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THE ASSOCIATION
OF THE FEDERAL BAR
OF NEW JERSEY

The Thirty-Third
Annual Dinner

Commemorating

THE
WILLIAM J. BRENNAN, JR.
AWARD

Mayfair Farms
West Orange, New Jersey

June 16, 2009

Reported by: Howard A. Rappaport, CSR

1 MR. DRASCO: Good evening, everybody.

2 To our Judges of the Federal District
3 Court, to our United States Court of Appeals Judges,
4 our Bankruptcy Judges, our Magistrate-Judges, Chief
5 Justice and Justices of the New Jersey Supreme Court,
6 Judges of the Superior Court, thank you.

7 To the officers and trustees and members
8 of our Association, to our colleagues and friends I
9 say welcome.

10 It's my pleasure to welcome you to the
11 33rd Annual William J. Brennan, Jr. Award Dinner.

12 Tonight I'm merely a bit player in this.
13 The evening has a lot to do about a lot of other
14 people.

15 It's my great honor, will be my great
16 honor in a few moments to introduce our new
17 president, Ronny Siegal, as well as recipients of the
18 annual John J. Barry Memorial Scholarship.

19 The main event tonight, of course, are
20 the Brennan Award recipients. And I congratulate
21 both Judge Hughes and Bruce Goldstein for their great
22 accomplishments.

23 (Applause.)

24 MR. DRASCO: I am delighted that my year
25 as Federal Bar President concludes the same evening

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1 as this great honor is being conveyed on two
2 remarkable human beings who I admire so much.

3 Congratulations to Bruce and
4 Judge Hughes.

5 Before we move this to the heart of the
6 program, let me just take a moment or two to thank a
7 few people who made this year a memorable one for me
8 and I hope a successful one for our Association.

9 It has been a great pleasure to serve
10 with the executive board, Ronny Siegal, who will be
11 our new president, John Lacey, Paul Fishman, who is
12 also about to move on to bigger and better things,
13 Lisa Rodriguez, Larry Lustberg, and our immediate
14 past president, Jeff Greenbaum. Let's all give them
15 a round of applause.

16 (Applause.)

17 MR. DRASCO: I also want to thank the
18 members of the board of trustees who worked very hard
19 this year, and our committee chairs, particularly
20 those who put together our two elite programs that
21 were very well attended, the chairs of the event up
22 north, Paul Fishman and Wendy Lario, and Lisa
23 Rodriguez and Ed Kohl who chaired the event in
24 Camden.

25 Our annual Judicial Conference would not⁴

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1 have been a success, and I stood right here and I
2 stood before this microphone, would not have been the
3 success of the hard work of Gerry Greenbaum, Ann
4 Paterson, Peter Pearlman, Jerry Krovatin, who is our
5 new officer, he will be treasurer at the end of this
6 evening, and Kevin Marino.

7 To Tom Curtin I want to give a special

8 thank you. Tom is chair of the Lawyers Advisory
9 Committee.

10 (Applause.)

11 MR. DRASCO: Tom, you brought the
12 Association closer to our court and I thank you for
13 your hard work.

14 To Chief Judge Brown, who will be with
15 us telephonically in a few moments, who's in Cairo
16 teaching, I want to thank Judge Brown for fostering a
17 wonderful relationship between the Association and
18 the courts.

19 And to all the District Court Judges and
20 Magistrate-Judges who generously have given their
21 time this year, who participated in our CLE programs
22 and our Judicial Conference and our joint program
23 with the state bar. I thank you for your efforts. I
24 really appreciate it. Thank you, Judges.

25 (Applause.)

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1 MR. DRASCO: This year we worked hard on
2 some important issues, like amendments to the Federal
3 Rules, Rule 26 and Rule 56 before the Federal Rules
4 Advisory Committee. We continue to weigh in with the
5 State Supreme Court committee on MCLE, and we
6 presented for consideration to the Board of Judges
7 and at our District Court Judicial Conference on the
8 principles that the ABA put together for juries and
9 jury trials.

10 I have been blessed to be president of
11 the Association. I look forward to the leadership of

12 our new board of trustees and the leadership of Ronny
13 as president.

14 To start our formal program tonight, I'm
15 pleased to introduce the Honorable Julien X. Neals,
16 the corporation counsel of the City of Newark, who is
17 going to sing the Star Spangled Banner.

18 Julien, will you come up?

19 (The Star-Spangled Banner is sung.)

20 MR. DRASCO: Julien, thanks so much.

21 Let me now announce the recipients of
22 the John J. Barry Memorial Scholarships for this
23 year.

24 The Association each year awards three
25 scholarships in the name of our former president,

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1 John Barry.

2 John was a great leader of this
3 Association. He was a fantastic trial lawyer and a
4 role model for so many young lawyers.

5 The three student who were chosen this
6 year from our three law schools share the values
7 exemplified by John, academic excellence, character
8 and professionalism.

9 When I call your names, I know they are
10 all here, please stand.

11 From Rutgers Law School in Newark, Megan
12 Bornstein.

13 (Applause.)

14 MR. DRASCO: From Rutgers Law School in

15 Camden, Alison Anderson.

16 (Applause.)

17 MR. DRASCO: And from Seton Hall Law
18 School, Kun Wang.

19 (Applause.)

20 MR. DRASCO: I would like to acknowledge
21 the deans of the -- two of our three law schools.
22 Ray Solomon from Rutgers Camden and Stewart Deutsch
23 from Rutgers Newark are here. Thank you for coming.
24 with that I would like to thank the
25 deans for their continued support for our

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1 Association.

2 I would also like to recognize the
3 Honorable Maryanne Trump Barry. Judge Barry.

4 (Applause.)

5 MR. DRASCO: John's wife, and also
6 former president of the Association, and I thank you
7 Judge Barry for your continued support for our
8 Association. Truly appreciated.

9 Okay. The time has come for me to try
10 and plug in Chief Judge Brown who wants to welcome
11 you himself from Cairo. Let's see if I can get this
12 done.

13 (Pause.)

14 MR. DRASCO: I'm going to leave a voice
15 mail for Chief Judge Brown.

16 Judge Brown, I'm here with 500 of your
17 best friends and we are going to try you again in a
18 few minutes. Stay by the phone, please.

19 One of the nicest things the president
20 gets to do each year is to introduce the new
21 president. So with no further ado, let me call up
22 our new president, Ronny Siegal.

23 Congratulations, Ronny.

24 (Applause.)

25 MR. DRASCO: She's been a wonderful team

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1 member of our board of trustees for the last few
2 years, and it's been great serving with you. I know
3 you will be a wonderful president. Congratulations.

4 (Applause.)

5 MS. SIEGAL: I feel again that I get an
6 award now. I thought that's what he meant by that.

7 Dennis, as the 24th president of the
8 Association of the Federal Bar, you've continued a
9 tradition of accomplishment. In particular, you were
10 the one who spearheaded the debate about the American
11 Judiciary Project at our Judicial Conference, and I
12 hope that under your leadership you will head a
13 committee at the Association of the Federal Bar and
14 you will continue to monitor that particular project.

15 It was under your presidency that we
16 passed and put into effect the patent Local Rules,
17 and as I understand it, it's become a model for other
18 states, and indeed has been adopted by Delaware.

19 But I think, more importantly, you have
20 a unique way about you, and I would like to share
21 that with your friends.

22 you have the ability to obtain the
23 willing participation of very talented attorneys that
24 surround you. You bring out the very best in the
25 people that you work with, and you always communicate

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1 your enthusiasm for the work that you do, the
2 practice of law, the virtues of friendship,
3 fellowship, public service, and for me it has been
4 not only a privilege, but also a pleasure to have
5 worked with you.

6 So on behalf of the Association, we have
7 an award for you. This is a proclamation that is
8 being presented to you from the Association of the
9 Federal Bar of New Jersey.

10 MR. DRASCO: Thank you.

11 (Applause.)

12 MS. SIEGAL: I'm going to call upon a
13 very good friend of mine, and somebody that actually
14 we held our first legal jobs together in the Bronx
15 District Attorney's office more than 30 years ago.
16 So I would like to call upon the Honorable Stanley
17 Chesler.

18 (Applause.)

19 JUDGE CHESLER: I would just like to say
20 that it is truly an honor, Ronny.

21 Ronny and I had a very secret society of
22 members of this Bar, were altogether in the Bronx
23 DA's office together. That includes both of us, Mike
24 Himmell, V. Grady O'Malley, if you would believe, and
25 we were all together and we all had a wonderful time.

1 I also would like to wish Ronny the
2 shortest tenure in this position that anyone ever
3 had.

4 So with that, Ronny, do you solemnly
5 swear that you will support the Constitution of the
6 United States and the goals and the missions of the
7 Association of the Federal Bar of New Jersey, and
8 that you will faithfully and impartially, justly
9 perform all of the duties of the office according to
10 the best of your ability?

11 MS. SIEGAL: I do.

12 JUDGE CHESLER: Congratulations.

13 (Applause.)

14 MS. SIEGAL: If I might share a true
15 story about Judge Chesler.

16 When I was at the District Attorney's
17 office, I was in what they call the major offense
18 bureau and Judge Chesler at that time was in what
19 they called the rackets bureau.

20 None of us knew what that meant because
21 the door was always closed and none of their cases
22 ever went to trial.

23 But we thought that he was excellent and
24 very smart and good things would happen for him, and
25 indeed that was the case.

1 This is a wonderful opportunity, this is
2 a wonderful occasion for me to receive this honor of
3 being the 25th president of the Association of the
4 Federal Bar.

5 I would like to say that one of the
6 goals that I hope we all continue is our commitment
7 to serve the finest District Court, the attorneys who
8 appear before it and the citizens that we represent.

9 Our greatest asset I believe is our
10 relationship with our District Court. And I see and
11 I know our executive board and our trustees seek to
12 further that relationship.

13 I want to thank our Chief Judge, Garrett
14 Brown, for assisting us in always fostering our
15 excellent relationship with the Bar.

16 I have some thanks, one to my firm, most
17 of whom are here tonight, makes me feel great that
18 they support me and are so understanding of my
19 commitment to outside activities and the work that I
20 do with the Federal Bar, and in particular Jon
21 Goldstein for his wise counsel.

22 Now for the most important event of the
23 evening, and that is to get to our honorees.

24 First I want to introduce the Honorable
25 Dennis Cavanaugh.

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1 MR. DRASCO: Before you do that, let's
2 try Judge Brown again.

3 I'm not Dennis Cavanaugh. I'm no Dennis
4 Cavanaugh. All my life I wanted to get up to upstage
Page 10

5 Cavanaugh.

6 Bill Walsh just came over and said Chief
7 Judge Brown is waiting for the call. So we are going
8 to try one more time.

9 I apologize for interrupting. Dennis,
10 you understand.

11 JUDGE CAVANAUGH: Absolutely.

12 MR. DRASCO: Judge Brown, we have you,
13 not live and in person, but close.

14 The floor is yours. Ronny has been
15 sworn in as the president, and I know you want to
16 welcome all the judges and the attorneys that are
17 here this evening and their guests.

18 Go ahead.

19 CHIEF JUDGE BROWN: Okay.

20 Dennis, welcome as the outgoing
21 president.

22 Ronny, welcome as the incoming
23 president.

24 MS. SIEGAL: Thank you, Judge Brown.

25 CHIEF JUDGE BROWN: I just want to say 13

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1 hello to everybody.

2 I miss all of you. We are here in Egypt
3 right now. I know that you are honoring two of my
4 favorite people, giants of the Bar, and I wanted to
5 say a few words.

6 My colleague Judge Hughes, he's there,
7 and I believe that Judge Cavanaugh is going to be

8 speaking on his behalf, am I correct?

9 MR. DRASCO: You're correct.

10 CHIEF JUDGE BROWN: John, as I said many
11 times before, you are deeply missed by the rest of
12 us. We wish you all of the best in your new world,
13 but you leave a tremendous vacuum, as I said.

14 When John left our court, we had to put
15 two Magistrate-Judges in there to replace him.

16 You are strongly missed. You are a good
17 friend and a good colleague for many years and a
18 giant of the Bar.

19 Now, I believe also Bruce Goldstein is
20 being honored, and Larry Horn is going to speak on
21 his behalf. Am I correct?

22 MR. DRASCO: Once again you are correct,
23 Judge.

24 CHIEF JUDGE BROWN: Bruce is a giant of
25 the Bar, one of my oldest and best friends, someone 14

1 whose wisdom and sagacity and experience not only as
2 a trial lawyer, but as a human being, a person with
3 honor, integrity, sensitivity and acknowledge is
4 absolutely unparalleled.

5 Bruce and I go back more years than I
6 can say at this point, more years than I would wish,
7 in any event. I always found him to be a wise and
8 principled human being.

9 I congratulate the Association for its
10 perspicacity in honoring two such exceptional
11 attorneys. And my best to all of you, and I really

12 wish I were there to join you.

13 MR. DRASCO: We wish you were here too,
14 Judge, and have a safe trip back. Thank you.

15 (Applause.)

16 MS. SIEGAL: Thank you very much, Judge
17 Brown, for making yourself available to us.

18 I would like to call on the Honorable
19 Dennis Cavanaugh to present the award.

20 (Applause.)

21 JUDGE CAVANAUGH: Dedication, diligence,
22 integrity, intelligence, common sense and common
23 decency, these are some of the attributes that define
24 an outstanding judge. But enough about me. I'm here
25 to introduce John Hughes.

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1 John was born in Trenton some 63 years
2 ago. He is, of course, a member of a large and
3 illustrious family, his father, the legendary Richard
4 Hughes, the only individual to ever serve as both
5 Governor and Chief Justice of the New Jersey Supreme
6 Court.

7 As they say, the apple didn't fall far
8 from the tree.

9 John attended college and law school at
10 Villanova. After a short stint in private practice
11 he turned to the Public Defender's office and joined
12 the State Public Defender's office in the Essex
13 region in 1972.

14 It was at the PD's office where I first

15 met John some 36 years ago. And even then I and the
16 rest of the attorneys there knew that he would become
17 an outstanding lawyer.

18 On one occasion John and I were visiting
19 our clients at the Essex County Jail, and there was
20 another attorney, a non Public Defender sitting there
21 explaining the intricacies of the trial system and
22 the sophisticated defense that he had planned for his
23 client.

24 John's client was sitting there and he's
25 listening to this, so he says to John: Hey, what

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1 kind of ingenious defense do you have for me?

2 John thought for a moment, and then in
3 his most serious and professional tone he suggested
4 that his client escape. That would not be the last
5 time that John would use such a defense.

6 In early 1975 he transferred to the
7 Flemington office of the State Public Defender's
8 office, and he and I stayed, of course, in touch with
9 each other while he was there, and it was amazing to
10 me, he kept calling me and telling me how wonderful
11 everybody was and how they were treating him and how
12 it was great.

13 Finally, after about a week and a half
14 they wanted to move him into the largest office. It
15 was then that he found out that Stanley VanNess
16 transferred him there to put him in charge of the
17 office. He didn't even know. Just wanted to get out
18 of Newark, I guess.

19 Toward the end of 1975 John left the
20 state and joined the federal defenders, where he
21 remained in charge of the Trenton-Camden office until
22 1991 when he was appointed United States
23 Magistrate-judge to sit in Trenton. John retired
24 from that position several months ago after serving
25 for 18 years.

17

1 There are many other personal things
2 that I could tell about him to you, but my time is
3 limited, thank God.

4 I can tell you this: That John is an
5 outstanding family man as well as man of faith. He
6 attends church regularly, always listens to his inner
7 conscience. You know that small quiet voice that
8 warns him when someone is watching.

9 He's been married to the lovely Claudia
10 for almost 40 years, and he's the proud father of
11 Adam, his wife Annie, his daughter Emily, her husband
12 Bob, their son and John's grandson, Matthew.

13 Of course, those attributes I mentioned
14 at the beginning of this little talk do indeed
15 pertain to John Hughes. As a Magistrate-Judge in our
16 district, where there are and have been some
17 outstanding Magistrate-Judges, John stands out as
18 one, if not the best.

19 Everyone who ever appeared before him
20 knew they received a fair shot. Everyone played on a
21 level playing field. He just always seemed to do the

22 right thing.

23 It's amazing how our friendship lasted
24 all these years, how our paths have crossed, and I
25 always looked to him when I needed something about

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1 criminal law or anything else, about common sense.

2 His advice was great, plus he's a lot of fun.

3 As they say, to know him is to love him,
4 my friend and a great choice for the Brennan Award,
5 John Hughes.

6 (Applause.)

7 MAGISTRATE JUDGE HUGHES: Judge
8 Bongiovanni and your executive director Ginny were
9 kidding me how quickly I resurfaced at Mayfair Farms
10 after my semi-retirement.

11 It reminded me of the famous words of Al
12 Pacino in the otherwise lamentable Godfather Three:
13 "Just when I think I'm out, they pull me back in."

14 But I must tell you I always enjoyed
15 this dinner, usually on a beautiful June night.

16 Incidentally, as soon as I arrived the
17 sun came out and the temperature went up 10 degrees,
18 and I was telling Judge Gibbons that and he said,
19 "You might as well take credit for that."

20 But it's a dinner that honors Justice
21 Brennan, every lawyer's legal hero if there ever was
22 one.

23 I vividly remember my first Brennan
24 dinner as a judge. In my mind I see the great Judge
25 John Gerry standing at this very podium the night he

1 received the Brennan Award, and I paraphrase.

2 How many times have we dragged ourselves
3 from the comfort of our homes to attend one of these
4 dinners only to be confronted with an introduction
5 with such grandiose exaggerated, unbelievable
6 collection of half truths and outright falsehoods
7 that we are unable to recognize the recipient whom we
8 have known for 30 years.

9 And then the honoree arises. And adding
10 insult to injury bombards us with an excruciating,
11 mind numbing, never ending assortment of life events,
12 beginning, of course, with kindergarten.

13 Well, I will tell you this: Judge
14 Cavanaugh and I are certainly not ones to break with
15 tradition.

16 My finger painting skills were
17 recognized at a very early age. Let me cut to the
18 chase. We have things to do.

19 I have been blessed to have worked 18
20 years as a trial lawyer, 18 years as a trial judge,
21 and with God's permission 18 years doing the work I
22 love best, which is sitting around a table with good
23 lawyers trying to figure out how to try or settle a
24 case.

25 But the creme de la creme has been to

1 have now received awards named for three New Jersey
2 legal icons, all sharing in those essential character
3 traits of good humor, warmth and humanity; Lawrence
4 A. Whipple, Richard J. Hughes, William J. Brennan,
5 Jr.

6 In 1995 the Association of Criminal
7 Defense Lawyers presented me with the first Chief
8 Judge Lawrence A. Whipple award for excellence and
9 devotion to law.

10 I can remember as if it was yesterday
11 sitting in Judge Whipple's courtroom in Newark. It
12 was motion day and there were 50 lawyers in the
13 courtroom. You didn't have to have a case on his
14 docket. You just came in there for the sheer
15 pleasure of watching him work.

16 Spotting us in the courtroom he would
17 say, excuse me, counsel, I must confer with the
18 federal defenders. Approach the bench, please.

19 And we would go up and Judge Whipple
20 would say, "How you folks doing? Is everybody
21 treating you all right around here?"

22 "Did I ever tell you about the time I
23 was the Hudson County prosecutor? They found a car
24 abandoned in a garage and it was filled with hundreds
25 of shoe boxes. It belonged to the notorious numbers

21

1 runner Newsboy Moriarity, and every one of the shoe
2 boxes was filled to the brim with cash.

3 "As prosecutor, I sent 10 naked
4 Jersey City policemen to retrieve the money and they

5 still came back two million short.

6 "Now get out of here and get back to
7 work."

8 For over 30 years my avocation was to
9 travel around the State of New Jersey with my father.
10 I was here 30 years ago, the night he received the
11 Brennan Award, and I was always struck by the genuine
12 affection and admiration he had for people.

13 His memory for names is legendary. But
14 aside from that he had a couple of moves, as some of
15 the politicians in my family will tell you.

16 John, who's the big guy in the blue suit
17 over in the corner?

18 That's Joe Blow, dad.

19 Joe, how are you? You look terrific.
20 Oh, you lost some weight. Nice seeing you. How are
21 you?

22 And if I didn't know or whoever was with
23 him didn't know the name, he would make such a fuss
24 over Joe by shaking his hand and putting his arm
25 around him and saying how you look great, you lost

22

1 weight, you know my son John.

2 I am convinced to this day that that
3 night Joe went home to his wife and said, hey, the
4 Governor remembered my name.

5 The one thing, the techniques are not
6 important. What is important is that it was never
7 about him. It was always about you. And if you

8 don't believe me, you can read the biography, the
9 John Wefing coming out in November, "Richard J.
10 Hughes, The Politics of Civility."

11 After 15 years of helping to present the
12 Catholic Charities Richard J. Hughes Humanitarian
13 Award, they ran out of names and gave it to me.

14 As you can imagine, receiving an award
15 named for your father is a pretty big deal. It was a
16 magical night. I gave a 10 minute speech, no notes.
17 My family was there in force as they are tonight.

18 I'll never forget Claudia leaning over
19 the table that night and whispering to me, "No more
20 awards for you. You've had enough." well, maybe one
21 more, Claudia.

22 When your president Dennis, I couldn't
23 have done it without Wayne Positan, Drasco, tracked
24 me down in New York a few months ago. He said,
25 "Judge, I have happy news. The officers and

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1 directors of the Association have voted to give you
2 the Brennan Award this year."

3 The word "vote" triggered in my mind the
4 time my father had had eye surgery and the New Jersey
5 State Senate sent him a get well card. The vote was
6 22 to 18, pretty much by party line.

7 So I didn't ask Dennis what the vote was
8 in my case because it didn't matter. For me,
9 receiving the Brennan Award is the legal equivalent
10 of getting into the Baseball Hall of Fame the first
11 year you're eligible.

12 I'm also happy tonight because I share
13 this award with one of New Jersey's great trial
14 lawyers. I have know this not only by his sterling
15 reputation, but from firsthand knowledge.
16 33 years ago, almost to the day, he and
17 I were involved in a trial in federal court in
18 Camden. Back then any young lawyer can go into any
19 courtroom on any given day and watch and learn from
20 giants.
21 The lawyers in that case were Bruce
22 Goldstein, Carl Woodward, Kenny Laptook, Jack McMahon
23 and me, and I was the rookie.
24 Congratulations, Bruce.
25 (Applause.)

24

1 MAGISTRATE-JUDGE HUGHES: When your
2 president called, it was not lost on me that this
3 award, the Brennan Award, was going to go to a
4 United States Magistrate-Judge, and it should not be
5 lost on you that the person who introduced me is the
6 chair of the United States Judicial Conference
7 Committee on the administration of the
8 Magistrate-Judge system.
9 So it is no exaggeration, I think Dennis
10 would agree with me, to say that tonight Justice
11 Brennan and the Association of the Federal Bar have
12 recognized every United States Magistrate-Judge in
13 this country simply by saying, in New Jersey
14 parlance, of course, "Hey, how you doin'!"

15 Speaking of warmth and humanity, if
 16 anyone doubts that Justice Brennan ever read the book
 17 "How To Win Friends And Influence People," you should
 18 call Justice Souter and ask what he thinks before he
 19 goes back to New Hampshire.

20 I must tell you in all honesty I met
 21 Justice Brennan a couple of times, and I cannot speak
 22 about him with the eloquence Daniel O'Hern did when
 23 he received this award only two years ago.

24 Let me instead spend a moment speaking
 25 about what I consider to be Justice Brennan's

25

1 greatest accomplishment, and that is his family, in
 2 particular his son, William J. Brennan III.

3 As the son of a New Jersey icon, I have
 4 great empathy for the son of an icon of the world.

5 Incidentally, empathy is code for
 6 empathy. Can't say that as a sitting judge.

7 My son Adam, the Assistant Inspector
 8 General, was clerking in the Mercer County Courthouse
 9 about 10 years ago, and one day I said, "How is it
 10 going?"

11 Mildly complaining he said, "well,
 12 everywhere I go it's, 'Are you Judge Hughes' son?'
 13 Or, 'This is Judge Hughes' son.'"

14 I said, "Yeah, tell me about it, Adam."

15 But every time I would go to a Bar
 16 Association or Bar Foundation meeting, I always
 17 search Bill the Third out just to say hello.

18 Justice Brennan was extremely proud of
 Page 22

19 Bill, and Bill was an accomplished lawyer in his own
20 right. And two of his greatest career highlights was
21 being president of this Association and receiving the
22 award for his father.

23 Let me read from a condolence letter I
24 recently found when I was relocating my chambers to
25 my basement, but it reflects my continuing admiration
26

1 for Justice Brennan and his family.

2 "July 25, 1997. William Brennan the
3 Third, care of Smith Stratton, Princeton.

4 "Dear Bill: On behalf of my family, I
5 send very sincere condolences over the passing of
6 your father. Our prayers are with you and yours.
7 Justice Brennan, like my father, enjoyed a
8 magnificent life and left a multitude of important
9 public legacies. I'm equally certain, however, given
10 the blessing of Irish wit, he also left a thousand
11 vivid personal memories to sustain you in your loss.

12 "Your dad spent his long life achieving
13 a near perfect balance between one and many.
14 Hallelujah."

15 Let me finish tonight with an old family
16 saying, probably not true, but Hughes folklore has my
17 grandfather passing it to my father, my father
18 passing it to his children, his children passing it
19 to their children. It is a very simple, yet we think
20 an effective piece of advice about speech making.

21 By way of my gratitude I pass along to

22 each one of you, make them laugh, make them cry, say
23 good-bye.

24 Thank you all very much.

25 (Applause.)

27

1 MS. SIEGAL: Just as Judge Cavanaugh
2 became good friends with Magistrate-Judge Hughes,
3 through their relationship at the Essex County Public
4 Defender's office, I would like to introduce Larry
5 Horn, who became close friends with our next honoree,
6 Bruce Goldstein.

7 So if Larry would come up.

8 (Applause.)

9 MR. HORN: W.C. Fields said, "Never
10 follow dogs, children or Irishmen." I'm the
11 recipient of that sage advice.

12 May it please this wonderful Court, the
13 United States District Court for the District of
14 New Jersey, collection of distinguished men and women
15 who, lawyers like me, gain luster and professional
16 satisfaction by having the opportunity to appear
17 before them and you on a regular basis.

18 The opportunity for me to introduce
19 Bruce Goldstein as a William J. Brennan, Jr. Award
20 honoree to a group of spectacular judges, court staff
21 and distinguished lawyers, all of whom I consider as
22 friends and with whom I lovingly work on a daily
23 basis is a great honor for me and I am humbled by it.

24 When you mention the name of Bruce in
25 New Jersey, two names come to mind; one is a rock

1 star, the other is a legal star, this evening's
2 co-Brennan Award honoree.

3 I don't have to mention his last name.
4 All of us can recall a conversation. Did you see
5 Bruce? How is Bruce doing? Did you hear that Bruce
6 is a Brennan Award honoree?

7 Other than another award honoree, whose
8 name I don't even have to mention, Bruce is known
9 simply to us as Bruce. Being known simply by one's
10 first name is a true sign of respect, admiration and
11 endearment.

12 I believe I have attended the annual
13 William J. Brennan, Jr. Award dinner each and every
14 year since its inception. Most followers, as well as
15 awards recipients, have spoken of Justice Brennan's
16 intellect and have quoted from his opinions with the
17 goal of giving personal meaning to the effect that
18 this New Jersey legal giant has had on the
19 jurisprudence of our country and themselves
20 individually.

21 I wish to approach William J. Brennan in
22 a different manner. In December of 1987 my family
23 and I traveled to Israel on an American Friends of
24 the Hebrew University trip with a number of other
25 lawyers and their families, as well as Justice

1 Brennan and his wife.

2 He was well into his eighties then, and
3 when I met him in the departure lounge at JFK Airport
4 late on a Saturday evening and I introduced myself as
5 one who was born in Newark, New Jersey and who
6 practiced law there, he warmly shook my hand and
7 spoke to my then 16 and 13-year old children.

8 I thought, that's it. It's the only
9 time I will ever see him for the entire ten days.

10 Boy, was I ever wrong. Every morning
11 for the entire ten days he was at breakfast at
12 7:30 a.m. and on the bus at 8 a.m. He toured with
13 us. He talked with us. He had dinner with us every
14 night.

15 I have a few photos of him with my two
16 children, my wife and myself at the Western Wall, at
17 my table, autographed by him at the conclusion of the
18 trip and sent back to us as a lifelong memento which
19 I keep in my office. And if any of you wish to view
20 them, I have them there at my table.

21 There are two parallels I would like to
22 share with you between Justice Brennan and Bruce.
23 First, to be a giant, a person need not be tall.
24 Second, a man of wisdom need not shout to be heard.

25 It takes years of being kind,

30

□

1 compassionate, helpful, giving of oneself, lending a
2 firm hand, having courage and being known as a
3 lawyer's lawyer. That is Bruce.

4 I spent a good time looking at Supreme
Page 26

5 Court opinions in which Justice William J. Brennan,
6 Jr. Participated either for the court dissenting or
7 by comment. My search sought the decisions
8 mentioning compassion and courage.

9 I came away from them with the
10 conclusion of my own, that people who are
11 compassionate and people who are courageous rarely
12 use those terms, but demonstrate those qualities
13 through ideas, how they treat others, and by the way
14 they live their lives.

15 A word about service to the legal
16 community, public and private, representing many,
17 mentoring anyone who will ask, this is Bruce: Former
18 president and founder of this Association of the Bar
19 of the State of New Jersey; Executive Assistant
20 United States Attorney; recipient of the Attorney
21 General's Distinguished Service Award; a member of
22 the American Bar Foundation; Special Master for this
23 Court, its Lawyers Advisory Committee; the American
24 College of Trial Lawyers, Advisory Committee of the
25 Third Circuit, and numerous New Jersey Supreme Court

31

1 appointments.

2 Bruce oozes humanity. He is thoughtful.
3 He is courageous. He is compassionate. He is our
4 Bruce.

5 It is often said that you are known by
6 the company you keep. I am proud to be Bruce's
7 friend for more than 40 years. I was proud to be his

8 colleague at the United States Attorney's Office
9 where he taught me so much. I was proud to be his
10 co-counsel for more than 25 years in challenging
11 sophisticated criminal investigations. I am even
12 prouder now that he is my partner at Sills Cummis and
13 Gross.

14 His arrival and daily presence brings
15 added luster, distinction and prestige to our firm
16 every day. His professionalism, quality of lawyering
17 and humanity and his courage are an example to us
18 each and every day.

19 I present to you Bruce.

20 (Applause.)

21 MR. GOLDSTEIN: I am not Judge
22 Cavanaugh. I am Bruce Goldstein.

23 It is such a thrill to be here this
24 evening with so many of my colleagues and so many of
25 my friends.

32

1 I had a Hobsonian choice when I was told
2 I was going to receive this award.

3 After I picked myself off the ground --
4 well, actually, that's not exactly what happened.

5 Dennis called me and he said: Jack,
6 it's Dennis, and I want to tell you that you're
7 getting the award.

8 I said: This is not Jack. This is
9 Bruce Goldstein.

10 He said: Oh, well, we'll give you one
11 as well.

12 But the Hobsonian choice is once you
13 know you're going to be getting an award with Judge
14 Hughes, what do you do? Do you speak first, which
15 was what many people urged me to do and said, you
16 better get up there, get off, because you're in
17 trouble. Or do you speak last, hoping maybe as
18 cleanup batter to somehow get something in?

19 You know that if you're following Jack
20 Hughes, you ain't ever going to beat him. But if you
21 do follow Judge Hughes, you're following in the steps
22 of a great judge and a great lawyer.

23 What I love most about Judge Hughes is
24 that he loves what he does. He was so much fun as a
25 trial lawyer. And, by the way, the case he referred

33

1 to, we lost. But it was a lot of fun to try it.

2 He just exhibited excitement, both as a
3 lawyer and as a judge, and he was a marvelous judge
4 because he moved cases, he was smart, he could see
5 through all of the haze that we try to create, but he
6 could also settle cases and he could help you with
7 clients settling cases.

8 And to me there is no higher service
9 that a judge can perform than helping you resolve
10 disputes. So congratulations, my friend

11 (Applause.)

12 MR. GOLDSTEIN: So let me begin,
13 recognizing how late it is and what separates me from
14 dinner.

15 May it please this very distinguished
16 place, Chief Judge Brown, who is now presiding in the
17 Cairo vicinage of the United States District Court
18 for the District of New Jersey, Chief Justice Rabner,
19 members of the Third Circuit Court of Appeals of the
20 United States District Court, of the Magistrate
21 Court, of the Bankruptcy Court, of the State Court,
22 Judge Cavanaugh, my fellow -- you know what, I
23 misread that. I really wasn't kidding around. I
24 just misread it.

25 My fellow lawyers and guests, and last 34

1 but surely not least, my family.

2 what a distinct honor it is to receive
3 this award. It is both humbling and exhilarating.
4 This award is an award whose significance is defined
5 by the man after whom it is named and by the lawyers
6 and judges whose names are listed on the program and
7 who have received the award in past years.

8 Justice William J. Brennan, Jr. was a
9 Jersey boy, a Jersey lawyer, a New Jersey Superior
10 Court Judge, a New Jersey Supreme Court Justice, and
11 then a United States Supreme Court Justice, and as
12 one of the earlier speakers said, a renowned world
13 figure.

14 I too will not quote from his opinions,
15 but I must honor the remarkable legacy that he has
16 given us.

17 Jack, I'm so glad that you mentioned
18 Bill Brennan, his son, because in preparing these

19 remarks I kept thinking of him.

20 Bill Brennan the Third, or as we called
21 him, The Third, made such a remarkable contribution
22 to our profession, to our Bar Association through
23 mentoring, and he was a terrific lawyer at the same
24 time.

25 His dad's reputation speaks for itself; 35

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1 a man of compassion, a man of courage, a man who was
2 able to, on the one hand, work with his colleagues to
3 see if they could form consensus, and if they
4 couldn't, had the courage to dissent.

5 I would suggest some of the most
6 significant opinions were his dissents, i.e., and
7 this is my own prejudice, his solid opposition to the
8 death penalty when he was a very, very lone
9 dissenter.

10 I also had the privilege of being with
11 Justice Brennan, Marjorie and I both did on two
12 occasions when we were at the University of Virginia
13 in the trial Advocacy Institute, headed by Judge
14 Stern, and he was there. He was there with his son,
15 and on two occasions presented the William J. Brennan
16 Award for excellence in trial advocacy.

17 And on two occasions Margie and I spent
18 the evening with him. And it was remarkable, because
19 I was, very frankly, a little apprehensive, having
20 dinner with this extraordinarily important man.

21 As Larry said, he was so warm and so

22 wonderful. He was a raconteur, and it was a
23 delightful evening.

24 What was even more surprising was that
25 the second time we met him, which had to be at least 36

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1 two or three years later, we walked up to the gate,
2 and he said, "Hi, Margie, hi, Bruce, how are you?"
3 It blew my mind that he could remember our names. He
4 was a remarkable human being.

5 What I want to discuss ever so briefly
6 this evening is the concept of mentoring. I think
7 it's fair to say that none of us in this room would
8 have traveled down the trail of lawyering in this day
9 without having role models and without having
10 mentors. We have all been the beneficiary of their
11 advice. I certainly have been.

12 During the course of my career I worked
13 for Judge Garth before he was Judge Garth, and I saw,
14 at the time he was called Lenny, conduct a deposition
15 of an adverse party, who after about two hours of
16 rigorous interrogation finally said, and I can really
17 only say part of it because the rest is too profane,
18 on the record, Lenny, just tell me what you want to
19 say and I'll say it.

20 And I said to myself, that's what I want
21 to do as a lawyer.

22 When I joined the United States
23 Attorney's office in 1970, I found a whole bunch of
24 mentors because there was a magnificent troika of
25 mentors. There was the one and only Frederick B.

1 Lacey, a man bigger than life, truly a lawyer's
2 lawyer, who continues to practice law, continues to
3 be the consigliere.

4 He had just convicted the entire Newark
5 city government, was pursuing Hudson County, and,
6 frankly, was just a hulking figure.

7 And I recall seeing him one day and he
8 was walking down the aisle in a t-shirt and a shaving
9 kit under his arm.

10 And I said, wow, what is he doing? And
11 what he was doing was going to the men's room to
12 shave, to get ready for the speech that night.

13 And I said, man, for a guy his age, he's
14 really in pretty good condition. True.

15 He then undoubtedly had an Assistant
16 U.S. Attorney drive him to where he was going so he
17 could read the newspapers and the briefs and the
18 cases on the way there and on the way back, and the
19 greatest privilege was driving Judge Lacey because
20 you learned something.

21 And when he became a judge, Herbert J.
22 Stern became United States Attorney. And I became
23 chief of special prosecutions, which was remarkable
24 because I was the youngest chief of special
25 prosecutions, and I also probably knew less about

1 being chief of special prosecutions than anybody in
2 the country.

3 But I learned from a master. I learned
4 how to conduct investigations. I learned the value
5 of documents in conducting an investigation. I
6 learned how you use documents to prepare a case, to
7 prepare a deposition, to prepare for a direct
8 examination or a cross-examination or summation. I
9 learned by watching. I learned by listening. And it
10 was a great Ph.D. in trial advocacy, Herb. And it
11 was fun.

12 And then when he became a judge, Jon
13 Goldstein was United States Attorney, and I then
14 became Executive Assistant U.S. Attorney, and we
15 really had a blast. We had so much fun.

16 And what I learned from Jon was how to
17 hold, how to deal with pressure when it is really
18 intense, hold your composure and keep your cool and
19 keep your powder dry and then use it.

20 Those lessons I learned early in life
21 and I was very fortunate to have been the student.

22 And finally I had David M. Satz as a
23 mentor when I left the United States Attorney's
24 office, as every Assistant U.S. Attorney does leave
25 believing that he will never or she will never find a
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1 position that will ever be as exciting in private
2 practice.

3 David proved to me how wrong that was.
4 He introduced me to private practice. He introduced
Page 34

5 me to so many people, and I dare say that in the
6 first ten or 15 years of my practice, probably 20, I
7 could not walk into a courtroom without Judge Hughes
8 being told, "Hey, how's David. How is he doing?"

9 And I have to say I traded on that and
10 it was wonderful, because he taught me the value of
11 having meaningful relationships with members of the
12 Bar.

13 And I think, I believe that as strongly
14 as I possibly can say it in terms of following it in
15 my own lifestyle.

16 I had a wonderful time for 30 years
17 practicing law with Saiber, Schlesinger, Satz and
18 Goldstein. We built a firm from five lawyers to 65
19 lawyers. But far more importantly, we had a hell of
20 a lot of fun doing it. And now I have the privilege
21 and distinction of practicing law with Sills Cummis
22 and Gross. And while I've only been there a year and
23 a half, I'm having a wonderful time there, and, guys,
24 I have to tell you, I intend to stay for a long time.

25 I also want to say to members of my

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1 family who are here tonight, I remember having a
2 conversation with Jon Goldstein, and Jon said to me,
3 "You know --" this is when we were in the U.S.
4 Attorney's Office and we had time to wax eloquently
5 -- "You know, I think that any successful lawyer, in
6 the case of any successful lawyer, his family paid
7 the price for that success."

8 And I said, "Jon, that's just so
9 cynical. How can you say that? It can't be."
10 The only difference was that he was
11 incisive and I was naive.
12 The fact of the matter is that lawyering
13 is a very demanding, very hard and sometimes very
14 painful process, but it's a wonderful profession. I
15 love it. And my family has always understood it.
16 Margie, who is as multi-faceted as she
17 is beautiful, and who is at this point in her life in
18 her own computer training program.
19 Jed, who is now an associate with the
20 Gibbons law firm.
21 Jeffrey, who, far more importantly, is a
22 banker and therefore a potential client.
23 Jed's wife Stacey, who is a lawyer in
24 New York with Debevoise & Plimpton and thus insures
25 the financial integrity of that family.

41

1 And Jennifer, Jeffrey's wife, who is in
2 the final years of studying to be a psychoanalyst and
3 is treating patients as we speak.

4 And I told her, "Jennifer, you really
5 have the wrong deal here. The people who really need
6 your help are going to be at Mayfair Farms on Tuesday
7 night. That's where you're going to get your
8 practice."

9 But, guys, stand up just for a second.
10 I thank you very much.

11 (Applause.)

12 MR. GOLDSTEIN: And we also have
13 Stacey's dad in the audience, David Posner, who is a
14 real lawyer, and if you have problems in real estate,
15 corporate or tax, he's in Millburn, New Jersey. I'll
16 give you the number. He's a terrific lawyer.

17 I want to thank from the bottom of my
18 heart. I think one of the great things about being a
19 lawyer in New Jersey is that there is a true feeling
20 of fraternalism in this state among federal
21 practitioners. It's real. We practice in every
22 courthouse in the state, and it's a thrill to be able
23 to do that. It's been a thrill for me to be able to
24 do it all these years, and thank you for the honor.

25 (Proceedings concluded with applause.)

Miraglia, Joan N.

From: Anita [Anita@rizmanrappaport.com]
Sent: Friday, June 26, 2009 4:55 PM
To: arymer@saiber.com; acalmann@saiber.com; drobinson@rwmlegal.com; fbp@ppgms.com; lbo@olss.com; ajacobs@bsrlaw.com; Becker, Frederic; jlavroff@lindabury.com; dmazie@mskf.net; karol.corbinwalker@leclairryan.com; info@medmalnj.com; ddreifuss@dbplawfirm.com; srichman@duanemorris.com; cpoplar@poplarlaw.com; kmarino@khmarino.com; jcwhipple@awffa.com; flacey@dl.com; pfishman@fklaw.com; spachman@wolfblock.com; sedelstein@sseck.com; Orlofsky, Stephen M.; efrisch@lindabury.com; cjacob@laborlawyers.com; rtanner@montclairlaw.com; cwoodward@carellabyrne.com; azucker@ferrolabella.com; procco@lawssb.com; asamson@baronsam.com; mcritchley@critchleylaw.com; cpg@lentzgengaro.com; jbain@carellabyrne.com; mlg@lentzgengaro.com; nes@neslaw.com; tshap44077@aol.com; dcaruso@verizon.net; jenglish@lindabury.com; sdavis@sakr-law.com; matthewm@passaiccountynj.org; jsterns@sternslaw.com; wafeldman@feldmanfiorello.com; jpd@lawwmm.com; djcamerson@bressler.com; rszuch@bressler.com
Subject: William J. Brennan
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Sorry about that. Here is the transcript.

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See —
 I don't know if Ed wants
 this. It's a transcript
 of the Wm Brennan Dinner.
 THx
 Lawrence