

'Notorious RBG' Lawyer Who Died at 25 Posthumously Admitted to Bar

Jeff Storey, *New York Law Journal*

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Kelly Cosby, standing top right, poses with Shana Knizhnik, left, and Elizabeth Gavin on Oct. 27 at the book release party of "Notorious RBG," a biography of U.S. Supreme Court Justice Ruth Bader Ginsburg.

Preparing to swear in 71 men and women as lawyers, Justice Peter Tom pointed out an empty seat in the ornate courtroom of the Appellate Division, First Department.

Tom, the court's acting presiding justice, said that Kelly Beth Cosby, the young lawyer who would have occupied that seat, did not "absent herself voluntarily."

Kelly was 25 when she died of an aggressive melanoma in November 2015. But Tom said the court had reserved the seat for her because she had "satisfied every obligation demanded of an applicant to the bar, under extraordinarily demanding personal circumstances, and because she performed with such exemplary dedication, discipline unwavering good spirit."

Citing her "heroic efforts," while undergoing treatment for a recurring fatal disease, to complete law school, pass the bar and start work at Duane Morris, Tom said that the court was posthumously admitting Kelly to the bar—a rare and perhaps unprecedented step.

Other jurisdictions have occasionally admitted lawyers posthumously, usually to compensate for historic discrimination against members of ethnic and racial groups, including the case of a black man excluded from the bar in Pennsylvania and a Chinese-American in California.

But Tom said in an interview that he could not recall another posthumous admission during his 22 years on the First Department bench. He added that court veterans had told him there may have been one other, but no one could remember the circumstances.

Cosby's father, Mark, and her mother, Jimmie, traveled from Kansas to join Kelly's brother Clay, a first-year student at Brooklyn Law School, friends and colleagues from Duane Morris, and New York University Law School Dean Trevor Morrison for the Sept. 12 ceremony.

Mark Cosby said his daughter had "a passion for making the world a better place." She could not understand why some people were treated differently than others and started challenging her parents on their beliefs.

Kelly Beth Cosby grew up in Kansas in a family full of Alexander Hamilton fans. Neither of her parents are lawyers, but her mother said that Kelly decided she wanted to be one in the seventh grade.

Mark Cosby said his daughter had "a passion for making the world a better place" and started challenging her parents on their beliefs. The family has established a foundation in her memory to support Kelly's beliefs. See www.thekellyway.org.

Beginning in high school and continuing at the University of Kansas, NYU law school, and legal practice, she showed a commitment to social justice, working on causes like Amnesty International and the Global Justice Center and taking on pro bono cases.

But she got most attention for collaborating on "Notorious RBG," a hip-hop song honoring U.S. Supreme Court Justice Ruth Bader Ginsburg. The day before her death, Morrison delivered to her a note from the justice: "To Kelly Cosby—Thinking of my favorite rapper with appreciation and affection, Cheers, RBG" (NYLJ, Nov. 19, 2015).

Tom told the aspiring lawyers that Kelly's life "had exemplified idealism and lawyerly accomplishments, yet whose greatest accomplishment may be the example she has set for others: whatever the challenges, whatever the impediments, whatever the pain and turmoil, persevere with grace and dignity. That, in a nutshell, is, I think, the best advice that one can give to aspiring lawyers, and Kelly Beth Cosby did so by example."

Witnesses to the bar admission said it was emotional. The aspiring lawyers applauded Tom's statement, and some shook hands with her family following their own admission.

"There were plenty of tears," Morrison said. Her parents were "visibly moved," Grohman said.

Newman predicted the new lawyers will remember Tom's words "as long as they live."

Jimmie Cosby said, "I felt so many emotions during Justice Tom's speech. First, I felt such grief and longing for Kelly to physically be sitting in the chair and a desire to give her a hug and express my immense pride. I wanted her to be able to experience the fulfillment of a dream she had for so many years. But then I felt her there and, because we have a strong faith, believe that she is experiencing so much more now."

She added, "As Justice Tom went on to address the attorneys, he spoke to them about the importance of pro bono work and treating others with civility, I felt this is all for a higher purpose—for me, Mark, and Clay—we have to live in a way that will show hope, love, and grace to those around us."