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2 TRANSCRIPT
3 OF
4 PROCEEDINGS
5 OF THE
6 THE ASSOCIATION
7 OF THE FEDERAL BAR
8 OF NEW JERSEY
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10 THE THIRTY SECOND
11 ANNUAL DINNER
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13 COMMEMORATING
14 THE
15 WILLIAM J. BRENNAN, JR.,
16 AWARD
17 AT
18 MAYFAIR FARMS
19 WEST ORANGE, NEW JERSEY
20
21 JUNE 24, 2008
22
23
24
25

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

MR. GREENBAUM: Good evening, everyone.
My name is Jeff Greenbaum and for the next eight minutes I continue to be President of the Association of the Federal Bar of New Jersey.

(Applause.)

MR. GREENBAUM: I welcome you all to this very important year-end event when we will award our annual John J. Barry Memorial scholarships, honoring two outstanding people with an award we give annually to honor the memory of Justice William J. Brennan, Jr., welcome our -- and welcome our new President Dennis J. Drasco who will be sworn in, as I said, in about eight minutes.

It was a true pleasure for me to serve as the 23rd President of this Association. A position that was enriched by the wonderful people with whom I had to work. I was blessed with an outstanding Executive Board and with an involved Board of Trustees who made our substantive discussions lively and who worked hard in our committees to allow us to address many issues. And although he's not here tonight because he was required to attend a memorial service for a family member in England, I want to thank Chief Judge Garrett Brown who was a delight to work with and who

was so supportive of the work of the Association.

We cherish our Association with our truly outstanding Federal Court and we thank each of our judges for the support they gave to our programs and our activities and, as well, for their willingness to engage in a dialogue on issues important to the Court and to the practitioners before it.

I also want to acknowledge the many talents of our Executive Director Ginny Whipple Berkner who told me she's never in the room to hear her praises.

Also, I want to thank my partners at Sills Cummis who were so patient with me during this year. A year ago I stood here pledging to follow the activist approach of our recent past presidents Joe Hayden and Carl Poplar by trying to inspire this association to do more, to appoint more committees, to speak out on issues important to our court and to those who practice before it and to weigh-in on issues important for our federal practitioners on a nationwide basis.

We have had a busy year. As soon as our year began, last summer, we passed a Resolution to support the sorely needed raises for our federal

judges to help garner editorial support through legislation to make those raises a reality. Legislation we still hope will be enacted in the near term.

In November we passed a Resolution decrying the condition for federal prisoners in the Passaic County Jail. And since that time efforts have been made to relocate prisoners to more suitable jail locations.

In January our NCLE Committee issued a report supporting mandatory continuing legal education in New Jersey and set forth our vision on how the program should be structured to make it mesh with those programs in New York and Pennsylvania so that additional burdens would not be imposed on attorneys licensed in more than one state. That report was prominently cited by the Supreme Court Ad Hoc Committee.

Also in January, we passed a Resolution encouraging more frequent oral argument in our federal court on substantive motions. In February we submitted to our Advisory Committee on Civil Rules in Washington a comment on a rule proposal to protect the discovery of draft expert reports and attorney expert communications that would bring

Federal Rule 26 in line with New Jersey's state court rule enacted in 2002.

In November we held two CLE programs, one in Newark and one in Camden, entitled "Navigating the Federal Courts in the Age of Technology, From E-discovery to E-trials." And in March we had our Annual District Court conference where we had two excellent programs. One on Twombly and Access to the Courts and another on Sentencing Guidelines. And in May for the first time at the State Bar Committee, we sponsored a program on Appellate Practice along with the newly formed Third Circuit Bar Association.

And in May we also began considering issues relating to pretrial orders. Work that will continue. And tonight we honor two distinguished members of our federal family. We have improved membership communications and now have a website and web server communicating with our members. We also have made many steps to increase the diversity of our Board and to attract young members. But now we look to the future.

And to formally start our program tonight, I call upon a talented member of our District Court to sing God Bless America. The

2 (Pages 2 to 5)

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1 Honorable Susan D. Wigenton, United States District
2 Judge.
3 (Applause.)
4 Will everyone please stand.
5 JUDGE WIGENTON: Thank you, Jeff. I'm
6 actually singing America the Beautiful. I thought
7 I'd switch it up this year.
8 (Judge Wigenton sings as follows:)
9 "Oh beautiful for spacious skies for
10 amber waves of grain, for purple mountains majesty
11 above the fruited plain.
12 "America, America, God shed his grace
13 on thee and crown thy good with brotherhood from sea
14 to shining sea.
15 "America, America, God shed his grace
16 on thee and crown thy good with brotherhood from sea
17 to shining sea.
18 (Applause.)
19 MR. GREENBAUM: Thank you, Judge
20 Wigenton, for honoring us with your very special
21 talent.
22 At this time -- At this time I would
23 now like to acknowledge the recipients of the John
24 J. Barry Memorial scholarships. We give these
25 scholarships to outstanding students from each of

1 our three wonderful law schools in the name of John
2 J. Barry, a former President of this Association, a
3 great trial and appellate advocate, a man of great
4 character who also excelled in mentoring young
5 lawyers.
6 At this time I would like to
7 acknowledge from Rutgers-Newark Heidi Alexander.
8 I also acknowledge Dean Stewart
9 Deutsch, who I believe is here tonight.
10 From Seton Hall we have Brad Muller and
11 from Rutgers-Camden we have Ray Solomon.
12 Would each one stand so we can give you
13 a round of applause.
14 (Applause.)
15 It is now my great privilege to call to
16 the podium my good friend and our next President,
17 Dennis J Drasco.
18 (Applause.)
19 MR. DRASCO: Jeff, don't leave yet.
20 It is tradition that the incoming
21 President make a presentation to the outgoing
22 President. To me this opportunity is enhanced by
23 the fact that Jeff and I have become such great
24 friends and have worked so closely together this
25 year for this Association but also together in the

1 ABA.
2 Jeff is an officer of the Section of
3 Litigation and he is the Revenue Officer and member
4 of the Council and I can tell you that he works just
5 as hard for the ABA as he does for this Association.
6 Jeff has been a wonderful President.
7 He's responsible for creating so many projects. He
8 mentioned the month-to-month calendar of all the
9 wonderful things that we did this year under his
10 leadership.
11 And it is my personal privilege for all
12 that you have done that I can offer you, on behalf
13 of the officers, trustees and members of this
14 Association a proclamation as a token of our
15 appreciation.
16 Congratulations, Jeff, for a job well
17 done.
18 (Applause.)
19 (The presentation is made.)
20 I will not even attempt to read it. It
21 is from the Association to Jeff Greenbaum.
22 Congratulations.
23 MR. GREENBAUM: Thank you very much.
24 (Applause.)
25 MR. GREENBAUM: At this time I'd like

1 to call up the Honorable William Walls to the
2 podium.
3 JUDGE WALLS: Just a few remarks.
4 Many years ago -- it was shortly after
5 the Little Big Horn episode -- I had the occasion to
6 invite a very personable and then, to me, a very
7 highly intelligent law student to join me and my
8 staff when I was Corporation Counsel of the City of
9 Newark. That young man joined us and he then
10 displayed what he now displays, a personality that
11 is unrivaled in its affability. Notwithstanding he
12 swung with the rest of you sharks through all these
13 years. But he still has maintained an above average
14 intellect and involvement with the law which makes
15 me proud to say that I knew you when. Well, even
16 when I had hair.
17 MR. DRASCO: I don't think so.
18 (Laughter.)
19 JUDGE WALLS: But you were prematurely
20 gray, as I recall.
21 MR. DRASCO: I was here before Judge
22 Chesler.
23 JUDGE WALLS: That's right.
24 Are you ready to take the oath?
25 MR. DRASCO: I am.

3 (Pages 6 to 9)

1 JUDGE WALLS: Do you solemnly swear
2 that you will support the Constitution of the United
3 States and the goals and missions of the Association
4 of the Federal Bar of New Jersey and that you will
5 faithfully, impartially and justly perform all the
6 duties of the office according to the best of your
7 ability?
8 MR. DRASCO: I do.
9 JUDGE WALLS: You may now kiss the
10 bride.
11 (Laughter.)
12 (Applause.)
13 MR. DRASCO: Thank you so much, Judge
14 Walls. You have honored me and Janet by your
15 presence this evening and we'll never forget it.
16 It was exactly 37 years ago around this
17 time of the year that I showed up in the Corporation
18 Counsel's office for the first time as an intern in
19 community service and Judge Walls took me under his
20 wing.
21 When the summer was over, he invited me
22 to come back as a law clerk while I was at Rutgers
23 Law School in Newark, and I worked on so many
24 interesting cases with so many talented young
25 lawyers. It really made impression on me.

1 Who will ever forget Kawaida Towers.
2 JUDGE WALLS: I will.
3 MR. DRASCO: You instilled a sense of
4 professionalism and hard work that stayed with me
5 through my entire career.
6 Ladies and gentlemen, it is a great
7 honor to become the 24th President of this great
8 Association. The outstanding lawyers who have
9 preceded me, many of whom are in this room tonight,
10 have led this Association and have shared a bond, a
11 commitment to serve this fine District Court which
12 is the finest in the land and the lawyers who appear
13 before it and the citizens who we represent.
14 I pledge, as the 23 lawyers who have
15 preceded me, to devote this year to advance the
16 interests of our members and the District Court we
17 all love.
18 The greatest asset of this Association
19 is the tremendous relationship that we have with the
20 Bench and I pledge to advance that relationship.
21 Chief Judge Brown, who could not be
22 with us tonight, recently voiced pride in the Court
23 and the great relationship with the lawyers who
24 appear before it.
25 On behalf of the Association we join in

1 that expression of pride and thank Judge Brown for
2 all that he does to foster that relationship. I'm
3 also proud that many of the partners and associates
4 of Lum, Drasco and Positan are here tonight to share
5 this occasion with me. Our firm has always had a
6 history of dedication to the Bar and Bench and
7 public service.
8 I thank several of my former partners
9 who are now members of the New Jersey Bench who are
10 here tonight. Justice Helen Hoens, Assignment Judge
11 Donald Volkert, Judge Tim McCormick and the newest
12 member of our bench in Bergen County, Judge Lisa
13 Firko. Thank you for coming.
14 (Applause.)
15 I have my two great assistants here
16 tonight, Beverly Heller and Jocelyn Cornine. Thank
17 you for all that you do.
18 (Applause.)
19 And my partner Wayne Positan, who you
20 all know shares the same sense of dedication to our
21 profession and the Bar. And, of course, most of
22 all, I would like to thank my wife Janet who joins
23 me in thanking Judge Walls for starting us out on
24 this career in the profession and for being my great
25 partner in everything that I do and she always has a

1 smile on her face throughout all the events and
2 dinners that we go to.
3 Thank you. I love you.
4 (Applause.)
5 Congratulations to our John Barry
6 Scholarship winners. You are receiving a
7 scholarship in the memory of one of our finest
8 leaders, John Barry, whose memory will always be
9 with us.
10 Finally, I want to congratulate our two
11 Brennan Award recipients, Jonathon Goldstein and
12 Chief Justice Zazzali.
13 Congratulations to both of you.
14 Chief Justice Zazzali wanted to know
15 how long my speech was tonight. He thought that if
16 I was too long, I would be infringing on some of his
17 time. I promised to be brief.
18 If I can just mention a few things
19 about the year ahead of us. Our Association, as
20 Jeff has mentioned, is extremely vibrant. Our Board
21 is extremely active and our officers are anxious to
22 continue with the fine tradition of our
23 predecessors.
24 I want to thank our President-Elect
25 Ronny Siegal, who will be a great partner this year

4 (Pages 10 to 13)

14
1 with me and the other officers, John Lacey, Paul
2 Fishman, Lisa Rodriguez and our newest officer,
3 Larry Lustberg.
4 Thank you for all you do and
5 congratulations.
6 (Applause.)
7 We plan on continuing our November CLE
8 programs this year with two seminars -- one in the
9 north and one in the Southern District -- focused
10 on demystifying federal practice for state court
11 practitioners and for young lawyers.
12 Our Judicial Conference in March will
13 focus on jury issues. With the blessing of Chief
14 Judge Brown, we are planning to form a task force of
15 judges of the district, trial lawyers and academics
16 to study jury innovations and whether to implement
17 some of the ABA principles on juries and jury trials
18 in our civil and criminal cases in this district.
19 We will continue to speak out on
20 important issues to the Bench and Bar, the increase
21 in pay for our federal judges, which is long
22 overdue, proposed rule amendments, attorney-client
23 privilege, MCLE, the independence of the judiciary,
24 the decrease in oral argument.
25 I was pleased to have oral argument

15
1 before Judge Sheridan today. So oral argument is
2 alive and well in this district.
3 Other important issues facing our
4 District Court and the lawyers of our Bar. We asked
5 the firms who are represented on our Board to
6 encourage more of their lawyers, particularly
7 younger lawyers, to join this Association so they
8 can enjoy the great benefits of membership.
9 If the attendance here tonight is any
10 indication, we will reach our goal of 20 percent
11 increase in membership over two years set by Jeff
12 last year.
13 In reaching that goal we intend to do
14 so by increasing the diversity of our Association to
15 reflect the diversity of our community and also to
16 attract younger lawyers.
17 To those in attendance tonight, I thank
18 you for joining in this great evening. We solicit
19 your ideas to help make this Association even more
20 responsive to our members and I thank you for the
21 honor of serving as President of your Association.
22 And now for the most important part of
23 the evening, the presentation of the 2008 William
24 Brennan Awards.
25 I would like to introduce the Honorable

1 Frederick B. Lacey to introduce Jonathan Goldstein.
2 Judge Lacey.
3 (Applause.)
4 (Judge Lacey receives a standing
5 ovation.)
6 FORMER JUDGE LACEY: Thank you very
7 much. I bring with me my laryngitis tonight. And
8 so I'm going to, first, out of an abundance of
9 caution, I want to be sure that everybody can hear
10 me because, as one lawyer said to me one day in the
11 courtroom, saying he hadn't heard me, "The agnostics
12 in this room aren't too good."
13 (Laughter.)
14 Honorable Justices and judges and
15 officers and members and their guests of the Federal
16 Bar Association. I'm pleased to present Jonathan L.
17 Goldstein as a recipient of the Justice William J.
18 Brennan Award.
19 Jon is accompanied tonight by his
20 lovely Ellen and two of their children; Kate, who is
21 an attorney, and Andrew, also an attorney, who is
22 here with his wife, Julie. They, incidentally,
23 presented the Goldsteins with their first
24 grandchild. Congratulations.
25 (Applause.)

17
1 This has a meaning -- a very personal
2 meaning for me. In 1966 there was a time when I
3 came into the room I was the youngest one there.
4 Does anyone want to match that today? I don't see
5 anybody doing that. But in 1966 I received a
6 telephone call one day. You know how it was or is
7 when you get a call from a potential client. A call
8 from Bechtel Corporation in San Francisco. They
9 retained me in an investigation by the Department of
10 Justice into allegations of criminal activity by
11 Bechtel and others during the construction of the
12 pipeline by Colonial Pipeline Company running from
13 Houston to Linden, New Jersey.
14 Conducting the investigation I was told
15 were two attorneys from Justice in Washington and I
16 soon met them. But before meeting them I asked for
17 a briefing from the lawyer in San Francisco.
18 I said, "What are they like?"
19 Well, he said, "The younger one is a
20 very nice guy."
21 I said, "What about the other one?"
22 Well, since Herb is here tonight
23 (Laughter.)
24 He will see whatever I was told.
25 Whatever I was told Herb would be the

5 (Pages 14 to 17)

18
1 first to say I recognize that he had what I wanted,
2 as you will hear.

3 In any event, they made a formidable
4 pair. Although Jon had to leave during this period
5 for military service where he obtained a rank of
6 Captain in the U S. Army Intelligence Unit in
7 Thailand.

8 Well, after a lengthy investigation
9 indictments were returned and ultimately my client
10 entered a plea of guilty to the charges. But by the
11 end of this process I had gained great respect for
12 the abilities of both Herb and Jon. And so in
13 September of 1969, having been beaten so badly by
14 them, I exacted my revenge.

15 When I became the United States
16 Attorney, I appointed Herb as my chief assistant and
17 Jon as head of my Criminal Division.

18 I gave them support in the person of
19 other able young lawyers, among them John Bissell,
20 who years later became Chief Judge of our District
21 Court, Garrett Brown, who followed Judge Bissell as
22 Chief Judge, Hunt Dumont now a Superior Court Judge
23 and so many others.

24 My time as United States Attorney was
25 one of the great experiences in the great life I

20
1 say "Get the money away. Here's my brother."
2 So that was my introduction to Justice
3 Brennan.

4 In any event, Jon went onto the
5 University -- the law school at New York University
6 and won honors at both schools. Jon has played a
7 unique role in the life of this Association. He
8 served as President of the Association and also its
9 predecessor, serving, in total, from 1975 to 1980.
10 And this requires a lit bit of history.

11 I chaired the New Jersey branch of the
12 Federal Bar Association. The New Jersey branch of
13 the Federal Bar Association in the 1950s when I was
14 an Assistant U.S. Attorney. At that time this Local
15 was nothing more than an appendage of the national
16 association of the Federal Bar which had its center
17 of gravity in New York. Its membership was limited
18 to attorneys who were federal employees.

19 As President of this local branch in
20 New Jersey, Jon, accompanied by Chief Judge Augelli,
21 went to the head of the national association to
22 negotiate better terms. And Jon did then, which I'm
23 sure he's done many times since, being unable to get
24 what he wanted decided to do something else. And
25 failing in what he attempted to gain and supported

19
1 have had and will have. I had assembled a group of
2 bright and dedicated young lawyers and the office
3 flourished under the leadership of Herb and Jon.
4 In 1971 I went on the Bench and Herb
5 became U.S. Attorney and appointed Jon as Chief
6 Assistant. Then Herb went on the Bench and Jon in
7 1974 became the United States Attorney. He remained
8 in that position through 1977. That is why I'm so
9 excited about what we are doing here tonight. I've
10 seen this young lawyer then, whom I first met in
11 1966, become one of the outstanding members of the
12 Bar of New Jersey over the next 40 years.

13 As Justice Brennan had done some 34
14 years before Jon, Jon graduated from the Wharton
15 School of Finance at the University of Pennsylvania
16 in 1962.

17 Let me add here, again, a personal
18 note. As I've always said to many of you, it is
19 important to be local. You know, I grew up in
20 Newark, as did Justice Brennan. The Brennans lived
21 on Munn Avenue and Frank, his younger brother, and I
22 were contemporaries; and we'd be in the basement
23 playing some game or another involving money -- I
24 have forgotten now what it was. His brother, as I
25 recall, had just finished law school and Frank would

21
1 by Judge Augelli, Jon engineered a breakaway from
2 the national association and this association, your
3 Association, was born, opening up the doors to
4 membership to all attorneys whether or not employed
5 by federal agencies. And Jon has continued to be
6 active as a member of the Advisory Board since 1981,
7 always available for his advice and counsel.

8 Jon has been recognized and honored
9 time and time again by various organizations, too
10 numerous to mention now. But he has continued to
11 serve the public interest.

12 Just a few examples. He chaired for
13 several years the Judicial Selection Committee for
14 the United States District Court in New Jersey. In
15 December 2005 he co-chaired Governor Corvine's --
16 Governor-elect's Homeland Security Policy relating
17 to establishing the Office of Homeland Security.

18 He also has been a member of the
19 Attorney General's Independent Review Panel, which
20 studied the State Police Executive Protection Unit,
21 setting standards for the security detail for the
22 Governor. And he served in another sensitive matter
23 just last year as a member of the committee
24 addressing the racial profiling consent decree
25 applicable to the State Police.

6 (Pages 18 to 21)

1 Jon has devoted, also, many years to
2 serving as a member and chairperson on the Supreme
3 Court Committees on Ethics.
4 Now, in the practice of law Jon has
5 been the senior partner in Hellring, Lindeman,
6 Goldstein and Siegal for over 30 years. He is one
7 of the most talented litigators in this state,
8 heavily involved in complex commercial litigation,
9 corporate and securities issues and white collar
10 defense. He is the complete lawyer.
11 Jon, it has been 42 years since Herb
12 and you beat up on my client; 39 years since I swore
13 you in to head my Criminal Division. Everything you
14 have done since has reflected credit on me for
15 perceiving what an outstanding lawyer you are.
16 (Laughter.)
17 As I said, it has personal meaning to
18 me. It has reflected on me as having decided you
19 were an outstanding lawyer then and would be in the
20 future and you have been and also as a person of
21 character and integrity.
22 In your years of public service and
23 private practice you have epitomized the qualities
24 of legal excellence and the highest ethical
25 standards. It is these qualities that the Brennan

1 award was attended to recognize.
2 Jon, you have done me great honor by
3 requesting that I present you this evening to the
4 members of this Association.
5 Thank you very much, one and all.
6 (Applause.)
7 (A presentation is made to Jon
8 Goldstein by Judge Lacey.)
9 (Applause.)
10 (Mr. Lacey leaves the podium.)
11 (Applause.)
12 MR. LACEY: Is there a lawyer around in
13 case I fall?
14 (Laughter.)
15 MR. GOLDSTEIN: I cannot thank Judge
16 Lacey enough for welcoming me and Herb Stern to New
17 Jersey. We were not local. We knew little about
18 the state. But Fred Lacey, with open arms, welcomed
19 us, took us into his heart and his home and I am
20 forever grateful to call him a friend. Someone who
21 I have learned enormously from and someone who I
22 consider to be the finest lawyer and jurist of all
23 of our time.
24 So, Judge Lacey, I can't thank you
25 enough for your kind and gracious words and I hope

1 that I have in some small way lived up to your
2 expectations of 40 some-odd years ago and have been
3 able to earn your gracious comments.
4 I am most appreciative that Ellen, my
5 children, Andrew, his wife Julie, and my daughter
6 Kate, who are here this evening, heard your remarks
7 because, as I am sure you can understand, having
8 lived with me all these many years, they do not
9 recognize the person you just described.

10 (Laughter.)
11 MR. GOLDSTEIN: Judge Lacey knows best.
12 Chief Judge Garrett E. Brown called me
13 this afternoon from Newark Airport where you heard
14 he is en route to London to pay a family condolence
15 call. He expressed his great regret of not being
16 here this evening. He said that I should anoint
17 Steve Orlofsky as the Chief Judge of both the
18 Southern and Northern Districts. (Laughter.)
19 Something that Steve, if he stayed on the Bench,
20 would have now had this evening.

21 I greatly appreciate each and every one
22 of you joining us this evening to celebrate Justice
23 William J. Brennan's memory and life.

24 My personal thanks to Jeffrey
25 Greenbaum, the Past President of this Association

1 under whose leadership the Federal Bar has had a
2 most productive and innovative year, as you have
3 already heard, and my best wishes to Dennis Drasco
4 on becoming the next President of the Association.
5 We all know it is in good hands.

6 My personal thanks to Jeff and to your
7 colleagues on the Brennan Award Committee for
8 selecting me together with Jim Zazzali as this
9 year's recipients of the Brennan award.

10 For me this is a great honor. Not only
11 to receive this award but to share it with former
12 Chief Justice James Zazzali a public servant and now
13 private attorney, whose devotion to the law and calm
14 judgments I have admired over the course of our
15 professional lives.

16 It is also special, and I could not be
17 more delighted, that Joe Hayden is going to
18 introduce Justice Zazzali this evening. For Joe,
19 Herb Stern and Fred Lacey and I go back to a trial
20 called United States versus Weber. Joe was a senior
21 in law school. I was two years out of law school.
22 Herb was the most, by far, experienced of all of us
23 and Judge Lacey -- he represented the key witnesses
24 at that trial.

25 I want to say a word about Judge

7 (Pages 22 to 25)

26
1 Frederick B. Lacey before I speak about Justice
2 Brennan. Within 18 months in the late 1960s I made
3 two momentous decisions that set the course for my
4 life. First, I married Ellen, the love of my life,
5 whose support, intelligence, judgment and unerring
6 advice I treasure.

7 And then some months later, over a cup
8 of coffee at a luncheonette near the Federal
9 Courthouse, Fred Lacey, as only he could, persuaded
10 me to forsake private practice, join the United
11 States Attorney's office and join his crusade to rid
12 the state of entrenched governmental corruption
13 dominated then by the organized crime families.

14 History has been written of Judge
15 Lacey's extraordinary accomplishments in only 18
16 months in office before he was elevated to the
17 United States District Court. But for me, Herb
18 Stern and all of our colleagues, I am most
19 appreciative to see so many of you here this
20 evening, including, as you heard, our two most
21 recent Chief Judges of this Court, Judges Bissell
22 and Brown.

23 We saw from front row seats his
24 personal courage and determination, ignoring
25 personal threats to his safety and that of his

28
1 year. Understandably, they cannot be with us this
2 evening.

3 I have also been blessed by having the
4 best colleagues that anyone should ever be entitled
5 to. In the United States Attorney's office there
6 was an esprit des corps and closeness that was
7 unparalleled. Those colleagues with whom I served
8 many years ago, under both Judge Lacey and Judge
9 Stern, remain today my closest friends and we
10 continue our collaboration together but in different
11 ways.

12 I am always grateful to my law partner
13 Dick Shapiro and to Larry Horn and his wife Jackie
14 who graced me with their presence here this evening.
15 To Mike Himmel, who like Dick was a past president
16 of this Association, and Bruce Goldstein, also a
17 past president, who is en route to Alaska traversing
18 another frontier in his remarkable recovery to the
19 full-time practice of law.

20 I have to say a special word about John
21 J. Barry, who we also remember this evening and who
22 we honor tonight. I met John with Judge Lacey more
23 than 40 years ago as an adversary. We became
24 friends and colleagues at the United States
25 Attorney's office. John became Chief of Appeals for

27
1 family to lead a courageous campaign that broke the
2 back of organized crime in New Jersey and led to the
3 convictions and imprisonment of virtually the entire
4 city governments of Newark, Jersey City, Atlantic
5 City, Hudson County, Atlantic County and elsewhere
6 throughout the entire state of New Jersey.

7 Fred Lacey is a legal giant. There is
8 no one that can compare to him. So I cannot thank
9 you enough for being so kind to introduce me this
10 evening. I owe you an enormous debt of gratitude
11 for where I am today. I am grateful that you
12 selected me to be one of your colleagues.

13 (Applause.)

14 I have been blessed by a wonderful
15 family and children who Ellen and I are so proud of.
16 Two of whom are here this evening. Our son Andrew
17 and his wife, Julie, and my daughter Kate.

18 Andrew and Kate know this to be
19 absolutely true. With no parental pressure, each
20 chose to become lawyers. Andrew practices in
21 Manhattan and Kate is following Ellen's father as a
22 Philadelphia attorney.

23 Our oldest son, Adam, and his wife are
24 high school teachers in the Great Northwest of this
25 country. This is their last week of their school

29
1 the United States Attorney's office and to whom I,
2 personally, owe an enormous debt of gratitude for he
3 explained away and justified all of my errors in the
4 Third Circuit where John won every appeal and was
5 considered the finest appellate lawyer of his day.

6 To my former colleague, the Honorable
7 Marianne Trump Barry, it goes without saying, that
8 everyone in this room holds her in the highest
9 respect. She epitomizes the best as attorney, as
10 judge and, most importantly, as an individual of
11 warmth and compassion.

12 To my colleagues at Hellring, whom I
13 have the deepest respect and admiration as attorneys
14 and individuals, I cannot thank each of you enough
15 for your support and for the enormous satisfaction
16 and pride that I have gained in practicing law with
17 each of you over the past 30 years.

18 I now want to talk about Justice
19 William J. Brennan, Jr. and the history and meaning
20 of this award. To see such a large outpouring this
21 evening of members of the Bar and the judiciary and
22 to know that this Association of almost 1,000
23 members speaks as the authoritative voice on behalf
24 of attorneys practicing in the Federal Court and
25 this organization, as well, supports the efforts of

8 (Pages 26 to 29)

30
1 our outstanding Court and its extended family to
2 dispense Justice fulfills a dream that Herb and I
3 had some 35 years ago, as Judge Lacey told you, to
4 create a bar association that brings lawyers and
5 judges together to work for the common good and to
6 exchange ideas in a collegial atmosphere.
7 You heard from Judge Lacey that when I
8 first became President of this Association we were a
9 small organization and you heard how then Chief
10 Judge Augelli and I went to Washington and were
11 rebuffed or rejected and we were relieved because we
12 could now set about to create a new organization.
13 And on January 4th, 1977 the
14 Association of the Federal Bar of the State of New
15 Jersey was created. Without the support of Chief
16 Judge Augelli and his colleagues on this Court, this
17 never would have happened. At the same time that
18 this new organization was born in the winter of
19 1976-1977, while attending the Third Circuit
20 Judicial Conference in Philadelphia at Ellen's
21 parents' apartment Herb and I discussed honoring New
22 Jersey's most distinguished individual who has ever
23 sat as a Justice on the United States Supreme Court.
24 We talked of creating this honor to
25 honor Justice Brennan and through this award to keep

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1 alive his passion to defend civil liberties and the
2 dignity of man.
3 Parenthetically, Ellen's father, a
4 well-known Philadelphia attorney, and Justice
5 Brennan were undergraduate classmates at the
6 University of Pennsylvania in the class of 1928.
7 On April 7th, 1977 at the Robert Treat
8 Hotel in Newark the first Annual Dinner
9 commemorating the William J. Brennan, Jr. Award was
10 inaugurated. The first honoree was the then late
11 Chief Justice of the New Jersey Supreme Court,
12 Joseph Weintraub, a giant of a Justice who,
13 regrettably, had passed away that winter.
14 Justice Brennan presented the award
15 named in his honor that evening to Justice
16 Weintraub's widow Rhonda. By then Justice Brennan
17 had served on the United States Supreme Court for
18 more than 20 years. He was the senior Justice on
19 the Court and was already recognized as the
20 conscience of the Court.
21 I am indebted this evening to Ginny
22 Whipple, this organization's Executive Director.
23 Ginny, I hope you're now present. You
24 are never here when you get praised. I cannot thank
25 Ginny enough.

32
1 She located the transcript from that
2 evening. One of the co-chairpersons of that evening
3 and who spoke was Ginny and her brothers' father,
4 the Honorable Lawrence A. Whipple, a judge for whom
5 I was honored to appear before on numerous occasions
6 and who epitomized every quality a lawyer would seek
7 in a judge.
8 It is important to honor Justice
9 Brennan to remember and keep alive the principles
10 for which he stood, the judicial philosophy and the
11 values that he instilled that make this country
12 unique in a dangerous world and values that must be
13 preserved.
14 By 1977 Justice Brennan had set forth
15 in his opinions a consistent philosophy of law that
16 he had formed in the early 1950s when most of our
17 public -- most of our citizens and our public
18 officials were afraid to speak out against
19 McCarthyism.
20 Justice Brennan was committed to
21 expanding the concept of human dignity and to
22 acknowledge the worth of the individual. In one of
23 his many leading cases in Baker v. Carr holding that
24 a challenge to legislative reapportionment was not
25 a, quote, political question, end quote, and, was

33
1 therefore, justiciable by the Court.
2 That led to the decision in Reynolds v.
3 Sims that each individual's vote was equal. One
4 person, one vote. And as I had the privilege to say
5 at the inaugural Brennan Dinner 31 years ago,
6 Justice Brennan spoke out strongly against what he
7 believed to be the destruction of personal freedom,
8 the tactics of Senator Joseph McCarthy and the
9 insinuation of fear to sway public discourse.
10 Not surprisingly, because of Justice
11 Brennan's strong stand on personal freedom and
12 liberty and his direct challenge to the evils of
13 McCarthyism, during his confirmation hearing, he was
14 subjected to a harsh interrogation by Senator
15 McCarthy. The United States Senate confirmed
16 Justice Brennan with McCarthy casting the only
17 dissenting vote. What raised McCarthy's ire was
18 that Justice Brennan warned that the excessiveness
19 of that period was bringing our nation, quote,
20 "perilously close to destroying liberty in liberty's
21 name." End quote.
22 These words resonate today in our
23 current legal and political climate. As my law
24 school classmate and Justice Brennan's law clerk in
25 1966 Abraham Sofaer recounted at a December 2007

9 (Pages 30 to 33)

34
1 symposium sponsored by the Brennan Center and
2 reported in the California Law Review, Justice
3 Brennan addressed the tension between the need for
4 security and the preservation of civil liberties.
5 Sofear in his remarks recounted Justice Brennan
6 speaking at a conference on free speech and national
7 security at the Hebrew University in Jerusalem in
8 1987, 21 years ago. As Sofear recounts, Brennan
9 observed that "security crises in the United States
10 often led to exaggerated claims of danger and
11 unnecessary deprivations of civil liberties."
12 In reaching this conclusion Sofear
13 wrote that the Justice was not questioning the
14 seriousness of some of the crises he surveyed.
15 Rather, his point was that many of the deprivations
16 of civil liberties that accompanied these crises
17 were determined in retrospect to have been needless.
18 Justice Brennan was right and he was
19 prescient. The recent decisions by the United
20 States Supreme Court in Hamden, Hamdi and, two weeks
21 ago, in Boumediene can trace their legal reasoning
22 to Justice Brennan's comments in the early 1950s and
23 his analysis of the tension between security and
24 civil liberties.
25 Commentators point to Justice Brennan's

35
1 ascension to the United States Supreme Court with
2 the Court turning away, finally, from giving
3 deference to the President and the Executive Branch
4 and the Court beginning to exercise judicial
5 oversight of the Executive's blanket use of national
6 security to justify curtailing civil liberties.
7 Before 1956 the Court gave great
8 deference to the President and the Executive and
9 upheld in times of war excessive uses of power that
10 were in later years seemed to be excessive and were
11 a national embarrassment.
12 As Justice O'Connor wrote in Hamdi
13 versus Rumsfeld, "It is during our most challenging
14 uncertain moments that our nation's commitment to
15 due process is most severely tested and it is those
16 times we must preserve our commitment at home for
17 the principles for which we fight abroad." End
18 quote.
19 In rejecting the government's argument
20 that the Court should "exercise a heavily
21 circumscribed role in reviewing the actions of the
22 Executive in wartime," Justice O'Connor stated,
23 quote, "A state of war is not a blank check for the
24 President when it comes to the rights of the
25 nation's citizens." End of quote.

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1 And Justice Kennedy just two weeks ago
2 in Boumediene writing for the majority but in a
3 5-to-4 decision stated that "the laws and the
4 Constitution are designed to survive and remain in
5 force in extraordinary times."
6 Justice Brennan would have been so
7 pleased to see his Court, for which he was the
8 conscience, for which he was the balance wheel --
9 being so pleased in these developments in the
10 Court's most recent jurisprudence.
11 Justice Brennan's legacy lives on.
12 More importantly, the democratic principles that he
13 championed are alive.
14 So it can be said that the Supreme
15 Court jurisprudence of these past 40-plus years in
16 leaving behind its deference to the Executive Branch
17 can be traced to Justice Brennan's observation in
18 the early 1950s that, quote, "we cannot destroy
19 liberty in liberty's name."
20 It is with these ideals that Justice
21 Brennan articulated and which I so deeply believe
22 and for which I am so honored, humbled and grateful
23 to accept this award.
24 I cannot thank this Association enough
25 and I cannot thank Judge Lacey enough for giving me

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1 a chance to be a lawyer in this state.
2 Thank you all very, very much.
3 (A standing ovation.)
4 MR. DRASCO: Jonathon is truly
5 deserving of the Brennan Award. Congratulations.
6 Thank you.
7 And now to introduce Chief Justice
8 Zazzali, a past President of this Association, one
9 of New Jersey's great trial lawyers, Joe Hayden.
10 Joe.
11 (Applause.)
12 MR. HAYDEN: Good evening, everybody.
13 This is one of the distinct honors of
14 my life, to have been asked to introduce Justice
15 Zazzali for this Brennan Award. On a personal side,
16 our families go back over 40 years together from
17 Newark. Our father's practiced in the city of
18 Newark not far from one another and were friendly.
19 In 1968, which was the year before Jon
20 Goldstein was talking about the Weber case, I was a
21 second-year law student and I got to work in the
22 Essex County Prosecutor's Office, Appellate Section,
23 as an intern and Jimmy Zazzali was my first boss.
24 The following year I decided to apply
25 for a clerkship to the New Jersey Supreme Court and

10 (Pages 34 to 37)

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1 I asked Justice Zazzali if he would be a reference
2 for me and he said "sure."
3 I don't know what happened, but Chief
4 Justice Weintraub called him and talked to him. And
5 whatever he said, I got the clerkship without even
6 an interview.
7 (Laughter.)
8 So I learned early on in my career that
9 maybe it's better if the witness doesn't always
10 testify.
11 (Laughter.)
12 Justice Zazzali is a worthy recipient
13 of the Brennan Award, as is Jon Goldstein who is a
14 great lawyer and we just learned from his
15 dissertation about Justice Brennan. You know, its
16 remarkable that -- I say this for some of the
17 younger lawyers to consider the career of Justice
18 Brennan.
19 As was said, he served on the Court
20 from 1956 to 1990 - 34 years. He wrote about 1360
21 opinions. The second most opinions of any Justice
22 in the United States Supreme Court, save Justice
23 Douglas. He is considered by most scholars of the
24 United States Supreme Court one of the most
25 influential Justices who ever sat on the United

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1 States Supreme Court. And as Fred Lacey mentioned,
2 this is young man who grew up from the streets of
3 Newark. Somebody from whom we can all be proud and
4 our Association can be proud and the people who are
5 the recipients of this Award can be proud.
6 Jimmy Zazzali is somebody who is also a
7 towering figure -- I don't mean to embarrass him --
8 in legal circles in New Jersey. Not only did he
9 have a labor firm with his brother Andy of national
10 stature, involved in national cases with
11 international unions and some of the most complex
12 labor litigation in the country, and his brother
13 Andy was every bit as good a lawyer as Jimmy and a
14 great trial lawyer and the first trial lawyer I ever
15 saw and I saw him try a case and the two of them had
16 a national firm. But Jimmy also had a career in law
17 enforcement, head of the Appellate Section in Essex
18 County, the Chief of the State Commission of
19 Investigation, ultimately the Attorney General of
20 the State of New Jersey.
21 On the ethics side he served for ten
22 years as Vice Chairman of the Disciplinary Review
23 Board and anybody who ever served on that Board
24 knows the monumental amount of work and the
25 conscientious work done by members of that Board

1 founded by Judge Debevoise. And then on the New
2 Jersey Supreme Court, the greatest State Supreme
3 Court in the country, for seven years with his last
4 year being as Chief Justice. A monumental
5 achievement in terms of the practice.
6 But, you know, the thing that I found
7 the most remarkable about Justice Brennan, with all
8 of his professional achievements, was his personal
9 touch and the kindness that he showed people on the
10 personal side.
11 Justice Brennan did us the honor of
12 coming back to Bar Association events in this state.
13 Coming back to dinners in this very room. I
14 remember in the early '70s walking up to Justice
15 Brennan introducing myself. He knew my father very
16 slightly. And he put his arm around me and started
17 talking about my father as though my father was his
18 best friend and he couldn't wait to see him again.
19 And there are hundreds and hundreds of
20 people who dealt with Justice Brennan on a personal
21 basis who could tell you the same stories.
22 And, you know, the same thing is true
23 of Justice Zazzali. Whether it be people who dealt
24 with him in the practice, people who dealt with him
25 in the law enforcement side or people who dealt with

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1 him when he was on the Court, law clerks, colleagues
2 or the lawyers who appeared in front of him. He had
3 that kindness and compassion and personal touch
4 which made you feel special.
5 My favorite definition of somebody
6 being charismatic is somebody who makes everybody
7 else in the room feel good about themselves. And
8 that was something which Justice Brennan had and
9 that is something which Justice Zazzali has.
10 So it is now my honor to formally
11 introduce and make the presentation to a man in his
12 professional life, as a lawyer, in his judicial life
13 as a judge and in his personal life has lived in the
14 tradition of Justice Brennan.
15 Jimmy Zazzali.
16 (Applause.)
17 MR. POSITAN: You the man.
18 (Laughter.)
19 FORMER CHIEF JUSTICE ZAZZALI: Thank
20 you, all.
21 Thanks to the State and Federal judges
22 who are here this evening and to all the attorneys
23 for this award this evening. And thanks to my wife
24 Eileen, the reason I'm still standing in so many
25 respects. To my daughter Mara and her husband John

11 (Pages 38 to 41)

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1 Hogan. Mara is with Gibbons. John is with Wilentz.
2 To my son Jimmy who just completed his first year at
3 Seton Hall Law School. To my daughter Courtney who
4 does great social work after her Georgetown degree
5 and her NYU degree in social work. She's at Beth
6 Israel in New York. My other two sons could not be
7 here. Robert and Kevin. My brother Andy and sister
8 Judy, to whom I owe so much, are present as well.
9 To my colleagues at the Gibbons firm, to the
10 Zazzali-Fagella firm and to Ginny Whipple for
11 putting this evening together, thanks to all
12 Ginny won't admit to it but the very
13 first or second job she ever had was as my
14 receptionist in our law office 32 years ago.
15 George Schneider was with us at the
16 time and gave her the nickname "hurricane." I
17 wonder why.
18 Thank you to my former clerks who made
19 it all possible in so many respects, to my friends
20 here, to Jeff and the committee for the award, and
21 to Joe Hayden for that introduction.
22 But I might as well tell the truth
23 here.
24 When Chief Justice Weintraub called me,
25 Joe, I thought he was asking about Justin Walder.

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1 (Laughter.)
2 Joe has been before the Court so many
3 times and, as you know, after an oral argument the
4 Court will have a conference and will debate and
5 discuss the arguments and decide the case. Now on
6 reflection, Joe, I'm so, so sorry that in all those
7 conferences I always badmouthed you.
8 (Laughter.)
9 Seriously, Joe, it is not 40 years; it
10 is 80 years. It is not only our fathers that were
11 close but Joe's grandfather and my grandmother were
12 friends. It's a long story. Based on the fact that
13 Joe's grandfather was the Clerk in the courthouse
14 and my grandmother helped to run St. Philip's New
15 Church on Courthouse Place where my grandparents
16 lived.
17 Congratulations are in order to a few
18 people, to Jeff Greenbaum for a wonderful year as
19 President. To Dennis Drasco who we know will be a
20 fabulous president these next 12 months. We know it
21 because he's such a great lawyer and administrator,
22 having served so well and so long in that wonderful
23 law firm of Positan, Positan & Positan.
24 (Laughter.)
25 Congratulations to Jonathan Goldstein,

1 I'm honored to be here with you, Jon.
2 As you already heard, Jon's wonderful
3 role models were his two predecessors, two splendid
4 prosecutors, both men were inseparable, that dynamic
5 duo who we all remember so well. We know their
6 names by heart. Herb Lacey and Fred Stern.
7 (Laughter.)
8 I received a gracious phone call from
9 Chris Christie today indicating that he could not
10 make it tonight. You may have heard this on the
11 radio. He was busy working on an indictment. He
12 just indicted 13 Jersey City fire hydrants.
13 (Laughter.)
14 Now, the reason he couldn't make it, he
15 was still -- he was doing a press conference late
16 this afternoon, the only catch is the press
17 conference started last Thursday.
18 (Laughter.)
19 Just so you know I'm not crazy. I
20 cleared this with Chris and, very graciously, he
21 said, "Say what you want."
22 What would I have done if he hadn't
23 given his imprimatur?
24 I don't know.
25 (Laughter.)

45
1 Interesting question, I'm thinking.
2 Well, a few of you at the reception
3 came up and asked me what things have been like. It
4 is now exactly a year since I stepped down. I know
5 some of these thoughts are old hat to a few of you.
6 How has it been?
7 They say when you're dead, you're
8 forgotten.
9 I did not have to die to be forgotten.
10 (Laughter.)
11 I wouldn't mind all of the
12 forgetfulness if they just named something after me.
13 After all, Chief Justice Vanderbilt has a Vanderbilt
14 Hall named for him at NYU Law School. Chief Justice
15 Hughes has the Hughes Justice Complex named after
16 him. Justice Alito has a road named after him. My
17 wife caught that in the paper. I think most of you
18 probably did.
19 MR. POSITAN: I got an idea.
20 FORMER CHIEF JUSTICE ZAZZALI: Go
21 ahead.
22 You're Drasco's clerk, aren't you?
23 My wife, Eileen, caught in the paper
24 some months ago. They named a street -- the main
25 thoroughfare of Hamilton Township, where Sam was

12 (Pages 42 to 45)

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1 born and raised, after him. It is now known -- it's
 2 a long moniker -- as "The Samuel A. Alito, Jr.
 3 Boulevard."
 4 When Eileen read that, she looked up at
 5 me and she said, "In our town you'll probably end up
 6 with the street being named Zazzali Alley.
 7 (Laughter.)
 8 It became worse after I officially
 9 retired a year ago. I spent a couple of weeks
 10 cleaning out chambers, dosing matters out. That
 11 required making some phone calls. I asked my
 12 assistant, Priscilla Roth, who once was secretary to
 13 Judge Whipple and who many of you know, to make some
 14 phone calls.
 15 I said to her: Say Jim Zazzali
 16 calling, even though the ethics gurus in Trenton
 17 said I could use the name "Chief Justice Zazzali," I
 18 was more comfortable saying "Jim Zazzali."
 19 So she tried it. In her first phone
 20 calls she speaks with a judge, no less, and he says,
 21 "How do you spell that name?"
 22 (Laughter.)
 23 Then I made a call -- this is true --
 24 two weeks after I left office to a judge's chambers
 25 and the law clerk said, "Are you an attorney?"

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1 (Laughter.)
 2 I was readily frustrated at this point.
 3 And if you were there at John Whipple's Dinner, you
 4 know the story I told. I was really frustrated at
 5 this point.
 6 So I said, "What the heck? I use Chief
 7 Justice Zazzali. So Priscilla called some judge's
 8 chamber and said, "Chief Justice Zazzali calling"
 9 and the secretary, breathlessly, said, "Oh, Chief
 10 Justice of the Valley?"
 11 (Laughter.)
 12 Sic transit gloria mundi
 13 Justice Albin said it best. He
 14 gleefully says, "Just remember you're no longer
 15 Justice Zazzali. You're just Zazzali."
 16 It gets worse. Three weeks ago was my
 17 fiftieth college reunion at Georgetown. All the
 18 classmates up and shook hands with the President.
 19 Then we received a medal.
 20 Then the M.C. said something nice such
 21 as "this is a retired that" or "this is a former
 22 this" or whatever. I and a few classmates made
 23 remarks. I was the last one. I said something but
 24 I absolutely messed it up and I'm not kidding. I
 25 bombed. I was confused. Stumbled. I was nervous.

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1 Eileen was sitting next to some guy who did not know
 2 who she was and said, "Oh, my God. No wonder they
 3 retired this guy."
 4 (Laughter.)
 5 Well, now I will express some thoughts
 6 that are, maybe, more relevant.
 7 This evening is not just about Jon and
 8 me. It is certainly not primarily about us. We
 9 talked about it. In the past your dinners have been
 10 memorable testimonials to Justice Brennan. You
 11 heard most recently, last year, the most eloquent
 12 remarks I've heard on the subject by Justice
 13 Garibaldi and Justice O'Hern
 14 I did not have the benefit of knowing
 15 Justice Brennan. However, as Judge Lacey said, he
 16 was from Vailsburg. Fred was from Vailsburg and the
 17 Brennans were from Vailsburg. So were we.
 18 But let the record show that the
 19 Brennans and the Laceys were from Lower Vailsburg.
 20 (Laughter.)
 21 The Zazzalis were Upper Vailsburg.
 22 (Laughter.)
 23 But my dad knew him. He and Brennan
 24 were friends. I did finally meet him. It was 1984.
 25 I just argued a case before the Court. I lost

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1 5-to-4. Brennan led the charge with a magnificent
 2 dissent. I saw him about a year later at a Bar
 3 Association dinner. He came up to me, introduced
 4 himself. And with that warm elfin smile, he grabbed
 5 my cheeks, like that (indicating) and said, "Jimmy,
 6 we almost did it. We almost did it."
 7 Just remarkable.
 8 Sort of like the thing that Garrett
 9 Brown would do.
 10 (Laughter.)
 11 But there is a challenge here and the
 12 challenge, on a serious note, is to say something
 13 new and different about Bill Brennan. It's an
 14 enormous task.
 15 Jonathan did an extraordinary job this
 16 evening. I'm sure you will all agree.
 17 But It is tough to say something new.
 18 It reminds me of those who speak at the Red Mass.
 19 How much more new you say about Thomas More after
 20 500 years?
 21 And so it is equally difficult here to
 22 say something that is original. I suggest tonight
 23 that both the Bench and the Bar, the judges and the
 24 lawyers of our state, recognize Justice Brennan as,
 25 pardon the pun, the benchmark, the polestar, the

13 (Pages 46 to 49)

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1 role model for both professions.
2 Dennis and Jonathon both touched on
3 this. Let me echo the thoughts not to be self
4 congratulatory but to remind us of what those two
5 professions, the legal and judicial professions, are
6 about and what we're doing that's right.
7 We have occasional difficulties between
8 the Bench and the Bar. But I'm not sure, and this
9 is a little different twist, that we appreciate
10 that, as a combined judiciary, the state judges and
11 the federal judges of this state represent an
12 extraordinary array of legal talent serving all the
13 people and all the attorneys. Almost universally
14 they do so with great competence and compassion.
15 Starting on the federal side, it always
16 amazed me, since I first started out, that our
17 Presidents, our Senators, whatever else their
18 limitations, whether Democrats or Republicans, have
19 consistently nominated extraordinary people to the
20 Federal Court, to the Third Circuit, whether it is a
21 Becker, a Gibbons, an Alito, to name just a few, or
22 the wonderful Federal District Court talent we have:
23 a John Gerry, a Larry Whipple, for whom I clerked --
24 an Anne Thompson and a Jack Bissell.
25 Forgive me if I don't name all of you.

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1 But the Federal Judges in New Jersey, present and
2 gone, have just been terrific. Justice Brennan --
3 that's my theme -- represented and reflected this
4 federal judiciary. The judges here today continue
5 that tradition.
6 So, too, the Governors of our state,
7 lest we forget, of both parties, ever since the
8 Constitution was amended 60 years ago, have put
9 wonderful people on the Supreme Court.
10 Chief Justices Weintraub, Hughes,
11 Poritz, Rabner, and all the splendid Associate
12 Justices, some of whom are here tonight and who I am
13 pleased to say are among my friends.
14 Joe Hayden touched on it. However,
15 I've always been loathe to say that the New Jersey
16 Judiciary, the entire judiciary, is considered the
17 best or among the very best in the nation.
18 It is an awkward thing to say about an
19 organization to which you belong, but I don't have
20 to say it. Numerous other commentators, scholars
21 and judges have said it.
22 And once again it was Justice Brennan,
23 lest we forget, who came out of our state court
24 system where he sat as a Judge of the Law Division,
25 of the Appellate Division; of the Supreme Court as a

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1 Justice and even Assignment Judge of Hudson County.
2 (One person clapping.)
3 We have one person from Hudson.
4 He was just released about 30 days ago.
5 (Laughter.)
6 Dan O'hern was telling me this
7 afternoon that Bill Brennan said to him -- Dan, as
8 you know, clerked for Justice Brennan -- that the
9 best job he ever had was as Assignment Judge of
10 Hudson County.
11 Returning to my theme. Let me
12 say, to sum up, when you think of Bill Brennan's
13 twin judicial careers in the federal and state
14 system, think of the combined talent that we have in
15 both systems, talent that has maintained his legacy.
16 Remembering this may cause you to
17 recognize that our state and federal judges in New
18 Jersey, past and present, continue to be among the
19 very finest in the nation, notwithstanding an
20 occasional problem or difference of opinion.
21 Because we are in a celebratory mood
22 tonight, in these last few moments let me turn to
23 Bill Brennan, the lawyer, and to us as lawyers.
24 After all, you attorneys are more important than all
25 these Justices and Judges.

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1 We're so concerned today as attorneys
2 about issues of civility, competition, ethics,
3 disciplinary questions, best practices, billing and
4 the bottom line, too much regulation, and the
5 avalanche of paperwork and modern technology that
6 almost makes you nostalgic for carbon paper.
7 We are so preoccupied with the nitty
8 gritty that we forget it is the lawyers that built
9 this nation. And it is lawyers like Brennan who
10 helped to maintain it as the greatest nation in the
11 world. So there is no harm, perhaps, in being a
12 little self congratulatory.
13 Sure, the pedestrian pace of each day,
14 in a word, grinding it out, is less momentous than
15 making or re-making a nation. But as we do so, day
16 in and day out, I hope that we keep "the law" a
17 profession, rather than a business.
18 I know the plea is an old theme but
19 it's worth repeating. I know, too, that some of us
20 think that we are losing that fight. Maybe we are.
21 But, as long as we continue to recognize that this
22 is foremost a profession and a business second, if
23 we continue to simply put our clients first, we will
24 be fine.
25 Keep in mind our state's great lawyers

14 (Pages 50 to 53)

1 like a Bill Brennan or, by the way, a Brendan Byrne.
2 Both lawyers, both judges. Those who knew Bill
3 Brennan, going back to him in practice, can tell you
4 how he was the consummate professional. Diligent in
5 his representation of clients and, not just civil in
6 his relationship with others, but always the
7 quintessential gentleman. A gentleman who never
8 forgot his roots.

9 And keep in mind as well, one of
10 Brennan's great attributes, as you're speaking to
11 your client, your adversary or whomever. That is he
12 listened well, as those of you knew him can tell
13 you. He just was a great listener. Do that. But
14 listen as he did, not just with your head, but with
15 your heart as well.

16 And so if we follow Brennan's example.
17 we can keep ours a venerable profession. We can
18 even restore it, I believe, to its former grandeur
19 if we continue the effort to serve our clients well
20 and to take those extra steps, doing pro-bono work,
21 perhaps, serving some years in public service,
22 short-term or long-term, and, most important, to
23 pick up the cudgels for the underdog in matters of
24 social justice and economic justice and to protect
25 and to preserve human rights. If we do just a few

1 (A standing ovation.)
2 MR. DRASCO: Justice Zazzali and Jon
3 Goldstein, you are both truly deserving of the
4 William Brennan Award.
5 Congratulations to both of you on
6 behalf of the Association.
7 Now it is time to enjoy the dinner.
8 As Wayne will say, "mangia."
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1 of those things, then our still great profession can
2 and will, once again, take the historic lead.
3 Most important for you personally, if
4 you do those things -- if you continue to serve the
5 client and the public well as best you can -- then,
6 when it's all over, when you try your last case,
7 write that final brief, meet with that last client
8 and submit that final bill; when the lights dim and
9 you close that door for the last time and, trust me,
10 it will happen sooner than you think -- when that
11 moment comes, you can say to yourself, to your
12 colleagues, to your clients, to your conscience, and
13 to your Maker, that you fought the good fight, you
14 ran the swift race, and you kept the faith.

15 So, I thank you for this award.

16 I also thank those of you, and you know
17 who you are, who helped to make my career possible,
18 giving me the opportunity to serve the State of New
19 Jersey.

20 But I thank you, most of all, for the
21 opportunity to practice law with you for almost 40
22 years.

23 For I am proud -- so very proud -- to
24 have been able to call myself your colleague.
25 Thank you and good night.

1
2
3 CERTIFICATE OF OFFICER
4
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6

7 I CERTIFY that the foregoing is a true
8 and accurate transcript of the proceedings as
9 reported stenographically by me at the time, place
10 and on the date as hereinbefore set forth.
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STANLEY B. RIZMAN, C.S.R.

Dated: July 17, 2008

15 (Pages 54 to 57)

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