STEVE WILLIAMS

Steve Williams, former Rabinowitz law clerk, delivered the following as a tribute at the Justice Jay A. Rabinowitz Retirement Event, February 28, 1997.

I was very honored when I was asked to speak as a representative of Justice Rabinowitz's law clerks. But before I might be seized by an unseemly fit of pride, a person on the organizing committee of former clerks confided that one reason I had been chosen was because my legal career had peaked with my clerkship for Justice Rabinowitz right after law school.

That may have been intended as a humorous remark, but like most humor it contained more than a grain of truth. My clerkship with Justice Rabinowitz almost twenty years ago was among the most challenging, interesting, and rewarding work experiences I have had.

But what am I to say about Justice Rabinowitz, who served as one of Alaska's first Superior Court judges after statehood, has been a Supreme Court Justice for 32 years, and Chief Justice about a third of those years? Clearly Alaska's most prominent judicial figure. A person for whom I have tremendous respect, admiration, and affection.

As his former clerks, his colleagues, and his friends can appreciate, I was confident that Justice Rabinowitz would be an easy, uncritical audience. But I also knew that he was very resistant to the idea of a traditional "retirement dinner" of rubber chicken and war stories. That is why this event is here at the Performing Arts Center and honors him largely with music.

But this evening is a tribute to Jay and things must be said.

I will call him Jay, not out of disrespect, but in the interest of brevity, fewer syllables, shorter speech. Besides, in the Alaska legal community, he is one of those iconic figures who can be identified by one name. Madonna, Shaq, Elvis, Ella, Jay.

So this is my tribute to Jay, my attempt to express in small part my appreciation, and that of my fellow clerks, both for what he has done and who he is.

I have always liked the context for the word "tribute." Unsurprisingly, its root is Latin for *tribe*, a concept with which Alaskans are becoming reacquainted. Its focus is on the reciprocal obligations of the community and the individual. Tribute originally

referred to levies or taxes given to the community's leaders. However, the word more recently came to be used in the sense of this evening's event: a tribute paid by the community to someone for his contribution to the community.

As we all know, Justice Rabinowitz is a very smart guy. But there are a lot of smart people, even among lawyers and judges. What truly distinguishes Jay is the quality of his intellectual efforts.

I recall once during my clerkship mistakenly asking Jay how he "felt" about an issue in a case. He upbraided me: "We don't practice visceral jurisprudence here."

In my experience, Justice Rabinowitz's commitment to intellectual integrity, to rigorous analysis, has been complete. He has a disciplined mind, and works very hard to truly understand cases and legal issues. He is incapable of intellectual laziness.

He also has a high degree of intellectual curiosity, creativity, and flexibility. He has a subtle mind, interested in the nuances of analysis and historical context.

But frankly, my favorite trait is his wonderful sense of humor. Witty, sardonic, more irreverent than one might expect. He is great fun to talk, banter, and spar with.

While obviously he has had an impact on all areas of Alaska law, perhaps his contribution has been most significant in the area of constitutional rights and individual freedom. That is the realm of high judicial art, the exercise by the Court of its own authority as a restraint on other institutions in our community. Jay well understands the vulnerability of the courts to criticism for that exercise of power, and is keenly aware that it should be exercised only based on well-articulated, principled reasoning. But, with the rest of the Court, Jay has maintained a constant commitment to providing strong protection for all Alaskans' rights where required by constitutional principles.

In this regard, Jay has practiced what he preaches, showing remarkable tolerance for his clerks' idiosyncrasies. For instance, as some of you know, I am a chronic sartorial underachiever. Much of the time I clerked for Jay, my garb around the office was Levi's and casual shirts, often T-shirts or long underwear tops, depending on the season. Yet the closest Jay ever came to harassing me about it was one sarcastic comment complimenting me on my wardrobe. Otherwise, he was true to his opinion stated later in dissent in a case in which Homer lawyer Marty Friedman was held in contempt for appearing in court without a coat and tie, that "surely the dignity of the judiciary rests on more substantial grounds than the wearing of neckties, and that judicial infringement upon the personal liberty of counsel to choose their mode of attire is antithetical to Alaska's constitution."

Jay's talents are hardly purely intellectual. He deeply cares not only about justice, but about his family, his clerks, and the people of the Alaskan community.

Jackie Robinson, who broke major league baseball's color barrier by signing 50 years ago today with the Brooklyn Dodgers, near where Jay grew up, said that "a life is important only in its impact on others." Probably even more important than his legal work has been Jay's positive effect on other people. He has a remarkable ability to motivate, to inspire people to perform well. He seldom exhorts or engages in extended criticism, though relying occasionally on cutting wit. He truly leads by competitive example, letting us know that we should be doing our best work by doing his best work; letting us know that we should act on principle by doing so himself. Jay doesn't really walk the talk; he simply walks — or runs or skis or plays tennis. He lets his work and conduct speak for itself.

Justice Rabinowitz has been a transformative leader who leads people by his example of integrity and service to do better than they might otherwise have done, to be better than they might have been.

Jay has always imparted — or at least attempted to impart — his enthusiasm for Alaska to his clerks. He has been a recruiting officer for the state's legal community. Many people — including me — who came here with no real commitment to staying after their clerkships, chose to stay, work, and live here, in no small part because of the sense of enthusiasm and possibility that Jay communicated about Alaska.

So now I would like to revert to the original meaning of tribute, and give some loot to our leader, Jay. Given the artistic tone of this evening, the clerk's committee decided to give him artwork that reflects the aesthetic sensibilities of Interior Alaska, where Jay has lived most of the past forty years.

Justice Rabinowitz, your legal legacy is reflected in the hundreds of opinions that you wrote or in which you participated, and in the quality of the court system in which you have worked for 37 years. You have been an inspiration and a role model for scores of lawyers and judges.

During those years, you have had more than 60 law clerks and interns — many now judges, distinguished attorneys, law professors, and public servants. Would all those in the theater who either clerked or interned for Justice Rabinowitz, please stand? In a very real way, each of us, and those who could not be here tonight, are your living legacy. Each of us has been strongly influenced, touched, and partly formed, by your powerful, brilliant example.

We thank you for your extraordinary public service, your judicial, intellectual, and personal leadership; your work to help cre-

ate a state court system that is one of the best in the country; and your commitment to the principles of justice and the rights of all Alaskans. And most of all, we thank you for giving each of us the opportunity and experience of working with you. We wish you well in your retirement — and hope that you will actually allow yourself to enjoy some semblance of retirement, to take some time to travel, to read something other than briefs and bench memos, and to indulge in the pleasures of life.

You're a great justice and a great guy. Thanks.