

## REMARKS

*Judith S. Kaye\**

PROFESSOR CONNORS: Thank you. When Albany Law School decided to hold this program to honor Professor Siegel we knew the first person we needed to call: Chief Judge Judith Kaye.

Judge Kaye has been a disciple of Professor Siegel since 1963, the year of her admission to the New York State Bar and, coincidentally, the year that the CPLR went into effect.

Judge, you have in writing admitted that you are a CPLR junkie, and we thought it was appropriate that you be our keynote speaker for this event.

During Chief Judge Kaye's twenty-five year tenure on the New York Court of Appeals she has been a dedicated friend to Albany Law School and has made Albany Law School, as she says on many occasions, the second home of the Court of Appeals when it's here in our State's Capital, and we thank her for that.

It's—

(Applause)

Chief Judge Kaye, I think it's appropriate during your last visit here during your tenure as Chief Judge—

HON. JUDITH S. KAYE: It's not my last visit.

(Laughter)

PROFESSOR CONNORS: Well, during your tenure as Chief Judge, that you comment on the court's leading commentator, Professor David Siegel.

HON. JUDITH S. KAYE: Thank you so much.

PROFESSOR CONNORS: Thank you so much for coming.

HON. JUDITH S. KAYE: I'm so pleased to be here this evening for this very special occasion and to speak on behalf of my Court of Appeals colleagues, all of whom are here this evening, and I'd like to introduce them.

Judge Ciparick.

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\* Until December 31, 2008, Judith S. Kaye was Chief Judge of the State of New York and Chief Judge of the Court of Appeals of the State of New York.

(Applause)

Judge Graffeo, an alum.

(Applause)

Judge Read. Susan Read.

(Applause)

Judge Smith.

(Applause)

Judge Pigott.

(Applause)

Judge Jones.

(Applause)

Judge Rosenblatt.

(Applause)

Judge Bellacosa.

(Applause)

And I think I'm going to speak as well on behalf of our great Third Judicial Department P.J., Anthony Cardona.

(Applause)

And the great, great judges of the Appellate Division, Third Department.

Oh, and the former P.J. Leonard Weiss. Oh, my goodness, we could go on and on.

David, we are all here for you, to honor you, and I'm so pleased that you have permitted me this privilege. Patrick, first and foremost, a big thank you for giving the Court of Appeals the opportunity to lead off this love fest with just a couple of words about our treasured friend, Distinguished Professor Emeritus David Siegel.

Of one thing we are absolutely certain, and that is there's nothing, nothing on Earth we can tell this audience about Professor Siegel's background or, indeed, his foreground that all of you don't already know. Who among us doesn't know, for example, that he's taught here since 1972?

Thirty-six years and still going strong. Just great, David. Congratulations. And imagine, he began teaching a decade earlier at his own alma mater, St. John's Law School.

Who among us doesn't know that he is the, absolutely the preeminent authority on matters of civil practice in the entire universe? There's no one with a bit of good sense who would dare ever to cross you on matters of civil practice, David Siegel.

(Laughter)

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And who among us doesn't know that he's authored treatises and commentaries, and hornbooks, and handbooks, and handouts—paper too voluminous to be carried even by several extremely able-bodied persons?

Or who among us doesn't know that he's spoken and continues to speak with wonderful, thoroughly contagious enthusiasm about his favorite subject, and speak throughout the nation?

So thoughtfully, thankfully, we of the Court of Appeals are fully relieved of the burden in this brief tribute of setting out the endless "wherefores," and we can get now right to the "now therefore let it be resolved." And these are the resolutions upon which we have agreed.

First of all, resolved that the Court of Appeals is unanimous, and this as we know is not an everyday thing.

(Laughter)

But we are unanimous in declaring Professor Siegel our own favorite Master of the Art of Civil Practice, and we mean this not only as beneficiaries of his prodigious talent as a classroom teacher—and there are several among us, Judges Ciparick, Graffeo and Jones, who lay claim to a very special edge in that respect and the Dean I see is smiling as well, Dean Bellacosa—but also as we are intense late night devourers of all of your written work, Professor Siegel, which we cite generously and proudly in our writings. That is our first unanimous resolution.

And let it be further resolved that, as good students of the good professor, we will redouble our efforts in our pursuit of the art of civil practice always to seek to earn words of praise in your treatises, and your commentaries, and your handbooks, and your handouts:

(A) by continued diligent efforts to ingest and internalize your every word, every comma, and every nuance; and (B) by our continued attentiveness to citing you at every opportunity in all of our writings.

(Laughter)

And we further resolve that we will continue to insist always that you be part of the choicest faculty for our choicest Appellate Judges' Seminars because you are so knowledgeable, because you so much enjoy your subject and therefore inevitably we do too, and because we are smart enough to know that only you can keep our audience in its seats until your very last words.

(Laughter)

And be it further resolved, again all of this unanimously, that to honor our great teacher and friend, we of the Court of Appeals intend to seek permission of those in authority to rename and re-title and re-designate and re-caption the relevant New York statute from the Civil Practice Law and Rules to the Siegel Practice Law and Rules.

Henceforth and hereinafter, it will be known not as the CPLR, but as the SPLR.

(Laughter)

And further and finally, Professor Siegel, let it be resolved that our admiration, our friendship, our devotion to you shall happily continue on and on and on into the future forever. That is our resolve.

Congratulations.

(Applause)

Thank you. And by the way, we have made it—we have put this in the form of an Order, which is totally and completely unofficial, and I now have the pleasure of handing the document to you.

(Laughter and Applause)

PROFESSOR CONNORS: I'm assuming that constitutes service of the order, Judge.

(Laughter)

Now let's see, was that order a submit order or settle order?

Judge, I did some research recently. Actually, I had my research assistants do the research, and Professor Siegel has been cited in 238 Court of Appeals decisions. A staggering number. I'm sure I'm going to get a note from Professor Siegel tomorrow that it's really 350 or something.

(Laughter)

But, that's what we found: two hundred and thirty-eight citations. It's an amazing number.

There's a great story about a lawyer arguing his case in the Second Department, and many of you have been there, you're arguing to an Appellate Court and the Appellate Court really is not interested in your argument. And, this lawyer was trying to argue that evidentiary error was committed by the Supreme Court Judge and therefore the case had to be reversed. And, he pushed his argument and the judges were not being receptive. He had cited to Professor Hutter's article in his brief. So he thought to generate some interest he would mention that. He said, "As Professor Hutter has stated in his article," and the judges remained impassive, he

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wasn't getting anywhere with them. And, he said "Professor Hutter from Albany Law School," and the judges were unmoved by that. And, finally he said, "Professor Hutter of Albany Law School, where Professor Siegel teaches."

(Laughter)

And, the story is that the court became very interested in the argument and there was actually a reversal. And, I was actually provided with this story by Professor Hutter.

(Laughter and Applause)