

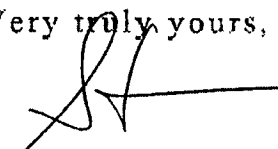
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Enclosed is your copy of the proceedings of The  
Twenty-Third Annual William J. Brennan, Jr. Award  
Dinner, honoring Honorable Robert E. Cowen and  
Honorable Joseph Rodriguez, held on June 10, 1999.

Very truly yours,



Stanley B. Rizman

TRANSCRIPT OF PROCEEDINGS

OF

THE ASSOCIATION OF THE FEDERAL BAR  
OF THE STATE OF NEW JERSEY

THE TWENTY-THIRD ANNUAL  
WILLIAM J. BRENNAN, JR. AWARD DINNER

HONORING

HONORABLE ROBERT E. COWEN

AND

HONORABLE JOSEPH RODRIGUEZ

Mayfair Farms  
West Orange, New Jersey  
June 10, 1999

Reported By Stanley B. Rizman, CSR

1 MS. SIEGEL: Good evening. My name is Ronni  
2 Siegel. I'm the Dinner Chairperson for this evening's event.  
3 And I would like to welcome, warmly, each and every one of  
4 you to the Association of the Federal Bar of the State of  
5 New Jersey, Twenty-Third Annual William J. Brennan, Jr.  
6 Award Dinner. There are almost 500 people here this evening.  
7 This is truly one of the largest gatherings we have ever  
8 had. Clearly, that is a reflection of the respect, the  
9 admiration and the warmth that we have for this evening's  
10 recipients, the Honorable Robert E. Cowen, Judge of the  
11 Court of Appeals for the United States District Court for  
12 the -- Court of Appeals for the Third Circuit and the  
13 Honorable Joseph Rodriguez, Judge of the United States  
14 District Court. We'd like to welcome Judge Cowen, his  
15 wife, Toby and his daughter Eve. Judge Rodriguez, his wife,  
16 Betty, his family, Barbara -- you know, I'm having one  
17 senior moment here -- his family and his friends.

18 I'd also like to mention some other distinguished  
19 guests that are present this evening. They are our Chief  
20 Judge of the United States District Court, the Honorable  
21 Anne Thompson, Judge Morton Greenberg of the United States  
22 Court of Appeals for the Third Circuit. Our United States  
23 District Court Judges, the Judges and former Justices of the  
24 State Supreme Court, our Magistrate Judges, Chief Judge  
25 Gindin and other Bankruptcy Judges are present tonight.

1                   These, ladies and gentlemen, are the men and the  
2                   women before whom we practice. They present a true standard  
3                   of excellence that we, ourselves, hope to achieve. We're  
4                   honored that they are here with us and they grace us with  
5                   their presence.

6                   I also would like to note the presence of Stan  
7                   Rizman and Howard Rappaport. They listen to us every day in  
8                   Court and yet they still come tonight to volunteer their  
9                   services and, again, take down our speeches.

10                  It's now my distinct pleasure to introduce our  
11                  Association's President, Michael Himmel.

12                  (Applause.)

13                  MR. HIMMEL: Thank you, Ronni, for organizing  
14                  this outstanding event and for your opening remarks.

15                  I intend to be very brief so we can proceed almost  
16                  immediately to have the presentation of the awards prior to  
17                  the dinner. Following the awards, we can all relax and  
18                  enjoy each other's company.

19                  Tonight we have two very distinguish honorees,  
20                  Senior Circuit Court Judge Robert E. Cowen and Senior  
21                  District Court Judge Joseph H. Rodriguez.

22                  Since this Association has been founded and since  
23                  the Brennan Award has been established honoring the Supreme  
24                  Court Justice, the recipients of the award constitutes a  
25                  most distinguish collection of lawyers and judges.

1                   One need only look at the program which each of  
2                   you have beginning with our first honoree, Chief Justice  
3                   Joseph Weintraub of the New Jersey Supreme Court, and all  
4                   the honorees since then to recognize what a truly  
5                   distinguish group of honorees we have had.

6                   Each of the honorees confer a great honor on the  
7                   Association by agreeing to accept the award, just as Justice  
8                   Brennan conferred great honor on the Association by agreeing  
9                   that the award should be presented in his name.

10                  I am pleased to advise all of you that the  
11                  Association has a cash surplus. What better way to spend  
12                  the money than in the lawyers of tomorrow. As a result,  
13                  this year and, hopefully, through ensuing years, the  
14                  Association of the Federal Bar has provided a \$3,500  
15                  scholarship at each of the three law schools in New Jersey,  
16                  Rutgers Newark, Rutgers Camden and Seton Hall.

17                  The three recipients have been selected by their  
18                  respective law schools and we are privileged to have two of  
19                  them here today. The first recipient is Puta Kana of  
20                  Rutgers Law School, Newark. Puta has just completed her  
21                  second year at Rutgers Newark. She is a magna cum laude  
22                  graduate of Manhattanville College and is currently on the  
23                  editorial staff of the Rutgers Law Review.

24                  Unfortunately, Puta could not attend tonight due  
25                  to a conflict.

1 The second recipient is Keith Armstrong of Rutgers  
2 Law School, Camden. Keith Armstrong has completed his  
3 second year at Rutgers Camden and has a 3.95 grade average  
4 and is managing editor of the Rutgers Law Journal. He will  
5 also be Judge Rodriguez's Law Clerk commencing in the Fall  
6 of 2000.

7 The third recipient is Eric Matthew Axler of Seton  
8 Hall University. Eric has just completed his second year at  
9 Seton Hall, is in the top ten percent of his class and is  
10 the Article's editor of the Seton Hall Legislative Journal.

11 At this time I would ask Keith and Eric to stand  
12 and we can all acknowledge them.

13 (Applause.)

14 We are now at a point where we can begin the  
15 presentation of this year's Justice Brennan Award to Senior  
16 Circuit Court Judge Robert E. Cowen and Senior District  
17 Court Judge Joseph Rodriguez.

18 Initially, let me read to all of you a letter I  
19 just received from Chief Judge Edward Becker of the United  
20 States Court of Appeals for the Third Circuit.

21 The letter was sent to myself and the Chairperson,  
22 Ronni Siegel.

23 "Dear Mr. Himmel and Ms. Siegel:

24 "I deeply regret my inability because of a prior  
25 commitment to attend the Twenty-Third Annual William J.

1 Brennan, Jr. Award Dinner conferring the honors upon my  
2 colleague, Robert E. Cowen, and Judge Joseph H. Rodriguez of  
3 the District Court for the District of New Jersey.

4 "I congratulate the committee on its selections.  
5 Bob Cowen and Joe Rodriguez are truly worthy recipients of  
6 the Brennan Award. They are both extraordinarily able and  
7 hard working judges who command and have earned the respect  
8 of the Bar.

9 "Both Bob Cowen and Joe Rodriguez possess, in  
10 addition to their considerable intellect, a high degree of  
11 integrity and a great measure of practicality. These are no  
12 ivy powered jurists, but judges aware of the hard reality  
13 and practical aspects of life. They function as well  
14 where the rubber gets on to the road, as the in theoretical  
15 discourse of this Court, and they are better judges for it.

16 "I add a special word about Bob Cowen, who has  
17 been my Court of Appeals colleague for over a decade. Bob  
18 has been a terrific colleague, congenial, open minded,  
19 productive and current in his work. Our court is grateful  
20 that Bob has elected to remain a Senior Judge to assist us  
21 with our heavy work load.

22 "I extend my congratulations to Bob Cowen and Joe  
23 Rodriguez on this well deserved honor.

24 "Sincerely, Edward R. Becker."

25 (Applause.)

1           The award to Judge Cowen will be presented by  
2       David Gross. David, as we all know, has had an outstanding  
3       career of his own. In particular in the area of products  
4       liability defense, he has gained a national reputation which  
5       probably accounts for the fact that he is always traveling  
6       and out of state.

7           David.

8           (Applause.)

9           MR. GROSS: Thank you very much, Mike.

10          I'm going to be very brief, as we were admonished  
11       to do.

12          This is one of the nicest opportunities I have  
13       ever had. Not because -- not only because I have the  
14       pleasure of presenting the Brennan Award to someone I've  
15       known for 40 years, which is true -- it's hard to believe  
16       we've both been around for 40 years but we have -- but  
17       because the Brennan Award is something that those of us who  
18       have been involved in this Association for a long time  
19       realize is really the epitome of success, I think, in being  
20       in the Federal judicial family.

21          If you look at your programs, the Brennan Award  
22       indicates it's given to deserving people of special and  
23       unique recognition as benefits the name of Justice Brennan.

24          I don't think you have to say any more than that.

25       The honorees tonight, Judge Rodriguez and Judge Cowen,

1       deserve exactly to be in the position that they are with the  
2       other giants of the Bar listed on this program.

3               I'm going to be brief for two reasons. Number  
4       one, because I've been told to do so by our President. But,  
5       more importantly, because I was not present at the dinner  
6       when Judge Cowen was giving the same -- in the same position  
7       I was in and honoring one of our great Justices, Justice  
8       Sidney Schreiber, and I'm told he took a bit more time than  
9       he should. And all of that time has been taken from me. So  
10      I apologize to you, Judge Cowen, but you did it to yourself.  
11      But, anyway.

12             (Laughter)

13             I'd like to greet Judge Cowen and his wife, Toby,  
14      and his daughter, Eve, who are both here joining us. His  
15      other daughter, Shulie who is an actress, is,  
16      unfortunately, unable to be here because of a professional  
17      commitment, but she sends her best through me and to all of  
18      the Cowens.

19             I'd like to give you, if you will, a couple of  
20      personal reminiscences, if I may, of Judge Cowen and some of  
21      our background. But one thing I should also tell you. When  
22      I was asked or when the Association determined to award  
23      this, the Brennan Award, to Judge Cowen, I asked if I could  
24      have the pleasure of introducing and was given that honor by  
25      Mike Himmel and the rest of the Board.

1 I sought, from all of the judges, his colleagues,  
2 his former colleagues on the District Court, his former  
3 colleagues on the Magistrate Court, Magistrate Judge Court  
4 and others and lawyers what the most outstanding thing that  
5 Judge Cowen was or, in their eyes, could be with respect to  
6 his judicial career which spans over 22 or 23 years and I  
7 universally got the same result.

8 Everyone said, "We all think highly of Judge Cowen  
9 and the most important thing he's ever done is never to take  
10 a sick day."

11 I think that's good, Judge Cowen.

12 (Laughter)

13 It's hard and everyone came down with the same  
14 thing, interesting enough.

15 We go back 40 years to the time we both worked  
16 together on the 10th floor of 60 Park Place. A building  
17 which I don't think is very much involved now. He worked  
18 for the firm of Schreiber, Lancaster and Demos. I was with  
19 Budd, Larner and Kent at that time. We were both on the 10th  
20 floor.

21 A lot of us worked on Saturdays then, which Judge  
22 Cowen still does and I do not, as my partners can clearly  
23 tell you. And we would sit in Twins Restaurant for four or  
24 five years. And Justice Schreiber, who I was pleased to see  
25 is here, also, can indicate that that is true. And we had

1 the pleasure of listening to greats and giants, people at  
2 the Bar at that time, Sidney Schreiber, Roger Lancaster,  
3 John Demos, Sam Lerner, who was from my firm, and both Bob  
4 and I and Carl Greenberg, who is also here this evening and  
5 is now my partner, had the pleasure of learning at their  
6 feet, which was a wonderful thing for all of us.

7 Some of us never were able to get out of the same  
8 rut, unfortunately. I stayed with the same firm. Bob would  
9 have great difficulty keeping a job so he moved on in  
10 various situations.

11 He went from Schreiber, Lancaster into the Service  
12 or, I think, perhaps in the Service before where he was in  
13 the -- in Europe guarding our country's dollars by finding  
14 out whether the Government was paying too much money for  
15 various things.

16 He then went into the Attorney General's Office,  
17 the AG's office. He has the distinction of many firsts, and  
18 that's where we are going to spend a little bit tonight,  
19 indicating what they were. And they are very, very  
20 impressive with great candor.

21 He was and has been always a registered  
22 independent voter. In that position -- which is somewhat  
23 unusual for someone who has gone to the position he has in  
24 the Judiciary.

25 He has been appointed by a Republican Governor, a

1 Democratic Governor. He was appointed by a Republican  
2 President to his two positions in -- as Article III Judges  
3 and has always remained a registered Independent which is a  
4 very interesting and, I think, of great testimonial to his  
5 abilities as a judge.

6 He served with distinction as a Magistrate Judge  
7 and then, in a very short time, his abilities were  
8 recognized by the President of the United States, and he  
9 went from the job of Magistrate Judge, or I think then it  
10 was probably called Magistrate, to Judge of the District  
11 Court where he remained for a few years and then, very  
12 quickly, thereafter, was, once again, appointed as Judge of  
13 the Court of Appeals.

14 I believe he is the first Judge Magistrate/Judge  
15 to be appointed to the District Court in this District and  
16 is certainly the first Magistrate/Judge or former  
17 Magistrate/Judge to be appointed to the Court of Appeals,  
18 which is, once again, an indication of his remarkable  
19 abilities.

20 He also, in another first as I understand it --  
21 that both of us having gone to Rutgers Law School -- is the  
22 only person from Rutgers Law School to serve on the Court of  
23 Appeals.

24 So there are many things that Bob Cowen has done  
25 first along with his remarkable career as a Court of Appeals

1 Judge for over ten years, as Judge Becker has indicated, and  
2 having authored hundreds and hundreds of opinions that we  
3 have all read.

4 He has been able to and I don't know how this is  
5 so because I can tell you from my own personal experience  
6 that he has been working until very, very recently, when he  
7 assumed Senior status and still works very, very hard, six  
8 and often seven days a week.

9 But within all of that, he's been able to have  
10 another life with his wonderful family. He, as those of you  
11 and those of us who know him, has been very actively  
12 involved in outdoor situations as followed by his daughter,  
13 Eve, who is a lead instructor in Outward Bound. Eve is  
14 about to start in September for a Master's Degree at Harvard  
15 University in the education world. But she actively  
16 involves herself in this Outward Bound business that Bob,  
17 for some reason, has been involved with for many years.

18 I'm told by his wife that there are only a couple  
19 of things that he has not achieved in this world.  
20 Certainly, none of them are legal.

21 What he's not achieved is climbing the Matterhorn,  
22 which he still has desires of doing but I'm told by his wife  
23 will probably never actually come to be.

24 And also climbing Mt. Kilimanjaro, another goal  
25 that he has always looked at but has never been able to

1 quite achieve and, perhaps, now in his senior status, he  
2 will not, although he still remains very, very active in his  
3 Outward world.

4 He's a sailor of note. He has two boats. One of  
5 them is called "Cert Denied," which is, I gather, for a  
6 Circuit Court Judge, one of the finest things one could  
7 achieve.

8 And his other boat is called "Not Guilty," as I  
9 recall. So that he certainly covers all bases.

10 I had the pleasure of talking to some of his  
11 clerks, whom I have not known before. I've also done some  
12 research in the comments about Judge Cowen and his judicial  
13 world. I promise to be brief and I will close very quickly.

14 But I think you should all know the following:

15 I've called many of his clerks. They all have, as  
16 one might expect, enormous reverence for him as a teacher  
17 and mentor and is someone they go to for many things; not  
18 only just in the legal area.

19 He has maintained a close relationship with his  
20 clerks. One of his first clerks told me that, I think,  
21 which is a very interesting anecdote about Judge Cowen and  
22 those of us who know him can also say this is the kind of a  
23 guy he is.

24 He and his clerk went down to the Third Circuit to  
25 Philadelphia for an argument. And for some reason the timing

1 was a little bit mixed up. The clerk had brought his  
2 fiancée to hear what was supposed to be an interesting case.

3 They were a couple of hours early. Many of the  
4 judges of any Court would have said, fine, go and do your  
5 business and what you have to do in Philadelphia.

6 Bob Cowen decided, Well, let's not waste any time.  
7 He took everyone out for ice cream, the clerk, his fiancée.  
8 It's that kind of a relationship that he's had.

9 There is no clerk that I spoke to who did not have  
10 the highest, highest esteem and words of praise for Judge  
11 Cowen as a mentor and as a friend, which I think is a  
12 tremendously important thing for us.

13 If you read what the almanac of the federal  
14 judiciary says about Judge Cowen, and this is something  
15 where you have comments from various people, everyone to a  
16 lawyer says his "ability is great; he's a very good judge;  
17 he's deferential to lawyers; he likes lawyers; he can  
18 lighten up events" -- I'm quoting from these people. "He  
19 has not leanings one way or the other. He is fair and down  
20 the middle."

21 All of his clerks told me exactly the same thing.  
22 "What a wonderful thing for clerks to say about a person  
23 that they worked for even ten or twelve years later.

24 He calls them the way he sees them, fair to  
25 lawyers in oral argument.

1 I guess you can't ask for many more things.

2 I shall close, very quickly, before I have the  
3 pleasure of presenting this Brennan Award to Judge Cowen  
4 with just one other statement.

5 I'm told and, I guess, I was there because I -- I  
6 know I was there when Judge Cowen rose from the ranks of the  
7 Magistrate/Judge to District Judge and I think when he was  
8 sworn in as Court of Appeals Judge, he said, in his  
9 admonition, which is something we should all look very  
10 closely to certainly, not some of us in our age world, but  
11 those of you who are just beginning this world, "Never, ever  
12 be rude or mean or not nice to anybody who is at some point  
13 below you because at some point they may be above you." And  
14 Judge Cowen has proven that that could happen very well  
15 because of his enormous ability.

16 It's my great pleasure, personally and otherwise,  
17 on behalf of the Association to present to the Honorable  
18 Robert E. Cowen the William Brennan Award.

19 (Applause.)

20 JUDGE COWEN: I, likewise, have been told to be  
21 short. But recognizing my prerogatives as a Circuit Judge,  
22 I'm going to disregard that admonition and I'm going to tell  
23 them, as they've mentioned. I'm going to say it as it should  
24 be said.

25 I thank you for your remarks, David, and in a

1 broader sense I thank everyone here in attendance and all  
2 the lawyers in the District of New Jersey.

3 Having a very thin political base, as Dave  
4 mentioned, I'm keenly aware that I was appointed a  
5 Magistrate not by reason of any political clout but by  
6 reason of the lawyers who were interviewed and who gave me  
7 their go ahead.

8 I am also aware that having been that registered  
9 Independent voter, that it was you lawyers who are  
10 responsible for the two elevations which I was pleased to  
11 have after being appointed the Magistrate.

12 And it's for that reason I have an abiding respect  
13 not so much for judges, although I like all my colleagues on  
14 the Court of Appeals, but I have, really, the greatest  
15 respect for the lawyers who I think are the truthful ones  
16 and are the dominos in the law.

17 Because of this respect which I have for the  
18 lawyers and this feeling I have for you, it's somewhat  
19 disconcerting for me to witness some of the incivilities  
20 which I sense, from the records which I read in many of the  
21 cases on appeal. This rudeness of lawyers, one for the  
22 other, is generally justified as I talk to lawyers on the  
23 feeling that they have more rapport and more in common with  
24 their clients than they do with other lawyers.

25 I never had felt that way and I want to disabuse

1 any lawyer who has the notion that he has more in common  
2 with his clients than he does with the lawyer who is on the  
3 other side of counsel table. And I hold that the best  
4 friend a lawyer has is the lawyer who is your adversary in  
5 Court. And I will prove that now by telling you two very  
6 short truthful stories which occurred to me when I was only  
7 one year in the practice of law with Schreiber, Lancaster  
8 and Demos. And it taught me that my best friend is a lawyer  
9 and not my client.

10 My first retained criminal case was a butcher, who  
11 was accused of stealing hams at a delivery dock in Newark.  
12 I interviewed the young man and, of course, he said that he  
13 did not steal the hams; that he was absolutely innocent;  
14 that he came from a fine family; made a good impression and,  
15 of course, I did the usual investigation.

16 He had some alibi witnesses which were very, very  
17 fine and I charged him what at that time was the enormous  
18 fee of \$2,500 to represent him. I got \$1,000 up front and,  
19 lo and behold, within a week I was called by Judge Guiliani  
20 for trial.

21 At that time Judge Guiliani -- he had a speedy  
22 trial act before the feds ever thought of it. He blew a  
23 whistle and you showed up and that was it. And I didn't get  
24 the other \$1,500 in time before the case was called for  
25 trial.

1 (Laughter.)

2 Anyway, I went to trial. You had no choice. And  
3 I had a little luck. We had this great alibi witness and I  
4 chewed up a few prosecution witnesses and spit them out and  
5 went to summations and the jury promptly came back with a  
6 not guilty verdict. And that was the end of the case except  
7 for my \$1,500.

8 I then, after a couple of months, sent my client a  
9 letter asking for the balance of the \$1,500 and I told him,  
10 you know, lawyers have to eat, too, and I wanted my 1,500.

11 (Laughter.)

12 After about three or four letters, I called them  
13 up. This was a couple of months later. And I said, Look,  
14 how about the balance? You know I did the work. You're not  
15 guilty. How about getting up the \$1,500."

16 He said, "You'll be paid in short order." I said,  
17 "That's not good enough, I want to know when I'm going to be  
18 paid."

19 He said, "You'll be paid shortly."

20 I said, "No, I don't want to know 'shortly.' Give  
21 me a time I'm going to be paid."

22 He said, "You'll be paid not too long from now."

23 I said, "Well, when are you going to be paid?  
24 Tell me when I'm going to be paid. Give me a date."

25 He said, "You'll be paid as soon as I sell the

1 hams."

2 (Laughter.)

3 Now, I had an ethical problem. That was my  
4 client.

5 So, who do I go to. I went to at that time --  
6 Joseph Lordi tried the case with me. He was First Assistant  
7 Prosecutor in Essex County. And I went to my adversary, Joe  
8 Lordi. He was quite a bit older than me at that time. And  
9 I said, "Joe, I got an ethics problem and I got an economic  
10 problem."

11 And he said, "What's your problem?"

12 (Laughter.)

13 So, I said, "That case we just tried. The guy  
14 stole the hams and I better say something to the Judge. I  
15 don't want to get in any trouble. And he said -- and I  
16 said, in addition, "The guy owes me 1,500."

17 And my adversary, Joe, told me the following: He  
18 said, "Forget the ethics problem and, above all, forget the  
19 1,500."

20 (Laughter.)

21 My second case, which proves that you have more in  
22 common with your adversary than with your client, was the  
23 next criminal case I had.

24 This one was not a retained case. In the old days  
25 we didn't have a Criminal Justice Act. The Public Defender

1 -- they didn't have any of this fancy stuff that we have now  
2 all over the place.

3 If they needed someone to defend someone, they  
4 sent a notice to the law firm you're in and grab a lawyer  
5 by the nap of the neck and say, "You're assigned to this  
6 case."

7 Well, they sent a notice to Sid Schreiber, who's  
8 here, and, Sidney, of course, senior partner of the firm,  
9 gave it to the next partner in the firm who gave it to the  
10 next partner who gave it to the senior associate, who gave  
11 it to, finally, it reached me.

12 I looked around and there was no one there in the  
13 firm with less time than me, so I was stuck with the case.

14 I went up and I interviewed my client. He, at  
15 that time, was, I'll say, incarcerated at Newark Street  
16 Jail. For you civil rights lawyers, Newark Street Jail 40  
17 years ago -- you'd rather be in LoBianco Prison during the  
18 Bolshevik Revolution than in Newark Street Jail. That was  
19 the facility.

20 I, finally, got in to interview the gentlemen. And  
21 he was a man about my age and even very engaging and he was  
22 charged with sodomy. The case generated a lot of publicity  
23 in Newark at that time. It was in the newspaper.

24 But I -- really, after I heard his story, I  
25 thought he was -- he was actually innocent of the crime, but

1 he didn't quite look like he would be salable to a jury. He  
2 had hair that was all over the place. He was unshaven. I  
3 know, nowadays, Dave Gross -- it's fancy to have hair.

4 (Laughter.)

5 In those days we were all YMCA boys. We never --  
6 we shaved every morning. And I told the young man, I said,  
7 "Look, I'm -- we're going to fight this case and we're going  
8 to do a job."

9 And he said, "I'm innocent and let's go to it and  
10 you're my lawyer."

11 And I said, "All right. The one thing I want you  
12 to get is a haircut so that you look like an alter boy. You  
13 know, the whole thing, shave, and I want you to get a suit."

14 He said, "I don't have a suit."

15 Now, that really, that was a difficult thing for  
16 me.

17 I said, "Well, you have to wear a suit to Court so  
18 you look presentable."

19 He said, "I don't have a suit."

20 Well, I had two suits in those days because  
21 working for Schreiber, Lancaster -- Sidney, you didn't pay  
22 me enough to get any more than two suits.

23 (Laughter.)

24 I had a gray flannel suit, Sidney, and I had a  
25 blue business suit. So, I gave him the gray flannel suit

1 and I wore the blue suit and we showed up in Court.

2 (Laughter.)

3 Later on Judge Guiliani told me it was difficult  
4 to tell who was the lawyer and who was the sodomist.

5 (Laughter.)

6 And, once again, I went to work and I -- once  
7 again, I kicked a few of the prosecution witnesses around. I  
8 did a job. And the courtroom was packed and, lo and behold,  
9 the jury came back, "Not guilty."

10 Not guilty. The only words that are better for a  
11 lawyer to hear than the words "open bar."

12 (Laughter.)

13 I heard "Not guilty." And everyone jumped up.  
14 You know how it is, congratulating me, what a great job you  
15 did, you big dummy. And, you know, everyone was saying --  
16 and this went on for ten or fifteen minutes.

17 I then turned to my client for congratulations,  
18 which I thought I deserved, and I found out something. He  
19 walked out of the courtroom and I haven't seen him or my  
20 gray flannel suit from that day to this day.

21 (Laughter.)

22 True story.

23 That's your clients who have real feelings for  
24 you.

25 I, once again, turned to the lawyer who was my

1 adversary, Joe Lordi. I said, "Joe, I'm going to kill  
2 someone. And when you indict me, I'm going to plead  
3 justifiable homicide."

4 (Laughter.)

5 He said, "Bob, don't do that. My advice and counsel  
to 6 you is come on downstairs. We'll swear out a Complaint for  
7 petty larceny. I saw the suit. It's not grand larceny. It  
8 was not worth a hundred dollars.

10 (Laughter.)

11 And he said, "In addition to swearing out a  
12 Complaint, forget the gray flannel suit. You'll never see it  
13 again."

14 And so I tell each and everyone of you here  
15 assembled, stop this nonsense about the instability by and  
16 between lawyers.

17 It's nonsense. The people that you can enjoy and  
18 as well trust and will help you are your lawyer -- your  
19 lawyer friends, not your clients.

20 And as far as I'm concerned, I don't have clients  
21 anymore. I only have lawyer friends. And that's every each  
22 and one of you here or in the District of New Jersey. And  
23 to demonstrate my feelings towards you I don't want anyone  
24 to leave Mayfair Farms tonight until you first meet me at  
25 the bar and have at least one drink with me. Everyone of

1       you.

2                   (Laughter and applause.)

3       MR. HIMMEL: Thank you, Judge Cowen.

4                   The award to Judge Rodriguez will be presented by  
5       Carl Poplar.

6                   Carl, we all know, is truly one of the preeminent  
7       criminal defense lawyers in New Jersey.

8       Carl.

9                   (Applause.)

10       MR. POPLAR: Judge -- Judge Irenas ordered me to  
11       be short and I am short.

12                   (Laughter.)

13                   He is -- he's reinforced my view that Federal  
14       judges like to take credit for things that are beyond their  
15       control.

16                   (Laughter.)

17                   I really appreciated the remark to Judge Cowen.  
18       What a difference a year makes?

19                   (Laughter.)

20                   It's been observed that Justice Brennan was the  
21       single most influential person during the 20th Century. He  
22       has authored opinions for more than 35 years in the majority  
23       and in dissent. People agreed with him and disagreed with  
24       him, but they were always respected for their humanity and  
25       their sense of fairness.

1 When one gets to know and understand Joe  
2 Rodriguez, it's only fitting that he receives an honor in  
3 the name of Justice Brennan.

4 Joe Rodriguez has set an unparalleled standard for  
5 family, community and fairness. Like Brennan, Rodriguez has  
6 gone about doing whatever he has been doing without fanfare  
7 or without a need for accolades or praise. And he, like  
8 Justice Brennan, has made an imprint and has made an impact.

9 I first met Joe Rodriguez in 1968 when he was  
10 mediating, before ADR, a potentially very disruptive and  
11 eruptive neighborhood dispute in the inner city.

12 And he was doing that without the thought of  
13 acknowledgement or reward. A few short years later, when  
14 there were riots in the inner city, Joe Rodriguez, as a  
15 civic person, was in the streets of Camden bringing about a  
16 calm. He was a rising star in the legal profession as a  
17 trial lawyer, being a player in the development of the law  
18 of products liability and malpractice.

19 His peers were starting to recognize his talent.  
20 And by the late '70s, he was the President of the State Bar  
21 Association. He was emboldened by his success and he then  
22 forayed into the area of partisan political presidential  
23 politics.

24 His political wisdom and justice was demonstrated  
25 by his efforts to elect the President. He became the State

1 Chairman of a Third Party Presidential Candidate, the  
2 Republican Congressman from Illinois, John Anderson, whose  
3 candidacy had an instrumental effect on knocking President  
4 Carter out.

5 He's now a political operative and he changes his  
6 party from democrat to republican and he supports Governor  
7 Kean in his razor-edge victory over South Jersey Congressman  
8 Jim Florio.

9 Governor Kean and Joe Rodriguez became good  
10 friends and Joe Rodriguez became the State's Public Advocate  
11 and the Public Defender. Under his watch, the New Jersey  
12 Office of the Public Defender became a model for defender  
13 organizations throughout the country.

14 The controversies he addressed during those very  
15 difficult times became uncontroversial because of his  
16 reasoned approach and his very, very incredible presence.

17 On the way, he taught law school with the  
18 University of Pennsylvania and Rutgers. He was the  
19 President of the State Board of Higher Education and the  
20 Chairman of the State Crime Commission.

21 President Reagan, when he nominated Joe for the  
22 Federal Bench, it was not as a payoff for his support of  
23 John Anderson because Joe was and is truly qualified.

24 But a maelstrom erupted during his nomination.  
25 State Republicans, Conservative Senators opposed his

1 appointment because of the positions that the Office of the  
2 Public Defender took in the representation of their client.

3 Conservative legislators in Washington came up  
4 with certain litmus tests for the Federal Judiciary and they  
5 slowed the presentation -- the nomination. But when the  
6 people in Washington got to know Joe Rodriguez, his  
7 detractors became supporters and his nomination went through  
8 with universal and bipartisan support. With distinction,  
9 Joe Rodriguez has served as a Federal Judge.

10 Unfailingly, he has treated lawyers and litigants  
11 with courtesy and respect even on those moments when it was  
12 difficult. The one occasion, and the only one occasion,  
13 that Joe got upset with the lawyer, the buzz went through  
14 the building because it was so uncharacteristic.

15 His only failure is in humor. He hasn't told a  
16 good joke in 30 years.

17 (Laughter.)

18 His friends, his family and his colleagues have  
19 had to suffer his appreciation of his own wit.

20 (Laughter.)

21 He's been a role model for those within and  
22 without the profession and for those on both sides of the  
23 Bench.

24 With all this on the plate, he has had plenty of  
25 time for family and for extended family. His wife, Barbara,

1 and his children, Lisa, Barbara, Joanne and Kristen, have  
2 extraordinary reason to be proud of their very, very special --  
3 this very, very special man.

4 Joe, it's with great pride that I have the  
5 occasion to present you with this award.

6 (Applause.)

7 JUDGE RODRIGUEZ: Well, once again, Carl, I  
8 have to thank you for that great introduction because, of all the  
9 introductions I have received, that's the most recent.

10 (Laughter.)

11 But I sincerely appreciate the friendship from Carl.

12 He does stimulate some memories of the times when we were  
13 in Camden and dealing and not only with the riots. But I  
14 remember when several people tried to dispose of certain  
15 draft records in the Post Office. I was called to represent  
16 some of the members. And I was busy negotiating the riots  
17 on behalf of the Hispanic community and I called Carl's  
18 wife. And I said, "Is it okay if Carl comes out for  
19 tonight. I would like to have him with me in Camden?"

20 She didn't see him for three days.

21 (Laughter.)

22 But we have good memories. And I do really  
23 believe that it is important, as Bob Cowen said, and I had  
24 the privilege of sitting with him on a panel by designation  
25 this past December and I learned a lot because he's a great

1 jurist.

2 The respect he has for the lawyers. And it's a  
3 respect that I hope I have and can reflect it in the same  
4 manner that Judge Cowen does.

5 Except I have something that stimulates me to be  
6 sure that I don't stray. That every time I feel I'm getting  
7 a little upset with a lawyer, I look at the curtain.

8 It seems to wave a little bit and somehow Carl's  
9 profile appears in the curtain. So I try to contain myself.

10 But I do have -- this is a special night and I'm  
11 sincerely proud to be here and honored and in particular  
12 with my wife, Barbara. We'll be celebrating our 45th  
13 wedding anniversary this June 12th.

14 (Applause.)

15 My four daughters are here and Carl mentioned  
16 their names, Lisa, Barbara, Joanne and Kristen. And I'm  
17 particularly honored in having here tonight also with me my  
18 three brothers, Mario, Robert and Albert and my nephew and  
19 godchild. We call him Bobby to distinguish him from Robert.  
20 And they're here tonight.

21 (Applause.)

22 And, of course, I want to acknowledge also, my  
23 secretary of m m-m-m-m years --

24 (Laughter.)

25 -- who has been with me since the practice of law

1 then, as the Public Advocate, and through now, the Federal  
2 Bench.

3 But a particular welcome -- and I'm honored by the  
4 presence of our Chief Judge, Anne Thompson, who is here with  
5 her husband, Bill. We certainly welcome you and it's always  
6 a pleasure, Anne.

7 The other colleagues that I have. They're here  
8 from our Bench and I'm really honored and proud to work with  
9 them. I won't name them all by name. You know who they  
10 are. You looked around. You've seen them. And we have a  
11 very close relationship. We don't talk behind anyone's  
12 back. If we have anything to say, we tell it directly to  
13 them. And if you have any question about that, ask Steve  
14 Orlofsky.

15 (Laughter.)

16 And my future, of course, is pretty much  
17 preserved. You heard that Keith Armstrong will be my clerk  
18 in the new millennium. As I said last night, I thought I  
19 would at least use that word once tonight. He received an  
20 award, also, last night, from the Bar Foundation.

21 And I also want to acknowledge the past recipients  
22 of this distinguished award. I know I saw Justice  
23 Schreiber, who was here this evening, and I certainly  
24 welcome him and all the others.

25 I saw Justice Pashman, a good friend, and it

1 brings back old memories and certainly something that I  
2 treasure completely.

3 But it's difficult, really, to express how I feel  
4 knowing that the recognition is given in the name of Justice  
5 William J. Brennan, a Justice who's Constitutional vision of  
6 liberty and equality invigorated the Bill of Rights with a  
7 fullness of meaning that it has today.

8 Yet, one major influence that Justice Brennan had  
9 upon me did not arise directly from a decision on the United  
10 States Supreme Court. Interestingly, it originated from a  
11 speech he delivered to the New Jersey State Bar Association  
12 on May 22nd, 1976, which is now published in his 1977  
13 Harvard Law Review article which captioned, a State  
14 Constitution and the Protection of Individual Rights."

15 This article, which we heard back then, is the  
16 nineteenth most frequently cited Law Review article  
17 published in the past 40 years. And it's credited with  
18 stimulating the importance of State Constitutional law, and  
19 pointed out that the State Constitutions could provide more  
20 rights and protection than required under the Federal  
21 Constitution.

22 A concept that Justice Pollock of the New Jersey  
23 Supreme Court grasped when he referred to Justice Brennan's  
24 article as the Magna Carta of State Constitutional law. A  
25 concept embraced by the great Court, the Supreme Court of

1 New Jersey, and those that were here from the Supreme Court  
2 should certainly be honored for the great work that they did  
3 in recognizing the power of the State Constitution.

4 And Justice Brennan did this at the time when  
5 rights were federally being challenged. If we remember,  
6 every Bill of Right, practically, was under challenge. The  
7 First Amendment with school prayer, the Second Amendment  
8 with gun control, the Fourth Amendment being redefined with  
9 certain cases coming from the United States Supreme Court.  
10 Justice Brennan striking out and declaring that you do have  
11 a right to declare more rights under the State Constitution.

12 So, looking back at what my public life was -- it  
13 wasn't necessarily Carl -- jumping from one party to the  
14 other. It's that we insisted that it doesn't matter where  
15 you stand.

16 It's the direction you're going in. And we felt  
17 that those who deserved the support and the people of the  
18 City of Camden had to move in a certain direction.

19 And anyone that moved in that direction received  
20 the support. If they didn't move in that direction, then,  
21 perhaps, they were not entitled to a certain amount of  
22 support. So, it was really looking at the road signs that  
23 directed our course rather than looking necessarily at party  
24 affiliation.

25 But if at any time I achieved any degree of

1 success in my public activities, it's because the agencies  
2 that I worked with understood the concept and did seek to  
3 attach and define rights within the New Jersey Constitution.

4 And cases that we were involved in, perhaps, have  
5 not found final resolution because there has been a certain  
6 amount of redefinition, controversy, dispute. Three of  
7 them, which I'll mention is the Mt. Laurel lawsuit for  
8 affordable housing. We don't know where, eventually, that  
9 will end up. The Conroy case. That was the removal of the  
10 feeding tube that followed the Quinlan case. That dealt  
11 strictly with the right to privacy under the New Jersey  
12 Constitution.

13 And the last case that I had the privilege of  
14 working with a former Judge from  
15 our -- Sidney Goldmann, from the Appellate Division, when we  
16 functioned as of Counsel in Abbott vs. Burke.

17 All three were attempting to move and define  
18 within the New Jersey Constitution. So you can imagine the  
19 pride I felt when, during a personal conversation with  
20 Justice Brennan in Washington, he acknowledged the efforts  
21 of the agencies with which I was working.

22 So, if there was success, it really depends on how  
23 you interpret it. I did Chair the Department of Higher  
24 Education and we tried to do the community college -- to  
25 make education available to more students and that was

1       abolished.

2                   I Chaired Camden Regional Legal Services and they  
3       tried to abolish that.

4                   I Chaired the State Commission of Investigation  
5       and those of you may remember there was an effort to abolish  
6       the State Commission.

7                   And then, finally, my final hour. I was the  
8       Commissioner of the Public Advocate and that was abolished.

9                   So, I don't know how to really measure success.

10                  (Laughter.)

11                  Bob, I try hard.

12                  But I do one thing -- I do know one thing; that  
13       the ability of a jurist to look important and intelligent  
14       essentially depends on the aggressiveness and the  
15       intelligence of the advocates that appear before them. They  
16       do the work. They charge the mission. The judge, simply,  
17       acknowledges and writes and then gets all the credit.

18                  But -- does anyone know who lost the Palsgraf  
19       Case or who won the Palsgraf Case? But you all know  
20       who wrote the opinion.

21                  But while this evening is one of celebration and not  
22       -- one of heavy legal concepts, I thought it is important that  
23       we reflect upon the Brennan legacy and his Constitutional  
24       vision of the system of rights and liberties that so many of  
25       us take for granted today.

1 I am greatly honored and appreciate deeply the  
2 generosity and kind thoughts of those who selected me. But,  
3 more importantly, I'm privileged in being able to join with  
4 you in honoring Justice Brennan and the precious  
5 Constitution and rule of law we live by.

6 Thank you very much.

7 (Applause.)

8 MR. HIMMEL: Thank you, Judge Rodriguez. That  
9 concludes the formal part of the Dinner.

10 In recognition of the achievements of our two  
11 honorees, if we could all stand and give them one final  
12 round of applause.

13 (Applause.)

14 Enjoy the meal.

15

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