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JOSEPH CROWLEY—A DEDICATED PUBLIC SERVANT

*Jerome Lefkowitz **

JOE Crowley was a fine lawyer. I know. He served on the New York State Public Employment Relations Board from September 1967 until February 1978. We worked together closely during those ten and a half years. Our responsibility was to issue legal decisions to resolve disputed questions of labor law affecting public employers in New York State and their employees.

Viewed parochially, to call Joe Crowley a lawyer is to attest to the profession that he practiced. State and local governments, and the unions that represented their employees, would bring their quarrels before the Board. It would then try to ascertain the merits of the parties' positions and to give them justice. The technical skills that Joe brought to this task were exemplary. He was erudite in that body of knowledge we call labor law. A strong memory, fed by years of study in academic pursuits, made him a reservoir of information for his colleagues. More importantly, his imaginative use of that information facilitated the application of cold legal principles to what was often feverish discordant behavior, afforded relief to the parties and comfort to his associates. These technical skills earned him the respect of the members of the Board and of its staff.

Being a lawyer, of course, means more than exercising technical competence. The attempt to issue "just" decisions involves much more than finding appropriate legal precedents and applying them. The biblical injunction to judges: "That which is altogether just shalt thou follow"¹ is not easily satisfied even with the best of intentions. On the one hand, Isaiah exhorts, "Seek judgment, relieve the oppressed, judge the fatherless, plead for the widow."² The clear implication is that justice requires the judge to bend in favor of those whose need is great. On the other hand, we are taught, "Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor honor the person of the mighty: but in righteousness shalt thou judge thy neighbor."³ Judgment may no more be tempered by pity for the weak than by awe of the strong.

Joe Crowley solved this riddle to the satisfaction of his own conscience. In matters of procedure he would reach out to help those in need. The *pro se* litigant was given opportunities that a strict reading of rules might have precluded. Also, he was given the benefit of the doubt when inartistic pleadings might have foreclosed lines of inquiry. In his

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1. *Deuteronomy* 16:20 (King James).

2. *Isaiah* 1:17 (King James).

3. *Leviticus* 19:15 (King James).

evaluation of the evidence, however, and particularly in his application of principles of law to that evidence, Joe was a strict constructionist. This approach was adopted by the Board as a whole.⁴

At the time of its enactment, the future of the Taylor Law—the statute administered by the Public Employment Relations Board—did not appear very promising. Passed by a reluctant legislature under pressure from an aggressive governor, it was opposed by most local governments and practically all public sector unions. The local governments were disturbed that the statute's policy of fostering collective bargaining would compromise the authority of elected government to manage municipal affairs. The unions, for their part, were unwilling to settle for a law that continued to deprive them of a legal right to strike, and they were convinced that a law administered by an agency, the heads of which were appointed by the governor, the boss of the largest contingent of public employees, could not be trusted.

Despite these conditions, the Taylor Law and the Board became accepted fixtures within a few years after the statute took effect. Much of the credit for the change in attitude is due to Joe Crowley. His professional skill, and especially his integrity so suffused the work of the Board that it soon became widely respected.

There is one other way in which Joe promoted the development of the Taylor Law. He had an attribute that has nothing to do with law and yet has much to do with being a fine lawyer: his sense of humor. Erudition can be a bore, cleverness may be denigrated as craftiness. Even probity can be dismissed as priggishness. Joe's wit was the assurance that his other attributes would be well taken. Frequently, he would make a humorous comment that would disrupt a serious meeting at which his associates were futilely wrestling with a difficult problem. The changed mood usually facilitated more innovative thinking. At the least, it would be an antidote to obstinacy and self-righteousness. And since he was the frequent butt of his own jokes, he rarely permitted himself the opportunity of being closed-minded.

Joe Crowley's example taught me that intelligence and skill are not enough. A lawyer's success depends upon his ability to relate to other people and to persuade them. Joe did this effectively because he was able to present his positions with humor, and because his humor was never barbed. He was a fine lawyer because he was first a scholar and a gentleman.

4. In expressing my appreciation for Joe, I must not minimize the role of Bob Helsby, the first chairman of the Board. Helsby was neither a lawyer nor a labor relations specialist. He was, however, a man of rectitude, and a superb administrator. Taking his lead from Joe on substantive issues, he organized a strong staff and motivated it to perform in accordance with the principles and standards that he and Joe set.

