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Writing The Next Chapter: Reflections And Beyond

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Author's Note: Looking back, what most stands out for me about the evening of October 27 is a theme that, quite by coincidence, unified Mr. Holliday's remarks and mine: idealism, optimism and a belief in the good of people and organizations. In a time when so much of the news is negative, I left the Harvard Club feeling better, prouder, of what we do as businesses and the lawyers who serve them.

Thank you so much for this wonderful award, and thank you especially for limiting my remarks to approximately 10 minutes. Why spoil a great evening with long and boring speeches?

As the official Court of Appeals time-keeper during the years of my Chief Judgeship I became extremely respectful of time limitations, and I can tell you having about 10 minutes does concentrate the mind wonderfully. So here are a couple of core thoughts on my mind.

Above all, congratulations to Chad Holliday, a most deserving recipient of the Foundation's Annual Award. I have a copy of the book he co-authored, *Walking the Talk*. And while I am not quite ready to be quizzed on every chapter, I feel certain that the book offers the keys

Judith S. Kaye is the retired Chief Judge of the State of New York and of counsel to Skadden, Arps, Slate, Meagher & Flom LLP. She delivered the above address at the Atlantic Legal Foundation's Annual Award Dinner on Tuesday, October 27, 2009 as the recipient of the Foundation's Lifetime Achievement Award. At the same event, Charles O. Holliday, Chairman of E. I. du Pont de Nemours and Company, who also spoke, was honored as this year's recipient of the Foundation's Annual Award.



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to so many of our global problems. I am honored to share tonight's program with him.

When Bill pressed me some weeks ago for a title, I thought I would give myself the ultimate latitude with "Writing the Next Chapter: Reflections and Beyond." That does in fact capture my state of mind, as New York State's recently-minted former Chief Judge. I've reached a decided juncture in my life, with equal amounts of looking back and

looking ahead. Pretty lucky, I'd say, wouldn't you? The one thing I do insist on is that the letters "ret" after my name are clearly understood to mean "retitled" and "retooled."

Both the looking back and the looking forward thankfully include intersections with the Atlantic Legal Foundation, and so many of you individually. So I thought I might this evening take just one page from each chapter, Chapter 2 of my professional life (the judge chapter) and

Chapter 3 (the lawyer chapter, my life at Skadden).

The judge chapter opens with profound thanks to the Atlantic Legal Foundation for its assistance in two daunting projects: judicial compensation and court unification. Both, sadly, remain high on the “To Do” list, so I know that the court system’s debt will continue into the future, as both issues remain vital to the judiciary and the public.

I urge that you continue to make your voice heard – know that it really does make a difference, especially right now, as the court challenge makes its way to the State’s high court. Given the timing, it is surely no coincidence that I stand before you this evening, to ask that once again you speak up as a “friend” of the New York State Judiciary, approaching a dozen years of frozen compensation. New York now has the shameful distinction of having sunk to the very bottom, dead last among all the states in its adjusted level of judicial compensation. What a disgrace! It is a moment of crisis for the judges, for the courts, and for the sophisticated, demanding community of interests they serve. This is a moment for turning crisis into opportunity. We need, we appreciate, your continued vocal support.

Preferring to focus next on something good, and knowing that there are many business people in the audience, I thought the page I would take from my Chapter 2 would be our quintessential joint project, the Commercial Division of the New York State Supreme Court, a dream set in motion back in 1995.

And here I pause for a special tip of the hat to Bob Haig. Endless thanks, Bob.

When I spoke to the Court Clerk the other day, he proudly told me of the stream of international visitors to the Commercial Division – from Scandinavia to Singapore, from Egypt to Brazil, from Russia to Macedonia. But frankly, it gives me far greater joy to know that case filings are way up and that the Commercial Division continues to be a forum of choice for so many business entities.

Much as it pleases me to see this stamp of approval, for me the Commercial Division stands out for yet an additional reason. It is the ultimate proof of

how much can be accomplished by the Bar and the court system working cooperatively. I know of no other endeavor that, from its inception, has been so intrinsically and overwhelmingly the idea and work product of a genuine collaboration of those who use the service and those who provide it. This genuinely, Mr. Holliday, is our example of Walking the Talk.

And that is the same message I carry with me in Chapter 3 of my life, the life I have been fortunate enough to have begun eight months ago at Skadden.

Of the many subjects I might discuss – litigation, arbitration, public service, judicial compensation (always judicial compensation), high among them – the page I take from what I hope will be a very stimulating and successful Chapter 3 is quality education for our schoolchildren, another prominent concern of the Atlantic Legal Foundation.

My interest in the subject of children and families goes way back to my judge days, agonizing about the children who spend their lives in foster care limbo. The courts are no place for kids to grow up. Over the years, however, I have more and more focused on adolescents, keeping kids in school, assuring that they have a quality education.

Why adolescents? Because adolescents increasingly spend more time on their own, making key choices about friends, school and how to use their free time, choices with lifetime consequences. As social beings formalizing their personalities, adolescents face peer pressure that leads to both healthy and risky behaviors, not the least of them substance abuse and unsafe sexual behaviors, unintended parenthood. It’s a critical moment for positive intervention.

Although several thoughts come to mind, ultimately one word always rises to the top of my list: education. My own immigrant parents put it there, and boy were they right! From Plato to Jefferson to Obama, the message is clear: education is a fundamental right that enables citizens to participate in a democratic society.

Do you know the three “R”s for successful schools today? They are rigor (schools with high expectations and challenging coursework for all of their stu-

dents), relevance (their curricula are highly engaging and keyed to students interests and aspirations) and relationships (all students get attention and support in a safe, respectful environment). I am so pleased, now as a director of Lincoln Center, to be involved in the founding of a charter school that includes these three “R”s.” But let’s be frank, how many children today have opportunities like that?

Perhaps now more than ever, quality education is the key to keeping kids in school and opening doors for them. Plainly, keeping kids in school and out of courts – increasing graduation rates – would make an enormous difference in their future, and in our future too, reducing crime and saving literally billions of dollars and thousands of lives.

So, in addition to all of the delights of modern day law practice, these objectives I hope will be a dominant part of Chapter 3 that I am now writing.

As you see, there are at least two parts to my message this evening. The first is collaborations. Together, we can work to make the change we all want to see, whether in our courts or in our schools. But in the end I think there is something even more essential, an essential ingredient for any successful venture. And that is a mindset that is positive and optimistic. I certainly saw that as essential to my role as Chief Judge, and I intend always to keep that high on the agenda for Chapter 3. What is for sure genuinely unachievable is what we ourselves think we cannot accomplish.

In that connection, I have one request to make of you, and I hope you do not consider it inappropriate or out of line. While I very much appreciate receiving the Atlantic Legal Foundation’s Lifetime Achievement Award this evening, I would like to reserve the opportunity to requalify for that Award in the future. We surely have accomplished a great deal working together, but I cannot imagine – whether the subject is excellent business courts, or quality education for our nation’s schoolchildren – that anyone would for a moment think we have fully and for all time accomplished our objectives. I look forward to a new lifetime of working together.