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2
3 THE ASSOCIATION
4 OF THE FEDERAL BAR
5 OF THE
6 STATE OF NEW JERSEY

7 THE THIRTIETH
8 ANNUAL DINNER
9 COMMEMORATING

10 The

11 WILLIAM J. BRENNAN, JR. AWARD
12

13
14 Mayfair Farms
15 West Orange, New Jersey
16

17 June 8, 2006
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1 MR. HAYDEN: Could we please come to
2 order?
3 Welcome, everybody.
4 My name is Joe Hayden, and I have the
5 privilege of being the President of the Association
6 of the Federal Bar.
7 I would like to apologize to anybody
8 who was inconvenienced on the parking or because of
9 our turnout tonight, but our executive director,
10 Ginny Whipple, has advised me that we have a record
11 crowd of 685 people paid and in attendance.
12 (Applause.)
13 MR. HAYDEN: I suspect that the
14 attendance we have tonight is really a tribute to our
15 honored guests, Justice Alito, and the two recipients
16 of the Brennan award, Judge Bassler and Judge Walls.
17 (Applause.)
18 MR. HAYDEN: And the Association has a
19 certain symmetry. Last year at this time the buzz
20 among all the lawyers and judges was that four
21 individuals, members of our community, were going to
22 be nominated for the United States District Court.
23 Last week Judge Wigenton was confirmed,
24 earlier this week Judge Renee Bumb was confirmed, and
25 then I'm advised that only today Noel Hillman and

1 Peter Sheridan were confirmed.
2 (Applause.)
3 MR. HAYDEN: As a special treat,
4 Judge Wigenton is going to lead us in "God Bless
5 America."
6 (Applause.)
7 JUDGE WIGENTON: Thank you, Joe Hayden.
8 It is an honor for me to be here tonight
9 and to sing the song.
10 Don Robinson recruited me, slash,
11 mandated that I sing this song at the Historical
12 Society event. It's a pleasure singing here tonight.
13 ("God Bless America" is sung by
14 Judge Wigenton.)
15 (Applause.)
16 MR. HAYDEN: That was spectacular,
17 Judge Wigenton, and I guess, Peter Sheridan, you sing
18 next year.
19 Every year our Association gives out
20 three scholarships to deserving students from our
21 three New Jersey law schools. The scholarships are
22 entitled, "The John Barry Scholarship," which are
23 named after a man who was a scholar, a great lawyer,
24 but most of all, a great human being. He is beloved
25 by many of us and missed by many of us, and the

1 John J. Barry scholarship is a fitting tribute to a
2 man who gave so much to the law.
3 The recipients of these scholarships,
4 which are picked entirely by the law schools in
5 question, are:
6 From Seton Hall Law School, Joseph
7 Farano.
8 Joseph, are you here?
9 (Applause.)
10 MR. HAYDEN: From Rutgers Camden, Robert
11 Duffield, II.
12 (Applause.)
13 MR. HAYDEN: And from Rutgers Newark,
14 Kegan Brown, who is traveling right now.
15 (Applause.)
16 MR. HAYDEN: It is now my great
17 privilege to introduce an honored guest of this
18 association, Justice Samuel Alito, or shall I say two
19 honored guests, Justice Alito and his wife, Martha.
20 (Applause.)
21 MR. HAYDEN: I will not take time going
22 over the impressive credentials of the Justice,
23 because they are familiar to all of you.
24 I will mention that he has served for
25 years as a member of the advisory board of our

1 Association, but I cannot help but comment on the way
2 he handled himself during the confirmation
3 proceedings.
4 (Applause.)
5 MR. HAYDEN: I was traveling throughout
6 the state during that week and heard most of it on
7 NPR.
8 He was asked aggressive questions, he
9 was asked probing questions, and he was asked
10 argumentative questions, and at no time did he ever
11 lose his poise under fire.
12 As I listened to him day after day
13 handling the questioning, all I could think of was a
14 line of Hemingway, "class is grace under fire,"
15 because for that week we saw grace under fire.
16 For that reason, Justice, we are so
17 honored that you are here with us, because not only
18 are you a great justice, you are a man of great
19 class.
20 (Applause.)
21 MR. HAYDEN: As a small token of the
22 esteem of our Association, I would like to give you a
23 book by Mark Edward Lender, the author. It is, "The
24 History of the Federal Court for the District of
25 New Jersey between 1789 and 2000," put out in

1 conjunction with the Historical Society.
2 There is a table outside if anybody is
3 interested, it is a wonderful work, and we just want
4 to give it to the Justice as a slight token of our
5 appreciation.

6 (Applause.)

7 JUSTICE ALITO: Thank you, Joe. Thank
8 you for those very kind remarks, and thank you for
9 inviting me to say just a few words here tonight.

10 I was always impressed by something that
11 Bill Brennan, III said. Of course, he was a pillar
12 of this organization for many years, but I attribute
13 to him the statement that, "Nobody ever heard a
14 speech at dinner that was too short." I will honor
15 that sentiment tonight.

16 I'm very thankful to Joe and the
17 Association for inviting me. I'm only slightly put
18 out that they didn't ask me to sing. I volunteered
19 to sing "Born to Run" or any other New Jersey
20 selection. They turned me down on that.

21 Judges quickly learn that any good
22 opinion has to have at least three points. If you
23 have just one point you are on shaky ground, and if
24 you have more than three, you really will bore your
25 audience.

1 I have identified three points that I
2 want to make, and they are all of equal weight in my
3 mind as to why I'm so happy to be here tonight and
4 just say a few words.

5 The first is that I want to sincerely
6 thank the Association for their support during my
7 nomination. No sooner was I nominated but the
8 Association issued a resolution supporting the
9 nomination. That meant a great deal to me.

10 And it also meant a great deal to me
11 that so many of you wrote me letters or e-mails or
12 made phone calls to express your support to me during
13 some really difficult times for me and for my family.
14 That meant a lot to me. I will never forget that. I
15 will never forget the friends and colleagues that I
16 have here in New Jersey.

17 The assessment of the people who knew me
18 as a judge on the Third Circuit for 15 years and knew
19 me before that as somebody in the U.S. Attorney's
20 office meant a lot, because I knew that all of you
21 were familiar with what I had actually done and
22 weren't just reaching a judgment about me based on
23 what you read in the newspapers or some stereotype.

24 I feel really bad that I have not had a
25 chance to answer all of the letters that were sent to

1 me. I hope to do that over the summer. I have just
2 been overwhelmed with all the things that have
3 happened to me this year.

4 Literally, about two hours passed
5 between the time when the Senate voted on my
6 confirmation and I actually began to have to cast
7 votes on the Supreme Court. On the very day when I
8 was confirmed, I was immediately, almost immediately
9 sworn in, and there were two applications for stays
10 of execution, death penalty cases, that looked like
11 they were going to be close votes.

12 Within literally a couple of hours
13 between the time of the vote I was at work, and I
14 have been doing that since, and I apologize to all of
15 you who took the time to write letters to me. They
16 meant a lot to me, and I'm sorry I haven't had a
17 chance to answer you, but I welcome the opportunity
18 to express my thanks to you on this occasion.

19 The second reason why I'm so happy to be
20 here is because you are honoring two really
21 tremendous jurists. I miss them. I am enjoying my
22 work in Washington very much, but I miss being in
23 New Jersey. I miss seeing Bill Walls, I miss seeing
24 Bill Bassler. They were fantastic.

25 They are fantastic parts of, I think,

1 the greatest District Court in the United States.
2 They have many material qualities.

3 Bill Bassler is a scholar of many
4 things, including Yiddish, which he studied under the
5 tutelage of Judge Ackerman at our weekly brown bag
6 lunches, and I always looked forward to Bill Walls'
7 lively comments at those lunches and I do miss that
8 very much, and I'm pleased to be here to help honor
9 them. They richly deserve to have their names added
10 to this incredible list of prior nominees, and I hope
11 you all have a chance to look at that impressive
12 list.

13 The third reason why I'm so happy to be
14 here is just to be with so many old friends. The
15 only bad thing about being here is that it really
16 makes me nostalgic for New Jersey and for the
17 Association of the Federal Bar and the people with
18 whom I had a chance to work for so many years.

19 I hope that when any of you find
20 yourself in Washington, if you're in the vicinity of
21 the Supreme Court, that you will give me a call. I
22 will always be very happy to see a friendly
23 New Jersey face, and I mean that very sincerely. I
24 hope to be able to maintain contacts with all of the
25 colleagues and friends that I had here for so many

1 years.
2 So, thank you very much.
3 (Applause.)
4 MR. POPLAR: Joe is finishing up his
5 year as president.
6 Joe, as many of know, is inspirational
7 and enthusiastic. For some of you who haven't worked
8 with Joe, let me tell you just a very brief story.
9 21 years ago Joe was representing
10 lawyers who were inappropriately being targeted by
11 miscreant prosecutors. He goes to his office and he
12 invites 40 lawyers to show up at a meeting on a
13 Saturday afternoon in the Gateway.
14 35 people show up, and there formed the
15 Association of Criminal Defense Lawyers in
16 New Jersey. 90 days later there was an organization
17 that had over 350 people. The first honoree at the
18 inaugural event was Justice and Governor Richard
19 Hughes.
20 It is with that joy and that enthusiasm
21 that Joe has led this organization for the past year.
22 It is with a very fast pace that he passes the baton.
23 We have just a very small token of
24 appreciation, a sincere token of appreciation for
25 Joe. It is a resolution. Because of the hour, I

1 chose not to read word for word what it said.
2 But, Joe, this is our way of saying
3 thanks, job well done.
4 (Applause.)
5 MR. HAYDEN: Just briefly.
6 It has been one of the joys of my life
7 to have the privilege to be the president of this
8 Association with so many fine lawyers and such a
9 great tradition which went back to its founding by
10 Herb Stern, Jon Goldstein, Don Robinson and others,
11 and I'm sure they are as proud as anybody that we
12 have such a turnout tonight and we have a Justice
13 here of the United States Supreme Court.
14 I could not go back to my seat without
15 thanking Ginny Whipple, who is the executive
16 director --
17 (Applause.)
18 MR. HAYDEN: -- of this association.
19 Ginny is outside because she's
20 embarrassed for any credit, but make no mistake,
21 Ginny Whipple is the engine that drives this train,
22 and without that engine we would have about 55 of us
23 here tonight, and she is so critical and she knows
24 what to do.
25 During this year, one of the things we

1 tried to do is be an association that was a teaching
2 association and work with young lawyers to improve
3 their trial skills and their litigation skills.
4 Many of you were at our
5 cross-examination seminars which we had in the fall.
6 Many of you were at the Judicial Conference which we
7 had in March, which had to do with the trial of a
8 civil case and the disposition of criminal cases in
9 terms of corporate pleas, where we had the
10 United States Attorney speak about deferred
11 prosecution.
12 What we wanted to accomplish is not for
13 this association to be an eating club, but for this
14 association to be an aid to lawyers to be better and
15 more ethical lawyers and ultimately spawn an energy.
16 During the course of our association, we
17 formed a committee headed by Carl, which handles and
18 is going to deal with the erosion of the
19 attorney-client privilege in the federal courts, and
20 in order to be relevant, we also are under the
21 leadership of Jeff Greenbaum, who is going to set up
22 a web site which will be up and operational by the
23 end of this calendar year.
24 What my point is, is that I believe that
25 this Association has only scratched the surface of

1 its potential. And if you look around this room and
2 have the feel of the energy and the stature of the
3 lawyers, you can see what I mean. And our potential
4 is only limited by the amount of energy we intend to
5 expend and creativity we intend to expend on behalf
6 of the Association, because people will come to
7 substantive programs. People will get involved in
8 good causes, and that's what we are seeing and
9 feeling here.
10 Now, just a word about our next
11 president, Carl Poplar.
12 For many of us in the trial field,
13 particularly the criminal area, the dean of the trial
14 bar was and still is Raymond A. Brown. And I
15 remember about 20 years ago when Ray was trying a
16 slew of cases in South Jersey, he told me about a
17 wonderful lawyer that he was trying cases with, a man
18 by the name of Carl Poplar. He said he was
19 exquisitely prepared, smart as hell and absolutely
20 fearless.
21 I tell you from having worked with him,
22 he's exquisitely prepared, smart as hell and
23 absolutely fearless. So for next year, everybody,
24 fasten your seatbelts.
25 (Applause.)

1 JUDGE RODRIGUEZ: This is a great honor
2 for me to introduce an old friend that I have known
3 since 1968. As Joe Hayden has indicated, when they
4 made Carl, they broke the mold.
5 I understand that they caught up with
6 the guy who made it and beat the heck out of him.
7 MR. POPLAR: I don't want to get
8 harassed anymore.
9 JUDGE RODRIGUEZ: That's one of the few
10 times he has listened to me.
11 MR. POPLAR: This is a Federal District
12 Court Judge, if you don't know.
13 JUDGE RODRIGUEZ: Raise your right hand.
14 Do you solemnly swear that you will
15 support the Constitution of the United States and the
16 goals and missions of the Association of the Federal
17 Bar of the State of New Jersey, and that you will
18 faithfully impartially and justly perform all the
19 duties of the office according to the best of your
20 ability?
21 MR. POPLAR: I do.
22 Thank you, your Honor.
23 (Applause.)
24 MR. POPLAR: I really appreciate this,
25 Judge Rodriguez.

1 Joe Rodriguez and I have been friends,
2 and our families, for getting close to 40 years.
3 It's real special that Joe came tonight to swear me
4 in.
5 I want to say congratulations to our
6 honorees and the scholarship recipients. The names
7 we give out tonight are the names of John Barry and
8 William Brennan. It's very significant these awards
9 are named after those two individuals.
10 For those of us old timers who knew and
11 have met John Barry and Justice Brennan, I really
12 appreciate the significance.
13 To the students who received the awards,
14 we wish you good luck.
15 John Barry was with us for all too short
16 a period of time, but he set the standard for
17 excellence, for intellectual depth, character, and
18 for integrity. There is no better role model for you
19 to follow.
20 Scholars have spoke about
21 Justice Brennan. Many scholars have said that in the
22 twentieth century there has been no single individual
23 who has had a greater influence than Justice Brennan
24 in the law or outside of the law.
25 For almost 34 years he served as an

1 Associate Justice. He authored over 1300 opinions,
2 and with a force of personality with his colleagues
3 on the bench, he has influenced the life of the
4 people of this country. He, like John Barry, is a
5 son of New Jersey and a son of this Federal Court
6 community. And we are thrilled that we can give
7 awards in the name of Justice Brennan to those very
8 distinguished jurists, Judge Bassler and Judge Walls.
9 To them I say congratulations.
10 We have another son who spoke just a few
11 minutes ago, another son of New Jersey and another
12 son of this Federal District Court community, the
13 Honorable Samuel Alito.
14 I have known Sam for a number of years.
15 Most of, or many of you here know Sam. Sam's roots
16 are here in this room.
17 We, Sam, are very proud of you.
18 Honorable Justice, we expect great things. We know
19 that you will positively impact the lives of people.
20 In 10 years, 20 years, 30 years from now, we believe
21 we will be saying the same things about you as we
22 have about our other son who ascended to the Federal
23 U.S. Supreme Court.
24 I have boasted about our federal court
25 community many times. I have boasted that we have

1 something special going on here in New Jersey.
2 When lawyers from foreign districts come
3 within our courts and they go to their first
4 magistrate conference or their first appearance
5 before a district judge, they know that something
6 different is happening. There is an access, there is
7 communication, there is a civility, there is a
8 professionalism which you don't find in many other
9 places. There, too, is a quality of justice that may
10 be rivaled, but never can and never succeeded.
11 The men and women of this Association
12 are committed to continue the openness between the
13 bench and the bar. We have an openness and a
14 communication between lawyers and judges here in
15 New Jersey that I have not seen in any other federal
16 district throughout the country and in very few state
17 courts.
18 We are committed to mentoring, as Joe
19 said, the young lawyers in the federal practice. We
20 are committed to pushing for the best quality people
21 to fill the slots when they become available.
22 As Joe had mentioned, we have four slots
23 that have been filled with extraordinarily
24 well-qualified people, and we are thrilled about
25 that.

1 We, as an organization, will speak out
2 about issues and problems of the day. Joe mentioned
3 the attack on the attorney-client privilege, but
4 that's not the only issue. There is an attack on the
5 independence of the judiciary nationwide.

6 I can say with confidence the attack on
7 the independence of the judiciary will not find a
8 battlefield or a battleground here in New Jersey.

9 As it relates to the attack on the
10 attorney-client privilege, we will fight and speak
11 out about the erosion of the attorney-client
12 privilege and the attack to expand the exceptions to
13 that privilege.

14 Last night I attended a program where
15 very prominent, very intelligent and very
16 well-meaning prosecuting attorneys from three
17 separate federal districts spoke on the waiver of the
18 attorney-client privilege. And because they all have
19 a disconnect between what good lawyers do in the
20 representation of clients and what good lawyers
21 should do and what good lawyers do, they simply
22 didn't get it.

23 So, as Joe said, we have formed a
24 special committee, a task force, if you will, that
25 will have and will create at the very, very least a

1 robust dialogue.

2 When there are other issues that
3 challenge the good and perpetuate the bad, we will
4 become engaged. We are going to be an active
5 association as it has been under Joe Hayden and under
6 the very, very prominent other president.

7 I, as a journeyman trial lawyer from the
8 southern end of the state, I'm very, very humbled to
9 be a member of this federal court community and I'm
10 honored to serve as the president this year. Thank
11 you.

12 (Applause.)

13 MR. POPLAR: I would like to call to the
14 attention the Honorable James Zazzali to introduce our
15 first honoree.

16 Justice Zazzali, former Attorney General
17 who served with distinction and Associate Justice of
18 our New Jersey Supreme Court, extraordinarily
19 capable, extraordinarily competent, Justice Zazzali.

20 (Applause.)

21 JUSTICE ZAZZALI: Thank you, Carl.

22 Justice Alito, Judge Bassler,
23 Judge Walls, members of the federal and state
24 judiciary, and all of Bill's family and friends,
25 particularly his wife, Eileen, and his daughters,

1 Joanne and Liz.

2 It is great to be here at the 23rd Ginny
3 Whipple hootenanny.

4 I don't have time to name all of the
5 important people in this room, because this is, after
6 all, the Federal Bar Association, and everybody in
7 the Federal Bar Association is important or thinks
8 he's important. I know I can say that because I was
9 once an officer of the Association. It's not that
10 you're elitist, but things have changed a bit.

11 When I came up this evening to the desk,
12 the young lady at the desk asked me for my name. I
13 told her.

14 She asked me to spell it. I spelled it.

15 She said, what do you do?

16 I said I was a State Court Judge from
17 Red Bank.

18 They then whispered to one another, and
19 one of them asked me for my passport.

20 Tonight is sort of a reunion for me with
21 all these connections that I make this evening, the
22 old friends and so many of you out there that I do
23 know so well, starting with Ginny Whipple.

24 Little known fact: Ginny Whipple's
25 first job was as a receptionist in my former law firm.

1 in Newark. As you can imagine, she did an absolutely
2 terrific job. As for me, after three months of
3 Ginny, I went on Valium.

4 She's terrific. If Ginny ever retires,
5 Mayfair Farms will file for Chapter 11.

6 Another connection is Joe Hayden.

7 Katherine, I don't know if you know this
8 or not, but 40 years ago Joe was my law clerk in the
9 Essex County Prosecutor's office. I had just
10 succeeded my friend, Barry Evanchick, as Chief of the
11 Appeals Section of the Prosecutor's Office.

12 I hired Joe -- where are you, Joe -- as
13 my law clerk. Do you recall that, or is it
14 forgettable?

15 MR. HAYDEN: I recall it now.

16 JUSTICE ZAZZALI: He must recall it,
17 because two days ago he called me and asked, next
18 year being my last year on the court, if he could be
19 my law clerk.

20 I said to myself, why, why?

21 Then I realized: You know how dedicated
22 Joe is to his clients, and he would do anything to
23 get an edge.

24 As I said, I was an officer of the
25 Association. Another close friend, a dear friend,

1 Don Robinson, was responsible for appointing me to
2 that position. Don has made so many appointments, in
3 fact, he tells me that he's responsible for
4 appointing every federal judge in the State of
5 New` Jersey.

6 Bill McGuire may disagree.

7 I mentioned hootenanny before. I saw
8 Justice Alito looking kind of quizzically at me. I
9 can explain what a hootenanny is, so let me go to the
10 dictionary.

11 The hootenanny is an informal
12 get-together where everyone performs for each other
13 for his or her own enjoyment. A hootenanny is a kind
14 of confusing situation where everybody talks over one
15 another.

16 Justice Alito, that might remind you of
17 one of your conferences. Of course, you don't know
18 what court I'm talking about either.

19 When Judge Bassler asked me to introduce
20 him tonight at this dinner to honor his retirement,
21 and he told me that Judge Bill Walls was retiring as
22 well -- this is true -- I misunderstood Bill Bassler,
23 I thought he said that Bill Walsh, your Clerk, was
24 retiring.

25 I was kind of surprised and saddened. I

1 that is truly Mission Impossible.

2 As Nick Politan, another close friend,
3 reminded me when he was serving on the federal bench,
4 "Jimmy, we are like 15 emperors up here."

5 I was wrong, however, and I have to
6 apologize to Nick when six years ago, standing up
7 here, same dinner in a different context, and some of
8 you may recall this, I said, "Nick Politan? There,
9 but for the grace of God, goes God."

10 But I was wrong. I was wrong. After
11 all, God does not charge \$4,000 an hour.

12 And now, more important, if I could have
13 your attention to talk for a few moments about my
14 friend of almost a half century, Bill Bassler.

15 I first came to know Bill, I guess
16 around 1960, when we were at Georgetown Law School
17 together. I never saw anybody who worked harder,
18 never saw anyone with such a commitment to the law,
19 to the process.

20 I've watched him, for those four decades
21 and more, as a splendid lawyer and judge, as a great
22 scholar and author, as a professor and mentor, as a
23 husband, father and grandfather, and, most of all, to
24 me at least, as a wonderful friend.

25 I am not going to recount, for time

1 said, Bill Walsh retiring? How would you know the
2 difference?

3 By the way, I cleared all of this with
4 everybody, including -- I cleared it with Bill Walsh,
5 I didn't clear it with Sam Alito.

6 Bill has always been helpful. I said,
7 Bill, I want to sit down and talk with you about
8 preparing my remarks.

9 And he said, sure.

10 So I went up and met with him at his
11 office -- in Forno's.

12 I don't know why Judge Walls is laughing
13 so hard. I can apply some of these same remarks to
14 him too.

15 This is my first opportunity to
16 congratulate Judge Garrett Brown as Chief Judge of
17 the District. He's not here. But I've been watching
18 him closely, and I wish I could tell him this face to
19 face, and he really reminds me of Tom Cruise.
20 Seriously, and it is not just the charisma.

21 The reason -- I cleared this with
22 Gary -- is that when you look at what he's doing,
23 what he's organizing, what he's orchestrating and
24 that he is responsible for watching Cavanaugh,
25 Pisano, Hochberg, Ackerman, Linares and on and on,

1 would not allow, his many achievements.

2 Suffice it to note one achievement --
3 almost half a century ago that set the benchmark for
4 where Bill was headed. That's because as a young
5 student, teenager, at Red Bank Catholic High School,
6 he enrolled in the competition for the school orator.
7 He won the school orator. Some of you know this
8 story.

9 He then, after becoming the awardee for
10 the high school, participated in the New` Jersey State
11 competition, won the competition for best orator in
12 the state, at age 17, went on to the national finals
13 on the stage of the Met in New` York City. The Vice
14 President of the United States at the time gave Bill
15 Bassler the award for the national orator that year.

16 (Applause.)

17 JUSTICE ZAZZALI: I mention it because
18 that set the standard for his lifelong commitment to
19 excellence and to hard work. But when we talk about
20 Bill Bassler, the conversation is not simply about
21 his work ethic. His most significant quality, I
22 believe, is his genuine goodness, his innate goodness
23 and the goodness that he does.

24 Personally and privately he's such an
25 extraordinarily good person. So few of us want to

1 show our private faces in public places, and so too
2 with Bill.
3 Let me simply say, and this shall
4 suffice, that, number one, he sets apart time for his
5 spiritual life, and I'll leave it at that.
6 More important, perhaps, he puts that
7 spirit, that faith, if you will, into everything he
8 does because he's so very thoughtful and kind to so
9 many people, whether it's his colleagues, flowers for
10 the librarians in the courthouse on their birthdays,
11 donuts for the security officers, taking his law
12 clerks and interns to field trips to the Newark
13 Museum at Christmas, to Branch Brook Park in the
14 spring, to the Newark Bears in the summer for a ball
15 game, to his lunchtime readings concerning
16 literature, making sure that people know who Victor
17 Hugo is, and on and on and on.
18 Suffice it to say that, again, now is
19 not the time to start talking about his
20 jurisprudence, but I would want to emphasize his
21 sense of right and wrong, the moral compass that
22 pervades so much of his work.
23 Does he convey a sense of an absolute
24 sense of right and wrong? I think even he himself
25 would admit that at times he does, but he leavens

1 that sense of right and wrong with nuance.
2 There is still, you know, something to
3 be said for moral certainty, especially when as Bill
4 does, he combines that certainty with humility, with
5 understanding, with tolerance.
6 As some of you know, Judge Walls is a
7 recognized scholar on Thomas Moore, having written
8 speeches, given speeches which have been published,
9 and on and on and on.
10 I'm not here to compare Bill to Thomas
11 More or to canonize him. What I'm doing is to
12 suggest, just as Thomas More did, that Bill applies
13 the highest ethical standards and principles to the
14 conduct of both his personal and professional life.
15 He not only tries to do the right thing, but, equally
16 important, tries to do the right thing for the right
17 reason.
18 I'm reminded of a T.S. Elliot line that,
19 "The last temptation is the greatest reason; to do
20 the right thing for the wrong reason."
21 It's not that Bill can't be a
22 pragmatist, he can and does become pragmatic in
23 appropriate circumstances.
24 Your colleagues especially know, Bill,
25 and the lawyers who appear before you, know that

1 whenever there is a conflict, pragmatism is trumped
2 by principle. Putting it another way, the end still
3 does not justify the means.
4 So, to Bill Bassler, all the best. I
5 know, Bill, you wonder how you will be remembered, as
6 we all do. It's quite natural.
7 Trying to shop around for an appropriate
8 quote without cheating and going to Bartlett's, I
9 thought to myself that, as you know, everyone plucks
10 a line out of Julius Caesar, usually something from
11 Mark Antony's statements about Caesar.
12 That is not tonight's tone, though. We
13 are doing exactly the opposite. We come here to
14 praise Bill. We come here to celebrate his life and
15 his career and to wish him the very best of health
16 and happiness.
17 The really more appropriate lines in the
18 play are at the very end, when again Mark Antony
19 comes to the stage and speaks about Brutus. And I,
20 as I conclude, Bill, as we often all think about you,
21 not just your professional success, but your courage,
22 your compassion, your character and your triumph over
23 adversity, we might echo the lines of the Bard when
24 he said, "His life was gentle, and the elements so
25 mixed in him that Nature might rise and say to all of

1 the world, this was a man."
2 I give you Bill Bassler.
3 (Applause.)
4 JUDGE WALLS: When I asked Jimmy Zazzali
5 to introduce me, I had in mind the remarks of
6 Judge Gerry, "What are friends for if they won't lie
7 for you once in a while?"
8 Justice Alito, Justice Zazzali,
9 distinguished guests, family and friends.
10 Selecting Justice Zazzali to introduce
11 me put me at considerable risk. First there was the
12 risk of whether he would even be in the country. He
13 had left to take a well-deserved vacation in Italy
14 with his family.
15 Many of you don't know how actually
16 difficult it is to be on the Supreme Court, our
17 second legislature, and making public policy is
18 particularly difficult when you don't have to answer
19 to the electorate.
20 The second risk was that even when he
21 did get back to the country yesterday afternoon -- he
22 called me to alert me that he was in the country,
23 and I was relieved to hear that -- there was the risk
24 that he could even get to Mayfair Farms. Many of you
25 don't know his sense of direction, but I have been

1 with him when we have traveled north on the Parkway
2 for more than a half an hour when we should have been
3 traveling south.

4 Ginny Whipple, fortunately, got a
5 limousine, and, Jimmy, many thanks for being here.

6 The last risk really had me concerned,
7 because I'm somewhat concerned that I may wake up in
8 the morning tomorrow and pick up the Star-Ledger and
9 discover that the Chief Justice has stricken his
10 remarks from the record.

11 It has been customary for recipients of
12 the Brennan Award to share a personal experience that
13 the recipient had with Justice Brennan, and I'm going
14 to follow in that tradition.

15 To do that, I have to give you a little
16 background, to lay a little foundation, as the trial
17 lawyers would say, and so bear with me.

18 It's 1991, after my first year at
19 Georgetown Law School, I'm not too nervous, and I
20 began the mandatory clerkship in those days with the
21 firm of Parsons, Canzona, Blair and Warren in
22 Red Bank.

23 Some of the older members of the Bar
24 here will remember the name Parsons. He was the
25 Attorney General under Governor Driscoll.

31

1 Mr. Parsons was my mentor. Whatever
2 good lawyering I did, I learned from him.

3 And in the summertime he would take me
4 with him down the street to a men's luncheon club
5 called the Root Beer and Checkers Club. It was an
6 odd name for the club, because for the many years I
7 belonged to it, I never saw a root beer being poured
8 or checkers being played.

9 There we would go, Mr. Parsons in his
10 straw boater and white shoes and I'm tagging along,
11 and there we would go.

12 I say men's luncheon club, and some of
13 the women I see raising their eyebrows. Our
14 consciousness had nothing raised in those days, and
15 if truth be told, no woman in her right mind would
16 ever want to belong there.

17 It was on the second floor of a building
18 over what I think was the Colony Restaurant. The
19 food would come up in a dumbwaiter. And the only
20 deals being made, unlike whatever it was the Olympic
21 Club in San Francisco that got Justice Kennedy in so
22 much trouble, the only deals being made in this club
23 were the cards being shuffled at the card table.

24 In any event, it was a place where
25 retired men, mostly, would go, have a sandwich, have

1 a drink, play some pinochle and improve their mind by
2 reading the latest copy of Playboy Magazine.

3 With no women, as you can imagine, it
4 was a pretty boring place, to be perfectly frank.

5 It's only conceit was that it boasted
6 that its original member was Justice Brennan when he
7 was on the Supreme Court of New Jersey. We were
8 proud of that.

9 When I got back to law school in the
10 fall, somebody in the -- I remember coming up to me
11 in the library and saying, you know, you should
12 really call Justice Brennan. I'm sure he would like
13 to meet you.

14 So with what can only be called
15 chutzpah -- I'm trying Harold -- I called
16 Justice Brennan's secretary, and she, to my absolute
17 amazement, she said, "The Justice would be happy to
18 see you." My God, what am I going to talk about?

19 So, over I go, and I'll never forget the
20 afternoon. He was genuinely interested in me and
21 what I was doing in law school.

22 I'll never forget the warmth of the
23 greeting and his real interest in me, and he enjoyed
24 reminiscing about his old pals at the Root Beer and
25 Checkers Club.

33

1 And so it's really fitting this evening,
2 no matter what our political philosophy is, that we
3 honor this great star in the judicial firmament.

4 Anyway, I have seen changes -- I got to
5 get my dates right -- 1991, I'm on the state court,
6 I'm in chambers, I'm working my way through the
7 Byzantine process of getting on the federal bench, to
8 which I'm eternally indebted to Justice Zazzali.

9 My secretary comes in and she says:
10 There is a conference call for you.

11 I said: What?

12 She says: Well, the counsel for the
13 Democratic majority on the Senate Judiciary Committee
14 and the counsel for the minority Republican party,
15 both women, want to speak to me.

16 My heart stopped. This is not good.

17 So I'm on the phone, and the
18 conversation goes something like this.

19 The Democratic majority woman: We see
20 here that you were a member of the Root Beer and
21 Checkers Club.

22 She made it sound like I was a member of
23 the communist party.

24 I weakly said: Well, a former member.

25 She said: Well, why did you quit?

1 I said: Well, when I went on the state
2 court, there was a protocol against belonging to
3 men's clubs that discriminated, and I quit.
4 We want to see the bylaws of the
5 organization.
6 I should have left well enough alone,
7 but I just couldn't resist.
8 I said: You know, as a matter of
9 historical fact, one of the founding fathers was
10 Justice Brennan.
11 I heard the Republican minority counsel
12 chuckle. At least she had a sense of humor.
13 The Democratic's counsel woman
14 responded: Well, that's neither here nor there.
15 Before I sit down, I want to return to a
16 theme that Justice Alito, in his quiet eloquence,
17 touched upon in the moving induction of
18 Judge Chagares just a few weeks ago.
19 Judge Alito spoke about the tradition of
20 excellence of the Third Circuit, of the distinguished
21 judges now deceased, and the fact that Judge
22 Chagares was now taking his place on the court to
23 continue that tradition and to make his own mark on
24 the court.
25 In, I can't believe it, 1991, in my own

1 important than the brilliant few that lead a nation
2 or a literature to fresh achievements, or the unknown
3 many whose patient efforts keep the world from
4 running backward, who guard and maintain the ancient
5 values even if they do not conquer new, whose
6 inconspicuous triumph it is to pass on what they
7 inherited unimpaired and undiminished, enough for
8 almost all of us if we can hand on the torch and not
9 let it down, content to win the affection if it may
10 be of a few who know us and to be forgotten when they
11 their turn have vanished, the destiny of mankind is
12 not governed wholly by its stars.
13 "If we as judges and lawyers can commit
14 ourselves to the fact that our most important work is
15 the routine and quotidian tasks that are performed
16 faithfully, then we will have done a great service to
17 the past, to the present and to the future.
18 "We will have," in Justice Holmes'
19 words, "we will have answered for our hour."
20 I want to thank all of you for making
21 this such a memorable evening for my family and for
22 me, to the Federal Bar Association, Joe Hayden, Ginny
23 Whipple for tending to all the nice things like
24 getting a ride back and forth, for getting Jimmy
25 Zazzali here, and also, I don't know that I have

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37

1 speech in my own induction, I also spoke about
2 tradition, but in a larger context. I said that
3 whatever scholars may say about what actually
4 constitutes the American legal tradition, certainly
5 at the core of that tradition is the reputation of
6 the federal judiciary for integrity, industry and
7 independence.
8 I am confident that if we as judges
9 adhere to that tradition, we have nothing to fear
10 from the slings and arrows of outraged and outrageous
11 zealots because the strength of the court will rest
12 upon the public confidence, a confidence grounded in
13 our institutional performance.
14 As for my own work on the court for
15 almost the last 15 years, I'm grateful for having had
16 that opportunity.
17 There is a passage from a book by a
18 Cambridge professor by the name of Lucas, who was
19 speaking about the tradition and the heritage of the
20 English language, but in my mind it applies equally
21 well to the judicial enterprise. If you will just
22 bear with me, it's a short passage, I would like to
23 read it.
24 He writes, "It is unlikely that many of
25 us will be famous or even remembered, but not less

1 really publicly acknowledged the enormous debt that I
2 owe to Judge Cavanaugh, who was my first magistrate,
3 and to Madeline Cox Arleo, who was my first
4 magistrate, magistrate judge. I'm very much indebted
5 to them.
6 By the way, if any of you find yourself
7 in Red Bank, you know that I'm stepping down in
8 August, give me a call and we'll have lunch at the
9 Root Beer and Checkers Club.
10 (Applause.)
11 MR. POPLAR: I would like now Alfred
12 Lechner, if he could come forward.
13 Jim Lechner was a Superior Court Judge,
14 Federal District Court Judge, now he's back as a
15 working stiff like the rest of us.
16 Jim will introduce our next honoree.
17 MR. LECHNER: Thank you, Carl.
18 (Applause.)
19 MR. LECHNER: Justice Alito, Justice
20 Zazzali, distinguished judges, the federal and state
21 benches, our honorees, Judge Walls and Judge Bassler,
22 honored guests, officers and trustees of the
23 Association.
24 I don't know about you, but when I was
25 listening to my friend Zazzali, it occurred to me

1 that I have never seen him this drunk. But then I
2 thought, no, it's not that, it's not the drink, he
3 has been away from the salt air at the shore too long
4 and his body has not acclimatized to the rarefied air
5 in Newark.

6 It is with a particular pleasure and
7 honor for me to have this opportunity to make some
8 brief remarks about my colleague and my friend,
9 Bill Walls.

10 If you look at the inside cover of the
11 program this evening, you will see a listing there of
12 the recipients of the award. Reading that list is
13 like reading a who's who in the federal legal
14 community in New Jersey.

15 Our honorees this evening, Bill Walls,
16 Bill Bassler, fit comfortably in this company, and,
17 indeed, fit well together because of their
18 graciousness, their intellect and their
19 professionalism.

20 But before I make any further comments,
21 I would like to take a moment to introduce a few
22 special people, Bill's daughter, Claire, his son,
23 Peter, and their mother, Grace. They are all with us
24 this evening.

25 (Applause.)

1 I just thought it was interesting to
2 mention that when one thinks of both Bill Walls and
3 the tort of modern negligence came into existence,
4 one would not think of a date as recent as the 1930s,
5 now would you?

6 Not too long after I joined the federal
7 bench in 1986 I met Bill. He was funny, gracious,
8 gregarious, a generous person. He appeared to me to
9 be an engaging septuagenarian at the time.

10 As you know, he's a cum laud graduate of
11 Dartmouth College and a graduate of the Yale Law
12 School.

13 In addition to his private practice
14 background, he was an assistant corporation counsel
15 in the City of Newark. He was a Municipal Court
16 Judge in the City of Newark. By the way, he was also
17 a business administrator in Newark.

18 Then he became a judge of the Essex
19 County Court and the Superior Court of the State of
20 New Jersey. He served on the Superior Court from
21 1979 to 1994 when he was appointed to the
22 District Court by President Clinton.

23 My association with Bill and my
24 friendship with him have been a delight. Becoming a
25 colleague of his and a friend of his have been two of

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1 MR. LECHNER: If I were to introduce all
2 of his friends who are here tonight to share this
3 honor and this evening with him, I think I would be
4 introducing everybody in this room.

5 I did a little bit of research before I
6 came here this evening to see what happened in the
7 year that Bill was born. It was recorded, there was
8 recorded history.

9 I know some of you are thinking at this
10 very moment that some of the contemporary events at
11 the time he was born might have included the Titanic
12 or Lusitania disasters, but you would be wrong. It
13 wasn't 1912, it wasn't 1915 that he was born.

14 He was born in 1932. And I did find one
15 thing of moment in addition to the election of FDR.
16 It happened to be, as reported to be, one of the most
17 famous cases in legal history. It is a decision
18 entitled, "Donahue v. Stevenson," a decision out of
19 the House of Lords in London.

20 That case is reputed to be the
21 foundation of the modern tort of negligence. That
22 decision is often referred to as the snail in a
23 bottle decision, but we don't have time this evening
24 to go into all the little nits and jottles of that
25 decision or what the House of Lords had to say.

1 the more memorable experiences of my life. He surely
2 is an original.

3 Sometimes he has this look about him,
4 and when you notice it, you start to wonder, is he
5 actually orbiting the earth?

6 Some refer to him as the most partisan
7 man in America. But you have to understand that does
8 not refer to his work on the bench. Rather, that is
9 a reference to his observations, his politics and his
10 political philosophy.

11 As you know, if you do know him, from
12 time to time he has been heard to express some
13 opinions on virtually every subject. Frankly, if I
14 was assured of one thing as Bill Walls appears to be
15 of everything, I would be a happy man.

16 In fact, he has been heard to complain
17 of certain events that took place years ago, for
18 example, in 2000 and 2004. And I said, yeah, Bill,
19 you might be on to something. If you keep
20 complaining, maybe you can turn back the clock.
21 Maybe you can turn back time.

22 But when you speak with him, when you
23 see his grin, when you experience his irreverent wit,
24 you know he's one of those people with an incisive
25 mind, one who has had the benefit of an

1 extraordinarily educational experience, one who is
2 highly principled, and one who takes joy in everyone
3 and everything around him.

4 There is an old saying that goes, never
5 look back, always look forward. And that does have
6 application in life. But a peak over your shoulder
7 every once in a while let's you know where you've
8 been and who you are. It tells you what your story
9 is. The progress that you make in life enables you,
10 frankly, to appreciate life.

11 When you look at the qualities and the
12 characteristics of a model judge, you start with
13 integrity, you add fairness and intellect, and you
14 have the beginnings of the making of a terrific
15 judge.

16 We are so fortunate tonight to be
17 blessed with two honorees who have these qualities
18 and more.

19 The Almanac of the Federal Judiciary is
20 a publication that goes to the docket sheets and gets
21 the names of lawyers who appear in front of judges
22 and contacts those lawyers and uses the comments of
23 those lawyers to make a publication to talk about the
24 judges.

25 That reports on Bill Walls as follows.

1 "He's a terrific judge. He has had an extraordinary
2 education. He's probably the best educated judge on
3 the bench. He understands complicated and complex
4 issues, especially securities and intellectual
5 property. He's a good judge to draw in any case.
6 He's very analytical, very decisive. He has a
7 terrific temperament. He runs an efficient
8 courtroom. He's evenhanded." It goes on from there.

9 Like many athletes who have been said to
10 be born to play a certain position in their sport,
11 Bill Walls was born to be a judge. He has done his
12 job with effortless efficiency and grace, with so
13 much ease that at times it does not even seem like
14 he's exerting himself.

15 Come to think of it, is there anyone
16 here who has ever seen him break a sweat?

17 But by any measure, from whatever point
18 of view, from whomever's perspective, Bill has had
19 and continues to have an extraordinary life.

20 All of you know him know that he lights
21 up a room when he walks into it. He's a gentleman, a
22 kind person, a professional, a terrific judge.

23 Bill, thanks, with all seriousness, to
24 give me the opportunity to call you my friend.

25 Our organization for some time now has

1 been giving awards at this annual dinner to the
2 lawyer or judge who demonstrates an extraordinary
3 level of professionalism. We have seen that tonight.
4 We see that reflected on the inside cover of the
5 program this evening. All outstanding people. As I
6 say, the two honorees tonight fit comfortably in
7 there.

8 Bill, on behalf of the Association of
9 the Federal Bar of the State of New Jersey, I'm
10 privileged to present to you the William J. Brennan
11 Award for 2006 with the respect and esteem of the
12 entire assemblage here this evening and the affection
13 and best wishes of the Association.

14 Congratulations.

15 (Applause.)

16 JUDGE WALLS: Good evening.

17 Justice Alito, fellow judges, members
18 and friends of the Federal Bar Association, and also
19 I note, I can't help but note that mandatory
20 retirement has caused one of our state justices to,
21 in effect, audition for Comedy Central with Jon
22 Stewart.

23 I want to thank my buddy, Jim Lechner,
24 for those uncharacteristically kind words. The only
25 explanation I probably have is that his delightful

1 wife, Gail, is present tonight or he's thinking about
2 buying a new car.

3 Frankly, I think I've had that rare real
4 time opportunity to hear the eulogy before the event.

5 So many of you are here tonight, and why
6 are you here? The NBA finals are in Dallas and they
7 are on now and the World Cup doesn't begin until
8 tomorrow in Germany, yet this place is packed. Are
9 you in the wrong place?

10 Well, one of you, a veteran trial lawyer
11 whom I know, gave me the answer when I ran into him
12 several weeks back, and he's quite frank with me. He
13 and I bust each other's chops every time we see each
14 other.

15 Frankly, I said he was coming to see
16 Justice Alito take his victory laps, Bassler and
17 Walls not to mention.

18 I'm very glad to see the Justice here
19 tonight.

20 Also, to be quite honest, unlike Claude
21 Rains, Police Captain Renaux in Casablanca, I was
22 truly shocked, shocked and flattered, when Joe Hayden
23 called me back to tell me of your decision to honor
24 me tonight.

25 And so was my family shocked. That's

1 why my son, Peter, my daughter, Claire, their mother,
2 Grace, are here tonight at the table, personal
3 friends are here as well, in a state of shock. They
4 are all here for one reason, seeing is believing.

5 I can deal with it, because our
6 friendship is, as everyone knows, an acquired taste
7 grounded on mutual but brutal candor. So shocked I
8 am. I thank you, Federal Bar Association, for this
9 honor.

10 I'm both proud and humbled to accept
11 this award. When I use that cliché, proud and
12 humbled, I sincerely mean it. I accept this award in
13 memory of one of our country's finest jurists, a
14 native of Newark and New Jersey, Justice William J.
15 Brennan, Jr.

16 Now, about 15 or more years ago I met
17 Justice Brennan at the dedication of the Brennan Inns
18 of Court here in Essex County. I think it was up in
19 Montclair State College. I think that's where it
20 was. That was the first and only occasion I had to
21 chat with him.

22 I was then, and am still, as Billy
23 Bassler pointed out, struck by his quality of common
24 directness that some of the great and famous have.
25 Because without effort he shared his space with me.

1 I forget the psychological -- the psychiatric term in
2 German expressed before, but talking to me he was
3 neither affective nor condescending. He appeared to
4 be as interested in what I was saying as I was in
5 listening to him. Let's call it charisma. That's
6 what it was. That charisma Justice Brennan had was
7 identical to that of two other famous figures I
8 personally know, Justice Brennan's colleague, Justice
9 Thurgood Marshall, and a classmate's father, Nelson
10 Rockefeller.

11 That ability and willingness of
12 Justice Brennan to so share his space is probably, I
13 suggest, one of the reasons that he, despite
14 ideological differences with colleagues, was from
15 time to time able to forge consensus or a majority of
16 in decisions of our high court.

17 I don't come close to pretending that I
18 have that in common with the Justice, but Brennan,
19 Bassler and Walls have the same first name, and so
20 too a conqueror in 1066. Back to the present,
21 though.

22 Brennan, Bassler and Walls all were
23 state trial judges. The Justice was Hudson County's
24 Assignment Judge as well. And that leads to my final
25 moments before you to share a few thoughts about my

1 favorite job, that of a Federal District Judge.

2 Now, when I was inducted a decade ago, I
3 admit publicly that I had long lusted for this
4 office, ala Jimmy Carter.

5 Tonight that lust is still in me and is
6 as powerful, and I need nothing from Senator Dole.

7 You get it. All right.

8 This is the greatest job in the world
9 for someone who wants to be a trial judge. Some of
10 you may want to, and I realize that others may not
11 because of the risk of falling into honorable
12 poverty, but finances aside, for active participation
13 in the solution of problems and controversies between
14 people in accordance with our society's standards we
15 know as laws, the job cannot be matched.

16 Think of the myriad aspects of human
17 conduct and behavior that arise in litigation.
18 Personally, I relish the interplay among the parties,
19 lawyers, jury and judge and trial.

20 Unfortunately, or fortunately, many
21 trial lawyers become specialists, experts in one or
22 several legal areas.

23 But think of the different subject areas
24 that a trial judge must handle. To repeat, there is
25 usually tension and excitement in the trial, the

1 journey to end the conflict.

2 Early as a trial lawyer I come home
3 after a trial day with a buzz in my head across my
4 forehead, sort of like a migraine headache. A good
5 way to get rid of it, I found, was to, depending upon
6 the weather, go out to the courts and whack some
7 tennis balls.

8 After I went on the bench, the state
9 bench at that time, I noticed that after a trial day
10 those usual migraines were missing. And then I
11 realized why. I did not have a dog in the fight. I
12 did not care who won or lost, so long as the winner
13 played according to Hoyle, and according to Hoyle
14 being the substantive and procedural rules of law.

15 That, my friends, is the difference
16 between a trial lawyer and a trial judge. That makes
17 all the difference and for the full enjoyment of the
18 role of a judge.

19 You see, for his or her client the
20 lawyer wants to win. He really, or she really needs
21 to win, or at least to achieve a good or excellent
22 accommodation of the controversy.

23 The trial judge has no dog in the fight.
24 This particular trial judge could care less who wins,
25 so long as it is done according to the rules, the

1 substantive and procedural rules of law.
2 The trial judge serves as the head
3 referee or gatekeeper in the contest of litigants and
4 makes the call.
5 Occasionally the Circuit treats those
6 calls to remind district judges that they are
7 mortals. But in the celebrated words of Justice
8 Clifford, although spoken in a different context,
9 "What do they know?"
10 To repeat, this is a great job. Yet I
11 have to admit, on a few occasions my migraines
12 sometimes come out after a trial day. These are
13 aggravated by a small number of practitioners who
14 trample over each other trying to win a case with no
15 civility, no respect for each other and the Court,
16 and, unfortunately, limited knowledge of the
17 applicable law. They are like a pack of hyena cubs.
18 I stress, though, their number is small,
19 statistically insignificant. And I doubt if any of
20 this group is here tonight, but if so, you know who
21 you are and I know where you live.
22 Thank you.
23 (Applause.)
24 MR. POPLAR: I want to thank
25 Justice Barry Albin of our State Supreme Court for

51

1 joining us tonight.
2 Our federal court community is alive and
3 well. Our federal court community is so very
4 special. For at least the next year we won't talk
5 about dividing us into two districts.
6 Have a good night.
7 (Applause.)
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A					
ability 14:20 47:11	29:21 32:20	appearance 17:4	attendance 2:11,14	beat 14:6	
able 9:24 47:15	again 26:18 28:18	appeared 40:8	attended 18:14	became 40:18	
about 7:22 8:4	against 34:2	47:3	attention 24:13	become 17:21 19:4	
9:15 11:22 12:10	age 25:12	appears 41:14	Attorney 12:10	27:22 48:21	
13:10,15,16	aggravated 50:13	Applause 2:12,17	19:16 30:25	becoming 25:9	
15:20 16:21,22	aggressive 5:8	3:2,6,15 4:9,12	attorneys 18:16	40:24	
16:24 17:24 18:2	ago 10:9 13:15	4:15,20 5:4,20	Attorney's 7:19	beer 31:5,7 32:24	
18:11 22:18 23:7	16:11 21:8,17	6:6 10:3 11:4,17	attorney-client	33:20 37:9	
24:13 25:19,20	24:6 25:3 34:18	13:25 14:23	12:19 18:3,10,11	before 7:19 17:5	
26:19 28:11,19	41:17 46:16 48:2	19:12,20 25:16	18:18	22:7 27:25 34:15	
28:20 32:18,24	aid 12:14	29:3 37:10,18	attribute 6:12	38:20 39:5 45:4	
34:19 35:1,3,19	air 38:3,4	38:25 44:15	audience 6:25	47:2,25	
37:24 38:8 41:3	ala 48:4	50:23 51:7	audition 44:21	began 8:6 30:20	
42:23 45:1 46:16	Albin 50:25	applicable 50:17	August 37:8	begin 45:7	
47:25 51:5	alert 29:22	application 42:6	author 5:23 24:22	beginnings 42:14	
absolute 26:23	Alfred 37:11	applications 8:9	authored 16:1	behalf 13:5 44:8	
32:16	Alito 2:15 4:18,19	applies 27:12	available 17:21	behavior 48:17	
absolutely 13:19	6:7 16:13 19:22	35:20	award 1:11 2:16	being 2:5 3:24 8:22	
13:23 21:1	22:8,16 23:5	apply 23:13	25:15 30:12	9:15 10:10 21:18	
accept 46:10,12	29:8 34:16,19	appointed 40:21	38:12 44:11	30:5 31:7,8,20	
access 17:6	37:19 44:17	appointing 22:1,4	46:11,12	31:22,23 49:14	
acclimatized 38:4	45:16	appointments 22:2	awardee 25:9	believe 12:24	
accommodation	alive 51:2	appreciate 14:24	awards 15:8,13	16:20 25:22	
49:22	allow 25:1	15:12 42:10	16:7 44:1	34:25	
accomplish 12:12	Almanac 42:19	appreciation 6:5	away 38:3	believing 46:4	
accordance 48:14	almost 8:8 15:25	10:24,24		belong 31:16	
according 14:19	24:14 25:3 35:15	appropriate 27:23		belonged 31:7	
49:13,13,25	36:8	28:7,17		belonging 34:2	
achieve 49:21	alone 34:6	area 13:13		beloved 3:24	
achievement 25:2	along 31:10	areas 48:22,23		bench 16:3 17:13	
achievements 25:1	although 50:8	argumentative		24:3 33:7 40:7	
36:2	always 6:10 9:6,22	5:10		41:8 43:3 49:8,9	
Ackerman 9:5	23:6 42:5	arise 48:17		benches 37:21	
23:25	amazement 32:17	Arleo 37:3		benchmark 25:3	
acknowledged	America 3:5,13	around 13:1 24:16		benefit 41:25	
37:1	41:7	28:7 42:3		best 14:19 17:20	
acquired 46:6	American 35:4	arrows 35:10		25:11 28:4,15	
across 49:3	among 2:20 48:18	ascended 16:22		43:2 44:13	
active 19:4 48:12	amount 13:4	aside 48:12		better 12:14 15:18	
actually 7:21 8:6	analytical 43:6	asked 5:8,9,9		between 5:25 8:5	
29:15 35:3 41:5	ancient 36:4	20:12,14,19		8:13 17:12,14	
add 42:13	annual 1:7 44:1	21:17 22:19 29:4		18:19 48:13	
added 9:9	another 16:10,11	aspects 48:16		49:16	
addition 39:15	16:11 20:18 21:6	assemblage 44:12		Bill 6:11 8:23,24	
40:13	21:25 22:15 24:2	assessment 7:17		9:3,6 22:6,21,22	
adhere 35:9	28:2	Assignment 47:24		22:23 23:1,4,6,7	
administrator	answer 7:25 8:17	assistant 40:14		24:14,15 25:4,14	
40:17	29:18 45:11	Associate 16:1		25:20 26:2 27:3	
admit 26:25 48:3	answered 36:19	19:17		27:10,12,21,24	
50:11	Antony 28:18	association 1:3 2:5		28:4,5,14,20	
adversity 28:23	Antony's 28:11	2:18 3:19 4:18		29:2 38:9,15,16	
advised 2:10,25	anybody 2:7 6:2	5:1,22 6:17 7:6,8		39:7 40:2,7,23	
advisory 4:25	11:11 24:17	9:17 10:15 11:8		41:14,18 42:25	
affection 36:9	anymore 14:8	11:18 12:1,2,13		43:11,18,23 44:8	
44:12	anyone 24:18	12:14,16,25 13:6		Billy 46:22	
affective 47:3	43:15	14:16 17:11 19:5		Bill's 19:24 38:22	
after 3:23 5:12	anything 21:22	20:6,7,9 21:25		birthdays 26:10	
15:9 20:5 21:2	Anyway 33:4	36:22 37:23		bit 20:10 39:5	
24:10 25:9 30:18	apart 26:4	40:23 44:8,13,18		Blair 30:21	
40:6 49:3,8,9	apologize 2:7 8:14	46:8		Bless 3:4,13	
50:12	24:6	assured 41:14		blessed 42:17	
afternoon 10:13	Appeals 21:11	athletes 43:9		board 4:25	
	appear 27:25	attack 18:3,4,6,9		boasted 16:24,25	
	42:21	18:12		32:5	

B

back 11:9,14 29:21
32:9 36:24 37:14
41:20,21 42:5
45:12,23 47:20
background 30:16
40:14
backward 36:4
bad 7:24 9:15 19:3
bag 9:5
ball 26:14
balls 49:7
Bank 20:17 25:5
30:22 37:7
bar 1:3 2:6 9:17
13:14 14:17
17:13 20:6,7
30:23 36:22 44:9
44:18 46:8
Bard 28:23
Barry 3:22 4:1
15:7,11,15 16:4
21:10 50:25
Bartlett's 28:8
based 7:22
Bassler 2:16 8:24
9:3 16:8 19:22
22:19,22 24:14
25:15,20 28:4
29:2 37:21 38:16
45:16 46:23
47:19,22
baton 10:22
battlefield 18:8
battleground 18:8
bear 30:17 35:22
Bears 26:14

boater 31:10
 body 38:4
 book 5:23 35:17
 bore 6:24
 boring 32:4
 born 6:19 39:7,11
 39:13,14 43:10
 43:11
 both 27:14 33:15
 40:2 46:10
 bottle 39:23
 Branch 26:13
 break 43:16
 Brennan 1:11 2:16
 6:11 15:8,11,21
 15:23 16:7 30:12
 30:13 32:6,12
 34:10 44:10
 46:15,17,17 47:6
 47:12,18,22
 Brennan's 32:16
 47:8
 brief 10:8 38:8
 briefly 11:5
 brilliant 36:1
 broke 14:4
 Brook 26:13
 brown 4:14 9:5
 13:14 23:16
 brutal 46:7
 Brutus 28:19
 buddy 44:23
 building 31:17
 Bumb 2:24
 business 40:17
 bust 45:13
 buying 45:2
 buzz 2:19 49:3
 bylaws 34:4
 Byzantine 33:7

C

Caesar 28:10,11
 calendar 12:23
 call 9:21 19:13
 32:12 33:10 37:8
 43:24 47:5 50:4
 called 21:17 29:22
 31:5 32:14,15
 45:23
 calls 7:12 50:6
 Cambridge 35:18
 Camden 4:10
 came 15:3 20:11
 24:15 39:6 40:3
 candor 46:7
 canonize 27:11
 Canzona 30:21
 capable 19:19
 Captain 45:21
 car 45:2
 card 31:23
 cards 31:23

care 49:12,24
 career 28:15
 Carl 12:17 13:11
 13:18 14:4 19:21
 37:17
 Carter 48:4
 Casablanca 45:21
 case 12:8 39:20
 43:5 50:14
 cases 8:10 12:8
 13:16,17 39:17
 cast 8:6
 Catholic 25:5
 caught 14:5
 caused 44:20
 causes 13:8
 Cavanaugh 23:24
 37:2
 celebrate 28:14
 celebrated 50:7
 Central 44:21
 century 15:22
 24:14 25:3
 certain 2:19 41:17
 43:10
 certainly 35:4
 certainty 27:3,4
 Chagares 34:18,22
 challenge 19:3
 chambers 33:6
 chance 7:25 8:17
 9:11,18
 changed 20:10
 changes 33:4
 Chapter 21:5
 character 15:17
 28:22
 characteristics
 42:12
 charge 24:11
 charisma 23:20
 47:5,6
 chat 46:21
 cheating 28:8
 checkers 31:5,8
 32:25 33:21 37:9
 Chief 21:10 23:16
 30:9
 chops 45:13
 chose 11:1
 Christmas 26:13
 chuckle 34:12
 chutzpah 32:15
 Circuit 7:18 34:20
 50:5
 circumstances
 27:23
 City 25:13 40:15
 40:16
 civil 12:8
 civility 17:7 50:15
 Claire 38:22 46:1
 class 5:14,19
 classmate's 47:9

Claude 45:20
 clear 23:5
 cleared 23:3,4,21
 clerk 21:8,13,19
 22:23
 clerks 26:12
 clerkship 30:20
 cliché 46:11
 client 49:19
 clients 18:20 21:22
 Clifford 50:8
 Clinton 40:22
 clock 41:20
 close 8:11 15:2
 21:25 24:2 47:17
 closely 23:18
 club 12:13 31:4,5,6
 31:12,21,22
 32:25 33:21 37:9
 clubs 34:3
 colleague 38:8
 40:25 47:8
 colleagues 7:15
 9:25 16:2 26:9
 27:24 47:14
 College 40:11
 46:19
 Colony 31:18
 combines 27:4
 come 2:1 13:6 17:2
 28:13,14 31:19
 37:12 43:15
 47:17 49:2 50:12
 Comedy 44:21
 comes 28:19 33:9
 comfortably 38:16
 44:6
 coming 32:10
 45:15
 COMMEMOR...
 1:8
 comment 5:1
 comments 9:7
 38:20 42:22
 commit 36:13
 commitment 24:18
 25:18
 committed 17:12
 17:18,20
 committee 12:17
 18:24 33:13
 common 46:23
 47:18
 communication
 17:7,14
 communist 33:23
 community 2:21
 16:6,12,25 19:9
 38:14 51:2,3
 company 38:16
 compare 27:10
 compass 26:21
 compassion 28:22
 competent 19:19

competition 25:6
 25:11,11
 complain 41:16
 complaining 41:20
 complex 43:3
 complicated 43:3
 conceit 32:5
 concerned 30:6,7
 concerning 26:15
 conclude 28:20
 condescending
 47:3
 conduct 27:14
 48:17
 conference 12:6
 17:4 33:10
 conferences 22:17
 confidence 18:6
 35:12,12
 confident 35:8
 confirmation 5:2
 8:6
 confirmed 2:23,24
 3:1 8:8
 conflict 28:1 49:1
 confusing 22:14
 congratulate 23:16
 congratulations
 15:5 16:9 44:14
 conjunction 6:1
 connection 21:6
 connections 20:21
 conquer 36:5
 conqueror 47:20
 consciousness
 31:14
 consensus 47:15
 considerable 29:11
 constitutes 35:4
 Constitution 14:15
 contacts 9:24
 42:22
 contemporary
 39:10
 content 36:9
 contest 50:3
 context 24:7 35:2
 50:8
 continue 17:12
 34:23
 continues 43:19
 controversies
 48:13
 controversy 49:22
 conversation
 25:20 33:18
 convey 26:23
 copy 32:2
 core 35:5
 corporate 12:9
 corporation 40:14
 counsel 33:12,14
 34:11,13 40:14
 country 16:4 17:16

29:12,21,22
 country's 46:13
 County 21:9 40:19
 46:18
 County's 47:23
 couple 8:12
 courage 28:21
 course 6:11 12:16
 22:17
 court 2:22 5:24 8:7
 9:1,21 11:13
 14:12 16:5,12,23
 16:24 19:9,18
 20:16 21:18
 22:18 29:16 32:7
 33:5 34:2,22,24
 35:11,14 37:13
 37:14 40:15,19
 40:19,20,22
 46:18 47:16
 50:15,25 51:2,3
 courthouse 26:10
 courtroom 43:8
 courts 12:19 17:3
 17:17 49:6
 cover 38:10 44:4
 Cox 37:3
 create 18:25
 creativity 13:5
 credentials 4:22
 credit 11:20
 criminal 10:15
 12:8 13:13
 critical 11:23
 cross-examination
 12:5
 crowd 2:11
 Cruise 23:19
 cubs 50:17
 cum 40:10
 Cup 45:7
 customary 30:11
 C.S.R 1:25

D

Dallas 45:6
 Dartmouth 40:11
 date 40:4
 dates 33:5
 daughter 38:22
 46:1
 daughters 19:25
 day 5:12,12 8:7
 18:2 49:3,9
 50:12
 days 10:16 21:17
 30:20 31:14
 deal 7:9,10 12:18
 46:5
 deals 31:20,22
 dean 13:13
 dear 21:25
 death 8:10

debt 37:1
 decade 48:2
 decades 24:20
 deceased 34:21
 decision 39:17,18
 39:22,23,25
 45:23
 decisions 47:16
 decisive 43:6
 dedicated 21:21
 dedication 46:17
 Defense 10:15
 deferred 12:10
 delight 40:24
 delightful 44:25
 Democratic 33:13
 33:19
 Democratic's
 34:13
 demonstrates 44:2
 depending 49:5
 depth 15:17
 deserve 9:9
 deserving 3:20
 desk 20:11,12
 despite 47:13
 destiny 36:11
 dialogue 19:1
 dictionary 22:10
 difference 23:2
 49:15,17
 differences 47:14
 different 17:6 24:7
 48:23 50:8
 difficult 7:13 29:16
 29:18
 dinner 1:7 6:14
 22:20 24:7 44:1
 direction 29:25
 directness 46:24
 director 2:9 11:16
 disagree 22:6
 disasters 39:12
 disconnect 18:19
 discover 30:9
 discriminated 34:3
 disposition 12:8
 distinction 19:17
 distinguished 16:8
 29:9 34:20 37:20
 district 2:22 5:24
 9:1 14:11 16:12
 17:5,16 23:17
 37:14 40:22 48:1
 50:6
 districts 17:2
 18:17 51:5
 dividing 51:5
 docket 42:20
 dog 49:11,23
 doing 8:14 23:22
 27:11 28:13
 32:21
 Dole 48:6

Don 3:10 11:10
 22:1,2
 Donahue 39:18
 done 7:21 11:3
 36:16 43:11
 49:25
 donuts 26:11
 doubt 50:19
 down 6:20 23:7
 31:4 34:15 36:9
 37:7
 draw 43:5
 drink 32:1 38:2
 Driscoll 30:25
 drives 11:21
 drunk 38:1
 Duffield 4:11
 dumbwaiter 31:19
 during 5:2,6 7:6,12
 11:25 12:16
 duties 14:19

E

each 22:12 45:13
 45:13 50:14,15
 earlier 2:24
 Early 49:2
 earth 41:5
 ease 43:13
 eating 12:13
 echo 28:23
 edge 21:23
 educated 43:2
 education 43:2
 educational 42:1
 Edward 5:23
 effect 44:21
 efficiency 43:12
 efficient 43:7
 effort 46:25
 effortless 43:12
 efforts 36:3
 Eileen 19:25
 either 22:18
 election 39:15
 electorate 29:19
 elements 28:24
 elitist 20:10
 Elliot 27:18
 eloquence 34:16
 embarrassed
 11:20
 emperors 24:4
 emphasize 26:20
 enables 42:9
 end 12:23 19:8
 28:2,18 49:1
 energy 12:15 13:2
 13:4
 engaged 19:4
 engaging 40:9
 engine 11:21,22
 English 35:20

enjoyed 32:23
 enjoying 8:21
 enjoyment 22:13
 49:17
 enormous 37:1
 enough 34:6 36:7
 enrolled 25:6
 enterprise 35:21
 enthusiasm 10:20
 enthusiastic 10:7
 entire 44:12
 entirely 4:4
 entitled 3:22 39:18
 equal 7:2
 equally 27:15
 35:20
 erosion 12:18
 18:11
 especially 27:3,24
 43:4
 Essex 21:9 40:18
 46:18
 esteem 5:22 44:11
 eternally 33:8
 ethic 25:21
 ethical 12:15 27:13
 eulogy 45:4
 Evanchick 21:10
 even 26:24 29:12
 29:20,24 35:25
 36:5 43:13
 evenhanded 43:8
 evening 20:11,21
 33:1 36:21 38:11
 38:15,24 39:3,6
 39:23 44:5,12,16
 event 3:12 10:18
 31:24 45:4
 events 39:10 41:17
 ever 5:10 6:13 21:4
 31:16 43:16
 every 3:19 22:4
 41:13 42:7 45:13
 everybody 2:3
 13:23 20:6 22:14
 23:4 39:4
 everyone 22:12
 28:9 42:2 46:6
 everything 26:7
 41:15 42:3
 exactly 28:13
 example 4:18
 excellence 15:17
 25:19 34:20
 excellent 49:21
 exceptions 18:12
 excitement 48:25
 execution 8:10
 executive 2:9
 11:15
 exerting 43:14
 existence 40:3
 expand 18:12
 expect 16:18

expend 13:5,5
 experience 30:12
 41:23 42:1
 experiences 41:1
 experts 48:21
 explain 22:9
 explanation 44:25
 express 7:12 8:18
 41:12
 expressed 47:2
 exquisitely 13:19
 13:22
 extraordinarily
 17:23 19:18,19
 25:25 42:1
 extraordinary
 43:1,19 44:2
 eyebrows 31:13
 e-mails 7:11

F

face 9:23 23:18,19
 faces 26:1
 fact 20:24 22:3
 34:9,21 36:14
 41:16
 fairness 42:13
 faith 26:7
 faithfully 14:18
 36:16
 fall 12:5 32:10
 falling 48:11
 familiar 4:23 7:21
 families 15:2
 family 7:13 19:24
 29:9,14 36:21
 45:25
 famous 35:25
 39:17 46:24 47:7
 fantastic 8:24,25
 Farano 4:7
 Farms 1:14 21:5
 29:24
 fast 10:22
 fasten 13:24
 father 24:23 47:9
 fathers 34:9
 favorite 48:1
 FDR 39:15
 fear 35:9
 fearless 13:20,23
 federal 1:3 2:6
 5:24 9:17 12:19
 14:11,16 16:5,12
 16:22,24 17:15
 17:19 18:17 19:9
 19:23 20:6,7
 22:4 24:3 33:7
 35:6 36:22 37:14
 37:20 38:13 40:6
 42:19 44:9,18
 46:8 48:1 51:2,3
 feel 7:24 13:2

feeling 13:9
 fellow 44:17
 few 6:9 7:4 14:9
 16:10 17:16
 24:13 25:25
 34:18 36:1,10
 38:21 47:25
 50:11
 field 13:12 26:12
 fight 18:10 49:11
 49:23
 figures 47:7
 file 21:5
 fill 17:21
 filled 17:23
 final 47:24
 finals 25:12 45:6
 finances 48:12
 find 9:19 17:8 18:7
 37:6 39:14
 fine 11:8
 finest 46:13
 finishing 10:4
 fire 5:11,14,15
 firm 20:25 30:21
 firmament 33:3
 first 7:5 10:17 17:3
 17:4 19:15 20:25
 23:15 24:15
 29:11 30:18 37:2
 37:3 46:20 47:19
 fit 38:16,17 44:6
 fitting 4:1 33:1
 flattered 45:22
 floor 31:17
 flowers 26:9
 follow 15:19 30:14
 follows 42:25
 food 31:19
 force 16:2 18:24
 forehead 49:4
 foreign 17:2
 forge 47:15
 forget 7:14,15
 32:19,22 47:1
 forgettable 21:14
 forgotten 36:10
 formed 10:14
 12:17 18:23
 former 19:16
 20:25 33:24
 Forno's 23:11
 forth 36:24
 fortunate 42:16
 fortunately 30:4
 48:20
 forward 9:6 37:12
 42:5
 found 49:5
 foundation 30:16
 39:21
 founding 11:9 34:9
 four 2:20 17:22
 24:20

Francisco 31:21
 frank 32:4 45:12
 frankly 41:13
 42:10 45:3,15
 fresh 36:2
 friend 14:2 21:10
 21:25,25 24:2,14
 24:24 37:25 38:8
 40:25 43:24
 friendly 9:22
 friends 7:15 9:14
 9:25 15:1 19:24
 20:22 29:6,9
 39:2 44:18 46:3
 49:15
 friendship 40:24
 46:6
 from 3:20 4:6,10
 4:13 13:21 16:20
 17:2 18:16 19:7
 20:16 28:10
 30:10 31:2 35:10
 35:17 36:3 38:3
 40:20 41:11 43:8
 43:17,18 47:14
 48:6
 front 42:21
 full 49:17
 funny 40:7
 further 38:20
 future 36:17

G

Gail 45:1
 game 26:15
 Garrett 23:16
 Gary 23:22
 gatekeeper 50:3
 Gateway 10:13
 gave 4:2 25:14
 45:11
 General 19:16
 30:25
 generous 40:8
 gentle 28:24
 gentleman 43:21
 genuine 25:22
 genuinely 32:20
 Georgetown 24:16
 30:19
 German 47:2
 Germany 45:8
 Gerry 29:6
 gets 42:20
 getting 15:2 33:7
 36:24,24
 get-together 22:12
 Ginny 2:10 11:15
 11:19,21 20:2,23
 20:24 21:3,4
 30:4 36:22
 give 5:22 6:4 9:21
 15:7 16:6 29:2

30:15 37:8 43:24
 given 27:8
 gives 3:19
 giving 44:1
 glad 45:18
 go 11:14 17:3 22:9
 31:9,11,25 32:19
 39:24 49:6
 goals 14:16
 God 3:4,13 24:9,9
 24:11 32:18
 goes 10:11 24:9
 33:18 42:4,20
 43:8
 going 2:21 3:4 4:21
 8:11 12:18,21
 17:1 19:4 24:25
 28:8 30:13 32:18
 Goldstein 11:10
 good 6:21 13:8
 15:14 18:19,20
 18:21 19:3 25:25
 31:2 33:16 43:5
 44:16 49:4,21
 51:6
 goodness 25:22,22
 25:23
 governed 36:12
 Governor 10:18
 30:25
 grace 5:14,15 24:9
 38:23 43:12 46:2
 gracious 40:7
 graciousness 38:18
 graduate 40:10,11
 grandfather 24:23
 grateful 35:15
 great 3:23,24 4:16
 5:18,18 7:9,10
 11:9 14:1 16:18
 20:2 24:21 33:3
 36:16 46:24
 50:10
 greater 15:23
 greatest 9:1 27:19
 48:8
 Greenbaum 12:21
 greeting 32:23
 gregarious 40:8
 grin 41:23
 ground 6:23
 grounded 35:12
 46:7
 group 50:20
 guard 36:4
 guess 3:17 24:15
 guest 4:17
 guests 2:15 4:19
 29:9 37:22
 guy 14:6

H

half 24:14 25:3

30:2
 Hall 4:6
 hand 14:13 36:8
 handle 48:24
 handled 5:2
 handles 12:17
 handling 5:13
 happened 8:3 39:6
 39:16
 happening 17:6
 happiness 28:16
 happy 7:3 8:19
 9:13,22 32:17
 41:15
 harassed 14:8
 hard 23:13 25:19
 harder 24:17
 Harold 32:15
 having 13:21 27:7
 35:15
 Hayden 2:1,4,13
 2:18 3:3,7,16
 4:10,13,16,21
 5:5,21 11:5,18
 14:3 19:5 21:6
 21:15 36:22
 45:22
 head 49:3 50:2
 headache 49:4
 headed 12:17 25:4
 health 28:15
 hear 29:23 45:4
 heard 5:6 6:13
 34:11 41:12,16
 heart 33:16
 heck 14:6
 hell 13:19,22
 help 5:1 9:8 44:19
 helpful 23:6
 Hemingway 5:14
 her 20:13 22:13
 31:15 49:19
 Herb 11:10
 heritage 35:19
 high 25:5,10 47:16
 highest 27:13
 highly 42:2
 Hillman 2:25
 him 5:12 6:13
 13:21 14:6 22:20
 23:10,14,18,18
 24:20 27:11
 28:15,25 30:1
 31:2,4 38:1 39:3
 40:24 41:3,6,11
 41:22 42:3 43:16
 43:20 45:11
 46:21 47:5
 himself 5:2 26:24
 43:14
 hired 21:12
 historical 3:11 6:1
 34:9
 history 5:24 39:8

39:17
 Hochberg 23:25
 Holmes 36:18
 home 49:2
 honest 45:20
 honor 3:8 6:14 9:8
 14:1,22 22:20
 33:3 38:7 39:3
 45:23 46:9
 honorable 16:13
 16:18 19:14
 48:11
 honored 2:15 4:17
 4:19 5:17 19:10
 37:22
 honoree 10:17
 19:15 37:16
 honorees 15:6
 37:21 38:15
 42:17 44:6
 honoring 8:20
 hootenanny 20:3
 22:7,9,11,13
 hope 8:1 9:10,19
 9:24
 hour 10:25 24:11
 30:2 36:19
 hours 8:4,12
 House 39:19,25
 Howard 1:25
 Hoyle 49:13,13
 Hudson 47:23
 Hughes 10:19
 Hugo 26:17
 human 3:24 48:16
 humbled 19:8
 46:10,12
 humility 27:4
 humor 34:12
 husband 24:23
 hyena 50:17

I

identical 47:7
 identified 7:1
 ideological 47:14
 II 4:11
 III 6:11
 imagine 21:1 32:3
 immediately 8:8,8
 impact 16:19
 impartially 14:18
 important 20:5,7,8
 24:12 26:6 27:16
 36:1,14
 Impossible 24:1
 impressed 6:10
 impressive 4:22
 9:11
 improve 12:2 32:1
 inappropriately
 10:10
 innate 25:22

inaugural 10:18
 incisive 41:24
 included 39:11
 including 9:4 23:4
 inconspicuous
 36:6
 inconvenienced
 2:8
 incredible 9:10
 indebted 33:8 37:4
 indexed 38:17
 independence 18:5
 18:7 35:7
 indicated 14:3
 individual 15:22
 individuals 2:21
 15:9
 inducted 48:2
 induction 34:17
 35:1
 industry 35:6
 influence 15:23
 influenced 16:3
 informal 22:11
 inherited 36:7
 Inns 46:17
 inside 38:10 44:4
 insignificant 50:19
 inspirational 10:6
 institutional 35:13
 integrity 15:18
 35:6 42:13
 intellect 38:18
 42:13
 intellectual 15:17
 43:4
 intelligent 18:15
 intend 13:4,5
 interest 32:23
 interested 6:3
 32:20 47:4
 interesting 40:1
 interns 26:12
 interplay 48:18
 introduce 4:17
 14:2 19:14 22:19
 29:5,10 37:16
 38:21 39:1
 introducing 39:4
 invites 10:12
 inviting 6:9,17
 involved 13:7
 irreverent 41:23
 issue 18:4
 issued 7:8
 issues 18:2 19:2
 43:4
 Italy 29:13

J

J 1:11 4:1 44:10
 46:14
 James 19:14

Jeff 12:21	jury 48:19	21:18 27:19 30:6	16:4 19:13 24:4	20:21 34:23 38:7
Jersey 1:4,15 3:21	just 6:3,9,23 7:4,22	35:15	32:12 33:18,22	38:20 42:9,23
5:25 13:16 32:7	8:1 9:14 10:8,23	later 10:16	35:22 36:23	makes 9:16 49:16
44:9 46:14	11:5 13:10 16:10	latest 32:2	37:11,15 38:13	50:4
Jim 37:13,16 44:23	21:9 23:20 27:12	laud 40:10	38:21 43:9,13	making 26:16
Jimmy 24:4 29:4	28:21 34:7,18	laughing 23:12	49:4 50:17	29:17 36:20
30:5 36:24 48:4	35:21 40:1	law 3:21 4:2,4,6	limited 13:4 50:16	42:14
Joanne 20:1	justice 2:15 4:18	15:24,24 20:25	limousine 30:5	man 3:23 4:2 5:18
job 11:3 20:25	4:19,22 5:16,18	21:8,13,19 24:16	Linares 23:25	13:17 29:1 41:7
21:2 43:12 48:1	6:4,7 10:18	24:18 26:11	line 5:14 27:18	41:15
48:8,15 50:10	11:12 15:11,21	30:19 32:9,21	28:10	mandated 3:11
Joe 2:4 3:7 6:7,16	15:23 16:1,7,18	40:11 49:14 50:1	lines 28:17,23	mandatory 30:20
10:4,6,8,9,21,25	17:9 19:16,17,19	50:17	list 9:10,12 38:12	44:19
11:2 14:3 15:1,3	19:21,22 21:16	laws 48:15	listened 5:12 14:10	mankind 36:11
17:18,22 18:2,23	22:8,16 25:17	lawyer 3:23 13:17	listening 37:25	many 3:25,25 6:12
19:5 21:6,8,12	29:8,8,10 30:9	19:7 24:21 44:2	47:5	7:11 9:2,3,14,18
21:12,22 36:22	30:13 31:21 32:6	45:10 49:2,16,20	listing 38:11	9:25 10:6 11:8
45:22	32:12,16,17 33:8	lawyering 31:2	literally 8:4,12	12:4,6 13:12
John 3:22 4:1 15:7	34:10,16 36:18	lawyers 2:20 10:10	literature 26:16	15:21 16:15,25
15:11,15 16:4	37:19,19 44:17	10:12,15 11:8	36:2	17:8 20:22 22:2
joined 40:6	45:16,18 46:14	12:2,14,15 13:3	litigants 50:3	25:1 26:9 29:15
joining 51:1	46:17 47:6,8,8	17:2,14,19 18:19	litigation 12:3	29:24 30:5 31:6
Jon 11:10 44:21	47:12,18,23 50:7	18:20,21 27:25	48:17	35:24 36:3 43:9
Joseph 4:6,8	50:25	30:17 36:13	little 20:24 30:15	45:5 48:20
jottles 39:24	justices 44:20	42:21,22,23	30:16 39:5,24	March 12:7
journey 49:1	justify 28:3	48:19,21	live 50:21	mark 5:23 28:11
journeyman 19:7	justly 14:18	lay 30:16	lively 9:7	28:18 34:23
joy 10:20 42:2		lead 3:4 36:1	lives 16:19	Marshall 47:9
joys 11:6		leadership 12:21	Liz 20:1	Martha 4:19
Jr 1:11 46:15		leads 47:24	London 39:19	matched 48:15
judge 2:16,16,23		learn 6:21	long 38:3 40:6 48:3	material 9:2
2:24 3:4,7,14,17		learned 31:2	49:12,25	matter 33:2 34:8
7:18 9:5 14:1,9		least 6:22 18:25	look 9:11 13:1	may 17:9 22:6 24:8
14:12,13,25 16:8		24:24 34:12	23:22 38:10 41:3	30:7 35:3 36:9
16:8 17:5 19:22		49:21 51:4	42:5,5,11	48:10,10
19:23 20:16 22:4		leave 26:5	looked 8:10 9:6	maybe 41:20,21
22:19,21 23:12		leavens 26:25	looking 22:8	Mayfair 1:14 21:5
23:16,16 24:21		Lechner 37:12,13	Lords 39:19,25	29:24
27:6 29:4,6		37:17,19 39:1	lose 5:11	McGuire 22:6
34:18,19,21 37:2		44:23	lost 49:12	mean 9:23 13:3
37:4,13,14,21,21		lectern 19:14	lot 7:14,20 8:16	46:12
40:16,18 42:12		led 10:21	Lucas 35:18	means 28:3
42:15 43:1,2,5		left 29:13 34:6	luck 15:14	meant 7:9,10,14
43:11,22 44:2,16		legal 35:4 38:13	lunch 37:8	7:20 8:16
47:24 48:1,9,19		39:17 48:22	luncheon 31:4,12	measure 43:17
48:24 49:16,18		legislature 29:17	lunches 9:6,7	meet 32:13
49:23,24 50:2		Lender 5:23	lunchtime 26:15	meeting 10:12
judges 2:20 6:21		less 35:25 49:24	Lusitania 39:12	member 4:25 19:9
17:14 34:21 35:8		let 10:8 22:9 26:3	lust 48:5	32:6 33:20,22,24
36:13 37:20		36:9	lusted 48:3	members 2:21
42:21,24 44:17		letters 7:11,25		19:23 30:23
47:23 50:6		8:15		44:17
judgment 7:22		let's 42:7 47:5		memorable 36:21
judicial 12:6 33:3		level 44:3		41:1
35:21		librarians 26:10		memory 46:13
judiciary 18:5,7		library 32:11		men 17:11 31:25
19:24 33:13 35:6		lie 29:6		mention 4:24
42:19		life 11:6 16:3 26:5		25:17 40:2 45:17
Julius 28:10		27:14 28:14,24		mentioned 17:22
June 1:17		41:1 42:6,9,10		18:2 22:7
jurisprudence		43:19		mentor 24:22 31:1
26:20		lifelong 25:18		mentoring 17:18
jurists 8:21 16:8		lights 43:20		men's 31:4,12 34:3
46:13		like 2:7 5:22 8:10		met 15:11 23:10

25:13 40:7 46:16
might 22:16 28:23
 28:25 39:11
 41:19
migraine 49:4
migraines 49:10
 50:11
mind 7:3 29:5
 31:15 32:1 35:20
 41:25
minority 33:14
 34:11
minutes 16:11
miscreant 10:11
miss 8:21,22,23,23
 9:7
missed 3:25
missing 49:10
Mission 24:1
missions 14:16
mistake 11:20
misunderstood
 22:22
mixed 28:25
model 15:18 42:12
modern 39:21 40:3
mold 14:4
moment 38:21
 39:10,15
moments 24:13
 47:25
Montclair 46:19
months 21:2
Moore 27:7
moral 26:21 27:3
more 6:24 12:15
 24:12,21 26:6
 27:11,12 28:17
 30:2 41:1 42:18
 46:16
morning 30:8
mortals 50:7
most 3:24 5:6
 16:15 24:23
 25:21 36:14
 39:16 41:6
mostly 31:25
mother 38:23 46:1
moving 34:17
much 4:2 8:22 9:8
 10:2 26:22 31:22
 37:4 43:13
Municipal 40:15
Museum 26:13
must 21:16 48:24
mutual 46:7
myriad 48:16
myself 21:20 28:9

N

name 2:4 13:18
 16:7 20:4,12
 30:24 31:6 35:18

47:19
named 3:23 15:9
names 9:9 15:6,7
 42:21
nation 36:1
national 25:12,15
nationwide 18:5
native 46:14
natural 28:6
Nature 28:25
NBA 45:6
need 48:6
needs 49:20
negligence 39:21
 40:3
neither 34:14 47:3
Nelson 47:9
nervous 30:19
never 7:14,15
 17:10,10 24:17
 24:18 31:7 32:19
 32:22 38:1 42:4
new 1:4,15 3:21
 5:25 32:7 36:5
 44:9 45:2 46:14
Newark 4:13 21:1
 26:12,14 38:5
 40:15,16,17
 46:14
newspapers 7:23
New Jersey 6:19
 7:16 8:23 9:16
 9:23 10:16 14:17
 16:5,11 17:1,15
 18:8 19:18 22:5
 25:10 38:14
 40:20
New York 25:13
next 3:18 13:10,23
 21:17 37:16 51:4
nice 36:23
Nick 24:2,6,8
night 18:14 51:6
nits 39:24
Nobody 6:13
Noel 2:25
nominated 2:22
 7:7
nomination 7:7,9
nominees 9:10
north 30:1
nostalgic 9:16
note 25:2 44:19,19
nothing 31:14 35:9
 48:6
notice 41:4
noticed 49:9
NPR 5:7
nuance 27:1
number 16:14 26:4
 50:13,18

O

observations 41:9
occasion 8:18
 46:20
Occasionally 50:5
occasions 50:11
occurred 37:25
odd 31:6
office 7:20 10:11
 14:19 21:9,11
 23:11 48:4
officer 20:9 21:24
officers 26:11
 37:22
often 28:20 39:22
old 9:14 14:2 15:10
 20:22 32:24 42:4
older 30:23
Olympic 31:20
once 20:9 29:7
 42:7
one 6:23 11:6,25
 14:9 20:18,19
 22:14,17 25:2
 26:4 34:9 39:14
 39:16 40:2,4
 41:14,24,25 42:1
 42:2 44:20 45:10
 46:4,13 47:13
 48:21
only 2:25 5:17 6:17
 9:15 12:25 13:4
 18:4 27:15 31:19
 31:22 32:5,14
 44:24 46:20
openness 17:12,13
operational 12:22
opinion 6:22
opinions 16:1
 41:13
opportunity 8:17
 23:15 35:16 38:7
 43:24 45:4
opposite 28:13
Orange 1:15
orator 25:6,7,11
 25:15
orbiting 41:5
orchestrating
 23:23
order 2:2 12:20
organization 6:12
 10:16,21 18:1
 34:5 43:25
organizing 23:23
original 32:6 41:2
other 6:19 16:22
 17:8,15 19:2,6
 22:12 45:14 47:7
 50:14,15
others 11:10 48:10
other's 45:13
ourselves 36:14
out 3:19 5:25 6:18
 14:6 15:7 18:1

18:11 20:22
 28:10 39:18
 46:23 49:6 50:12
outraged 35:10
outrageous 35:10
outside 6:2 11:19
 15:24
outstanding 44:5
over 4:22 8:1
 10:17 16:1 22:14
 28:22 31:18
 32:19 42:6 50:14
overwhelmed 8:2
owe 37:2
own 22:13 34:23
 34:25 35:1,14

P

pace 10:22
pack 50:17
packed 45:8
paid 2:11
pals 32:24
Park 26:13
parking 2:8
Parkway 30:1
Parsons 30:21,24
 31:1,9
participated 25:10
participation
 48:12
particular 38:6
 49:24
particularly 13:13
 19:25 29:18
parties 48:18
partisan 41:6
parts 8:25
party 33:14,23
pass 36:6
passage 35:17,22
passed 8:4
passes 10:22
passport 20:19
past 10:21 36:17
patient 36:3
peak 42:6
penalty 8:10
people 2:11 7:17
 9:17 10:14,17
 13:6,7 16:4,19
 17:20,24 20:5
 26:9,16 38:22
 41:24 44:5 48:14
perfectly 32:4
perform 14:18
performance
 35:13
performed 36:15
performs 22:12
perhaps 26:6
period 15:16
perpetuate 19:3

person 25:25 40:8
 43:22
personal 27:14
 30:12 46:2
personality 16:2
personally 25:24
 47:8 48:18
perspective 43:18
pervades 26:22
Peter 3:1,17 38:23
 46:1
philosophy 33:2
 41:10
phone 7:12 33:17
pick 30:8
picked 4:4
pillar 6:11
pinochle 32:1
Pisano 23:25
place 31:24 32:4
 34:22 41:17 45:8
 45:9
places 17:9 26:1
play 28:18 32:1
 43:10
Playboy 32:2
played 31:8 49:13
pleas 12:9
please 2:1
pleased 9:8
pleasure 3:12 38:6
plucks 28:9
point 6:23 12:24
 43:17
pointed 46:23
points 6:22 7:1
poise 5:11
Police 45:21
policy 29:17
Politan 24:2,8
political 33:2
 41:10
politics 41:9
Poplar 10:4 13:11
 13:18 14:7,11,21
 14:24 19:13
 37:11 50:24
position 22:2 43:10
positively 16:19
potential 13:1,3
poured 31:7
poverty 48:12
powerful 48:6
practice 17:19
 40:13
practitioners
 50:13
pragmatic 27:22
pragmatism 28:1
pragmatist 27:22
praise 28:14
prepared 13:19,22
preparing 23:8
present 36:17

44:10 45:1 47:20
president 2:5 10:5
 11:7 13:11 19:6
 19:10 25:14
 40:22
pretending 47:17
pretty 32:4
principle 28:2
principled 42:2
principles 27:13
prior 9:10
private 26:1 40:13
privately 25:24
privilege 2:5 4:17
 11:7 12:19 18:3
 18:10,12,13,18
privileged 44:10
probably 43:2
 44:25 47:12
probing 5:9
problems 18:2
 48:13
procedural 49:14
 50:1
proceedings 5:3
process 24:19 33:7
professional 27:14
 28:21 43:22
professionalism
 17:8 38:19 44:3
professor 24:22
 35:18
program 18:14
 38:11 44:5
programs 13:7
progress 42:9
prominent 18:15
 19:6
property 43:5
prosecuting 18:16
prosecution 12:11
prosecutors 10:11
Prosecutor's 21:9
 21:11
protocol 34:2
proud 11:11 16:17
 32:8 46:10,11
psychiatric 47:1
psychological 47:1
public 26:1 29:17
 35:12
publication 42:20
 42:23
publicly 37:1 48:3
published 27:8
pushing 17:20
put 5:25 6:17
 29:11
puts 26:6
Putting 28:2

Q

qualities 9:2 42:11

42:17
quality 17:9,20
 25:21 46:23
question 4:5
questioning 5:13
questions 5:8,9,10
quickly 6:21
quiet 34:16
quit 33:25 34:3
quite 28:6 45:12
 45:20
quizzically 22:8
quote 28:8
quotidian 36:15

R

Rains 45:21
Raise 14:13
raised 31:14
raising 31:13
ran 45:11
Rappaport 1:25
rare 45:3
rarefied 38:4
Rather 41:8
Ray 13:15
Raymond 13:14
reaching 7:22
read 7:23 11:1
 35:23
reading 32:2 38:12
 38:13
readings 26:15
real 15:3 32:23
 45:3
realize 48:10
realized 21:21
 49:11
really 2:14 6:24
 7:13,24 8:20
 9:15 14:24 15:11
 23:19 28:17 30:6
 32:12 33:1 37:1
 49:20,20
reason 5:16 8:19
 9:13 23:21 27:17
 27:19,20 46:4
reasons 47:13
recall 21:13,15,16
 24:8
received 15:13
recent 40:4
receptionist 20:25
recipient 30:13
recipients 2:15 4:3
 15:6 30:11 38:12
recognized 27:7
record 2:10 30:10
recorded 39:7,8
recount 24:25
recruited 3:10
Red 20:17 25:5
 30:22 37:7

refer 41:6,8
referee 50:3
reference 41:9
referred 39:22
reflected 44:4
relates 18:9
relevant 12:20
relieved 29:23
relish 48:18
remarks 6:8 23:8
 23:13 29:5 30:10
 38:8
remember 13:15
 30:24 32:10
remembered 28:5
 35:25
remind 22:16 50:6
reminded 24:3
 27:18
reminds 23:19
reminiscing 32:24
Renaux 45:21
Renee 2:24
repeat 48:24 50:10
reported 1:25
 39:16
reports 42:25
representation
 18:20
representing 10:9
Republican 33:14
 34:11
reputation 35:5
reputed 39:20
research 39:5
resist 34:7
resolution 7:8
 10:25
respect 44:11
 50:15
responded 34:14
responsible 22:1,3
 23:24
rest 35:11 37:15
Restaurant 31:18
retired 31:25
retirement 22:20
 44:20
retires 21:4
retiring 22:21,24
 23:1
return 34:15
reunion 20:20
Richard 10:18
richly 9:9
rid 49:5
ride 36:24
right 4:14 14:13
 26:21,24 27:1,15
 27:16,16,20
 31:15 33:5 48:7
rise 28:25
risk 29:11,12,20
 29:23 30:6 48:11

rivaled 17:10
Robert 4:10
Robinson 3:10
 11:10 22:1
robust 19:1
Rockefeller 47:10
Rodriguez 14:1,9
 14:13,25 15:1
role 15:18 49:18
room 13:1 16:16
 20:5 39:4 43:21
root 31:5,7 32:24
 33:20 37:9
roots 16:15
routine 36:15
rules 49:14,25 50:1
Run 6:19
running 36:4
runs 43:7
Rutgers 4:10,13

S

saddened 22:25
salt 38:3
Sam 16:14,15,17
 23:5
same 16:21 23:13
 24:7 47:19
Samuel 4:18 16:13
Sam's 16:15
San 31:21
sandwich 31:25
Saturday 10:13
saw 5:15 22:7
 24:17,18 31:7
saying 11:2 16:21
 32:11 42:4 47:4
says 33:9,12
scholar 3:23 9:3
 24:22 27:7
scholars 15:20,21
 35:3
scholarship 3:22
 4:1 15:6
scholarships 3:20
 3:21 4:3
school 4:6 24:16
 25:5,6,7,10
 30:19 32:9,21
 40:12
schools 3:21 4:4
scratched 12:25
seat 11:14
seatbelts 13:24
second 8:19 29:17
 29:20 31:17
secretary 32:16
 33:9
Section 21:11
securities 43:4
security 26:11
see 9:22 13:3 31:13
 32:18 33:19 34:4
 38:11 39:6 41:23
 44:4 45:13,15,18
 49:19
seeing 8:23,23 13:8
 46:4
seem 43:13
seen 17:15 33:4
 38:1 43:16 44:3
Selecting 29:10
selection 6:20
seminars 12:5
Senate 8:5 33:13
Senator 48:6
sense 26:21,23,24
 27:1 29:25 34:12
sent 7:25
sentiment 6:15
separate 18:17
septuagenarian
 40:9
Seriously 23:20
seriousness 43:23
serve 19:10
served 4:24 15:25
 19:17 40:20
serves 50:2
service 36:16
serving 24:3
set 12:21 15:16
 25:3,18
Seton 4:6
sets 26:4
several 45:12
 48:22
shaky 6:23
share 30:12 39:2
 47:12,25
shared 46:25
sheets 42:20
Sheridan 3:1,17
shock 46:3
shocked 45:22,22
 45:25 46:7
shoes 31:10
shop 28:7
shore 38:3
short 6:14 15:15
 35:22
shoulder 42:6
show 10:12,14
 26:1
shuffled 31:23
significance 15:12
significant 15:8
 25:21
simply 18:21 25:20
 26:3
since 8:14 14:3
sincere 10:24
sincerely 7:5 9:23
 46:12
sing 3:9,11,17 6:18
 6:19
singing 3:12

single 15:22
sit 23:7 34:15
site 12:22
situation 22:14
six 24:6
skills 12:3,3
slash 3:10
slew 13:16
slight 6:4
slightly 6:17
slings 35:10
slots 17:21,22
small 5:21 10:23
50:13,18
smart 13:19,22
snail 39:22
Society 3:12 6:1
society's 48:14
solemnly 14:14
solution 48:13
some 7:13,23 10:7
23:13 24:7 25:7
27:6 30:23 31:12
32:1 38:7 39:9
39:10 41:6,12
43:25 46:24 48:9
49:6
somebody 7:19
32:10
someone 48:9
something 6:10
17:1,5 27:2
28:10 33:18
41:19
sometimes 41:3
50:12
somewhat 30:7
son 16:5,5,10,11
16:12,22 38:22
46:1
song 3:9,11
sooner 7:7
sorry 8:16
sort 20:20 49:4
sound 33:22
south 13:16 30:3
southern 19:8
space 46:25 47:12
spawn 12:15
speak 12:10 18:1
18:10 33:15
41:22
speaking 35:19
speaks 28:19
special 3:3 15:3
17:1 18:24 38:22
51:4
specialists 48:21
spectacular 3:16
speech 6:14 35:1
speeches 27:8,8
spell 20:14
spelled 20:14
spirit 26:7

spiritual 26:5
splendid 24:21
spoke 15:20 16:10
18:17 34:19 35:1
spoken 50:8
sport 43:10
spring 26:14
stage 25:13 28:19
standard 15:16
25:18
standards 27:13
48:14
standing 24:6
star 33:3
stars 36:12
start 26:19 41:4
42:12
starting 20:23
Star-Ledger 30:8
state 1:4 5:6 14:17
17:16 19:8,23
20:16 22:4 25:10
25:12 33:5 34:1
37:20 40:19 44:9
44:20 46:3,19
47:23 49:8 50:25
statement 6:13
statements 28:11
States 2:22 9:1
11:13 12:10
14:15 25:14
statistically 50:19
stature 13:2
stays 8:9
stepping 37:7
stereotype 7:23
Stern 11:10
Stevenson 39:18
Stewart 44:22
stiff 37:15
still 13:14 27:2
28:2 46:22 48:5
stopped 33:16
story 10:8 25:8
42:8
straw 31:10
street 31:4
strength 35:11
stress 50:18
stricken 30:9
struck 46:23
student 25:5
students 3:20
15:13
studied 9:4
subject 41:13
48:23
substantive 13:7
49:14 50:1
succeeded 17:10
21:10
success 28:21
suffice 25:2 26:4
26:18

suggest 27:12
47:13
summer 8:1 26:14
summertime 31:3
sung 3:13
Superior 37:13
40:19,20
support 7:6,12
14:15
supporting 7:8
Supreme 8:7 9:21
11:13 16:23
19:18 29:16 32:7
50:25
sure 11:11 23:9
26:16 32:12
surely 41:1
surface 12:25
surprised 22:25
suspect 2:13
swear 14:14 15:3
sweat 43:16
sworn 8:9
symmetry 2:19

T

table 6:2 31:23
46:2
tagging 31:10
take 4:21 29:13
31:3 38:21 45:16
takes 42:2
taking 26:11 34:22
talk 23:7 24:13
25:19 32:18
42:23 51:4
talking 22:18
26:19 47:2
talks 22:14
targeted 10:10
task 18:24
tasks 36:15
taste 46:6
teaching 12:1
teenager 25:5
tell 10:8 13:21
23:18 45:23
tells 22:3 42:8
temperament 43:7
temptation 27:19
tending 36:23
tennis 49:7
tension 48:25
term 47:1
terms 12:9
terrific 21:2,4
42:14 43:1,7,22
thank 3:7 6:7,7,8
7:6 10:2 14:22
19:10,21 36:20
37:17 44:23 46:8
50:22,24
thankful 6:16

thanking 11:15
thanks 8:18 11:3
30:5 43:23
their 7:6 9:9 12:3,3
17:3,4 26:10
31:13 32:1 36:11
38:17,18,18,23
43:10 46:1 50:18
theme 34:16
thing 9:15 27:15
27:16,20 39:15
41:14
things 8:2 9:4
11:25 16:18,21
20:10 36:23
think 5:13 8:25
26:24 28:20
31:18 39:3 40:4
43:15 45:3 46:18
46:19 48:16,23
thinking 39:9 45:1
thinks 20:7 40:2
third 7:18 9:13
34:20
THIRTIETH 1:6
Thomas 27:7,10
27:12
though 28:12
47:21 50:18
thought 22:23 28:9
38:2 40:1
thoughtful 26:8
thoughts 47:25
three 3:20,21 6:22
6:24 7:1 18:16
21:2
thrilled 16:6 17:24
through 33:6
throughout 5:5
17:16
Thurgood 47:9
time 2:19 4:21
5:10 8:5,13,15
15:16 20:4 24:25
25:14 26:4,19
39:11,23 40:9
41:12,12,21
43:25 45:4,13
47:15,15 49:9
timers 15:10
times 7:13 14:10
16:25 26:25
43:13
Titanic 39:11
today 2:25
together 24:17
38:17
token 5:21 6:4
10:23,24
told 13:16 20:13
22:21 31:15
tolerance 27:5
Tom 23:19
tomorrow 30:8

45:8
tone 28:12
tonight 2:9,14 3:8
3:12 6:9,15 7:3
11:12,23 15:3,7
20:20 22:20 39:2
42:16 44:3,6
45:1,5,19,24
46:2 48:5 50:20
51:1
tonight's 28:12
torch 36:8
tort 39:21 40:3
touched 34:17
tradition 11:9
30:14 34:19,23
35:2,4,5,9,19
train 11:21
trample 50:14
traveled 30:1
traveling 4:14 5:5
30:3
treat 3:3
treats 50:5
tremendous 8:21
trial 12:3,7 13:12
13:13 19:7 30:16
45:10 47:23 48:9
48:19,21,24,25
49:2,3,9,16,16
49:23,24 50:2,12
tribute 2:14 4:1
tried 12:1
tries 27:15,16
trips 26:12
triumph 28:22
36:6
trouble 31:22
true 22:22
truly 24:1 45:22
trumped 28:1
trustees 37:22
truth 31:15
trying 13:15,17
28:7 32:15 50:14
turn 36:11 41:20
41:21
turned 6:20
turnout 2:9 11:12
tutelage 9:5
twentieth 15:22
two 2:15 4:18 8:4,9
8:20 15:9 21:17
40:25 42:17 44:6
47:7 51:5
T.S 27:18

U

ultimately 12:15
uncharacteristic...
44:24
under 5:11,14,15
9:4 12:20 19:5,5

30:25
understand 14:5
41:7
understanding
27:5
understands 43:3
undiminished 36:7
unfortunately
48:20 50:16
unimpaired 36:7
United 2:22 9:1
11:13 12:10
14:15 25:14
unknown 36:2
unlikely 31:20 45:20
unlikely 35:24
until 45:7
use 46:11
uses 42:22
usual 49:10
usually 28:10
48:25
U.S 7:19 16:23

V

v 39:18
vacation 29:13
Valium 21:3
values 36:5
vanished 36:11
very 6:8,16 8:7,22
9:8,22,23 10:2,8
10:22,23 15:8
16:7,17 17:16
18:15,15,15,25
18:25 19:6,6,8,8
26:8 28:15,18
37:4 39:10 43:6
43:6 45:18 51:3
veteran 45:10
Vice 25:13
vicinity 9:20
Victor 26:16
victory 45:16
view 43:18
virtually 41:13
volunteered 6:18
vote 8:13
voted 8:5
votes 8:7,11

W

waiver 18:17
wake 30:7
walks 43:21
Walls 2:16 8:23
9:6 16:8 19:23
22:21 23:12 27:6
29:4 37:21 38:9
38:15 40:2 41:14
42:25 43:11
44:16 45:17
47:19,22

Walsh 22:23 23:1
23:4
want 6:3 7:2,5
14:7 15:5 23:7
25:25 26:20
31:16 33:15 34:4
34:15 36:20
44:23 48:10
50:24
wanted 12:12
wants 48:9 49:20
warmth 32:22
Warren 30:21
Washington 8:22
9:20
wasn't 39:13,13
watched 24:20
watching 23:17,24
way 5:1 11:2 23:3
28:2 33:6 37:6
40:16 49:5
weakly 33:24
weather 49:6
web 12:22
week 2:23,24 5:6
5:15
weekly 9:5
weeks 34:18 45:12
weight 7:2
welcome 2:3 8:17
well 11:3 20:23
22:22 33:12,24
33:25 34:1,6,14
35:21 38:17
45:10 46:3 47:24
51:3
well-deserved
29:13
well-meaning
18:16
well-qualified
17:24
went 11:9 21:3
23:10 25:12 34:1
49:8
were 2:21 3:1 7:21
7:25 8:9,11,24
10:10 12:4,6
24:16 31:23 32:7
33:20 39:1 47:22
49:10
weren't 7:22
West 1:15
we'll 37:8
whack 49:6
while 29:7 42:7
Whipple 2:10
11:15,21 20:3,23
30:4 36:23
Whipple's 20:24
whispered 20:18
white 31:10
wholly 36:12
whomever's 43:18

wife 4:19 19:25
45:1
Wigenton 2:23 3:4
3:7,14,17
William 1:11 15:8
44:10 46:14
willingness 47:11
win 36:9 49:20,21
50:14
winner 49:12
wins 49:24
wish 15:14 23:18
28:15
wishes 44:13
wit 41:23
woman 31:15
33:19 34:13
women 17:11
31:13 32:3 33:15
won 25:7,11 49:12
wonder 28:5 41:4
wonderful 6:3
13:17 24:24
word 11:1,1 13:10
words 6:9 7:4
36:19 44:24 50:7
work 6:3 8:13,22
9:18 12:2 25:19
25:21 26:22
35:14 36:14 41:8
worked 10:7 13:21
24:17
working 33:6
37:15
world 29:1 36:3
45:7 48:8
write 8:15
writes 35:24
written 27:7
wrong 24:5,10,10
26:21,24 27:1,20
39:12 45:9
wrote 7:11

Y

Yale 40:11
yeah 41:18
year 2:19 3:18,19
8:3 10:5,21
11:25 12:23
13:23 19:10
21:18,18 25:15
30:18 39:7 51:4
years 4:25 6:12
7:18 9:18 10:1,9
13:15 15:2,25
16:14,20,20,20
21:8 24:6 31:6
35:15 41:17
46:16
yesterday 29:21
Yiddish 9:4
young 12:2 17:19

20:12 25:4
Z
Zazzali 19:14,16
19:19,21 21:16
25:17 29:4,8,10
33:8 36:25 37:20
37:25
zealots 35:11

\$

\$4,000 24:11

I

10 16:20
1066 47:20
11 21:5
1300 16:1
15 7:18 24:4 35:15
46:16
17 25:12
1789 5:25
1912 39:13
1915 39:13
1930s 40:4
1932 39:14
1960 24:16
1968 14:3
1979 40:21
1986 40:7
1991 30:18 33:5
34:25
1994 40:21

2

20 13:15 16:20
2000 5:25 41:18
2004 41:18
2006 1:17 44:11
21 10:9
23rd 20:2

3

30 16:20
34 15:25
35 10:14
350 10:17

4

40 10:12 15:2 21:8

5

55 11:22

6

685 2:11

8

8 1:17

9

90 10:16