

## IN PRAISE OF JUDITH S. KAYE

THE HONORABLE RUTH BADER GINSBURG\*

Judith S. Kaye made history in 1983, the year she became the first woman ever to be appointed to New York's highest court. Ten years later, she again captured headlines, this time on becoming Chief Judge of the court. She now holds another record: Judith Kaye has been New York's Chief Judge longer than any other occupant of that high office.

Upon graduation from Barnard College in 1958, Judith's dream was to become a leading news reporter. She imagined under her byline opinion-shaping stories transmitted from Latin American capitals, stories with insight deepened by her knowledge of Spanish and Portuguese. But in those not-so-good old days, the best job she could land was social page reporter for a Union City, New Jersey newspaper.

Journalism's loss was the legal profession's great gain. Judith was one of the first women to excel as a trial lawyer in commercial cases and to become a partner in a major New York City law firm. How did she manage those achievements while raising three children? In her own words, she "lived day to day, and kept her fingers crossed."

On becoming Chief Judge, Judith took over a large, less-than-orderly court system that was sorely underfunded and desperately in need of reform. Through patient persistence, she succeeded, despite daunting odds, in making New York's judiciary more accessible and less change resistant. Among her innovations, she pioneered problem-solving and community-centered courts to deal with, for example, domestic violence, drug addiction, and juvenile justice. She pressed for, and gained, jury service and probation system reforms. She spearheaded consolidation of New York's courts and their various functions.

Taking a cue from Justice Brennan,<sup>1</sup> she understood that New York's constitution and common law had important roles to play in

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<sup>1</sup> See William J. Brennan, Jr., *The Bill of Rights and the States*, 36 N.Y.U. L. REV. 761 (1961) (discussing application of Bill of Rights to states through Fourteenth Amendment); William J. Brennan, Jr., *The Bill of Rights and the States: The Revival of State Constitutions as Guardians of Individual Rights*, 61 N.Y.U. L. REV. 535 (1986) (discussing state court decisions protecting civil liberties under state constitutions to greater extent than required

the protection of fundamental human rights. On her watch, the state's constitution and laws were read to advance due process, freedom of expression, freedom from unreasonable searches and seizures, and genuinely equal opportunity. The U.S. Supreme Court's sometimes constricted reading of parallel provisions of the Federal Constitution did not overwhelm her judgment.

What accounts for her extraordinary success? Colleagues on the bench and at the bar attribute it to her intelligence, dedication, integrity, unfailing collegiality, and above all, her caring for the welfare and respect for the dignity of all people law exists to serve.

Judith's leadership talent has been recognized not just in New York State but across the country. She served as president of the National Conference of Chief Justices and chaired the board of the National Center for State Courts. Among other affiliations, she is a member of the American Law Institute Council, the American Academy of Arts and Sciences, and the American Philosophical Society. Her published commentary is as extensive as it is wise and engaging. She has addressed and inspired law students, lawyers, judges, and concerned citizens here, there, and everywhere, and is the recipient of numerous high awards and honorary degrees.

Her demanding schedule has not kept her from spirit-restoring time-outs: to cheer for the Rangers, to attend great performances at the Metropolitan Opera, to see a good movie, and, of course, to enjoy the company of her children and seven grandchildren.

Unlike the federal system, New York does not retain its judges "during good behavior." Though Judith is more than five years younger than I am, she was obliged to step down as chief steward of New York's courts at the end of 2008. I have no doubt, however, that in her life's next chapter, she will continue to follow one of the cardinal rules she has set for herself: "When enlisted in a good cause, never surrender."

I join the legions whose lives Judith S. Kaye has touched in a resounding *brava* for the enormous good she has done, and in wishing her all the best for the adventures ahead.

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by federal law); William J. Brennan, Jr., *State Constitutions and the Protection of Individual Rights*, 90 HARV. L. REV. 489 (1977) (same).