

Judge Kane Hangs Up His Robes

By Ted Waddell

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MONTICELLO/ALBANY – Not bad for the son of a sausage maker.

Judge Anthony T. Kane recently announced he was stepping down from his position as an Associate Justice of the New York State Appellate Division, Third Department, after a total of a quarter of a century dedicated to serving the public.

“I come from a blue collar background, and although my father was not a formally educated man, he owned a company...and my mother was born in Budapest who came to the United States as a 13-year old,” he recalled, adding that while living with his parents in Mount Vernon, he helped stuff Italian sausages during the summer in the Bronx.

Kane said that under the “steady guidance” of their mother, his brother was the first in a large Hungarian/Irish family to earn a college degree, and Judge Kane was the first to attend graduate school. After deciding that a career in economics wasn’t his cup of tea, Kane took the Law School Admission Tests (LSATs) “and by some twist of fate I did well on them” and after graduating from Iona College “by another strange twist of fate” was admitted to Cornell Law School.

“When I graduated in 1969, there was a lot of social movement, social unrest going on at that time...[and I decided] I wanted to do some kind of public service law.”

Upon learning there was an opening as a legal services attorney in Sullivan County, Kane and his wife Nancy packed up a few boxes of law books, moved to Liberty. He started working for Nat Hand while she landed a teaching job at Eldred Central School. The couple eventually settled in Forestburgh where they have lived for the last 35 years, along the way raising their two sons Mathew and Timothy. Later as a public defender, Kane worked alongside Ira Cohen and Gary Greenwald. He then joined the law firm run by Steve Oppenheim and Ted Drew, which later became Oppenheim, Drew and Kane, but in 1980 went out on his own as a private practice attorney, also serving as legal counsel for the Town of Forestburgh.

In 1984, Kane tossed his hat into the political arena in a bid for Sullivan County Family Court Judge, got elected and took the bench in 1985. “We didn’t have a clue what we were doing, we did it on a shoe string, and made our signs in the driveway with the help of our neighbors,” he recalled of his first campaign. “Family Court is a place where you really had the potential to impact, for good or ill, a person’s life...[and] I think I did a lot more good than ill, but nobody’s infallible. It’s a place where you have to take job satisfaction in little improvements, because human nature will strenuously resist change.”

Judge Kane said his time on the family court bench eventually wore him out because of the never-ending volume of cases; he said, “Some days it felt like shoveling sand. After seven years, I was spent from the constancy of it.”

Proud of the fact that he did his work in the courtroom rather than in chambers with lawyers, and subsequently wrote his own decisions, Judge Kane said it was because "I wanted people to hear what I heard...the litigants might think I was wrong, but at least they knew why I decided what I did, what my reasoning was."

In 1992, Judge Kane was elected as Sullivan County Judge and Surrogate, and four years later was elected to the Sullivan County Supreme Court, serving as the resident Supreme Court Justice from January 1996 until appointed by the governor to serve as a justice in the Appellate Division.

When Judge Kane was appointed to the Appellate Division, he was one of ten justices, and now there are a total of 12 justices, who hear cases before the court in rotating panels to share the workload. "We work very hard to get it right, and to have that level of discussion of the law is a treat, it's whipped cream to put on the cake." Judge Kane said folks often ask him what it's like to work for Judge Anthony V. Cardona, the presiding justice on the Appellate Division's 3rd Department.

"I say he reminds me of my mother," said Judge Kane. "Everybody has to sit down and have something to eat, and nobody can go to bed mad. The atmosphere in the court is cooperation, not antagonism, which is not always the case in appellate courts. I love going up to Albany and being part of the decision making process, part of the conferencing of these cases."

When Judge Kane shows up for his last day at work on December 31, 2009 he will be leaving behind a couple of hard working allies of the law, Denise S. Ratner, his confidential secretary, and Matthew P. Side, his principal law clerk. "I first met Denise when I was in private practice, and she's been with me ever since Family Court," said Judge Kane. "I couldn't ask for a better secretary or a friend, she corrects my prose and spelling, and runs interference for me in the outer office."

Side came to work for Judge Kane a few months after the judge was appointed to the Appellate Division. "I couldn't have done this without him," said Judge Kane. "He's very smart, a very quick read, and a very good writer."

What's next for Judge Kane? "I'm going to see what retirement is like," he replied, adding that based on a few mistakes he made as a youth, the lessons learned from those wayward experiences could be put to good use by serving as a mentor in local high schools, helping kids get on the right track. Although Judge Kane was assured the statute of limitations had expired long ago, he declined to elaborate other than say, "I grew up in a blue collar environment and I got into my share of mischief. Thank goodness I ran into a professor in college that recognized some intellectual worth in me and he made a difference."

Judge Kane's take on the law? "The law is a problem-solving tool, and if you know the rules, it makes an awful lot of sense. If we diminish the law, we diminish society."

What about his legacy after 25 years of public service? "I don't think of myself as a legacy person, but if the general view is that I worked hard to help people, that would be great, that would be plenty."