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New York States of Mind

Chief judge, attorney general speak to annual alumni luncheon

Two voices from vastly different ends of the criminal justice system played counterpoint to each other on Jan. 24 at the 1997 Annual New York Alumni Luncheon.

Held in the Union League Club on East 37th Street at Park Avenue, the luncheon brought together many of the dozens of UB Law School graduates from across the state who were attending the New York State Bar Association annual meeting, as well as those living and working in New York City. It was an occasion for renewing old friendships and making new acquaintances, as well as catching up on the state of UB Law as articulated by Dean Barry B. Boyer.

An enthusiastic crowd of attendees heard state Attorney General Dennis C. Vacco '78, fresh from a successful appearance before the U.S. Supreme Court, recount his adventures before the most famous jurists in the land. (See a story on Page 12 of this issue of UB Law Forum.)

Vacco's was one voice from the podium that chilly Friday afternoon. The other was that of the Hon. Judith S. Kaye, chief judge of the New York State Court of Appeals – and through her, a voice from the streets, the voice of a former drug addict whose life was turned around by her experience with one of the state's innovative Drug Courts.

Judge Kaye, the first woman ever named to serve on New York's highest court, was appointed to the Court of Appeals in 1983 and rose to become chief judge in 1993. Among the advances and reforms she has instituted, she has overhauled the state's jury system to make it much more "user-friendly": taken major steps to lift higher the ethical standards for New York’s attorneys; defended judicial independence against political encroachment; imposed reforms on matrimonial practice; and called for a wider use of arbitration and alternative dispute resolution.

It was the human success stories that come out of the state's four Drug Courts, though, that Judge Kaye spoke of at the luncheon. Specifically, she quoted at length a Rochester woman, Diana Wood, whom the judge met at a ceremony marking the one-year anniversary of Wood's "graduation" from Drug Court-imposed treatment.

"The idea behind the drug treatment court," Judge Kaye said, "is this: We know that traditional criminal sanctions don't change the basic behavior of many drug-abusing offenders. We know that they do their time, they go back on the street, and the cycle begins again. By offering strictly supervised treatment to selected non-violent offenders, drug treatment courts seem to break, not merely interrupt, this cycle."

And in the words of Diana Wood: "On Aug. 27, 1995, I got high for the last time. I now have over 16 months clean. ... I was using and drinking from time to time, but I figured I had control over my use. By the time I figured out that the drugs were controlling me, I was at the bottom of an abyss. Drugs had gradually changed me from a law-abiding, productive member of society into a desperate and devious criminal. I was homeless, penniless, malnourished and dirty. My possessions fit inside a shopping bag. I spent every day stealing the money to buy my drugs, and every free minute getting high. I got caught numerous times, but still I couldn't stop. I had no support system and no incentive to stop. Drug Court finally provided me with both.

If it were not for this program, I am certain I would not be alive today. I'm certain my 15-month-old twin boys would not be happy and healthy, with a sober mom who's always there for them. Today I feel better than I've ever felt in my life. As long as I stay drug-free, I will never again stand in any
courtroom charged with a crime. I want to say that I think Drug Court is the best alternative to incarceration, because it fosters human motivation and the will to change, and provides a framework within which that change can take place.

“As lawyers and as judges,” Judge Kaye went on, “we all have an extraordinary opportunity to change the lives of the individuals and the character of society at large. Through cases such as Quill v. Vacco (the physician-assisted suicide case argued by the attorney general), we shape the fundamental principles that mark and determine the civil order.

“But even in the most ordinary cases there is the potential for ingenuity and intervention that will forever change the lives of the particular people involved. This extraordinary opportunity in turn imposes an extraordinary responsibility on each of us to use the best of our abilities as lawyers for the service of our clients and the service of justice.”

New approaches to dealing with lawbreakers, she argues, are crucial to the job of being more effective jurists and more responsive to the community.

“Changing times place changing demands on our judicial system,” said Judge Kaye, who spent 21 years as a private litigator before she was named to the Court of Appeals. “So whether your practice takes you to the awesome corridors of the Supreme Court of the United States or to the distinctly less prestigious hallways of, say, civil court or city court, you play the most vital role in this society and the lives of these people.

“In these days of tremendous cynicism about courts and the legal profession, I wish the public could more often hear messages such as we heard today from the attorney general and from Diana Wood, so that they would better know how proud they should be of the legal system of this state and of this nation.”