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## A Tribute to Hon. George Bundy Smith -- A Good Lawyer

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## A Tribute to Hon. George Bundy Smith -- A Good Lawyer

### **Cover Page Footnote**

Mark Alcott is a partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York. He also currently serves as President of the New York State Bar Association.

## **A TRIBUTE TO HON. GEORGE BUNDY SMITH**

### **A GOOD LAWYER**

*Mark Alcott\**

A Freedom Rider and veteran of the civil rights movement. A distinguished jurist who scaled the highest peaks of our profession but remained a humble public servant. A dedicated teacher and exceptional writer. A devoted family man of exemplary character, brilliant and deeply committed, yet gentle and modest.

Those who know and work with Judge George Bundy Smith have said—and tonight, I am sure, will repeat—these and many additional wonderful things about him. Although I doubt he would ever admit it, he is overwhelmingly worthy of this abundant praise and this evening of honor.

For myself, and on behalf of the New York State Bar Association, I am honored to be a part of this tribute.

Judge Smith's career has been marked, above all else, by an exceptional devotion to public service. To him, this is the unique obligation and the great opportunity of those who carry the proud title "attorney at law." In a graduation address given at this very institution, Judge Smith stated that good lawyers recognize that "law is a privilege, a responsibility and a trust," and he emphasized the importance of deeds.

Not only does he talk the talk, he walks the walk. Judge Smith has devoted countless hours to the task of motivating young minority students to realize their full potential. Despite his heavy workload at the Court of Appeals, Judge Smith could not turn down an opportunity to judge a moot court competition or to advise the law students taking his courses here at Fordham. It was not unusual for Judge Smith to work on court matters late into the night, because during the day he had spent time preparing for class or volunteering at a youth outreach activity. Judge Smith's sheer dedication to larger causes is, alone, a demonstration that he measures up to his own definition of a "good lawyer."

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Judge Smith understands, and by his example has helped us to understand, that the fight for racial justice in America is on-going, that each milestone achieved merely sets the stage for the next phase of the struggle. Just last year, when awarded a Lifetime Achievement Award by the New York State Bar Association and its Committee on Minorities in the Profession, Judge Smith noted that “we have not yet reached a time when we can relax and conclude that the dark past is behind us and that America will always welcome diversity.” He concluded by pledging his “own continued efforts to make the legal profession diverse and inclusive.” He continues to do just that.

That is why I am so gratified that Judge Smith accepted my invitation to chair the newly-formed Special Committee on the Civil Rights Agenda,<sup>1</sup> a blue-ribbon panel which will create specific, realizable goals in the continuing effort to break down racial barriers, increase racial diversity in the legal system and the legal profession, and advance the cause of civil rights. We recently celebrated the 50th anniversary of *Brown v. Board of Education*,<sup>2</sup> a celebration in which Judge Smith played an important role. But as we look back on past triumphs, so we must look forward to the challenges ahead, and that is what this Committee will do.

The tenure of a State Bar President is fleeting, so it has been essential for me to focus on the issues about which I feel the most passionate. I have just mentioned one. Other issues that I have spoken and written about often are the archaic policy mandating that our Court of Appeals judges retire at age seventy<sup>3</sup> and the unfortunate presence of age discrimination in our profession.

Judge Smith, you are Exhibit A in the case against New York’s mandatory retirement policy. But the Court’s loss is the profession’s gain, as you turn your skills and dedication to other parts of the public arena. We await your future endeavors and achievements with great anticipation. We have no doubt they will be exceptional.

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1. Press Release, New York State Bar Association, State Bar Association Creates New Committee to Promote Civil Rights (Dec. 18, 2006), available at <http://www.nysba.org> (select “News Center” hyperlink, then select “News Release” hyperlink).

2. 349 U.S. 294 (1955).

3. N.Y. CONST. art. VI, § 25(b).