

CHIEF JUDGE JUDITH S. KAYE: PROUD TO CALL HER ONE OF OUR OWN

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There are many reasons why all of us at New York University School of Law are proud to claim Judith S. Kaye '62 as one of our own. As the legal community is well aware, Judge Kaye is the longest serving chief judge of New York State's highest court, the Court of Appeals, and the first woman to be named to that body. During her tenure, Judge Kaye gained a well-deserved reputation as a leader and reformer of New York's sprawling, and notoriously unwieldy, state judicial system. Her accomplishments are legendary. In particular, she led the successful fight to abolish automatic exemptions from jury service, so that everyone, attorneys included, now serves and jury service is a less onerous civic duty. (And with more jurors in the pool, jury duty now usually lasts only a few days, compared to the two weeks that was typical before.) She also pushed for specialized courts to better handle domestic violence and nonviolent drug offense cases. And, of course, her legal opinions on matters ranging from the constitutionality of the death penalty to the rights of gays to marry have been enormously influential.

But to those of us at NYU Law School, Judge Kaye is also an extraordinary classmate, friend, and alumna—an exceptional legal thinker who generously gives of her time, energy, and intellect. Kaye attended the Law School while holding a day job working as an editor for a feature syndicate; yet she managed to graduate *cum laude*, sixth of 290 in her class. Entering the legal profession at a time when women were still discouraged from the field, she embarked on an extraordinary career. She was hired as the sole female litigator at Sullivan & Cromwell and later became the first female partner at Olwine, Connelly, Chase, O'Donnell & Weyher. In 1983, she was appointed to the Court of Appeals, becoming chief judge in 1993. But throughout her impressive career, no matter how busy her schedule, Judge Kaye remained a vital and valued friend to NYU Law School.

One example of Judge Kaye's continuing involvement in the NYU community is the key role she has played in the Law School's Dwight D. Opperman Institute of Judicial Administration (IJA).

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Serving on the board and contributing a steady stream of ideas on how to improve the administration of justice in the state courts, she has helped IJA fulfill its mission of creating high quality continuing education programs for state and federal judges. In fact, it was Judge Kaye who proposed that IJA launch a lecture series to parallel the Law School's prestigious Madison lecture on the federal judiciary. Judge Kaye envisioned a series that would recognize the pivotal role of the state judiciary in protecting constitutional rights, with lectures by leading state judges on critical issues. The result was the Justice William J. Brennan Lecture on State Courts and Social Justice, a series that began in 1995 with Judge Kaye delivering the inaugural lecture. In her lecture, *State Courts at the Dawn of a New Century: Common Law Courts Reading Statutes and Constitutions*,¹ she argued that when statutes leave gaps, state court judges have a responsibility to fill in those gaps with sound policy informed by the principles of common law. "For state judges, schooled in the common law, to refuse to make the necessary policy choices when properly called upon to do so would result in a rigidity and paralysis that the common-law process was meant to prevent."² Her lecture received a standing ovation from an audience that included justices from more than thirty-five of the country's state supreme courts, as well as about a dozen of Justice Brennan's former law clerks. Since then, Judge Kaye has returned to the Law School on numerous occasions to introduce the Brennan Lecture speakers, and the series has become an influential platform for leaders in the state judiciary, with each year's lecture being published in the *New York University Law Review*.

Judge Kaye's presence on campus has been felt in other ways as well. Her daughter Luisa '91 is an alumna, making NYU Law School a family tradition. And in January 2007, Judge Kaye delivered the keynote at NYU Law School's Annual Alumni Luncheon, enumerating her six "life lessons." Recounting her against-odds rise, she urged graduates to strive to foster change that will bring legal justice, even if it might bring controversy and criticism. Echoing another trailblazer, Margaret Mead, Kaye told the audience: "Never doubt that a small group of thoughtful, committed citizens can change the world."

As a measure of NYU Law School's esteem for Kaye, we have awarded her the Arthur T. Vanderbilt Medal, the highest honor that the Law School gives to its most outstanding and committed alumni. The *Annual Survey of American Law* also dedicated an entire volume

¹ 70 N.Y.U. L. REV. 1 (1995).

² *Id.* at 34.

to her.³ Previous *Annual Survey* dedicatees have included U.S. Supreme Court Justices Harry A. Blackmun, William J. Brennan, Jr., Stephen G. Breyer, Ruth Bader Ginsburg, Thurgood Marshall, Sandra Day O'Connor, Antonin Scalia, and John Paul Stevens. At the 1994 dedication ceremony, before professors, alumni, and students, John Sexton, then the dean of NYU Law School (now the president of NYU), called Kaye "a great lawyer, a great jurist, and a great person with an extraordinary heart."⁴

And so it seemed fitting that Judge Kaye would deliver her final address on the state of the judiciary last fall on the NYU campus, instead of in the Court of Appeals Hall in Albany. Speaking to a near capacity crowd at the Jack H. Skirball Center for the Performing Arts, Judge Kaye said: "[T]here can be no doubt that I have had the Role of a Lifetime, a privilege beyond description to labor in the cause of justice alongside the greatest people on Earth."⁵ All of us applauded loudly, keenly feeling our own sense of privilege to have such a gifted legal mind and loyal friend in our community.

³ *A Tribute to Chief Judge Kaye*, 1994 ANN. SURV. AM. L. ix.

⁴ *Annual Survey Honors Chief Judge Judith Kaye ('62)*, N.Y.U. L. SCH. MAG., Autumn 1994, at 46, 46.

⁵ Judith S. Kaye, Chief Judge of the State of N.Y., *The State of the Judiciary 2008: A Court System for the 21st Century*, at 31 (Nov. 12, 2008), available at <http://www.nylj.com/nylawyer/adgifs/decisions/111308speech.pdf>.