

## After 44 years on the bench, Judge Stander switches gears

By: Gino Fanelli | October 22, 2018 | 0

When Thomas Stander and his wife Sally bought their house in Fairport, Elton John's version of "Lucy in the Sky with Diamonds" had just topped the Billboard charts, the Vietnam War was drawing to a close and the Cadillac Seville saw its first year on the market. It was 1975 and the 29-year-old graduate of Syracuse University College of Law, now four years on the bar and working in private practice, decided to join a Fairport long-range planning committee, a decision that would ultimately shape a decades long legal career.



Thomas Stander

"I ran into on that committee two people, Pat Knapp and Blake Foster, and they, the next year, decided to run for village trustee," Stander said. "They were looking for a sacrificial lamb to run for village judge, so, we all knew each other and I said 'I'll run—it'll help my private practice.' I won that election—beat that incumbent. You start to think, what would have happened if I didn't move to the Village of Fairport? What would have happened if I didn't join that committee? One thing just led to another."

For four terms, Stander served as a part-time village justice in Fairport, and, when 1990 rolled around, he was tapped to serve on the New York Supreme Court for the Seventh Judicial District. He was 45—one of the youngest justices ever elected to the district—ready for a 14-year term in office, the first of two terms he would fill until his retirement from the court in June of this year.

In 28 years, technology has changed the world over, and the court system was certainly not immune to that. In fact, Stander had his hands directly on that change.

"When I got to the Supreme Court in 1990, firstly, there were no computers," Stander said. "I'd come from a law practice where computers were used, not like they are today, but were used quite a bit, at least for word processing. We couldn't quite live without computers, so I had a contractor friend of mine come into the Hall of

Justice on a weekend and drill a hole through the concrete wall, and we connected our computers without our secretaries. We made a mini-LAN program so we could share work calendars, share projects back and forth.”

In the modern era of e-filing and a legal system unquestionably powered by access to the internet, Stander looks back on those early, relatively Stone Age innovations with pride, but it was not the only sea change he spearheaded in his time on the court. Six years into his first term, Stander would become the “upstate experiment” commercial division judge under Chief Judge Judith Kaye, joining four justices in Manhattan. The commercial division specializes in contract and business disputes. He used that perch to push the court’s digital capacity even further forward.

“It turned out to be highly successful and spread across every district and city,” Stander said. “That’s really a highlight of my career, the 10 years I spent on that division, but in that time, we talked about e-filing and filing electronically. They set up a program that was voluntary, and I explained to them then and I felt that way until this year that e-filing voluntarily wasn’t going to happen, it wasn’t going to work.”

Matthew Rosenbaum represents the commercial division for the Seventh District on the Supreme Court, and continued the push for e-filing. E-filing is now mandatory in New York state.

“I remember he (Rosenbaum) asked me how long I’d been working on this, and I said ‘oh, about 15 years,’” Stander said with a laugh. “He said ‘ooh, that’s not hopeful,’ but, anyway, it’s now there and it’s a very good thing.”

There’s an argument that e-filing was an inevitability, but Stander’s role as the pilot commercial division judge, a role he remembers fondly, was one which he felt filled a critical gap dividing the very different legal environments of the upstate and downstate business markets.

“Upstate and downstate are different entities in the way they do things, so I think they wanted to see how the commercial division would work in both locations. So instead of having a number of different locations, the Chief Judge, Judith Kaye, selected me to run the program,” Stander said. He was chosen “in part because of my interest in computerization and my interest in resolving cases, which I had reputation for doing. But they had to try both locations, and it was as successful up here as it was down there, so then they added Buffalo, Syracuse, Westchester and so forth.”

In June, after nearly three decades on the Supreme Court, Stander opted to retire from the bench. But he’s not ready to spend all of his time on the golf or tennis court yet. His passion for finding unique solutions to disputes brought him to Rochester’s LeClair Korona Cole LLP as a mediation specialist. His role, he described, is to try to resolve disputes by thinking outside of the box.



"The fun part is really finding a creative solution," Stander said. "When you're talking about straight personal injury action or clear liability and the numbers are \$100,000, \$50,000 and you pick \$75,000, that's one way to mediate a case. But when you have to come up with something that's unique and different, that you have to follow a bunch of different steps to go along, that's different.

"There was a trial I had once where the jury seemed to be deadlocked, and nobody wanted to retry this case. So the attorneys, at my suggestion, got together and we decided that when the jury came out, we would poll them. If the polling of the six person jury was 4-2, then the defendant would pay the plaintiff X number of dollars, and if it was 2-4, they'd pay a different number... It's that kind of thinking that got everyone on the same page and made everyone reasonably happy."

The effectiveness of his mediation was echoed in a statement from David Rasmussen, an attorney involved with Stander's first mediation at LeClair.

"He got us started by 10 a.m. and we were done by 4 p.m.," Rasmussen said.

With nearly half a century spent on the bench behind him, Stander still lights up as he reminisces on his career. He speaks with passion and reverence about his life's work. Most notably, he is grateful—for his time serving the state, for the changes he was able to strike in the court and grateful for the communities he was able to serve.

"It was the greatest job in the world," Stander said. "I don't think there was ever a day I didn't look forward to going to work as a Supreme Court judge. When I was a village judge, I loved being close to the community and being involved with the community by being a judge in the town court system. It was special."

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### **Thomas Stander**

**Title:** Mediation specialist, LeClair Korona Cole LLC; retired, New York State Supreme Court justice

**Age:** 77

**Residence:** Fairport

**Education:** Bachelor of arts in history, Denison University, 1967; juris doctor, Syracuse University College of Law, 1970



**Family:** Wife, Sally; daughter, Becky Dziedzic; son, Jeffrey

**Hobbies:** Golf, tennis, biking, photography

**Quote:** "I don't think there was ever a day I didn't look forward to going to work as a Supreme Court judge."

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