



# HISTORICAL SOCIETY *of the* NEW YORK COURTS

## History of Erie County

### Bench and Bar



Eugene M. Fahey

# **The Historical Society of the New York Courts**

## **Erie County Legal History**

Hon. Eugene M. Fahey<sup>1</sup>  
New York State Court of Appeals

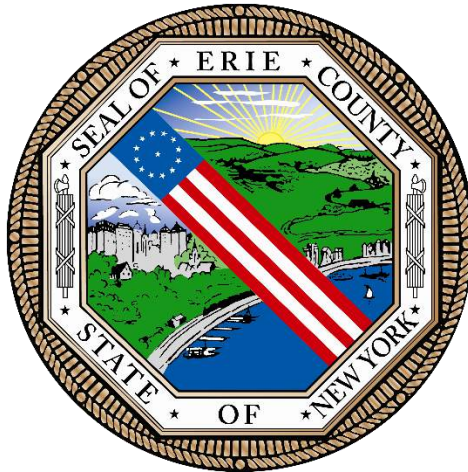
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## I. County Origins



Erie County Seal

### a. General Narrative

Erie County was formed in 1812, on land between Tonawanda Creek and Cattaraugus Creek that was taken from the now-adjacent Niagara County. The land that now forms Erie County initially was settled by Iroquoian Native Americans, including the Wenro, Seneca, and Erie tribes.

The European-American settlement of what now is Erie County began in approximately 1800, when the Holland Land Company purchased the land consisting of the eight western-most counties of New York, including what now is Erie County. By 1810, the Town of Buffalo was formed at the intersection of Lake Erie and the Niagara River.

During the War of 1812, British soldiers crossed the Niagara River from Canada and burned the Black Rock (which neighbored Buffalo) and all but a handful of buildings in Buffalo. Within days, however, Buffalo began to rebuild. By 1825, the city had been chosen as the western terminus of the Erie Canal, which provided a water link between

New York City and the eastern seaboard of the United States with the western interior of the country.

The surge in commerce in and around Erie County led to a growth in population. Buffalo incorporated as a city in 1832. At that point, Erie County consisted of the city and 12 towns.

The municipalities grew exponentially in the years following the opening of the Erie Canal. The population of the City of Buffalo doubled between 1845 and 1855, fueled in significant part by Irish and German immigrants who found work in the growing transportation industry.

Indeed, by then, Buffalo and Erie County were developing a burgeoning physical and nominal railroad industry. Before the Civil War, Buffalo became a significant hub for rail transportation. The area's proximity to an international border also allowed it to become a home to fugitive slaves, who stopped short of crossing the Niagara River into Canada for freedom.

At approximately the same time, Erie County also flexed political might. In 1848, Millard Fillmore, an attorney from the distant Buffalo suburb of East Aurora and a former member of the United States House of Representatives, was elected Vice President of the United States. Approximately two years later, when President Zachary Taylor died, Fillmore was elevated to the presidency, where he helped steer the Compromise of 1850 to passage and (briefly) relieved the tension within the union.

Interestingly, President Fillmore eventually returned to Buffalo following his presidency, where he hosted President-Elect Abraham Lincoln on Lincoln's Inaugural Tour in February 1861. President Fillmore and President-Elect Lincoln attended a

service at the First Unitarian Church at West Eagle and Franklin Streets before dining at President Fillmore's Niagara Square home. Ironically -- and sadly -- decades later Niagara Square would become home to the McKinley Monument, which commemorates the assassination of President William McKinley in Buffalo in 1901.



Photo of First Unitarian Church today  
(source: <https://www.nps.gov/liho/buffalo-inaugural-journey.htm>)



Plaque commemorating President-elect Abraham Lincoln's visit to the First Unitarian Church on Franklin St.





President William McKinley Monument and Buffalo City Hall in Niagara Square, Buffalo

In any event, by the time of President-Elect Lincoln's visit to Buffalo, politics had drastically changed in the United States as the country approached what would become its Civil War. All of Erie County responded to the Civil War, but in different ways. In 1861, the unincorporated Hamlet of Town Line, which is located in the Town of Lancaster, joined the Confederate States of America. That action, although not formally recognized by either the Union or the Confederate States, was not rescinded until January 1946, when residents held a ceremonial vote to rescind secession. On balance, however, the county heartily supported Union efforts inasmuch as it mustered a significant number of infantry, mounted rifle, cavalry, engineering, and artillery regiments for the Union army.

In the decades that followed the Civil War, Erie County evolved in both old and new ways. In 1884, Erie County again sent a resident to the White House. Grover Cleveland -- who had served as an assistant Erie County District Attorney, Sheriff of Erie County, Mayor of Buffalo, and Governor of New York State -- was elected President of the United States. In that office, Cleveland shunned the spoils system. He

created the civil service system, emphasizing appointment on the basis of merit.

President Cleveland also became only the second president to wed while in office inasmuch as he married 21-year-old Frances Folsom in 1886. President Cleveland and Folsom had five children, including a daughter (Ruth) who allegedly inspired the Baby Ruth candy bar.

President Cleveland lost his bid for reelection (to Benjamin Harrison) in 1888. As she left the White House, Frances Folsom Cleveland instructed a staff member to care well for the furniture because the Clevelands would “com[e] back four years from [that day].” Frances was correct; in 1892, Cleveland again won the presidency and became the only president to serve non-consecutive terms.

During the same period, Erie County also evolved in new ways. By 1900, local industry benefitted from hydroelectric power generated from the adjacent Niagara River. That abundance of power gave rise to Buffalo’s nickname as the City of Light and placed Erie County on the world stage, as Buffalo hosted the Pan-American Exposition in 1901. By then, Buffalo was the eight-largest city in the United States, and it was easily accessible by rail to over 40 million people.

Among those who visited Buffalo for the Pan-American exposition was President William McKinley. During that visit, President McKinley was shot by an anarchist, Leon Czolgosz. Eight days later, President McKinley died as a result of gangrene caused by the bullet wounds.

Ironically, although Buffalo was known as the City of Light, it may have been a confluence of electricity and technology that failed the doctors who treated the wounded President. The operating room at the hospital at which the President was treated did



not have any electric lighting, which forced doctors to reflect sunlight onto the operating table on which they treated the President. Moreover, although nascent x-ray technology was displayed at the exposition, the treating physicians declined to use that technology to search for projectiles lodged within the President's body for fear of the unknown side effects of that science.

**b. Legal beginnings**

Following the death of President McKinley, Erie County became one of the few places in the United States to host what today is perhaps the greatest accomplishment of liberty -- the peaceful transition of presidential power. President Theodore Roosevelt took the oath of office before approximately 50 dignitaries, family members, and cabinet officials in the Ansley Wilcox House in Buffalo.

That undoubtedly is the most notable legal moment in the history of Erie County. By the time of the inauguration, however, a more modest but strong foundation of governance had been established in the County.

The first New York State Constitution allowed for the continuation of the English statutory and common law. It was not until 1788 that the English statutory law became void, but all English common law was still valid until 1821. The State's second Constitution, enacted in 1821, only voided English common law that the state "altered or repealed or found unconstitutional."

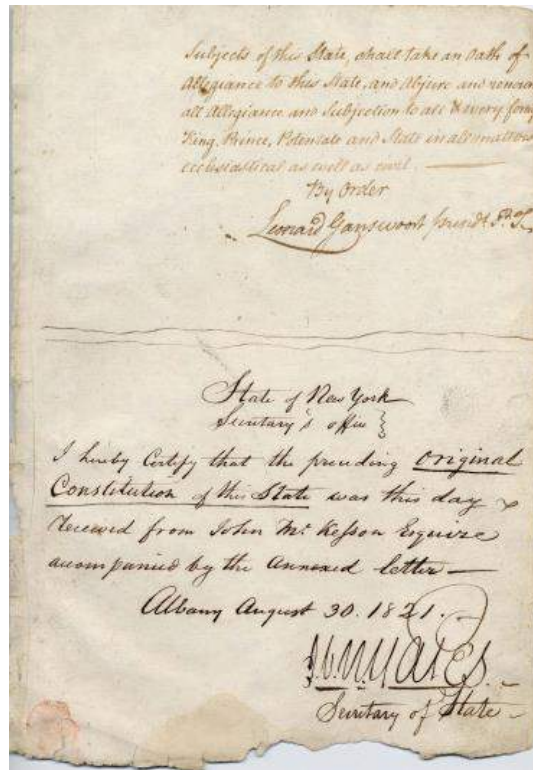


Image of 1777 New York State Constitution  
(source: [http://www.nycourts.gov/history/legal-history-new-york/documents/Publications\\_1777-NY-Constitution-Original.pdf](http://www.nycourts.gov/history/legal-history-new-york/documents/Publications_1777-NY-Constitution-Original.pdf))

With the second State Constitution, the state legislature created Erie County on April 2, 1821. In parsing parts of Niagara County to form the new county, Erie County retained more than half the area, two-thirds of the population, county records, and most of the county offices. It also named the City of Buffalo as the county seat. In its early years, Erie County included the City of Buffalo, and the towns of Amherst, Aurora, Boston, Clarence, Collins, Concord, Eden, Evans, Hamburg, Holland, Sardinia, and Wales.

The 1821 State Constitution also vested legislative power in a senate and an assembly, which consisted of 32 and 128 members, respectively. That constitution also established eight state senate districts, and Erie County became part of the 8<sup>th</sup> Senate District. The chief executive position of the county was held by that district's senator.



1821 Map of Erie County

### c. Timeline

- |                       |   |
|-----------------------|---|
| <b>1777</b>           | The first New York State Constitution is created.   |
| <b>1800 (approx.)</b> | The first European-American settlement of what now is Erie County was formed.   |
| <b>1806-1809</b>      | Erie County's first courthouse is erected on North Onondaga Street in what now is Downtown Buffalo.   |
| <b>1810</b>           | The Town of Buffalo is formed.  |
| <b>1813</b>           | British soldiers cross the Niagara River from Canada and burn Buffalo and Black Rock.   |
| <b>1817</b>           | The new county courthouse is finished (at the present-day central branch location of the Buffalo and Erie County Public Library at Lafayette Square). |
| <b>1821</b>           | The second New York State Constitution is adopted; the legislature creates Erie County.   |
| <b>1825</b>           | The three Thayer brothers are convicted of robbery and murder in the first notable trial in Erie County.  |
| <b>1825</b>           | Buffalo is established as the western terminus of the Erie Canal.   |
| <b>1832</b>           | Buffalo is incorporated as a city.  |
| <b>1836</b>           | The "Builder of Buffalo," Benjamin Rathbun, is arrested for forgery and held in the very jail he had built.   |

<b>1840s</b>	Erie County builds an additional courthouse.
<b>1846-1874</b>	Millard Fillmore serves as the first Chancellor of the University of Buffalo.
<b>1848</b>	Millard Fillmore is elected Vice President of the United States.
<b>1850</b>	President Zachary Taylor dies unexpectedly, and Vice President Millard Fillmore assumes the presidency.
<b>1865-1881</b>	Grover Cleveland begins his political career in Buffalo.
<b>1861</b>	Millard Fillmore hosts President-Elect Abraham Lincoln in Buffalo during Lincoln's Inaugural Tour.
<b>1867</b>	The Angola Horror train crash occurs.
<b>1870s</b>	H.H. Richardson completes the Buffalo State Asylum for the Insane, now known as the Richardson Olmsted Campus in Buffalo
<b>1876</b>	Erie County courts move to the new City and County Hall at 92 Franklin St.
<b>1881</b>	Grover Cleveland is elected Mayor of Buffalo.
<b>1882</b>	Grover Cleveland is elected Governor of New York State.
<b>1884</b>	Grover Cleveland is elected President of the United States.
<b>1887</b>	The Bar Association of Erie County is founded.
<b>1887</b>	The University at Buffalo School of Law opens.
<b>1892</b>	Grover Cleveland again wins the presidency, becoming the only president to serve non-consecutive terms.
<b>1896</b>	The Guaranty Building (also known as the Prudential Building) is erected in Buffalo.
<b>1899</b>	The University at Buffalo School of Law graduates its first female students, Helen Z. M. Rodgers and Cecilia Bertha Wiener.
<b>1901</b>	Helen Z. M. Rodgers became the first woman to argue before the New York Court of Appeals.

<b>1901</b>	The Pan-American Exposition is held in Buffalo. President William McKinley is assassinated at the Pan-American Exposition. Vice President Theodore Roosevelt takes the oath of office at the Ansley Wilcox House in Buffalo. In the most famous trial to occur in the City and County Hall, President McKinley's assassin, Leon Czolgosz, is convicted and sentenced to death. Czolgosz becomes one of the first people executed through the use of the electric chair in the country.
<b>1905</b>	Frank Lloyd Wright's Darwin D. Martin House is completed in Buffalo.
<b>1917</b>	Future United States Supreme Court Justice Robert H. Jackson is recruited by the Buffalo law firm Penney, Killeen & Nye.
<b>1920s-1930s</b>	Art Deco is a prominent architectural style, featured in many Erie County buildings.
<b>1929</b>	The City of Buffalo builds a new City Hall in Niagara Square.
<b>1931</b>	Erie County mobster "Big Korney" is convicted of perjury.
<b>1936</b>	Erie County expands its courthouse.
<b>1938</b>	Winifred C. Stanley became the first woman in the state to be named an assistant district attorney.
<b>1941</b>	Robert H. Jackson is appointed to the United States Supreme Court.
<b>1945</b>	Justice Jackson serves as chief prosecutor in the Nuremburg Trials
<b>1947</b>	Charles B. Sears serves as the presiding judge for the Military Tribunal IV of the Nuremburg Trials, known as "The Flick Case."
<b>1948</b>	Buffalo native Carol McCormick Crosswell Smith becomes the first female attorney on the United Nations legal staff.
<b>1952</b>	Madge Taggart becomes the first female to become Buffalo City Court Judge. In <b>1962</b> , Taggart becomes the first female to become Erie County Family Court Judge.
<b>1961</b>	Rose LaMendola and Clara Taylor form the first all-female law practice in Buffalo, Taylor and LaMendola.

- 1971** Ann Mikoll becomes the first woman outside of New York City to be elected to the New York State Supreme Court
- 1974** Rose LaMendola becomes the first female Erie County Court Judge. Maryann Saccomando Freedman becomes the first female president of the following organizations: the New York Bar Foundation in **1974**, the Bar Association of Erie County in **1981**, and the New York State Bar Association in **1987**.
- 1977** Ann Mikoll and M. Dolores Denman become the first two women appointed to the Appellate Division in New York State.
- 1978** President Jimmy Carter announces a federal health emergency at the Love Canal in Niagara Falls, New York.
- 1978** Justice Samuel L. Green becomes the first African-American elected to a state judgeship.
- 1980** CERCLA (better known as the Superfund Act) is enacted, and Love Canal was the first site on the list
- 1982** “The .22 Caliber Killer,” Joseph G. Christopher, is convicted of three murders.
- 1983** Justice Samuel L. Green becomes the first African-American appointed to the Appellate Division bench.
- 1993** Rose Sconiers becomes the first African-American woman elected to the State Supreme Court bench in the Eighth Judicial District and is re-elected in **2007**. In **2010**, Justice Sconiers becomes the first African-American woman to join the Appellate Division, Fourth Department bench.
- 1999** Erie County beings a \$52 million capital improvement project, which would include renovations of the existing county buildings, as well as a new seven-story courthouse.
- 2003** James Kopp is convicted of the murder of Dr. Barnett Slepian. In **2007**, Kopp is convicted in federal court of violating the Freedom of Access to Clinic Entrances Act.
- 2005** Buffalo native John Roberts is appointed as Chief Justice of the United States Supreme Court.
- 2007** “The Bike Path Rapist,” Altemio Sanchez, is convicted of the strangulation murders of three women.



- 2009** Flight 3407 crashed in Clarence, New York.
- 2009** Shirley Troutman becomes the second African-American woman elected to the State Supreme Court bench in the Eighth Judicial District. In **2016**, Justice Troutman becomes one of the first African-American women to join the Appellate Division bench.
- 2011** The Robert H. Jackson Federal Courthouse opened in Niagara Square in Buffalo.
- 2011** New York becomes the largest state to allow same-sex couples to marry with the enactment of the Marriage Equality Act

## **II. County Courthouses (Past to Present) and Architecture**

### **a. Courthouses**

Erie County's first courthouse was erected between 1806 and 1809 by the Holland Land Company on North Onondaga Street in Buffalo. It later was destroyed by fire from British forces in 1813, leaving only the jail standing.

Court proceedings then were (briefly) held at John Brunson's Tavern on Main Street. In 1817, the new county courthouse was finished, located at the present-day central branch location of the Buffalo and Erie County Public Library at Lafayette Square in Buffalo.

At the time, the new courthouse was considered one of the finest buildings in the country; as one of the tallest structures in the county, attracting tourists to its views of the Niagara River. It served as the only courthouse in Erie County for many years and would have been visited by Millard Fillmore during his time in practice in Erie County. In the late 1840s, Erie County build an additional courthouse nearby. Both buildings were later razed to make way for the Public Library.

In 1876, the courts moved from the Lafayette Square location to the new City and County Hall on Franklin Street in downtown Buffalo. Andrew J. Warner designed this building under the tutelage of the renowned architect Henry Hobbs Richardson. Grover Cleveland, during his time as Mayor of the City of Buffalo, had his office in the building. To this day, the office remains in the same condition and state as during Mayor Cleveland's tenure. The most famous trial to occur in the building was that of Leon Czolgosz, who had assassinated President McKinley during the 1901 Pan American

Exposition. Upon the President's death, his body would later lay in state in the City and County Hall building.



Old County Hall at 92 Franklin Street  
(source: <http://www.buffaloah.com/a/niagSq/65/hist.html>)



Grover Cleveland's Office in Old County Hall  
(Source: Joe DeAntonis and Erie County Surrogate's Court)



Old County Hall, where President McKinley lay in state  
(Source: Daniel Milligan)

In 1929, the needs of the City and County outgrew the building, so Erie County took over the building and the City of Buffalo built a new City Hall in Niagara Square. The County expanded the courthouse in 1936 and later built an annex in 1963. In 1999, Erie County began a \$52 million project which would include renovations of the existing buildings, as well as a new seven-story courthouse.

With respect to the federal courts, the modern Robert H. Jackson Federal Courthouse was opened in 2011 and houses the United States District Court for the Western District of New York in a building that occupies a full block of Delaware Avenue in Niagara Square, Downtown Buffalo. The Jackson Courthouse replaced the Michael J. Dillon Courthouse as the federal courthouse for the Western District of New York. The Jackson Courthouse has 10 floors, 264,000 square feet, and is as tall as an 18-story building.

Glass panels surround the entirety of the exterior of the building, and the panels facing Niagara Square have the entire United States Constitution etched into their glass. The southwest side of the building has a glass enclosure, meant to conjure an image

similar to that of a glowing lantern. The enclosure features colored glass panels designed by Robert Mangold, a Western New York native who is an internationally renowned artist in the geometric abstraction movement. The building is named in honor of Justice Robert H. Jackson, a great United States Supreme Court Justice originally from Western New York.



Robert H. Jackson Federal Courthouse



Robert H. Jackson Federal Courthouse, colored glass panels designed by Robert Mangold





United States Constitution etched in exterior glass of Robert H. Jackson Federal Courthouse

## **b. Architecture**

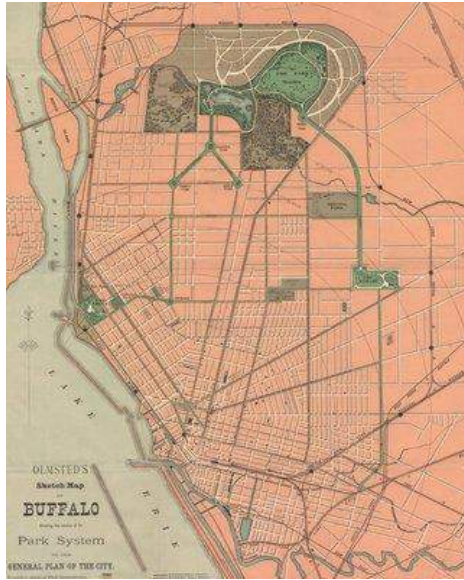
Mention of Erie County's courthouses -- at least one of which is a fine example of American architecture -- necessarily requires brief reference to Buffalo and Erie County's rich architectural designs. Henry H. Richardson was the chief architect on the Buffalo State Asylum for the Insane, built in the 1870s. Built in a revised Romanesque Revival design, the architecture incorporated functionality and native materials as the exterior is New York State sandstone.





Aerial view of Richardson Olmsted Campus today

The Asylum's surrounding groups were planned by Frederick Law Olmsted, considered the father of American landscape architecture. Olmsted, known primarily for his design of New York City's Central Park, Golden Gate Park in San Francisco, and the Biltmore Estate in North Carolina, planned Buffalo's iconic connecting parkway system. The system consists of six large parks connected by parkways and circles -- Delaware Park, Front Park, Martin Luther King Jr. Park (formerly known as The Parade and later as Humboldt Park), South Park, Cazenovia Park, and Riverside Park. The park system is recognized in the National Register of Historic Places. Olmsted once wrote in a letter that Buffalo is "the best planned city, as to its streets, public places and grounds in the United States, if not the world."



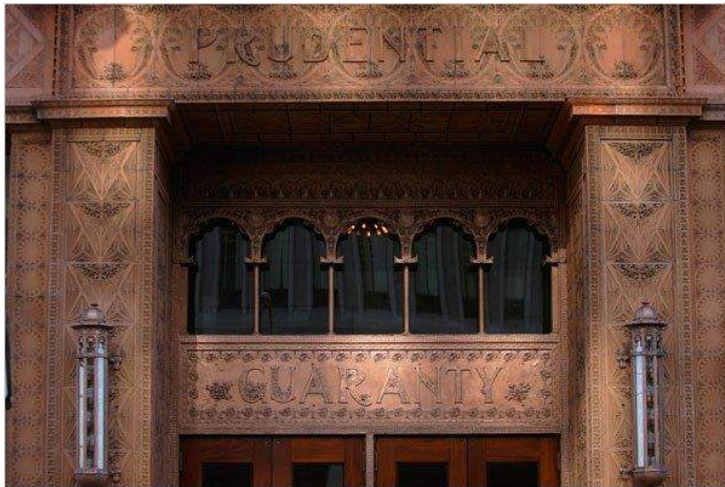
Olmsted Park System in Buffalo, NY  
(Source: <http://www.pbs.org/wned/frederick-law-olmsted/learn-more/olmsteds-buffalo-park-system-and-its-stewards/>)

The aforementioned County Hall building at 92 Franklin Street in Buffalo (which, now, locally is referred to as “Old County Hall” and which houses various trial part judges) remains the most outstanding example of High Victorian Gothic Revival architecture in the area. The building was designed in 1876 by architect Andrew J. Warner, who also served as the supervising architect for Henry H. Richardson's Buffalo Psychiatric Center (discussed above). The Hall has a monochromatic symmetry and is indicative of the Gilded Age style.

Other notable architectural designs in Erie County include the Daniel Burnham-designed Ellicott Square Building (at the time, the largest commercial office building in the world); the Buffalo Saving Bank's dome, which consists of 140,000 sheets of gold leaf; the Electric Tower, which was inspired by the 1901 World's Fair Tower of Light; St. Paul's Cathedral designed by Richard Upjohn; and the Old Post Office.

Notable architecture is the product of talented architects. In that vein Erie County boasts work of, among others, Louis Sullivan, who is known as the "father of the skyscraper" and who is an important figure in American architectural history. One of

Sullivan's best known designs is the Guaranty Building (also known as the Prudential Building), which was erected in Buffalo in 1896. The 13-story building, influenced by the Art Nouveau style, has beautiful terra cotta panels, geometric details, and a fresh take on classical columns. The building is now home to the Hodgson Russ law firm, which can trace its roots back to the partnerships between Millard Fillmore, Joseph Clary, and Asa Rice.



Louis Sullivan's Guaranty Building  
(Source: <http://www.hodgsonruss.com/>;  
[http://www.nytimes.com/slideshow/2008/11/16/arts/20081116\\_OURO\\_SLIDESHOW\\_5.html](http://www.nytimes.com/slideshow/2008/11/16/arts/20081116_OURO_SLIDESHOW_5.html))



Finally, one of America's most adored and prolific architects, Frank Lloyd Wright, left an indelible mark on Western New York. Some of his works in the area include the Larkin Administration Building, the Walter V. Davidson House, and the Darwin D. Martin House. The Martin House was commissioned by Darwin Martin, a top executive at the local Larkin soap conglomerate. The home was one of his first large projects in the Northeast and was made in his distinctive Prairie School design, casement windows, and decorative motifs. Wright hoped to blend indoor space with the outdoors with his designs and this can be found in the layout of the Martin House. His legacy in Buffalo continues to this day, with his almost-century old designs finally being built with the Frank Lloyd Wright Boathouse, the Blue Sky Mausoleum, and the Wright Filling Station in the Larkinville neighborhood.



Frank Lloyd Wright's Darwin D. Martin House

(Source: <https://www.usatoday.com/story/travel/destinations/2017/07/28/buffalo-architecture/517033001/>)

An area in Downtown Buffalo known for its distinctive Art Deco-style architecture is also home to the court buildings and much of the legal community in the area. Art Deco was the prevalent architectural style in the 1920s and 1930s, flaunts bold geometric patterns, bright colors, and ornate designs. The city's preeminent examples

of this style include Buffalo City Hall, the Rand Building, the Industrial Bank Building, the former Michael Dillon Federal Courthouse, the Walter J. Mahoney State Office Building, and the lobby of the Hotel Lafayette.

### **III. The Bench and the Bar**

#### **a. Judges**

##### **i. Judges of the Court of Appeals**

###### Henry Ebenezer Davies:

Henry Ebenezer Davies was born in 1805 in Black Lake, St. Lawrence County, New York, and he can trace his ancestry back to John Davies, who settled in Litchfield, Connecticut in 1735. At the age of 14, Davies began to study law with Alfred Conkling in Canandaigua, New York, before beginning his legal career in Buffalo in 1826. After his election to City Attorney, he began what would be a lifelong friendship with future President Millard Fillmore. Davies served as Fillmore's confidential advisor during his term in office, and afterwards, the two traveled through Europe together.

In 1855, Davies was elected to the New York State Supreme Court, and in 1859, to the Court of Appeals. He served as Chief Judge from 1866 until 1867. Once retired from the bench, Chief Judge Davies returned to private practice in New York City and also served as the Dean of the Law School of the City of New York (now known as New York University) from 1870 until his death in 1881.

###### Albert Haight:

Albert Haight was born in 1842 in Ellicottville, New York, a village outside of Buffalo now known as a ski-getaway. At the age of 20, Haight moved to Buffalo and began his law studies first at the office of Sawin & Lockwood, and later with Edward Stevens.

In 1873, Haight became the youngest man to serve as Judge of the Erie County Court. Just four years later, Haight became a Justice of the New York Supreme Court.



In 1884, then-Governor Grover Cleveland appointed Haight as an Associate Justice of the General Term, Fifth Department. Justice Haight unsuccessfully ran for the New York Court of Appeals in 1889, then won election after his second run in 1894. Judge Haight served on the Court until his retirement from the bench in 1912. To this day, his length of service as a jurist (39) years has been exceeded in Erie County by only one judge -- Hon. James B. Kane, who served for 40 years.

Judge Haight continued serving as an official judicial referee until his death at age 84, possibly holding the record for length of continuous service for any judge throughout New York State.

Judge Haight was also an active member of the Erie County Bar Association, the New York State Bar Association, the Buffalo Club, and the Lawyers' Club. He passed away in 1926, and he is buried in Forest Lawn Cemetery in Buffalo.

#### William E. Werner:

William E. Werner was born in Buffalo in 1855, where he attended night school at Bryant & Stratton Business College, studying bookkeeping and commercial law. Werner moved to Rochester, and he became Special County Judge in 1884. Werner was elected to the New York State Supreme Court in 1895, and, in 1900, Governor Theodore Roosevelt elevated him to the New York Court of Appeals as one of the first three additional judges under the constitutional amendment of 1899.

Judge Werner's landmark decision in *People v Molineux* (168 NY 264 [1901]), is a staple of New York criminal law to this day. When considering whether prior crimes may be admissible against a defendant, we refer to the "*Molineux* rule" or "*Molineux* jurisprudence." Law students use the mnemonic device, "MIMIC," to remember the

Molineux exceptions authorizing the introduction of prior crimes (Motive, Intent, Absence of Mistake or Accident, Identity, and Common Scheme or Plan). Through his opinion, Judge Werner created an evidence guide that still plays an important role more than 100 years later.

Charles B. Sears:

Charles B. Sears was born in 1870 in Brooklyn, New York. He attended Adelphia Academy before earning an A.B. degree from Yale University, an LL.B. degree from Harvard Law School, and honorary LL.D. degrees from various universities.

Sears practiced in Buffalo until 1917, at which time he was appointed as a justice of the Supreme Court of New York. Sears was assigned to the Appellate Division, Fourth Department, from 1922 until 1931, and he served as presiding justice from 1927 until 1940.

During the year of 1940, then-Presiding Justice Sears was appointed associate judge of the New York Court of Appeals, where he served until his retirement from the Court at the end of that year.

In 1947, Judge Sears served as the presiding judge for the Military Tribunal IV, known as "The Flick Case," one of the 12 Nuremberg trials after World War II. Later in life, Judge Sears was a delegate to two New York State constitutional conventions, was President of the Bar Association of Erie County, and was an active supporter of the University at Buffalo (UB). Judge Sears served as Vice Chairman and member of the Council of UB and received the Chancellor's Medal of the University in 1944. The law library on UB's North Campus was named in his honor. Until his death in 1950, Judge

Sears remained involved in numerous other public service activities in Buffalo and New York State.

Charles S. Desmond:

Charles S. Desmond was born in 1896 in a room above his father's saloon in Buffalo. He attended Canisius High School and Canisius College before serving in the United States Marine Corp during World War I and earning his law degree from the University at Buffalo School of Law in 1920.

Judge Desmond became a pillar of the Western New York legal community. He rose from his private practice in Buffalo to the State Supreme Court in 1940. The next year, Judge Desmond became the second youngest person ever to be elected to the Court of Appeals -- a bench on which he sat for 26 years, including seven as Chief Judge. Judge Desmond retired from the bench in 1966.

During his judicial career, Judge Desmond wrote upwards of 700 court opinions and participated in over 12,000 appeals. He also wrote two books: "Sharp Quillets of the Law (From Decisions of the New York Court of Appeals)" and "Through the Courtroom Window," along with many contributions to legal journals.

Judge Desmond was not one to treat his retirement as a vacation. He was elected to the State Constitutional Convention in 1967. He continued to teach at Cornell Law School, lecture at the University at Buffalo School of Law, and teach a summer seminar for appellate judges at New York University. He served in numerous roles, including as co-campaign chairman for Arthur Goldberg (former United States Supreme Court Justice) in his run for Governor, as Chairman of the Canisius College Board of Trustees, as a member of the Board of Editors of the New York Law Journal, and as an

arbitrator in labor disputes. He received 13 honorary degrees and was honored for his service by many institutions. The University at Buffalo moot court competition now bears his name.

Matthew J. Jasen:

Matthew J. Jasen was born in Buffalo in 1915 to Polish immigrant parents. He attended Canisius College and the University at Buffalo School of Law before serving as a Military Government Officer in the Army during World War II. At age 31, he was appointed judge in the newly-established United States Military Government Court at Heidelberg, Germany. At the time, he was the youngest judge in the military government in Germany. While in Germany, Jasen met Supreme Court Justice Robert H. Jackson, who had worked in Buffalo. Jackson invited Jasen to watch part of the Nuremburg trials, for which Jackson was serving as chief prosecutor.

Upon his return to Buffalo in 1948, Jasen engaged in private practice until his appointment to the New York State Supreme Court in 1957, which was followed by a successful election to a full term on that bench the next year. Ten years later, Jasen was elected to the New York State Court of Appeals, where he served as a leader of the Court, producing concise and important opinions, for 18 years. In fact, two of Judge Jasen's dissenting opinions became the basis for the United State Supreme Court's reversal of determinations of the Court of Appeals (see *People v Ferber*, 52 NY2d 674 [1981], *revd* 102 S Ct 3348 [1982] and *People v P.J. Video*, 65 NY2d 566 [1985], *revd* 106 S Ct 1610 [1986]).

At the mandatory age of 70, Judge Jasen retired and returned to private practice once more. He also was appointed as Special Master in two United States Supreme

Court cases. Until his death at age 90 in 2006, Judge Jasen could be found working in his office a full 40 hours per week.

Eugene F. Pigott, Jr.:

Eugene F. Pigott, Jr. was born in Rochester, New York in 1946 and graduated from LeMoyne College before serving in Vietnam on active duty in the United States Army from 1968 to 1970. Upon his return from his overseas service, Pigott attended and graduated from the University at Buffalo School of Law.

From 1974 to 1982, Pigott worked with the firm of Offermann, Fallon, Mahoney & Adner until he was appointed Erie County Attorney in 1982. He then returned to private practice as chief trial counsel for the firm of Offermann, Cassano, Pigott & Greco.

Pigott's judicial career began in 1997, when Governor George E. Pataki appointed him to the New York State Supreme Court, followed by an election to a full 14-year term. Just one year after his appointment, then-Justice Pigott was designated to the Appellate Division, Fourth Department, and he was appointed Presiding Justice in 2000. In 2006, then-Presiding Justice Pigott was nominated by Governor Pataki to the Court of Appeals. He later served as Senior Associate Judge until he reached the age of 70, at which point Judge Pigott retired from Court. His desire to serve on the bench remains, as he currently serves as an Acting Justice of the New York State Supreme Court. In 2014, Judge Pigott received the highest honor by the University at Buffalo School of Law, the prestigious Edwin F. Jaeckle award.

Eugene M. Fahey:

Eugene M. Fahey was born in Buffalo in 1951 and he was educated in that area. Fahey graduated from St. Joseph's Collegiate Institute in Buffalo before earning three

degrees from the State University of New York at Buffalo: a B.A. in political science in 1974 (cum laude); a J.D. in 1984; and an M.A. in European History in 1998.

During and after his time at the University at Buffalo, Fahey served on the Buffalo Common Council (from 1978 to 1984, and again from 1988 to 1994) and also engaged in private practice as in house counsel to Kemper Insurance Company. In 1994, Fahey began his judicial career, earning election to Buffalo City Court. Two years later, Judge Fahey became Justice Fahey, inasmuch as he was elected to the New York State Supreme Court. On that bench, Justice Fahey presided over a prominent state dispute with respect to the environmental review of the prominent international border crossing consisting of the Peace Bridge, which spans the Niagara River between Buffalo and Fort Erie, Canada (*Matter of City of Buffalo v New York State Dept. of Env'tl. Conservation*, 184 Misc 2d 243 [Sup Ct, Erie County 2000]).

In 2006, Justice Fahey was appointed by Governor George Pataki to the Appellate Division, Fourth Department, where he served from 2006 to 2015. On that bench, Justice Fahey was responsible for an array of opinions ranging from matters involving Medicaid fraud (*People v Miran*, 107 AD3d 28 [4th Dept 2013], *lv denied* 21 NY3d 1044, *cert denied* 134 S Ct 2312) to metadata (*Matter of Irwin v Onondaga County Resource Recovery Agency*, 72 AD3d 314 [4th Dept 2010]) to the Marriage Equality Act (*New Yorkers for Constitutional Freedoms v New York State Senate*, 98 AD3d 285 [4th Dept 2012], *lv denied* 19 NY3d 814).

In 2015, Justice Fahey again became Judge Fahey. He was nominated to the Court of Appeals by Governor Andrew Cuomo and subsequently confirmed by the State Senate. Since then, he has written on significant matters including music technology



and performance rights (*Flo & Eddie, Inc. v Sirius XM Radio, Inc.*, 28 NY3d 583, 611 [2016]), the contract and takings clause of the federal constitution (*American Economy Ins. Co. v State of New York*, 30 NY3d 136 [2017]), physician assisted suicide (*Myers v Schneiderman*, 30 NY3d 1 [2017]), and cross racial identification (*People v Boone*, 30 NY3d 521 [2017]). He expects to retire from this bench on December 31, 2021.

## **ii. Other Prominent Jurists**

### John Curtin:

John Curtin was born in Buffalo in 1921 to a Bethlehem Steel mill foreman and a bank secretary. He served in the Marines in World War II during his time at Canisius College. Upon his return to Buffalo and while serving in the Marine Corps Reserves for the Korean War, he attended the University at Buffalo School of Law. Judge Curtin was in private practice and subsequently became the United States Attorney for Western New York. President Lyndon B. Johnson appointed him to the Western District of New York bench in 1967. Judge Curtin served on that bench until his death in 2017.

Judge Curtin's first notable decision on the bench, *Arthur v Nyquist* (415 F Supp 904 [WD NY 1976], *revd in part* 573 F2d 134 [2d Cir 1978]), led to a revamping of Buffalo City Schools. There, the plaintiffs challenged the creation, maintenance, and perpetuation of segregation in public schools in the City of Buffalo and in the Buffalo Metropolitan area (415 F Supp at 909). Judge Curtin's conclusion that the defendants "acted in such a manner as to segregate the Buffalo Public School System" led to a revamping of city schools, the shutdown of many deeply segregated schools, the creation of many magnet schools, and an increase in the number of minority teachers.

Another notable decision of Judge Curtin's involved the infamous Love Canal environmental disaster (*United States v Hooker Chems. & Plastics Corp.*, 540 F Supp 1067 [WD NY 1982], *aff* 749 F2d 968 [2d Cir 1984]). By way of background, the Love Canal disaster had its roots in a failed effort to create a canal from the upper Niagara River to Lake Ontario, thereby providing a shipping lane skirting Niagara Falls. Only about one mile of the canal, however, was dug, and the abandoned canal eventually was used as a dumping site. In 1942, the Hooker Chemical Company received permission to dump wastes into the canal, and the dump site eventually was used for that purpose until it was supposedly sealed and closed.

Years later, Hooker sold the land, and two schools were built on and near the site, as were approximately 1,000 homes. When the sealing of the canal failed, various toxic chemicals escaped that landfill, and various toxic chemicals and odors polluted the air, soil, groundwater, and basements of the areas near that site. The United States Environmental Protection Agency subsequently commenced a lawsuit against Hooker seeking damages with respect to that pollution. Judge Curtin determined that Hooker had been negligent in its handling of the toxic waste and in its sale of the land. Hooker agreed to pay \$129 million to the EPA over three years for cleanup costs only (*United States v Hooker Chems. & Plastics Corp.*, 850 F Supp 993, 1069 [WD NY 1994]).

#### Samuel L. Green:

Samuel L. Green quickly rose to the bench following his 1967 graduation from the University at Buffalo School of Law. In 1973, Justice Green was appointed to the Buffalo City Court, where he served until earning election to State Supreme Court in 1978. Five years later, Justice Green was appointed to the Appellate Division, Fourth

Department, by Governor Mario M. Cuomo. Justice Green was the first African-American elected to a state judgeship, and the first African-American to serve on the bench of the Appellate Division, Fourth Department. Justice Green became one of the longest-serving Appellate Division justices, as he served on that bench for over 28 years.

Justice Green also sat on the Court of Appeals by designation in June 2002. In tribute to his influence, the main courtroom at the Appellate Division, Fourth Department, now bears his name.





Samuel L. Green Courtroom at the Appellate Division, Fourth Department  
(Source: <https://www.nycourts.gov/courts/ad4/Chouse/court-pictures.html>)

### iii. The “honorable honorables”

Although they did not sit on a bench in Erie County, two other prominent jurists deserve mention herein based on their significant connections to Buffalo and Erie County.

#### Robert H. Jackson:

United States Supreme Court Justice Robert H. Jackson was born in Pennsylvania in 1892. In 1917, he was recruited by the Buffalo law firm Penney, Killeen & Nye (as District Attorney, Thomas Penney had prosecuted President McKinley’s assassin, Leon Czolgosz, in 1901). The offices were located in the historic Ellicott Square Building, which had been the world’s largest office building at the time of its completion in 1896.

Justice Jackson had an impressive legal career, which began with his completion of a course of study at the Albany Law School in 1912. Jackson then returned to Western New York, where he completed his legal studies before passing the bar exam. In 1932, Jackson was active in Franklin D. Roosevelt’s presidential campaign; he later

became U.S. Solicitor General in 1938, U.S. Attorney General in 1940, and was appointed to the Supreme Court in 1941.

One of Justice Jackson's most notable opinions on the Court was his dissent in *Korematsu v United States* (323 US 214 [1944]). There, Justice Jackson pointed out that the military order requiring all Japanese American citizens to report to assembly centers following the attack on Pearl Harbor was racist, given that the only basis for the internment was one's ancestry. Jackson also stated that only military courts should review the constitutionality of military actions. Justice Jackson also participated in the historic decision *Brown v Board of Education* (347 US 483 [1954]). One of Justice Jackson's law clerks, William H. Rehnquist, would later be appointed to the Supreme Court in 1971, and to Chief Judge in 1986.

During Justice Jackson's time on the bench, President Truman appointed him to lead the organizational and prosecutorial efforts of Nazi war crimes for the Nuremberg trials. Just a few days after his return from working on the Nuremberg trials, Justice Jackson visited Buffalo to receive one of the University at Buffalo's first honorary degrees, and to deliver the closing ceremony address on the Nuremberg trials at the school's centennial convocation. The United States District Court for the Western District of New York courthouse, opened in 2011, is named in his honor (and is discussed in detail in the "County Courthouses" section).



Bust and plaque of Robert H. Jackson at the Federal Courthouse bearing his name

### John Roberts:

Current United States Supreme Court Chief Justice, John G. Roberts, was born in Buffalo, New York in 1955. Roberts's father worked as a plant manager for Bethlehem Steel (located in Erie County's City of Lackawanna) for the first decade of his son's life before the family moved to Indiana. Roberts graduated summa cum laude from Harvard University in three years in 1976, and magna cum laude from Harvard Law School in 1979.

Prior to his appointment to Chief Justice in 2005, Roberts served as a law clerk for Judge Henry J. Friendly of the United States Court of Appeals for the Second Circuit from 1979–1980 and for then-Associate Justice William H. Rehnquist of the Supreme Court of the United States in 1980. Roberts went on to serve as Special Assistant to the U.S. Attorney General from 1981–1982, Associate Counsel to President Ronald Reagan from 1982–1986, and Principal Deputy Solicitor General for the U.S.

Department of Justice from 1989–1993. Roberts was in private practice in Washington, D.C. during the periods of 1986-1989 and 1993-2003 before being appointed to the United States Court of Appeals for the District of Columbia Circuit in 2003.

**b. Prominent Attorneys**

Peter Porter:

Major General Peter B. Porter of Black Rock was a prominent lawyer, entrepreneur, and politician at the start of the 19th Century in what would become Erie County. Hailing from New England, he came to the Western New York area after attending law school. He served as defense counsel during the first recorded jury trial in the area.

Following his military service in the War of 1812, Porter became the first congressman from Western New York and later served as President John Quincy Adams's Secretary of War. He also was involved in the development of the Erie Canal, serving with Governor DeWitt Clinton on a commission created to study and finance the Canal. Porter was a strong advocate for a canal terminus in the village of Black Rock, but he eventually lost that battle to supporters of the Buffalo location, who included Herman B. Potter (Erie County's first District Attorney), Samuel Wilkeson (who later became Mayor of Buffalo), and Asa Rice (a notable attorney discussed below).

The first home Porter built in the area was burned by the British in the war; he later erected another home on present-day Niagara Street in downtown Buffalo. That home - known as the Porter Mansion -- was visited by both President Adams and Governor Clinton, and it later was sold to Lewis Falley Allen, also a notable figure in the history of Erie County (discussed below).



### Asa Rice:

As was the norm at the start of the 19th Century, rather than attending law school, Asa Rice apprenticed with an attorney in Utica before creating his solo practice and later joining with his brother-in-law, Joseph Clary, to form the legal partnership of Rice & Clary in 1817. In 1822, the partners hired an unpaid law clerk, Millard Fillmore, to assist with their work. Fillmore would later become a prominent attorney and President of the United States.

Rice was a strong advocate for the Buffalo location of the Erie Canal terminus, but he died two years before its completion in 1825. Upon his death, the firm became known as Clary & Fillmore. More notable attorneys would grace the halls of the practice, including Nathan K. Hall, who became a partner in the firm, and later a judge, congressman, and postmaster general under President Fillmore. Solomon G. Haven also became a partner in the firm and went on to become Mayor of Buffalo, a district attorney, and a congressman in 1850. Dennis Bowen had studied law with the firm, and became partners with Hall. The firm would eventually become Bowen & Rogers and have the largest list of clients of any firm in Buffalo. Asa Rice's practice can be traced to Hodgson Russ, LLC, which is Buffalo's oldest continuous business.

### Millard Fillmore:

Millard Fillmore has deep roots in Erie County. He was raised in a log cabin in Central New York State before joining Rice & Clary and being admitted to practice law in 1823 and later practicing with different iterations of the firm in Buffalo. In 1848, Fillmore was elected Vice President alongside President Zachary Taylor on the Whig ticket. Just two years later, Taylor died unexpectedly and Fillmore assumed the

presidency. Fillmore ran for election to that office in 1852, but he lost the nomination to General Winfield Scott because of divisions within the Whig party with respect to the question of slavery. Franklin Pierce would go on to become the 14th President of the United States.

Upon his defeat, Fillmore returned to Buffalo to practice law. He unsuccessfully sought the presidency again in 1856. Fillmore and his second wife (his first had passed away) purchased a Gothic mansion in Niagara Square in the City of Buffalo, at the current spot of the Statler Towers, while he continued to be active in public service. He was an important contributor to Western New York as the founder of Buffalo General Hospital, founder and first president of the Buffalo Historical Society, and honorary First Chancellor of the University of Buffalo from 1846 until his death in 1874. Fillmore and his son are buried at Forest Lawn Cemetery.



President Millard Fillmore's obelisk headstone at Forest Lawn Cemetery in Buffalo, NY

### Grover Cleveland:

The future 22nd and 24th President of the United States, Steven Grover Cleveland was born to a Presbyterian minister and his wife in New Jersey before the family made their way to Upstate New York. The death of Cleveland's father in 1853 plunged the family into economic turmoil, causing Cleveland to leave school and to begin working to help make ends meet. Cleveland worked as a teacher in a New York City school before making his way to Erie County for his first legal job as clerk in a local law firm. He would later become partner at Bass, Cleveland & Bissel, which can be traced to the present-day Buffalo law firm Phillips Lytle, LLP.

Cleveland began his political career in Buffalo, where he lived from 1855 until 1881. He initially was a Democratic ward worker, later becoming District Attorney and Erie County Sheriff. In 1881, he was elected Mayor of Buffalo and in 1882, was elected Governor of New York State. Two years later, he was elected President of the United States -- an office that he held for four years, lost to Benjamin Harrison in 1888, and then regained in 1892. At the end of his second term as President, Cleveland and his wife moved to Princeton, New Jersey where he resumed legal practice.



Grover Cleveland statue outside of Buffalo City Hall, Niagara Square

### **c. Prominent District Attorneys**

#### Thomas Penney:

Thomas Penney emigrated from London to the United States, where he attended Yale Law School. Penney was a successful trial lawyer before his appointment by then-Governor Theodore Roosevelt as Erie County District Attorney from 1899 until 1902. Penney was the first District Attorney to have graduated from law school. He served as the prosecutor in the trial of President McKinley's assassin, Leon Czolgosz (discussed below). Penney was President of the International Railway Company from 1908-1912, was an active mason, and worked in private practice. His law firm, Penney, Killeen & Nye had recruited future Supreme Court Justice Robert H. Jackson to Buffalo in 1917. Thomas Penney died at his home in Buffalo in 1933.

#### Thomas Love:

Thomas Love was a prisoner of war, taken captive at the Battle of Fort Erie during the War of 1812. After the war, he practiced law in Batavia, New York, and later in Buffalo. He was one of just a few practicing attorneys during that time, and was a prominent defense attorney at that. Love served as Erie County judge from 1828-1829, District Attorney from 1829-1835, and surrogate from 1841-1845. Additionally, from 1835 to 1837, Love served in the 24th United States Congress. He continued to practice law from 1845 until his retirement in 1847. He passed away in 1853 and is buried at Forest Lawn Cemetery in Buffalo.

#### Leo J. Hagerty:

Leo J. Hagerty served as Assistant District Attorney, then District Attorney in Erie County in the 1930s and 1940s before becoming a Supreme Court Justice for the

Eighth Judicial District. As District Attorney, Hagerty hired the first female and first African-American District Attorneys. He is best known for prosecuting a powerful member of the Buffalo Mafia, the "Al Capone of Buffalo," Giuseppe J. "Joseph" DiCarlo, Jr. on three occasions. DiCarlo ended up leaving town, reportedly saying "there's no use staying in Buffalo when Hagerty is in town."

Michael F. Dillon:

Michael F. Dillon was born in Lackawanna, New York in 1927 and graduated from the University at Buffalo School of Law in 1951. From 1963 to 1973, Dillon served as District Attorney of Erie County before being elected to the New York State Supreme Court in 1973 and designated as an Associate Justice of Appellate Division, Fourth Department in 1976. Governor Carey appointed him Presiding Justice of the Appellate Division in 1979 and again in 1987. He was the longest-serving Presiding Justice when he unexpectedly passed in 1991. Shortly before his death, his son Kevin had been appointed Erie County District Attorney.

Richard Arcara:

Richard Arcara was born in Buffalo in 1940. He graduated from St. Bonaventure University in 1962 and from Villanova University School of Law in 1965. Soon thereafter, he served as Captain in the United States Army, Military Police Corps from 1966 to 1967, before returning to Buffalo to enter private practice. Judge Arcara's extensive legal career includes serving as Assistant U.S. Attorney in the Western District of New York from 1969 to 1974, and U.S. Attorney from 1975 to 1981. In 1982, Arcara became Erie County District Attorney for six years, where he created the first sex crimes court in the county. In 1988, Arcara began his service as a Judge in the United

States District Court for the Western District of New York. He served as Chief Judge from 2003 until 2010, and assumed senior status in 2015.

Judge Arcara has presided over many notable trials, including that of James Charles Kopp, an anti-abortion activist. Kopp was convicted in federal court by Arcara for violating the Freedom of Access to Clinic Entrances Act in 2007. Kopp had previously been sentenced in 2003 to 25 years to life incarceration for the murder of Dr. Barnett Slepian, a Western New York physician who performed abortions. In 2005, Judge Arcara also presided over the trial of U.S. Customs and Border Protection Officer Robert Rhodes, who had been indicted for the brutal arrest and beating of a Chinese National on the US-Canada border in Niagara Falls, NY. Rhodes was eventually acquitted and reinstated to his job. In 2017, the alleged victim, Zhao Yan, was awarded \$461,000 in damages for false arrest, medical expenses, pain and suffering, and lost earnings.

Kevin M. Dillon:

Presiding Justice Michael Dillon's son, Kevin M. Dillon, was a graduate of Canisius High School in Buffalo and the University at Buffalo Law School. He was a well-regarded defense attorney in Western New York, best known for representing the ".22 Caliber Killer," Private Joseph C. Christopher in 1982 (discussed below). He was appointed Erie County District Attorney in 1988 and elected to the New York State Supreme Court in 1997 and 2010. He also taught as an adjunct professor at UB School of Law. Justice Dillon retired in 2013 and later passed away in 2016.

**d. Bar Association of Erie County**

The Bar Association of Erie County was founded in 1887 to “cultivate the science of jurisprudence; to promote reform in the law; to facilitate the administration of justice; to elevate the standard of integrity, honor and courtesy in the legal profession and to cherish the spirit of brotherhood among the members thereof.” Today, it has an active membership of over 3,600 local lawyers, judges, law students, legal administrators, and paralegals. It is the largest bar association outside the metropolitan New York City area.

**e. The University at Buffalo School of Law**

The University at Buffalo School of Law was the first law school in the Western New York area and was the only law school in New York State west of Albany when it opened in 1887. The school opened during the City of Buffalo’s rapid economic growth, which had a population of 250,000 at the time. The University at Buffalo first considered adding a law school in 1863, but despite the support of many local judges and attorneys, including Millard Fillmore, the process took many years and the university decided in 1886 that it was not the right time.

The group of advocates was undeterred, and it petitioned Niagara University, leading to the Buffalo Law School’s establishment in May 1887... at least on paper. The school was without classrooms, books, a full-time faculty, or a student body. The first class had just fifteen male students who attended lectures in a downtown Buffalo building, which is now the partial site of the Buffalo & Erie County Public Library. In 1891, the law school separated from Niagara University and joined the University at Buffalo. The first two female graduates would not come until a few years later in 1899.



The University at Buffalo School of Law was admitted to the Association of American Law Schools in 1936 and received its American Bar Association accreditation in 1937. In 1952, the Student Bar Association was formed. The law school would become part of the State University of New York system in 1962, and in 1974, the school moved from its ever-changing locations in Downtown Buffalo to its current suburban location on the Amherst campus. John Lord O'Brian Hall, home to the law school, was dedicated that year.

Many notable attorneys graced the halls of the University at Buffalo School of Law, including Dean Mark DeWolfe Howe who, after clerking for Oliver Wendell Holmes, became a professor at the school in 1937 then dean in 1941. He would go on to remain an active advocate for civil liberties, teach at his alma mater Harvard Law School, serve as a well-regarded historian for the City of Boston, as well as biographer for Justice Holmes. John Curtin (discussed above) graduated from UB Law in 1949 and later became U.S. Attorney for the Western District of New York and U.S. District Court Judge. Charles S. Desmond (discussed above) received his LL.B. degree in 1920 from UB Law. The school's Moot Court Competition bears his name.

**f. Pioneers in Erie County**

**i. Women**

Helen Z. M. Rodgers and Cecilia Bertha Wiener were the first female graduates of the University at Buffalo in 1899, referring to themselves as "sisters in law." Rodgers and Wiener went on to practice law for two decades before they even won the right to vote. Both women were active in the women's suffrage movement and were trailblazers

for other women in the legal profession. In 1932, Wiener become the first judge of what is now known as the Erie County Family Court.

Rodgers, in turn, managed to graduate from law school in just two years and while maintaining the highest standing in her class. She also supported the movement to allow women to sit on juries. John Lord O'Brian, former U.S. Attorney and the namesake of the University at Buffalo School of Law's building, remarked to then-candidate for governor, Thomas E. Dewey, that Rodgers was the last person he would want to go up against, as she had defeated him in more trials than any other lawyer in the area. She was the first woman to argue before the New York Court of Appeals in 1901.



Helen Z. M. Rodgers & Cecilia Bertha Wiener  
(Source: <http://www.law.buffalo.edu/history/sisters-in-law.html>)

Winifred C. Stanley was born in Manhattan, New York but grew up in Buffalo. She was an honor student at the University at Buffalo School of Law when she graduated in 1933. Stanley became the first woman in the state to be named an Erie County District Attorney in 1938. In 1942, Stanley was elected to Congress, where she

was one of only seven women out of 433 members. Throughout her career, she also pushed for a woman's right to serve on a jury.

Carol McCormick Crosswell Smith was a graduate of Buffalo Seminary, Radcliffe College, and the University at Buffalo School of Law (1945). She also completed post-doctoral work at Columbia University and Harvard University. Smith enjoyed a long career in public international law and intelligence services. She was the first female attorney on the United Nations legal staff, and she was a United States delegate to the Committee on Human Rights as well as a member of the United States Senate Advisory Committee. She also served as Director of Psychological Warfare at the Central Intelligence Agency. Throughout her career, she shared her considerable knowledge by teaching at several universities.

Madge Taggart was the first female to become Buffalo City Court Judge in 1952 and Erie County Family Court Judge in 1962. While attending Holy Angels Academy in Buffalo in 1908, she told her classmates that she would be a judge someday. Taggart became a cheerleader for other women in the legal field and helped many get elected to various seats. She was also a staunch supporter of allowing women to serve as jurors.

Rose LaMendola was born in Buffalo in 1929 and obtained her B.A. and J.D. from the University at Buffalo in 1951 and 1955, respectively. She and Clara Taylor formed the first all-female law practice in Buffalo in 1961, Taylor and LaMendola. From 1969 to 1974, LaMendola served as Assistant New York State Attorney General before becoming the first female Erie County Court Judge. She served on that bench until 1995, at which point she was appointed New York State Supreme Court Justice, Eighth

Judicial District, a bench to which she subsequently won election and on which she served until her retirement in 1999.

Justice Ann T. Mikoll was born in Depew, New York and received her undergraduate and law degrees from the University at Buffalo. She served for two years as an Assistant City Corporation Counsel before Mayor Steve Pankow, a/k/a “Diamond Jim,” appointed her as Buffalo City Court Judge in 1957. At age 27, she was the youngest person to ever hold that position. In 1971, she was the first woman outside of New York City to be elected to the State Supreme Court. In 1977, Justice Mikoll was appointed to the Appellate Division, Third Department, where she served until her retirement in 1999. She was the first woman to serve as Presiding Justice of the Third Department, and was one of the first two women appointed to the Appellate Division in the state.

Maryann Saccomando Freedman was born in Buffalo in 1934. She graduated from the University at Buffalo School of Law in 1959. Saccomando Freedman served as Assistant New York State Attorney General from 1975 to 1977 and as a Confidential Law Clerk to Justice William J. Ostrowski and Matrimonial Referee in the State Supreme Court from 1977 until 1990. She became the first female president of the following organizations: the New York Bar Foundation in 1974, the Bar Association of Erie County in 1981, and the New York State Bar Association in 1987. Saccomando Freedman currently works as "of counsel" with the law firm of Cohen and Lombardo. She is a regular guest lecturer at the University at Buffalo and Buffalo State College and has been the recipient of numerous awards, including the prestigious Ruth G. Schapiro

Award from the New York State Bar Association. Her daughter, Brenda Freedman, is currently an Erie County Family Court judge.

Justice M. Dolores Denman was the other of the first two women, with Justice Mikoll, to be appointed to the Appellate Division in New York State in 1977. She was born in Buffalo and received her undergraduate and law degrees from the University at Buffalo. She began her legal career as a member of the General Counsel staff of the Panama Canal Company in 1966, the U.S. Government corporation that governed the Panama Canal and its support facilities. From 1969 to 1972, Denman served as an Erie County Assistant District Attorney until her 1972 appointment to Buffalo City Court. In 1976, Justice Denman was elected to State Supreme Court, and one year later, was designated an Associate Justice of the Appellate Division, Fourth Department. After an unsuccessful run for State Attorney General in 1978, she was appointed back to the Supreme Court to fill an interim vacancy in 1979. Justice Denman returned to the Fourth Department in 1981. Governor Cuomo appointed Justice Denman as the Court's 16<sup>th</sup> Presiding Justice in 1991; she was the first woman to have been appointed to that position. Justice Denman resigned from the Court on January 14, 2000 after struggling with cancer for months. She died just 3 days later. Prior to her death, she was instrumental in the planning and construction of the Appellate Division Courthouse in Rochester, which was named in her honor in April of 2000.



Exterior and interior of M. Dolores Denman Courthouse for the Appellate Division, Fourth Judicial Department in Rochester, NY  
(Source: <https://www.nycourts.gov/courts/ad4/Chouse/court-pictures.html>)

Rose Sconiers became the first African-American woman on the Supreme Court bench in 1993. She was re-elected to that position in 2007 before Governor David A. Paterson appointed her as the first female African-American Justice of the Appellate Division, Fourth Department.

Before beginning her judicial career, Justice Sconiers engaged in myriad professional and civic activities. Included in those activities were Justice Sconiers's service as a member of the Board of Trustees of Children's Hospital of Buffalo, and Justice Sconiers's work as chair of the Franklin H. Williams Judicial Commission on minorities. Justice Sconiers was inducted into the Western New York Women's Hall of Fame in 2001, and she received the Outstanding Jurist award from the Erie County Bar Association in 2008.

E. Jeannette Ogden attended the University at Buffalo School of Law before becoming an Assistant District Attorney in Erie County. In 1995, Ogden became a Buffalo City Court Judge, presiding over the Domestic Violence Court, and now serves

as a New York State Supreme Court Justice in the Eighth Judicial District. Justice Ogden is an active member of the UB community, where she served as past president of the SUNY Buffalo Law Alumni Association and continues to teach courses at UB, as well as at Daemen College in Buffalo. She received the Distinguished Alumna Award in 2010 from the University at Buffalo School of Law for her service to the community.

Shirley Troutman is a Buffalo, New York native who has served the Erie County community and New York State through many distinguished roles. At the outset of her career, she was an Assistant United States Attorney for the Western District of New York, Assistant State Attorney General and an Erie County Assistant District Attorney. Troutman eventually served as a Buffalo City Court Judge and County Court Judge before her election to New York State Supreme Court in the Eighth Judicial District. On February 19, 2016, Justice Troutman was designated to the Appellate Division, Fourth Department by Governor Andrew M. Cuomo.

In addition to her years in public service, Justice Troutman has served as an Adjunct Professor at the State University of New York at Buffalo Law School and as a lecturer in various legal programs. Justice Troutman is an Advanced Science Technology and Resource (ASTAR) fellow, serving as a resource judge for fellow judges when handling cases involving scientific evidence.

Justice Troutman also is a pioneer for the African-American community inasmuch as she is one of the first African-American woman elected to the State Supreme Court bench in the Eighth Judicial District and one of the first African-American women to join the Appellate Division bench. In 2018, Justice Troutman was designated to co-chair the



Franklin H. Williams Judicial Commission, which works to promote equal participation and equal justice for minorities in the court system.

Justice Troutman also has been involved in the drafting of various manuals and reports on public health, minority representation on juries, and she serves as a Member of the Advisory Committee on Judicial Ethics. She has received numerous awards honoring her contributions to the legal community in New York.

**ii. African-Americans**

Samuel L. Green (profiled at pages 33-35 of this history);

E. Jeanette Ogden (profiled at pages 51-52 of this history);

Rose Sconiers (profiled at page 51 of this history); and

Shirley Troutman (profiled at pages 51-52 of this history).

**iii. LGBT equality**

In 2011, through the enactment of the Marriage Equality Act, New York became the largest state to allow same-sex couples to marry. The bill had been stalled in the New York State Senate due to various religious and cultural concerns, and it became law -- and remained law -- due in significant part to several elected officials from Erie County.

State Senator Mark Grisanti of Buffalo, who now is a Court of Claims judge, was instrumental in the passage of the measure, inasmuch as he cast a critical vote in support of the Marriage Equality Act. Subsequent legal challenges to the bill were rejected by a judicial body consisting of three elected officials from Erie County. Approximately one month after the enactment of the Marriage Equality Act, plaintiffs including the New Yorkers for Constitutional Freedoms group commenced a lawsuit

against, among others, the New York State Senate, challenging the process by which that bill had been passed. The case eventually made its way to the Appellate Division, Fourth Department, which was presented with the question whether a violation of the Open Meetings Law required nullification of the Marriage Equality Act. In a unanimous opinion by Appellate Division Justice Eugene M. Fahey, which was joined by Justices John Centra, Erin Peradotto, Edward Carni, and Rose Sconiers, the Appellate Division rejected that challenge and declared that the State Senate did not violate the Open Meetings Law in enacting the Marriage Equality Act (*New Yorkers for Constitutional Freedoms v New York State Senate*, 98 AD3d 285 [4th Dept 2012], *lv denied* 19 NY3d 814).<sup>2</sup>

The local legal community also was on the forefront of LGBT equality in another way. In 1995, attorney Barbara Kavanaugh became the first openly gay person to win elective office in Erie County when she prevailed in a race for a seat on the Buffalo Common Council.

**g. Current Judiciary (2018)**

**Court of Appeals:**

Hon. Janet DiFiore, Chief Judge  
Hon. Jenny Rivera  
Hon. Leslie Stein  
Hon. Eugene M. Fahey  
Hon. Michael Garcia  
Hon. Rowan D. Wilson  
Hon. Paul G. Feinman

**Appellate Division, Fourth Department:**

Hon. Gerald J. Whalen, Presiding Justice  
Hon. Nancy E. Smith

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<sup>2</sup> Justices Peradotto and Sconiers are from Buffalo.

Hon. John V. Centra  
Hon. Erin M. Peradotto  
Hon. Edward D. Carni  
Hon. Stephen K. Lindley  
Hon. Brian F. DeJoseph  
Hon. Patrick H. NeMoyer  
Hon. John M. Curran  
Hon. Shirley Troutman  
Hon. Joanne M. Winslow

**Supreme Court:**

Hon. Paula L. Feroletto, Administrative Judge, Eighth Judicial District  
Hon. Tracey A. Bannister  
Hon. M. William Boller  
Hon. Christopher J. Burns  
Hon. Deborah A. Chimes  
Hon. Emilio Colaiacovo  
Hon. Diane Y. Devlin  
Hon. James H. Dillon  
Hon. Joseph R. Glowonia  
Hon. Deborah A. Haendiges  
Hon. Frederick J. Marshall  
Hon. Mark A. Montour  
Hon. Henry J. Nowak  
Hon. John F. O'Donnell  
Hon. E. Jeanette Ogden  
Hon. Catherine Nugent Panepinto  
Hon. Eugene F. Pigott, Jr.  
Hon. Frank A. Sedita, III  
Hon. Donna M. Siwek  
Hon. Mary Slisz  
Hon. Dennis E. Ward  
Hon. Paul B. Wojtaszek

**Erie County Court:**

Hon. Sheila A. DiTullio  
Hon. Susan Eagan  
Hon. Michael Pietruszka  
Hon. Kenneth Case  
Hon. James Bargnesi

**Surrogate's Court:**

Hon. Acea M. Mosey

## **Family Court:**

Hon. Margaret Szczur  
Hon. Brenda M. Freedman  
Hon. Lisa Bloch Rodwin  
Hon. Sharon LoVallo  
Hon. Michael F. Griffith  
Hon. Mary Carney  
Hon. Deanne Tripi  
Hon. Kevin M. Carter

### **h. Past Judiciary**

#### **i. Former Presiding Justices of the Appellate Division, Fourth Department**

<u>Presiding Justice</u>	<u>Year Designated/Appointed</u>
George Hardin	1895
William H. Adams	1899
Peter Baillie McLennan	1903
Frederick W. Kruse	1913
Irving G. Hubbs	1923
Charles B. Sears	1929
Harley N. Crosby	1940
Benjamin B. Cunningham	1944
Marsh N. Taylor	1945
Francis D. McCurn	1959
Alger A. Williams	1960
Earle C. Bastow	1968
Harry D. Goldman	1968
John S. Marsh	1973
Michael F. Dillon	1979
M. Dolores Denman	1991
Eugene F. Pigott	2000
Henry J. Scudder	2006
Gerald J. Whalen	2015 – present

#### **ii. Former Administrative Judges of the Eighth Judicial District**

<u>Administrative Judge</u>	<u>Dates Served</u>
Hamilton Ward	09/1962 – 03/1966
Carlton Fisher	04/1966 – 10/1968
Reid Moule	10/1968 – 12/1968

Gilbert King	01/1969 – 01/1974
Charles Gaughan	01/1974 – 03/1974
Frederick M. Marshall	03/1974 – 03/1977
Roger Cook	03/1977 – 06/1978
John Doerr	06/1978 – 01/1979
James B. Kane	01/1979 – 12/1994
Vincent E. Doyle	01/1995 – 12/2002
Sharon S. Townsend	01/2003 – 08/2009
Paula L. Feroletto	09/2009 – present

### iii. Past Erie County District Attorneys

<u>District Attorney</u>	<u>Term</u>
Herman B. Potter	1821-1829
Thomas C. Love	1829-1831
Henry White	1831-1832
George P. Barker	1832-1836
Henry K. Smith	1836-1837
Henry W. Rogers	1837-1843
Solomon G. Haven	1843-1845
George P. Barker	1845-1847
Benjamin H. Austin	1848-1850
Charles H.S. Williams	1851-1852
John L. Talcott	1852-1853
Albert L. Sawin	1854-1856
James M. Humphrey	1857-1859
Freeman J. Fithian	1860-1862
Cyrenius C. Torrance	1863-1865
Lyman K. Bass	1866-1871
Benjamin H. Williams	1872-1874
Daniel N. Lockwood	1875-1877
Charles W. Goodyear	1877
Robert C. Titus	1878-1880
Edward W. Hatch	1881-1886
George T. Quinby	1887-1894
Daniel J. Kenefick	1894-1898
Thomas Penney	1899-1902
Edward E. Coatsworth	1903-1905
Frank A. Abbott	1906-1908
Wesley C. Dudley	1909-1916
Guy B. Moore	1916-1931
Walter C. Newcomb	1932-1937
Leo J. Hagerty	1938-1946
Gordon Steele	1947-1952
John F. Dwyer	1953-1958

Carman F. Ball	1959-1963
George R. Blair	1963
Michael F. Dillon	1964-1973
Edward C. Cosgrove	1974-1981
Richard J. Arcara	1982-1988
Kevin M. Dillon	1988-1996
Frank J. Clark	1997-2008
Frank A. Sedita, III	2009-2015
John J. Flynn	2016 - present

#### IV. Cases and Trials of Note

##### The Thayer Brothers:

In 1825, in the first notable trial in Erie County, the three Thayer brothers were convicted of the robbery and murder with respect to the death of John “Scotchman” Love. The brothers were hanged in a public arena -- Niagara Square in downtown Buffalo -- in front of 25,000 to 30,000 people, which was about ten times the population of Buffalo at the time.



Site of John Love Murder by the Thayer Brothers

(Source: <http://www.townofboston.com/about-boston/boston-historical-markers/>)

##### Benjamin Rathbun:

Benjamin Rathbun, known as the “builder of Buffalo,” had a tremendous impact on the landscape of Buffalo. Most of the buildings in Buffalo in the 1830s can be attributed to Rathbun; in 1835 alone he was responsible for 99 buildings in the city. Much of his legal dealings were handled by Joseph Clary, Asa Rice’s law partner and future partner to Millard Fillmore. Rathbun was also one of five trustees, including Fillmore, Clary, Lewis Falley Allen, Congressman Thomas C. Love, and Hiram Pratt, who were listed on a deed for the Pierce Avenue Presbyterian Church in Niagara Falls, New York.



Rathbun ran into trouble when he was found to have borrowed \$1.5 million in notes, which had the forged names of the most affluent Buffalonians. He was prosecuted by District Attorney Rogers in Erie County, and in Genesee County. He was only convicted in Genesee County and would later be held in the jail he had built.

#### The Angola Horror:

There have been many fatal train derailments in United States history, and Erie County has not been immune from this type of tragedy. One week before Christmas, 1867, the Lake Shore Express, traveling from Cleveland to Buffalo, derailed in the Southern Erie County village of Angola. The train plunged off of a bridge into an icy gorge below. Around 50 people were killed, most having been burned alive once the train caught fire. Interestingly, John D. Rockefeller was meant to be a passenger on the train, but he missed his boarding in Cleveland.

The crash was one of many during the period of 1850 to 1879, which led to government reforms in railway safety, particularly the development of air brakes, the banning of wooden cars and open stoves, and the standardization of track widths. Railroad labor unions also started to develop during this period, in part to provide protections for railway workers and their families in the event they were injured or killed.

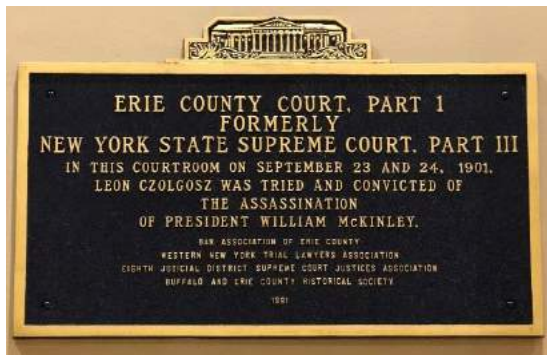


The "Angola Horror" from Frank Leslie's Weekly, 1867

### Leon Czolgosz:

Leon Czolgosz was a socialist who had been drawn to the anarchist movement during the turn of the 20th Century. On September 6, 1901, during the Pan American Exposition in Buffalo, Czolgosz stood in line to shake President McKinley's hand at the Temple of Music, all the while hiding a gun under his handkerchief. Czolgosz fired two shots before being restrained by bodyguards, police, and soldiers. As President McKinley lay on the ground, he was heard to have said, "Go easy on him boys."

It is said that Czolgosz had suffered a mental breakdown and claimed that he was performing a "great act" by shooting the President. In his confession, he stated, "I killed President McKinley because I done my duty. I didn't believe one man should have so much service, and another man should have none." Czolgosz was tried in Erie County Court and, following his conviction, he was sentenced to death on September 26, 1901. In one of the country's first executions by electric chair, Czolgosz died in Auburn Prison on October 29, 1901.



Today's Surrogate's Court, Courtroom in which President McKinley's assassin, Leon Czolgosz, was tried.  
(Source: Daniel Milligan)

*I killed President McKinley because  
I don't my duties. I didn't like me,  
Man should <sup>have</sup> so much more and another man  
should have more.  
to of 1 September 6th 1901.  
Leon F. Czolgosz*

Czolgosz's written confession  
(Source: <https://library.buffalo.edu/pan-am/exposition/law/>)

### “Big Korney”:

John “Big Korney” Kwiatkowski, head of Buffalo’s Polish Korney gang, was known as “the blond beer baron of Buffalo” during the Prohibition era in the 1920s. He invested money from his local bank robberies into an illegal brewery which supplied beer for local speakeasies. He was tried for murder and acquitted, but was later convicted of perjury in his friend’s trial for the same murder. He was prosecuted by Guy Moore, Erie County’s longest-serving District Attorney (16 years).

### The Nuremburg Trials:

Special mention should be made of the Nuremburg Trials given the Erie County connection to those proceedings. The Nuremburg Trials were a series of 13 military trials held in Nuremburg, Germany by the Allied Powers (Great Britain, France, the Soviet Union, and the United States) after World War II. Twenty-two Nazi war criminals were prosecuted beginning in 1945, led by U.S. Chief of Counsel and former Buffalo attorney, Robert Jackson. Jackson had worked on the drafting of the London Charter of the International Military Tribunal, which served as the legal basis for the Trials.

Prominent New York State Judge Charles B. Sears served as the presiding judge for the Military Tribunal IV, known as “The Flick Case,” in April 1947. Prior to his involvement in the Nuremburg Trials, Sears had practiced law in Buffalo, and served as justice of the Supreme Court, the Appellate Division, Fourth Department, and associate judge of the New York Court of Appeals.

### Love Canal:

One of the most notorious environmental disasters in the United States is the Love Canal in Niagara Falls, New York. In the 1950s, a piece of land that had been a

toxic chemical dumpsite was sold to the Niagara Falls school district. Around 100 homes and a school were built at the site. The chemicals had been buried and covered with clay, but in the decades that followed and in part due to particularly bad weather (including the infamous “Blizzard of ‘77”), ground leaching led to chemical burns, birth defects, cancer, and other health issues for the residents.

Government response was immense. In an unprecedented step, President Carter in 1978 announced a federal health emergency. This led to an allocation of federal funds for cleanup and authorized the government to purchase the homes from some of the families. This marked the first time in American history that emergency funds were used for a situation other than a natural disaster. Another federal state of emergency was announced in 1981, allowing for purchase of the remaining homes in the area.

Congress also took steps to remedy the situation and prevent disasters like the Love Canal from happening again. They passed the “Superfund Act,” officially called the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which regulates cleanup of toxic sites. The Love Canal was the first site on the list. More regulations were passed which would hold companies responsible for their toxic waste from “cradle to grave,” i.e., from the time the company produces the chemical to eternity.

The Love Canal incident led to extensive litigation. In September of 1979, the first Love Canal lawsuits naming Hooker Chemical and three public agencies were initiated. In December of 1979, the Federal Justice Department initiated a \$124 million lawsuit against the company, and in April of 1980, New York State filed a \$635 million

lawsuit against Occidental Petroleum (previously called Hooker Chemical). In 1983, Occidental agreed to a \$20 million settlement of the 1,337 individual claims filed. In 1994, Occidental agreed to a settlement with the State of New York, agreeing to pay \$98 million as compensation for cleanup costs. In 1994, Federal District Judge John Curtin agreed that the company had been negligent in its handling of the toxic waste and in selling the land, but that it had not been reckless. The company agreed to pay \$129 million to the EPA over three years for cleanup costs only, as no punitive damages were awarded (*United States v Hooker Chems. & Plastics Corp.*, 850 F Supp 993 [WD NY 1994]).

In recent years, Love Canal has continued to present problems to Niagara Falls residents. As of 2016, more than one thousand people are involved in eighteen pending civil lawsuits in State Supreme Court in Lockport, New York, in which former and current residents claim that the dangerous chemicals ruined their lives and impacted their health.



Love Canal protesters march with signs  
(Source: <http://digital.lib.buffalo.edu/items/show/16688>)



Love Canal - Children playing in backyard adjacent to rising toxic waste  
(Source: <http://digital.lib.buffalo.edu/items/show/16678>)

### The .22 Caliber Killer, Joseph G. Christopher:

Buffalo-born Joseph G. Christopher, dubbed “the .22 Caliber Killer,” began his murder spree in September 1980, just two years after being turned away from the Buffalo Psychiatric Center when he tried to admit himself for treatment for paranoid schizophrenia. His rampage would span four cities and involve the killing of 10 black men, a black teenager, and a dark-skinned Hispanic man.

With his sawed-off .22 caliber rifle, Christopher first killed four black males in Buffalo and Niagara Falls in 36 hours. A few weeks later, he brutally beat two cab drivers to death before removing their hearts from their chests. The murders remained unsolved, allowing Christopher to enlist in the army in November of that year.

While on Christmas leave from Fort Benning in Georgia, Christopher traveled to New York City where he stabbed four people to death. The community, unaware that the perpetrator and the .22 Caliber Killer were one and the same, gave him the moniker “the Midtown Slasher.” Christopher continued his rampage upon his return to Western New York one week later, where he stabbed two black men in Buffalo and Rochester before returning to Georgia. His indictment came after an admission to nurses at Fort

Benning while he was being treated for a self-inflicted wound he suffered when he attempted to stab a black soldier to death.

After two trials, Christopher ultimately received a sentence of life imprisonment for the murder of three black men in Buffalo, although he would later claim a total of 13 murders.

#### James Charles Kopp:

In 1998, James Kopp, nicknamed “Atomic Dog,” stalked and hunted obstetrician-gynecologist Dr. Barnett Slepian, before killing the abortion doctor with a single shot, fired from a high-powered rifle through the window of Slepian’s home in Amherst, New York. Kopp was a member of the pro-life terrorist group Army of God and was very active in the anti-abortion movement. After the murder, Kopp was placed on the FBI’s 10 Most Wanted List. He fled to Mexico then Ireland, before being captured in France in 2001 and extradited to the U.S. on the condition he would not receive the death penalty. In 2003, he was sentenced to 25 years to life in prison for second-degree murder.

In 2007, Kopp was charged in federal court based on the same crime. It was charged that by murdering Dr. Slepian, Kopp had eliminated a local resource for abortions, thus violating the 1994 Freedom of Access to Clinic Entrances Act, which forbids the use of force to prevent access to reproductive health care. Buffalo native, Federal Judge Richard Arcara, sentenced Kopp to life imprisonment.

#### The Bike Path Rapist, Altemio Sanchez:

“The Bike Path Rapist,” Altemio Sanchez, was sentenced in 2007 to 75 years to life in prison for the strangulation murders of three women in Western New York



between 1990 and 2006. The bodies of two of the three women were found on bike paths. Sanchez also admitted to raping between 13 and 20 women dating back to the 1980s.

Anthony Capozzi was wrongfully convicted of the crimes and had already served over two decades in prison when another woman was killed in 2006 while Capozzi was imprisoned. DNA testing from that murder implicated Altemio Sanchez, and he has been linked to at least 8 other crimes using DNA. Capozzi's conviction was vacated and he was released from prison within a few days of the DNA tests confirming Sanchez was the killer.

#### Flight 3407:

In 2009, Continental Express Flight 3407, traveling from Newark, New Jersey to Buffalo, entered an aerodynamic stall before making a steep descent. The plane crashed into the Clarence home of the Wielinski family, just miles from the Buffalo-Niagara International Airport. Fifty people were killed in the crash, which was determined to have been due to pilot error. All of the passengers and crew aboard the plane perished in the tragic accident as well as Douglas Wielinski, who was in the house on which the plane landed. Douglas's wife, Karen, and his daughter, Jill were home at the time but in a different part of the house, so were somehow able to make it out of that house alive. All of the families who were affected settled with the airlines, with the exception of the Wielinskis, who sued Continental and its regional carriers Colgan and Pinnacle Airlines. The family and the airlines reached a settlement during trial.

## V. County Resources

### a. Select Bibliography

#### Books:

Mark Goldman, *High Hopes: The Rise and Decline of Buffalo*, New York, State University of New York Press, Albany, New York, 1983.

Roger Whitman, *The Rise and Fall of a Frontier Entrepreneur: Benjamin Rathbun, "Master Builder and Architect."* Syracuse, NY: Syracuse University Press, 1996.

The History of the Bar Association of Erie County: 2005. Buffalo, NY: Bar Association of Erie County, Copyright 2005.

Robert Schaus '53 and James Arnone '85, University at Buffalo Law Alumni Association, *University at Buffalo Law School: 100 years: 1887-1987*. Buffalo, NY, 1987.

Julia and Albert Rosenblatt, *Historic Courthouses of the State of New York: A Study in Postcards*. Nashville, Tennessee; Paducah, Kentucky: Turner Publishing Company, 2006.

Frank H. Severance (Frank Hayward), *Picture Book of Earlier Buffalo*. Ithaca, NY: Cornell University Library. Print source: Buffalo Historical Society, 1912, Buffalo, NY.

*History of the bench and bar in Erie County, New York, historical and biographical*. Ithaca, NY: Cornell University Library. Print source: Genealogical Publishing Co, 1909, Buffalo, N.Y

#### Internet Links:

<https://www.nps.gov/liho/buffalo-inaugural-journey.htm>.

<https://library.buffalo.edu/pan-am/exposition/law/>

<http://www.history.com/topics/us-presidents/grover-cleveland>

<http://www.nycourts.gov/history/legal-history-new-york/history-legal-bench-court-appeals.html>?<http://www.nycourts.gov/history/legal-history-new-york/luminaries-court-appeals/desmond-charles.html>

<http://www.nycourts.gov/history/legal-history-new-york/history-legal-bench-appellate-04.html>?<http://www.nycourts.gov/history/legal-history-new-york/luminaries-appellate/green-samuel.html>

<http://www.nycourts.gov/history/legal-history-new-york/history-new-york-legal-eras.html>

<https://www.roberthjackson.org/article/robert-h-jackson-biography/>

<http://law.lib.buffalo.edu/about/sears.asp>

<https://www.ushmm.org/wlc/en/article.php?ModuleId=10007076>;

<https://www.ushmm.org/outreach/en/article.php?ModuleId=10007722>

<http://library.buffalo.edu/pan-am/exposition/law/czolgosz/>

<https://archive.epa.gov/epa/aboutepa/love-canal-tragedy.html>  
<http://www.buffaloah.com/h/rath/rath.html>  
[http://www.wnyhistory.org/portfolios/whowhere/porter\\_thompson/porter\\_thompson.html](http://www.wnyhistory.org/portfolios/whowhere/porter_thompson/porter_thompson.html)  
<http://www.law.buffalo.edu/history.html>  
<http://www.law.buffalo.edu/history/our-past-deans.html>  
[http://www.buffalohistory.org/Explore/Exhibits/virtual\\_exhibits/buffalo\\_anniversary/175th/page\\_c1.htm](http://www.buffalohistory.org/Explore/Exhibits/virtual_exhibits/buffalo_anniversary/175th/page_c1.htm)  
<http://www2.erie.gov/legislature/index.php?q=legislature-overview>  
<http://www.nycourts.gov/history/legal-history-new-york/history-new-york-legal-eras-02.html>  
<http://www.eriebar.org/>  
<https://www.nps.gov/liho/buffalo-inaugural-journey.htm>  
<http://www.nycourts.gov/history/legal-history-new-york/history-new-york-legal-eras-02.html>  
<http://ubmd.com/about-ubmd/news.host.html/content/shared/university/news/news-center-releases/1999/10/4426.detail.html>  
<http://www.cn-lo.com/Attorneys/Maryann-S-Freedman.shtml>  
<http://www.buffalo.edu/news/news-releases.host.html/content/shared/www/news/private/1999/10/4424.html>  
<https://www.fjc.gov/history/judges/arcara-richard-joseph>  
<http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000459>  
<https://www.innocenceproject.org/cases/anthony-capozzi/>  
<http://www.nycourts.gov/history/legal-history-new-york/history-legal-bench-appellate-03.html?http://www.nycourts.gov/history/legal-history-new-york/luminaries-appellate/mikoll-ann.html>  
<http://www.buffalo.edu/news/releases/2004/10/6961.html>  
<https://www.nycourts.gov/courts/ad4/Chouse/chouse-index.html>  
<http://www.nycourts.gov/history/legal-history-new-york/history-legal-bench-appellate-04.html?http://www.nycourts.gov/history/legal-history-new-york/luminaries-appellate/denman-delores.html>

#### News Links:

<https://www.nytimes.com/2017/04/20/us/judge-john-t-curtin-dead-buffalo-desegregation.html>  
<http://www.nytimes.com/1987/02/11/obituaries/charles-desmond-retired-chief-judge-dies.html>  
[http://www.buffalospree.com/buffalospreamagazine/archives/2008\\_12/1208timeline.htm](http://www.buffalospree.com/buffalospreamagazine/archives/2008_12/1208timeline.htm)  
<https://www.usatoday.com/story/travel/destinations/2017/07/28/buffalo-architecture/517033001>  
[http://www.westsenecabee.com/news/2011-12-08/Local\\_News/The\\_Life\\_of\\_Robert\\_H\\_Jackson.html?print=1](http://www.westsenecabee.com/news/2011-12-08/Local_News/The_Life_of_Robert_H_Jackson.html?print=1)  
<http://www.nytimes.com/1981/05/16/nyregion/buffalo-suspect-s-friends-are-mystified.html?pagewanted=all>  
<http://www.nytimes.com/1982/04/28/nyregion/soldier-guilty-of-3-killings-in-buffalo.html>

<https://www.bizjournals.com/buffalo/blog/buffalo-law-journal/2009/01/love-canal-a-landmark-case-with-lasting-impact.html>  
<http://wivb.com/2016/10/31/love-canal-lawsuits-continue-40-years-later/>  
[http://www.niagara-gazette.com/news/local\\_news/appellate-court-decision-dooms-love-canal-cases-to-decades-of/article\\_87292a37-e3a8-54ce-8a6b-9ec327f22cfa.html](http://www.niagara-gazette.com/news/local_news/appellate-court-decision-dooms-love-canal-cases-to-decades-of/article_87292a37-e3a8-54ce-8a6b-9ec327f22cfa.html)  
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=15&cad=rja&uact=8&ved=0ahUKEwjP54XKppbYAhWik-AKHVZWBLE4ChAWCDMwBA&url=https%3A%2F%2Fwww.hsdl.org%2F%3Fview%26did%3D15698&usg=AOvVaw1gXMgspAZrz9rEkfH3GKBT>  
<http://abcnews.go.com/US/Business/story?id=6870612&page=1>  
<http://www.cnn.com/2010/TRAVEL/02/02/continental.crash.inquiry/index.html>  
<http://niagarafallsreporter.com/kostoff174.html>  
[http://www.cheektowagabee.com/news/2012-03-15/Local\\_News/Gang\\_history\\_rediscovered\\_in\\_Depew.html](http://www.cheektowagabee.com/news/2012-03-15/Local_News/Gang_history_rediscovered_in_Depew.html)  
[http://www.nbcnews.com/id/42371480/ns/us\\_news-crime\\_and\\_courts/t/ex-gang-member-guilty-shooting-deadly--second-rampage/#.WleQF66nEdU](http://www.nbcnews.com/id/42371480/ns/us_news-crime_and_courts/t/ex-gang-member-guilty-shooting-deadly--second-rampage/#.WleQF66nEdU)  
[http://www.buffalospreemagazine.com/archives/2008\\_12/1208mayorsgonewild.html](http://www.buffalospreemagazine.com/archives/2008_12/1208mayorsgonewild.html)  
<http://www.washingtonpost.com/wp-dyn/content/article/2007/08/14/AR2007081400904.html>  
<http://www.nytimes.com/1991/07/11/obituaries/michael-f-dillon-64-a-presiding-state-judge.html>  
<http://spectrumlocalnews.com/nys/buffalo/news/2016/01/7/former-state-supreme-court-judge-and-erie-county-district-attorney-kevin-dillon-passes-away>  
<http://artvoice.com/2017/03/17/three-outstanding-women-judges-honored-buffalo-history-museum/#.WmZJNa6nEdU>  
<http://www.nytimes.com/2000/01/29/nyregion/m-dolores-denman-68-pioneering-judge.html>  
<http://www.cnn.com/2003/LAW/03/18/kopp.murder.trial/index.html>

## **b. County Legal Records and their Locations**

Court records are maintained by the Erie County Clerk, Michael P. Kearns.

Court records date to 1830. Other records, including deeds, date as far back as 1808.

The records maintained by Erie County Clerk are stored at the Actions and Proceedings room of the Erie County Clerk's office at 92 Franklin Street in Buffalo. Other records, such as deeds and mortgages, are stored in the Basement Records area of that office. Records may be requested online, via regular mail, or in person during business hours.

### **c. County History Contacts**

#### Akron Village Historian

John J. Eckerson  
Mailing address: P.O. Box 180  
Akron, NY 14001  
(716) 542-9636

#### Alden Historical Society

13213 Broadway  
Alden, NY 14004  
(716) 937-7054

#### Alden Town Historian

Norma M. Sweet  
Town Hall  
3311 Wende Road  
Alden, NY 14004  
(716) 937-7054

#### Alden Village Historian

Norma M. Sweet  
299 Exchange Street  
Alden, NY 14004

#### Amherst Museum

3755 Tonawanda Creek Road  
Amherst, NY 14228  
(716) 689-1440

#### Angola/Evans Historian

William Houston  
29 Miller Drive  
Angola, NY 14006

#### Aurora Historical Society, Inc. and Museum

5 South Grove Street  
East Aurora, NY 14052

#### Aurora Town Historian

Donald Dayer  
5 South Grove Street  
East Aurora, NY 14052

Blasdell Village Historian

H. LeRoy Harmon  
65 Lake Avenue  
Blasdell, NY 14219

Boston Historical Society and Museum

Old Pioneer Church  
9410 Boston State Road  
Boston, NY 14025  
(716) 941 - 3475

Boston Town Historian

James J. Jehle  
Boston Town Hall  
9432 Boston State Road  
Boston, NY 14025  
(716) 941-3475

Brant Historical Society

Ronald Pfeffer  
633 Commercial Street  
Farnham, NY 14061

Buffalo and Erie County Historical Society Museum

Dr. William Siener, Historian  
25 Nottingham Terrace  
Buffalo, NY 14216  
(716) 873 - 9612

Cheektowaga Historical Association and Museum

275 Alexander Avenue  
Cheektowaga, NY 14227  
(716) 683 - 5589

Cheektowaga Town Historian

Mary Holtz  
Cheektowaga Town Hall  
3223 Broadway  
Cheektowaga, NY 14227  
(716) 686-3433

Clarence Historical Society  
10465 Main Street  
Clarence, NY 14031  
(716) 759-8575

Clarence Town Historian  
Alicia Braten  
Clarence Town Hall  
1 Town Place  
Clarence, NY 14031

Colden Town Historian  
Jill Hartnett  
9313 State Road.  
Colden, NY 14033

Collins Town Historian  
Mrs. Irvine Gaffney  
Town Hall  
P.O. Box 420  
Collins, NY 14034  
(716) 532-5380

Concord/Springville Historical Society  
23 North Buffalo Street  
Springville, NY 14141  
(716) 592-5546

Concord/Springville Town Historian  
Margaret Mayerat  
12102 Vaughn Street  
East Concord, NY 14055  
(716) 592-2097

Colden Town Historian  
Julian Flackenstein  
Heath Road  
Colden, NY 140699

Depew Village Historian  
Judy Michaels  
85 Manitou Street  
Depew, NY 14043

East Aurora Village Historian  
Warren C. Moffett  
404 Oakwood Avenue  
East Aurora, NY 14052

Eden Historical Society  
8637 South Main Street  
Eden, NY 14057

Eden Town Historian  
Dorothy H. Meyer  
8584 S. Main Street  
Eden, NY 14057-1280  
(716) 992-4422

Elma Town Museum and Historical Society  
1910 Bowen Road  
P.O. Box 84  
Elma, NY 14059-0084  
(716) 652-6310

Evans Historical Society  
8351 Erie Road  
Angola, NY 14006  
(716) 627-7878

Evans Town Historian  
Cheryl Delano  
Town Hall  
8787 Erie Rd.  
Angola, NY 14006  
(716) 549-5812

Farnham, Village Historian  
Mr. Christian Militello Jr.  
Commercial Street  
Farnham, NY 14061



Gowanda Area Historical Society

Persia Town Hall  
West Main Street  
P.O. Box 372  
Gowanda, NY 14070  
(716) 532-4064

Grand Island Historical Society

Ms. Teddy Linenfelser  
Beaver Island State Park  
P.O. Box 135  
Grand Island, NY 14072  
(716) 773-2436

Hamburg Historical Society - Dunn House

S 5902 Gowanda State Road  
Hamburg, NY 14075  
(716) 648 - 6460

Hamburg Town Historian

James D. Baker  
Town Hall  
S-6100 South Park Avenue  
Hamburg, NY 14075  
(716) 646-5115

Hamburg Village Historian

John Gilbert  
202 E. Prospect Ave.  
Hamburg, NY 14075

Holland Town Historical Society

P.O. Box 95  
Holland, NY 14080  
(716) 537 - 2591

Holland Town Historian

Sandra Smith  
47 Pearl Street  
P.O. Box 36  
Holland, NY 14080

Kenmore Village Historian  
C. George Carncross  
2919 Delaware Avenue  
Kenmore, NY 14217

Lackawanna Area Historical Association  
P.O. Box 64  
Lackawanna, N.Y. 14218

Lackawanna City Historian  
William Emerling  
80 South Shore Boulevard  
Lackawanna, NY 14218

Lackawanna, City of Steel Plant and Local History Museum  
560 Ridge Road  
Lackawanna, NY 14218  
(716) 823-0630

Lancaster Historical Society  
40 Clark Street  
Lancaster, NY 14086  
(716) 681 - 7719

Lancaster Town Historian  
Dr. Harley Scott  
Lancaster Town Hall  
21 Central Ave.  
Lancaster, NY 14086

Lancaster Village Historian  
Edward Mikula  
88 Church Street  
Lancaster, NY 14086

Marilla Historical Museum  
1810 Two Rod Road  
Marilla, NY 14102  
(716) 652-7608

Marilla Historical Society  
12655 Williston Rd.  
Alden, NY 14004

Marilla Town Historian

Herbert L. Kutter  
Community Center  
P.O. Box 36  
Marilla, NY 14102  
(716) 652-5396

Newstead Historical Society

David Wakeman, President  
145 Main Street  
Akron, New York 14001

Newstead Town Historian

John J. Eckerson  
57 John St.  
Akron, NY 14001  
(716) 542-2418

North Collins Historical Society

P.O. Box 32  
North Collins, NY 14111  
(716) 337-2702

North Collins Town Historian

Georgianne Bowman  
2093 Shirley Rd.  
North Collins, NY 14111  
(716) 337-2702

North Collins Village Historian

Georgianne Bowman  
2093 Shirley Rd.  
North Collins, NY 14111  
(716) 337-2702

North Tonawanda City Historian

Elizabeth Robson  
46 Niagara St.  
Tonawanda, NY 14120  
(716) 692-0538

Orchard Park Historical Society and Museum  
4287 S. Buffalo St.  
Orchard Park, NY 14127  
(716) 667-2301

Orchard Park Town and Village Historian  
Suzanne S. Kulp  
24 Timothy Dr., Orchard Park, N.Y. 14127

Sardinia Town Historical Society  
3829 Creek Rd.  
Chaffee, NY 14030  
(716) 496-8847

Sardinia Town Historian  
Lori Roblee  
Town Hall  
Savage Road  
Sardinia, NY 14134

Seneca Indian Historical Society  
12199 Brant-Reservation Rd.  
Irving, NY 14081  
(716) 549-3889

Sloan Village Historian  
Patricia Lacha  
479 Reiman St.  
Sloan, NY 14212

Tonawanda - Kenmore Historical Society  
100 Knoche Road  
Tonawanda, NY 14150  
(716) 992-3960

Historical Society of the Tonawandas Museum  
Willard B. Dittmar  
113 Main Street  
Tonawanda, NY 14150-2129  
(716) 694 – 7406

Tonawanda Town Historian

John W. Percy  
Municipal Building  
2919 Delaware Ave.  
Kenmore, NY 14217

Wales Town Historical Society

Deanna M. Zeigel  
12345 Big Tree Rd, P.O. Box 264  
Wales Center, NY 14138-0264

West Seneca Historical Society and Museum

Janet A. Harris  
919 Mill Road  
Mailing address: P.O. Box 2  
West Seneca, NY 14224-3038  
(716) 674 - 4283

Williamsville Village Historical Society and Museum

5658 Main Street  
Williamsville, NY 14221  
(716) 626-4406

Williamsville Village Historian

Gartley Weller  
129 Mill St.  
Williamsville, NY 14221

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