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A TRIBUTE TO THE HONORABLE CARMEN BEAUCHAMP
CIPARICK

*Penelope Andrews**

The end of a remarkable legal career, especially one marked by major changes and challenges, calls both for reflection and celebration. In the case of the Honorable Carmen Beauchamp Ciparick, this special recognition is deserved, and timely.

Appointed initially in 1993 to the New York Court of Appeals by Governor Mario Cuomo, father of current Governor Andrew Cuomo, and reappointed in 2007 by Governor Eliot Spitzer, Judge Ciparick's life of service to the law has spanned five decades. Her service on the Court of Appeals ended this past December.

Judge Ciparick served almost twenty years on the New York Court of Appeals. This court of the great State of New York is one of the most distinguished and influential courts in the country, and has produced some of the nation's most outstanding jurists.

Judge Ciparick has received praise as a fine and compassionate jurist, a wonderful colleague, a valuable and thoughtful mentor, a loving mother and wife, and a dancer. These diverse tributes are a testament to her judicial abilities and her overall humanity.

I first met Judge Ciparick a few months ago, soon after my appointment as President and Dean of Albany Law School. I was on a tour of the Court of Appeals hosted by her colleague and Albany Law School alumna, Judge Victoria Graffeo. I was introduced to Judge Ciparick during the tour. Judge Ciparick had a reputation for being engaging, thoughtful, and warm. These qualities of hers were evident during the tour. The judge's presence and participation helped to make the tour memorable.

This issue of the *Albany Law Review* is dedicated to Judge Ciparick. The several tributes to her service on the Court of Appeals explore the range of legal issues she confronted during her tenure on the court and her contributions to New York jurisprudence in resolving them. Judge Ciparick's retirement

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perhaps provides a useful opportunity for considering not only her legacy on the bench but also any impact women judges might have on developments in the law and the legal profession. For a variety of reasons, Judge Ciparick's role on the New York Court of Appeals provides an excellent starting point for such an analysis.

As only the second woman appointed to the New York Court of Appeals, Judge Ciparick was a pioneer—for women generally, and women of color particularly. Her retirement thus raises a series of general questions about women on the bench, questions such as the following: Do women judges make a difference, and if so, what is the nature of the core of that difference? Why do so few women serve on New York's higher courts? What are the obstacles to the election, appointment and retention of female judges in New York State? Have women judges in the state generated elements of a jurisprudence that are capable of transforming how courts analyze and resolve concerns that tend generally to afflict women?

These are not small or irrelevant matters. Nor are the answers clear or the problems they reveal easily resolved. Now that women serve on most of the courts in the United States, including on the U.S. Supreme Court, we can expect to see more research directed to these and similar issues.

Judge Ciparick is no stranger to the pages of the *Albany Law Review*. Through a cursory review, I have come across two articles about the judge. One is by a former student—now a prominent attorney in Albany—John M. Bagyi, in the inaugural issue of our State Constitutional Commentary: *Carmen Beauchamp Ciparick: The Court of Appeals' Voice of Compassion*.¹

It is, however, the second article I want to emphasize in these brief remarks. It draws conclusions somewhat related to a point I raise here concerning Judge Ciparick's gender as a member of the Court of Appeals. It too was written by one of our former students, Jillian Kasow, and was entitled: *Judge Carmen Beauchamp Ciparick: A Glimpse into the Senior Associate Judge's Judicial Philosophy Through Her Dissents*.²

The article purported to find that “[a]n overwhelming majority of dissents written by Ciparick were joined by Chief Judge Kaye,”³

¹ John M. Bagyi, *Carmen Beauchamp Ciparick: The Court of Appeals' Voice of Compassion*, 59 ALB. L. REV. 1913 (1996).

² Jillian Kasow, *Judge Carmen Beauchamp Ciparick: A Glimpse into the Senior Associate Judge's Judicial Philosophy Through Her Dissents*, 73 ALB. L. REV. 953 (2010).

³ *Id.* at 961.

that “Ciparick would join Kaye in dissent eleven times during the course of their tenure together,”⁴ and that “the [two] judges joined in dissent primarily on issues arising in criminal appeals, municipal employee rights, and municipal disputes on the disbursal of benefits among public and private entities.”⁵

These findings might be deemed as suggesting a difference women make as judges. But whether these findings are singular or parallel, the opinions of women judges who are colleagues on other courts is probably an open question. What is not open to question is that the judiciary in New York has changed from a system which was predominantly white and male to one that strives to represent more fairly the racial and gender diversity of New York State. This of course is an ongoing process. The credibility and legitimacy of the judiciary depend, in no small measure, upon the extent to which it embraces values ascribing to women an equal role in society and reflects, in its composition, the demographics of the wider society, particularly with respect to gender, race, and ethnicity.

Changes in demographics have been quite substantial in New York State. The judiciary reflects, as it must, these changes and underlying principles. Experience has shown, as we would expect, that the judiciary can be staffed with exceptionally qualified lawyers who reflect the demographics and the values of our legal system. It should be with great pride that we in New York State, and in the United States as a whole, can say that the equality and dignity enshrined in the constitutions of both sovereigns are more closely being approximated in the composition of the judiciary.

Judge Ciparick, of course, is much more than an object of study or instruction. In her values, judgments, service, and career, she is a model to emulate and to admire. She has long been acknowledged to be fair and solicitous in her deliberations. The record abounds with examples demonstrating her commitment to insuring that the rights, whether constitutional, common law or statutory in nature, of defendants in criminal trials or of litigants in civil trials, be they injured workers or victims of discrimination, be respected and protected. She embodies these traits, values, dispositions, and attitudes, along with her scholarship in her very being. The tributes to Judge Ciparick in this volume will no doubt highlight and illustrate these attributes in her jurisprudence.

⁴ *Id.*

⁵ *Id.*

Finally, I am pleased to note that my former employer, the City University of New York, in its wisdom, has awarded this year an honorary degree of Doctor of Laws to Judge Ciparick at its commencement ceremony, January 24, 2013, at Hunter College of the City University of New York.