

## Remarks of Hon. Judith S. Kaye, Chief Judge of the State of New York NYCLA Annual Dinner – December 13, 2005

### Presentation of the William Nelson Cromwell Award to George Bundy Smith

Thank you Norman Reimer, thank you County Lawyers' Association for the extraordinary privilege of presenting the William Nelson Cromwell Award to our treasured colleague, Senior Associate Judge George Bundy Smith. In making this presentation, I speak on behalf of the entire Court of Appeals --Judges Carmen Ciparick, Albert Rosenblatt, Susan Read, Victoria Graffeo and Robert Smith. Every member of the Court of Appeals is here tonight.

In tendering this privilege to me, Norman, you mentioned that I had the most formidable task of the entire evening--and I agree. It's not that a presenter would have a bit of difficulty communicating that Judge Smith is worthy of this award. Quite the contrary. It's fear of inadequately conveying how very deserving he is, how significant--indeed historic--his contributions have been throughout his lifetime and remain to this very day.

High points of Judge Smith's life are outlined in your program. And a video of his life recently produced by the Judicial Friends has as its theme that George Smith--brilliant, committed, hardworking and humble--"has been the quiet, gentle wind beneath the wings of so many." I want to steal shamelessly from both the program and the video--especially its theme--beginning with Judge Smith's arrival on Planet Earth, which was, by the way, immediately a double blessing. He arrived with a twin.

Judge Smith and his twin sister, District of Columbia Court of Appeals Judge Inez Smith Reid, were born in Louisiana and with their brother Dr. Sidney Smith (a biologist) grew up in segregated Washington, D.C. George Smith's early academic achievements--and he has had dozens more in his lifetime--included a scholarship to Phillips Andover Academy (where he was the only African American in the Class of '55), then a bachelor's degree from Yale University (where there were only three other black students in the entering class of 1,000) and a law degree from the Yale Law School.

Imagine the courage and the drive--let alone the phenomenal ability--it took for him to get into and then through, Andover and Yale. Brilliant, committed, hard-working and humble.

While George Smith was preparing for finals in his second year of law school, William Sloane Coffin telephoned with an invitation to join a select group to take a Freedom Ride from Montgomery, Alabama to Jackson, Mississippi--plainly a risky venture. The first two buses that attempted the trip were stoned and burned. Judge Smith was to be on the third bus. He accepted without hesitation.

When the group arrived in Montgomery, the city was under martial law and needed National Guard protection. After a strategy session with Dr. Martin Luther King Jr. and Reverend Ralph Abernathy, and prior to boarding the bus the next morning, the group stopped for coffee at the lunch counter in the station. Judge Smith remembers receiving a cup of coffee, but never tasting it. He and ten others were arrested, jailed, tried and convicted for breach of peace and unlawful assembly. Indeed, a little Googling can get you George Smith's mug shot--a pretty good likeness to this day, I must say--except that it's missing George's magical, light-up-the-world smile. Ultimately, some years later, the United States Supreme Court reversed those convictions. That got a smile, I'm sure.

I mention Judge Smith's role in these historic events for several reasons. First, given his modesty, humility and utter selflessness, I suspect that much of this audience has never before heard about that part of his life. Second, it seems especially appropriate to tell that story tonight. For so many of us here--starting with County Lawyers' President Norman Reimer--those Freedom Rides, those early days of the civil rights movement, were the source of our inspiration to become lawyers. Judge Smith is indeed the quiet, gentle wind beneath the wings of so many of us.

And finally, I mention this as an early example of his commitment to pursuing, securing and assuring fairness, inclusiveness and equal opportunity for all, a commitment expressed throughout his exceptional career, from his early days with the NAACP Legal Defense Fund, throughout his administration of the Model Cities program, throughout his judicial clerkships, throughout three decades of exemplary judicial service, including 13 absolutely spectacular years as a Judge of the State's highest court.

Yes, brilliance, humility, dedication, commitment--commitment to his church; to his family, most especially his wife Dr. Alene Smith, to his children, George Jr. and Beth Beatrice, and to his family of terrific Law Clerks; commitment to principle, especially the principle that each case before him will be decided fairly and correctly, with no preconceived agenda; commitment to the ideal and the reality of justice for all.

I want to conclude this presentation with just a word about George's constantly amazing work ethic. Talk about hard-working! Judge Smith is the last to leave our courthouse during Session, in the wee hours of the morning. Often, in Albany, we are greeted in the morning by emails and hand deliveries that have arrived from him at 1, 2, or 3 a.m.--except, of course, on days when he commutes between New York City and Albany in the dead of night so that he can teach his Criminal Procedure Law class at Fordham Law School. As the ultimate preparer in every case, he is never without briefs to read--I suspect he's hiding some reading material even here tonight. And he is an "easy mark" when asked to judge yet another law school moot court competition, or advise yet another student journal or bar association, or help yet another youngster in need of guidance.

George Bundy Smith is, indeed, the gentle wind beneath the wings of so many of us. He is "the embodiment of unselfish service to the legal profession and the community." He is therefore the ideal recipient of the William Nelson Cromwell Award, which I am now delighted to present to him.