

[Grandma Judith at the Southampton Movie Theatre](#)

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Body

It had been raining day-after-day that August in Sag Harbor and our six-year old daughter Elana was acting very crabby at home. "There's nothing to do," she complained. Elana suffers from birth-related neurological deficits; she has cerebral palsy and cortical visual impairment and gets agitated in new places when there is a lot of noise. Elana has also always been good at testing her parents' patience. This day was no exception so we both decided to take her to see a children's matinee at the nearby Southampton cinema.

After I purchased our tickets, I decided it would be a good idea to buy a large tub of popcorn and some soda so I stood on the refreshment line while Elana, in her wheelchair and Phyllis stood off to the side as the previous show had not let out yet. A lot of kids were gathered in the lobby awaiting the end of at least two movies.

A group of seven or eight year old boys were sloshing around the slick, wet floor of the lobby in an apparent game. The noise level was high and Elana became agitated. She began to scream, or more precisely shriek. People were already turning around and staring at her. Phyllis and I by now were familiar with that unfriendly maternal stare, often passed down to their children as if Elana was likely at that moment, to transmit some virulent microbe. I noticed one mom walk over to Phyllis and Elana and try to get her young daughter to engage. It was a kind gesture but the young girl was shy and reluctant to engage with Elana and they both left.

I knew I had to get the refreshments quickly and start distracting Elana with popcorn. Just at that point when I was trying to assess how long it would take to get to the counter and place my order, I heard a voice close to me call out "David." I turned around and smiling warmly at me was Judith Kaye, the Chief Judge of the State of New York-the top Judge in the State and I guess nominally my boss.

Now I knew Judge Kaye, sort of, and was comfortable calling her Judith but I was nervous to meet her under these circumstances. She told me that she was taking her grandchildren to the movies and was also loading up on treats for them. She asked me if I was there with my family and I said yes and pointed out Phyllis and Elana who just about that time let out a shriek that was perhaps the loudest of the afternoon.

When we both got our popcorn, Judge Kaye walked over and greeted Phyllis and especially Elana very warmly. Elana quieted down and even answered a couple of questions Judge Kaye asked her about how she was spending her summer. Phyllis and I were both touched by how sweet she was to Elana who was having such a difficult time that afternoon. Anyway, the movie line took shape and we made our way into the theatre and said our good-byes to Judge Kaye and her grandchildren. We headed to the wheelchair section where Elana would feel more comfortable.

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When the movie ended, I really didn't want to run into Judge Kaye again. I wasn't sure if Elana would contain herself. And, we didn't; she must have taken a side exit.

Anyway, that was that, and by the next day, I had forgotten the meeting. Sometime the following week I was back at work at the Appellate Division, First Department. I was in chambers preparing for a panel that afternoon. At about 1 p.m., just before lunch, a court officer came up to see me and said "Judge, There's a courier delivery for you downstairs." "Bring it up," I said thinking of all the terrible things that were possibly contained in an unknown courier package. When it was delivered to me I noticed that the return address was the Court of Appeals on Eagle Street in Albany. My anxiety level rose quickly. Could it be some advance copies of a recent reversal of mine?

Nervously, I tore open the package and there found three coloring books and a pack of crayons and a note written by Chief Judge Kaye, on her personal stationery that read, "Elana, I hope you enjoy these." From Grandma Judith.

And, in spite of all, the wonderful contributions she made to the decisional law of our state and to the administration of justice generally, both Phyllis and I will always remember this wonderful woman as simply Grandma Judith.

David B. Saxe served for nineteen years on the Appellate Division, First Department. He is currently a partner at Morrison Cohen. This essay is from his forthcoming book "My Life as a Judge."

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