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A Judge's Judge

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A Judge's Judge

Cover Page Footnote

28-3

A JUDGE'S JUDGE

*Sol Wachtler**

Judge Leon D. Lazer was, quite literally, a judge's judge.

Judge Lazer ascended to the trial bench in 1972, the same year I was privileged to become a Judge on the New York Court of Appeals. In that capacity I had the opportunity of reviewing Judge Lazer's craftsmanship as a jurist. I and the other members of the New York Court of Appeals would know that if the opinion brought to us for review was authored by Leon Lazer, it was a well thought out example of judicial skill and a reflection of remarkable scholarship.

But that is not what earned him his honorific title of "a judge's judge." Before he ascended the bench, I, and all other trial judges, had to struggle with the drafting of charges to the jury. Given the fact that those charges had to articulate the law with accuracy and authority, they required a great effort to draft. All too often that effort was rewarded by an appellate court's admonishment or criticism accompanied by a dreaded "reversed."

It was not until the Association of Justices of the Supreme Court undertook the task of producing a four volume set of model jury charges that the trial bench of this state was able to have a reliable and uniform guide, not only with respect to the language to be used in a charge, but also to the law supporting and giving rise to that language. It was a monumental undertaking and my former colleague, Judge Bernard Meyer, often told me that although he made a contribution to the four volume set, the work would never have been accomplished if it weren't for Leon Lazer's dedication, intellect, and commitment. For thirty years, Judge Lazer chaired the Committee

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formed for that purpose, which consisting of 15 of our leading jurists. This invaluable accomplishment will forever bear his mark and will be notable as one of the most important tools a New York trial judge can have.

I am certain that others who add to this tribute to Judge Lazer, will speak of his chairing the Office of the Appellate Defender, considered one of this State's premier appellate defense organizations for indigent criminal defendant. And they will take note of his remarkable record as a Justice of the Appellate Division on which he served for eight years. When he left that court in 1987, he was its senior member. They will also note his remarkable tenure as a Professor of Law at Touro Law School. But I want to take advantage of this opportunity to speak of another mark of Leon Lazer's character.

When I was Chief Judge I took a particular pride in New York State's Judiciary. We had men and women who diligently pursued the quest for justice, often sacrificing much to remain on the bench. At that time, the political leadership, recognizing the importance of maintaining the integrity of the Judicial Branch, agreed with me that judges of excellence should be retained. It was agreed that if a judge's term of office expired, and they wished to continue serving, a worthy judge would be given bi-partisan endorsement so that they could continue on the bench.

With the advent of a change in political leadership in Nassau County, that arrangement was abandoned. The Republican leader at the time, (he is still the Republican leader) felt that with a decided political advantage, his party could win all of the judicial seats. Judicial service or excellence was not to be a criterion. This meant that several members of the judiciary, who were not able to garner the Republican nomination, would no longer be assured of election. Indeed, given the political landscape at the time, the Republican nomination was essential for re-election.

Leon Lazer, who by then had achieved a status enjoyed by very few jurists in New York State or nationally, was up for re-election. Others faced with certain defeat at the polls, left the bench or sought other governmental appointments. Everyone involved in the process was appalled by the idea that an accepted tradition of keeping good judges on the bench was about to be violated. His many admirers urged Judge Lazer to fight it out and Judge Lazer,

2012]

A JUDGE'S JUDGE

549

with his incredible loyalty to the New York State Courts and strong belief that he had more to contribute, fought a remarkable albeit unsuccessful fight to remain a member of our judiciary. His loss was a loss for New York State and for everyone who believed in the independence of the judicial branch.

It would be difficult for me to express or even to measure the admiration which all the members of the judiciary felt and feel for Leon Lazer. He was the very best of us, and when we honor him we honor the finest example of an excellent jurist.