

TRIBUTE TO CHIEF JUDGE JONATHAN LIPPMAN

*Cyrus R. Vance, Jr.**

In the New York State Court system, the Chief Judge plays a dual role—top jurist and chief administrator—and both of which are exceedingly demanding. In each role, the Chief Judge is placed under microscopic scrutiny. Opinions are dissected to detect shifts in jurisprudence, subtle or seismic; budget proposals and State of the Judiciary addresses are deconstructed like works of literature, as though replete with latent messages.

It is under this enormous pressure that Judge Lippman begins his day, long before many in the State have awakened; and it is under this scrutiny that Judge Lippman finishes his day, usually after an evening event that requires his appearance, somewhere—quite possibly anywhere—in the Empire State.

Indeed, it is a point of pride for Judge Lippman that, when he was Chief Administrative Judge, he visited every courthouse in every county of the State. It was a monumental task, but it was also essential to his management style. As I have learned from working with Chief Judge Lippman, he is one who works through personal contact, rather than by distant pronouncements.

It is a style that has served him well, for the management side of the Chief Judge's job is at least as challenging as the jurisprudential task. Judges are not administered or managed in the traditional sense that one manages employees or colleagues. The single most important asset a judge possesses is independence, and only an independent judiciary can be relied upon to decide matters on the merits. Only an independent judge can render the solely unpopular decisions that are vital to maintaining a government of laws.

Quite simply, a judge must feel unconstrained to make decisions

* Cyrus R. Vance has served as the District Attorney of New York County since January 1, 2010. Mr. Vance is President-elect of the District Attorney's Association of the State of New York and co-chair of the New York State Permanent Commission on Sentencing. He is a graduate of Yale University and Georgetown University Law Center.

as the law and the facts dictate without concern that an administrative judge further up the hierarchy will reward or punish him or her for a ruling in some manner. And yet, within these substantial constraints, Judge Lippman moves and motivates and manages.

Like his predecessor Chief Judge Judith Kaye, one of the most respected, innovative, and dedicated judges to have led our courts, Judge Lippman faced the persistent and daunting challenge of securing adequate judicial compensation. It is, I think, no exaggeration to say the intractability of this problem posed the single most serious threat to judicial independence in the State's history. The crisis serves as a textbook example of political dysfunction: everyone with a say in the matter agreed that a pay increase for judges was sinfully overdue—and yet, year after year, nothing happened. Moral suasion proved to be useless, because everyone was already convinced of the moral rightness of the cause.

Luckily, the solution that has finally been put in place turns inaction to the advantage of good government: if the Legislature does nothing, the judges will, at long last, get their raise.

Judge Lippman's willingness, indeed eagerness, to take on such challenges will, I think, one day serve as the legacy of the man. His gift is the personal touch, conveying to everyone he meets a genuineness and a complete lack of affectation. His tools are less the robe and the gavel than the pat on the back, the kind word, the good-natured joke, and, most importantly, his total commitment to the court system he cherishes.