The Historical Society *of the* Courts *of the* State *of* New York

2009 GALA DINNER

Making History

JUDITH S. KAYE

ASSOCIATE JUDGE, NEW YORK COURT OF APPEALS 1983 - 1993

CHIEF JUDGE OF THE STATE OF NEW YORK 1993 - 2009

APRIL 16, 2009

GOTHAM HALL • 1356 BROADWAY • NEW YORK CITY

The Historical Society *of the* Courts *of the* State *of* New York

The Society was launched in 2003 with the mission of preserving the legal and judicial history of the State of New York. It seeks to foster scholarly understanding and public appreciation of the rich legacy of the New York courts, the legal profession and their contributions to the State and nation.

The Society presents programs on a wide variety of topics about New York's legal history that are CLE-accredited; it publishes books of historical interest and a scholarly periodical; it has initiated a program to collect the oral history of, among others, former New York Court of Appeals Judges; it exhibits New York legal history in Court of Appeals Hall and at the New York State Judicial Institute; and it has created a website that contains a rich and growing library of New York judicial history.

Annual Series, Occasional Lectures & Events

The Society holds an annual lecture each year at the New York City Bar, as well as lectures held at other forums across the State. The programs feature guest lecturers who are prominent lawyers, jurists and law school and university professors who are experts in their fields.

- **2003 -** The Framing of the Constitution: New York's Role
- **2004 -** Chancellor James Kent and the Origins of Law Reporting and Legal Education
- **2005 -** David Dudley Field and the Code Concept
- **2005 -** An Empire of Reason — The History of Federalism in America
- **2006 -** The Scales of Justice: a Reargument of Palsgraf v. Long Island R.R. Co.
- **2006 -** Frontier Justice: Western New York Blazes the Trail on the Underground Railroad and Down the Erie Canal. (Buffalo, New York)
- **2006 -** Encore Presentation of The Scales of Justice: a Reargument of Palsgraf v. Long Island R.R. Co. (White Plains, New York)
- **2007 -** Encore Presentation of The Scales of Justice: a Reargument of Palsgraf v. Long Island R.R. Co. (Nassau County Bar Association)
- **2007 -** The New York Court of Appeals: A Biographical, Pictorial, Jurisprudential History with Dramatic Readings
- **2007 -** Inaugural Stephen R. Kaye Memorial Program: Alexander Hamilton, The Anchoring of American Law
- **2007 -** Inaugural Society Gala: A Living Legacy Honoring the Retired Judges of the New York Court of Appeals
- **2008 -** 2008 Society Gala: 80th Anniversary of the New York County Courthouse & 40th Anniversary of Hon. Norman Goodman, County Clerk & Clerk of the Supreme Court
- **2008 -** Courtrooms and Courthouses: What Do They Say? How Do They Say It?
- **2008 -** 2008 Stephen R. Kaye Memorial Program: The Founding of the Republic. Has History Given New York Its Due?
- **2008 -** Ladies of Legend: The First Generation of American Women Attorneys, a joint program with the U.S. Supreme Court Historical Society
- **2009 -** 2009 Gala: Honoring the Legacy of Judith S. Kaye

New York Court of Appeals Lecture Series

The Society co-sponsored with the New York Court of Appeals a 2006 and 2007 series of lectures at the New York Court of Appeals. This represented the first time this important building had been open to the public as well as Society members for an educational lecture series.

- NY Times v. Sullivan and its Times: The Press and the Community
- Dreiser's "An American Tragedy:" The Law and the Arts
- The Shape of Justice: Law and Architecture
- *Democracy* — a lecture delivered by U.S. Supreme Court Justice Stephen Breyer
- Geoffrey Canada: The Courts and Children
- Jeffrey Toobin: The Courts and the Media

2008 New York Court of Appeals Lecture Series

- David J. Stern, Commissioner, National Basketball Association
- Owen Pell & Monica Dugot: Stolen Art
- Woodstock: The Music of the First Amendment

Scholarly Publication

The Society publishes twice yearly a literary publication, *Judicial Notice: A Periodical of New York Court History,* containing articles of historical substance and scholarship, including writings by distinguished historians, attorneys and other presenters.

Book Publications

The Society has published or is in the process of publishing the following:

- **The Judges of the New York Court of Appeals A Biographical History,** edited by Hon. Albert M. Rosenblatt with foreword by Chief Judge Judith S. Kaye, providing a comprehensive, authoritative guide to 160 years of the important legal legacy of the New York Court of Appeals (Fordham University Press 2007)
- **Historic Courthouses of the State of New York A Study in Postcards,** by Julia and Albert Rosenblatt, featuring rare postcard images of county courthouses throughout New York State with accompanying text (Turner Publishing Company 2007)
- **2006 Court of Appeals Lecture Series:** Compendium of the three lectures comprising the 2006 Court of Appeals Lecture Series

Oral History

The Society is committed to recording the oral history of prominent figures in New York's legal history in order to preserve the living record of their experiences, and to provide future generations with their words and thoughts. The Society has completed four oral histories, including Hon. Richard J. Bartlett and New York Court of Appeals Judges Richard D. Simons, Bernard S. Meyer, and Matthew J. Jasen. The Society will be videotaping the oral histories of prominent NYS attorneys and judges throughout 2009.

David A. Garfinkel Essay Contest

The Society commenced in 2008 an essay contest directed at CUNY & SUNY community college students.

2008 - The Courts and Human Rights in NY: The Legacy of the Lemmon Slave Case

2009 - The New Netherland Legal System and the Law of 21st Century New York

Website

The Society designed and launched its website in 2003. It contains an extensive library, including portraits and photographs of judges and other notable legal figures accompanied by biographies, documents of important note in the State's legal history and Society publications. We are in the process of including as webcasts all lectures given after the 2006 annual lecture, as well as the Court of Appeals lecture series and other presentations of interest. ■

The Historical Society *of the* Courts *of the* State *of* New York

OFFICERS

Hon. Albert M. Rosenblatt, *President*

John D. Gordan, III, *Vice President*

Frances Murray, *Secretary*

Stephen P. Younger, *Treasurer*

Marilyn Marcus, *Executive Director*

BOARD OF TRUSTEES

Hon. Richard J. Barlett, Hon. Jonathan Lippman & Leon Silverman, *Trustees Emeritus*

Helaine M. Barnett
Barbara A. Brinkley
Hon. Penelope D. Clute
Barry H. Garfinkel
Hon. Norman Goodman
Henry M. Greenberg
John J. Halloran, Jr.
Hon. Judith S. Kaye
Hon. Robert G. M. Keating
Henry J. Kennedy
Greta K. Kolcon
A. Thomas Levin
Prof. Troy McKenzie
Hon. E. Leo Milonas
Hon. Leon B. Polsky
Michael B. Powers
Roy L. Reardon
Hon. Edward O. Spain

Christine W. Ward, *N.Y.S. Archivist, Ex Officio Tustee*

GALA PLANNING COMMITTEE

Barry A. Garfinkel
Hon. Norman Goodman
Hon. E. Leo Milonas
Roy L. Reardon
Hon. Albert M. Rosenblatt
James A. Rossetti
John S. Siffert
Stephen P. Younger

2009 GALA DINNER

Judith S. Kaye

OUR SYMBOL OF JUSTICE FOR THE AGES

Program

WELCOME

JUDGE ALBERT M. ROSENBLATT

President, The Historical Society of the Courts of the State of New York

COMMENTS

CHIEF JUDGE JONATHAN LIPPMAN

VIDEO PRESENTATION

REMARKS

JUDGE JUDITH S. KAYE

First in Our Jurisprudence
First in Our Hearts

HONORABLE

Judith S. Kaye

JUDITH S. KAYE was born and raised in Monticello, New York. She attended Barnard College and received her LL.B. degree from New York University School of Law in 1962, graduating cum laude.

Immediately following law school, Judge Kaye entered private practice at Sullivan & Cromwell in New York City (1962-1964), and was in-house counsel in the law department of International Business Machines (1964-1965). From 1965 to 1969, she was part-time assistant to Dean Russell Niles of New York University School of Law (1965-1969). In 1969, she joined Olwine, Connelly, Chase, O'Donnell & Weyher as a litigation associate (beginning on a part-time basis, with three young children), and was later named a partner, in this mid-size New York City commercial law firm, where she remained until 1983.

That year, she was appointed by Governor Mario M. Cuomo to the highest court of the state of New York, the Court of Appeals, becoming the first woman to occupy that post. In 1993, Judge Kaye made history again when Governor Cuomo appointed her Chief Judge of the State of New York, the first woman to occupy that post, adding administrative and executive responsibilities for the state court system to her judicial role. The only New York Chief Judge ever to complete a full 14-year term, Judge Kaye was reappointed by Governor Eliot Spitzer in 2007, to a term that ended December 31, 2008 due to the State's mandatory retirement provisions. She recently became Of Counsel to the law firm of Skadden Arps Slate Meagher & Flom.

While Judge Kaye is recognized as a national leader in the judicial system, it is her dedication to her home state that sets her apart from her fellow jurists. During her tenure, Judge Kaye led countless projects to make the New York court system more efficient and responsive to the needs of all residents. Her most noteworthy initiatives include creating problem-solving courts, including drug and family treatment courts, domestic violence courts, mental health courts, and community courts; implementing a Commercial Division of specialized commercial courts for cost-effective resolution of business disputes; establishing a statewide network of child-care centers for litigants in courthouses; and designing the Adoption Now program which has produced faster adoptions and more streamlined procedures for children in foster care and their families.

Judge Kaye has dedicated herself to educating the public and legal community about the courts. She has lectured widely throughout her State and the nation, and is the author of numerous publications. Her most noted articles deal particularly with legal process, women in the law, state constitutional law, professional ethics and the problem-solving courts she implemented throughout New York.

Chief Judge Kaye's commitment to service extends beyond the bench. She has served as chair of The Permanent Judicial Commission on Justice for Children, on the Board of Directors of The Dwight D. Opperman Institute of Judicial Administration, and on the Board of Editors for the New York State Bar Journal. She is a founding member of Judges and Lawyers Breast Cancer Alert, a member of several bar associations, and a Trustee of The William Nelson Cromwell Foundation. She was President of The National Conference of Chief Justices. She has lectured widely and authored numerous publications.

Judge Kaye is the inspiration behind the formation of The Historical Society of the Courts of the State of New York, and has been an important guiding force in its growth and development.

With her first love and husband

Stephen R. Kaye (1931-2006)

Together at their daughter Luisa's wedding in 1991

The First Family

The family at Mohonk Mountain House, May 2006

Ben Smith at the family store

Highschool grad at 15

Judith aged 3 on the farm

Judith with her mother and brother in front of the store

The first woman named to the Court of Appeals

The New York Times

Copyright © 1983 The New York Times NEW YORK, FRIDAY, AUGUST 12, 1983

Judith S. Kaye after her nomination to the Court of Appeals.

Cuomo Selects First Woman For High Court

By DAVID MARGOLICK

Judith S. Kaye, a partner in a Manhattan law firm and vice president of the Legal Aid Society, was nominated by Governor Cuomo yesterday to be the first woman to serve as a judge on the state's highest court.

The appointment of Mrs. Kaye to the Court of Appeals is subject to confirmation by the State Senate.

At a news conference in his office at the World Trade Center, Mr. Cuomo praised Mrs. Kaye's "extraordinary qualifications" and called her a "a lawyer of unusual ability, integrity and determination."

Referring to the absence of a woman on the court, he said, "In addition to adding excellence to the court, the appointment of Judith Kaye erases a stigma it has borne for too long a time."

No Experience as a Judge

Mrs. Kaye, a partner at the firm of Otwine, Connelly, Chase, O'Donnell & Weyher, has never been a judge. Mr. Cuomo said this would not be a handicap and noted that several Court of Appeals judges had not previously served on the bench, including Adrian P. Burke, for whom he once was clerk.

"Like other great Court of Appeals judges who came to the bench directly from the practice of law," he said, "her day-to-day life as an advocate has demonstrated the character, temperament, capacity for collegial activity and ability to articulate that are essential."

Mrs. Kaye said she felt both "inexpli-

Continued on Page B6, Column 1

The New York Times
Published: August 12, 1983
Copyright © The New York Times

Her first public comment after nomination to the New York Court of Appeals

I don't think of myself as a crusader.
My gender travels with me.
Being the first woman, I don't lay that aside.
That enhances the excitement.

Her first decision

Consolidated Edison Co. v. Town of Red Hook, 60 N.Y.2d 99 (1983)

Holding invalid a local law that "imposes an additional layer of regulation in an area where the Legislature has evidenced its intent to pre-empt the field of regulation."

Her first sole dissent

People v. Charles F., 60 N.Y.2d 474, 480-581 (1983)

"The considerations favoring law-trained Judges are all the more compelling where, because of the nature of the charges, a jury trial has been provided by law. While lay Judges bring a welcome sense of community values and practical wisdom to the courtroom, when a trial is conducted before a jury, those perspectives are furnished by the jury. The Judge's role in a jury trial is necessarily more technical. The Judge must assure that the rules of evidence are complied with, and that the jury is correctly instructed on the law. Despite the courses prescribed for nonlawyer Town and Village Justices, their training in the law, and especially their exposure to the complexities of a criminal jury trial, do not approach a law school education and experience at the Bar."

New York State's first woman Chief Judge

Cuomo Nominates Judith Kaye
For Top New York Judicial Post

The New York Times
Published: August 12, 1983
Copyright © The New York Times

Her Legacy

"As I prepare to assume my next title as New York's first woman former Chief Judge, it seems to me that the Judiciary I leave behind, while in one key regard deeply pained personally and individually, has heroically risen to its obligation to serve the public wisely and diligently, soundly and innovatively, preserving and carrying forward the best of the past to meet the demands of a rapidly changing society. And every day the news reminds us that—as dockets rise and pressures intensify—the courts must continue to be good, responsible citizens, attentive always to budgeting leanly and transparently, and making careful use of our resources in every aspect of our operations."

The State of the Judiciary, November 12, 2008

The Historical Society *of the* Courts *of the* State *of* New York

2009 GALA DINNER

Judith S. Kaye

Our Symbol of Justice for the Ages

Gala Planning Committee

Barry H. Garfinkel
Hon. Norman Goodman
Hon. E. Leo Milonas
Roy L. Reardon
Hon. Albert M. Rosenblatt
James A. Rossetti
John S. Siffert
Stephen P. Younger

Dinner Committee

Robert Abrams
Mark H. Alcott
Alston & Bird LLP
Arnold & Porter LLP
Richard Babinecz
Helaine Barnett
Hon. Richard J. Bartlett
Max W. Berger
Steven A. Berger
Berger & Webb LLP
Bernstein Litowitz Berger & Grossmann LLP
Thomas E. Bezanson
Sheila L. Birnbaum
Jonathan I. Blackman
John A. Borek
Hon. Seymour Boyers
Brooks R. Burdette
John F. Cambria
John M. Callagy
Nicholas M. Cannella
Victoria Cashman
Evan R. Chesler
Clark, Gagliardi & Miller P.C.
Cleary, Gottlieb Steen & Hamilton LLP
Cohen & Gresser LLP
Anthony Paul Coles
Ernest J. Collazo
Robert L. Conason
Con Edison, Inc.
Cooley Godward Kronish LLP
Michael A. Cooper
Leslie D. Corwin
Covington & Burling LLP
Hon. Barry A. Cozier
Cravath, Swaine & Moore LLP
George A. Davidson
Evan A. Davis
Davis Polk & Wardwell
Davis Wright Tremaine LLP
Debevoise & Plimpton LLP
Gandolfo V. DiBlasi
DLA Piper LLP (US)
Carey R. Dunne
Hon. Betty Weinberg Ellerin
Kenneth R. Feinberg
Ellen B. Fishman
Robert B. Fiske, Jr.
Fitzpatrick, Cella, Harper & Scinto
Edward Flanders
Fried, Frank, Harris, Shriver & Jacobson LLP
Karl Geercken
Gibson Dunn & Crutcher LLP
Godosky & Gentile, P.C.
Marc J. Goldstein

Continued

DINNER COMMITTEE Continued from previous page

Richard Godosky
John D. Gordan, III
Greenberg Traurig LLP
Gregory P. Joseph Law Offices LLC
Robert L. Haig
Caitlin J. Halligan
John J. Halloran, Jr.
Hon. Stewart F. Hancock, Jr.
Historical Records of the NY County Clerk Inc.
Hughes Hubbard & Reid LLP
Patricia M. Hynes
Gregory P. Joseph
Kantor Davidoff Wolfe Mandelker & Kass, P.C.
Kaye Scholer LLP
Roberta A. Kaplan
Robert M. Kaufman
Kelley Drye & Warren LLP
Henry J. Kennedy
Henry L. King
Gary R. Klein
Edward S. Kornreich
Victor A. Kovner
Kramer, Dillof, Livingston & Moore
Kramer, Levin, Naftalis & Frankel LLP
Steven C. Krane
Lankler, Siffert & Wohl LLP
Anne Berger Lesk
Alan Levine
LexisNexis
Judith A. Livingston
Arthur Luxenberg
Randy M. Mastro
Lawrence A. Mandelker
Martin Clearwater & Bell LLP
McDermott Will & Emery
Henry G. Miller
Charles M. Moerdler
Hon. Milton Mollen
Scott E. Mollen
Elizabeth D. Moore
James C. Moore
Thomas A. Moore
Gary P. Naftalis
Lynn K. Neuner
New York State Bar Association
Bernard W. Nussbaum
Patterson Belknap Webb & Tyler LLP
Paul, Weiss, Rifkind, Wharton & Garrison LLP
Pillsbury Winthrop Shaw Pittman LLP
Bettina B. Plevan
Proskauer Rose LLP
James W. Quinn
Abigail T. Reardon
Barbara Paul Robinson
Hon. Israel Rubin
Peter J. Sacripanti
Paul C. Saunders
Schulte Roth & Zabel LLP
Lisa M. Schweitzer
Samuel W. Seymour
Simpson Thacher & Bartlett LLP
Skadden Arps Slate Meagher & Flom LLP
Speiser Krause Nolan & Granito
Stroock & Stroock & Lavan LLP
Guy Miller Struve
Sullivan & Cromwell LLP
Alan Vinegrad
Anne C. Vladeck
Maria T. Vullo
Wachtell, Lipton, Rosen & Katz
John L. Warden
Weil, Gotshal & Manges LLP
Weitz & Luxenberg P.C.
Mary Jo White
Peter L. Zimroth

DONATIONS

Hon. Joseph W. Bellacosa
John H. Gross
Margaret M. Hill Foundation
Mrs. William N. Jeffers
Evan Krinick
Paul C. Saunders

The Historical Society *of the* Courts
of the State *of* New York

140 Grand Street, Suite 701 White Plains, NY 10601 • tel: 914.824.5717
e-mail: The_Historical_Society@courts.state.ny.us • website: www.courts.state.ny.us/history

graphic design: Teodors Ermansons & Patricia Everson Ryan
print/production: Zola Hill