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THE ASSOCIATION

OF THE FEDERAL BAR

OF THE

STATE OF NEW JERSEY

THE TWENTY-EIGHTH

ANNUAL DINNER

COMMEMORATING

THE WILLIAM J. BRENNAN, JR. AWARD

MAYFAIR FARMS

WEST ORANGE, NEW JERSEY

JUNE 10, 2004

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

<p>1 MS. SIEGAL: Good evening. On behalf 2 of the Association of the Federal Bar of the State 3 of New Jersey, I warmly welcome all of you to our 4 28th Annual William J. Brennan, Jr., Award Dinner. 5 My name is Ronny Siegal and I'm your dinner 6 chairperson. 7 This evening there are almost 500 8 people here. There are over 40 members of the 9 federal and state judiciary. The size of this 10 gathering reflects the respect, the admiration and 11 also the great warmth that we feel for this 12 evening's recipients: The Honorable Edward Becker, 13 Judge of the United States District Court -- I'm 14 sorry -- the United States Court of Appeals for the 15 Third Circuit and Fred Becker. Not only President 16 of Wilentz, Goldman & Spitzer, but a former 17 Chairperson of these dinners for many a year. 18 (Applause.) 19 MS. SIEGAL: Now we welcome our 20 honorees, their families and their friends. But I 21 would like to mention some prominent individuals who 22 are with us this evening. Our judges from the 23 United States Court of Appeals for the Third 24 Circuit, our Chief Judge for the United States 25 District Court, John W. Bissell, our former Chief</p>	<p>2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>(God Bless America is sung.) (Applause.) MS. ALITO: Thank you, ladies, for that beautiful song and thank you all for attending our dinner this year. Our Brennan dinner this year is an especially poignant dinner because of the recent passing of our friend and past President and colleague, Bill Brennan, who was, of course, so active in the history of this dinner and the Brennan Award, which is named for his father. All of us know what a talented and respected attorney Bill Brennan was. Most of us know how much he contributed to the legal profession as State Bar President, as President of this Association, as a long time member of the ABA Standing Committee on the federal judiciary, as the State Chair of Fellows of the American Bar Foundation. Those of us who were fortunate enough to work closely with Bill also know what a wonderful person he was. He was generous, he was considerate, he was a model to people coming up in the Bar. I, personally, had the pleasure of getting to know Bill as fellow members of the</p>
<p>1 Judge, Anne Thompson, our district court judges, our 2 federal magistrates, Chief Justice Deborah Poritz, 3 Associate Justice Peter Veniero, James Zazzali of 4 the New Jersey Supreme Court, Chief Judge of the 5 Bankruptcy Court, Rosemary Gambardella, our 6 bankruptcy judges, the Deans of our three law 7 schools, Rutgers at Camden, Rutgers at Seton -- I'm 8 sorry -- Rutgers at Newark -- I may lose this job 9 next year -- and Seton Hall. 10 Each one has a standard of excellence 11 that we aspire to and we're honored that they're with 12 us this evening. 13 And we are indebted to Stan Rizman, who 14 listens to us every day. And despite that fact, he 15 still volunteers his time evening. 16 (Applause.) 17 MS. SIEGAL: Now, it is my distinct 18 pleasure to introduce three young woman from the 19 ensemble at Oak Knoll School in Summit and, quite 20 interestingly, they're the daughters and 21 granddaughters of members of the New Jersey Bar as 22 well as the federal judiciary. Their names are 23 Leigh DeCotiis, Jessica Roy and Claire Whipple and 24 they will sing God bless America. 25 (Applause.)</p>	<p>3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>Editorial Board of the New Jersey Law Journal. Bill for many years was a mainstay of the Editorial Board. For many years he had what was, perhaps, our most important job of selecting the French wines that we consumed at our monthly dinner meetings. (Laughter.) MS. ALITO: Bill did this to the great delight of the members of Editorial Board. But, unfortunately, at some point, to the shock and chagrin of our then-publisher, Steve Brill, who was paying the bills. But, of course, much more important than Bill's spectacular selection of wines was the fact of Bill's presence among us on the Editorial Board. The prospectus that he provided, the example that he set for all of us. Not just as lawyers, but also as people. When I first started attending Law Journal functions some 20-plus years ago, including some very special dinners that Bill arranged for us with his father in the Supreme Court building in Washington and at the House of Lords in London, I was by many years the youngest person among the group and I was by many, many times the least accomplished person among the group. On many</p>

<p>1 occasions I was the only woman.</p> <p>2 Bill Brennan on every occasion went out</p> <p>3 of his way to be gracious, to be inclusive, to make</p> <p>4 the least important person in the room feel like</p> <p>5 they fit right in. We all appreciated that. We all</p> <p>6 try to model ourselves after this.</p> <p>7 This Association is very proud to have</p> <p>8 had Bill Brennan as our President. We emulate him.</p> <p>9 We will miss him and I ask that we now take a moment</p> <p>10 of silence to remember Bill.</p> <p>11 (A moment of silence is taken.)</p> <p>12 MS. ALITO: Thank you.</p> <p>13 On a much more pleasant note, one of</p> <p>14 happiest things this Association is able to do at</p> <p>15 this dinner is to present scholarships in memory of</p> <p>16 another of our deceased Presidents, John J. Barry.</p> <p>17 This year we have recipients of the John J. Barry</p> <p>18 Memorial Scholarship from each of the three law</p> <p>19 schools.</p> <p>20 I'm going to ask that as I mention the</p> <p>21 names -- I think they are all present tonight --</p> <p>22 please stand and everyone hold your applause until</p> <p>23 everyone has been introduced.</p> <p>24 From Rutgers Newark we have Genevieve</p> <p>25 Spires, who is Editor-in-Chief of the Law Journal</p>	<p>1 leading treatise on employment law as well as the</p> <p>2 partner at McCarter & English in charge of their</p> <p>3 employment law practice. She handles everything</p> <p>4 with great grace and charm and compassion and</p> <p>5 success. And I can tell you, having worked closely</p> <p>6 with Rosemary over the past 12 months with the</p> <p>7 Association, with the officers of the Board, it has</p> <p>8 been an absolute delight.</p> <p>9 On behalf of the Association we have a</p> <p>10 lovely plaque to give to Rosemary. It is not</p> <p>11 written in plain English, so I'm not going to read</p> <p>12 it. But it does speak to the dedication and</p> <p>13 sureness and wise counsel that Rosemary has given to</p> <p>14 the Association and to the total Bar and judiciary</p> <p>15 this year. Again, I ask you that you all join me in</p> <p>16 congratulating her.</p> <p>17 (A standing ovation is given.)</p> <p>18 MS. ALITO: It is now time for me to</p> <p>19 announce the new slate of officers for the</p> <p>20 Association for the coming year.</p> <p>21 Bill Maderer, whom you have just met,</p> <p>22 who will be the President of the Association.</p> <p>23 (Applause.)</p> <p>24 MS. ALITO: Joe Hayden, who is the</p> <p>25 President-elect. Carl Poplar, the First Vice</p>
<p>1 there.</p> <p>2 From Seton Hall we have Monica</p> <p>3 Perrette, who is on the Law Journal and I understand</p> <p>4 has a GPA of 3.8.</p> <p>5 From Rutgers Camden he have Diedre</p> <p>6 McInerney, who is also a member of the Law Review</p> <p>7 with another incredibly high GPA that the rest of us</p> <p>8 wish we had when we were back in school.</p> <p>9 So congratulations to all of you.</p> <p>10 (Applause.)</p> <p>11 MR. MADERER: Good evening. My name is</p> <p>12 Bill Maderer. I'm the incoming President of the</p> <p>13 Association. In that capacity and on behalf of the</p> <p>14 Association, its Board of Trustees and officers, I</p> <p>15 want to thank Rosemary for a job very well done this</p> <p>16 year.</p> <p>17 (Applause.)</p> <p>18 MR. MADERER: I counted about five</p> <p>19 among you who came out to congratulate me for my</p> <p>20 ascension to this position and about 495 for our</p> <p>21 two honorees and Rosemary. I think that is totally</p> <p>22 appropriate.</p> <p>23 Rosemary has balanced a very active</p> <p>24 practice of law, her position at the Law Journal,</p> <p>25 her many other pursuits, including writing the</p>	<p>1 President. Jeff Greenbaum, Second Vice President.</p> <p>2 Dennis Drasco, Secretary. And Ronny Siegal, as</p> <p>3 Dinner Chair for tonight, will become Treasurer of</p> <p>4 the Association.</p> <p>5 (Applause.)</p> <p>6 MS. ALITO: Now, to the heart of our</p> <p>7 program tonight, the presentation of the Brennan</p> <p>8 Award.</p> <p>9 Before introducing the first person,</p> <p>10 I'd like to thank the committee that work -- of</p> <p>11 members of the Association who worked on selecting</p> <p>12 our honorees this year. Dave Gross, the immediate</p> <p>13 past President, Bill Maderer, Carl Poplar and Joe</p> <p>14 LaSala.</p> <p>15 To present the award to Judge Becker,</p> <p>16 we have Paul Fishman, former law clerk to the Judge.</p> <p>17 Paul.</p> <p>18 (Applause.)</p> <p>19 MR. FISHMAN: Thank you, Rosemary.</p> <p>20 Chief Judge Bissell, members of the</p> <p>21 District Court, members of the Circuit Court,</p> <p>22 members of the State Supreme Court and other judges.</p> <p>23 Friends, family, Flora Becker and, if I may be</p> <p>24 permitted in a tradition in the Becker chambers,</p> <p>25 "Yo, Judge."</p>

<p>1 Three years ago I had an oral argument 2 in front of the Third Circuit. It was not before 3 Judge Becker, for whom I clerked. It was before 4 Judge Scirica, Judge Barry and Judge Nygaard. I was 5 the appellee, representing the appellee in the 6 argument which, on a motion to quash a Grand Jury 7 subpoena, was generally a good thing. I won an 8 undeserved victory in the District Court and was 9 summarily crushed on appeal.</p> <p>10 But when the argument started, Judge 11 Scirica turned to my adversary, Allen Tannenbaum 12 from the U.S. Attorney's office, and said, "Mr. 13 Tannenbaum, I know the Court has given each side 15 14 minutes. But I also know that Mr. Fishman clerked 15 for Judge Becker. So I know that when he gets up 16 second, he's going to take as much time as he thinks 17 he wants. So you can have as much time as you 18 want." And so we each had about 35 or 40 minutes a 19 side.</p> <p>20 It is a huge honor and a tremendous 21 privilege for me to present this award to my former 22 boss, Judge Becker.</p> <p>23 I would be remiss if I didn't first 24 congratulate the winners of the John Barry 25 scholarships and Judge Becker's co-award winner,</p>	<p>1 But other people have been actually 2 overheard recently what they might do if this is the 3 trend and the only example actually that came to 4 mind when I was at the cocktail party is that 5 years -- after years and years of protest, Bruce 6 Goldstein, who has insisted that is how his name 7 should be pronounced, "Goldstine," offered to 8 Jonathan that he would actually start pronouncing it 9 "Goldsteen" if that would improve their chances.</p> <p>10 (Laughter.)</p> <p>11 MR. FISHMAN: Now, the truth is I don't 12 actually think that is the trend that makes a 13 difference at this dinner tonight. There is another 14 trend that I want to talk about. Last year's 15 recipients were Justin Walder and Don Robinson. 16 This year's recipient's are Fred Becker and Ed 17 Becker.</p> <p>18 And as far as I can tell, with the 19 ascension of Bill Maderer to the Presidency of the 20 organization, what we have is the renaissance of the 21 short man.</p> <p>22 (Applause.)</p> <p>23 MR. FISHMAN: The Lacey era, the 24 Debevoise era, the Judge Thompson era is over. 25 (Laughter.)</p>
<p>1 Fred Becker.</p> <p>2 On that subject I think we should at 3 least mention the fact that the honorees this year 4 are both named Becker. It is true it may be just a 5 coincidence that when Judge Becker first went into 6 practice after graduating from Penn and Yale Law 7 School, he practiced in a firm called Becker & 8 Becker, which was a firm that was comprised of him 9 and his father and other folks.</p> <p>10 But I don't think that is what is going 11 on here. What is going on here may be a 12 coincidence, but it may be a trend. We really don't 13 know. I do know that in a group of people like 14 this, who make their living predicting jury verdicts 15 and hypothesizing about the way things are going to 16 turn out and, to be fair, myself included, are 17 opportunists of the first order. People have been 18 talking about who is going to get it next year.</p> <p>19 The Alitos are candidates. Sorry, 20 Martha. I don't actually mean you. The Wolfsons, 21 the Haydens, although only Joe has actually been 22 practicing long enough in that couple. A remark on 23 his age, of course, and not Katherine, who we love.</p> <p>24 The DeCotiis's are possibilities if we 25 do the whole brother thing.</p>	<p>1 MR. FISHMAN: And while I have no doubt 2 that next year Joe Hayden will be a perfectly fine 3 President of the organization, I very much look 4 forward to Carl Poplar's presidency the year after 5 that.</p> <p>6 (Laughter.)</p> <p>7 MR. FISHMAN: Judge Becker, of course, 8 while he is a man of short physical stature, is 9 hardly that as a lawyer and as a judge.</p> <p>10 I want to spend just a couple of 11 minutes talking about why I think Judge Becker is 12 such a terrifically deserving recipient of this 13 year's William Brennan Award.</p> <p>14 First of all, just in terms of what 15 Justice Brennan meant as a legal scholar and the 16 opinions that he wrote and the impact that he had on 17 the law. While Judge Becker, of course, has not had 18 the same opportunity on the Third Circuit that one 19 would have on the Supreme Court, there is no 20 question in my mind that if you look at what Judge 21 Becker has done over the course of his now 34 years 22 on the bench, his impact on the law, both in this 23 circuit and federally has been, to my mind, nothing 24 short of breath taking. He's written, as far as I 25 can tell, well over a thousand opinions.</p>

<p>1 Those of us who know him well and have 2 read those opinions know that none of them are 3 short. But it is not the number of the opinions or 4 the number of pages that they consumed that actually 5 makes the difference. If you look at the topics 6 that he has written about, there are a substantial 7 number of areas in which he has set the tone for the 8 conversation among the federal judiciary and among 9 the Bar. In areas like class action appointments, 10 class action settlements, complex litigation, the 11 Sentencing Guidelines, expert testimony and 12 evidence, Judge Becker has set the tone and defined 13 the debate.</p> <p>14 Just one example is -- we're all 15 familiar with the Supreme Court's opinion in the 16 Daubert case, rejecting the Frye standard for expert 17 testimony. If you read that opinion with any care, 18 you will see that eight years earlier Judge Becker, 19 in an opinion called "Downing," written for the 20 Third Circuit, actually set out the standard that 21 Justice Blackmun adopted in that case: "Fit and 22 reliability." Eight years ahead of the Supreme 23 Court and changes the course of the debate and the 24 rules of evidence in this circuit.</p> <p>25 That is just one example. But there</p>	<p>1 approaches a case.</p> <p>2 You also learn when he gets a case what 3 he thinks about the lawyers in the case. Because 4 right after he asks "What is the case," the second 5 question is "Who are the lawyers?"</p> <p>6 I think it is partly because when 7 you're a Circuit judge you don't have quite the same 8 contact you have when you're a District Court judge, 9 but partly for Judge Becker who the case is about is 10 who the lawyers in the case are. Not because he 11 thinks one might be better or worse, but just 12 because he's interested to see who is representing 13 whom and what their arguments will be.</p> <p>14 He also, as a great judge, is very 15 cognizant of what lawyers deserve when they appear 16 before him and before his court.</p> <p>17 That translates in lots of ways. 18 First, he is always courteous to a fault.</p> <p>19 Second, as I discussed earlier, his 20 penchant for oral argument is legendary because he 21 believes when lawyers are there and they have an 22 argument to make, they deserve the respect that they 23 should get to make their full argument.</p> <p>24 This attitude, I think, was expressed 25 fully when he was Chief Judge in the decisions that</p>
<p>1 are other kinds of opinions that he wrote. In the 2 Mackensworth case with which many of you may be 3 familiar, Judge Becker proved that writing opinions 4 is not always as serious as it has to be.</p> <p>5 In that case he was presented with 6 briefs by one lawyer that contained a limerick. The 7 other side responded with a limerick. Judge Becker, 8 rising to the challenge, rising to the challenge, 9 proving however, that he's not necessarily quite as 10 good a poet as he is a judge, wrote an entire 11 opinion in verse.</p> <p>12 But that is not what makes him a great 13 judge. Not the scholarship and not the opinions. 14 It is how -- partly it is how he approaches a case. 15 When Judge Becker first gets a case, he wants to 16 know who are the parties, what is the case about, 17 and what is really at stake. Not because he's 18 result-oriented. Far from it. Because he wants to 19 understand what the case is about so he can approach 20 it practically and seriously. And so when you clerk 21 for him what you learn is that a case is more than 22 the words on the paper and the briefs that come 23 before the Court.</p> <p>24 There is something real at stake and 25 something he actually cares a lot about when he</p>	<p>1 he made as Chief Judge and what he brought to bear 2 on his administration in the Circuit.</p> <p>3 For example, he decided there should no 4 longer just be sittings in Philadelphia and the 5 Virgin Islands, but also in Pittsburgh and Newark. 6 He decided the Third Circuit -- actually he got this 7 to happen before he became Chief Judge -- that the 8 Third Circuit Judicial Conference should be open to 9 everyone and not just to a select list of people who 10 were invited. He established a number of task 11 forces.</p> <p>12 But the thing I want to talk about the 13 most in that regard is his decision on behalf of the 14 Third Circuit that there would no longer be one-line 15 judgment orders in Third Circuit cases.</p> <p>16 Now, to a lot of people that didn't 17 make a big difference. But to the judge, the idea 18 that people would spend a huge amount of time and 19 often a huge amount of money to come before one of 20 the highest courts in the land, to win or to lose 21 but not to know why, not to know how much 22 consideration the Court had given to the case, that 23 to him, as a lawyer, was an affront. And so he got 24 the Court to decide not to do that.</p> <p>25 I want to read you just one sentence --</p>

<p style="text-align: right;">18</p> <p>1 actually, two sentences from his testimony recently</p> <p>2 before a committee chaired by Judge Alito on whether</p> <p>3 courts should be required to publish all of their</p> <p>4 opinions or not. And in describing his decision on</p> <p>5 judgment orders, what he said is, "We owe more to</p> <p>6 our colleagues at the Bar. We owe more to our</p> <p>7 profession. After all, we are nothing but lawyers</p> <p>8 with a robe and a commission. We owe more than that</p> <p>9 to them and their clients. I viewed it and view it</p> <p>10 and, as a matter of respect, it is a matter of</p> <p>11 respect for our profession, it is a matter of</p> <p>12 accountability, it is a matter of responsibility."</p> <p>13 What that says about Judge Becker and</p> <p>14 his approach to the lawyer and lawyers is</p> <p>15 characteristic of his approach to his life, to being</p> <p>16 a judge.</p> <p>17 Last week I was on a plane and sat next</p> <p>18 to a man who told me that he was on his way to watch</p> <p>19 his seven-year-old son play in a golf tournament.</p> <p>20 His son was on a two-month tour to play golf as a</p> <p>21 seven year-old. True story. I was talking with</p> <p>22 this guy. It seemed a little weird to me. He said</p> <p>23 he was delighted that his son at seven had</p> <p>24 discovered what he really loves to do in life.</p> <p>25 I think that is a little nuts. What I</p>	<p style="text-align: right;">20</p> <p>1 wife, Flora who is here, three terrific children,</p> <p>2 Chip, Jonathan and Susan, who couldn't be here.</p> <p>3 Through all of that, he has managed to</p> <p>4 spend a huge amount of time with them and a huge</p> <p>5 amount of time with the court. He is tireless. He</p> <p>6 is dedicated. He is loyal. He is a friend. He is,</p> <p>7 to my mind, the most wonderful human being I have</p> <p>8 ever worked with. And it is my privilege, on behalf</p> <p>9 of the Association, to present to my friend, Judge</p> <p>10 Becker, this year's Annual William Brennan Award.</p> <p>11 (Pause)</p> <p>12 JUDGE BECKER: Do I get a few words</p> <p>13 now?</p> <p>14 I am extremely grateful for the</p> <p>15 wonderful, wonderful words that Paul has spoken</p> <p>16 about me and for this magnificent award. Any award</p> <p>17 from the Association of the Federal Bar of New</p> <p>18 Jersey is to be prized. Members of the New Jersey</p> <p>19 Federal Bar who have appeared before me over the</p> <p>20 past 22 years during which I have sat on the Third</p> <p>21 Circuit Court of Appeals had been almost uniformly</p> <p>22 first rate. So your accolade is very high one.</p> <p>23 Any award that bears the name of</p> <p>24 Justice Brennan from his home State Bar is a</p> <p>25 veritable pantheon of honors. I'm also grateful for</p>
<p style="text-align: right;">19</p> <p>1 took from it, though, was it is terrific to find at</p> <p>2 some point in your life what you really love to do</p> <p>3 and make your living at it. And the truth is I</p> <p>4 think that is what distinguishes Judge Becker and</p> <p>5 what makes him, not to put too fine a point on it,</p> <p>6 but what someone was quoted recently in the</p> <p>7 Philadelphia Daily News as saying, "He's the finest</p> <p>8 living judge in the United States."</p> <p>9 What makes him so terrific at his job</p> <p>10 is that he loves it. He loves everything about it.</p> <p>11 Not the emoluments. Certainly not the pay. It's</p> <p>12 not the ego. It's not about ambition. But what</p> <p>13 Judge Becker loves about being a judge is the</p> <p>14 ability to participate in the American legal system</p> <p>15 in a way that allows him to do justice in case after</p> <p>16 case after case.</p> <p>17 You only have to see him standing at a</p> <p>18 conference in his swim trunks in the surf reading</p> <p>19 briefs to know how much he loves his work. Judge</p> <p>20 Becker loves what he does. And he does it</p> <p>21 extraordinarily well. And he works hard. And the</p> <p>22 thing that is remarkable about him is that as hard</p> <p>23 as he works -- and his ability to work is</p> <p>24 prodigious. At the same time, he has an enormous</p> <p>25 commitment to his family life. He has a wonderful</p>	<p style="text-align: right;">21</p> <p>1 the presence of so many of my colleagues on the</p> <p>2 Third Circuit Court of Appeals, one of the truly</p> <p>3 great appellate courts of this nation.</p> <p>4 Our Court consistently turns out work</p> <p>5 of the highest quality; as good as that of any</p> <p>6 federal court in the land.</p> <p>7 That it does so is a function of the</p> <p>8 high intelligence and extraordinary industry of my</p> <p>9 wonderful colleagues.</p> <p>10 I'm also moved by the presence of so</p> <p>11 many judges of the District of New Jersey. Fine</p> <p>12 judges and colleagues all. The federal judiciary,</p> <p>13 to which we judges belong, is the jewel in the crown</p> <p>14 of the Republic.</p> <p>15 In my view the independence, integrity,</p> <p>16 competence and courage continually exhibited by</p> <p>17 members of the federal judiciary have done more than</p> <p>18 anything to establish the rule of law as the</p> <p>19 hallmark of American democracy. It is this</p> <p>20 judiciary that has set America apart from the rest</p> <p>21 of the world and assured that the promise of liberty</p> <p>22 will always be a reality.</p> <p>23 My colleagues in the federal judiciary</p> <p>24 are a most remarkable group of people. They're</p> <p>25 extremely smart, dedicated and hard working.</p>

<p>22</p> <p>1 Faithful to their oath, they administer justice 2 without regard to person and have given this nation 3 the highest quality of justice that exists anywhere. 4 If I deserve this award, I attribute it 5 to three factors. The first is hard work. When we 6 hung the portrait of our colleague, Joe Wise, a few 7 years ago, one of the speakers said that the reason 8 that Joe had been such a jury lawyer -- such a good 9 jury lawyer in his days at the bar, was that he 10 out-niced everybody. Well, I probably outworked 11 everybody. 12 The second factor is my judicial credo 13 by which I have never ceased to live. There are no 14 small cases. And no matter what your judicial 15 reputation may be, you are only as good as your last 16 case. 17 Third is my law clerks and the way we 18 have always worked together. I have been blessed 19 with the best and the brightest and the nicest group 20 of law clerks that any judge has ever had. My 21 relationship with my law clerks has always been 22 governed by what I call the "zero deference rule," 23 which means that no law clerk is ever allowed to 24 give me the slightest deference on anything, whether 25 it be a legal conclusion or the manner of expression</p>	<p>24</p> <p>1 I think Fred would have had my head tomorrow. That 2 may be the lengthiest part of what I have to say. 3 Not because Fred doesn't deserve more, but because 4 we are all hungry. 5 (Laughter.) 6 MR. BROWN: It was mentioned by Mr. 7 Fishman that this is the two-Becker award. That may 8 have been designed. I'm not sure, as he indicated. 9 So that in the future we will have two Bs or two 10 Beckers and then two Cs, and so forth and so on. 11 But I trust that however it is, the 12 future honorees will deserve this award as much as 13 the two honorees tonight. 14 And before I begin to say anything 15 else, I love Fred Becker. He's my best and dearest 16 friend. And I mean friend by the very meaning of 17 friend. 18 The New Jersey Lawyer this week carried 19 an article about this event and many of you have 20 probably seen it. There were two pictures; one of 21 Judge Becker, which showed a handsome, dignified 22 jurist. The other picture of Fred must have been 23 recovered from a WANTED poster. 24 (Laughter.) 25 MR. BROWN: When I was asked to be the</p>
<p>23</p> <p>1 or even the choice of a word. I can tell you with 2 great pride they never have. 3 Finally, a few words about the 4 presenter. Paul Fishman, no surprise, is one of my 5 all-time favorite law clerks and all-time favorite 6 people. He is one of the smartest, cleverest, 7 funniest and nicest people I have ever known. He is 8 also a great lawyer. His oral argument in a case 9 about three years ago was one of the best that I 10 have ever heard. And he is truly a close friend. 11 Thank you, Paul, from the bottom of my 12 heart. 13 Thanks to all of you in the audience 14 for coming out this evening to honor me. 15 (Applause.) 16 (Standing ovation.) 17 MS. ALITO: And now, to present the 18 Brennan Award to our second recipient, Fred Becker, 19 we have Morris Brown, his partner. 20 Morris. 21 (Applause.) 22 MR. BROWN: Madam President, Fred, 23 Judge Becker, honorable judges, Fred's family, 24 colleagues and friends. 25 I did all of that because if I didn't,</p>	<p>25</p> <p>1 presenter, I asked first whether this was to be a 2 roast or a toast and I was told that with this group 3 it could not be a roast. It had to be a toast. So 4 I didn't know that I would have enough material to 5 say anything. But I rummaged around in my head and 6 I came up with -- I reach -- overreached to find 7 some things that you might be interested in. 8 Fred is a relatively young man, at 9 least compared to me. He has so many achievements 10 in his career which are really too numerous to 11 mention. But at some risk, I'll try to give you a 12 background of Fred, what he was, where he came from 13 and what he has accomplished. 14 We all know, anybody who knows him -- 15 and I think most of you do. We all know that he's 16 got an extreme intellect. It shows in his education 17 and his career. He graduated from Brown University 18 summa cum laude and received a Phi Beta Kappa award 19 there. 20 He matriculated to the Harvard Law 21 School and, again, graduated cum laude, which is not 22 easy to do in that university, as I know because I 23 also graduated from there and I was far from cum 24 laude. 25 He received a Fulbright Scholarship</p>

<p>26</p> <p>1 after law school and he decided to go to Denmark and</p> <p>2 he did. I just -- there is a little story about</p> <p>3 that which you should know.</p> <p>4 While he was in Denmark -- I'm not sure</p> <p>5 that he learned anything or studied anything. But</p> <p>6 he traveled quite a lot. And he decided -- at that</p> <p>7 time the dollar was worth considerably more than the</p> <p>8 currency in Europe. So he decided to buy -- I think</p> <p>9 it was a Mercedes. It wasn't a Chevrolet, you can</p> <p>10 bet. If you know Fred, it certainly wasn't a</p> <p>11 Chevrolet.</p> <p>12 He drove that around Europe and decided</p> <p>13 to ship it home. Well, somebody apparently had it</p> <p>14 in for him because the entire ship sank, carrying</p> <p>15 his car to the bottom of the sea. Fortunately, as</p> <p>16 smart as he is, he had it insured and recovered</p> <p>17 probably twice as much as that which he paid.</p> <p>18 (Laughter.)</p> <p>19 MR. BROWN: He served on the Advisory</p> <p>20 Board of this Association. It would just take me</p> <p>21 absolutely too long to tell of all his</p> <p>22 accomplishments. I want to mention a few.</p> <p>23 He is a past President of this</p> <p>24 Association. He's a member of the Board of</p> <p>25 Directors of Prudential Insurance Company and has</p>	<p>28</p> <p>1 dot is in there and he works -- if it has to be sent</p> <p>2 out at nine o'clock in the morning, he will still be</p> <p>3 working on it through the night until nine o'clock</p> <p>4 in the morning until it went out.</p> <p>5 He is a friend like no other friend.</p> <p>6 Now, for example, he provides support, understanding</p> <p>7 and compassion not only to his close friends, but to</p> <p>8 everybody. There are a couple of examples which I</p> <p>9 should give to you.</p> <p>10 He has a friend who moved to</p> <p>11 California. That friend suddenly developed a heart</p> <p>12 problem and was going to have heart surgery. Fred</p> <p>13 immediately got on a plane to fly out to</p> <p>14 Philadelphia -- to California to support him and to</p> <p>15 provide whatever comfort he could.</p> <p>16 He has a friend who was hospitalized</p> <p>17 suddenly in Massachusetts and who was in a hospital</p> <p>18 in Massachusetts for two and a half weeks, and he</p> <p>19 got on a plane at least once a week with his wife to</p> <p>20 visit that sick friend and to make sure that</p> <p>21 everything was going all right.</p> <p>22 He had a friend who was in Florida on</p> <p>23 vacation and became ill and he did the self-same</p> <p>24 thing.</p> <p>25 And he's generous. Generous to a</p>
<p>27</p> <p>1 been now for in excess of five years. He is and has</p> <p>2 been the Chairman of the New Jersey Lawyer Editorial</p> <p>3 Board since its inception in 1995. And from</p> <p>4 everything I've heard, he does, as he always does, a</p> <p>5 magnificent job.</p> <p>6 He is the President of our firm,</p> <p>7 Wilentz, Goldman & Spitzer. And he is elected</p> <p>8 President because of our feeling about him. There</p> <p>9 is nobody in the firm who we would even consider</p> <p>10 above him. And he is what our firm represents.</p> <p>11 I'd like to think that that is true.</p> <p>12 But it is important for me to present the person</p> <p>13 that Fred is. We all know that he has a keen</p> <p>14 intellect. One of the keenest lawyers in the state.</p> <p>15 One of the best. Someone whose opinion we can</p> <p>16 accept, rely upon and trust. He is charming.</p> <p>17 Absolutely charming, unless you're his best friend.</p> <p>18 That's not true. He is likable. And he is</p> <p>19 respected and loved and adored by his colleagues.</p> <p>20 Fred -- Judge Becker was described as</p> <p>21 being a hard worker. I respect that and that is his</p> <p>22 reputation. But Fred is and has been one of the</p> <p>23 hardest workers I have ever known. He's thorough</p> <p>24 and he's conscientious to a fault. He will not let</p> <p>25 a document go or a brief or a contract until every</p>	<p>29</p> <p>1 fault. He is, in my estimation, a marvelous human</p> <p>2 being.</p> <p>3 Fred, you are most deserving of your</p> <p>4 praise and this great honor. It is fitting that a</p> <p>5 great jurist and a great lawyer both named Becker</p> <p>6 are receiving this award at the same time. It is an</p> <p>7 honor and a distinct privilege for me to present</p> <p>8 this award to you.</p> <p>9 (Applause.)</p> <p>10 (Standing ovation.)</p> <p>11 MR. BECKER: I'm sorry that had to</p> <p>12 stop.</p> <p>13 (Laughter.)</p> <p>14 MR. BECKER: Good evening. President</p> <p>15 Maderer or President Alito. I'm not sure who is the</p> <p>16 President at this minute, but you're both</p> <p>17 Presidents, as far as I'm concerned. Chief Judge</p> <p>18 Becker, Chief Judge Bissell, former Chief Judge</p> <p>19 Thompson, justices of the New Jersey Supreme Court</p> <p>20 who are here this evening, distinguished members of</p> <p>21 the bench, distinguished members of the Bar and to</p> <p>22 all of you who are here this evening really, I</p> <p>23 think, to honor the memory of Justice Brennan, the</p> <p>24 Association of the Federal Bar welcomes you and I</p> <p>25 welcome you.</p>

<p>1 Justice Brandeis taught us that if we 2 guide by the light of reason we must let our minds 3 be bold. Justice Brennan guided by the light of 4 reason. He was able to do so because he allowed his 5 mind to be bold. 6 Daniel Webster stated that justice is 7 the greatest interest of man on earth and legal 8 justice has been defined as the art of the good and 9 the fair. 10 And so I say that we are really here to 11 honor the memory of Justice Brennan because guiding 12 by the light of reason and dispensing the good and 13 the fair for many years to all who came before him, 14 Justice Brennan truly served the great interest of 15 man. 16 When Rosemary called to advise that I 17 had been selected along with Chief Judge Becker to 18 receive the Brennan Award, I was genuinely 19 astounded. I was at a loss for words except that I 20 was honored to accept and I could think of nothing 21 when I received that call and I have thought of 22 nothing since that qualifies me to receive an award 23 in the name of Justice Brennan. And to receive such 24 an award along with a preeminent judge such as Chief 25 Judge Becker makes the honor even greater for me.</p>	<p>1 could not be with us this evening. My brother Bill 2 and his wife, Marge. My sister-in-law and 3 brother-in-law, Lois and Ray Ross. My sister-in-law 4 and brother-in-law to be, Donna and Jack Rosenthal. 5 I also want to share this award with 6 and thank my law partners, many of whom are here 7 this evening, and my law firm for putting up with me 8 for these many years. 9 In that regard, I should tell you I 10 started with Wilentz, Goldman & Spitzer as a summer 11 clerk in 1957 while I was still at law school. 12 Don't try to calculate my age. I was 13 very young. 14 (Laughter.) 15 MR. BECKER: We were not called "summer 16 associates" then. We were called "clerks." 17 Probably because of the level of compensation which 18 we received. My starting pay, for those of you here 19 who are managing partners and are interested in 20 controlling costs, was \$5 a week. I got it every 21 week, actually. 22 (Laughter.) 23 MR. BECKER: My lunch was paid for, 24 which was my initial introduction to philanthropy. 25 (Laughter.)</p>
<p>1 Upon further reflection on the reason 2 for my selection, I have concluded that based on the 3 fact that Chief Judge Becker and I share the same 4 name, as Paul has pointed out, that after he was 5 selected to receive the Brennan Award, my name came 6 to the attention of the Selection Committee as 7 presenting the strong possibility of providing some 8 synergistic cost saving in the printing of the 9 program. 10 (Laughter.) 11 MR. BECKER: The Association is always 12 trying to save costs on these things. The only 13 other possibility was suggested by George Bernard 14 Shaw when he wrote in Pygmalion that "Everything 15 happens to everybody sooner or later if there is 16 time enough." 17 (Laughter.) 18 MR. BECKER: Well, fortunately for me, 19 there has been time enough and my receipt of the 20 Brennan Award really genuinely provides a very high 21 moment in my life. It is a moment and an award 22 which gives me great pleasure to share with the 23 members of my family who are here this evening. My 24 children, Debbie and Richard Becker. Mary and John 25 Kleinstein. My son Martin is out of the country and</p>	<p>1 MR. BECKER: The story is that lunch 2 was paid for at our firm because one day things were 3 bad in those days -- I guess it wasn't the 4 depression anymore but things -- apparently, during 5 the depression David Wilentz was walking through the 6 office one day and found one of the attorneys having 7 a lettuce sandwich for lunch. Upon inquiry he was 8 advised that is all the lawyer could afford because 9 he had no money at all. After that, lunch was paid 10 for at the firm for the next 50 years. 11 I want to particularly thank Mo Brown 12 for his kind remarks in introducing me. I would 13 reciprocate based upon Shakespeare's advice that "I 14 will praise any man who praises me," but I will 15 refrain because such praise would be quite lengthy 16 and the late, great Chief Judge Jack Gerry often 17 warned that a speaker, and particularly an honoree, 18 should finish his or her remarks before becoming an 19 object of sympathy rather than regard -- 20 (Laughter.) 21 MR. BECKER: -- and should never look 22 at the audience and mistake resignation for 23 interest. 24 (Laughter.) 25 MR. BECKER: In light of Mo's kind</p>

<p>34</p> <p>1 remarks, however, which only my mother would have 2 believed and which, of course, I wholly endorse. 3 (Laughter.) 4 MR. BECKER: And, as I told you 5 earlier, I'm sorry they stopped, but I'm the last 6 thing between you and dinner. 7 I must share with you a ditty by 8 Jonathan Swift, who wrote, and I quote, "Tis an old 9 maxim in the schools that flattery is the food of 10 fools. Now and then your men of wit will condescend 11 to take a bit." 12 I have certainly taken a bit this 13 evening. 14 I want you all to know that my receipt 15 of the Brennan Award is an extraordinary honor for 16 me for which I thank the Association. It really is 17 a highlight of everything that I've done that 18 precedes it. It is an award and this is an evening 19 which I will cherish and long remember and I thank 20 all of you for being here to share with me and my 21 family. Thank you. 22 (Standing ovation.) 23 MS. ALITO: On behalf of the 24 Association, I'd like to congratulate our two 25 honorees tonight and especially thank them for being</p>	<p>36</p> <p>1 CERTIFICATE 2 3 I, STANLEY B. RIZMAN, a Notary Public 4 and Certified Shorthand Reporter of the State of New 5 Jersey, do hereby certify that the foregoing is a 6 true and accurate transcript of the proceedings as 7 taken stenographically by me at the time, place and 8 on the date hereinbefore set forth. 9 10 11 STANLEY B. RIZMAN, C.S.R. 12 13 Dated: September 12, 2004 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>35</p> <p>1 here with us and adding luster to our award and to 2 our Association. 3 I, personally, would like to thank the 4 other officers and all of the members of the 5 Association for giving me the privilege of serving 6 as President this past year. 7 Enjoy your dinner. 8 (Applause.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

<p>Claire 3:23 class 14:9,10 clerk 9:16 15:20 22:23 32:11 clerked 10:3,14 clerks 22:17,20,21 23:5 32:16 cleverest 23:6 clients 18:9 close 23:10 28:7 closely 4:21 8:5 cocktail 12:4 cognizant 16:15 coincidence 11:5 11:12 colleague 4:9 22:6 colleagues 18:6 21:1,9,12,23 23:24 27:19 come 15:22 17:19 comfort 28:15 coming 4:23 8:20 23:14 COMMEMOR... 1:13 commission 18:8 commitment 19:25 committee 4:17 9:10 18:2 31:6 Company 26:25 compared 25:9 compassion 8:4 28:7 compensation 32:17 competence 21:16 complex 14:10 comprised 11:8 concerned 29:17 concluded 31:2 conclusion 22:25 condescend 34:10 conference 17:8 19:18 congratulate 7:19 10:24 34:24 congratulating 8:16 congratulations 7:9 conscientious 27:24 consider 27:9 considerably 26:7 considerate 4:22 consideration 17:22 consistently 21:4 consumed 5:5 14:4 contact 16:8 contained 15:6 continually 21:16 contract 27:25 contributed 4:14 controlling 32:20 conversation 14:8</p>	<p>cost 31:8 costs 31:12 32:20 counsel 8:13 counted 7:18 country 31:25 couple 11:22 13:10 28:8 courage 21:16 course 4:9 5:12 11:23 13:7,17,21 14:23 34:2 court 2:13,14,23 2:25 3:1,4,5 5:21 9:21,21,22 10:8 10:13 13:19 14:23 15:23 16:8 16:16 17:22,24 20:5,21 21:2,4,6 29:19 courteous 16:18 courts 17:20 18:3 21:3 Court's 14:15 co-award 10:25 credo 22:12 crown 21:13 crushed 10:9 Cs 24:10 cum 25:18,21,23 currency 26:8 C.S.R 1:25 36:11</p> <hr/> <p>D</p> <p>Daily 19:7 Daniel 30:6 date 36:8 Dated 36:13 Daubert 14:16 daughters 3:20 Dave 9:12 David 33:5 day 3:14 33:2,6 days 22:9 33:3 Deans 3:6 dearest 24:15 debate 14:13,23 Debbie 31:24 Debevoise 12:24 Deborah 3:2 deceased 6:16 decide 17:24 decided 17:3,6 26:1,6,8,12 decision 17:13 18:4 decisions 16:25 DeCotiis 3:23 DeCotiis's 11:24 dedicated 20:6 21:25 dedication 8:12 deference 22:22,24 defined 14:12 30:8 delight 5:8 8:8 delighted 18:23 democracy 21:19</p>	<p>Denmark 26:1,4 Dennis 9:2 depression 33:4,5 described 27:20 describing 18:4 deserve 16:15,22 22:4 24:3,12 deserving 13:12 29:3 designed 24:8 despite 3:14 developed 28:11 Diedre 7:5 difference 12:13 14:5 17:17 dignified 24:21 dinner 1:11 2:4,5 4:5,6,7,10 5:5 6:15 9:3 12:13 34:6 35:7 dinners 2:17 5:20 Directors 26:25 discovered 18:24 discussed 16:19 dispensing 30:12 distinct 3:17 29:7 distinguished 29:20,21 distinguishes 19:4 district 2:13,25 3:1 9:21 10:8 16:8 21:11 ditty 34:7 document 27:25 dollar 26:7 Don 12:15 done 7:15 13:21 21:17 34:17 Donna 32:4 dot 28:1 doubt 13:1 Downing 14:19 Drasco 9:2 drove 26:12 during 20:20 33:4</p> <hr/> <p>E</p> <p>E 36:1,1 each 3:10 6:18 10:13,18 earlier 14:18 16:19 34:5 earth 30:7 easy 25:22 Ed 12:16 Editorial 5:1,2,8 5:14 27:2 Editor-in-Chief 6:25 education 25:16 Edward 2:12 ego 19:12 eight 14:18,22 elected 27:7 emoluments 19:11 employment 8:1,3</p>	<p>emulate 6:8 endorse 34:2 English 8:2,11 Enjoy 35:7 enormous 19:24 enough 4:20 11:22 25:4 31:16,19 ensemble 3:19 entire 15:10 26:14 era 12:23,24,24 especially 4:7 34:25 establish 21:18 established 17:10 estimation 29:1 Europe 26:8,12 even 23:1 27:9 30:25 evening 2:1,7,22 3:12,15 7:11 23:14 29:14,20 29:22 31:23 32:1 32:7 34:13,18 evening's 2:12 event 24:19 ever 20:8 22:20,23 23:7,10 27:23 every 3:14 6:2 27:25 32:20 everybody 22:10 22:11 28:8 31:15 everyone 6:22,23 17:9 everything 8:3 19:10 27:4 28:21 31:14 34:17 evidence 14:12,24 example 5:15 12:3 14:14,25 17:3 28:6 examples 28:8 excellence 3:10 except 30:19 excess 27:1 exhibited 21:16 exists 22:3 expert 14:11,16 expressed 16:24 expression 22:25 extraordinarily 19:21 extraordinary 21:8 34:15 extreme 25:16 extremely 20:14 21:25</p> <hr/> <p>F</p> <p>F 36:1 fact 3:14 5:14 11:3 31:3 factor 22:12 factors 22:5 fair 11:16 30:9,13 Faithful 22:1 familiar 14:15</p>	<p>15:3 families 2:20 family 9:23 19:25 23:23 31:23 34:21 far 12:18 13:24 15:18 25:23 29:17 FARMS 1:17 father 4:11 5:21 11:9 fault 16:18 27:24 29:1 favorite 23:5,5 federal 1:3 2:2,9 3:2,22 4:17 14:8 20:17,19 21:6,12 21:17,23 29:24 federally 13:23 feel 2:11 6:4 feeling 27:8 fellow 4:25 Fellows 4:18 few 20:12 22:6 23:3 26:22 Finally 23:3 find 19:1 25:6 fine 13:2 19:5 21:11 finest 19:7 finish 33:18 firm 11:7,8 27:6,9 27:10 32:7 33:2 33:10 first 5:18 8:25 9:9 10:23 11:5,17 13:14 15:15 16:18 20:22 22:5 25:1 Fishman 9:16,19 10:14 12:11,23 13:1,7 23:4 24:7 fit 6:5 14:21 fitting 29:4 five 7:18 27:1 flattery 34:9 Flora 9:23 20:1 Florida 28:22 fly 28:13 folks 11:9 food 34:9 fools 34:10 forces 17:11 foregoing 36:5 former 2:16,25 9:16 10:21 29:18 forth 24:10 36:8 fortunate 4:20 fortunately 26:15 31:18 forward 13:4 found 33:6 Foundation 4:19 Fred 2:15 11:1 12:16 23:18,22 24:1,3,15,22</p>
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25:8,12 26:10 27:13,20,22 28:12 29:3 Fred's 23:23 French 5:4 friend 4:8 20:6,9 23:10 24:16,16 24:17 27:17 28:5 28:5,10,11,16,20 28:22 friends 2:20 9:23 23:24 28:7 from 2:22 3:18 6:18,24 7:2,5 10:12 11:6 15:18 18:1 19:1 20:17 20:24 21:20 23:11 24:23 25:12,17,23,23 27:3 front 10:2 Frye 14:16 Fulbright 25:25 full 16:23 fully 16:25 function 21:7 functions 5:19 funniest 23:7 further 31:1 future 24:9,12	30:12 governed 22:22 GPA 7:4,7 grace 8:4 gracious 6:3 graduated 25:17 25:21,23 graduating 11:6 Grand 10:6 granddaughters 3:21 grateful 20:14,25 great 2:11 5:7 8:4 15:12 16:14 21:3 23:2,8 29:4,5,5 30:14 31:22 33:16 greater 30:25 greatest 30:7 Greenbaum 9:1 Gross 9:12 group 5:24,25 11:13 21:24 22:19 25:2 guess 33:3 guide 30:2 guided 30:3 Guidelines 14:11 guiding 30:11 guy 18:22	30:13 history 4:10 hold 6:22 home 20:24 26:13 honor 10:20 23:14 29:4,7,23 30:11 30:25 34:15 honorable 2:12 23:23 honored 3:11 30:20 honoree 33:17 honorees 2:20 7:21 9:12 11:3 24:12 24:13 34:25 honors 20:25 hospital 28:17 hospitalized 28:16 House 5:22 huge 10:20 17:18 17:19 20:4,4 human 20:7 29:1 hung 22:6 hungry 24:4 hypothesizing 11:15	33:12 introduction 32:24 invited 17:10 Islands 17:5 <hr/> J J 1:15 2:4 6:16,17 Jack 32:4 33:16 James 3:3 Jeff 9:1 Jersey 1:7,19 2:3 3:4,21 5:1 20:18 20:18 21:11 24:18 27:2 29:19 36:5 Jessica 3:23 jewel 21:13 job 3:8 5:4 7:15 19:9 27:5 Joe 8:24 9:13 11:21 13:2 22:6 22:8 John 2:25 6:16,17 10:24 31:24 join 8:15 Jonathan 12:8 20:2 34:8 Journal 5:1,19 6:25 7:3,24 Jr 1:15 2:4 judge 2:13,24 3:1 3:4 9:15,16,20 9:25 10:3,4,4,4 10:10,15,22,25 11:5 12:24 13:7 13:9,11,17,20 14:12,18 15:3,7 15:10,13,15 16:7 16:8,9,14,25 17:1,7,17 18:2 18:13,16 19:4,8 19:13,13,19 20:9 20:12 22:20 23:23 24:21 27:20 29:17,18 29:18 30:17,24 30:25 31:3 33:16 judges 2:22 3:1,6 9:22 21:11,12,13 23:23 judgment 17:15 18:5 judicial 17:8 22:12 22:14 judiciary 2:9 3:22 4:17 8:14 14:8 21:12,17,20,23 JUNE 1:21 jurist 24:22 29:5 jury 10:6 11:14 22:8,9 just 5:16 8:21 11:4 13:10,14 14:14 14:25 16:11 17:4 17:9,25 26:2,20 justice 3:2,3 13:15	14:21 19:15 20:24 22:1,3 29:23 30:1,3,6,8 30:11,14,23 justices 29:19 Justin 12:15 <hr/> K Kappa 25:18 Katherine 11:23 keen 27:13 keenest 27:14 kind 33:12,25 kinds 15:1 Kleinstei 31:25 Knoll 3:19 know 4:12,14,21 4:25 10:13,14,15 11:13,13 14:1,2 15:16 17:21,21 19:19 25:4,14,15 25:22 26:3,10 27:13 34:14 known 23:7 27:23 knows 25:14 <hr/> L Lacey 12:23 ladies 4:3 land 17:20 21:6 LaSala 9:14 last 12:14 18:17 22:15 34:5 late 33:16 later 31:15 laude 25:18,21,24 Laughter 5:6 12:10,25 13:6 24:5,24 26:18 29:13 31:10,17 32:14,22,25 33:20,24 34:3 law 3:6 5:1,18 6:18 6:25 7:3,6,24,24 8:1,3 9:16 11:6 13:17,22 21:18 22:17,20,21,23 23:5 25:20 26:1 32:6,7,11 lawyer 13:9 15:6 17:23 18:14 22:8 22:9 23:8 24:18 27:2 29:5 33:8 lawyers 5:16 16:3 16:5,10,15,21 18:7,14 27:14 leading 8:1 learn 15:21 16:2 learned 26:5 least 5:24 6:4 11:3 25:9 28:19 legal 4:14 13:15 19:14 22:25 30:7 legendary 16:20 Leigh 3:23 lengthiest 24:2
G Gambardella 3:5 gathering 2:10 generally 10:7 generous 4:22 28:25,25 Genevieve 6:24 genuinely 30:18 31:20 George 31:13 Gerry 33:16 gets 10:15 15:15 16:2 getting 4:25 give 8:10 22:24 25:11 28:9 given 8:13,17 10:13 17:22 22:2 gives 31:22 giving 35:5 go 26:1 27:25 God 3:24 4:1 going 6:20 8:11 10:16 11:10,11 11:15,18 28:12 28:21 Goldman 2:16 27:7 32:10 Goldstein 12:9 Goldstone 12:6 Goldstone 12:7 golf 18:19,20 good 2:1 7:11 10:7 15:10 21:5 22:8 22:15 29:14 30:8	H half 28:18 Hall 3:9 7:2 hallmark 21:19 handles 8:3 handsome 24:21 happen 17:7 happens 31:15 happiest 6:14 hard 19:21,22 21:25 22:5 27:21 hardest 27:23 hardly 13:9 Harvard 25:20 having 8:5 33:6 Hayden 8:24 13:2 Haydens 11:21 head 24:1 25:5 heard 23:10 27:4 heart 9:6 23:12 28:11,12 her 7:24,25 8:16 33:18 hereinbefore 36:8 high 7:7 20:22 21:8 31:20 highest 17:20 21:5 22:3 highlight 34:17 him 6:8,9 11:8 14:1 15:12,21 16:16 17:23 19:5 19:9,15,17,22 25:14 26:14 27:8 27:10 28:14	I idea 17:17 ill 28:23 immediate 9:12 immediately 28:13 impact 13:16,22 important 5:4,12 6:4 27:12 improve 12:9 inception 27:3 included 11:16 including 5:19 7:25 inclusive 6:3 incoming 7:12 incredibly 7:7 indebted 3:13 independence 21:15 indicated 24:8 individuals 2:21 industry 21:8 initial 32:24 inquiry 33:7 insisted 12:6 Insurance 26:25 insured 26:16 integrity 21:15 intellect 25:16 27:14 intelligence 21:8 interest 30:7,14 33:23 interested 16:12 25:7 32:19 interestingly 3:20 introduce 3:18 introduced 6:23 introducing 9:9	J J 1:15 2:4 6:16,17 Jack 32:4 33:16 James 3:3 Jeff 9:1 Jersey 1:7,19 2:3 3:4,21 5:1 20:18 20:18 21:11 24:18 27:2 29:19 36:5 Jessica 3:23 jewel 21:13 job 3:8 5:4 7:15 19:9 27:5 Joe 8:24 9:13 11:21 13:2 22:6 22:8 John 2:25 6:16,17 10:24 31:24 join 8:15 Jonathan 12:8 20:2 34:8 Journal 5:1,19 6:25 7:3,24 Jr 1:15 2:4 judge 2:13,24 3:1 3:4 9:15,16,20 9:25 10:3,4,4,4 10:10,15,22,25 11:5 12:24 13:7 13:9,11,17,20 14:12,18 15:3,7 15:10,13,15 16:7 16:8,9,14,25 17:1,7,17 18:2 18:13,16 19:4,8 19:13,13,19 20:9 20:12 22:20 23:23 24:21 27:20 29:17,18 29:18 30:17,24 30:25 31:3 33:16 judges 2:22 3:1,6 9:22 21:11,12,13 23:23 judgment 17:15 18:5 judicial 17:8 22:12 22:14 judiciary 2:9 3:22 4:17 8:14 14:8 21:12,17,20,23 JUNE 1:21 jurist 24:22 29:5 jury 10:6 11:14 22:8,9 just 5:16 8:21 11:4 13:10,14 14:14 14:25 16:11 17:4 17:9,25 26:2,20 justice 3:2,3 13:15	

presence 5:14 21:1 21:10 present 6:15,21 9:15 10:21 20:9 23:17 27:12 29:7 presentation 9:7 presented 15:5 presenter 23:4 25:1 presenting 31:7 presidency 12:19 13:4 President 2:15 4:8 4:15,15 6:8 7:12 8:22 9:1,1,13 13:3 23:22 26:23 27:6,8 29:14,15 29:16 35:6 Presidents 6:16 29:17 President-elect 8:25 pride 23:2 printing 31:8 privilege 10:21 20:8 29:7 35:5 prized 20:18 probably 22:10 24:20 26:17 32:17 problem 28:12 proceedings 36:6 prodigious 19:24 profession 4:14 18:7,11 program 9:7 31:9 prominent 2:21 promise 21:21 pronounced 12:7 pronouncing 12:8 prospectus 5:15 protest 12:5 proud 6:7 proved 15:3 provide 28:15 provided 5:15 provides 28:6 31:20 providing 31:7 proving 15:9 Prudential 26:25 Public 36:3 publish 18:3 pursuits 7:25 put 19:5 putting 32:7 Pygmalion 31:14	quote 34:8 quoted 19:6 <hr/> R R 36:1 rate 20:22 rather 33:19 Ray 32:3 reach 25:6 read 8:11 14:2,17 17:25 reading 19:18 real 15:24 reality 21:22 really 11:12 15:17 18:24 19:2 25:10 29:22 30:10 31:20 34:16 reason 22:7 30:2,4 30:12 31:1 receipt 31:19 34:14 receive 30:18,22 30:23 31:5 received 25:18,25 30:21 32:18 receiving 29:6 recent 4:7 recently 12:2 18:1 19:6 recipient 13:12 23:18 recipients 2:12 6:17 12:15 recipient's 12:16 reciprocate 33:13 recovered 24:23 26:16 reflection 31:1 reflects 2:10 refrain 33:15 regard 17:13 22:2 32:9 33:19 rejecting 14:16 relationship 22:21 relatively 25:8 reliability 14:22 rely 27:16 remark 11:22 remarkable 19:22 21:24 remarks 33:12,18 34:1 remember 6:10 34:19 remiss 10:23 renaissance 12:20 Reported 1:25 Reporter 36:4 representing 10:5 16:12 represents 27:10 Republic 21:14 reputation 22:15 27:22 required 18:3	resignation 33:22 respect 2:10 16:22 18:10,11 27:21 respected 4:13 27:19 responded 15:7 responsibility 18:12 rest 7:7 21:20 result-oriented 15:18 Review 7:6 Richard 31:24 right 6:5 16:4 28:21 rising 15:8,8 risk 25:11 Rizman 1:25 3:13 36:3,11 roast 25:2,3 robe 18:8 Robinson 12:15 Ronny 2:5 9:2 room 6:4 Rosemary 3:5 7:15 7:21,23 8:6,10 8:13 9:19 30:16 Rosenthal 32:4 Ross 32:3 Roy 3:23 rule 21:18 22:22 rules 14:24 rummaged 25:5 Rutgers 3:7,7,8 6:24 7:5 <hr/> S same 13:18 16:7 19:24 29:6 31:3 sandwich 33:7 sank 26:14 sat 18:17 20:20 save 31:12 saving 31:8 saying 19:7 says 18:13 scholar 13:15 scholarship 6:18 15:13 25:25 scholarships 6:15 10:25 school 3:19 7:8 11:7 25:21 26:1 32:11 schools 3:7 6:19 34:9 Scirica 10:4,11 sea 26:15 second 9:1 10:16 16:4,19 22:12 23:18 Secretary 9:2 see 14:18 16:12 19:17 seemed 18:22 seen 24:20	select 17:9 selected 30:17 31:5 selecting 5:4 9:11 selection 5:13 31:2 31:6 self-same 28:23 sent 28:1 sentence 17:25 sentences 18:1 Sentencing 14:11 September 36:13 serious 15:4 seriously 15:20 served 26:19 30:14 serving 35:5 set 5:16 14:7,12,20 21:20 36:8 Seton 3:7,9 7:2 settlements 14:10 seven 18:21,23 seven-year-old 18:19 Shakespeare's 33:13 share 31:3,22 32:5 34:7,20 Shaw 31:14 ship 26:13,14 shock 5:9 short 12:21 13:8 13:24 14:3 Shorthand 36:4 showed 24:21 shows 25:16 sick 28:20 side 10:13,19 15:7 Siegal 2:1,5,19 3:17 9:2 silence 6:10,11 since 27:3 30:22 sing 3:24 sister-in-law 32:2 32:3 sittings 17:4 size 2:9 slate 8:19 slightest 22:24 small 22:14 smart 21:25 26:16 smartest 23:6 some 2:21 5:9,19 5:20 19:2 25:7 25:11 31:7 somebody 26:13 someone 19:6 27:15 something 15:24 15:25 son 18:19,20,23 31:25 song 4:4 sooner 31:15 sorry 2:14 3:8 11:19 29:11 34:5 speak 8:12 speaker 33:17	speakers 22:7 special 5:20 spectacular 5:13 spend 13:10 17:18 20:4 Spires 6:25 Spitzer 2:16 27:7 32:10 spoken 20:15 stake 15:17,24 Stan 3:13 stand 6:22 standard 3:10 14:16,20 standing 4:17 8:17 19:17 23:16 29:10 34:22 Stanley 1:25 36:3 36:11 start 12:8 started 5:18 10:10 32:10 starting 32:18 state 1:7 2:2,9 4:15 4:18 9:22 20:24 27:14 36:4 stated 30:6 States 2:13,14,23 2:24 19:8 stature 13:8 stenographically 36:7 Steve 5:10 still 3:15 28:2 32:11 stop 29:12 stopped 34:5 story 18:21 26:2 33:1 strong 31:7 studied 26:5 subject 11:2 subpoena 10:7 substantial 14:6 success 8:5 suddenly 28:11,17 suggested 31:13 summa 25:18 summarily 10:9 summer 32:10,15 Summit 3:19 sung 4:1 support 28:6,14 Supreme 3:4 5:21 9:22 13:19 14:15 14:22 29:19 sure 24:8 26:4 28:20 29:15 sureness 8:13 surf 19:18 surgery 28:12 surprise 23:4 Susan 20:2 Swift 34:8 swim 19:18 sympathy 33:19
Q qualifies 30:22 quality 21:5 22:3 quash 10:6 question 13:20 16:5 quite 3:19 15:9 16:7 26:6 33:15				

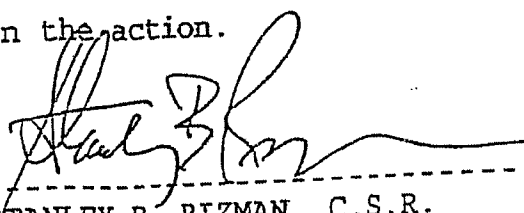
synergistic 31:8 system 19:14	23:9 through 20:3 28:3 33:5 time 3:15 4:16 8:18 10:16,17 17:18 19:24 20:4 20:5 26:7 29:6 31:16,19 36:7 times 5:24 tireless 20:5 Tis 34:8 toast 25:2,3 together 22:18 told 18:18 25:2 34:4 tomorrow 24:1 tone 14:7,12 tonight 6:21 9:3,7 12:13 24:13 34:25 topics 14:5 total 8:14 totally 7:21 tour 18:20 tournament 18:19 tradition 9:24 transcript 36:6 translates 16:17 traveled 26:6 Treasurer 9:3 treatise 8:1 tremendous 10:20 trend 11:12 12:3 12:12,14 true 11:4 18:21 27:11,18 36:6 truly 21:2 23:10 30:14 trunks 19:18 trust 24:11 27:16 Trustees 7:14 truth 12:11 19:3 try 6:6 25:11 32:12 trying 31:12 turn 11:16 turned 10:11 turns 21:4 TWENTY-EIG... 1:9 twice 26:17 two 7:21 18:1 24:9 24:9,10,13,20 28:18 34:24 two-Becker 24:7 two-month 18:20	university 25:17 25:22 unless 27:17 until 6:22 27:25 28:3,4 U.S 10:12	while 13:1,8,17 26:4 32:11 Whipple 3:23 whole 11:25 wholly 34:2 wife 20:1 28:19 32:2 Wilentz 2:16 27:7 32:10 33:5 William 1:15 2:4 13:13 20:10 win 17:20 wines 5:4,13 winner 10:25 winners 10:24 wise 8:13 22:6 wish 7:8 wit 34:10 Wolfsons 11:20 woman 3:18 6:1 won 10:7 wonderful 4:21 19:25 20:7,15,15 21:9 word 23:1 words 15:22 20:12 20:15 23:3 30:19 work 4:21 9:10 19:19,23 21:4 22:5 worked 8:5 9:11 20:8 22:18 worker 27:21 workers 27:23 working 21:25 28:3 works 19:21,23 28:1 world 21:21 worse 16:11 worth 26:7 writing 7:25 15:3 written 8:11 13:24 14:6,19 wrote 13:16 15:1 15:10 31:14 34:8	youngest 5:23
T T 36:1,1 take 6:9 10:16 26:20 34:11 taken 6:11 34:12 36:7 taking 13:24 talented 4:12 talk 12:14 17:12 talking 11:18 13:11 18:21 Tannenbaum 10:13 Tannenbaum 10:11 task 17:10 taught 30:1 tell 8:5 12:18 13:25 23:1 26:21 32:9 terms 13:14 terrific 19:1,9 20:1 terrifically 13:12 testimony 14:11 14:17 18:1 thank 4:3,4 6:12 7:15 9:10,19 23:11 32:6 33:11 34:16,19,21,25 35:3 Thanks 23:13 their 2:20,20 3:22 8:2 11:14 12:9 16:13,23 18:3,9 22:1 then-publisher 5:10 thing 10:7 11:25 17:12 19:22 28:24 34:6 things 6:14 11:15 25:7 31:12 33:2 33:4 think 6:21 7:21 11:2,10 12:12 13:11 16:6,24 18:25 19:4 24:1 25:15 26:8 27:11 29:23 30:20 thinks 10:16 16:3 16:11 Third 2:15,23 10:2 13:18 14:20 17:6 17:8,14,15 20:20 21:2 22:17 Thompson 3:1 12:24 29:19 thorough 27:23 though 19:1 thought 30:21 thousand 13:25 three 3:6,18 6:18 10:1 20:1 22:5	V vacation 28:23 Veniero 3:3 verdicts 11:14 veritable 20:25 verse 15:11 very 5:20 6:7 7:15 7:23 13:3 16:14 20:22 24:16 31:20 32:13 Vice 8:25 9:1 victory 10:8 view 18:9 21:15 viewed 18:9 Virgin 17:5 visit 28:20 volunteers 3:15	W W 2:25 Walder 12:15 walking 33:5 want 7:15 10:18 12:14 13:10 17:12,25 26:22 32:5 33:11 34:14 WANTED 24:23 wants 10:17 15:15 15:18 warmly 2:3 warmth 2:11 warned 33:17 Washington 5:22 wasn't 26:9,10 33:3 watch 18:18 way 6:3 11:15 18:18 19:15 22:17 ways 16:17 Webster 30:6 week 18:17 24:18 28:19 32:20,21 weeks 28:18 weird 18:22 welcome 2:3,19 29:25 welcomes 29:24 well 3:22 7:15 8:1 13:25 14:1 19:21 22:10 26:13 31:18 went 6:2 11:5 28:4 were 4:20 7:8 12:15 17:10 24:20 32:15,16 33:2 WEST 1:19 we're 3:11 14:14	Z Zazzali 3:3 zero 22:22	
\$ \$5 32:20	1 10 1:21 12 8:6 36:13 15 10:13 1957 32:11 1995 27:3	2 20-plus 5:19 2004 1:21 36:13 22 20:20 28th 2:4	3 3.8 7:4 34 13:21 35 10:18	
4 40 2:8 10:18 495 7:20	5 50 33:10 500 2:7			
Y Yale 11:6 year 2:17 3:9 4:5,6 6:17 7:16 8:15 8:20 9:12 11:3 11:18 13:2,4 35:6 years 5:2,3,19,23 10:1 12:5,5,5 13:21 14:18,22 20:20 22:7 23:9 27:1 30:13 32:8 33:10 year's 12:14,16 13:13 20:10 year-old 18:21 Yo 9:25 young 3:18 25:8 32:13				
U understand 7:3 15:19 understanding 28:6 undeserved 10:8 unfortunately 5:9 uniformly 20:21 United 2:13,14,23 2:24 19:8				

C E R T I F I C A T E

I, STANLEY B. RIZMAN, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that prior to the commencement of the examination the witness was sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney or counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



STANLEY B. RIZMAN, C.S.R.
Certificate No. X100304
Notary Public of New Jersey
My Commission expires February 14, 2005