NEW YORK UNIVERSITY LAW REVIEW

Tributes to Chief Judge Judith S. Kaye
In Recognition of Her Judicial Legacy
Trevor W. Morrison & Julie B. Ehrlich
Helaine M. Barnett
Oscar G. Chase & David L. Ferstendig
Helen Hershkoff
Stephen Gillers
Roberta A. Kaplan
Sylvia A. Law
The Honorable Jonathan Lippman
The Honorable Albert M. Rosenblatt

Protected Class Gatekeeping

Jessica A. Clarke

Dynamic Rulemaking
Wendy Wagner, William West, Thomas McGarity & Lisa Peters

Public Energy Shelley Welton

Regulation via Delegation:
A Federalist Perspective on the Arizona State Legislature
v. Arizona Independent Redistricting Commission Decision
Richard Diggs



Number 1

Volume 92

NEW YORK UNIVERSITY LAW REVIEW

VOLUME 92

APRIL 2017

Number 1

CONTENTS

TRIBUTES	
Chief Judge Judith S. Kaye	
CHIEF JUDGE KAYE AS MODEL Trevor W. Morrison & Julie B. Ehrlich	2
Chief Judge Kaye's Legacy of Innovation and Access to Justice	
Helaine M. Barnett	6
CHIEF JUDGE KAYE: IMPROVING THE PACE AND INTEGRITY OF LITIGATION	11
Oscar G. Chase & David L. Ferstendig	11
CHIEF JUDGE KAYE'S DYNAMIC LEGACY	32
Helen Hershkoff	32
Rules That Work "on the Ground": Judith Kaye's Approach to the Law of Lawyering Stephen Gillers	45
The Dissent That Paved the Way to Equal Dignity: Chief Judge Judith S. Kaye's Dissent in <i>Hernandez</i>	
Roberta A. Kaplan	56
Judge Kaye's 1991 Solomonic Dissent in Alison D. v. Virginia M.	
Sylvia A. Law	72
Judith S. Kaye: The Great Reformer The Honorable Jonathan Lippman	85
Judith Kaye: Beyond Scholarship, to the	
World of Style and Mirth The Honorable Albert M. Rosenblatt	93
ARTICLES	
PROTECTED CLASS GATEKEEPING	
Jessica A. Clarke	101

PUBLIC ENERGY

Shelley Welton 267

183

NOTES

REGULATION VIA DELEGATION: A FEDERALIST PERSPECTIVE ON THE ARIZONA STATE LEGISLATURE V. ARIZONA INDEPENDENT REDISTRICTING COMMISSION DECISION

Richard Diggs 350

New York University Law Review (ISSN 0028-7881) (USPS 016181)

All articles copyright © 2017 by the author, except when otherwise expressly indicated. For permission to reprint an article or any portion thereof, please address your written request to the *Law Review* or the author.

Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that: (1) copies are distributed to students at or below cost; (2) the author and journal are identified on each copy; and (3) proper notice of copyright is affixed to each copy.

* * * *

Published by the *New York University Law Review* at 110 W. Third Street, New York, New York 10012, in April, May, June, October, November, and December. Editorial and General Offices are located at 110 W. Third Street, New York, New York 10012. Inquiries also are accepted by telephone at (212) 998-6350 and by FAX at (212) 995-4032. Periodicals postage is paid at New York, New York and at additional mailing offices.

Current subscriptions: \$50.00 (plus \$6.00 foreign mailing). Single issues: \$16.00 each (plus \$1.00 for optional first class mailing). Please enclose check with order. Bound sets, back issues, and older volumes may be ordered from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987; prices may differ from those above. Orders may be placed with Hein by phone at (800) 828-7571, via fax at (716) 883-8100, or by e-mail to order@wshein.com. Hein also carries the *Law Review* in electronic format at HeinOnline, http://www.heinonline.org.

Subscriptions are renewed automatically upon expiration unless the subscriber sends timely notice of termination. All notifications of change of address should include both old and new addresses, including zip codes. Please notify one month in advance to ensure prompt delivery.

Unless a claim is made for nonreceipt of issues within one year of the mailing date, the Law Review cannot replace those issues free of charge.

For information regarding subscriptions, please contact (212) 998-6590.

Postmaster: Send address change to the *New York University Law Review*, 110 W. Third Street, New York, New York 10012.

The Law Review invites the submission of unsolicited manuscripts. We regret that such manuscripts cannot be returned except if accompanied by a self-addressed, stamped envelope.

The New York University Law Review is printed on recycled paper.