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## Lawrence H. Cooke, 85, New York Chief Judge, Dies

By WILLIAM H. HONAN

**L**awrence H. Cooke, a former chief judge of New York State known for his homespun style and liberal rulings on such matters as the rights of criminal defendants and freedom of the press, died Thursday at his home in Monticello, N.Y. He was 85.

As chief judge, he was responsible for administering one of the largest judicial systems in the country, and he served as chief judge of the State Court of Appeals, the highest judicial position in the state.

Chief Judge Judith S. Kaye, one of his successors, issued a statement yesterday in which she praised Judge Cooke for his "outspoken support of women and minorities" and for a personal style that was "never abstract or bookish" and that led him to prefer to be called just Larry.

In a judicial career of more than 30 years, some of Judge Cooke's most significant opinions came while seated on the State Court of Appeals.

For example, in a case called *People v. Roberts*, Judge Cooke wrote in the majority opinion that once a lawyer has entered a proceeding in what may develop into a criminal case, the police must cease questioning the suspect, and that a waiver of the right to counsel may be made only in the presence of counsel.

Not all of Judge Cooke's liberal opinions were in criminal cases. In *Sharrock v. Dell Buick-Cadillac*, Judge Cooke wrote the majority opinion that a state lien law permitting garage operators to satisfy an overdue bill by auctioning off the delinquent customer's car constituted a state deprivation of property without due process of law under the State Constitution.

In *Beach v. Shanley*, Judge Cooke wrote the court's opinion that the Shield Law permits a reporter who has been called before a grand jury to withhold the name of confidential sources without being subject to any sanction for criminal contempt.

While chief judge, he frequently tangled with governors over court budgets and with lower-court judges over assignments. In 1982, Judge Cooke went so far as to appear as a litigant in his own courtroom.

Many of those struggles, he later acknowledged, were little more than turf wars

waged by those whose authority had been diminished by the 1977 constitutional amendments making the administration of the state court system the responsibility of the chief judge.

When asked if he had behaved highhandedly in these matters, Judge Cooke replied, "You cannot consult with 3,500 judges or 10,000 people on every decision."

Judge Cooke received national recognition for his work as chief judge in improving New York's courts.

He had leadership roles in the National Center for State Courts, where he served as president, and in the Conference of Chief Justices, of which he was chairman.

Judge Cooke was elected to the Court of Appeals in 1974 and was appointed chief judge by Gov. Hugh L. Carey in January 1979. He had been named associate justice of the Appellate Division, Third Department, by Gov. Nelson A. Rockefeller in 1968, and had been a justice of the Supreme Court, Third Division, since 1961; he had twice been elected Sullivan County judge and surrogate.

He was a vigorous advocate for the State Justice Institute, which provides grants to state and local court systems, and in 1986 President Ronald Reagan named him to its first board of directors.

In an interview in 1984 shortly before he reached 70, the age of mandatory retirement, Judge Cooke called his rise to one of the most coveted judicial positions in the country a "miracle" because he was the son of a small-town lawyer who lacked both money and significant statewide political connections.

Lawrence Henry Cooke was born Oct. 15, 1914, in Monticello. He graduated from Monticello High School and then from Georgetown University cum laude in 1935, and from the Albany Law School in 1938.

After opening a law office in Monticello in 1939, he was elected supervisor of the Town of Thompson for two terms.

His judicial career began in 1953 when he was elected county judge, surrogate and Children's Court judge.

After his retirement in 1984, Judge Cooke returned to private practice and was also a scholar in residence at Pace Law School.

Judge Cooke is survived by his wife, Alice McCormack Cooke of Monticello; two sons, Edward M. Cooke of Monticello and George L. Cooke II of Rock Hill, N.Y.; a daughter, Mary Lauren Cooke Opie of Amesbury, Mass.; nine grandchildren; and three great-grandchildren.

Judge Cooke agreed that his country-style informality and small-town involvement, which included four decades of service as a volunteer firefighter in Monticello and later in administrative firefighting posts throughout Sullivan County, led some people to regard him as something of a hayseed. But his critics, he said, underestimated him.

"I think some people wanted to feel I was a rustic, a country bumpkin, but I never thought so," he said. "I went to the proper schools. I had been around, and I felt I could hold my own in any company. But I never lorded over anybody. I felt you could be efficient and still be nice."

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