

CLERKING FOR JUDGE THEODORE T. JONES

*Jay Kim**

Shortly after his untimely passing in November 2012, many kind words were expressed praising the great character and significant accomplishments of Judge Theodore T. Jones. Of course, to many, Judge Jones was best known as the Justice of the Supreme Court who, in 2005, effectively ended a transit strike that crippled the City of New York when he imposed monetary fines upon the Transport Workers Union and sentenced its president to jail for violating a previous court order. Certainly, that case, which garnered significant media attention, helped propel Judge Jones to the New York Court of Appeals where, from 2007 to 2012, he presided over cases of great statewide importance from his familiar seat at the far end of that venerable bench. While at the Court, Judge Jones authored numerous opinions that advanced the jurisprudence of the State of New York while concomitantly revealing him to be a fair and thoughtful legal mind who took tremendous care in reaching reasonable and equitable results. Among his many personal causes, he truly championed equal justice, having co-chaired the New York State Justice Task Force, and diversity, serving as the head of the Diversity Committee at the Court. In furtherance of these special causes, Judge Jones traveled the state extensively to raise the public's consciousness about these issues and to encourage others to participate in effecting change. Thus, the eloquent words written and spoken in the wake of Judge Jones' passing are undoubtedly deserved and perfectly encapsulate his innumerable and varied contributions to the State and City of New York as an attorney and a jurist. Therefore, I would like to humbly contribute to those words of remembrance by speaking about the great honor, privilege and pleasure it was to serve in the chambers of the man I simply called "Judge."

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As a law clerk, the work was challenging in light of the nature of the issues presented and the constant cycle of preparing for cases. Judge Jones, however, intuitively understood the demands of the position and afforded his clerks tremendous respect and autonomy in the management of the work load. In turn, we reciprocated that confidence by ensuring that Judge Jones was thoroughly prepared for every matter so as not to betray the trust he placed in our hands. He never imposed any additional pressure or burden on his staff, but heartily encouraged our efforts. Every submitted assignment would elicit a remark of “Beautiful!” before he would offer his suggestions and edits. To put us at further ease, Judge Jones would frequently joke or regale us with stories of the interesting places his life had taken him. Who else, during a lunch break, could so effortlessly share stories ranging from his experience as an Army Captain in the Vietnam War, to hitting the perfect shot onto the green to the most efficient way to hunt raccoons? To the public, Judge Jones, with his stoic demeanor on the bench, may have appeared to be an inscrutable figure. In chambers, however, he was a mischievous soul who kept us engaged with his humor, intellect and kindness.

Judge Jones’ ability to relate to individuals and put them at ease was surely an asset during his successful career as a criminal defense attorney (his eyes would light up whenever he would share an old story of a particular trial experience). Judge Jones had a gift of perfectly distilling a thought or concept into a memorable statement, as evidenced by some of his remarks in chambers. For example, once, when speaking about a case involving very contentious litigants, Judge Jones sagely noted, “When two elephants fight, only the grass loses.” After a particularly long, and apparently less than fruitful work day, he commented, “I’ve been working in the mine all day, but I’m not coming out with any gold.” Or when I was once trying to explain my position on an issue we disagreed upon, Judge Jones stated, “I’m just trying to ride on your skateboard.” The most commonly heard phrase around chambers, of course, was when Judge Jones would remark, “You can’t make this stuff up!” before excitedly reviewing the novel issues presented by an appeal before the Court.

But most importantly, Judge Jones, a great family man, treated his staff like an extension of his family. When he came into the office, he always did so with a bright smile and a strong handshake or hug. He genuinely cared for the people who worked for him.

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Dedication to Judge Jones

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Judge Jones took us out to lunch to celebrate office birthdays and invited us to his annual summer family barbecue at his home. One day in Albany chambers, when Judge Jones and I had come in early on a Sunday, he offered me homemade codfish fritters while explaining the intricate process of creating a flavorful and well-seasoned batter. He also attended a housewarming my wife and I hosted in our new apartment even though it took him hours to drive into the city. Judge Jones had relatively scant time to review cases and accommodate the various social commitments asked of a Judge of the Court of Appeals, but he was always generous and giving of his time with his staff. Before he left for the day, he would come to each of the clerks, sit down and ask if everything was alright. Judge Jones always inquired about my family—my parents, sister and wife—and then would head home for the evening where he would be warmly welcomed by his.

To those who worked for him, with him, or simply had the pleasure of knowing him, Judge Jones was a singularly unique individual. He was kind, compassionate, thoughtful and wise—characteristics that many would ascribe to the ideal jurist. Indeed, I think it is a remarkable testament to his true character when his secretary once told me that in her nearly thirty years working for Judge Jones, in both his roles as a private practitioner and a Judge, she had never seen him raise his voice in anger. That he would joke or tell stories in chambers should not be understood to mean that he treated his position at the Court with equal levity. Judge Jones approached his job with passion and meticulous care, seeking to strike the appropriate balance of resolving the immediate issues particular to the parties, while also establishing broad policies that would counsel the citizens, attorneys and Judges of the State in future matters. That unceasing effort to strive for justice can be plainly evidenced in a body of legal work that will remain forever memorialized in textbooks and case reporters. Judge Jones' greatness as a person, however, is best measured by the indelible mark he impressed upon everyone he touched with his quiet humility, infectious enthusiasm and boundless generosity.