



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**MICHAEL A. CARDOZO SETS RECORD
AS LONGEST-SERVING CORPORATION COUNSEL
IN NEW YORK CITY'S HISTORY**

***THE CORP COUNSEL POSITION WAS
PERMANENTLY ESTABLISHED IN THE EARLY 19TH CENTURY,
WITH THE OFFICE MAINTAINING
A RICH, VARIED AND ENDURING HISTORY***

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New York, April 3, 2009 – Michael A. Cardozo today set a record (seven years, three months) for the longest tenure of a New York City Corporation Counsel since the position was permanently established in the 19th Century. Cardozo, who says he holds “the greatest legal job in the world” due to the “amazing lawyers, wonderful support staff and varied caseload,” serves as New York City’s chief legal officer and acts as legal advisor to the Mayor and all City agencies.

Mayor Michael R. Bloomberg, commenting on the new record, said: “Since 2002, Michael Cardozo has served as the City’s chief lawyer. He has been instrumental in my Administration’s efforts to make New York City government more efficient, responsive and proactive. Michael hasn’t just fought on behalf of millions of City residents. As Corporation Counsel, he has touched on so many of the daily protections and amenities that New Yorkers take for granted, from negotiating major economic projects to protecting the public ‘fisc’ and defending the City to preventing injustices that would cost taxpayers millions.”

The Mayor continued, “I am grateful for the historic length of his service and what it says about his devotion to this wonderful City. I also appreciate the truly transformative effects of his leadership.”

William E. Nelson of the New York University School of Law and author of *Fighting for the City*, a history book on the New York City Law Department published last year, echoed the Mayor’s sentiments: “When the next history of the Department is written, Michael Cardozo, the longest occupant of the office, will undoubtedly go down as a truly great Corporation Counsel.”

**How Seven Years and
Three Months Became A Record**

The Corporation Counsel himself noted the quirkiness of today’s achievement – especially in light of other public officers throughout history who’ve sometimes served for decades. “I can’t believe I have been Corporation Counsel for more than seven years – and even that seven years and three months is a record,” Cardozo said.

So why have there been so many Corp Counsels over the years, with many staying only relatively short periods?

"That's an intriguing question," Cardozo said. "I guess it's because this is such an intense job. It means overseeing an office that handles more than 200 new suits a week – and many of the cases involve such high stakes." For one example, Cardozo pointed to a win during his tenure in which the City procured \$2.5 billion (yes, billion) in bonds. He also referenced another case where the constitutionality of subway bag searches was challenged (the City won). Currently, the City is weighing if term limits will be sustained. On top of all this, the City handles daily a potpourri of transactional, contractual and even juvenile court matters.

"The job literally involves the unexpected each day – whether it's an injunction application stopping a major development, a complaint about if the financials on major stadiums are legal or not, or potential criminal indictment of tragic incidents, like the Deutsche Bank Fire or the Staten Island Ferry crash," Cardozo said. "However, this is a dream job. The legal issues that New York City faces are fascinating and of enormous significance. Every day brings a new challenge. It is an honor to work with Mayor Bloomberg, all the City agencies, and the talented and devoted members of the New York City Law Department."

Cardozo's First Days as Corp Counsel, Including Sept. 11th Aftermath

Michael A. Cardozo became New York City's 55th Corporation Counsel on Jan. 1, 2002, under Mayor Michael R. Bloomberg. At that time, in the aftermath of Sept. 11th, the Law Department had been displaced from its headquarters at 100 Church St., one block north of Ground Zero. While thankfully no staff were injured or killed, offices and equipment throughout the building were damaged.

The Department's staff had been relocated to more than 40 temporary locations scattered throughout the City. Despite this unprecedented logistical challenge, Cardozo saw an opportunity to revamp the Law Department. He upgrading its electronic communication and storage systems, thus increasing the office's efficiency, productivity and responsiveness, and ensuring that the City's lawyers and staff could appropriately handle their work for New York City.

He also communicated with judges, courts and public officials immediately and enabled the continued streamlined operation of the office until the staff could return to its headquarters at 100 Church St. This also lightened the burden on the borough offices, who had graciously offered space and accommodations, as had firms in the private sector.

Significant Cases and Personal Reflections

The Law Department's achievements during Mr. Cardozo's tenure have included ground-breaking suits designed to eliminate illegal guns from City streets; suing sellers of cigarettes on Indian reservations and the Internet whom the City has accused of non-payment of millions of dollars in taxes; successfully defending the City's subway bag inspection program as a lawful counterterrorism measure; ensuring that the Transport Workers Union paid court-ordered fines to the City after engaging in an illegal transit strike; achieving a settlement with the Internal Revenue Service resulting in the City and certain affected employees receiving more than \$280 million for wrongfully withheld Social Security taxes; serving as a plaintiff alongside a national coalition of states and cities in major climate change litigation against the Federal government decided by the United States Supreme Court; prevailing in the New York Court of Appeals in a landmark case that established that the Mayor did not have to enforce local laws if the Mayor believed they were invalid under State or Federal law; successfully litigating the validity of City regulations requiring national food chains to disclose on their menus the number of calories in food items; defending the City in a mass tort suit filed by more than 10,000 plaintiffs who have claimed injury as a result of clean-up operations following the World Trade Center attacks; and defending the legality of the recently enacted law changing term limits of city officials from two to three terms.

As Corporation Counsel, Cardozo has personally argued high-level cases on the City's behalf in both federal and state court. For example, he argued before the U.S. Supreme Court in April 2007 in a case involving unpaid property taxes owing from the U.N. missions of India and Mongolia. Holding 7-2 in the City's favor, the Supreme Court ruled that U.S. courts have jurisdiction to adjudicate real estate tax disputes between localities and foreign nations – an "important decision for the rule of law," as Mr. Cardozo told *The New York Times* and other leading media.

In addition, Cardozo won the aforementioned major bond case in May 2004 that resulted in about \$2.5 billion in additional funds being directed to New York City over five years. The Court of Appeals – the State's highest Court – affirmed two lower court rulings, upheld the City's legal position, and, rejecting the argument of then-Governor Pataki, ruled that a Payment Act created by the State Legislature was constitutional.

Most recently, Cardozo led the negotiations on behalf of the City that concluded a 25-year controversy concerning the City's policies regarding the homeless.

Reflecting on his role as Corporation Counsel, Cardozo said: "As I see it, my job is to promote the legal interests of New York City and to be sure that the City is operating within the law. If the City has a legal claim, my job is to see that it is pursued. If the City is sued, it is my job to see that, if the City has a meritorious defense, the case is defended appropriately. And one of the most important aspects of what I do is both to be sure the Mayor and Commissioners are given helpful and accurate legal advice, and to do everything possible to see that the actions they take are lawful."

Running the Law Department

Cardozo has spent a great deal of his time ensuring that the Law Department operates efficiently. These steps have included major technology improvements, having attorneys complete time records to allow the Department to allocate resources where they are most needed (a decision that prompted much internal debate), and advising agencies monthly of how much time has been spent on their matters and the status of those matters.

In addition, Cardozo has done everything possible to expand the diversity of its lawyers and staff. In recognition of that effort, in 2007, the City Bar Association awarded him its "Diversity Champion Award."

In addition, he has reached out to the private bar, inaugurating a highly successful Public Service Program where attorneys from the large firms try cases and take depositions for the City, at no expense to the Law Department. The Program, which Cardozo describes a "win-win opportunity for everyone involved," has provided much needed personnel power to the Law Department while giving large firm associates valuable pre-trial and trial experience.

Most recently, in the face of the present economic crisis, he has advised law firms and law schools that the Law Department would be interested in employing, again on a *pro bono* basis, furloughed or laid-off associates, as well as graduating law students who have had their start dates deferred.

Origins of the Corporation Counsel's Office – An Extraordinary History

While Michael Cardozo is the 55th attorney to hold the office of Corporation Counsel as it was permanently established in 1839, the position's origins actually date back to 17th century New York. On Jan. 15, 1683, colonial governor Thomas Dongan created the position of Recorder of the City of New York "to be assistant to the Mayor and Aldermen in the Government of this City and to aid in the administration of justice in the courts." Based on an English tradition dating back to the Middle Ages, the Recorder served as a combination political aide and legal counselor. He also served as a judge of the Mayor's Court, which was the court of first instance for almost all civil actions as well as many criminal actions arising within the City. Perhaps the most prominent of the Recorders was James Kent (1797-1798), who would become a nationally-revered judge and legal scholar.

In the years following the American Revolution, as the country struggled to establish a new government, New York City began to reorganize its own public offices. During this period, the City saw an explosion in population; by 1790, it became the largest city in the United States. As a center for trade and business in the new country, the legal demands of the City grew rapidly.

A Job With Expanding Duties

By the early 19th century, the many functions of the Recorder's office proved to be too much for one lawyer to handle. The role of "lawyer to the corporation" became the focus, with the Recorder's political and judicial roles given to other officers. Starting in 1801, the City's elected legislative body, the Common

Council, appointed the Counsel to the Corporation. This legal officer was given the power to hire additional attorneys to assist him with the City's legal work. However, the office was still not a permanent part of city government, and the attorneys were retained and compensated more as private law firm lawyers might be – according to case load and as needed. Counsels came and went; sometimes appointments would overlap, creating confusion and inconsistency. Indeed, this historical lack of clarity makes Mr. Cardozo's rank as the 55th Corporation Counsel a matter involving some measure of interpretation (see further commentary below).

The Need for a Permanent Office

Over time, the need for a permanent office of Counsel to the Corporation became clear. The position of Corporation Counsel was created in 1801, and in 1839 the Law Department was created. The first Corporation Counsel was Peter A. Cowdrey, who served from 1839 to 1842, and 1843 to 1844. Yet institutional confusion continued, thanks to political conflict and the parallel existence of no less than THREE Citywide legal officers -- the Recorder, Counsel to the Corporation, and Attorney to the Corporation.

Interestingly, all these offices were highly regarded. One of the Attorneys to the Corporation was Samuel J. Tilden, who went on to become Governor of the State of New York and very nearly President, but he lost to Rutherford B. Hayes. (As his final public act, Tilden bequeathed the bulk of his estate for the creation of what later became the New York Public Library.)

Clarity was finally obtained under the 1849 Charter, which permanently established the City's Law Department, elevated the Corporation Counsel to head of that Department, abolished the Recorder's office, and consolidated the position of Attorney to the Corporation into the Law Department. The Corporation Counsel, however, became an elective office (along with the Mayor and the heads of nine other City Departments), and it remained an elective office until 1870.

Power Grows for the Corp Counsel Position

As the Law Department grew, the Corporation Counsel became an important figure in City affairs. In 1856, Corporation Counsel Lorenzo Shephard filed an injunction against his boss, Mayor Fernando Wood, to protect Central Park's development from unlawfully falling under Wood's control. This case gave the Corporation Counsel's office an identity as a protector of the City and its people. Corporation Counsels throughout the 19th and 20th centuries would typically serve anywhere from two to four years, ordinarily coinciding with the terms of their respective Mayors. One exception was William C. Whitney who held the office for seven years and three months (from 1875 to 1882) and who was, until today, the term record-holder. Whitney combined longevity and organizational excellence, as does Cardozo in the estimation of most contemporary observers.

"Fighting for the City" – A Law Department History Book

An especially welcome outcome of Cardozo's tenure is a full-length book treatment of the history of the Corporation Counsel and the Law Department. Written by noted legal historian William E. Nelson, *Fighting for the City* was published jointly by the Law Department and American Lawyer Media (now Incisive Media). Law Department alumni, friends of the late Allen G. Schwartz (a former Corporation Counsel), and certain foundations all provided funding for the project.

The book, published last year, can be purchased at the CityStore, located in the Manhattan Municipal Building, One Centre Street, North Plaza, New York City, or on the publisher's website at www.lawcatalog.com.

Input from Michael Cardozo's Colleagues

Assorted City commissioners and general counsels weighed in on Cardozo's tenure with the Law Department:

- “I am pleased to congratulate Michael on this milestone in his career. His long-standing expertise and tireless dedication to the City of New York have positively impacted the efforts of many municipal agencies, including ours. I am especially grateful for his instrumental role in dismissing the *McCain* lawsuit and related cases, which governed the homeless services system for families with children in New York City for 25 years. As Corporation Counsel, Michael exemplifies a commitment for public service and a passion for justice that all New Yorkers should find inspiring,” noted Department of Homeless Services Commissioner Robert Hess.
- “From his first day as Corporation Counsel, Michael Cardozo’s leadership has been of incalculable benefit to the City’s legal operations. I have had the privilege of working with Michael on issues ranging from judicial selection and tort reform to the many complicated legal issues facing the Department of Education, and his focus on solutions that benefit the City’s agencies and its citizens has been unwavering. His pragmatic and effective approach to challenging legal matters provides all of us City attorneys with an example of what being a lawyer in the public interest is all about,” said Michael Best, General Counsel of the Department of Education.
- “As an agency counsel, I have always appreciated Michael Cardozo’s broad view of his role as Corporation Counsel. From the start, rather than focusing narrowly on the legal issues facing the highest levels of City government, he has paid great attention to the needs of the City’s many agencies. Under his leadership, the Law Department has provided the highest quality of legal representation and advice to the agencies that provide services to our citizens. By helping these agencies to achieve their varied policy objectives, he has advanced the interests of all New Yorkers,” said Matthew Shaffit, General Counsel of the NYC Department of Housing Preservation and Development (HPD).

Personal Background

Mr. Cardozo grew up on Manhattan’s West Side. He developed his interest in law early. He is a relative (albeit a distant one) to former U.S. Supreme Court Justice and New York State Court of Appeals Judge Benjamin Cardozo.

Mr. Cardozo received a B.A. in political science from Brown University in 1963. He is a 1966 graduate of Columbia Law School, where he served as an editor of the Law Review. After serving as a law clerk for the late Judge Edward C. McLean in the United States District Court for the Southern District of New York, Mr. Cardozo joined Proskauer Rose LLP as an associate in 1967. He became a partner in 1974.

At Proskauer, Mr. Cardozo was both an active trial lawyer and counsel to numerous sports leagues, including the National Hockey League, the National Basketball Association, and Major League Soccer. During his tenure at Proskauer, Mr. Cardozo served as co-chair of the firm’s 150-person Litigation Department and was elected by his partners on three different occasions to serve on the firm’s six-member Executive Committee. Until his departure in December 2001, Mr. Cardozo also served as co-chair of the firm’s Sports Law Group.

Mr. Cardozo has long been active in the public sector. From 1996 to 1998, he was President of the 21,000-member Association of the Bar of the City of New York. He is a fellow of the American College of Trial Lawyers and a member of the Board of Directors of the Lawyers Committee for Civil Rights Under Law, The American Law Institute, and the Executive Committee of the Lawyers Division of the Anti-Defamation League. His numerous previous outside activities include serving as Chair of the Columbia Law School Board of Visitors, Chair of the Fund for Modern Courts, Chair (by appointment of the Governor and Chief Judge) of both the New York State Joint Committee on Judicial Administration and the New York State Task Force on the Appellate Divisions, and, in the mid-1970s, Counsel to Governor Hugh Carey’s Task Force on Court Reform.

Mr. Cardozo is married to Nancy, his wife of 43 years. They have two grown daughters, Hedy and Sheryl, and two grandchildren, Josh and Lucy. Mr. Cardozo is an avid Yankees fan and enjoys travel, the outdoors, and spending time with his family.

How the “Longest-Serving” Date Was Calculated

Like anything else in New York City history, the date for ascertaining Cardozo’s tenure had twists and turns.

William C. Whitney, the previously longest-serving Corp Counsel, held the role for more than seven years. He was appointed on Aug. 9, 1875, and resigned on either November 6 or 7, 1882. The Law Department's own "History of the Office of the Corporation Counsel" (written in 1912) lists November 8 as the date when Whitney resigned and his successor assumed the duties of office. We know that Whitney's successor was already in place on November 8 because the office has a Corporation Counsel Opinion with that date signed by George P. Andrews and not by his predecessor, Whitney.

However, an article in *The New York Times* from Nov. 7, 1882, states that "yesterday" Whitney had resigned and Andrews had been appointed; also, that Andrews had "assumed the duties of his office within an hour after his appointment."

To be on the safe side, we used Whitney's last full day in office as November 7. Using a time and date calculator from the Internet: <http://www.timeanddate.com/date/duration.html>, Whitney's time comes to **7 years, 2 months and 30 days**.

Using Corp Counsel Cardozo's arrival date of Jan. 1, 2002, Cardozo officially passes Whitney today (April 3rd). For the exact calculation, see: <http://www.timeanddate.com/date/dateadd.html>).

Does This Get Any More Complicated?

This is New York City – fuhgettaboutit!

Yes, there are some additional caveats that might interest reporters and historians.

The precursor of the Law Department was officially founded in 1683. A previous New York City legal officer, Robert Emmett, had an eight-year term from January 1829 to sometime in the Spring of 1837. We have not been able to pin down either the exact start or end dates. However, we do know that he served at least 8 years and a few months. Likewise, James Graham served as Recorder from 1683 to 1688, and from 1693 to 1701, a total of approximately 12 years. Both Emmett and Graham served before "Counsel to the Corporation" was established as a permanent city office.

Therefore, Cardozo's accomplishment can be framed or explained as the longest-serving City legal officer in modern times.

Kudos and Acknowledgements

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About the Law Department

Michael A. Cardozo oversees more than 650 attorneys in the 17 divisions of the New York City Law Department, which traces its origins back to 1683. It ranks in the top three largest law offices in New York City, and is among the largest public law offices in the country. The Law Department has an active caseload of 90,000 matters and transactions, covering a wide diversity of subject matters, including Environmental Law, Contracts, Tort, Labor & Employment, Tax & Bankruptcy and Family Court. You can find out more about the NYC Law Department at nyc.gov/law.

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