congratulate me and shake my hand was none other than Mario Cuomo, a long-time

* Deputy Counsel, New York State Office of Court Administration. Mr. Galvao served as Judge Ciparick’s Law Clerk from January 1994 to January 1996.
hero from my old neighborhood of Jamaica, Queens. It was a most memorable way to get hired, and a great introduction to the ways and charms of the least self-important public official I've ever known.

We immediately got to work that same afternoon and I found my new boss to be a very seasoned and knowledgeable judge, a veteran of many, many criminal and civil trials. Judge Ciparick knew the law, the courts and the legal system inside out, and it struck me right away that she had a very practical, real-world appreciation of the consequences of her decisions for litigants, lawyers, the legal system and society as a whole. I also sensed an affinity for the underdog and an ability to relate to the lives of ordinary people. Judge Ciparick knew what it was like to struggle and strive for professional success, having attended law school at night while working for a living as a public school teacher, and she knew what it was like to represent poor and disadvantaged New Yorkers as a Legal Aid lawyer in the South Bronx—her first job out of law school.¹

Judge Ciparick brought unique professional and personal experiences to the Court of Appeals, and she blended them with a strong commitment to the constitution as a protector of individual rights. Campaign for Fiscal Equity, Inc. v. State of New York,² a constitutional challenge to the state’s public school financing system, provided an early significant glimpse into Judge Ciparick’s judicial philosophy. Writing for the majority, Judge Ciparick concluded that the plaintiffs, including individual students and parents, had stated a viable cause of action under the Education Clause of the State Constitution. She firmly rejected the dissenting opinion’s view that the content of the Education Clause—and the concept of a sound basic education—could not be qualitatively or judicially determined. In her view, New York’s constitution imposed an affirmative duty on the legislature to ensure the availability of a sound basic education for the state’s children, and the court had a corresponding “responsibility for adjudicating the nature of that duty.”³ While the procedural posture of the case

³ Id. at 315, 655 N.E.2d at 665, 631 N.Y.S.2d at 569.
made it premature to specify definitively what the constitutional concept of a sound basic education entailed:

we articulate a template reflecting our judgment of what the trier of fact must consider in determining whether defendants have met their constitutional obligation. The trial court will have to evaluate whether the children in plaintiffs’ districts are in fact being provided the opportunity to acquire the basic literacy, calculating and verbal skills necessary to enable them to function as civic participants capable of voting and serving as jurors.4

The assessments of Judge Ciparick’s judicial persona as “independent” and “fearless,”5 particularly in defense individual rights, are certainly on the mark, but they should not be taken to suggest that she was less than wholly committed to the cooperative enterprise of appellate judging. From the beginning, she cared deeply about the court as an institution and valued its ability to speak with one clear voice whenever possible for the benefit of the bar and the public. Judge Ciparick never hesitated to express her views to her colleagues in the hope that these would be reflected in opinions she would feel comfortable in joining. She, in turn, worked diligently to integrate her colleagues’ views and concerns into her own writings without compromising her principles and understanding of the law. She treated her colleagues with respect and deference, and though she was often in dissent, she knew how to disagree without being disagreeable. Indeed, with her warm temperament and collegial personality, it was not long before she was helping to bridge differences and foster consensus on a court with many strong, disparate personalities.

I gained further insight into my new boss when as the keynote speaker at the St. John’s Annual Law School Alumni Association Luncheon, she sounded a strong theme central to her persona—access to justice. She challenged the bench, the bar, and her law school community to do everything in their power to increase and promote pro bono representation, including creating more law school clinical programs to offset anticipated cuts in funding for civil legal services. She observed that the rule of law, to be meaningful, required that all members of society—rich and poor—have access to the legal system. She has sounded this message for as long as I

5 See Jillian Kasow, Judge Carmen Beauchamp Ciparick: A Glimpse into the Senior Associate Judge’s Judicial Philosophy Through Her Dissents, 73 ALB. L. REV. 953, 955 (2010).
have known her, and continues to do so as a member of the Task Force to Expand Access to Civil Legal Services in New York.

With her law clerks, Judge Ciparick was a patient teacher, firm but gentle with her criticism and demands. Her dedication to her job was inspirational. Her definition of a vacation was a weekend at home without having to read briefs or opinions. We were impressed by how hard she prepared for every case, how conscientiously she struggled to reach the right and just result, and we marveled at her ability to handle the pressures of her new position. The constant stress of deciding so many difficult, momentous cases could easily unnerve and overwhelm anyone, but Judge Ciparick accepted the challenges with wonderful equanimity and humanity. Setbacks and disappointments were temporary, never personal, and the hard work and long hours were leavened with war stories from her days as a trial judge, light gossip and any excuse for a laugh.

Above all, it was her great sense of humor and love for a good joke—even at her own expense—that made the job fun and kept us all grounded and sane. The Judge cherished her family—her late husband, Joseph, her daughter Roseanne, and now her son-in-law and grandchildren—and loved hearing about and meeting our own family and friends. She certainly made sure that, however pressured we were, we did not forget the importance of family and friends in our lives, even chasing us out of the office on occasion to make sure we were not late for a family gathering or a big date.

For more than four decades, Carmen Beauchamp Ciparick has been a devoted public servant who earned the respect of the legal community for her commitment to excellence, integrity, skill, diligence and compassion. As a Latina, she broke barriers and inspired many to dream big while also taking the time through word and gesture to personally mentor countless minority and women lawyers. I will always remember her willingness, no matter how busy, to make time to talk to young lawyers and law students about her job and the profession she so loved.

I am proud to have been a law clerk to Carmen Beauchamp Ciparick during her first two years at the Court of Appeals. Her strength of character, great talent, humility and kindness helped me to grow as a lawyer and a person. I am fortunate, along with so many, to still have her in my life today as a beloved mentor and friend. I am delighted that the Albany Law Review has seen fit to pay tribute to this extraordinary judge and public servant who has contributed so greatly to the Court of Appeals and enriched the law and the legal profession in New York State.