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TRANSCRIPT OF PROCEEDINGS - JUNE 14, 2000  
THE TWENTY-FOURTH ANNUAL DINNER PRESENTATION

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CONDENSED TRANSCRIPT AND CONCORDANCE  
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TRANSCRIPT OF PROCEEDINGS - JUNE 14, 2000  
THE TWENTY-FOURTH ANNUAL DINNER PRESENTATION

## Page 1

(1)  
(2)  
(3)  
(4) THE ASSOCIATION OF THE FEDERAL BAR  
OF THE STATE OF NEW JERSEY  
(5)  
(6)  
(7) TRANSCRIPT OF PROCEEDINGS  
(8) of the  
(9)  
(10) THE TWENTY-FOURTH ANNUAL DINNER  
PRESENTATION OF THE  
(11) WILLIAM J. BRENNAN, JR. AWARD DINNER  
(12)  
(13) Honoring  
(14) HONORABLE MARYANNE TRUMP BARRY  
AND  
(15) JOHN J. BARRY, ESQ.,  
(16) (1940 - 2000)  
(17)  
(18) Mayfair Farms  
(19) West Orange, New Jersey  
(20)  
(21) Wednesday, June 14, 2000  
(22)  
(23)  
(24)  
(25) Reported By: Stanley B. Rizman, CSR

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(1) Judge Barry and her family and John Barry's  
(2) family.  
(3) And I'd also like to mention some  
(4) other distinguished guests that are here with us  
(5) this evening. We have many members -- many judges  
(6) from the United States Court of Appeals for the  
(7) Third Circuit. We have our Chief Judge, the  
(8) Honorable Anne Thompson. We have our United  
(9) States District Court Judges. Chief Justice  
(10) Poritz and many members -- many Justices of the  
(11) Supreme Court are here with us tonight. In fact,  
(12) the newest member, one of our own, James Zazzali,  
(13) is also here with us.  
(14) Our Chief Judge of the Bankruptcy  
(15) Court, Rosemary Gambardella, is here with us this  
(16) evening. Our Trustee in Bankruptcy, Pat Stalano  
(17) and our Bankruptcy judges.  
(18) These are the men and women before  
(19) whom we practice. Their standard of excellence is  
(20) what we ascribe to be. We're honored that they're  
(21) here with us this evening.  
(22) As always, we're indebted to Stan  
(23) Rizman. He listens to us every day in court. And  
(24) despite that fact, he's come back to volunteer his  
(25) services to take down our speeches this evening.

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(1) MS. SIEGAL: Good evening. I gave  
(2) our President two tasks tonight. I asked him to  
(3) bring to order 500 attorneys. I was not too  
(4) successful at that. And I asked him to do the  
(5) seating arrangements.  
(6) So if you have any complaints,  
(7) Michael's last act as President was to select the  
(8) tables for all of you.  
(9) Now, on behalf of the Association,  
(10) I'd like to welcome all of you to the  
(11) Twenty-Fourth Annual William J. Brennan, Jr. Award  
(12) Dinner.  
(13) My name is Ronny Siegal. I'm the  
(14) Dinner Chair.  
(15) As you can see, there are more than  
(16) 500 people gathered here this evening. There are  
(17) more than 60 members of the state and federal  
(18) judiciary. This is, clearly, the largest  
(19) gathering we have ever had in our history. It  
(20) reflects the respect, the admiration and the love  
(21) that we have for this evening's two recipients;  
(22) the Honorable Maryanne Trump Barry and her  
(23) husband, the late John Barry.  
(24) (Applause.)  
(25) MS. SIEGAL: I'd like to welcome

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(1) So now I'd like to turn over the  
(2) evening to our President, Mike Himmel.  
(3) (Applause.)  
(4) MR. HIMMEL: Welcome everyone. And  
(5) thank you, Ronny and Ginny Whipple Berkner, for  
(6) your hard work in putting this affair together.  
(7) Approximately two months ago our  
(8) friend and colleague, a founder of this  
(9) Association and former President, John Barry,  
(10) passed away. I would ask everyone to stand and  
(11) celebrate a moment of silence in honor of the  
(12) memory of John.  
(13) (A moment of silence is taken.)  
(14) MR. HIMMEL: Thank you.  
(15) Last year I announced the creation of  
(16) Association of the Federal Bar Scholarship to a  
(17) student at Rutgers Newark, Rutgers Camden and  
(18) Seton Hall. That scholarship is for \$3500. It is  
(19) the largest scholarship that is given by any Bar  
(20) Association in this state. The officers and  
(21) trustees have unanimously renamed the scholarship  
(22) the John J. Barry Memorial Scholarship.  
(23) (Applause.)  
(24) MR. HIMMEL: We have two of the three  
(25) recipients of the John J. Barry Memorial

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(1) And if I could devote my goal for  
(2) this coming year to assist the membership to serve  
(3) their clients, to serve the Court, to serve their  
(4) communities and one another, I think we'll  
(5) accomplish a great goal and maybe we can make  
(6) Schweitzer's words come true. That we will then  
(7) find happiness and have a lot more happiness and  
(8) joy in serving others.

(9) My remarks really are to -- my job  
(10) really is to introduce Mike Himmel, who you all  
(11) know. And that is a tough thing to do because I'm  
(12) not going to go through his CV, which is quite  
(13) impressive, and tell you how he started in the  
(14) Bronx and worked his way to the Task Force and the  
(15) Justice Department and became an Assistant United  
(16) States Attorney and a great guy.

(17) I want to tell you I worked under  
(18) Mike and learned under Mike about how to bring  
(19) consensus because he is the type of leader that  
(20) led by example and by getting people to work  
(21) together.

(22) Today you have to be a good  
(23) delegator. Mike is certainly a good delegator.  
(24) He knows how to pick out the right person for the  
(25) right job. But he doesn't let it end there. He's

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(1) the type of leader who, by example, goes out and  
(2) helps his committee Chairs and works with them.

(3) He spoke out effectively on a lot of  
(4) difficult issues over his two years of presidency.

(5) I think his true biggest asset is --  
(6) really, you never know it because he's a little  
(7) bit formal when he's up here -- his friendly  
(8) personality and his professional demeanor.

(9) And, Mike, if you'll come forward,  
(10) the Association has what is called a plaque to  
(11) give you.

(12) I will let you say a few words  
(13) afterwards. But it is my pleasure as Incoming  
(14) President to congratulate you on two years of  
(15) successful handling of this organization. And  
(16) through his efforts, as I mentioned earlier, this  
(17) Association has continued to grow and to continue  
(18) to just have greater respect from the members of  
(19) the Bar and the bench.

(20) "The Association of the Federal Bar  
(21) of the State of New Jersey.

(22) "To Michael Himmel" -- I'm not going  
(23) to read it.

(24) MR. HIMMEL: Please don't.

(25) MR. KENNEY: They're going to throw

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(1) me off of here. But congratulations on a job well  
(2) done.

(3) MR. HIMMEL: Thank you.

(4) (Applause.)

(5) MR. HIMMEL: I leave as President of  
(6) this Association knowing that the Association will  
(7) be proceeding under the outstanding leadership of  
(8) Joe Kenney and other officers who promised to keep  
(9) the District Conference and the Brennan Award  
(10) Dinner in North Jersey.

(11) (Laughter.)

(12) MR. HIMMEL: Joe is an outstanding  
(13) civil trial attorney. He clerked for Chief Judge  
(14) Thomas Madden and spent 25 years at Archer &  
(15) Greiner and the last 15 as the Chair of the  
(16) Litigation Department.

(17) He was a founder and is a partner in  
(18) his current firm, Kenney & Kearney, where he's  
(19) been for 15 years.

(20) He's a Fellow of the American College  
(21) of Trial Lawyers. For 16 years he's been an  
(22) Adjunct Professor of Trial Advocacy and he's a  
(23) recipient of the Trial Bar Award.

(24) Joe will be assisted by our slate of  
(25) officers who overwhelmingly won election

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(1) unopposed. Our President-elect is Richard  
(2) Shapiro.

(3) (Applause.)

(4) MR. HIMMEL: First Vice President,  
(5) David Gross.

(6) (Applause.)

(7) MR. HIMMEL: Second Vice President,  
(8) Rosemary Alito.

(9) (Applause.)

(10) MR. HIMMEL: Secretary, Bill Maderer.

(11) (Applause.)

(12) MR. HIMMEL: And our new officer.

(13) Our Treasurer is Joe Hayden.

(14) (Applause.)

(15) MR. HIMMEL: Joe, don't get any  
(16) ideas. I'm counting on Judge Hayden to protect  
(17) the Association's money.

(18) I want to thank the outgoing Trustees  
(19) and welcome our new Trustees. Please save your  
(20) applause until I have mentioned all of them.

(21) Bob Goodman, Bill Goydan, Jeff  
(22) Greenbaum, Paul Nittoly, Anne Paterson, Larry  
(23) Rolnick and Joe Schiavone.

(24) Let's give them all a welcoming hand.

(25) (Applause.)

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- (1) nation which Justice Brennan served so well."  
(2) That award is properly given this  
(3) evening to the Honorable Maryanne Trump Barry, a  
(4) former President of this Association, a woman of  
(5) enormous intellect and talent with extraordinary  
(6) feelings toward others -- a woman who has artfully  
(7) woven those strengths to create a life of stunning  
(8) accomplishment.  
(9) As we honor her tonight, it would be  
(10) easy to say that Maryanne was destined to be a  
(11) great lawyer and a great judge. But her path was  
(12) not the path taken by most people in this  
(13) audience.  
(14) After graduating with honors from  
(15) Mount Holyoke College, she began her legal  
(16) education at Yale; a notable accomplishment for a  
(17) woman at that time.  
(18) Yet she chose to interrupt her  
(19) studies, instead, to be a full-time mother to her  
(20) beloved son David, now Dr. David Desmond, a  
(21) renowned neuropsychologist, who is with us  
(22) tonight.  
(23) Candidly, there are probably few  
(24) among us who would have made that choice and fewer  
(25) still who might not have considered it a

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- (1) sacrifice.  
(2) For that was not the case with  
(3) Maryanne. For her it was simply an exercise in  
(4) sound judgment, a choice that mirrored what she  
(5) learned so well from her parents -- that the only  
(6) thing more important than giving one's best to an  
(7) honest day's work was giving one's all to her  
(8) family.  
(9) Her career may have been deferred,  
(10) but it was in no way diminished.  
(11) She began at the United States  
(12) Attorney's office in Newark at a time when the  
(13) government's crusade against corruption changed  
(14) the face of politics in New Jersey.  
(15) Her keen mind, her sure pen and her  
(16) eloquent advocacy made her a valued member of that  
(17) office -- as a team member during trials and a  
(18) staunch defender of convictions on appeal. She  
(19) served as Executive Assistant United States  
(20) Attorney and Chief of the Appeals Division, where  
(21) she was responsible for every appeal. Always  
(22) focused on how to best present her case.  
(23) I'm told she even favored white suits  
(24) for oral argument so that she might appear as the  
(25) "avenging angel" to the Court.

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- (1) (Laughter.)  
(2) MR. MC GUIRE: That is what I'm told,  
(3) Judge.  
(4) In this romantic setting of statutes  
(5) and citations, she met John Barry, a man whom  
(6) Judge Herb Stern, who is with us tonight, once  
(7) described as the only certifiable genius he had  
(8) ever met.  
(9) John was a wonderful lawyer, a  
(10) magnificent law partner, a Renaissance man and,  
(11) perhaps, most importantly, Maryanne's true love.  
(12) But as they pursued their passion for  
(13) the law together, truly, it can be said, they  
(14) became the first family of federal law in this  
(15) district.  
(16) Their relationship was unique. There  
(17) was a magazine article, I'm told -- I don't  
(18) remember reading this -- that somebody once asked  
(19) Maryanne what John did when he came home and she  
(20) said, "He sits down."  
(21) (Laughter.)  
(22) MR. MC GUIRE: She began to laugh a  
(23) little bit.  
(24) When questioned again, she said, "You  
(25) see, I just want to take care of him."

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- (1) That is what she wanted. That is  
(2) what she did.  
(3) And John relished every moment of it.  
(4) At the ceremony for her investiture  
(5) as a judge of the Third Circuit Court of Appeals,  
(6) there were many prominent voices who extolled  
(7) Maryanne's qualities as a judge, attorney, mother  
(8) and daughter.  
(9) But rising above them all were John's  
(10) eloquent words. He spoke not only of Maryanne's  
(11) many achievements, but of how her character was so  
(12) important and transcended all those achievements,  
(13) earning the respect of judges and jurors,  
(14) prosecutors, defense counsel and even earning her  
(15) a place on the Christmas card lists of some  
(16) defendants she had sentenced.  
(17) Her character has served her well.  
(18) It has given her the courage to do what is right,  
(19) the strength to strive to do her best and the  
(20) wisdom to put her family first. It has not always  
(21) been an easy path. But that never concerned  
(22) Maryanne.  
(23) I want to give you a quote from  
(24) John's speech. And those of you who were there  
(25) will remember it was a wonderful speech.

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(1) there was no evidence of kickbacks going to the  
(2) Chief.  
(3) And Herb was concerned. How was he  
(4) going to present that issue to the jury? And he  
(5) relayed his concerns to John and John said in the  
(6) elevator, "It's simple. If you want to control  
(7) corruption on a countywide basis, you have to  
(8) control the Chief of Police."  
(9) And that was the concept that Herb  
(10) Stern advanced to the jury that afternoon. And  
(11) the verdict was guilty as to all defendants.  
(12) John was also the ultimate  
(13) consigliere. Over the course of his career he  
(14) developed a reputation of being a brilliant trial  
(15) strategist.  
(16) Joe Hayden said to me a few days ago  
(17) that there was no greater luxury than working on a  
(18) case with John Barry and there was no team more  
(19) effective than the team of Hayden and Barry.  
(20) Joe was defense counsel in the case  
(21) of State versus Grunow. It was the first capital  
(22) case after the reimposition of the death penalty  
(23) in this state and the facts of the case were  
(24) grizzly.  
(25) Grunow was charged with murdering his

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(1) girlfriend's husband. Joe was very successful and  
(2) persuaded the jury to acquit on the homicide  
(3) charge and to return a verdict of guilty of  
(4) aggravated manslaughter.  
(5) Then John Barry swung into action and  
(6) ultimately persuaded the Supreme Court to reverse  
(7) the conviction because the trial court had  
(8) erroneously charged that the defendant had the  
(9) burden of proving whether homicide was committed  
(10) in the heat of passion even though the defendant  
(11) had been convicted only of aggravated  
(12) manslaughter, which could not be mitigated by  
(13) passion or provocation. That was appellate  
(14) brilliance and that was quintessential John Barry.  
(15) He was also a person of great  
(16) personal courage. You can't really be an  
(17) appellate lawyer without courage because you are  
(18) frequently urging an appellate court to find that  
(19) the trial court committed reversible error.  
(20) In the case of United States versus  
(21) Antar, John Barry successfully argued that the  
(22) trial judge committed plain error by failing to  
(23) recuse himself in light of comments he had made  
(24) before trial in a related SEC proceeding and the  
(25) Third Circuit reversed. That required brilliance

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(1) and required courage. John had both.  
(2) I've spoken to many lawyers and  
(3) judges in the last few weeks. Everyone has said  
(4) that John's success was driven by his encyclopedic  
(5) knowledge of the law and by his honesty and candor  
(6) with the Court.  
(7) Judge Becker summed it all up when he  
(8) made the following observations only a few months  
(9) ago at Judge Barry's investiture. He said, and I  
(10) quote: "Our next speaker is one of the ablest  
(11) trial and appellate lawyers from the Third  
(12) Circuit. If that sounds like a judgment of the  
(13) Court, it is. Judge Barry will soon learn that  
(14) she can't do anything by herself. You need one  
(15) other vote on this Court to do anything. But  
(16) Judge Garth has joined with me in the judgment  
(17) that John Barry is one of the very ablest members  
(18) of our Bar, and you will now hear from him."  
(19) And so we did. And what a remarkable  
(20) speech he gave that afternoon.  
(21) He was also a great teacher. He  
(22) influenced many of the lawyers and judges who are  
(23) sitting in this room.  
(24) Exhibit A is the Honorable Maryanne  
(25) Barry; Exhibit B is the Honorable Sam Alito;

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(1) Exhibit C is the Honorable Donald Volkert. And I  
(2) could go on and on and on.  
(3) He was never too busy to answer your  
(4) phone call and give you the benefit of his opinion  
(5) unaffected by spin.  
(6) But you had to be prepared for his  
(7) opinion because John could be blunt. How many  
(8) times did he say: "Look. What you really want to  
(9) say is this." And, invariably, he was right.  
(10) Finally, I would say that our friend  
(11) and colleague was selfless, gentle and utterly  
(12) open. John would say things in a group setting  
(13) that others would only think.  
(14) He received many accolades during the  
(15) course of his life. He was a founder and  
(16) President of this Association. He was a Fellow of  
(17) the American College of Trial Lawyers. He was a  
(18) Fellow of the American Bar Foundation.  
(19) But the best illustration I can cite  
(20) of the impact that he had on people begins in the  
(21) early 1970s, when John had the fortune or  
(22) misfortune to be assigned the prosecution of the  
(23) Camden 28 case.  
(24) That was a case that was grounded in  
(25) the anti-Vietnam movement and 28 folks had

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(1) indispensable building blocks; individuals living  
(2) in freedom, mutual toleration and respect."

(3) His devotion to democratic freedoms  
(4) was so powerful and his legacy so outstanding that  
(5) even those who disagreed with his opinions  
(6) recognized his singular influence. But it was not  
(7) only his compelling legal intellect and passion  
(8) that set him apart. It was his compassion for his  
(9) fellow man, his humanity and his decency to  
(10) others. That was his very essence.

(11) It was that very humane and decent  
(12) man that with one sentence had a profound  
(13) influence on me.

(14) Many years ago the Third Circuit  
(15) Judicial Conference was attended by what -- I  
(16) don't know, Judge Garth, can you still use the  
(17) phrase today in this world, "The old boys'  
(18) network"?

(19) Justice Brennan was the Circuit  
(20) Executive of the Third Circuit. And the Third  
(21) Circuit, in the late '70s, decided to broaden the  
(22) makeup of its attendees.

(23) I was one of the few women practicing  
(24) in the federal courts. I wasn't practicing very  
(25) well at that point. I didn't know much. But I

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(1) was a logical person to broaden with.

(2) (Laughter.)

(3) JUDGE BARRY: And I went along with  
(4) some of my other similarly-inexperienced male  
(5) buddies.

(6) And one day, at the end of the day,  
(7) at the conclusion of the session, we had repaired  
(8) to the lounge to have some liquid refreshment.

(9) We're sitting there, no doubt talking  
(10) about weighty issues of law, when Justice Brennan  
(11) comes up, extends his hand and says, "Hello. My  
(12) name is Bill Brennan. Would you mind if I joined  
(13) you?"

(14) "My name is Bill Brennan. Would you  
(15) mind if I joined you?"

(16) In those years I could not have even  
(17) dreamed about becoming a judge. But after I  
(18) became a judge, I can't recall ever introducing  
(19) myself as other than "Hello. My name is Maryanne  
(20) Barry."

(21) Justice Brennan was not into that  
(22) judge stuff. He holds a place in my heart. As we  
(23) know, his place in history is assured.

(24) Here I go. Speaking of heart.

(25) As I thought of this dinner in the

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(1) last few days, I kept recalling the wonderful  
(2) O'Henry story, the Gift of the Magi. John wanted  
(3) this award so much for me and not for himself. I  
(4) wanted this award so much for him and not for  
(5) myself. So he got half of what he wanted and I  
(6) think he would be pleased and proud that he, too,  
(7) has been honored tonight.

(8) Hundreds of people came to his wake.  
(9) Hundreds of people packed a huge church. We were  
(10) blessed to have Father Degnan, who is here  
(11) tonight, presiding.

(12) I have received hundreds of letters  
(13) in the last two months, and there has been a  
(14) recurrent theme -- or, more specifically, three or  
(15) four recurrent themes from the people with whom I  
(16) have spoken and the people who have written.

(17) His brilliance, of course. But his  
(18) absolute integrity. The fact that he helped  
(19) people, and particularly lawyers and particularly  
(20) young lawyers, so that they could look good,  
(21) having no agenda of his own, even as he always  
(22) wanted what was best for me, although had he been  
(23) a selfish man, it might not necessarily have been  
(24) best for him.

(25) And so many people mentioned the

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(1) Incredible marriage that we had. I was a little  
(2) bit surprised that so many of you noticed. But I  
(3) tell you, if I was here and he was at the other  
(4) end of this room right now, he would look at me  
(5) and he knew what I was thinking and I would know  
(6) what he was thinking and he would wink at me  
(7) because we knew and there was electricity.

(8) Oh. We were so blessed. He was my  
(9) mentor, my teacher, my soul mate, my sweetheart,  
(10) my best friend. And everything I have been able  
(11) to do professionally I openly owe to him.

(12) There is a song that I think best  
(13) describes our relationship. I've thought so for  
(14) many, many years.

(15) Now, some of you would say it's  
(16) hokey. John would have a more colorful word to  
(17) describe it.

(18) (Laughter.)

(19) JUDGE BARRY: But the last two  
(20) sentences are, "I would be nothing without you.  
(21) You are the wind beneath my wings."

(22) I thank you so much for honoring me  
(23) for what I have accomplished. But I thank you  
(24) even more for honoring my husband.

(25) Thank you.

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**Concordance Report**  
 Unique Words: 1,133  
 Total Occurrences: 2,533  
 Noise Words: 384  
 Total Words In File: 6,174  
 Single File Concordance  
 Case Insensitive  
 Noise Word List(s):  
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 Cover Pages = 1  
 Includes ALL Text  
 Occurrences  
 Dates ON  
 Includes Pure Numbers  
 Possessive Forms ON  
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 2001 [3]  
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\*\*\*4\*\*\*  
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