

# Brooklyn Law Review

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Volume 81 | Issue 4

Article 4


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2016

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Barry H. Garfinkel

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### Recommended Citation

Barry H. Garfinkel, *Judge Judith Kaye at Skadden, Arps*, 81 Brook. L. Rev. (2016).

Available at: <https://brooklynworks.brooklaw.edu/blr/vol81/iss4/4>

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# Judge Judith Kaye at Skadden, Arps

*Barry H. Garfinkel*<sup>†</sup>

Former Chief Judge Judith S. Kaye graced the halls of Skadden, Arps for seven years. From the outset of her time with the firm, this trailblazing former jurist was an incomparable asset. When Judge Kaye joined us it was unclear what aspect of the practice would best benefit from her enormous talents. Before joining the Court of Appeals, she was a litigation partner at the Olwine Connolly firm. Our firm told Judith (that's how she wanted to be addressed) that she could do “whatever she wanted”—including any pro bono projects that appealed to her.

Given her high position at the Court of Appeals, initially she was reluctant to appear as trial or appellate counsel of record. In due course, this changed. However, since Skadden had a growing and vibrant International Arbitration practice, she thought it would be a comfortable fit for her. And indeed, it was.

At the firm she quickly mastered the intricacies of this new world, although she was a newcomer to it. She was called upon to advise and comment on briefs that the firm's attorneys were planning to submit in international and domestic arbitration cases. Given her stature, she was frequently asked to serve as an arbitrator or chairman of an arbitration tribunal, although “conflict” issues prevented her from taking on many assignments. In another aspect of the firm's arbitration practice, other law firms implored her to be their “expert” on New York law in pending disputes. Judith oft-times was reluctant to do so, since she considered that it would likely require her to be “going head-to-head” with former colleagues of the New York Court of

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<sup>†</sup> Mr. Garfinkel is Senior Counsel in the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. He was the previous head of the Firm's International Arbitration and Litigation practice areas. A version of this article appeared in *Leaveworthy*, the Newsletter of the New York State Bar Association Committee on Courts of Appellate Jurisdiction. Hon. Victoria A. Graffeo, *Chief Judge Judith S. Kaye: She Is Forever in Our Hearts*, 5 LEAVEWORTHY 1 (2016).

Appeals. As an arbitrator, Judith was cited by *Chambers* in the first rank of international arbitrators.

Skadden was fortunate to have Judith sit as a moot court judge on arbitration and litigation cases, including those in federal and state courts. Counsel in other firms called upon Judith as well to function on their moot courts. Judith was a prodigious worker, frequently at her desk at Four Times Square on weekends.

Another significant role in the international arbitration world was her signal achievement in envisioning and launching the New York International Arbitration Center. Without her talent in cajoling 40 New York law firms to financially participate in the venture, there would be no Center. It was her determination that made it happen.

Judith had an “open door” at the firm. She enjoyed helping other attorneys—associates and partners alike. She made it clear to all that no one should have any hesitancy in seeking her help. She was passionate in her desire to mentor younger lawyers at the firm.

Judith wore the proverbial “white hat.” She was called upon to be Independent Counsel in two major investigations. In one, she was appointed by Governor Andrew Cuomo to investigate several ethics violations by former Governor Patterson. She also conducted an independent investigation of the athletics program at SUNY-Binghamton after allegations of NCAA rules violations surfaced with regard to the school’s men’s basketball program. Governors Patterson and Cuomo appointed her to be Chairwoman of the 12-member Commission on Judicial Nomination, which submits a list of potential Court of Appeal appointees to the Governor.

At the firm Judith, was a valuable Trustee on the Board for selecting finalists for Skadden Fellowships to work in pro bono organizations throughout the nation. She chaired the Permanent Commission on Justice for Children (appointed by then—Chief Judge Sol Wachtler). It was this role for which she was most grateful to Skadden, because she was permitted—no, outright encouraged—to continue her passion for “keeping kids in school and out of courts.” Judge Kaye used her position and gravitas to illuminate what was happening in New York, and nationally, to kids being criminalized for being kids. She was a tireless advocate for Youth Courts.

Judith flourished on the Boards of many organizations. For example, she was a Board leader in the Historical Society of the New York Courts, which she founded when she was on the Court of Appeals. She was a guiding light on the Lincoln Center’s

Board of Directors. She also served on the Boards of the Museum of Jewish Heritage and the American Arbitration Association.

It was a joy and privilege to have Judith at the firm. Her exuberance was without bounds. She was gracious, caring, and attentive. She inspired affection in all who met her. We will miss her terribly.