

SAFEGUARDING A CROWN JEWEL: JUDICIAL INDEPENDENCE AND LAWYER CRITICISM OF COURTS^[1]

*Judith S. Kaye**^[1]

I. INTRODUCTION

It is truly a privilege to participate in this lecture series honoring the late Howard Lichtenstein, and I thank you for inviting me to address the Hofstra Law community. Let me also express my appreciation to your distinguished Lichtenstein Professor, Monroe H. Freedman. At this same podium some seven years ago, Thomas Shaffer praised Professor Freedman as a lawyer who makes the profession better simply by being in it.^[1] What an extraordinary tribute. It's so easy for just one lawyer, by indifference and carelessness, to debase the entire profession, but enormously difficult for just one lawyer-like Professor Freedman-by a lifetime of dedicated, competent, ethical practice, to elevate it.

This lecture series honors another such person, Howard Lichtenstein, by wonderful coincidence a beloved partner in the New York City law firm Proskauer Rose Goetz and Mendelsohn. To me, Proskauer is the "in-law" firm-that's where my husband practices law, and where we both came to know Howard as a gentle friend and a dynamite lawyer. By force of prowess and personality, Howard could bring together the fiercest adversaries in labor disputes; all of them, incredibly, extolling his virtues. The former chairman of the Proskauer firm, Edward Silver, having witnessed that feat innumerable times, summed up Howard as "a lawyer who practiced law as it used to be."

This brings me to the substance of my remarks: how things are and how things used to be in the legal profession. To provide a bit more focus, from the universe of potential topics that might fit that bill I discuss lawyer criticism of judges' decisions-a subject in which I have more than a passing interest.

A.A New Reality

To set the stage, I would like to touch briefly on a reality that is vastly different from what some would call the more "gentlemanly," "civilized" days when Howard