

Remarks of Judge Frank M. Coffin
The Sixteenth Coffin Lecture on Law and Public Service

Honoring Chief Judge Judith Kaye, NY Court of Appeals,
Introduced by the Honorable Leigh Saufley,
Chief Justice, Maine Supreme Judicial Court

Abromson Center, USM, Portland, Nov. 6, 2008

I've been so used to recent public utterances that I was tempted to add to the Dean's welcome that "I am Frank Coffin and I approve this message." But we'll dispense with that. There are other reasons to celebrate. First, we are honoring state judiciaries through Chief Judge Kaye, one of their most preeminent representatives. The first of her sex to rise to New York's highest judicial post, she has been tapping away with increasing effect at that now crumbling glass ceiling for well over four decades. She is venerated for both her work on her own court and for her efforts at improving the administration of justice in her own state and in the nation. This is also an occasion to recognize that within our own state there is someone following along in the same tradition and, like Chief Judge Kaye, is the first woman to rise to our top judicial post. It is only fitting that Chief Justice Leigh Saufley share this platform.

First, welcome, Chief Judge Kaye. We deeply appreciate your generosity and steadfastness in twice accepting our invitation to be our lecturer. The first was in 2006, when your devoted husband, Stephen, faced the onset of what proved to be his terminal illness. We did not try to find a substitute for you. But we did muster up courage to ask you later if you would consider coming this year. Happily you did, notwithstanding a thousand demands on your time.

It is not only a generous act to be with us tonight. It is almost foolhardiness. I speak of the baleful influence of our former Chief Justice, Dan Wathen. Some years back, at a meeting of the Chief Justices' Conference in Monterey, California, Chief Judge Kaye and Dan took an early morning walk on the beach, a beach of hard-packed sand with the resilience of concrete. When Judge Kaye returned to New York, she had to submit to knee surgery. A few years later, there was a similar meeting of the Chief Justices at the Samoset Hotel in Rockland. Unfortunately, Dan Wathen, though no longer Chief Justice, addressed the group. On the following morning, Judge Kaye took a walk out on the breakwater. Predictably, she left Maine with a broken leg. So, for this act of sheer courage in coming here, we salute you. And, ladies and gentlemen, as this performance goes forward, please do not use the customary stage exhortation, "Break a leg."

We are particularly fortunate to see and hear Chief Judge Kaye at the culmination of this chapter of her career of a quarter century on her court, with only 55 days left before she retires on December 31. This leaves us with the exciting prospect of having her back a few years from now, to report on the next chapter about her continuing contributions to the common good.

I shall leave it to Chief Justice Saufley to talk of the specific achievements of Judge Kaye. I shall focus briefly on her unlikely beginning and her trademark style. As for the beginning, it was not auspicious. She had wanted to be a star news reporter. In an understatement, she happily added that "her second chosen career [the law] had more upward mobility." What happened next? Judge Kaye has explained. She recalled the advice of that eminent sage, Yogi Berra: "When you come to a crossroads, take it." She took it. And here we are.

It is her style of leadership. Dean Treanor of Fordham Law School, in presenting her with the prestigious Fordham-Stein Prize in 2002, referred to her passion for problem-solving courts,

which "brought together the authority of the courts and community resources to address some of our most endemic problems." It is perfectly illustrated by her decades long campaign for jury reform, as reported in Judicature magazine. This of course met with resistance from local jury commissioners, clerks, and administrative staff in New York's 62 counties. The key element in overcoming this was Chief Judge Kaye's style of leadership, which the authors label "transformative leadership." She brought everyone who could help into the act, being flexible, and showing a human face and warmth to overcome the threat of unwelcome intrusion. This style spread down and outwards, infecting commissioners, clerks, and staff.

This is a good bridge to cross to present our own Chief, who is demonstrating the same kind of leadership. In little over a decade, Justice Saufley has served at every level of our court system - District Judge, Superior Court Justice, Associate Justice of the Supreme Judicial Court, and, since 2001, our Chief Justice. Overseeing all of our courts, judges, and administrative personnel, she spends at least fifty percent of her time on administrative matters. Yet, says colleague Justice Bob Clifford, she comes superbly prepared to hear oral arguments.

Like Chief Judge Kaye, she has focused on children, family law, and domestic violence. She, too, is a problem-solving administrator. She has built on Chief Justice Wathen's Adult Drug Treatment Courts by adding special courts to address drug problems of juveniles and parents, and Business Courts, knowing that solutions to economic problems facing families are essential in achieving domestic tranquility.

Coping always with severe budgetary restraints, she has demonstrated her skill, flexibility, and patience in working well with the Judiciary Committee of the legislature. She reaches outward. She invites legislators to visit courts and talk with judges and lawyers. She also looks to the future and has just initiated a program of the court visiting high schools throughout the state, holding full scale oral argument sessions, before students who, she hopes, can be temporarily diverted from text messaging and gain first hand insights into the workings of the courts.

In honoring Chief Judge Kaye, I have the special pleasure to present the Honorable Leigh Saufley, Chief Justice of the State of Maine.