



NEW YORK STATE
BAR ASSOCIATION

GALA DINNER

JANUARY 30, 2020

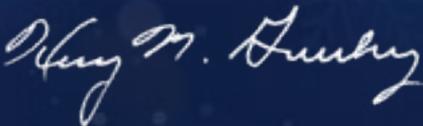
Foreword

On the evening of January 30, 2020, nearly 1,000 attorneys gathered under the breathtaking Blue Whale at the American Museum of Natural History. After a quarter century hiatus, the New York State Bar Association revived its proud 118-year tradition of holding an annual Gala dinner.

We awarded the Gold Medal to U.S. Supreme Court Justice Elena Kagan. She was the 10th member of the high court to receive our highest award. Justice Kagan and Professor John Q. Barrett, her law school classmate and a distinguished legal historian, conducted an engaging fireside chat. We also honored the Judges of the New York Court of Appeals and heard a stirring address by Chief Judge Janet DiFiore. The National Anthem was sung by Christopher Jackson, an Emmy and Grammy Award winning songwriter and composer.

In the pages that follow are the remarks of Chief Judge DiFiore and Justice Kagan; their introductions; the dinner program and menu; lists of past winners of the Gold Medal and Association presidents; letters of warm wishes from Governor Andrew Cuomo, Chief Judge DiFiore, Attorney General Letitia James and New York City Mayor Bill de Blasio; and photos from the Gala.

The Gala was a grand event. Our profession came together to honor the rule of law and pay tribute to those who perform distinguished service to the law and society. It was a testament to our storied past and a promise to the future of our continuing commitment to do the public good.



President, 2019-2020

NEW YORK STATE BAR ASSOCIATION
American Museum of Natural History
New York City

**THURSDAY,
JANUARY THIRTIETH**

two thousand and twenty

GALA DINNER

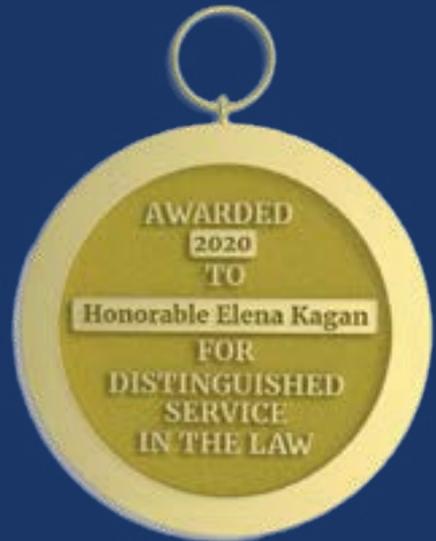
Honoring

Associate Justice Elena Kagan
Supreme Court of the United States
Gold Medal Award

and the Judges of
the New York Court of Appeals



From left to right: Hon. Leslie Stein, Hon. Eugene M. Fahey, Hon. Michael Garcia, Hon. Rowan D. Wilson, Hon. Paul G. Feinman, Associate Justice Elena Kagan with Hank Greenberg



Gold Medal awarded to Associate Justice Elena Kagan

Program for the Evening

Cocktail Reception

Dinner Program

Presiding

Henry M. Greenberg

President, New York State Bar Association

The National Anthem

Performance by Christopher Jackson

Remarks

Hon. Janet DiFiore

Chief Judge of the Court of Appeals
and the State of New York

Presentation of Gold Medal Award to
Associate Justice Elena Kagan
Supreme Court of the United States

A Conversation Between

Associate Justice Elena Kagan

and John Q. Barrett, Professor of
Law, St. John's University School of Law

Menu

APPETIZER

Brussels Sprouts
Jammy Eggs, Crisp Oyster Mushrooms,
Manchego, Coriander, Puntarelle
Maple Vinegar

ENTRÉE

Atlantic Salmon
Kalettes, Coriander Bulgur, Sea Beans
Pomegranate-Shallot Beurre Blanc

Filet Mignon
Black Trumpet Mushroom Dust,
Polenta Carbonara, Roasted Root Vegetables,
Ginger Salsa Verde

DESSERT

Devil's Food Cake,
Bittersweet Chocolate Fondant, Earl Grey Chantilly,
Maldon Sea Salt, Greek Yogurt Gelato

Caramel Apple
Vanilla Gelato, Brown Butter Streusel,
Butterscotch Sauce, Sage Crisp

Honoring the Judges of New York State Court of Appeals



President Greenberg:

Welcome to the 143rd Annual Meeting of the New York State Bar Association. Tonight, we go back to the future. After a 25-year hiatus, we are reviving our proud 118-year tradition of holding an annual Gala dinner. This evening our profession comes together as one to honor the rule of law and pay tribute to legal giants. The New York Bench and Bar has not experienced a night like this in decades.

A word about the greatest common law court of last resort in the world, the New York Court of Appeals, whose Judges we honor tonight. The historic relationship that exists between the Court and the New York State Bar Association goes back to our founding in 1876. The first president of the Association, John K. Porter, was a former Judge of the Court of Appeals. Nine State Bar Presidents served on the Court. In fact, four Chief Judges, after they completed their terms in office, were “promoted” to the presidency of the Association.

Through the years we have made it our mission to support the Court of Appeals. In the 1910s, for example, we fought on behalf of the Court to move it from cramped quarters on the third floor of the State Capitol to the magnificent courthouse it now occupies on Eagle Street. In a similar vein, in 1884, at the Association’s request, the Judges of the Court for the first time donned robes when they went on the bench — a practice adhered to ever since. Even our logo is a likeness of the architrave and pillars of Court of Appeals Hall.

One other historical footnote. Starting with our first annual dinner held in 1878, and for the next 117 years, a wonderful custom was followed. Every year, the Judges of the Court of Appeals graciously attended the dinner and spoke to us through one of its members. Tonight, we revive that tradition as well.

The member of the Court who will speak to us this evening is beloved and respected by us all. Chief Judge Janet DiFiore rose to New York's highest judicial post after an extraordinary career in public service as an Assistant District Attorney, County Court Judge, Supreme Court Justice and District Attorney of Westchester County. On December 1, 2015, Governor Andrew Cuomo nominated her to the position of Chief Judge of the Court of Appeals and of the State of New York. She took her seat on January 21, 2016.

Chief Judge DiFiore is a superb jurist and one of the nation's most accomplished court administrators. She has won acclaim for her Excellence Initiative that ensures accountability and eliminates waste and inefficiency from the court system. I tell you this, I say it from the heart, New York lawyers have no greater champion or friend. I am proud to give you Chief Judge Janet DiFiore.



NYSBA President Hank Greenberg

Honoring the New York State Court of Appeals



Chief Judge Janet DiFiore:

Good evening, everyone. Thank you, President Greenberg, for that very kind introduction. You are a wonderful leader, a superb colleague and a true friend to all of us.

Justice Kagan, on behalf of the entire New York State Unified Court System, we congratulate you on this wonderful honor and thank you for being with us this evening.

The challenge of maintaining public confidence in our justice system and the rule of law and preserving our celebrated and valued democratic institutions requires a great deal from us individually and as a profession. It requires constant engagement. It requires leadership, and above all, it requires honorable service. Over the last few years, I have had the privilege of observing past and current presidents from this association in action -- speaking out forcefully in defense of our judiciary, our legal institutions and in defense of the rule of law. I have observed your words turned into concrete actions to address the challenges of the day, including: testifying before the legislature about the urgent need for constitutional reform of New York's inefficient and antiquated trial court structure; creating an emergency taskforce on domestic terrorism and hate crimes; taking to the airwaves to explain the law and the process of impeachment to the public; partnering with the judiciary to sponsor a convocation focused on improving civic education for our schoolchildren across the state; advocating responsibly for reform of our New York State parole system; working to increase access to justice in rural areas of our states, where lawyers and legal services are spread too thin for comfort; and re-instituting this Gala dinner, which through this impressive and inspiring gathering reminds us of the collective power of our profession to shape the life of our nation and the direction of future events.

It is indeed a timely reminder. The rule of law is being challenged. Some would say it is under attack. Only a few short weeks ago, the Chief Justice of the United States warned us. He warned us that Americans, and I quote, "have come to take democracy for granted. In an age when social media can instantly spread false rumor and false information on a grand scale, the public's need to understand our government and the protections that it provides is ever more vital."

I know that I can say with confidence that the Chief Justice's sentiment reflects the sentiment and concern of each and every one of us in this room. As individuals who swore an oath to uphold the Constitution, we are called upon individually and in our collective capacity to lead the way in promoting public understanding and respect for the rule of law, in keeping our democracy on a steady course and in serving as the moderators of public discourse.

And, because of our vocation and special training in the law, no one understands better than we do that logic, reason and facts are the most effective tools to overcome emotion, fear and distortion; that argument and debate will get us nowhere unless it is reasoned, informed, principled and, yes indeed, civil; and that education, especially civic education, is the key to democracy and self-government.

Our justice system and our democratic system of government are not self-sustaining. They are not guaranteed, and they certainly do not run on automatic pilot. They require engagement, service and leadership, the kind of intellectual, public, moral and political leadership which lawyers have provided to this nation since its founding.

The stakes are high. Indeed, they are very high. But, with strong, active and public-spirited associations like the New York State Bar Association leading the way; with lawyers honoring the tenets of our professional calling; and with public leaders and models like Elena Kagan, our nation will endure and remain a beacon of freedom and justice.

Thank you for the privilege of addressing all of you this evening, and again, Justice Kagan, congratulations on this very high honor.

The Presentation of the Gold Medal

President Greenberg:

The Gold Medal for Distinguished Service is the highest award bestowed by the New York State Bar Association. Those who receive the Gold Medal are the best of the best — the most distinguished lawyers and judges in the nation. Past recipients include nine Justices of the U.S. Supreme Court and 16 Judges of the New York Court of Appeals, including last year's recipient, Chief Judge Janet DiFiore. Other judicial giants who received the Gold Medal are the immortal jurists Learned Hand, Henry J. Friendly and Edward Weinfeld.

This year's recipient of the Gold Medal, Justice Elena Kagan, is a native New Yorker, and a born judge. Her Hunter College High School yearbook photo shows her in judges' robes holding a gavel accompanied by a quote from Felix Frankfurter (a past Gold Medal recipient). She earned her undergraduate degree from Princeton, a master's in philosophy from Oxford, and a law degree from Harvard Law School. She served as a law clerk to U.S. Supreme Court Justice Thurgood Marshall (another Gold Medal winner). After a stint in private practice, she had a brilliant career in academia at the University of Chicago Law School and Harvard Law School, where she rose to become its Dean.

During the Clinton administration, Justice Kagan served as Associate Counsel to the President of the United States and Deputy Assistant to the President for Domestic Policy. In 2009, she became the first female Solicitor General of the United States. On May 10, 2010, President Barack Obama nominated her as an Associate Justice of the Supreme Court, and she assumed this role on August 7, 2010.

Justice Kagan's judicial opinions are models of craftsmanship admired by legal scholars for their brilliance. Her judicial voice is one of fairness, compassion and humanity, coupled with rigor and high intellectual scholarship. Justice Kagan is what we need so much more of in American life:

a consensus builder. She wins supports for her positions through the power of persuasion and a willingness to consider and accommodate the views of others.

It is my honor to ask Justice Kagan to come to the podium and receive the Gold Medal. Please join me in recognizing this brilliant, great jurist, the Honorable Elena Kagan.

We are going to do something special tonight. Rather than listen to a speech from Justice Kagan, she has asked to sit in conversation with her law school classmate, Professor John Q. Barrett. The 1986 Harvard Law School class was truly extraordinary. Professor Barrett is an eminent legal historian and educator. He teaches at St. John's University School of Law and is the Elizabeth S. Lenna Fellow at the Robert Jackson Center in Jamestown, New York. Professor Barrett is currently writing a biography of Justice Jackson, yet another recipient of the Gold Medal, as well as a former Vice President of the New York State Bar Association. Professor Barrett, thank you for joining us. Please come up to the dais and take a seat next to Justice Kagan.



John Q. Barrett with Associate Justice Elena Kagan

Fireside Chat

John Barrett: Hello, Justice Kagan.

Elena Kagan: Hello, Professor Barrett.

JB: Congratulations.

EK: Thank you.

JB: So, here we are.

EK: Can I just say thank you before you start asking me questions?

JB: Please. Please.

EK: Thank you, President Greenberg, and thank you Chief Judge DiFiore, and all the judges of the Court of Appeals and the Attorney General, and my great friend, Chief Judge Katzmann, and all of those other people who were named. I can't believe this audience. It's my honor to be with you tonight and thank you so much. I feel as though I've won the Olympics here, you know? So, thank you very much. I'm going to put it on one of those ribbons and I'm going to stand up while the Star-Spangled Banner plays! Thank you. It's my honor. Thank you.

JB: So, here we are -- Upper West Side, the Museum of Natural History, roomful of New York lawyers. Does that connect with your life?

EK: I grew up five blocks from here, so I grew up on 75th and West End Avenue. I've been a member of the New York State Bar since 1987, so there's that. But mostly what I was thinking about, I was thinking about growing up so near here, and when my mother wanted to get my brothers and me out of the house, she would send us here. So, I spent more days in this museum at the age of 8, 9, and 10. When I walked in, I don't know if you can see, there's this huge polar bear and I thought, "I know that polar bear." When I was eating dinner, I was looking at the walruses and thinking those were here, too.

EK: If you think about this room, I don't think that anything's changed for 50 years. I'm sure that's not true. This is a great, great museum. The planetarium, I spent lots of hours at the planetarium. So, it feels like a homecoming so thank you very much for inviting me home.

JB: We could talk about so many things, but I want to jump into this century and begin by talking about some firsts. In 2009, you were the first Senatorially-confirmed Solicitor General of the United States. Barbara Underwood-

EK: Barbara Underwood was really the first.

JB: —was the first woman to serve as Solicitor General. Then you were the first female dean of the Harvard Law School. Are there extra challenges to being a gender first?

EK: I don't know. By the time that I was a gender first, it was more a matter of luck than anything else that women hadn't held those positions. Barbara Underwood had in fact done the job, and there had been a woman Attorney General and a woman Deputy Attorney General. It was just a little bit of a fluky thing. Same for when I was dean of Harvard Law School, there had been deans at lots of other great law schools, women deans, before me. I was very aware that it mattered to people. I still run into all these women of the early classes at Harvard Law School who were one of 10 women in the class, and for those people, the world had changed that there was a woman dean and I was always very aware of that, but for me, it didn't seem like such a big deal. I just did the job or tried to.

JB: You were only able to hold onto that Solicitor General job for a year.

EK: 15 months.

JB: But I want to ask about-

EK: It was a great job, though.

- JB: So one hears. I want to hear about your oral argument experiences, because you were not previously a Supreme Court litigator.
- EK: I wasn't an appellate litigator at all. My first appellate argument was as Solicitor General and-
- JB: Any case we might have heard of?
- EK: Yeah, Citizens United.
- JB: How'd it go?
- EK: Well, thanks for asking, John. I lost that one. It is a little bit nerve-racking to have your first appellate argument ever be in the Supreme Court in Citizens United. Special session. It was a September sitting, which the Court never has. It was a big deal. There were four lawyers and the three other lawyers had probably done a combination of 200 Supreme Court arguments, so I was very much the new kid on the block. How did it go? Well, we lost it. The good guys lost. But one thing about it was that it was a re-argument. It had been argued the prior year, and the Court had said, "We want this re-argued and we want all the lawyers to focus on whether we should overrule these two cases." It was pretty clear ... I would say that there was writing on the wall.
- EK: The one thing that kept me sane during the lead-up was I figured that probably there was not a whole lot that I could do in that argument, and I still think that that's probably right.
- JB: Did it get easier with your remaining arguments during your Solicitor General-ship?
- EK: It's a big deal to argue to the Supreme Court. It's a very hot bench. They hardly give you any time to answer their questions. I guess "we" rather than "they" now. People always ask me, "Do you get nervous when you come out to the bench?" I think what's to get nervous about when you're on the bench? It's totally in your control, but I got nervous when I was at the other side of the podium. That is such a harder job. You have

to be-- We're very lucky. We have an incredible set of lawyers who appear before us very frequently, but you have to be incredible to do well at the Court because people are just jumping down your throat all the time.

JB: So, how did you find out that you were being nominated to get to the other side of the bench?

EK: Well, I was rejected before I was accepted. I went through the process actually twice. I had hardly been in the Solicitor General's office for a few months when Justice Souter retired. I made it to the short list that time, so I had been through the process. But my great colleague, Justice Sotomayor got that nomination. Also, of course, she's a real New Yorker. I'm a New Yorker who's fled. But the president made a call that night, the same night he told Justice Sotomayor the good news, he told me the bad news. And, I had a feeling if there was another vacancy, I would be under consideration. And the next year there was. Justice Stevens decided to retire, and that time I made it. The second phone call was of course more fun than the first phone call.

JB: What are your reflections on the Senate confirmation process—your own, and as a general matter the way we make our nominees into justices?

EK: I think everybody gets frustrated by it. I think the Senators are incredibly frustrated because the nominees aren't answering their questions, or at least the questions they care about. I think the nominees are frustrated because they think, "Why are the Senators asking me these questions, which they know I'm not going to answer?" So, I think it's actually very hard to get a process that works. Even in the best circumstances, it's a process that leads to more frustration, I think, than illumination.

JB: Right. But it can work out?

EK: It was fine, yeah. In fact, people say the hearings are so terrible. I felt like mine turned out well.

JB: Let's talk about the job, that new job, the job you're now in your 10th year of performing so well. Did it help to have clerked at the Supreme Court?

EK: It did because nothing changes at the Supreme Court. This was the most amazing thing to me, actually. I came back, I clerked in 1987 and I came back in 2010, and of course all the justices were different, or almost all. Not all. Justice Scalia had been there, Justice Kennedy was there when I clerked. But, the processes, the procedures of the Court were all the same. It was like you were walking into a time tunnel or something. The first day on the job, the Chief Justice took me around to all the offices in the Court, the library and the Court Clerk and the Court Reporter, and the publications unit, and all these places, and in every single place we stopped, somebody would say, "Oh, I remember you from when you were clerking." I'd think, "Oh my gosh, I hope I was okay."

EK: But, it's a little bit of a time capsule in terms of the way the Court works. If you think about it, it's funny. The 25 years that I had been gone, there was a technological revolution. We get our information in all kinds of new ways. Not the Court. We still walk memos around literally. There's a person in each chambers whose job it is to walk around the building handing out paper copies of memos. I was like, "You know, people don't really do this anymore." I'm making fun of it, but the Court works as an institution and it has worked, so you don't change what's not broke, I guess.

JB: How long did it take to feel that you had the hang of being a justice?

EK: Not too long. I think that the best preparation for being a justice is being the Solicitor General. So, even those 15 months in the job were incredible preparation for that. Sometimes, I thought it was really the same job. It was just as the Solicitor General, you tried to convince eight people -- nine people! I'm stepping on my own joke -- and as the justice, you tried to convince eight people, but it was really the same kind of thing.

You were focused on the same personalities and the same issues, and all the procedures were the same, so it was great preparation for it.

JB: That's a nice segue to colleague relations. What is the dynamic among the nine of you? Are you siblings in a family where no one ever moves out? Or are you on some kind of expedition together?

EK: That sounds scary. Do I have to pick one of those?

JB: No, you can pick your own metaphor.

EK: We are a family. We're these nine people. You can't really talk about your job with anybody else, so the only people who know what you're doing are your eight colleagues. We obviously don't all agree with each other on all matters, and sometimes have big disagreements about big matters. But given that, I've always been impressed by how well we do get along. I think that we are genuinely fond of each other. We know the pressures that all of us face every day, and I think all of us believe that every single person on the Court always is acting in good faith. People work incredibly hard to try to get it right, and I think we have a ton of respect for each other.

JB: Do you socialize with each other?

EK: Some of us do. I wouldn't say we're all going to parties every night, but I go to an occasional opera with Justice Ginsburg. I go to an occasional hockey game with the Chief Justice. Maybe the person I socialized with the most was Justice Scalia. I used to go hunting with him.

JB: Tell us more.

EK: Well, you could imagine I didn't learn to hunt on the West Side of Manhattan. But when I went through the confirmation process, everybody kept asking me about what I thought about guns. Nobody can ask you if you're going to vote to overrule Heller or something like that, or what do you think of Heller? So, they ask you all these proxy questions, and they were like, "Have you ever hunted? Does anybody in your family hunt? Do any of your friends hunt? Have you ever met anybody in your entire life who hunts?" My answers

to these questions were quite pathetic. They were, “No, no, no and no.” I was once sitting with one of the senators from Idaho, and he was telling me he has a big ranch out there and he was telling me about all the hunting he does.

EK: I mean, look, I’m not making fun of why people want to know about these things. It’s really important to a lot of people’s constituents. And, he said to me—he was very honest. He says, “I just don’t know if you’re ever going to understand what’s really important to my constituents.” I said to him, “Senator, I grew up on the West Side of Manhattan and this wasn’t something that I ever had the opportunity to do. But I’ll make a promise to you that if I’m lucky enough to be confirmed, I’ll ask Justice Scalia to take me hunting.” I knew that Justice Scalia was a very avid hunter, and we had known each other for some years. And when I got to the Court, I went to Justice Scalia and I told him this story, and I said to him, “This is the only promise I made in 82 office visits, courtesy visits.”

EK: He laughed and laughed and laughed. He was a hugely generous man. He took me to his gun club, and he taught me to shoot, and then he kept on asking me to go hunting with him and his hunting buddies. I quite liked it, actually, so I did a lot of hunting with Justice Scalia. I miss it and I miss him a ton.

JB: Let’s talk a little bit about the innards of the work. Is your conference discussion a group exchange of thinking and persuasion, or is it just position announcing and vote counting?

EK: So, some of each. Sometimes we have these cases where we just go around the table, and the way we do it, it starts with the Chief Justice and then it goes around in seniority order, and the rule is that nobody can speak twice before everybody has spoken once, so it just goes around the table in seniority order. And sometimes, that’s what happens, and everybody says their piece and votes, and it gets to the end of the line and the Chief Justice says, “Okay, this is the vote count,” and goes on to the next case.

EK: Other times, it's a really engaged back and forth. We always do "everybody has to speak once," but then other times it's a really engaged back and forth. And, it really just depends on the case. It depends on whether people at the end of the first round, whether it seems as though it's going all over the place. If it's fractured, people are trying harder to find that majority. If you feel as though you could convince people, people are working to convince those people, but sometimes we don't do that. Sometimes you go around the table and people are where they are and you know that nothing is going to change, and if we just keep talking, we'll just keep annoying each other.

EK: So, sometimes it's just the one and done. But a lot of the times-- I guess as a professor and then as a Solicitor General, you always think about the Court. The one thing you don't know is what happens in this black box of the conference room. So, I was very curious about it, and I thought my first year, and I continue to think, that if people could see it, they would be proud of the institution, that the institution works really well, that people engage with each other on a very high plane, that there is really good and substantive conversation, that there are no voices raised, there's never any anger or anything like that, that people are really trying to get it right and trying to convince other people. That's how a court should work.

JB: What about the opinion writing process? You're renowned as a beautiful writer, and you deserve that reputation. How do you do your writing, what's your theory of your audience, and then how does it work in holding a Court or maybe watching it slip away?

EK: Not that! Come on. I always ask a clerk of mine to do a draft, but then I always open up a new document on my computer and start all over again. That's because I've just never found a clerk who writes like me. It doesn't mean that they don't write really well. Some of them write better than me, but I've never found somebody who writes like me, and I want all my opinions to sound like one person wrote them. Also, for

me at least, and people vary on this, but for me at least, I don't feel as though I've truly, truly, truly understood a case until I write my way all the way through it. There are just so many things that I discover that I wouldn't have discovered except for the fact that I was just writing from start to finish.

EK: So, it's a little bit frustrating to be a Kagan clerk sometimes, because you do not see your words in the U.S. Reports. But the work that they do is really invaluable to me in getting me to think about all the things that I should be thinking about. And then, I use my clerks to do a ton of editing on me and I really tell them just tell me when I should throw the whole thing out. They take their revenge that way.

JB: Do you have a favorite opinion that you've written?

EK: I don't really. It's like you can't have a favorite child. And if I told you what maybe my favorites are that come to mind, you would think that they're pretty peculiar because they're not the big ones. Mostly, I've written big dissents rather than big majorities. My dissents are by definition not my favorite opinions because they're dissents. I actually think that my favorite opinions are the ones where I started out knowing nothing and I had to learn an incredible amount. I'm just thinking about crazy cases. Last year, I did this case about a land use regulation in Alaska where there's a special federal statute about Alaska land use. You don't start out, if you grew up on the West Side of Manhattan, knowing a lot about Alaska land use. But by the time I was done--

JB: There is your polar bear.

EK: Exactly, yeah. By the time I was done, one of the senators in Alaska had named me honorary Alaskan of the Month. So, I thought that was pretty good. There was another case where I had to learn all about water law, another thing that New Yorkers do not know a whole lot about, but it matters a lot to a lot of people in a lot of states. It's just fun—I think it's fun just

learning about things that you know nothing about, and it's one of the wonderful parts of the job. There are some things where you've had 10 cases on some subject and you keep on getting different iterations of the same basic question. But then one of the wonderful things about the job is that every year, there are just whole new areas that I have to figure out.

JB: Speaking of "whole new"--one more colleague question. You've now moved up to number seven in seniority. You have two junior colleagues. What's it like to have new members join the Court?

EK: It's a little bit of an adjustment, I'll tell you. I was the junior justice for seven years, which is a long time to be the junior justice. I mean, if you think about it, Justice Sotomayor was the junior justice for a year. The record is held by Justice Breyer, who was the junior justice for 13 years, something like that. It's actually pretty good to be the junior justice because if you think about it, it's best to go first, maybe second, but after that, it's best to go last. So, I miss being the person who speaks last. So, that's the best thing about being a junior justice.

EK: Everybody tells you that when another judge gets to the Court, it's a new Court. I guess I never quite understood what that meant. Now I think it's true. It's in part because there's a new person there. But I think it's an even great part, and I wish I had understood this when I got on the Court, that there's somebody who isn't there. If you think about our two newest justices, they replaced Justice Kennedy and Justice Scalia, who in very different ways were incredibly important parts of the Court. Just reshaping the Court without those two people there I think has been a challenge for all of us. I think people miss them an incredible amount. It feels like a different place without them, however terrific your new colleagues are.

JB: A couple of questions about your personal life? Do you have free time and how do you spend it?

EK: I do have free time. I mean, I work a lot during the term. It's a hard job, and especially from now to the end of June, it's an impossible job. But then, we get the most wonderful summer vacations. Don't tell anybody. I'm afraid they'll take them away. People used to always say when I was an academic, "Oh, you must have great summer vacations." It was like, "No, academics don't have summer vacations. They're working. They're writing articles." If you're a dean, you're wandering around trying to raise money. But the U.S. Supreme Court has genuine summer vacations. We get a time to cool out a little bit, chill out, and when we get back to work, we've forgotten all the petty annoyances and we're ready to do our thing again.

JB: Hobbies, diversions, interests?

EK: I don't have very many esoteric hobbies. I go to lots of movies. I go to theater. I go to opera sometimes. I'm a big sports fan. I read a lot. It's definitely enough to keep me occupied.

JB: Since this has become a big thing with Supreme Court justices, do you have an exercise regimen?

EK: I'm going to let Justice Ginsburg just do that. I think that's where I'll draw the line. I have Justice Ginsburg's exercise regimen book.

JB: What about social media? Are you a user?

EK: I am a lurker. Not on everything. I've never had a Facebook account, but I do lurk on Twitter. I use a different name and I never tweet myself, but it's interesting what you see sometimes.

JB: I'll follow that with an anonymity question about the actual world: Do you have enough in your life? Can you go to the grocery store, or do you worry about people tweeting what's in your basket?

EK: I'm actually pretty anonymous. We vary a lot on this. I bet if Justice Ginsburg went to the grocery store, I don't think she could do that these days. But even in Washington, when people do recognize me, I always think, "You're a

lawyer, you're a law student." For the most part, people don't recognize me, I think. Or at least, they don't say they recognize me. Maybe they just don't want to talk to me. I don't know. It's actually a pretty normal life, which is a nice thing.

JB: Indeed. Let me give you a roster of people and close by asking you about Robert Jackson, Felix Frankfurter, the second John Harlan, Thurgood Marshall, Lewis Powell, William Brennan, Potter Stewart, Sandra Day O'Connor, and Ruth Bader Ginsburg. They are the previous recipients of this Gold Medal. You of course work with Justice Ginsburg, but do you actually feel in a sense that you work with all of them?

EK: Well, you read that list and it feels surreal to join that list. Those are some incredible giants of the law, and so I feel very honored to be in that company and a little bit -- I mean, that's just bizarre. I'm going to say a few words about a few of those people. I'm not sure I feel as though I work with all of them, although I have learned something from reading all of their opinions. But I clerked for Justice Marshall, so it's very meaningful to me to have him on that list. Justice Marshall, greatest lawyer of the 20th Century, would have been that if he never had stepped onto a court. He was Solicitor General. When I was Solicitor General. I had a big portrait of him hanging in my office and he inspired me every day, as he continues to do.

EK: Then for Justice O'Connor and Justice Ginsburg to be on that list is also just really meaningful to me. There have been four women on the Court. Justice Ginsburg and Justice O'Connor was the first generation, and Justice Sotomayor and I the second. And there are about 20 years between the two, 25, something like that. In those 20 or 25 years, the entire world changed for women in the legal profession. When you think about what Justice O'Connor and Justice Ginsburg did at the time that they did it, people coming out of law school first in their class, they couldn't get a job, nobody would have them clerk for them—they just had to construct everything from scratch.

EK: By the time Justice Sotomayor and I got out of law schools, 40% of the class was women and the law firms had opened the doors to women, and the judges as well. It was just an entirely different world, and part of the reason, of course, that it was a different world was because of the efforts that that first generation of women made. So, I feel as though I stand on their shoulders and there's no way I would be where I am if it weren't for the unbelievable lives and the unbelievable work that Justice O'Connor and Justice Ginsburg did.

JB: We can close with the medal, your Gold Medal. What does receiving this award mean to you?

EK: Well, I think as I've said, it's just an incredible honor, and not just the Justices. I looked at the whole list today. It is an extraordinary bunch. The New York Court of Appeals judges that this has been given to, and the great lawyers, the great government officials — what an amazing list this is. I don't know why you picked me, President Greenberg, but I'm happy that you did and very thankful, very honored.

JB: You honor us. Thank you very much.

EK: Thank you very much. Thank you all very much.

Hank Greenberg: Please join us one more time, Justice Elena Kagan. So, what could be better than that? The bench and bar came together tonight, this extraordinary night to celebrate the values that do indeed make this the most influential, impactful profession in American life. On behalf of a grateful New York State Bar Association, to Justice Kagan, who has honored us, to Chief Judge DiFiore, to Judge Katzmann, to General James, to the distinguished judges of the Court of Appeals, and most of all, good friends all of you in the audience, good night and thank you.

Past Gold Medal Recipients

2019 Janet DiFiore	1985 Lawrence H. Cooke and Hugh R. Jones
2018 Roberta A. Kaplan	1984 Potter Stewart
2017 Mary Jo White	1983 Domenick L. Gabrielli
2016 Evan Davis	1982 William Hughes Mulligan
2015 Hon. Juanita Bing Newton	1981 Sol M. Linowitz
2014 Louis A. Craco	1980 Cyrus R. Vance
2013 Peter Neufeld and Barry Scheck	1979 Charles D. Breitell
2012 Eric Holder	1978 Norris Darrell
2011 Robert M. Morgenthau	1977 Francis T.P. Plimpton
2010 S. Hazard Gillespie	1976 Thurgood Marshall
2009 Frederick A.O. Schwarz	1975 Kenneth B. Keating
2008 Sandra Day O'Connor	1974 Francis Bergan
2007 Alexander Forger	1973 Henry J. Friendly
2006 John R. Dunne	1972 Herbert Brownell
2005 Helaine M. Barnett	1971 Stanley H. Fuld
2004 Richard J. Bartlett	1970 Bernard Botein
2003 Howard A. Levine	1969 J. Edward Lumbard
2002 Joseph M. McLaughlin	1968 Bruce Bromley
2001 Joseph W. Bellacosa	1967 Harold R. Medina
2000 Stewart F. Hancock, Jr. and Richard D. Simons	1966 John Marshall Harland
1999 Robert MacCrate	1965 Whitney North Seymour
1998 Jack B. Weinstein	1964 Charles S. Desmond
1997 Judith S. Kaye	1963 John J. McCloy
1996 John D. Feerick	1962 Arthur Dean
1995 Ruth Bader Ginsburg	1961 Felix Frankfurter
1994 An award was not presented in 1994	1960 Learned Hand
1993 William J. Brennan, Jr.	1959 John Foster Dulles
1992 James L. Oakes	1958 Edmund H. Lewis
1991 Sol Wachtler	1957 John Lord O'Brien
1990 Wilfred Feinberg	1956 Harrison Tweed
1989 Lewis F. Powell, Jr.	1955 Arthur T. Vanderbilt
1988 Constance Baker Motley	1954 Robert H. Jackson
1987 Robert B. McKay	1953 John W. Davis
1986 Edward Weinfeld	1952 Nathan L. Miller

Past Presidents of the New

1877 & 1878	John K. Porter	1923 & 1924	William N. Dykman
1879 & 1880	Samuel Hand	1925	Walter P. Cooke
1881 & 1882	Sherman S. Rogers	1926 & 1927	Arthur E. Sutherland
1883	William C. Ruger	1928	William C. Breed
1884	Elliott F. Shepard	1929, 1930 & 1931	Frank H. Hiscock
1885 & 1886	David B. Hill	1932 & 1933	Samuel Seabury
1887 & 1888	Martin W. Cooke	1934	Daniel J. Kenefick
1889	William H. Arnoux	1935 & 1936	John Godfrey Saxe
1890	Matthew Hale	1937	George H. Bond
1891	George M. Diven	1938	Joseph Rosch
1892 & 1893	J. Newton Fiero	1939	Fred L. Gross
1894	Tracy C. Becker	1940	Warnick J. Kernan
1895	William H. Robertson	1941 & 1942	John G. Jackson
1896 & 1897	Edward G. Whitaker	1943	James McC. Mitchell
1898	Simon W. Rosendale	1944	Jackson A. Dykman
1899	Walter S. Logan	1945 & 1946	Lewis C. Ryan
1900	Francis M. Finch	1947	Robert E. Lee
1901	William B. Hornblower	1948	Mason H. Bigelow
1902 & 1903	John G. Milburn	1949	Neil G. Harrison
1904 & 1905	Richard L. Hand	1950	Otis T. Bradley
1906 & 1907	Joseph H. Choate		* M. William Bray
1908	Francis Lynde Stetson	1951	Arthur VD. Chamberlain
1909	Adelbert Moot	1952	Weston Vernon, Jr.
1910 & 1911	Elihu Root	1953	Franklin R. Brown
1912	William Nottingham	1954	Hunter L. Delatour
1913 & 1914	Alton B. Parker	1955	Edmund H. Lewis
1915	Alphonso T. Clearwater	1956	Cloyd Laporte
1916	Morgan J. O'Brien	1957	Clarence R. Runals
1917 & 1918	Charles E. Hughes	1958	S. Hazard Gillespie, Jr.
1919	Henry W. Taft	1959	C. Addison Keeler
1920	Nathan L. Miller	1960	Chauncey Belknap
1921 & 1922	William D. Guthrie	1961	J. Boyd Mullan

York State Bar Association

1962	David W. Peck	1993-94	Archibald R. Murray
1963	William F. FitzPatrick	1994-95	G. Robert Witmer, Jr.
1964	Orison S. Marden	1995-96	Maxwell S. Pfeifer
1965	Sidney B. Pfeifer	1996-97	M. Catherine Richardson
1966	Lawrence E. Walsh	1997-98	Joshua M. Pruzansky
1967-68	J. Henry Neale	1998-99	James C. Moore
1968-69	Lyman M. Tondel, Jr.	1999-00	Thomas O. Rice
1969-70	George G. Coughlin	2000-01	Paul Michael Hassett
1970-71	Stuart N. Scott	2001-02	Steven C. Krane
1971-72	Hugh R. Jones	2002-03	Lorraine Power Tharp
1972-73	Robert MacCrate	2003-04	A. Thomas Levin
1973-74	Ellsworth VanGraafeiland	2004-05	Kenneth G. Standard
1974-75	Whitney North Seymour, Jr.	2005-06	A. Vincent Buzard
1975-76	Joseph H. Murphy	2006-07	Mark H. Alcott
1976-77	Edwin F. Russell	2007-08	Kathryn Grant Madigan
1977-78	Henry J. Smith		
1978-79	Robert P. Patterson Jr.	2008-09	Bernice K. Leber
1979-80	Anthony R. Palermo	2009-10	Michael E. Getnick
1980-81	Alexander D. Forger	2010-11	Stephen P. Younger
1981-82	David S. Williams	2011-12	Vincent E. Doyle III
1982-83	Bernard J. Reilly	2012-13	Seymour W. James, Jr.
1983-84	Haliburton Fales, 2d	2013-14	David M. Schraver
1984-85	Henry G. Miller	2014-15	Glenn Lau-Kee
1985-86	Justin L. Vigdor	2015-16	David P. Miranda
1986-87	Charles E. Heming	2016-17	Claire P. Gutekunst
1987-88	Maryann Saccomando Freedman	2017-18	Sharon Stern Gerstman
1988-89	Henry L. King	2018-19	Michael Miller
1989-90	John J. Yanas		
1990-91	Angelo T. Cometa		
1991-92	Robert L. Ostertag		
1992-93	John P. Bracken		

* Served December 1, 1950-January 27, 1951 after Mr. Bradley died in office



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

ANDREW M. CUOMO
GOVERNOR

January 30, 2020

New York State Bar Association
One Elk Street
Albany, NY 12207

Dear Friends:

It is a pleasure to send greetings to everyone gathered for the 2020 New York State Bar Association Gala Dinner.

Since 1876, this worthy organization has served as a resource for those inspired to uphold the democratic principles of our judicial system. With its steadfast commitment to the highest standards of excellence in the practice of law, the Association strives to advance the professional development of its members and enhance the delivery of legal services throughout New York State. I recognize everyone affiliated with NYSBA, for their valued service to the legal community and the community at large.

Tonight, you come together to look back at the accomplishments of the past year and to pay tribute to the recipient of your 2020 Gold Medal. I join in congratulating your distinguished Guest of Honor, the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States, for her dedication to public service and to the law. I commend, as well, the Judges of the New York State Court of Appeals, on the occasion of your recognition. This benevolent organization and NYSBA's lofty goals continue to facilitate the administration of justice and the advancement of the science of jurisprudence.

With warmest regards and best wishes for an enjoyable evening and continued success.

Sincerely,

ANDREW M. CUOMO

WE WORK FOR THE PEOPLE
PERFORMANCE • INTEGRITY • PRIDE

printed on recycled paper

Chief Judge of the State of New York



Janet DiFiore

January 30, 2020

New York State Bar Association
One Elk Street
Albany, NY 12207

Dear Friends and Colleagues:

Please accept my warmest wishes on the occasion of the New York State Bar Association's (NYSBA) 2020 Gala Dinner.

Congratulations to tonight's honoree, Hon. Elena Kagan, Associate Justice of the Supreme Court of the United States. Justice Kagan is a truly deserving recipient of the Gold Medal Award – NYSBA's highest honor – in recognition of her singular contributions to the law, legal education and the administration of justice.

I also want to recognize and thank NYSBA President Hank Greenberg for his strong leadership and dedicated service to our legal profession, and for reinstating the proud tradition of an annual Gala Dinner to honor the Bench and Bar during NYSBA's Annual Meeting. Since 1876 the New York State Judiciary and NYSBA have enjoyed a long and productive history of supporting the fair and efficient administration of justice and advancing the rule of law in our state and our society.

Thanks to all in attendance for supporting NYSBA's vital mission and best wishes for a wonderful evening.

Sincerely,

A handwritten signature in blue ink that reads "Janet DiFiore".



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
ALBANY, NY 12224

LETITIA JAMES
ATTORNEY GENERAL

(518) 776-2000

January 30, 2020

New York State Bar Association
One Elk St
Albany, NY 12207

Dear Friends:

I am delighted to offer a warm welcome to everyone who has gathered for the New York State Bar Association's Gala Dinner and the presentation of the Association's 2020 Gold Medal. Please accept my best wishes as you celebrate this special occasion.

Since its establishment, the New York State Bar Association has actively worked to elevate the standards of honor, integrity, courtesy and competence within the legal profession. From offering informative and relevant CLE classes, to facilitating networking opportunities, to providing legal referral services and pro bono assistance; the Association not only benefits its members, but also the Empire State as a whole. Through these stalwart efforts, NYSBA seeks to improve the caliber and integrity of our justice system, and to ensure it remains accessible to all. I commend the Association for the crucial role it has played in upholding the promise of our legal system for generations of New Yorkers.

Let me also take this opportunity to recognize tonight's honorees: the Judges of the New York State Court of Appeals and the recipient of the Association's 2020 Gold Medal, the Honorable Elena Kagan. Without question, she is one of the most accomplished members of the Supreme Court's progressive wing. Her presence ensures that the rights and liberties of so many are protected, especially in times such as these when they are under assault.

Once again, congratulations on this year's celebration. I am sure it will be a most enjoyable evening. I wish the New York State Bar Association much continued success in the future.

Sincerely,

A handwritten signature in blue ink that reads "Letitia James". The signature is written in a cursive, flowing style.

LETITIA JAMES





THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

January 30, 2020

Dear Friends:

It is a great pleasure to welcome everyone to the New York State Bar Association's Gala Dinner.

My administration is determined to uphold the principles of justice, progress, and equality that have long-defined the five boroughs, and in this effort, we are grateful for our exceptional legal sector that furthers these ideals every day. Since its founding in 1876, the New York State Bar Association has supported countless attorneys and legal professionals, while also working tirelessly to enhance the justice system and inspire positive change across our state. By promoting vital reforms, organizing educational programming for members and the community, and ensuring that those in our legal sector uphold the Association's standards of ethics and integrity, the NYSBA has made a tremendous impact in our city and far beyond. I applaud all those associated with this organization for everything they have achieved as we continue to forge a brighter and more just future for all.

On behalf of the City of New York, congratulations to all of tonight's distinguished honorees, Justice Elena Kagan and the Judges of the New York Court of Appeals. Please accept my best wishes for a wonderful evening and continued success.

Sincerely,

A handwritten signature in black ink that reads "Bill de Blasio".

Bill de Blasio
Mayor



Christopher Jackson performing The National Anthem



American Museum of Natural History's Hall of Ocean Life



NYSBA.ORG