

## ACKNOWLEDGEMENT

*HON. PATRICIA M. WALD*

Dean Revesz, Judge Edwards, Kelly [Askin], the two Davids [Lawrence and Tolbert], Cindy [Estlund], and Nancy [Morawetz]: It is a great pleasure for me to be up here with all of you and for a few brief moments to delude myself that even a small part of your eloquent tribute is, as we judges like to say in our opinions, “based on evidence in the record.” But I will admit that my life in the law has been an exciting and a satisfying one, ranging from a Second Circuit clerkship with a legendary legal iconoclast, Jerome Frank, who practiced gender equality long ahead of his time; to the defense of victims of McCarthyism in the 1950s; to the civil rights breakthroughs of the 1960s for minorities, women, the disabled, criminal defendants, and the poorest Americans. Contrary to what they tell you, the 1960s were great: the public interest movement of the 1970s; the Carter Justice Department; twenty years on the D.C. Circuit—proudly its first woman member and Chief Judge—and; finally, the American seat on the Yugoslav War Tribunal.

The judicial years were gratifying, often colorful, and, excuse me Judge Edwards, occasionally unsettling. My advent to the D.C. Circuit incidentally was met by strong right-wing opponents who labeled me “an instrument of the devil” for my early advocacy for the rights of children, which was particularly galling since my five kids, one of whom is here today, had to sit stoically through a series of harangues about how bad I was. One of them was approached by a reporter who said: “They called your mother an instrument of the devil, what do you have to say about this?” He was in high school at the time. And he said, “You know, she burns the lamb chops, but otherwise she’s okay.”

On the war crimes tribunal, I heard shattering evidence on the execution of 8000 men and boys in a single week in Srebrenica, within months of the Dayton Accord, which ended the conflict; and I listened to terrible accounts of the torture and abuse of thousands of other Muslims in the infamous Omarska prison camp. For several years, as you have heard numerous times, I have been back home working largely in the NGO [Non-Governmental Organization] sector with the Justice Initiative on domestic and international issues that I care about. And last year, as you heard about, I campaigned not only in Iowa, but in six states, for President Obama. I was an early foot soldier I must say, in the steady, but, still in my

view, incomplete march of women towards their deserved places in the law. The job of transforming cold, legal institutions into family-friendly institutions remains one that we have yet to accomplish.

In my time, legal theories have come and gone with about the same fervor, frequency, and life expectancies as economic theories. States' rights and federal preemption, hard-look judicial review and heightened agency deference, originalism, strict construction and enduring values modes of constitutional interpretation, desegregation, nondiscrimination, affirmative action, and many things that are somehow in between. Most notable today are regulation and deregulation. I note here that the absence or non-execution of the law in our financial regimes has, ironically I think, done more than anything else to demonstrate the value of law.

At the end, I remain convinced that the law is not out there to be discovered by raiders of the lost ark, but rather has to be continually reviewed and often recast in new contexts by successive generations of lawyers, like those being trained here at N.Y.U. [Law School], who will see it as a means to make our society work better. And, I find no contradiction between that view and the vision of what I consider to be that of our essentially pragmatic forefathers.

But, on a more personal note, like others at my stage in life, I am haunted by the question: Did I really make any difference? That has come up already. Did I leave any mark on that giant amoeba-like mass we call the law, which is continually evolving, retracting, changing shape, fed by thousands of judges, lawmakers, commentators, and teachers, periodically bursting over the dams set up by special interests, sometimes propelled by the sheer force of popular demand? No matter how many opinions one writes, or cases one argues, or laws one helps to pass, our internal goads will not let that question lie quiet. So in that quest, I hugely value the award you have given me today. In some ways however, I envy those of you out there, in the beginning and middle stages of lawyering. There are so many problems for the law to solve now and so many opportunities to solve them right this time. As you move center stage in your own careers, I have some very, very brief pieces of advice.

Stay close to the ground where you can see firsthand how the law operates on people's lives. Too many of the spread-sheets and their lawyers fail to do that, I think. Take reasonable risks, keep a healthy degree of skepticism about what works, but stay with your principles not just when your opponents are in power, but more critically, when your friends are. And keep in mind to have a good life in the law. It takes a village of supportive partners, fami-

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lies, friends, teachers, mentors, and for judges, law clerks. I was fortunate to have them all, along with a heavy dose of plain, ordinary good luck. I wish the same to all of you, and again, thank you.

