

## *A Life in the Law*

### **Remarks of Honoree Judith S. Kaye, Chief Judge of the New York Court of Appeals**

I am honored to receive this award named for Justice Sandra Day O'Connor, and I am especially honored by Jennifer Schecter's terrific, surprise introduction of me. You here at Seton Hall know—as now every reader of this *Law Review* knows—that she is an outstanding lawyer and a true credit to her *alma mater*. In fact, I have reserved with your fabulous Dean, Patrick Hobbs, the privilege of myself presenting to this award to Jennifer, for I have no doubt that, one day, she too will have the great pleasure that I have this evening.

As the first woman appointed to the United States Supreme Court, Justice O'Connor is a true pioneer, a role model for women lawyers—a role model, indeed, for all lawyers. Now a highly respected member of our nation's highest Court, Justice O'Connor, as we know, was hardly welcomed into the legal profession with open arms. After graduating near the top of her class at Stanford Law School in 1952, the only job offer she could garner from a national law firm was as a legal secretary. While some have called her rise to the top meteoric, in actual fact her career path was marked by the kinds of zigs and zags that characterized many women's working lives. Deputy Attorney for San Mateo County, California. Civilian attorney for the Army when her husband was drafted and posted overseas. Solo practitioner in a suburban shopping center. Time out to raise three children. Assistant State Attorney General. State legislator. State-court judge.

My own background in some ways was drastically different from Justice O'Connor's. She grew up on a 300-square mile cattle ranch in Arizona, mending fences, riding with cowboys, shooting her own .22-calibre rifle. I grew up in what is affectionately known as the "Borscht Belt," at the foot of the Catskill Mountains, working in my parents' clothing store. No one there mended fences of any sort. There wasn't a cowboy in sight, and use of a rifle could land you some serious time in the Sullivan County Jail. Despite these yawning differences, my professional career resembled Justice O'Connor's in one significant sense: It zigged and zagged.

*My Start in Union City*

The first big “zig” was caused by the fact that my life ambition when I graduated from Barnard College in 1958 was to be a journalist, not a lawyer. After searching the entire Northeast, the only job I could find was as social reporter for *The Hudson Dispatch* in Union City. Definitely, the most exciting part of that job was that the office was situated in the shadow of the burlesque theater. The social scene in Union City wasn't exactly the kind of grist I had in mind for my hard-hitting, incisive reporting skills. Let's face it: Women's club meetings, church socials, and wedding dresses, no matter how perceptively described, just aren't the stuff of Pulitzers. So I had the bright idea of going to law school—at night—to obtain a credential that would earn me a seat at a real news desk.

Much to my amazement, I loved law school. I loved the law. So I permanently traded in my press card for a pinstripe suit.

But as it turned out, breaking into the law wasn't any easier than breaking into a news beat. A decade after Justice O'Connor graduated from law school, still there was no welcome mat out for women at the big firms. “Our quota of women is filled” was a common response, meaning they already had a woman attorney—or once did. But after numerous rejections, one large firm—Sullivan & Cromwell—did offer me a job. And then the zigging and zagging began in earnest: two years at the firm; a year in counsel's office at IBM. Part-time work during three pregnancies, first at my alma mater (New York University School of Law), then at a mid-size commercial firm, Olwine Connelly. Eventually, a partnership at the firm, and then—miracle of miracles—appointment to the Court of Appeals, New York's highest court.

*Gender Confusion*

Perhaps it was this similarity in career paths—all of that zigging and zagging—that confused one law student. One day, when I happened to answer the telephone in chambers, the caller said that she wanted to submit a clerkship application but had a question: “Does the Judge spell her first name S-Q-N-D-R-A or S-A-N-D-R-A?” I responded that there was no clerkship vacancy.

Being mistaken for Justice O'Connor was enormously flattering, of course. But I suppose I should not have been all that flattered. To many people, it seems, all female judges look alike. Maybe it's that basic black we all wear. After Ruth Bader Ginsburg was appointed to the Supreme Court, she and Justice O'Connor found their own way of dealing with the problem. At one function a few years ago, they

both wore T-shirts with "The Supremes" emblazoned across the front and "I'm Sandra, not Ruth" and "I'm Ruth, not Sandra," respectively, inscribed on the back.

Actually, these days most of the misplaced calls to my chambers are people looking for the *other* Judge Judy. That is less flattering, more troubling. Especially when the callers express crushing disappointment that they are only talking to New York's Chief Judge, not anybody famous or anything.

### *A Fulfilling Career*

I should say that despite the obstacles and the challenges that I have faced as a woman in the law, I have never regretted my decision to pursue a career at the bar. In thirty-seven years, I have never doubted that the law provided a unique opportunity for intellectual growth, for personal fulfillment, for public service. And I am delighted that my own daughter has chosen the law as her career. It tells me that her growing-up years were not all that bad—she herself is now a mom with three kids. But it pleases me as well because, for all the complaints we hear, I am convinced that the practice of law remains a highly stimulating and rewarding life work. Perhaps uniquely so.

I have tried in my career to serve the law well because I cannot forget how well the law has served me and so many others. In my own lifetime, I have seen law change society. I have seen law change people. Imagine: When I was born, women in New York State were still celebrating their newly won right to serve on juries. Within recent decades, thanks to the law, women have made progress on many fronts. We have moved beyond achieving basic civil rights, to the recognition of equal pay as a right, sexual harassment as a wrong, and domestic violence as a crime. Other traditionally excluded groups—African Americans, Latinos, religious minorities, immigrants—can count similar gains in equality and opportunity thanks to the American bar and the American justice system.

As lawyers of the new century, all of you undoubtedly will face moments of challenge and crisis in your own careers. Women, and increasingly men as well, still struggle to balance the personal and the professional in their lives. While the profession today is definitely more open and diverse than when I started out, pockets of resistance remain. There is still work to be done in our profession and in our society to level the playing field.

Without question, the profession is changing, and so is the larger environment in which lawyers practice. As you have

undoubtedly noticed, today we face a public that is cynical about law and government, often downright hostile to the legal profession. It is up to the lawyers and judges of this new century—the justice system insiders—to persuade the public that the rule of law is a concept we should honor and protect and that a zealous and independent bar and judiciary are its best guardians. That is quite a challenge to lay at your feet, but you should know that your professional choices and conduct will affect much, much more than just your take-home pay. They will impact how the nation regards our entire system of justice.

If I have convinced you of anything, I hope it is that you should not be too concerned if your own career sometimes takes some unexpected zigs and zags. A life in the law has endless possibilities—for yourself individually and, even more importantly, for the larger society. Pursue it with great diligence and great heart, and you may be astonished at what you are able to accomplish.

Thank you so much for this extraordinary honor.