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Remarks, Unveiling of the Portrait of Judge Roger J. Miner '56

Roger J. Miner '56

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LAW SCHOOL HONORS

JUDGE Roger J. Miner '56

By Jim Hellegaard and Michael Roffer '83

Photos by Rick Kopstein

NEW YORK LAW SCHOOL CELEBRATED THE CAREER OF ONE OF ITS MOST ILLUSTRIOUS ALUMNI ON OCTOBER 1, 2003, WHEN IT HOSTED A GALA DINNER AT THE LAW SCHOOL IN HONOR OF JUDGE ROGER J. MINER '56, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. THE EVENT INCLUDED THE UNVEILING OF A PORTRAIT OF JUDGE MINER IN THE ERNST STIEFEL READING ROOM, AND THE SCHOOL'S FORMAL ACCEPTANCE OF THE DONATION OF HIS PAPERS.

DEAN RICHARD A. MATASAR, NOTING JUDGE MINER'S MYRIAD ACCOMPLISHMENTS, THANKED HIM FOR HIS DEDICATED SERVICE TO THE LAW AND THE LEGAL PROFESSION:

"JUDGE MINER HAS CALLED UPON THE MEMBERS OF OUR PROFESSION TO FEEL OBLIGED TO DO MORE THAN JUST SERVE—TO CONSTRUCTIVELY CRITICIZE THE LEGAL SYSTEM AND TO SEE THAT IT IS CONTINUOUSLY IN A STATE OF IMPROVEMENT."

Opposite page, left to right: Dean Matasar and Judge Miner.

JUDGE MINER, WHOSE DISTINGUISHED CAREER EARNED HIM mentions as a possible nominee for the U.S. Supreme Court, graduated *cum laude* from New York Law School, where he was managing editor of the *Law Review*. He was admitted to practice in New York and in the United States Court of Military Appeals. Serving on active military duty from 1956 to 1959, Judge Miner was awarded the Commendation Ribbon with Medal Pendant for his work on the revision of the *Manual for Courts-Martial*. Judge Miner later served with the Army Reserve and was discharged in 1964 with the rank of captain in the Judge Advocate General's Corps.

Several years prior to his discharge, Judge Miner joined his father, Abram Miner '26, in private practice in Hudson, New York. Within a few years, he was named corporation counsel for the City of Hudson and later served as the assistant district attorney for Columbia County. From 1968 to 1975, he was the Columbia County district attorney.

In 1976, Judge Miner was elected a Supreme Court Justice for New York's Third Judicial District. President Ronald Reagan appointed him to the United States District Court for the Northern District of New York in 1981 and to the United States Court of Appeals for the Second Circuit in 1985. Judge Miner assumed senior status in the Second Circuit in 1997.

A prodigious writer, Judge Miner has authored more than 600 published opinions. He has sat on Second Circuit panels in almost 1,900 matters. Apart from his work on the bench, Judge Miner has taught at New York Law School and Albany Law School, has published more than 30 articles in law reviews, law journals and other legal periodicals, and has been the recipient of many professional and civic awards.

Arthur N. Abbey '59, chairman of New York Law School's Board of Trustees, officiated at the unveiling of the portrait of Judge Miner, which was underwritten by 31 of the judge's former law clerks. Two of those former clerks, Daniel W. Isaacs '91 and New York Law School Government Resources and Reference Librarian Michael H. Roffer '83, shared their accounts of working with Judge Miner.

Isaacs recalled his days as a clerk for Judge Miner with a joke: "I thought about something that you have always said to me throughout the years: That although I am a man of many talents, the law is not one of them." Referring to Judge Miner's donation of his papers, Isaacs concluded: "I respectfully submit that Your Honor's legacy is not found just in the papers and memorabilia that you have generously donated this evening, but can be found in the generations of lawyers to whom you have imparted your love for the law in pursuit of justice."

Roffer spoke to the assembled guests on the broad impact of Judge Miner's decisions over his many years on the bench. He said a major theme of Judge Miner's work is responsibility: "Do what you're supposed to do, ask what you should ask, say what you should say."

"The judge loves to tell the story of the jury foreperson called upon to deliver a verdict of guilt or innocence in a criminal case who reports: 'Your Honor, we have decided that we don't want to get involved,'" Roffer said. "For Judge Miner, not getting involved is simply not an option."

The essence of Judge Miner's decisions, he said, "can be distilled to certain elemental concepts—concepts like fairness and equity, dignity and respect, and something as simple as right and wrong. His decisions elucidate some of the most fundamental—and troublesome—areas of human existence: from questions about government involvement in religion to, quite literally, questions of life and death."

"In one of his more well-known decisions," Roffer continued, "the judge struck down as unconstitutional New York's statutory



Judge Miner and his law clerks.



Left to right: Susan Lerner Roffer, Michael Roffer '83, Judge Miner.



Top row, left to right: Ralph Carmichael '88, Robin Miner, Mark Miner, Larry Miner, Dorothy McMillan, Ronald Carmichael. Bottom row: Jackie Miner, Judge Miner.

"I would not want the message to be, 'Look, here is a picture of a graduate who made it to the United States Court of Appeals and made the short list for the U.S. Supreme Court.' Rather, the message must be that all careers in the legal profession are open to you students here and your education at this school is an important first step."

—Judge Miner at the unveiling of his portrait

prohibition against physician-assisted suicide." (The U.S. Supreme Court ultimately reversed that decision.)

Many of the judge's decisions have been the subject of headlines and editorials, Roffer said, making special note of a 1984 editorial in *The New York Times*, which applauded what it referred to as "Judge Miner's welcome rebuke of [right-to-life attorney A. Lawrence Washburn]" after Judge Miner imposed sanctions on Washburn in the controversial case involving Baby Jane Doe.

At about that time, Judge Miner began to be mentioned in the media as being on the short list for the U.S. Supreme Court. A 1989 Associated Press article reported that in a survey before the 1988 presidential election, 40 court observers named Judge Miner one of 10 likely Supreme Court choices by President George H.W. Bush.

Professor and Dean Emeritus James F. Simon presided over the dedication of Judge Miner's papers. Calling Judge Miner a "dear friend and mentor," Simon discussed some of the important cases the judge has been involved with. "If you look at Judge Miner's opinions, you see, I think, all of the attributes of a great judge," Simon said. "You see his courage, the clarity of his thought, his wit, his wisdom."

As the reception drew to a close, Dean Matasar turned the podium over to Judge Miner for what he called a chance for "rebuttal." Recalling his long relationship with New York Law School, Judge Miner said that his first knowledge of the school came from a gold key his mother wore with the Law School's seal on one side and his father's initials on the other. His father, Abram, a Polish immigrant, had given the key to his mother as an engagement gift in lieu of a ring, which he was unable to afford at the time. Three decades later, when Judge Miner came to the Law School, he knew he was in the right place, he said, "from the time he walked in the door." The family tradition continued as his stepson, Ralph Carmichael, graduated from the Law School in 1988.

Judge Miner urged his fellow alumni to take pride in the school and support it in any way they can. He said he hoped that his portrait in the Reading Room would serve to remind students of the quality of their legal education and their potential for achievement as graduates of the Law School.

He concluded, "From my point of view, may this portrait be dedicated to a single proposition: That all things are open to all who enter here." ■



Left to right: Arthur Bernstein '56, Anita Bernstein, Judge Miner.



Left to right: Judge Miner, Jackie Miner, Suzanne Mados.



Left to right: Gabriel Seymour, Judge Miner, Virginia Allan.