

MEMORIES OF THE HONORABLE THEODORE T. JONES: AN  
ADMIRER JUDGE

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This past November 2013 marked one year since the passing of our distinguished jurist the Honorable Theodore T. Jones, Jr., Associate Judge of the New York State Court of Appeals. Following the initial shock and sadness of his untimely passing, colleagues, admirers, family and friends have honored Judge Jones's memory, celebrating his life and recounting the moments when this giant was in our presence. I personally worked as a law clerk to Judge Jones for three years. During those years, I witnessed Judge Jones work tirelessly for New York State, the Court of Appeals, and our legal community. And it was always with a smile. Judge Jones delegated responsibility well and communicated his thoughts with precision. Even more so, he was particularly good humored, and his amiable nature withstood life's challenges and work's pressures. Indeed, Judge Jones had many attributes, but his leadership skills and affable nature are qualities that I seek to emulate.

For a young attorney, clerking for a Court of Appeals Judge is extremely challenging. One can anticipate that the travel schedule will be arduous and the workload never-ending, but even speaking to former law clerks can shed little light as to chambers and its inner workings as each chamber is a unique reflection of its Judge. A personal clerkship seems to be a passage almost, which is further enhanced by your individual Judge. Judge Jones made my clerkship an extremely memorable and rewarding experience. And certainly, I credit this sentiment to his ability to lead and communicate well and, above-all, his kindness.

For a Court of Appeals law clerk, the moments are never dull, and the work is ever challenging. The fast-paced schedule—reviewing and analyzing motions, criminal leave applications and appeals in a timely manner—is a pressure that is compounded by the Judges'

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additional roles in the legal community. In particular, Judge Jones was co-chair of the New York State Justice Task Force on Wrongful Convictions, chair of the Court of Appeals' Diversity Committee (which he turned into a statewide initiative to increase minority presence in non-attorney positions in the Unified Court System and later minority presence in upstate jury pools), a member of the Board of Trustees at St. John's University, a supporter of seemingly all bar associations in New York and often an honored guest at various events throughout the State of New York. Judge Jones effortlessly navigated through all of these responsibilities and commitments with a deft hand because of his passion for the work and his unyielding confidence in the Court of Appeals staff.

Because the workload was large and his staff was small, our Judge had an all hands on deck approach in chambers. If a case assigned to one law clerk for review was troubling Judge Jones, he would convene all of his clerks to hash out his concerns and seek input. This proved to be rewarding because different viewpoints were heard, and it helped the clerks learn about other areas of law and become invested in each other's cases. This approach further strengthened the familial environment that Judge Jones established in his chambers. He held many round table discussions during work hours, and sometimes (or often) relied upon non-work hours to produce drafts. Certain cases seemed to consume him, and that nagging feeling was contagious. As a personal clerk's role is largely confidential, the cases that deprived us of sleep will continue to remain nameless. But those late nights discussing the law and determining how to resolve critical legal issues are times that the law clerks of Judge Jones now cherish.

This past spring, the Judges of the Court of Appeals revealed certain secrets of Eagle Street at the Albany Law School.<sup>1</sup> Also, in the *Albany Law Review*, Judge Robert S. Smith dished on dissents. In viewing these recent publications on the Court of Appeals, I thought of Judge Jones and what he would have said in his casual, but personal, way. For example, in a continuing legal education ("CLE") presentation to the attorneys at the Court of Appeals, Judge Jones revealed his pet peeves as an appellate judge. He cautioned appellate attorneys to be mindful of their actions during oral argument. In particular, the bench can see all of the mannerisms and head gestures, even of those seated, and find them distracting. He also advised attorneys not to argue with the Judges.

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<sup>1</sup> Symposium, *The Untold Secrets of Eagle Street*, 76 ALB. L. REV. 1897 (2013).

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An Admired Judge

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Naturally, Judge Jones, through his experiences, would draw the audience in and relate stories with which anyone would be able to identify.

Fair and objective are my impressions of Judge Jones's judicial styling. He often felt bound by precedent and stated so. He preferred simple, dispassionate prose to make his points. A punchy dissent—however enjoyable—was not his style. In criminal cases, he would often remark that one should not think of the defendant, or what he or she did, but think about how a particular holding would impact all defendants or how it would impact New York's jurisprudence. Judge Jones also often struggled with and considered the practical consequences that a Court of Appeals' holding would have on the ground, for example, with litigants in Kings County Supreme Court or on an intermediate appeal. He would often regale us about what would happen in Brooklyn, his "home" court.

As of late, I have been meeting practitioners and jurists, who knew Judge Jones and speak of his brilliance and humility. Judge Jones also had a fun personality, and a great sense of humor. When I speak with individuals who knew him, we are often smiling yet holding back tears. Some may recall Judge Jones quiet demeanor on the bench at Eagle Street or his affable nature off the bench. Others may recall his handling of the transit strike and his application of the Taylor Law to restore public transportation in the City of New York or perhaps his bow ties. In fact, most recently, opposing counsel and I were discussing the Court of Appeals, and he recalled Judge Jones. Counsel asked me if I knew him as a trial judge. And I did not. So I sat and listened attentively. Judge Jones loved to tell stories about being in Brooklyn. And on that autumn day, I was in Brooklyn hearing a great story about him.

The general themes are always the same: he was revered, hard-working, and a consensus-builder, who had a warm, endearing personality. Although the themes repeat, the stories do vary and are never dull. It is amazing how many of us hold dear our friendships with Judge Jones, even beyond our legal community. I saw it more clearly at the services celebrating his life at Mount Pisgah Baptist Church. Working closely with him and through the testimonies of his wonderful family and his friends, this is what I take away: Judge Jones led by example; he remained rooted; and not only did he achieve, but he also lived.