

## THOUGHTS ON JUDGE HANCOCK

*John O'Brien\**

I was a young, flappable reporter with the Syracuse Post-Standard in 1989 when I set out to do a profile of Judge Hancock, then on the state Court of Appeals.<sup>1</sup> My worries about having to interview a stuffy intellect with little time or patience for a pesky reporter were quickly allayed.

Hancock was a reporter's dream. He gave me almost unlimited access to a wonderfully colorful life on the bench and off. He stood on his head in chambers, broke into song while deliberating with the other judges, and loved talking in great depth about the law. How could a reporter ask for more?

We stayed in close contact over the years, and I continued to chronicle his life after he retired from the bench. Here's what stood out about him: unlike anyone else I ever wrote about, Hancock was interested in what I thought about a case or a law or an issue. It was intimidating to have this legal giant ask me, a non-lawyer. But it was evident that he wasn't doing it just as a kindness. He really wanted to know.

That's what he did at the lunches he arranged with judges and lawyers every few months in the past ten years or so in Cazenovia. And he always included me. What an honor. I wrote about these lunches in a story I did on Hancock after he died:

In recent years, Hancock would gather up lawyer and judge friends and meet for lunch at the Lincklaen House in Cazenovia. He would tell stories and ask questions about the law and what was going on with them personally, then pick up the tab.

"The thing about the lunches was simple—the privilege was ours," said Emil Rossi, one of the lawyers who attended. "We'd get the opportunity to sit down and learn from him

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\* John O'Brien is a reporter with the *Syracuse Post-Standard*.

<sup>1</sup> John O'Brien, *A Judge's Untiring Exploration of the Law*, POST-STANDARD (Syracuse), Jan. 9, 1989, at A-1.

and just enjoy his company. But he always acted as though the privilege was his.”<sup>2</sup>

He wanted to know what was going on in the lives of everyone at the table, and always asked how he could help.

Hancock loved to poke fun at himself. He often talked about his unsuccessful run for Congress in 1960, calling his political career meteoric in that, like a meteor, it started out with a bright light then “all goes dark.”

For that profile I wrote in 1989, Hancock described himself to me as a “pragmatic instrumentalist”—someone who believes that the law is an instrument to serve society, that society does not serve the law. That theory doesn’t follow the belief that the law should be applied strictly with a great deal of attention to the exact meanings of words.

Last year, he wrote a letter to his thirteen grandchildren with his advice for life. He shared it with me.

He advised them to have the courage to step out of the more routine, less taxing positions and challenge themselves to reach for a higher level. Most importantly, Hancock wrote, was that they be able to look back at their lives and admire what they’d done.

He offered them a role model: their grandmother, his wife, Ruth Hancock, who was always volunteering and offering assistance to others.

“I hope you’ll be able to say that in some way you gave back to society and made it better by helping the less fortunate through participation and leadership in charitable organizations . . .” the letter said.

The profile I wrote included a description from his colleague of how Hancock would engross himself so deeply into a case:

In court last month in Albany, he asked at least one question and sometimes two or three of each lawyer, and started each thus, as he always does: “May I ask you just one question?”

Court of Appeals Judge Judith S. Kaye says it’s funny.

“Is some lawyer going to say no?” she asked. “Invariably, they say, ‘Yes, your honor . . . Of course, your honor.’”

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<sup>2</sup> John O’Brien, *Noted Judge Stewart Hancock Dies*, POST-STANDARD (Syracuse), Feb. 12, 2014, at A-1.

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“It gives me a little smile. I think it’s an example of a tremendous gentleness of soul. It also shows a great depth of concentration. He’s really deep into his question, and needs to say something first.”<sup>3</sup>

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<sup>3</sup> O’Brien, *supra* note 1, at A-1.