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5 THE ASSOCIATION  
6 OF THE FEDERAL BAR  
7 OF THE  
8 STATE OF NEW JERSEY  
9

10 The Twenty-Seventh  
11 Annual Dinner  
12

13 Commemorating  
14

15 The  
16 William J. Brennan, Jr.  
17 Award  
18

19 Mayfair Farms  
20 West Orange, New Jersey  
21 June 5, 2003  
22  
23  
24

25 Reported by: Stanley B. Rizman, C.S.R.

1 MS. SIEGAL: Good evening.

2 On behalf of the Association of the  
3 Federal Bar of the State of New Jersey, I warmly  
4 welcome each of you to our 27th annual William J.  
5 Brennan, Jr. Award Dinner.

6 My name is Ronnie Siegal and I'm your  
7 dinner chairperson.

8 This evening there are more than 500  
9 individuals that have joined us. There are more  
10 than 50 members of our state and federal judiciary.  
11 Clearly, the size of this gathering underscores the  
12 great respect, the admiration and tremendous warmth  
13 we feel for this evening's recipients, Don Robinson  
14 and Justin Walder.

15 (Applause.)

16 MS. SIEGAL: We're welcoming our  
17 honorees, their families and their friends.

18 I would also like to acknowledge the  
19 presence of some extremely prominent individuals who  
20 have joined us tonight. Our judges of the United  
21 States Court of Appeals for the Third Circuit, our  
22 Chief Judge from the United States District Court,  
23 John W. Bissell, our District Court judges, our  
24 Federal Magistrate judges, the Associate Justices  
25 and former Justices of our Supreme Court and our

1 Chief Judge of the Bankruptcy Court, Rosemarie  
2 Gambardella, and our Bankruptcy judges.

3 In addition, the United States  
4 Attorney, Christopher Christie, is here and Acting  
5 Attorney General Peter Harvey.

6 The Deans and Assistants at our three  
7 law schools are present. They all share a standard  
8 of excellence that we aspire to and we are extremely  
9 honored that they're here with us this evening.

10 As always, we're indebted to Stan  
11 Rizman and Howard Rappaport. They listen to us  
12 every day and despite that fact, they still honor us  
13 with volunteering their services tonight.

14 And it is now my most distinct pleasure  
15 to introduce our Association's President, David  
16 Gross.

17 (Applause.)

18 MR. GROSS: Thank you very much,  
19 Ronnie.

20 We're going to make this, as I've tried  
21 to do in the past, a very quick program.

22 We have two extraordinary honorees.  
23 We're all very proud.

24 A clear reason, as Ronnie said, we have  
25 a turnout not only of the attorneys and their

1 guests, but the federal and state judiciary.

2 I'll probably miss some of you. I  
3 apologize for that.

4 The first thing I want to do is thank  
5 Ronnie Siegal. Ronnie has been running this dinner  
6 for a number years and it gets better and better  
7 each year and we owe her a tremendous debt of  
8 gratitude.

9 We thank you, Ronnie.

10 (Applause.)

11 The theme of the evening, which will be  
12 a very short theme, is changes. There have been  
13 lots of changes. I've had some personnel changes,  
14 as some of you know, that have been very positive  
15 from my point of view.

16 I've had the pleasure of practicing now  
17 with many wonderful folks; former United States  
18 Attorney David Satz, who is here with us, and many  
19 of my new partners. I thank them for being here.

20 We have acknowledgements of people who  
21 are members of our Supreme Court. We have more  
22 Supreme Court members here and former Supreme Court  
23 members than I can ever remember and I've been doing  
24 this a long time.

25 Justice Robert Clifford, who promised

1 me would stop in to say hello. He may not. Justice  
2 Pollack and Justice Ahern and Justice Handler.

3 We have sitting Justice Peter Veniero,  
4 Janie LaVecchia and Virginia Long and we thank them  
5 all for being here.

6 (Applause.)

7 Our Third Circuit judges who are here  
8 are Judge Leonard Garth, Judge Robert Cowen and  
9 Judge Julio Fuentes.

10 (Applause.)

11 MR. GROSS: This is the entire speech  
12 you'll get from me.

13 We have some new members of our  
14 Advisory Board of the Association of the Federal Bar  
15 which is the group that puts on this dinner, which  
16 is our favorite thing to do; a judicial conference,  
17 which also draws four or 500 people and contributes  
18 with the Historical Society and other groups in  
19 trying to assist the education of the Bar 00 the  
20 Federal Bar of this state. We do a pretty good job.  
21 We're pleased to do so.

22 As you know, we have added two people  
23 to our Advisory Board. The Advisory Board generally  
24 consists of judges as well as past Presidents. The  
25 folks who joined our Advisory Board are the

1 Honorable John Bissell, our Chief Judge, and the  
2 Honorable Ronald Hedges, United States Magistrate  
3 Judge.

4 We thank them for being with us.

5 (Applause.)

6 The next thing I have the pleasure of  
7 doing is, indeed, a pleasure. One of the nicest  
8 things those of us who are fortunate to be President  
9 of this wonderful Association get to do is present  
10 the John Barry Memorial Scholarship Award.

11 Those of you who have been friends of  
12 the Association or members know who John Barry was.  
13 Judge Barry, whom I spoke to today, cannot be with  
14 us because of pressing judicial duties although  
15 she's a staunch supporter of this organization and  
16 has been one of our loyal members for many, many  
17 years.

18 As a result of John Barry, who was the  
19 former President of this Association until his  
20 untimely death, we've renamed our scholarship,  
21 something we started about eight or ten years ago.  
22 I'm pleased to be part of that for some long time  
23 now.

24 We have now with us the recipients of  
25 the three scholarships that this group gives to the

1 three law schools in this state. I'm told by the  
2 various Deans and the Admissions Directors that our  
3 scholarships are probably the largest individual  
4 scholarships given. That makes us very proud to do.

5 The recipients are sitting at that back  
6 table. When I call their names and some folks with  
7 them, I'd like them to stand. We can applaud them  
8 after we're finished.

9 The first one is Michael Falk and his  
10 wife, Leigh.

11 (Applause.)

12 MR. GROSS: Michael is the lead article  
13 editor of the Rutgers Law Review in Camden and a  
14 member of the Phi Beta Cappa.

15 Dina Yin, who is here with us, is part  
16 of the Rutgers University law school. She's the  
17 Editor-in-Chief of the Law Review and she is fluent,  
18 I'm told by her resume, in Mandarin and Shanghiese,  
19 which none of us can accept.

20 We're pleased to have you with us.  
21 Thank you for joining us.

22 And Steven Klutkowski, who is here with  
23 his parents.

24 I would ask them all to stand.

25 Steven has a perfect grade point

1 average. He's graduating with highest honors. He's  
2 going to work for the Honorable Virginia Long, her  
3 chambers, which we know is a great experience.

4 Good luck to all of you and thank you  
5 for being here with us.

6 (Applause.)

7 MR. GROSS: We're moving along quickly.  
8 Fortunately, that is the idea.

9 What I'd like to do is say one thing.  
10 I want to thank this organization for the privilege  
11 of being its President this last year. It is a  
12 group that I've been involved with for many years  
13 and, frankly, enormously pleased and proud to have  
14 spent this year as your President.

15 I'm in the company of some very  
16 wonderful people who preceded me. One of my  
17 partners, Bruce Goldstein, who is also here, was  
18 also President as well as many others who are great  
19 lawyers in this group.

20 Lastly, besides thanking the friends of  
21 the Association, I'd like to thank my wife, Heidi,  
22 who is also here, who deserves to be for putting up  
23 with me in all the situations coming to the many  
24 swearings-in that we've had.

25 (Applause.)

1 MR. GROSS: Now, what I said to you,  
2 initially, was this is a time of changes.

3 We've had an enormous influx of  
4 remarkable people added to our judiciary. Most of  
5 them are here tonight. But the Association and  
6 those of you here should be aware of, at least, the  
7 names of the new judges and magistrate judges that  
8 we've had.

9 The United States District Court has  
10 been graced in its presence by the following, some  
11 of whom were magistrate judges and others who were  
12 other judges and one who is not, but all of whom  
13 have risen to the occasion. We're enormously proud  
14 to have them as part of our judicial family.

15 I can only say one other thing. I've  
16 had the pleasure of practicing in a lot of states.  
17 I've been before a lot of federal courts.

18 You got to keep quiet at this table.  
19 It is very important stuff.

20 At any rate, we here in New Jersey are  
21 very fortunate we have a judicial family that is  
22 truly a family. We are courteous to each other.  
23 The judges we have both in the Magistrate Court  
24 level and the United States District Court level and  
25 the Bankruptcy Court are a very different group than

1 I find in some of the other states. Not to say  
2 there are not fine judges elsewhere. We're been  
3 blessed with having this kind of camaraderie between  
4 the bench and Bar. The only thing I hope we'll be  
5 able to do is continue with that camaraderie.

6 We have with us the Honorable Stanley  
7 Chesler. Bob Kugler could not be here. He had  
8 another matter that he had to attend to. He would  
9 have been here, certainly.

10 We have Jose Linares, Bill Martini and  
11 Frieda Wolfson. We thank them for being our  
12 district judges.

13 One of the nicest things about this  
14 job -- and I had the -- more than anybody else, I  
15 got to go to all the wonderful swearings-in. I  
16 really made most of them. A couple I was out of the  
17 state. I could not.

18 We have added to our magistrate judges  
19 the Honorable Toni Ann Bongiovanni, the Honorable  
20 Ann Marie Donio and the Honorable Patty Schwartz.

21 (Applause.)

22 MR. GROSS: The only thing that remains  
23 for me to do at this juncture, before introducing  
24 the presenters of the two wonderful lawyers who have  
25 received and will receive the Brennan Award which,

1 as you all know, is the most coveted award in this  
2 Bar without the slightest question -- I'm going to  
3 read to you just a little bit about what the Brennan  
4 Award says and what it means. However, I would like  
5 to at least present to you the slate of new officers  
6 and the new members of the Board of Trustees of this  
7 wonderful Association.

8 President-Elect Rosemary Alito.

9 (Applause.)

10 MR. GROSS: President -- I'm sorry.  
11 President-Elect, Bill Maderer, who is over here.

12 (Applause.)

13 MR. GROSS: First Vice President Joe  
14 Hayden.

15 (Applause.)

16 MR. GROSS: Second Vice President --  
17 and we actually do recognize the South Jersey folks.  
18 Not as much as we like to, but we try. Sorry. Carl  
19 Poplar.

20 (Applause.)

21 MR. GROSS: Secretary Jeffrey  
22 Greenbaum.

23 (Applause.)

24 MR. GROSS: And the new Treasurer,  
25 Dennis Drasco.

1                   That is our new slate of officers. I  
2 hope I hear a vote to accept their acceptance by  
3 acclamation.

4                   (Unanimously approved.)

5                   MR. GROSS: We have new Trustees. Ted  
6 Aden, Jeffrey Frey, Larry Lustberg, Marianne  
7 Espinosa-Murphy, Mark Olinsky, the Honorable  
8 Nicholas Politan, who has been kind enough to join  
9 us, Jonathan Weiner and Thomas Weisenbach.

10                   This organization is a functioning  
11 group. We think we do reasonably good things.  
12 We're very pleased to have these folks join us and  
13 we thank them for being part of our organization.

14                   (Applause.)

15                   MR. GROSS: Rosemary, what do we do  
16 next?

17                   We do this next.

18                   President Alito.

19                   (Applause.)

20                   MS. ALITO: It is a real, real pleasure  
21 for me to have the job of thanking our outgoing  
22 President, Dave Gross, who had an outstanding year  
23 of service.

24                   For about as long as I've been  
25 practicing law, I've known what a quality lawyer

1 Dave Gross is. We've seen him litigating and  
2 winning high-profile cases in New Jersey and across  
3 the country. In just about every headline-grabbing  
4 mass tort there is, Dave Gross has played a  
5 significant role. From asbestos to Agent Orange to  
6 Dalkon Shield --

7 MR. GROSS: All the good things.

8 MS. ALITO: -- to now the gun industry.

9 MR. GROSS: Now even better.

10 MS. ALITO: Most recently, Dave has  
11 obtained a favorable jury verdict or, I should say  
12 an, advisory --

13 MR. GROSS: A temporary favorable jury  
14 verdict.

15 MS. ALITO: -- an advisory jury verdict  
16 in New York.

17 We've also seen Dave in lectures  
18 featured in Fred Friendly's seminars. We've seen  
19 him as a speaker and a moderator in countless of  
20 this Association's Annual District Court  
21 conferences.

22 But what I've come to know more  
23 recently, through my years of service as an officer  
24 of the Association of the Federal Bar, is that  
25 Dave's qualities as an attorney are more than

1 equalled by his qualities as a person. Dave's  
2 tenure as President of this Association has been  
3 productive; it has been inclusive and, most  
4 important for the rest of the officers, it has been  
5 a lot of fun.

6 So, Dave, on behalf of the other  
7 officers and all of the members of the Association  
8 gathered here tonight, I have, I think, a formal  
9 proclamation of appreciation of friendship and thank  
10 you for a job well done.

11 (Applause.)

12 MR. GROSS: Thank you.

13 I thank you very much for those  
14 wonderful words, Rosemary. You're very kind.

15 As I said before, we're going to move  
16 along quickly. We have found in past years that  
17 sometimes these speeches go on long and everyone has  
18 promised they will be no more than 25 or 30 minutes  
19 each. These are very important people. They  
20 deserve to be heard.

21 The William J. Brennan Award is  
22 something that all of us in this state and in this  
23 group and those of us who practice here aspire to.  
24 It is the culmination of practice in the state of  
25 New Jersey and the Federal Bar.

1 Justice Brennan need not be described  
2 to any of you. He is someone that we all look up to  
3 and have always done so.

4 Unfortunately, Bill, who is often here,  
5 is not able to be with us this evening but is here  
6 in spirit and is doing well, from what I understand,  
7 having spoken to him recently.

8 What it says on the Brennan award --  
9 this is something you should hear because the two  
10 people who are to receive it tonight, Don Robinson  
11 and Justin Walder, epitomize everything that this  
12 award was meant to do.

13 It was my great pleasure -- one of the  
14 great things I've been able to do as President of  
15 this group -- to call both of them and inform them  
16 they've been selected by the committee to achieve  
17 this award.

18 The award they will receive and  
19 recognize for their service to the Bar will say,  
20 among other things, "To an outstanding jurist or  
21 attorney whose contributions to the law are  
22 recognized by the Association as deserving of  
23 special and unique recognition as befits the name of  
24 Justice Brennan," in whose name the award is given.

25 If that doesn't mean something, I don't

1 think anything does. And we're enormously pleased  
2 to have selected the folks we have.

3 We also are very pleased to have the  
4 presenters, who are all well-known to you. I'm not  
5 going to spend a lot of time giving an introduction  
6 to each of them. If you don't know who they are,  
7 then you're really not part of this federal  
8 community, and all of you are.

9 So the first recipient of the award is  
10 someone who has been known to me since I got  
11 involved in this Association as "The Chief," Don  
12 Robinson. And I have the great pleasure -- and I  
13 truly mean this, Donald -- of introducing the Chief  
14 to present the award to the Chief.

15 (Applause.)

16 CHIEF JUDGE BISSELL: Ladies and  
17 gentlemen, and particularly our most distinguished  
18 guests, too numerous for me to mention and, happily,  
19 already acknowledged.

20 I understand there was a plot afoot  
21 hatched by Judge Politan, who apparently did not  
22 have the courage to come here and do it himself, to  
23 have my speech purloined off of the podium so that  
24 you would have to listen to me a capello, so to  
25 speak. I'm happy to say that I had enough agents in

1 the place to thwart that effort. Consequently, I'm  
2 going to have a little help here in terms of  
3 speaking about Don Robinson.

4 And I need a little help because  
5 although I've experienced some emotional moments in  
6 the past, few can match this one. I'm a fairly  
7 laconic guy from Northern New England, as you might  
8 expect. When you have to put up with all that bad  
9 weather, you learn to deal with it. But, I think I  
10 sense something that my senior partner, Donald Kipp,  
11 said over 20 years ago when he spoke at my  
12 swearing-in ceremony. He honored me with his  
13 appearance there in December of 1982. At that time  
14 he said something that I didn't understand then, but  
15 I do now. He said, "Although I am now retired from  
16 the practice of law and although I had practiced law  
17 here since the 1930s, I consider this one of the  
18 most important appearances in court that I have ever  
19 made." That was after nearly 50 years of the  
20 practice of law.

21 As I said, I didn't understand it then.  
22 I do understand it now. And I tell you from the  
23 bottom of my heart, and from every other source that  
24 I can muster, that I consider this probably the most  
25 important presentation that I have ever been called

1 upon to make, and certainly one that is the most  
2 gratifying.

3 If there is any person who truly needs  
4 no introduction to us it is Don Robinson. No one  
5 has been more vigorous, more visible and more  
6 dedicated than he when it comes to this federal  
7 court and its practice.

8 His has been a love affair with our  
9 court since the days of his clerkship with the late  
10 Judge Alfred Modarelli from 1953 to 1956. He loved  
11 our courthouse so much, he stayed three years. We  
12 don't even let them do this any more.

13 He has manifested that love, further,  
14 by a prolonged and active service that is second to  
15 none. While he needs no introduction, our public  
16 acknowledgement of his contributions, through  
17 conferring upon him the William J. Brennan, Jr.  
18 Award, is long overdue.

19 Listen to this: Don Robinson was and  
20 is the first Chair of this Court's Lawyers Advisory  
21 Committee, serving from 1983 to 1997, a committee on  
22 which he still serves as an active member;

23 The first President of the United  
24 States District Court of New Jersey's Historical  
25 Society, a position which he assumed in 1986 and

1 still holds;

2 The President of this Association from  
3 1973 to 1974 and still a member of its Board of  
4 Advisors;

5 The first arbitrator appointed under  
6 this Court's arbitration rule, a rule which he  
7 helped draft as a member of a special committee  
8 established for that purpose;

9 A certified, active and successful  
10 mediator in our court's mediation program;

11 A member of several merit selection  
12 panels charged with recommending appointees for the  
13 positions of Federal District and Magistrate Judge;

14 Co-chair of the Advisory Committee  
15 formed in 1992 to implement the Civil Justice Reform  
16 Act in our district.

17 And not content to confine his  
18 contributions to our Court, Don also served as Chair  
19 of the Third Circuit's Lawyers Advisory Committee in  
20 1990. But his efforts and accomplishments don't  
21 stop there.

22 As a member of four law firms, two of  
23 which he founded, he has been a vigorous litigator  
24 in our court for decades, a recognized expert in  
25 numerous fields, including the First Amendment

1 rights of a free press. Together with Mike  
2 Griffinger of Gibbons, Del Deo, Don has nurtured the  
3 Annual Battle of the Barristers Fresh Air Fund  
4 Softball Tournament to the point where on a summer  
5 evening in Branch Brook Park, each year a dozen  
6 firms play and contribute to that fund in excess of  
7 \$70,000 annually; thereby sending hundreds of  
8 Newark's inner-city children to summer camp.

9 Finally, Don has received numerous  
10 awards from other organizations who recognize, as we  
11 do tonight, his many accomplishments.

12 In addition to awards conferred by the  
13 Trial Attorneys of New Jersey, the Journalism  
14 Resource Institute of Rutgers University and St.  
15 Benedict's, Don is the first recipient of the annual  
16 Daniel J. Ohern Award given by the New Jersey  
17 Commission on Professionalism in the Law and the  
18 first recipient of the John F. Gerry Award  
19 established in memory of our beloved Chief Judge by  
20 the Camden County Bar Association.

21 Tonight Don takes his place among the  
22 distinguished past recipients of the Brennan Award.  
23 I'm sure that Don, with customary humility, will  
24 tell us that he is humbled and honored to join their  
25 ranks, but without question they're equally enriched

1 by his arrival. He's in good company and so are  
2 they.

3 While I have acquired the title of  
4 "Chief" purely through endurance and seniority, our  
5 honoree has earned it.

6 It is my pleasure to present the  
7 William J. Brennan, Jr. Award to our colleague and  
8 friend, "The Chief," Don Robinson.

9 (Applause.)

10 MR. ROBINSON: My sincere thanks, Chief  
11 Judge Bissell and my dear friend, for remarks I  
12 don't deserve, but I sure did enjoy hearing them.

13 And a special thanks from the lawyers  
14 practicing in our Federal Court in Camden, Trenton  
15 and Newark for your leadership, as Chief Judge, for  
16 disputing the view that the Court's work may not be  
17 intellectually exciting because there aren't enough  
18 sophisticated legal issues.

19 (Applause.)

20 MR. ROBINSON: There is no dispute,  
21 none at all, about the valuable judicial and now  
22 International work of our friend and hard-working  
23 colleague, Judge Orlofsky. He's one of the best.  
24 But there is reasonable disagreement with his  
25 opinion about the Court's calendar.

1                   Our Court is the second oldest district  
2 court in the nation. For 214 years it has been  
3 serving New Jersey as the tribunal that decides a  
4 wide array of disputes ranging from the allegations  
5 of a disgruntled prison inmate complaining about a  
6 guard's mistreatment to major corporations engaged  
7 in complex disputes about patents, trademarks and  
8 other business issues.

9                   The variety of matters in our federal  
10 court is as broad as is human conduct, including  
11 what some of us, especially me, regard as the  
12 Court's most important work -- enforcing the First  
13 Amendment's mandate of a free press, even when that  
14 press criticizes the courts. The work of our  
15 federal judges is varied and never routine, never  
16 trivial and always important.

17                  Yes, I've done some work for our  
18 beloved federal court, but so have many of you here  
19 tonight.

20                  I accept this award on behalf of the  
21 judges and the Court's personnel, on behalf of the  
22 lawyers and their teammates.

23                  You judges just don't decide cases.  
24 You devote your time to work on the Court's  
25 structural committees to improve the First Branch of

1 government in our beloved state. You have 15  
2 internal committees actively functioning within the  
3 Court, diverse and time-consuming off the bench.  
4 Hours for budgeting and overseeing the huge Clerk's  
5 office in three vicinages. And committees of judges  
6 handling jury problems, local rules, case  
7 management, pro bono programs, arbitration,  
8 mediation and ten more committees, including a  
9 committee on collegiality.

10 We, who are lawyers -- we devote our  
11 crowded schedules to many groups in helping the  
12 Court. We serve on the Lawyers Advisory Committee.  
13 We arbitrate and mediate over 1,000 lawsuits every  
14 year for little or no pay. We investigate and we  
15 prosecute disciplinary charges against lawyers. And  
16 one of my favorites. We're preserving the proud  
17 history of the Court through the Historical Society.

18 These are just a few examples of the  
19 lawyer loyalty to the Court.

20 Our beloved Chief Judge Gerry's  
21 inspirational message said it best. "I have  
22 boundless admiration for the extraordinary talent  
23 and commitment of the judges of the Court whose  
24 respect and friendship I cherish and for the members  
25 of our court family."

1                   Yes, he was correct. We do have a  
2 family -- the federal family -- judges and their  
3 support staffs, lawyers and their staffs, the  
4 Clerk's office. All of us reaching beyond ourselves  
5 in the service of the Court, just as Judge Gerry  
6 urged us to do.

7                   You folks who are the judicial members  
8 of the family, District Judges, Magistrate Judges,  
9 Bankruptcy Judges, the Clerk's office -- you're the  
10 branch of government that is under-budgeted,  
11 underpaid and under-appreciated. Your tasks are  
12 enormous and vital to the proper functioning of a  
13 free and democratic society.

14                  We lawyers, as members of the family  
15 who are officers of the Court, have a sworn duty to  
16 help you achieve substantial justice for all.  
17 Without the judiciary, there would be chaos in our  
18 communities. Without the lawyers, the judiciary  
19 could not function. Together we are a team.

20                  It is as a proud member of that team  
21 for many years that I and so many other lawyers,  
22 many of you here tonight, have tried to be useful.

23                  To the extent I've been useful, many of  
24 you know my No. 1 teammate who has been by my side  
25 devoting her time and her talent to help me help our

1 court. Gale. My deepest, deepest gratitude.  
2 Thanks for all you have done.

3 (Applause.)

4 MR. ROBINSON: And, Gale, the best is  
5 yet to be.

6 I shall never forget the thoughtfulness  
7 of this Association, of each of you here tonight, to  
8 honor my good friend and pal, Justin Walder, and me.  
9 My sincere thanks to President Gross and his  
10 Executive Committee, to Ronnie Siegal and Ginny  
11 Whipple Berkner for all they've done.

12 Lou Gehrig on his special day at Yankee  
13 Stadium thanked his teammates, his friends and his  
14 fans. He said, "Today I consider myself the  
15 luckiest man on the face of the earth."

16 Tonight on my special night here at  
17 Mayfair Farms, I know how he must have felt.

18 To each of you my gratitude, my sincere  
19 and heartfelt thanks for giving me the happiness of  
20 your friendship and for demonstrating your devotion  
21 to our federal family by joining the fun here  
22 tonight.

23 There are tears in my eyes -- tears of  
24 joy.

25 God save this Honorable Court and these

1 United States -- especially New Jersey -- and our  
2 federal family.

3 Thank you.

4 (Applause.)

5 MR. GROSS: You can see why those of us  
6 felt that honoring Donald in this fashion was long  
7 overdue and is enormously deserved.

8 There are two things I must do before I  
9 introduce our next presenter who will present the  
10 award to Justin Walder.

11 I was very neglectful in failing to  
12 acknowledge the person who really does put this  
13 whole group together. It is nice to be called  
14 President, as Rosemary will find out. But it is  
15 Ginny Whipple Berkner who really runs the whole  
16 show.

17 (Applause.)

18 MR. GROSS: Anyway, there are two other  
19 folks that I must mention that we also neglected to  
20 mention.

21 Part of what makes a court system work,  
22 and Donald so eloquently has told us and I've tried  
23 to before indicate to you, is the fact that we have  
24 this family that works well together.

25 We have two Clerks, the Bankruptcy

1 Clerk, Jimmy Waldron, and Bill Walsh, our United  
2 States District Court Clerk, who make our life a lot  
3 easier. They support us, they help us, they're here  
4 and we thank them very much.

5 (Applause.)

6 MR. GROSS: The second Brennan awardee  
7 is somebody that I've known a very long time and  
8 someone I've enjoyed calling my friend for many,  
9 many years.

10 I was just enormously pleased with  
11 Donald when I was able to call him and tell him this  
12 group has awarded him the Brennan Award. He  
13 epitomizes what Donald does. These are two lawyers  
14 who truly deserve this award.

15 It is nice to see lawyers receiving the  
16 award. Although our judges before, obviously,  
17 deserved it as well. We're very pleased to have  
18 that.

19 I have the pleasure of now introducing  
20 to you the person who will present the award to  
21 Justin Walder. As many of you know, one of my  
22 closest friends, someone that I do go back longer  
23 than I go with Justin to our undergraduate days,  
24 Senior United States District Judge Alfred Wolin.

25 Judge Wolin.

1 (Applause.)

2 JUDGE WOLIN: Our Chief Judge, Chief  
3 Judge Bissell, often has the occasion to make  
4 presentations. He made a very significant  
5 presentation within the past year when the American  
6 eagle was returned to the courthouse.  
7 Unfortunately, one morning we all came out and we  
8 found that the eagle had lost its head. Don, I hope  
9 it is not a pattern.

10 (Laughter.)

11 JUDGE WOLIN: I wish you well.

12 As your program indicates and David  
13 referred to, the William J. Brennan, Jr. award is  
14 presented to an outstanding jurist or attorney whose  
15 contributions to the law are recognized by the  
16 Association as deserving of special and unique  
17 recognition as befits the name of Justice Brennan in  
18 whose name the award is given.

19 Since 1977 this award has been given to  
20 40 such designated individuals. Of that number,  
21 while all were lawyers, only seven were legal  
22 practitioners. With the addition of this evening's  
23 honorees, a greater parity exists between the bench  
24 and the bar.

25 Justin Walder is a legal practitioner

1 whose achievements over the past 42 years exemplify  
2 the wit, the wisdom and the charm that permitted  
3 Justice Brennan to rise as a giant among his peers.  
4 This evening Justin Walder joins the legion of  
5 distinguished past recipients who preceded him to  
6 this honor.

7 Justin's affinity for the courts was  
8 demonstrated long before he became a member of the  
9 bar. In the environs of the city of Passaic, at an  
10 early age, he demonstrated that on the basketball  
11 court he was a cut above the rest. Basketball was  
12 the training ground where he developed the  
13 competitive zeal that he has exhibited throughout  
14 his legal career.

15 Recently, I asked Justin what  
16 similarities did he think he had in common with  
17 Justice Brennan. There was a thoughtful pause  
18 before he answered. He then inquired, "Did the  
19 Justice shoot hoops?"

20 After that answer, I knew that this  
21 evening I was on my own.

22 (Laughter.)

23 The next court that has played a  
24 prominent role in Justin's life is the tennis court.  
25 One only need visit the tennis pavilion at the

1 Crestmont Country Club to understand the role that  
2 tennis has played in the formation of his self  
3 image.

4 On the way to the tennis courts you  
5 must pass an array of plaques that proclaim Justin  
6 as the "Club Champion." He feigns embarrassment at  
7 these outward symbols of achievement. Nonetheless,  
8 as an old friend, I recognize the wry grin that  
9 creases his lips.

10 Finally, there is the court of law.  
11 His early associations as a Deputy Attorney General  
12 of New Jersey and later as an Assistant Essex County  
13 Prosecutor served as a legal laboratory and a  
14 proving ground for the skills that have guided him  
15 throughout his career.

16 As a legal practitioner Justin Walder  
17 is viewed as a paragon of excellence. His array of  
18 clients cross all segments of the community.  
19 Judges, lawyers, captains of industry and the less  
20 exalted regularly seek his good counsel because they  
21 understand that his excellence is the product of  
22 meticulous preparation and unswerving devotion to  
23 his client's cause.

24 Notwithstanding his quiet reserve,  
25 personal passion permeates everything that Justin

1 touches.

2 When historians view the year 2003, the  
3 term "Warrior" will serve as a metaphor for this  
4 time in our nation's history. Warriors come cloaked  
5 in all types of garb. Some wear armor. Others,  
6 like Justice Brennan and our honoree -- they speak  
7 softly but carry a big stick.

8 Justin Walder is a warrior in every  
9 sense of the word. Ask any lawyer who has opposed  
10 Justin or any judge before whom he has appeared and  
11 they will praise his penchant for being the best  
12 Justin Walder he can be.

13 Justin's resume is replete with service  
14 to law-related endeavors far too many to mention.  
15 Likewise, a number of honors he has received for  
16 selfless contributions of time, effort and money to  
17 both the legal and non-legal communities speak  
18 volumes as to his character.

19 On a personal level, he is a loving and  
20 caring husband to his wife Lana, a devoted father to  
21 his children, Jeffrey, Stephen, Linda and Lizzie and  
22 an adoring grandfather to his grandchildren,  
23 Jessica, Alex, Lena and Ava.

24 Now, because of the constraints of  
25 time, I will refrain from mentioning the number of

1 times I have been the victim of his competitive zeal  
2 or the object of his practical jokes. My  
3 opportunity for payback will come on another  
4 occasion.

5 This evening it is my privilege and  
6 honor to present to you a true warrior, an  
7 individual who has turned stumbling blocks into  
8 stepping stones and for so many has transformed  
9 obstacles into opportunities.

10 Justin.

11 (Applause.)

12 You're on your own.

13 MR. WALDER: Someone suggested that I  
14 should just speak from my heart. That person was  
15 obviously unaware that I would be the one delaying  
16 dinner for hundreds of people who are here tonight.  
17 So I promise my heart will speak with all deliberate  
18 speed.

19 First of all, Judge Wolin, thank you  
20 for your kind and generous introduction.

21 I must say, after listening to some of  
22 the laudatory comments by Judge Wolin, I can only  
23 pause and then shake my head and reflect on my  
24 uninterrupted and perfect streak in my various  
25 appearances before Judge Wolin in both the state and

1 federal courts. I want to share with you that that  
2 streak consists of no wins.

3 (Laughter.)

4 As a matter of fact, I cannot even  
5 recall him having granted any motion that I made.

6 (Laughter.)

7 I guess, in fact, perhaps my finest  
8 accomplishments before his Honor may have been an  
9 occasional objection that was sustained.

10 (Laughter.)

11 Of course, this serves as clear proof  
12 of his fairness and independence during my  
13 representation of someone obviously unjustly  
14 accused.

15 I should also share with you that my  
16 partner, Joe Hayden, has assured me that my  
17 selection as a recipient of the Brennan Award is due  
18 mainly to the fact that I am now part of the Irish  
19 firm of O'Walder, Hayden & Brogan.

20 (Laughter.)

21 Seriously, this is truly a special  
22 night and I thank all the distinguished judges of  
23 the federal and state courts for joining in this,  
24 the 27th Annual Justice William J. Brennan, Jr.  
25 award dinner.

1 I am truly honored to share this honor  
2 with Don Robinson, who is my friend and pal and who  
3 is an extraordinary lawyer and the most dedicated  
4 supporter and leading cheerleader of the Federal  
5 Bar.

6 Don, you're great.

7 (Applause.)

8 I also want to express my  
9 congratulations to the superb leadership this year  
10 of our President, David Gross, and I know this  
11 tradition will be continued by our incoming  
12 President, Rosemary Alito. We extend our thanks and  
13 best wishes to both of you.

14 (Applause.)

15 Some reflection seems appropriate.  
16 Justin Brennan, as I'm sure most of you know, was  
17 born in Newark and had served as an Associate  
18 Justice of the New Jersey Supreme Court and a judge  
19 of the Superior Court for some seven years prior to  
20 his confirmation as a Justice of the United States  
21 Supreme Court. During his 34 years on the United  
22 States Supreme Court, through force of mind and  
23 personality, Justice Brennan was the true leader of  
24 the Court and rightly recognized for his influence  
25 on American life. His 1,360 opinions provide an

1 enduring legacy and inspiration.

2 He maintained a principled commitment  
3 to the Bill of Rights. He was a jurist for all  
4 times with a passion informed by reason, human  
5 dignity and legal intellect.

6 Since ICLE, understandably, will not  
7 grant any continuing legal education credits to the  
8 attendees this evening, I have decided not to  
9 attempt or even discuss the many landmark decisions  
10 authored by Justice Brennan. Rather, I thought I  
11 would share a true story reported in the biography,  
12 "A Justice For All," by Kim Eisler. It shows how a  
13 person of such great intellect shares the frailties  
14 we have all experienced in various ways,  
15 particularly at the outset of one's professional  
16 career.

17 It is reported that Justice Brennan's  
18 first case, one to which, I gather, he was assigned  
19 by the Court, involved the representation of a young  
20 man charged with death by auto.

21 At the trial. Mr. Brennan called a  
22 retired police officer as a character witness. Mr.  
23 Brennan asked the witness for the defendant's  
24 reputation for veracity in his neighborhood. The  
25 witness did not want to admit that he did not know

1 the meaning of "veracity," so he responded to the  
2 question by saying, "The defendant is a good  
3 automobile driver."

4 Mr. Brennan repeated the question three  
5 times, receiving the same answer, and his face  
6 reddened with frustration.

7 The judge, observing what was  
8 happening, turns to the witness and says, "Is this  
9 young man the kind of person who tells the truth?"

10 The witness promptly responded, "I have  
11 never known him to tell a lie."

12 The judge then leaned over to the  
13 witness and said, "That is what Mr. Brennan was  
14 asking you. But you have to understand, he's a  
15 Harvard graduate and doesn't speak English."

16 (Laughter.)

17 If you talked to anyone who had the  
18 pleasure of meeting Justice Brennan, they will tell  
19 you that he was a warm, caring person even at a very  
20 first meeting and you left believing you had been a  
21 lifelong friend.

22 He would speak always with a smile on  
23 his face and a twinkle in his eyes. He always  
24 exchanged pleasantries with the same warm manner to  
25 everyone, regardless of their station in life.

1                   To be deemed worthy of the Justice  
2 Brennan Award is a great privilege. To be selected  
3 by my peers is, indeed, a special honor. To join  
4 the list, which is in the program, of prior  
5 recipients is most humbling. To have so many  
6 colleagues and friends present is heart-warming and  
7 special.

8                   I am deeply grateful and greatly  
9 honored by the Association of the Federal Bar of the  
10 State of New Jersey for designating me as a  
11 recipient of the Brennan Award.

12                  Although one's professional  
13 accomplishments are gratifying, as we all know, they  
14 cannot happen without the loyal support and constant  
15 assistance and hard work of my partners, associates  
16 and the entire team at Walder, Hayden & Brogan.

17                  We are a team that I am proud to be a  
18 part of. We are a team with the guiding principles  
19 of advocacy, but with civility and of being well  
20 prepared.

21                  We recognize our compelling obligation  
22 to clients, but never forget our overriding  
23 obligation to the Court and our system of justice.

24                  The practice of law has and continues  
25 to be full of fun, excitement and challenges. I am

1 blessed by a great family which gives me great pride  
2 and happiness.

3 Permit me to introduce my kids, who are  
4 really no longer kids, and their respective spouses.

5 Would you please stand as I call your  
6 name? Linda, Fred, Jeff, Barbara, Steve, Jill, Liz  
7 and Scott.

8 (Applause.)

9 Thank you.

10 In addition, as Judge Wolin mentioned,  
11 four of my grandchildren are here tonight, who I  
12 would also ask to stand. Jessica, Alex, Lena and  
13 Ava.

14 (Applause.)

15 For me this would not all be possible  
16 without the support, devotion and love of my wife,  
17 Lana. Please stand.

18 (Applause.)

19 Tonight is for celebration and, most  
20 important, not to hold up dinner any longer. This  
21 is an evening I, indeed, will never forget.

22 Thank you so much for sharing it by  
23 your presence.

24 (Applause.)

25 MR. GROSS: Okay, folks. That's our

1 program.

2 I now, happily, turn the reins of this  
3 fine organization over to my dear friend, Rosemary  
4 Alito.

5 Thank you all for coming. The one  
6 thing I will say is this. For the younger lawyers  
7 in the group, you can see why these guys got the  
8 award. You can only aspire to be like them.

9 Thanks for coming. Good night.

10 (Applause.)

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