

## A Tribute to Steve

BY JUDITH S. KAYE

*The following eulogy was delivered by the Honorable Judith S. Kaye at the service for Steven C. Krane on June 28, 2010.*

I've thought of many things I might one day be called upon to do – including unpleasant, distasteful, even odious things. But never could I have contemplated anything so dreadful as a postmortem tribute to Steve Krane, my former Law Clerk and forever beloved “son”: distinguished lawyer, counselor, ethicist, teacher, prolific author and lecturer; loving father, friend, brother, son. Unimaginable.

A tribute at a ceremony honoring his swearing-in as a judge of a great court, or president of another outstanding professional association (like the New York State Bar Association), or winner of yet additional lofty professional recognitions? Absolutely. Surely I expected to have many such occasions to speak publicly about my pride in, and love for, Steve. But a tribute upon his death? Utterly unthinkable. Steve was life itself – a thousand great ideas, projects, plans on a wide range of subjects, going all at once. He enjoyed chasing storms all over the world – litigation storms, multijurisdictional ethical storms, opera storms, sports storms, storms and tornadoes of every sort. He had so many of them going on, and so many left to pursue.

Moments like this take the mind back – it's just too painful to think of the world without Steve. Truth be told, I cannot claim to have discovered Steve on my own, back in 1984, when he signed on as Law Clerk to an almost brand new Judge of the Court of Appeals of the State of New York. That was a gift from my late husband, another Steve (Stephen Kaye), another great lawyer with the Proskauer family, whose enthusiastic stamp of approval on a young associate at the firm assured me of a brilliant mind, boundless work ethic and treasured companion for endless delightful hours exploring the cases and corridors of the Court of Appeals.

I remember one immediate visible change after Steve's arrival in Chambers – he opened our dictionary to the word “retriever,” which included a small line drawing of such an animal, and remarkably our Chambers dictionary always happened to be open to that page. Steve was persistent! That was a constant reminder, for all of us, of his own cherished golden retriever, Muffie.

And oh what fun we had that memorable year! Steve was far ahead of me in many ways, but a full century ahead technologically, already well into the 21st century. This was mostly a blessing, but I do remember one particular torment, in a case where the Court decided to dismiss a complaint for emotional distress damages against a physician who had negligently caused the death of plaintiff's unborn child. I knew that I could not join the majority, but felt equally that I could not join the proposed lengthy dissent. Torment.

Steve said little to me about the dilemma but wherever I turned in Chambers, he had posted a blank page that had only the case name and the line, “Kaye, J, dissenting,” neatly typed across the top. Even in the bathroom. One evening, when I could no longer bear it, I sat down at one of those blank pages and hand-wrote six snappy sentences, my shortest and I think best-ever dissent. (Check it out: 65 NY2d at 940.) Again, Steve was persistent - and in his own unique way enormously effective in achieving precisely what he thought was the right thing to do. We even had the pleasure, 20 years later, of seeing that majority decision reversed by a unanimous Court of Appeals. Thank you, Steve!

How clever of my husband, who became the ultimate beneficiary of his gift to me when Steve returned to the Proskauer family and, for the next two decades, they together pursued their close professional and personal bond. Maybe the zenith for both of them was when Stephen chaired - with Steve as his right hand – the City Bar Association Ethics Committee, leading them both to a lifelong commitment to the field of professional ethics, raising up the standards of a profession they loved. Steve has pursued that path with vigor and zeal as counselor and advisor to many organizations and individuals, as well as member and chair of several federal and state disciplinary panels, and long-time head of COSAC, the State Bar’s enormously productive Committee on Standards of Attorney Conduct.

And talk about torment. For five years during my Chief Judgeship, in all his various capacities, Steve never for a minute let up on me – I still have the bruises and scars – until the New York State court system finally, in December 2008 (my own declining days as Chief Judge), moved from the 1970 Code of Professional Responsibility to adoption of the Model Rules format. Talk about a century behind. And talk about persistence. Again, thank you, Steve! In his own uniquely wonderful way once again he proved himself tremendously effective in pursuing principles and achieving goals. His leadership role in bringing New York State – indeed the nation – into the modern world of professional ethics simply cannot be overstated.

And high-principled as he was, Steve of course was so much fun to be with, though I have discovered this past week, reminiscing about Steve with friends and colleagues, that I missed some of the wilder moments, in mosh pits (I never before knew what they were!) and other exotic world venues. Would that I had known the full range of opportunities Steve’s friendship offered me! Ours were the more sedate, maternal-type, but nonetheless terrific, times together – private dinners, public events, memorable days in Washington for the Burton Awards, which meant so much to him.

When my husband died in October 2006, Steve succeeded to his office at Proskauer, accepting the furnishings exactly as they were, most especially the centerpiece of that office – not a desk but instead a large round table, where everyone gathered in egalitarian fashion to conduct their business. But for Steve I think the appeal that was even greater about inheriting that office was inheriting Joan Davis as his secretary – phenomenal Joan Davis – as well as the sofa that stood inconspicuously off the side. Some years earlier, that sofa was the scene not of Steve’s labor but of Faith’s labor in the long hours before she gave birth to their magnificent daughter, Elizabeth.

Of all Steve’s many superb achievements – general counsel to the Proskauer firm, president of this, chair of that; author of this erudite article, formulator of that public-oriented initiative; panel chair of this group and head of that – by far his proudest achievement, his favorite role, was as father first of Elizabeth and then a few years later, of his son, Cameron. No visit with Steve ended without a lengthy update on

Elizabeth and Cameron – Hotchkiss, and Harvard, and hockey and theater, and on and on. He so looked forward to having Cameron join him in his passion for chasing storms.

And maybe, just maybe, my favorite photograph of us was taken up in Cooperstown, on June 23, 2001, the day Steve was sworn in as President of the New York State Bar Association.

In that photograph Steve and I are pictured together with Elizabeth and Cameron. The two of them are holding the book on which Steve chose to take his oath of office that day — not the Bible, not even so rare a text as the New York State Budget, but a book called Lockwood's Reversed Cases, an arcane volume of significant reversed cases that Steve discovered during one of his late-night forays deep into the stacks of the library at Court of Appeals Hall in Albany. He even managed to slip a citation to Lockwood's Reversed Cases into one of our opinions! (65 NY2d at 130.)

But wasn't that the perfect touch for a perfect day — four people bonded together by love and esteem for one another, marking a milestone in personal, family and professional history with an unmistakable touch of Steve's incomparable sense of humor, his scholarship and love of the law, and at the same time a potent reminder of the challenge of reversed cases that in changing times keeps our law relevant and our society just.

Thank you, Steve, for adding so much to our profession, to our world and to our lives.