

NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Speeches

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**PRESENTATION OF THE CORPORATION COUNSEL AWARD
FOR DISTINGUISHED SERVICE TO THE HON. JUDGE PAUL A. CROTTY**

***SPEECH GIVEN BY CORPORATION COUNSEL MICHAEL A. CARDOZO TO LAW DEPARTMENT STAFF
AND ALUMNI AT TAVERN ON THE GREEN RESTAURANT ON SEPT. 19, 2006***

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I couldn't be more pleased to award this honor to one of the office's most distinguished alumni, the Honorable Judge Paul A. Crotty.

Judge Crotty follows in the footsteps of a number of other distinguished Corporation Counsels who have risen to the bench. While [New York University] Professor [William] Nelson's research may prove me wrong, I believe that the first Corporation Counsel to become a judge was James Kent, who in 1798 moved from Corporation Counsel, or rather Recorder – as the office was then called – to State Supreme Court Justice, and then to Chancellor of the State Court of Chancery. In the 20th century, Corporation Counsels who later became judges included Thomas Thacher, Adrian Burke, Charles Tenney and, of course, our beloved Allen Schwartz, under whom many of you served as Assistant Corporation Counsels. [Editor's Note: Prof. Nelson is working on a history of the New York City Law Department.]

I am confident that Paul's judicial career will be as distinguished as the most illustrious of any of these former Corporation Counsels.

Turning to Paul, one could draw a number of different conclusions from his legal career. Let me recite certain items on his resume to illustrate what I mean: Officer in the United States Navy; Law Clerk to a federal judge; associate, and then a partner, at Donovan Leisure; New York City (NYC) Finance Commissioner; NYC Commissioner of Housing Preservation and Development; partner again at Donovan Leisure; Corporation Counsel; Verizon Communications Group President New York and Connecticut; and now a federal District Judge.

Think of it: 10 employers in 40 years. This guy couldn't hold a job!

But a far more accurate description of Paul can be found in the words of two of the great philosophers of the 20th century, [former New York City Mayor] Ed Koch and former Yale Law School Dean Tony Kronman. Given this audience's makeup, I suspect that while some of you would probably disagree on principle with what a Yale Law School Dean and professor might have to say, there would be close to unanimous agreement with the views of Ed Koch. The words that each of them have used are, in my view, a very accurate description of our honoree.

According to Ed Koch, under whom Paul served as both Commissioner of Finance and Housing Preservation and Development (HPD) – “Public service, done honestly and ably, is the highest of all callings.” I would add that this is particularly true for a lawyer. Since almost one-third of Paul's professional life has been devoted to the public sector, I am sure Mayor Koch would agree with me that

our honoree has performed in the highest of callings.

I should add that Paul is not the only member of his family who reflects this great tradition of public service. Paul's father Peter was a key figure in upstate Democratic politics for decades, and was instrumental in helping to secure the presidential nomination of John F. Kennedy. Paul's brother Gerry served as counsel to Governor Cuomo; his niece Theresa, who is with us tonight, served for a number of years as an Assistant Corporation Counsel (ACC) and is now a staff attorney at the Department of Education; and Paul's son John, who unfortunately couldn't be here, is the Executive Vice President of the City's Housing Development Corporation. [Editor's Note: Judge Crotty's daughter, Elizabeth, also served in the Manhattan District Attorney's Office for six years.]

Not only is Paul an exemplar of Mayor Koch's ideal, but he is also an example of what Dean Tony Kronman has called "the Lawyer-Statesman." By that, Kronman meant an attorney who spent much of his or her time in private practice, but frequently moved back and forth into public service. Twentieth century models include [former Secretary of State] Henry Stimson, [former Secretary of State] Dean Acheson, [former presidential advisor] John McCloy and my personal mentor, [former Secretary of State] Cyrus Vance. These were giants of the legal profession, who were leaders of the bar and leaders of their firms, who recognized both their obligation to serve the public and the extraordinary opportunity lawyers in public service have to make this world a better place.

According to Kronman, the lawyer-statesman is "a devoted citizen." Kronman adds, "He cares about the public good and is prepared to sacrifice his own well-being for it, unlike those who use the law merely to advance their private ends. ... He is distinguished, too, by his special talents for discovering where the public good lies and for fashioning those arrangements needed to secure it." ¹

Paul Crotty, I suggest, fits this description precisely. And Paul's career has served as an inspiration to many who aspire to be lawyer-statesmen and women.

Kronman decries the fact that changes in the legal profession have resulted in a sharp decline in the numbers of such lawyer-statesmen. Because of this, he has written, "The profession now stands in danger of losing its soul." ²

Given Paul's outstanding and varied career, which reflects a movement back and forth between the private and public sectors, Paul Crotty is living testament that the profession's soul is not yet lost.

Candor compels me, however, to point out a serious omission from Paul's resume. Specifically, despite frequent attempts, neither he, nor members of his family, seems to be able to get themselves elected to public office. It all started with Paul's politically active father failing in his efforts to be elected Mayor of Buffalo and later State Attorney General. In addition, Jane, Paul's wife, ran unsuccessfully for the City Council. And most significantly, history tells us that in 1973, one Paul Crotty was defeated in a Democratic primary for City Council by a mere five votes – that's right, five votes, 5,137 to 5,132.

Bur rather than concluding from this history that Paul is a loser, as his experience and that of his family's in elective politics might suggest, the important fact is that we should all thank Miriam Friedlander, who in 1973 defeated Paul in that epic primary battle. What a terrible thing it would have been if three people had voted for Paul rather than for Ms. Friedlander in that primary. What a loss to the City, to the Corporation Counsel's Office, and to the federal bench if Paul Crotty had won that election many years ago and went on to become active in elective politics, particularly in the legislative branch! We are all indebted to the 1973 voters for their wisdom.

Paul Crotty is not only a lawyer-statesman, he is also a lawyer's lawyer. By that I mean he not just someone with a fancy title who delegates the hard work and leaves it to others to do the research, write

¹ Kronman, The Lost Lawyer 14 (1993)

² Id at 1.

the briefs, and argue in court. No, Paul Crotty, even when he was the Chief Legal Officer for New York City, entered the trenches, and did the needed heavy lifting.

One story I heard, recalled by many in the Law Department, involved the merger of the police departments of the Transit and Housing Departments with the New York City Police Department (NYPD). Like virtually any major public policy initiative, both then and now, the merger was promptly challenged in court. When Paul learned that a State Supreme Court justice had enjoined the merger, he swung into action. Within hours, he had called the court personally and demanded re-argument; he worked with the ACCs into the early morning hours preparing the needed papers, and personally appeared in court the next day to argue.

In his argument, Paul immediately realized how to take advantage of the way the judge's mind worked. He discerned that the judge allowed argument to go back and forth, with each attorney being allowed to make multiple presentations. The judge had the habit, at the end of each presentation, to say: "You're right." After the arguments had gone this way for some time, Paul rose, offered still another summary of the City's position and then said: "Therefore, the City should prevail and this argument has gone on long enough." The judge gave one last enthusiastic "you're right," ended the argument, reversed himself and allowed the merger to go forward.

From what I hear, from some ACCs who have appeared before Judge Crotty in the Southern District, Paul handles oral arguments somewhat differently.

Paul's active involvement in individual matters went far beyond the police merger case. Stories abound of Paul taking on cases himself and frequently appearing in court, including successfully arguing the Agostini case [involving public school teachers in religious schools] in the U.S. Supreme Court.

After Paul stepped down as Corporation Counsel, he became Verizon Communications Group President New York and Connecticut. In that position, Paul played a major role in helping New York recover from the 9/11 attacks by coordinating Verizon's work in restoring telephone service to the downtown area. Of particular significance to the Law Department is that Paul was incredibly helpful in arranging for telephone service to be restored at 100 Church St. [the office's headquarters]. And he also worked to help revive downtown by serving with distinction on the board of the Lower Manhattan Development Corporation.

While Paul moved back and forth from the public to the private sector, and sometimes into non-legal positions, his first love was always the law. When Paul's nomination came before the Senate, in April of 2005, it was at the height of the controversy then embroiling the country over federal judicial nominations. The Senate's confirmation, by a 95 to 0 vote, was overwhelming evidence that senators from both sides of the aisle saw the clear merit in Paul's appointment.

Paul, will you step up? On behalf of the office that you once so ably headed, it is my honor to present you with the 2006 Corporation Counsel's Award for Distinguished Service.

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