Welcome Address: Is the Law Male: Welcome Address

Judith S. Kaye
On behalf of the American Bar Association Commission on Women in the Profession, I want to welcome you to a symposium that grows out of an extraordinary program the Commission sponsored on August 7, 1993, as part of the American Bar Association convention in New York City. I extended the greeting then, as I do today, on behalf of the Commission’s wonderful Chair, Cory Amron. The unanticipated early arrival of Cory’s brand new son, Brendan, kept her from being there in person to open the program last August.

I became Chief Judge of the State of New York on March 23, 1993, and can still recall the excitement of that first week, as I presided over oral argument in our magnificent courtroom. One day of that week was especially memorable. There I was, a brand new Chief Judge, busily questioning an attorney lost in his argument, when I heard him answer my question with a smart: “Yes, sir.” It is one of those moments I would like to recapture because, since that day, I have thought of so many good retorts. At the time, of course, nothing came to mind. I simply struggled to keep my composure, and the attorney plowed on with his argument, apparently oblivious to his error in addressing me.

Yes, there is a difference! And difference is what this symposium is all about.

As an appellate judge these past ten years, I have had a privilege I rarely had as a practicing trial lawyer—indeed few litigators do—and that is the opportunity to follow the law reviews closely. Over the past decade, I have monitored the marvelous development of feminist legal theory. I have read article after article and whole law reviews reflecting fresh approaches and new thinking based on women’s stories and women’s experiences. I have also followed with fascination the developing application of the new feminist theory to such familiar old fields as contract law, property law, tort law, criminal law and the like. The application of feminist theory to traditional areas of the law offers a new and stimulating perspective. For a judge, especially an appellate judge writing decisions that will affect a wide range of un-

* Judith S. Kaye is Chief Judge on the New York Court of Appeals.
foreseen situations, it is important to examine the law from as many perspectives as possible. And what is important to judges—what judges are reading—is by definition also important for the lawyers who appear before them.

There is an added advantage in being able to monitor the development of new legal theories emanating from the law schools, something that goes beyond professional thoroughness, and that is the pleasure of establishing strong links with other segments of the profession. It has been a particular treat to be a member of the Commission on Women in the Profession, which is committed to building bridges among the too-often-discrete worlds of the academics, the judiciary, and the practicing Bar. It is both enriching and fun to meet lawyers doing something different, and to learn what is going on in all corners of the profession.

This *Is the Law Male?* program is actually a second venture for the Commission, and I would like to thank the people who made it possible. The Chicago Law Teachers group, together with Laurel Bells, Patsy Engelhard, and Marena MacPherson of the Commission, planned and executed the first such program in Chicago, and heartily encouraged us to surge ahead with a second. We are indebted as well to Chicago-Kent Law School, its dean, Richard Matasar, and Kent Professor Linda Hirshman who served as a moderator, planner, and facilitator for this program and symposium. I offer my sincere thanks to the panelists and the many others who worked so hard to expand our understanding of what the law is and how it is shaped by and shapes us all.