

## DEDICATION TO CHIEF JUDGE JONATHAN LIPPMAN

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In January 1996, fresh off a clerkship with the Court of Appeals, I took a job as assistant deputy counsel to the newly appointed chief administrative judge, Jonathan Lippman. With the energetic, visionary Chief Judge Judith S. Kaye at the helm of the judiciary, it was an exciting time to work at the Office of Court Administration (OCA). Over the next twelve years, the team of Kaye and Lippman dragged our once antiquated state court system kicking and screaming into the twenty-first century: modernizing the jury system; introducing innovative drug treatment and problem-solving courts; reforming matrimonial practice and procedure; integrating technology into court processes; bringing ADR into the mainstream; expanding access to justice; and on and on.

During this period of intense reform activity, I found myself working in a fast-paced environment under the direction of a human dynamo with a tireless work ethic, brilliant legal mind, encyclopedic knowledge of the courts and highly developed people skills and political instincts. The new chief administrative judge was a demanding boss in the sense that he held his staff to very high standards and challenged and pushed them to do excellent work, to write well and clearly, to think deeply about the problems at hand. With so many competing demands on his time, speaking and writing concisely and effectively were absolute musts when bringing complicated problems and concepts to his attention, and staff members learned to maximize their face time by getting to the point quickly.

No one was more committed or worked harder or cared more about the courts than Jonathan Lippman. He was, with minimal exaggeration, the first person in the building and the last to leave every day. He absolutely loved his job—“moving mountains,” as he termed it—and he went about it with relentless optimism and

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persistence. He exuded a positive energy and enthusiasm that were inspiring and infectious. He made you excited about what you were doing, and made you want to work hard and succeed. A few words of praise from Judge Lippman—“kid, this isn’t good, it’s *great!*”—could energize you for a week.

Judge Lippman was a compassionate and decent boss. I never heard him utter a single harsh or demeaning word toward anyone who worked for him. He was a master at motivating and getting the best out of everyone, at playing to people’s strengths and knowing which people to put in the right situations to succeed. He liked to get closely involved in the implementation of key projects but also knew how to delegate responsibility and empower those he trusted. Over the years, Judge Lippman took a strong personal interest in the careers of talented deputies, guiding several of them to the bench, including two who succeeded to the position of chief administrative judge—Lawrence K. Marks and Ann Pfau.

While Judge Lippman’s days were invariably long and intense, they were also lightened with humor and a good-natured laugh or two directed at the absurdity of certain people or life in general. He was not beyond seeing the humor in his own personal quirks, at how someone so practiced at making tough decisions every single day could struggle so mightily and consistently with the simple question of what to eat for lunch. Inevitably, with midafternoon staring him in the face, it would come down to tuna salad on a scooped-out poppy seed bagel—as we all had predicted hours ago. While he was notoriously single-minded about court business, he could be distracted for a few minutes with talk of his beloved Yankees, a life-long passion going back to his boyhood devotion to Mickey Mantle.

Anyone who worked even briefly for Judge Lippman would marvel at his command of detail. Unlike many executives, he reveled in the details. But one of the qualities that made Jonathan Lippman such a great leader was his ability to balance that incredible capacity for detail with a mind that never stopped thinking strategically or seeing the big picture. He could see the whole battlefield at a glance: all the roadblocks and pitfalls, along with every opening and opportunity. A shrewd judge of people and their motivations, he had an almost unerring sense of timing, of knowing just when and how far to push an issue with any of the countless constituencies connected to the courts.

To be sure, there were some dispiriting days when the mountains would not budge, when only those who rode the elevator down with

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him at the end of the day could know the depth of his frustration and disappointment. But nothing could dampen his optimism for long. Barely twelve hours later, my legal pad would be filled with new plans of action, more names to call, different angles to explore. On those days, and there were many of them, there simply wasn't enough coffee to keep up with him. Most of the time, the mountains did give way, even if only a little, because Jonathan Lippman was the ultimate forger of solutions. With his people skills and his knowledge and credibility within state government and the legal community, he could build bridges and relationships, keep open lines of communication, find common ground and, with few exceptions, forge a solution that worked for everyone concerned.

As the years stretched on and Judge Lippman became the longest tenured chief administrative judge in state history, I was thrilled to see his election as a justice of the supreme court and his appointment as presiding justice of the Appellate Division, First Department. Those of us who worked closely with him knew he had the intellectual capacity and legal acumen to be an exceptional judge so it was not surprising how quickly he made a distinct impact on the appellate courts and law of our state. Within weeks of becoming chief judge he authored the influential majority opinion in *People v. Weaver*,<sup>1</sup> holding that the government generally must meet the requirement of a warrant issued upon probable cause before it can monitor an individual's whereabouts by surreptitiously attaching a GPS tracking device to that person's automobile.<sup>2</sup> Chief Judge Lippman's legal position and reasoning on the Fourth Amendment were soon vindicated by the Supreme Court of the United States in *United States v. Jones*,<sup>3</sup> with Justice Sotomayor quoting extensively from *Weaver* in her concurring opinion.<sup>4</sup> *Weaver* was just one of many high profile cases in which Chief Judge Lippman revealed himself as a pragmatic jurist intent on candidly examining the real world consequences of court rulings.

As the head of the state's judicial branch, Chief Judge Lippman has been a bold leader who moved the courts in new directions and positioned them to directly engage the complex social problems reflected in court dockets. In word and deed, no one has done more to foster equal access to justice nationally by securing increased permanent funding streams for civil legal services, making New

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<sup>1</sup> *People v. Weaver*, 909 N.E.2d 1195 (2009).

<sup>2</sup> *Id.* at 447.

<sup>3</sup> *United States v. Jones*, 132 S. Ct. 945 (2012).

<sup>4</sup> *Id.* at 955 (Sotomayor, J., concurring).

York the first state to require significant law-related pro bono work prior to bar admission, and championing reforms to strengthen the state's indigent criminal defense system. His commitment to addressing the most difficult modern-day problems plaguing our communities was evident in his pioneering creation of human trafficking courts and support for veterans courts and other innovative specialized tribunals.

Chief Judge Lippman has taken a highly visible leadership role on the critical issues of the day, focusing much-needed public attention on wrongful convictions, juvenile justice, grand juries, mortgage foreclosures and many others. Time and again, he has set the stage for important statewide reforms involving the broader justice system. In the process, he has embodied a proactive brand of judicial leadership that will long resonate in New York and beyond. Chief Judge Lippman has shown that the judiciary can and should be an active participant in developing effective solutions to the societal problems that manifest themselves in our courthouses and threaten to weaken the fabric of our society.

For well over four decades, Jonathan Lippman has served the New York courts and the people of this state with a work ethic, energy and passion that can only be described as legendary. Even in September 2015, he exudes the same first-day-on-the-job enthusiasm that I found so infectious and inspiring in January 1996. Day after day, year after year, he has tackled the overwhelming challenges of leading our immensely large and complex state court system with an undying conviction that he can and will make a positive difference. He has been, and always shall be, the "tireless happy warrior of New York's court system."<sup>5</sup>

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<sup>5</sup> John Caher, *An Optimist Survives in a Job With High Burn-out Rate*, N.Y.L.J., Dec. 27, 2000, at 23.