Welcome to this edition of The Connector, the newsletter of the Harvard Law School Association of New Jersey. I am honored and excited to write my first President’s Letter, and I thank you for the opportunity to serve all of you in this capacity. I look forward to what is to come, but let me take a few moments to highlight several activities that took place over the past year.

Recently and undeterred by the seemingly never-ending winter this season, our 57th Annual Vanderbilt Lecture (although rescheduled) went off without a hitch at a new venue, the Maplewood Country Club, on January 22, 2014. We were privileged to host Professor Norman Dorsen (HLS ’51) as our esteemed guest speaker. Professor Dorsen is the Frederick I. and Grace A. Stokes Professor of Law and Counselor to the President of New York University. He was the Founding President of the Society of American Law Teachers (1971-1973), and General Counsel (1969-1976) and President (1976-1991) of the American Civil Liberties Union. His thought-provoking Vanderbilt Lecture topic was Seeking Civil Liberties, which we are pleased to share with you as reprinted in this newsletter.

Thinking back to warmer days, over this past summer, HLSA-NJ again provided financial support for two HLS students to work in New Jersey as Public Interest Fellows. Both our fellows worked in Newark, and we are proud to share with you their reflections on that work experience in this newsletter. In addition to focusing on our rising HLS students who are just on the cusp of embarking on their careers, this edition – in the In Memoriam section – also recognizes the passing of persons who attended or graduated from HLS and had a particular connection with and impact on New Jersey, including those who practiced or resided here. Please pause to reflect on their legacies.

On another front, as technology continues to intersect with so many of our experiences, this issue includes a section on social media and multimedia from HLS. It is well worth taking time to appreciate a few of the wonderful things happening on campus and recognizing the important and longstanding contributions of students and faculty. These are highlighted in the pieces on “Celebration 60: Celebrating 60 Years of Women at HLS,” which I was delighted to attend and represent our local organization (and was further thrilled for my 11-year-old daughter, who attended by my side, to witness these amazing women); as well as “Celebrating Alan Dershowitz: 50 years at HLS.” In many ways, it feels like only yesterday when I experienced Professor Dershowitz’s class as a 1L twenty years ago.

Apropos of its name, “The Connector,” we wholeheartedly thank our Vice President, Ronald Brown, for his unceasing energy to keep our connections lively and relevant through this publication. In that spirit, please be sure to check out a new feature in this issue, called The Healthy Alum.

Before closing, I would be remiss if I did not thank the Board of Trustees for their continued enthusiasm and renewed dedication to ensuring the vibrancy of our organization. In particular, please join me in welcoming our new HLSA-NJ officers and trustees – their photographs and short biographies are included in this newsletter. We ask that you continue to support our local association so that we can continue to offer all our members the benefits of our programmatic initiatives; to help us in that regard, please pay your dues to our new treasurer (Kaushal “Ken” Majmudar) at the address on the form in this newsletter.

Finally, we encourage each of you to reach out to any of us with your thoughts and suggestions on how to improve HLSA-NJ. This is a team effort, and we solicit and welcome your participation and input as a vital part of the process. As former Dean Kagan said well about our alma mater, “I’ve led a school whose faculty and students examine and discuss and debate every aspect of our law and legal system. And what I’ve learned most is that no one has a monopoly on truth or wisdom. I’ve learned that we make progress by listening to each other, across every apparent political or ideological divide.” May we all offer our voices about how best to shape our organization for the future, and may we listen to each other and grow together as a community over the coming year.

With my warmest wishes for the very best in health, happiness, and success throughout 2014. - Nicole Bearer

The HLSA Connector results from a collective effort. As editor, I would like to thank everyone who contributed to this newsletter, including Professor Norman Dorsen for his remarks at this year’s Vanderbilt Lecture and our two summer interns Stephanie Freudenberg and Khaled Mowad. I would also like to especially thank Karen Chance and Pete Mumma of HLS Alumni Relations.

The Harvard Law School Association remains committed to its mission as stated in its Constitution: “The objects of this Association shall be to advance the cause of legal education, to promote the interests and increase the usefulness of the Harvard Law School, and to promote mutual acquaintance and good fellowship among all members of the Association.” It is hoped that this newsletter assists in fulfilling that purpose.

Your comments, reactions, as well as any news you may have, are very welcome. I would especially welcome your suggestions for distinguished alumni to recognize in future editions of The Connector.

- Ron Brown  email: 180ronwh@gmail.com
NEW TRUSTEE

Frank Ferruggia is a graduate of Princeton University and Harvard Law School (1981). Upon graduation from Harvard, he became an associate at the law firm of McCarter and English. He became a partner in 1988, and he now heads up a national practice in property tax appeal litigation. He is a member of the New Jersey, New York and District of Columbia Bars.

Mr. Ferruggia was born and raised in Newark, and while at Princeton, he majored in Urban Studies at the Woodrow Wilson School of Public and International Affairs. He was selected by the faculty as the Latin Salutatorian of the class of 1978. He served as the head of the Princeton Alumni Schools Committee in Essex County for over 20 years and concentrated on recruitment of minority candidates for admission to Princeton from the high schools of the Greater Newark community. Mr. Ferruggia is Chairman of the Greater Newark Holiday Fund and has recently been elected Chairman of the Newark Regional Business Partnership.

NEW OFFICERS

President
Nicole Bearce is known for her authentic style and thoughtful approach to building credibility and trust with clients, adversaries, judges and jurors. At her best and most persuasive under pressure, Nicole handles high-stakes, complex commercial matters, including pharmaceutical and mass tort litigation, contract and fiduciary breach claims, corporate governance conflicts, consumer fraud allegations, and disputes among shareholders and business partners. She has handled matters in multiple jurisdictions, including New Jersey, New York, California and Delaware. Nicole is particularly knowledgeable about information governance, electronic discovery and spoliation issues, and she co-chairs the firm’s E-Discovery Task Force. She also serves on the E-Discovery Committee for the International Institute for Conflict Prevention & Resolution, as well as The Sedona Conference Institute. Nicole also oversees the firm’s pro bono representation of Uncommon Schools, an entrepreneurial nonprofit that creates and manages outstanding urban charter public schools across five regions, including the multiple campuses of Newark’s North Star Academy.

Vice President
Keith Krebs/P.O.V. Image Service

Secretary
John Bartlett ‘01, CPA, J.D., LL.M., and Assemblyman

Treasurer

1 Nicole Bearce is known for her authentic style and thoughtful approach to building credibility and trust with clients, adversaries, judges and jurors. At her best and most persuasive under pressure, Nicole handles high-stakes, complex commercial matters, including pharmaceutical and mass tort litigation, contract and fiduciary breach claims, corporate governance conflicts, consumer fraud allegations, and disputes among shareholders and business partners. She has handled matters in multiple jurisdictions, including New Jersey, New York, California and Delaware. Nicole is particularly knowledgeable about information governance, electronic discovery and spoliation issues, and she co-chairs the firm’s E-Discovery Task Force. She also serves on the E-Discovery Committee for the International Institute for Conflict Prevention & Resolution, as well as The Sedona Conference Institute. Nicole also oversees the firm’s pro bono representation of Uncommon Schools, an entrepreneurial nonprofit that creates and manages outstanding urban charter public schools across five regions, including the multiple campuses of Newark’s North Star Academy.

2 Ron Brown is Legal Officer providing advice and counsel to the Chief Technology Officer for the State of New Jersey and to the Senior Management team at the New Jersey Office of Information Technology. He is also the Chief Technology Officer’s representative on the Procurement Committee, and the Intellectual Property sub-committees of The National Association of State Chief Information Officers (“NASCO”). He also chaired the state wide ad-hoc working group on E-discovery. Ron is President and CEO of Ronald W. Brown & Associates, LLC, a management consulting and business advisory services firm, http://ronaldwbrownassociates.intuitwebsites.com/index.html. He is also Director, Business Advisory Services at The Efficiency Xperts, http://www.efficiencyxperts.com. His prior positions include the following: The Reed-Brown Consulting Group, Executive Vice President and Chief Operating Officer; W. Fye & Associates Certified Public Accountants/Consultants (Newark, New Jersey), Director of Management Consulting; BR&amp;W Productions Inc. (New York, New York) President and Chief Operating Officer, co-founder, and shareholder; Sammy Davis, Jr., National Liver Institute, Inc. at the University of Medicine and Dentistry of New Jersey (Newark New Jersey) Executive Vice President for Administration and Chief Operating Officer; Motion Picture Association Of America, Director of North American and Commonwealth Operations (Anti-piracy); ITT Legal Department. Ron earned his B.A. with Distinction in History from Rutgers, The State University of New Jersey. He was in the Honors History Program, on the Dean’s List, and was a Woodrow Wilson Fellowship nominee. His senior thesis was published in Rutgers Review. Ron next attended Harvard Law School, where he earned his Juris Doctor, was a member of the Board of Editors and Articles Editor of the Harvard Civil Rights-Civil Liberties Law Review. He also was the first Resident Tutor and Pre-Law Advisor at Currier House, Radcliffe College. Ron then attended Harvard Graduate School of Business Administration where he earned his Master in Business Administration and was a Goldman Sachs Fellow. He also attended Columbia University’s Parker School of Foreign and Comparative Law, Summer Program.

3 Jacob T. Elberg joined the U.S. Attorney’s Office in 2007. Jake is Chief of the Health Care and Government Fraud Unit at the U.S. Attorney’s Office for the District of New Jersey. In that role, he supervises and directs all of the Office’s criminal and civil investigations and prosecutions of health care fraud offenses, including investigations and prosecutions of fraud against the government and private health insurance plans, illegal kickback schemes, violations of the Federal Food, Drug & Cosmetic Act, and the improper diversion of prescription drugs, as well as all health care-related actions brought by the Office under the False Claims Act. In addition, he supervises and directs the investigations regarding Foreign Corrupt Practices Act violations, as well as fraud against certain government agencies and programs. Prior to joining the US Attorney’s Office, Jake was an associate at Dwyer & Collora LLP (now Collora LLP) in Boston, where his areas of practice included white collar criminal defense, internal corporate investigations, and commercial litigation. Jake received his JD in 2003 from Harvard Law School, graduating magna cum laude, after having received his BA in 2000 from Dartmouth College, from which he graduated cum laude and with honors. After graduating law school, Jake served as a law clerk to the Honorable Nancy Gertner (District of Massachusetts).

4 Kaushal “Ken” Majmudar, CFA, founded Ridgewood Investments in 2002 and serves as its Chief Investment Officer with primary focus on managing its Value Investing based strategies. Ken graduated with honors from Harvard Law School in 1994 after being an honors graduate of Columbia University in 1991 with a bachelor’s degree in Computer Science. Prior to founding Ridgewood Investments in late 2002, Ken worked for seven years on Wall Street as an investment banker at Merrill Lynch and Lehman Brothers where he gained extensive experience working on initial public offerings, mergers and acquisitions transactions and other corporate finance advisory work for Fortune 1000 companies. He is admitted to the bar in New York and New Jersey though retired from the practice of law. Ken’s high level experience and work with clients has been recognized and cited on multiple occasions. In 2009, Businessweek.com named Ken Majmudar one of the 50 Most Experienced Independent Advisors in the country. In 2005, Kaushal and The Ridgewood Group were also recognized as a 5-star advisor, their highest rating, by Paladon Registry. He is a noted value investor who has written and spoken extensively on the subject of value investing and intelligent investing. He has been a member of the Value Investors Club – an online members-only group for skilled value investors founded by Joel Greenblatt, SumZero (an online community for professional investors) and has also written for Seeking Alpha, among others. Ken is active in leading professional groups for investment managers as a member of both the CFA Institute and the New York Society of Securities Analysts.
ARThUR T. VANDERBILT AND THE VANDERBILT LECTURE:  
LECTURERS AND TOPICS 1956-2014

Thanks to Patty Lopez for preparing the following chronology of the Lecturers and Topics, 1956 - Present.  
Some information is missing and if anyone can supply it, we would be very thankful.

1957  Prof. Paul A. Freund, “The Supreme Court and Fundamental Freedoms”
1958  Prof. Arthur E. Sutherland, “Scientific Premises and Judicial Conclusions”
1959  Prof. Austin Wakeman Scott, “Half a Century in the Pursuit of the Law”
1960  Prof. Milton Katz, “The International Legal Order: Variations on a Theme”
1961  Prof. A. James Casner, “The Social Significance of present Day Family Dispositions”
1963-1977  Missing
1978  Prof. Bayless Manning, “America’s Dangerous Addiction - Too Much Law”
1979  Missing
1980  Floyd Abrams, Esq., “Press Paranoia: Myth or Reality”
1984  Hon. Ruggero J. Aldisert, “A Picador At Work Among Sacred Cows”
1985  Hon. Alan B. Handler, “Jurisprudence and Prudential Justice”
1986  Dean James Vorenberg, “Making the Case for a Life in the Law”
1987  Missing
1989  Missing
1990  Hon. John F. Gerry, “A Fading View From The Bridge”
1991  Missing
1994  Hon. Dickinson R. Debevoise, (topic and text not available)
1995  Hon. Robert N. Wilenz, (topic and text not available)
1996  Hon. Deborah T. Poritz, Chief Justice, (topic and text not available)
1999  Prof. Robert F. Williams and Dean Jack M. Sabatino, “Two Institutions & Two Men: The New Jersey Supreme Court & Harvard Law School Alan B. Handler & Daniel J. O’Hern, a Mutual Appreciation”
2002  Hon. Gary S. Stein, (topic and text not available)
2003  Dean Elena Kagan, (topic and text not available)
2004  Dean Anne-Marie Slaughter, “Fighting Terrorism in a Networked World”
2005  Prof. Charles J. Ogletree, Jr., “President Bush’s Impact on the Supreme Court”
2009  Elliot L. Spitzer ’84, “From Ayn Rand to Ken Feinberg: How quickly the paradigm shifts. What should be the rationale for government participation in the market place?”
2010  Hon. John E. Wallace, Jr., “Harvard Law School Graduates on the United States Supreme Court”
2011  Dean Martha Minow, “In Brown’s Wake: Legacies of America’s Educational Landmark”
2013  Professor Norman Dorsen, “Seeking Civil Liberties”
Each of these persons attended or graduated from HLS, and practiced or resided in or had some connection with New Jersey.

Erwin L. Cherovsky - LL.B. 1958
Erwin Cherovsky died in August 2013. He was an attorney and author.

Farley Carter Childs - LL.B. 1942
Farley Carter Childs, 94, of Watchung, N.J., died at Overlook Hospital, Summit, N.J., on Wednesday, February 13, 2013. He was born in Brooklyn, N.Y., and lived in Watchung and formerly in Scotch Plains/Fanwood and Willimansett, Va. Mr. Childs graduated from Brown University in 1939 and from Harvard Law School in 1942. He served in the Army during World War II, from 1942 to 1946, and retired as a major in the Reserve. For over 33 years, Mr. Childs was an attorney for various subsidiaries of Western Electric in New York City, finishing his career as general solicitor. He was a member of the American Bar and the New York Bar associations. Mr. Childs lived life to the fullest. He was an avid runner until his 80s, a golfer till his 90s, a skier, a world traveler, a dancer, a lifelong student. He went back to law school to sharpen up his law skills at age 85.

He measured life by his friends and wanted many, many in that circle. His every day was marked by cards to send and calls to make. To his nieces and nephews he was a cherished uncle, to the DiGioacchino family he was a family favorite, to his children a source of endless inspiration, to his grandchildren a most wonderful grandpa, to his friends a reason to smile and the source of the warmest of hugs. Mr. Childs was devoted to his Catholic faith. He became a Fourth Degree Knight and was active in the Knights of Columbus in many cities. His wife, stricken by Alzheimer’s, was his true love, and he was faithful in his daily visits to her over many years.

Francis Giardiello - LL.B. 1951
Francis R. Giardiello, 90, passed away peacefully on Sunday, January 27, 2013. Frank was born on April 26, 1922 in Philadelphia, PA. He grew up in Paterson, graduating from Central High School in 1940.

During World War II, Frank was a 1st Lieutenant in the Army Air Force. His aircraft was shot down in 1944 during a raid near Politz, Poland, and he was interned in Sweden. After the war Frank attended Georgetown University, where he graduated cum laude in two and a half years with a Bachelor of Science degree. He received his law degree from Harvard Law School in 1951 and practiced law in the city of Paterson for many years.

Frank married Ruth Voorman in 1953 and resided in Totowa, where they raised three children. He served the Borough of Totowa for many years as borough attorney, tax collector, treasurer, municipal judge and as the first chairman of the Totowa Industrial Commission. He was the third Grand Exalted Ruler of Passaic Valley Elks Lodge No. 2111.

Stuart O. Goldsmith - LL.B. 1956
Stuart Oliver Goldsmith, 83, “Buddy” to friends and family, died on September 2, 2013. He was a graduate of Rutgers University and Harvard Law School and had a career in commercial real estate development.

Stewart M. Hutt - J.D. 1954
Stewart Martin Hutt, 84, lovingly known as “Uncle Stewie” by family, colleagues and friends, passed away on Friday, Oct. 4, 2013. Mr. Hutt and his identical twin, Herbert, were born in the Bronx, N.Y. Together, they weighed five pounds. As their weight went down to one and three-quarter pounds each, the doctor told their parents that they were dying and their only hope was Dr. Martin Cooney, who had come over from Germany with something he called “in-cu-ba-tors.” Under Dr. Cooney’s care they were on display at Coney Island and Atlantic City, where people paid a nickel to view them. They thrived under his care and one year later came home to live. The family moved to Woodbridge when the twins were five. They attended local schools and graduated from Woodbridge Senior High School, class of 1947. Stewart graduated from Johns Hopkins in 1951, with a degree in business administration. He then attended Harvard Law School, where he received his J.D. in 1954. In 1954, Mr. Hutt joined the U.S. Army and was honorably discharged in 1962. Mr. Hutt served as assistant township attorney in Woodbridge in 1960 and as township attorney and solicitor from Jan. 1, 1961, to Dec. 31, 1967. He was appointed attorney for the Woodbridge Township Board of Education from 1964 to 1984 and again from 1988 to 1989. Stewart was general counsel for the New Jersey Builders Association for over 35 years, and represented numerous builders throughout the state. He was an original member of the League of Municipalities drafting committee on the municipal land use law from its enactment in 1975 through various modifications. He served as a lecturer for the Institute of Continuing Legal Education on real estate and planning laws. He also participated in the writing of the Mount Laurel Law and was invited to Harvard Law School as a guest.
speaker on it. When he was introduced there were boos, but when he was done speaking, he received a standing ovation. Mr. Hutt was a member of the American Land Use and Local Government Sections and served as director of the New Jersey Bar Land Use Section. He also argued the first case to be televised live before the New Jersey Supreme Court.

Richard M. Kohn - LL.B. 1955

Richard M. Kohn, 81, passed away Friday, March 29, 2013. Born in Trenton, Richard was educated in the Trenton school system before entering Harvard College at the age of 16. He graduated from Harvard College in 1952 and Harvard Law School in 1955. Following law school, he served in the U.S. Army and was stationed at Fort Sill in Lawton, OK. During a legal career that extended 57 years, Richard served as senior partner at the law firm of Fox Rothschild LLP prior to his retirement. Prior to that, he was a partner with the law firm of Katzenbach, Gildea and Rudner. He began his legal career as a law clerk with the firm of Levy & Levy. Active in leadership roles in the Jewish community for many years, he served as trustee of the Mercer Bucks Federation and the Princeton Mercer Bucks Federation for more than 40 years. A founding trustee of the Mercer Bucks Federation Foundation, he served as vice-president and chairman of the investment committee of the Jewish Community Foundation of Princeton, Mercer, Bucks. He was a longtime member of the Jewish Community Center and the Jewish Family and Children Services. He served on the board of Greenwood House and served as its finance committee chairman. Mr. Kohn also served as a trustee of Mercer Medical Center Foundation, Trenton Jaycees, Multiple Sclerosis Society, YMCA Advisory Board, Carolyn Stokes Day Nursery, and the Boys Club of Trenton. Honored many times by his community, he was the recipient of the 1993 community service award from the Jewish Federation, the 1995 lifetime achievement award from the Federation, and the 2000 community service award of the United Jewish Federation of Princeton, Mercer, Bucks.

Arthur Minuskin - J.D. 1948

Arthur Minuskin of Fair Lawn died Tuesday, January 22, 2013. He was 88. A Paterson native, Judge Minuskin opened a law practice in the early 1950s. He served as Fair Lawn’s assistant borough attorney, borough attorney and magistrate. He rose to a Superior Court judgeship in 1977.

On Dec. 30, 1977, Judge Minuskin ruled that a 78-year-old cancer patient had the constitutional right to be given Laetrile, a controversial substance derived from apricot pits. The judge said the treatment was “in the best interests of the patient, even if that welfare be only psychological.”

In 1981, Judge Minuskin held that the Jewish marriage contract known as the ketubah was a civil, not a religious, document and ordered the husband to obtain a get, the Jewish divorce decree that would allow the wife to remarry.

In 1991, the judge sentenced the rhythm-and-blues legend Wilson Pickett to the maximum 364 days in jail for running down an elderly pedestrian in Englewood.

In 2003, an appeals court affirmed Judge Minuskin’s ruling that Newark could sue gun manufacturers for damages stemming from gun violence.

After retiring at 70, he remained active as a mediator and a special master, and also heard cases in Superior Court in Essex County.

Donald H. Mintz - J.D. 1954

Donald H. Mintz, 82, of East Hanover, N.J., passed away Sunday, May 12, 2013, at St. Joseph’s Hospital, Wayne, N.J. Donald was born in East Orange, N.J., and resided there before moving to East Hanover. He was a U.S. Army veteran who served in World War II. He graduated from University of Chicago, Columbia University, and Harvard Law School in 1954. Mr. Mintz was an attorney in East Orange. He was the Essex County prosecutor from 1955 to 1959, and he was a member of the Essex County and New Jersey Bar associations, the American Legion, and Temple B’nai Abraham of Livingston. He sang bass with the Masterwork Chorus and the New Jersey Opera for 22 years.

Eugene Leroy Parker, Jr. - LL.B. 1950

Eugene “Gene” LeRoy Parker, Jr. of Plainfield, NJ, passed away on Tuesday, April 23, 2013. Born July 14, 1924 in Mount Pleasant, Tennessee, to Amy Alice Hoge Parker and Eugene LeRoy Parker, he was a graduate of Hay Long High School, Harvard College ’46, and Harvard Law School ’50. He served in the US Navy aboard the USS LCT #1092 in Leyte Gulf in the Philippines with BB69, the 7th Fleet Flagship Mighty MO. during WWII.

Married in 1948 he lived in North Babylon, Long Island, NY and worked for Chase Bank in New York City before moving to Plainfield in 1963. He served as President of Warren County Bank in Washington, NJ before it merged with First National State Bancorp, today part of Wells Fargo. Expanding banking statewide, he created branches from local buildings such as train depots and historic homes. He was a long time supporter of the Plainfield Symphony and The Paper Mill Playhouse. Active in the Harvard Club of New Jersey, he also served on the vestry and as Senior Warden for Grace Episcopal Church, Plainfield. After retirement in 1989, he traveled the world on 50+ trips with Elderhostel (Road Scholar), particularly enjoying the cruises on canals, rivers, and oceans.

J. Lester Parsons - LL.B. 1965

J. Lester Parsons, III died at his home in Vero Beach, FL on March 21, 2013. Jay was born in Orange, NJ, in 1940. He graduated from The Choate School in 1957, Princeton University in 1961 and Harvard Law School in 1965. He also received a Masters Degree in Tax Law from NYU and an MBA from Fairleigh Dickinson. A brilliant and generous man, Jay gave selflessly of his time and talents to many community, charitable and educational institutions in Bernardsville, NJ, Fishers Island, NY, and Vero Beach, FL. He was an accomplished private pilot and sailor.
Jerome G. Rose - J.D. 1951

Jerome G. Rose, 86, died on April 5, 2013, in Princeton, NJ, where he had resided for the previous 44 years. He was professor of urban planning and professor of business law at Rutgers University for 27 years before his retirement in 1996. He was honored as an outstanding teacher, having won the Rutgers University prestigious Lindback Foundation Award for Excellence in Teaching, as well as, the Rutgers School of Business teaching awards. Upon his retirement in 1996, Rutgers created a new award in his honor, the Jerome G. Rose Excellence in Teaching Award, to be given to outstanding teachers in the School of Planning and Public Policy. His students will remember him for his sense of humor, his dramatic presentations of material and his ability to make Land Use Law and Business Law engaging courses. He was also a controversial land use planner who criticized the New Jersey Supreme Court’s zoning decision that opened up suburban land for housing development. He had argued in many articles and land use conferences that the court’s decision would drain the central cities of their middle class residents, concentrate the urban poor in New Jersey’s cities and waste precious fuel and other resources. Instead of the court’s urban policy he proposed programs of redevelopment within the cities. He incited the wrath of many critics by his assertion that the primary beneficiaries of the court’s decision would be land use developers and not the urban poor.

In 1948 he received an A.B. with Distinction in Government from Cornell University, where he was elected to Phi Beta Kappa. He received a J.D. cum laude from Harvard Law School in 1951. He was a member of the Bar of the State of New York, and a licensed professional planner in the State of New Jersey. He had been a member of the Princeton Township Zoning Board and the Princeton Regional Planning Board. Before retirement he had been a consultant to many municipal and state government agencies on matters relating to housing and land use control. Starting in 1972 and continuing for 20 years thereafter, he was editor-in-chief of the Real Estate Law Journal, a quarterly review of developments in the fields of real estate law, taxation and finance. He wrote eight books on various aspects of land use regulation, 70 articles and an autobiography as well as several booklets about his extensive travels.

June Strelecki - L.L.B. 1955

The Honorable June Strelecki, 84, of Wall Township, passed away peacefully at her home on Saturday, March 9, 2013. Born in Newark, June resided in Irvington before moving to Wall Township over 30 years ago.

June was a graduate of Irvington High School and Drew University; she was also one of the first women to be accepted to, and graduate from, Harvard Law School. During her long and distinguished legal career, June had many accomplishments, including working as the first woman deputy attorney general in the State of New Jersey and as an assistant prosecutor for Essex County, where she was the first woman in the state to prosecute a murder. As a prosecutor, June also helped found the Office of Public Defender for the State of New Jersey. June’s work in the prosecutor’s office was followed by her 1964 appointment as the state’s Motor Vehicle Director, a position she held until 1970, making her the first woman Motor Vehicle Director in the country.

June then enjoyed many years as an attorney in a neighborhood law practice until she was appointed as a Superior Court Judge in 1974. Although she handled various types of cases, she especially enjoyed the years spent working with the children who came through her courtroom. For example, when it was time for the children to meet “the judge”, June allowed each child to choose and keep a stuffed animal from the vast collection that she kept for just this purpose. June continued to serve as a judge until she retired from the bench in 2008 and began work as an agent for the Ocean County Prosecutor’s Office, where she continued to work until her passing.

CRITERIA TO BE USED FOR THE DISTINGUISHED ALUMNI/ALUMNAE AWARD

The Harvard Law School Association of New Jersey selects two Harvard Law School graduates each year for recognition as distinguished New Jersey alumni or alumnae of the Law School. The individuals chosen must have practiced law or worked in their chosen profession for some period in New Jersey. The Award may be made posthumously.

Awardes must have distinguished themselves in various ways, including but not limited to one or more of the following: (a) Outstanding record of quality work in their chosen field; (b) Outstanding record over a substantial period of time of service to a local, state, regional, national, or international community; (c) Notable and exceptional philanthropic endeavors; and (d) Academic excellence.

The recipients of the award are announced in December each year and are honored at an event in the spring of the following year, where each is given a plaque and afforded an opportunity to reflect on his or her life’s work. Award recipients will be listed on a Distinguished Alumnae and Alumni Honor Roll Plaque maintained by the Harvard Law School Association of New Jersey.

Approved, Oct. 29, 2013, Board of Trustees, Harvard Law School Association of New Jersey.
THE 57TH VANDERBILT LECTURE

“The Vanderbilt lecture is more than an alumni gathering. It was conceived over fifty years ago by our Association as a continuing reminder of the Law School’s inspiration to continue learning, to explore new ideas, and revisit sometimes forgotten old ones.”

On January 22, 2014 Norman Dorsen ’53 delivered the Vanderbilt Lecture. David Landau introduced Professor Dorsen as follows:

“It is not without some emotion that I introduce our Vanderbilt Lecturer, as Professor Dorsen and I were classmates at HLS and have most recently celebrated the 60th reunion of the distinguished class of 1953. At that time the Korean War (which began in 1950) was beginning to wind down and the class of 1953 was particularly distinguished by being the first HLS class which included women. I recall that the faculty was principally conservative and that it had voted to expel two students (brilliant brothers) who had invoked the Fifth Amendment when asked in some then typical forum about their political views. Dean Griswold rescued the two brothers and went on to deliver a significant series of lectures across the country on the importance of the 5th Amendment. In our society in the early 1950’s, there was segregation in much of the country and the military, and discrimination of varied sorts in most of the U.S. Yet, from this environment there emerged two members of the Class of 1953 who became the nation’s foremost constitutional scholars, professors, and authors: Gerald Gunther and Norman Dorsen. Gerry Gunther passed away a decade ago. Norman has led the ACLU. He is a Civil Rights hero. He has received national and international recognition. Norman is not only a scholar, he is a battler in the courts, frequently the Supreme Court. And he is a beloved and outstanding NYU Law School professor and Counselor to the President of NYU.”

SEEKING CIVIL LIBERTIES

Norman Dorsen

Thank you all very much. I am honored to be here and to join the group of distinguished speakers who have spoken in this lecture series. I have known many leaders of the New Jersey bar, including Professor Andrew Kaufman of Harvard Law School, who was a student with me in the early 1950s, and Justice William J. Brennan, who was only in his second year on the Supreme Court when I was clerking for Justice Harlan in the late 1950s. Justice Brennan looked awfully young compared to the other justices; it must be the New Jersey air. More recently, I spoke only a few weeks ago with two of my New Jersey classmates at a reunion at Harvard Law School.

This evening I shall make some observations about the nature of judicial review in the U.S., followed by a brief discussion of three civil liberties decisions of the U.S. Supreme Court. I shall end with a few general thoughts. The first of the three cases, from 1958, raised the question whether the U.S. government has the power to take away the citizenship of a person born in the U.S. because he voted in an election of another country. The second case, from 1968, raised the question whether a state of the U.S. that has a wrongful death statute that authorizes children to recover money damages from someone who wrongfully kills a child’s father or mother can, consistently with the U.S. Constitution, exclude those whose parents were not married or, as we used to say, were “illegitimate” children. The third case, decided in 2012, considered whether the U.S. Congress violates the right of freedom of speech by making it a crime for a person to claim falsely that he had received the Medal of Honor, the country’s highest award for bravery in battle. I had a personal connection with all these cases, but in very different ways.

As I have said, the three cases all involve civil liberties, which means that each presents a question whether a government has deprived someone of a basic right. People assert many kinds of civil liberties – for example, a right to a fair trial (or due process), freedom of speech or religion, the right to privacy, the right to private property, the right to travel, the right not to be discriminated against on arbitrary grounds such as race or sex, and others. Most of us have a strong opinion of what civil liberties are, or should be, no matter what others may think.

But what are civil liberties? Where do they come from? They do not descend from the heavens announcing that “I am a civil liberty.” And just because you or I think something is a civil liberty does not make it so. A constitutional provision or a law must declare it, or a court or other authoritative body must enunciate it. Moreover, after it is agreed that a civil liberty exists in principle, for it to be enforced some official must determine that the civil liberty has been violated.

Take the right to privacy. There is ongoing conflict in the U.S. over when the police may enter a private home or business without a judicial warrant. For example, when police believe in good faith, but mistakenly, that an armed criminal is in a house, can they simply break into the building? Or can they stop and search an automobile that they think, again erroneously but in good faith, carries stolen property and the culprit is about to drive away. Another type of privacy issue is whether a woman’s right to have an abortion is protected, always or only in certain circumstances, such as rape or incest. Another privacy related issue is whether the government or a private individual can discriminate against homosexuals in housing or employment. Do people have a right not to be discriminated against, or, perhaps, a right to discriminate in certain situations?

For a long time, family or tribal leaders made these decisions, and in some places they still do. These days most countries give this power to the government. But which government, national or state or local? If it is the national government, which part of it- the executive or the legislature or the courts?

LECTURE continued on next page

6 All the graphics and footnotes in this section were added by the editor of The Connector and were not in the text of the Lecture as prepared by Professor Dorsen.
Courts have the final say in most countries, including the U.S. But why? Legislators, the president and other executive officials also take an oath to support the Constitution. Legislators often face questions about the constitutionality of a law they are debating, and the Department of Justice, the State and Defense Departments, and other executive agencies frequently consider the validity of laws they enforce. Why isn't their judgment final? In the U.S. and elsewhere the legislature and the president – to whom the executive departments report – are more democratic institutions than courts, being elected from states, districts or by the nation as a whole rather than being appointed, as federal and many state judges are. It is therefore not surprising that, when the U.S. Supreme Court renders an important decision on the rights of criminal defendants such as Miranda or Gideon, or on race discrimination, abortion, and many other issues, the losing parties frequently claim that the Court is undemocratic and has misused its power of judicial review over the elected Congress or the president or their counterparts in the states.

Similar issues arise in many countries. In 2011, the German Constitutional Court upheld the validity of a law which was designed to support the Euro by permitting Germany to contribute to a general European fund. The German court said that nobody can predict “which measures will be best for Germany and the future of a united Europe in the current crisis.” Given this uncertainty, the court concluded that German lawmakers, as elected representatives of the people, should decide such questions without judicial interference.

Back to the U.S. . . . Sometimes a majority of the American people oppose a court decision. But it cannot reverse the decision except by amending the Constitution, which is extremely difficult to do. At times, people take the law into their own hands and simply refuse to abide by a court’s decision or even resort to violence, as happened when the Supreme Court ordered the racial desegregation of public facilities and prohibited public schools from organizing or leading religious prayers for students. Such lawless actions plainly reduce the prestige and authority of the judiciary, and that is obviously bad for the country. Should courts avoid precipitating such events by simply upholding controversial laws?

There are strong counter-arguments to justify the power of courts to review the constitutionality of actions by the other branches of government. One argument that particularly appeals to lawyers is that courts are composed of lawyers, and lawyers are smarter, know more, and are better trained than other people, or at least think they are. Therefore, even though some presidents are lawyers (including President Obama) and many governors and legislators are also lawyers, courts should have the last word. In addition, courts provide a forum that permits reflection and confidential discussion based on prior cases and other relevant materials. Further, even when judges are appointed rather than elected, they often have strong democratic credentials. In the U.S., an elected president appoints judges, and an elected Senate confirms them, and most judges, especially Supreme Court justices, have had long public careers and are well known to the people. Another argument supporting the power of judges in the U.S. is that most are appointed for long terms or for life. These judges do not have to worry about being re-elected and can rule as their conscience counsels them, even when a decision is expected to be unpopular. Presidents and legislators, because they face re-election campaigns, cannot afford to be as independent because of the political pressures on them. Thus, if one is truly “seeking civil liberties”, as I title this talk, the safeguarding of minority groups and of dissenting political and religious opinions are almost certainly better protected under the current system in which independent courts have the last word.

An important consequence of the intense debate about the legitimacy of judicial review is that American judges often defer to the decisions of the elected branches of government, as the German Constitutional Court did in the case I mentioned. Indeed, many leading U.S. justices, such as Felix Frankfurter and William Rehnquist, largely rested their judicial philosophies on the principle of judicial deference, or judicial restraint, as it is often called.

Very few judges, maybe none, would say that they should defer to the legislature or president all the time. Similarly, very few or no judges would maintain that deference is never required. Accordingly, the ongoing debate is over how much and when judges should defer. Some judges say that a great deal of deference is due because judges are not elected or responsible to the people; others say, to the contrary, that this position amounts to an abdication of judicial responsibility to protect civil liberties against the government when it is unpopular to do so.

All this can get complicated and confusing, and some judges and lawyers say we should return to the basics. They ask, why can’t we resolve these problems in the good old fashioned way, through traditional and reliable methods of judicial decision – constitutional or statutory text, the history of the relevant provisions, and the precedent of earlier cases? The trouble is that these methods of decision are old and may be traditional, but they are often not reliable. Texts may be ambiguous, history may be unreliable or inconsistent, and precedent often is not on point. When the text or the history or the precedent is clear, a case rarely gets to the Supreme Court, and may not even become a case. The question of how much judges should defer to the Congress and executive cannot be avoided.

In these circumstances, it is not surprising that skepticism and even cynicism have grown over the years, leading some professors and lawyers, and many members of the public, to conclude that courts decide cases as if they were legislators or politicians, and that legal doctrine is merely a cover or a mask for the personal, not legal, preferences of individual judges. In other words, judges come out in a case depending on where they came in. In the U.S., the Legal Realists during the 1920s and 1930s, and the Critical Legal Studies Movement, more recently, promoted this view.

To try to shed light on these issues I turn to the three cases that I mentioned at the outset of this talk.
Lecture continued from previous page

Clemente Perez was born in Texas and thus became a citizen of the U.S. under the Fourteenth Amendment to the Constitution, which was ratified in 1868. It provides that “All persons born or naturalized in the United States . . . are citizens of the United States and of the State wherein they reside.” The immediate purpose of the Fourteenth Amendment was to assure that African slaves and former slaves could be U.S. citizens, thereby reversing the notorious Dred Scott decision of 1856 which helped to precipitate the Civil War. Many years later, at the outset of World War II, Congress enacted the Nationality Act of 1940. The law provides that an American citizen who votes in an election of another country thereby forfeits U.S. citizenship because such an act demonstrates a lack of allegiance to the U.S. Perez voted in a Mexican election (he was a dual citizen), and the U.S. government relied on the Nationality Act to revoke his citizenship.7

But did Congress have the constitutional power to enact the law? There is nothing in the Constitution or its history that bears on the subject, and no prior case addressed the issue. So what is the answer or, more accurately, how does one go about finding an answer? When Perez’s case was argued in the Supreme Court in 1957 the justices were deeply divided.

One group, led by Justice Frankfurter, would have upheld the statute. They relied on the general authority of Congress to legislate and the fact that there was nothing in the Constitution that prohibited Congress from passing such a law or, as Frankfurter said, from “making a damn fool of itself.” In addition, since Congress had the power to declare war and to regulate foreign affairs, it had the responsibility to reduce conflicts between the U.S. and other nations, and this is one way of doing that. Accordingly, Frankfurter’s group concluded that Congress could determine what acts would lead to loss of citizenship, often called expatriation. In this view, the Supreme Court should defer to the Congress and the President, and should uphold the law.

Another group of justices, led by Chief Justice Earl Warren, had a different opinion. Warren wrote that “Citizenship is [a] man’s basic right, for it is nothing less than the right to have rights.” A stateless person “is disgraced and degraded . . . with no lawful claim to protection from any nation.” Warren went on to say that the people who created this government “endowed it with broad powers . . . [but] the citizens themselves are sovereign, and their citizenship is not subject to the general powers of their government.” Accordingly, Congress cannot deprive people of the citizenship that the Fourteenth Amendment gives them.

In the absence of judicial precedent and relevant history, was there a solid basis for a decision in the Perez case either way? Should the Court in these circumstances have deferred to Congress, as Frankfurter maintained? Or is citizenship a constitutional status that the government cannot take away from anyone? Perhaps this is a case where each justice came out where he went in, but how would we know?

I had a slight connection to the Perez case because I was clerking for Justice Harlan at the time. I discussed the Perez case with him and helped him to draft an opinion in a companion case. In the end, the Supreme Court by a 5-4 vote, with Harlan agreeing, upheld Congress’s power to strip Perez of his citizenship for voting in a Mexican election.

Justice William O. Douglas wrote a dissenting opinion in which he went so far as to say that “These [expatriation cases] are the most important constitutional pronouncement of this century,” presumably because they addressed the fundamental question whether the people or the government is the ultimate sovereign in the United States.

I had a closer connection to the second case. It was a lawsuit brought by the five children of Louise Letty, an unmarried black woman who died while she was a patient in a hospital in New Orleans, Louisiana. A Louisiana wrongful death statute provided that the surviving child of a parent who dies through the fault of another may recover money damages for the wrongdoer’s offenses. Letty’s children sued under this statute, claiming that the hospital was negligent. The courts of Louisiana dismissed the suit. They held that the word “child” in the statute meant only a “legitimate child,” born of married parents. They said that this rule was “based on morals and general welfare [because] it discourages bringing children into the world out of wedlock.” The U.S. Supreme Court considered the case on appeal under another part of the Fourteenth Amendment, the Equal Protection Clause.

That clause says that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” Neither it nor any other.

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7 Perez v. Brownell 356 U.S. 44 (1958) (“Petitioner was born in Texas in 1909. He resided in the United States until 1919 or 1920, when he moved with his parents to Mexico, where he lived, apparently without interruption, until 1943. In 1928 he was informed that he had been born in Texas. At the outbreak of World War II, petitioner knew of the duty of male United States citizens to register for the draft, but he failed to do so. In 1943 he applied for admission to the United States as an alien railroad laborer, stating that he was a native-born citizen of Mexico, and was granted permission to enter on a temporary basis. He returned to Mexico in 1944 and shortly thereafter applied for and was granted permission, again as a native-born Mexican citizen, to enter the United States temporarily to continue his employment as a railroad laborer. Later in 1944 he returned to Mexico once more. In 1947 petitioner applied for admission to the United States at El Paso, Texas, as a citizen of the United States. At a Board of Special Inquiry hearing (and in his subsequent appeals to the Assistant Commissioner and the Board of Immigration Appeals), he admitted having remained outside of the United States to avoid military service and having voted in political elections in Mexico. He was ordered excluded on the ground that he had expatriated himself; this order was affirmed on appeal. In 1952 petitioner, claiming to be a native-born citizen of Mexico was permitted to enter the United States as an alien agricultural laborer. He surrendered in 1953 to immigration authorities in San Francisco as an alien unlawfully in the United States but claimed the right to remain by virtue of his American citizenship. After a hearing before a Special Inquiry Officer, he was ordered deported as an alien not in possession of a valid immigration visa; this order was affirmed on appeal to the Board of Immigration Appeals.”)
The First Amendment to the Constitution provides that Congress shall make "no law ... abridging the freedom of speech." The question in the Alvarez case was whether the First Amendment invalidated the Stolen Valor Act and thus wiped out Alvarez's conviction for falsely claiming the Medal. Looking at the First Amendment, one might think that all speech is protected because it says plainly that Congress shall make "no law." That, for example, is what Justice Hugo Black maintained during his long tenure on the Supreme Court. But despite Justice Black's eminence, that position is demonstrably wrong because the Amendment's full text is that Congress shall make no law "abridging the freedom of speech," and the Constitution does not define "abridge" or "freedom of speech." So there is plenty of room for interpretation, as we have learned from many cases over the years.

Does that mean there are limits on what people can say in the U.S.? Yes. If A sells B a car or a house or a painting and lies about what he is selling, that speech can be punished as fraud. Or if X is an author and uses someone else's words in a book or an article without crediting the other person, X can be punished for plagiarism. There are other limits on free speech, including perjury, libel, obscenity, advocacy of imminent violence, personal threats and child pornography. Each of these limits must be defined, and there are often hard cases. But it is clear that these categories of speech are not protected under the Constitution.

So, could the government validly punish Alvarez's intentional false statement that he won the Medal of Honor? The Supreme Court often has declared that "There is no constitutional value in false statements of fact," and, as I just said, it has enforced libel, perjury and fraud, all of which involve false statements of fact. Moreover, the Stolen Valor Act is venerable. It goes back to the American Revolution in the 1780s, when General George Washington established a system to ensure that military honors were received only by the truly deserving.

So what is the problem? The Supreme Court should have upheld Alvarez's conviction under the Valor Act, isn't that right? ... Not so fast.

In the U.S. it is well established that even when speech is not constitutionally protected a government restriction on speech is unconstitutional unless the government shows a "compelling state interest" for the restriction and the law is "actually necessary" to achieve its purpose. In this case there was no evidence that the "public perception of military awards [was] diluted by false claims" or that the falsehood offended genuine holders of the award, the two interests that the government asserted. Further, the statute by its terms could apply to private conversations, including those within the privacy of the home. Finally, the government did not show that it needed such a broad law to achieve its goal. The statute could have been confined to statements...

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8 For additional discussion of this case, the editor of The Connector recommends Murray, Melissa, "What's So New about the New Illegitimacy", American University Journal of Gender, Social Policy and the Law vol. 20, no. 3 (2012). http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1572&context=jgpl ("Though Louise Levy’s maternal conduct arguably had little relevance to the merits of her children’s underlying equal protection claim, the Court noted that she ‘treated her five non-marital children’ as a parent would treat any other child—including children born and raised within marriage. The five children lived with Levy, and she—and she alone supported them through her work as a domestic servant, without resort to the public fisc. Perhaps most impressive to the Court (and to the children’s lawyers, who mentioned it repeatedly in their briefs) was the fact that Louise Levy took all five children to church every Sunday and enrolled them, at her own expense, in parochial school, rather than relying on public school for their education. The Court’s emphasis of these facts presents an implicit message—regardless of their mother’s sexual history, the Levy children were no ordinary bastards, at least as far as the traditional account of illegitimacy was concerned. They were not reliant on the public fisc, and their mother emphasized strong moral and religious values.")
made in public, or, as Justice Breyer maintained in dissent, the government might have avoided or narrowed the constitutional problem by publishing a register of recipients of military awards so that lies about medals could be easily exposed.

In the end, six justices voted to invalidate the law under the First Amendment, mainly because they thought that upholding it might lead to prosecutions for other types of falsehoods by private individuals which, however deplorable, did no provable harm. After all, most of us modify the truth once in a while. As a longtime opponent of government restrictions on speech, I start with much skepticism about laws like the Stolen Valor Act. On the other hand, I have a strong “personal preference” against people who lie about their accomplishments. Thus, when the Thomas Jefferson Center for the Protection of Free Expression, of which I was a board member, debated this case, I was a thorn in the side of my colleagues. I kept trying to find a way to uphold the law despite the First Amendment because of my distaste for the falsehood.

Eventually I went along with the others, as I always suspected I would.

What happened after the three cases were decided? Supreme Court decisions often have an afterlife, and all of these did. The 1958 Perez case, which upheld the government’s power to strip a native born American of citizenship for voting in a foreign election, was overruled by the Supreme Court 20 years later, thus vindicating Chief Justice Warren’s opinion about the sanctity of citizenship. The third case, involving the Stolen Valor Act was not overruled. There has not been enough time. But there has been enough time for Congress to pass a new Stolen Valor Act, which limits the crime of falsely claiming a military honor to cases where the lie is intended to make money or obtain some other benefit. One day we will find out if the new law survives the First Amendment.

The most interesting sequel was to Levy v. Louisiana. After holding that the state could not exclude out-of-wedlock children from the benefit of wrongful death laws by drawing a line between “legitimate” and “illegitimate” children, the Supreme Court returned the case to the trial court to decide whether the hospital was in fact negligent and, if so, how much money the children should recover for the death of their mother. To general amazement, the Louisiana courts again refused to allow the children to recover. Instead of ending the discrimination against non-marital children by permitting them to sue under the Wrongful Death Act, Louisiana decided to deny all children in the state a right to damages under the Act. That way, Louisiana said, there was no discrimination; the Act would protect no child in these circumstances. The other lawyers for the Levy children and I quickly prepared to appeal again to the U.S. Supreme Court. But before we did so, Louisiana gave up and decided to allow the Levy children and all other children in the state to recover in these circumstances.

In discussing the three civil liberties cases, I have referred to some of the general ideas with which I began this lecture - the relevance of constitutional text, history, federalism, the proper role of courts, and values, that is, a judge’s personal or ideological preferences.

Now it is time, in conclusion, to ask the converse question. Do the three cases help us to understand the general principles and the judicial process of which they are a part?

The cases show the relevance of the traditional criteria, but they also show that, in novel and hard cases, these methods may not be decisive. Specifically, do the judicial techniques of text, history and precedent lead to a confident decision in these cases? In one sense, the answer may be yes. If a judge is a textualist or regularly defers to Congress or the states in hard cases, or, on the other hand, if he or she strongly supports individual rights, that judge can usually reach a decision by following his established philosophy. But that line of thinking raises a further question, why did the judge choose a particular legal philosophy? What led him or her to be that sort of judge?

This means that, when a case cannot be disposed of easily, when the usual legal materials do not light a clear path, a judge must dig deeper to decide the case and such a decision is subjective. Does it also mean that such a decision is “political,” “ideological,” or a “personal preference?” Yes, sometimes. Judges must judge; they were put on the bench for that purpose. They all have core values, the place where “they came in.” I do not mean to suggest that judges are free of legal restraints. To the contrary, they are duty-bound to use the tools of the judging trade, honestly and as far as they can go. In other words, the judicial creation or application of a civil liberty is part of “the law” but to get there, or not, often requires more than conventional legal analysis.

Is this way of looking at the problem of judging good or bad? I suggest that it is neither; it seems to me merely to be inevitable.

**BECOME A HLSA-NJ TRUSTEE**

The activities of the Harvard Law School Association of New Jersey are made possible by its volunteer trustees. The Association is seeking new volunteers to participate in the governance of the association, to be formally elected as trustees at our annual meeting on the same evening as the Vanderbilt Lecture this Fall. Being a Trustee is a great way to stay involved and network with fellow HLS alumni in all walks of life. The current leadership includes law faculty; public, private, and nonprofit-sector attorneys; and sitting and retired judges from all across New Jersey. In addition to our annual meeting, the Vanderbilt Lecture, the full Board of Trustees meets approximately 2-3 other times each year. For more information, e-mail Nicole Bearce at nbearce@lowenstein.com.
Each year, the Harvard Law School Association of New Jersey sponsors one or more Harvard Law School students to work as summer interns in public interest jobs in New Jersey. The Association has funded this program since 1999. In 2012, the Association awarded fellowships to two students who interned in the Mayor’s office in Newark and one student who interned with the New Jersey Institute for Social Justice in Newark.

In 2013, the Association awarded fellowships to two IL’s who interned in the U.S. Attorney’s office in Newark. In previous years, the Association has awarded fellowships to HLS students who interned at, among other organizations, Legal Services of New Jersey, Essex Newark Legal Services, the Camden County Prosecutor’s Office, and the Attorney General’s office in Trenton. Students must work full-time for at least eight weeks in traditional public service jobs in New Jersey such as those mentioned above.

Not eligible are judicial clerkships, research assistantships for professors, and political campaign work. Students may split their summer between two public interest organizations. Selected Fellows may combine their fellowships with other sources of funding, including grants from Summer Public Interest Funding (SPIF) at the Law School and employer stipends, as long as the total falls within the funding cap established by SPIF.

Khalid Mowad

Interning at the United States Attorney’s office in Newark, NJ, offered the opportunity to work with numerous Assistant U.S. Attorneys on a diverse range of assignments and cases. This aspect of the program allowed me to get a taste of both criminal prosecution and civil lawsuits handled by the government. Regardless of the type of case I was on, all of the AUSA’s I worked with trusted me with handling significant assignments. The variety of the cases exposed me to the varied tasks that federal prosecutors are trusted with. I performed background research, reviewed discovery materials, and drafted memoranda and briefs on a wide variety of issues.

Many of the assignments I worked on required significant research and discussion with the assigning AUSA. This provided a good opportunity to get to know and understand the law pertaining to various topics. I particularly learned a lot about securities law and regulation, the Americans with Disabilities Act, and various evidentiary rules.

The Newark district office has had a long-standing and proud internship program which many of the current AUSA’s participated in as law students. Our supervisors were therefore keen on interspersing our work days with brown bag lunches, presentations, and visits to federal law enforcement agencies. Additionally, I had the opportunity of sitting in on numerous court proceedings such as initial appearances, trials, and sentencings. Viewing court proceedings first hand provided valuable insights on trial advocacy on behalf of the government. This informed my preparation for our mock trial which culminated the internship program and was the highlight of my summer experience.

I genuinely enjoyed spending the summer pursuing public interest with the government and am greatly thankful for the support of the Harvard Law School Association of New Jersey. Meeting some of the fellowship sponsors was a great experience and has encouraged me to continue to strengthen my Jersey roots as I continue with my legal career.

Stephanie Freudenberg

I thank the HLSA of New Jersey for their generous public interest funding. With the help of this funding, I interned in Newark at the U.S. Attorney’s Office for the District of New Jersey for ten weeks. This summer, I researched issues for all four divisions of the U.S. Attorney’s Office: Criminal, Civil, Special Prosecutions, and Appeals. I learned a lot about the law as I wrote memoranda on computer hacking, privilege, search and seizure, and mail fraud, among other topics. The U.S. Attorney’s Office also hosted a series of brown bag lunches with Assistant U.S. Attorneys, discussing a wide range of topics from career choices to how to conduct a trial, and encouraged me to go to court to watch motions and trials as often as possible. It was a great experience, I learned a lot, and I appreciated the opportunity to serve the District of New Jersey as a legal intern. I will return to Cambridge this fall even more certain that a career in law is right for me.

9HARVARD LAW SCHOOL, J.D. Candidate, May 2015 • 1 L Reading Group, Shakespeare’s Constitution • Online Contributor, Civil Rights-Civil Liberties Law Review • Research Assistant to Professor Itilisar Rebb RUTGERS UNIVERSITY, Bachelor of Arts Honors: magna cum laude in History, January 2012 Thesis: “My Slave, My Child: Slavery in the Cape, 1806” discussing the social implications of changing slave-master relationship in the cape of southern Africa during the early 19th century. Study Abroad: Qasid Institute, Amman, Jordan, February 2012-July 2012 • Studied advanced Arabic through reading of texts in grammar, morphology, and Koranic exegesis. Studied Islamic Jurisprudence and personal law through readings of classical legal manuals: Al-Azhar University, Cairo Egypt, Summer 2010 • Read and studied Arabic texts in Islamic Jurisprudence and grammar one on one with local scholars

HLS has several videos on topics that may be of interest to members of the Association. Below are some of those topics. Just copy the hyperlink into a web browser to view the video.

- **Four HLS Professors ‘Think Big’ at Annual Event (video)**

- **Lessig on ‘Aaron’s Laws - Law and Justice in a Digital Age’ (video)**

- **Ken Burns Offers Preview of ‘Central Park Five’ at HLS**

- **Ginsburg Holds Court at HLS (video)**

- **Justice Thomas Speaks at Harvard Law**

- **Celebration 60: Celebrating 60 Years of Women at HLS**
  https://www.youtube.com/watch?v=YmExo0d-XSk&list=PL2q2U2nTrWq0RuxkMbHq_pLgoM0vaDNfl&index=3

- **Celebrating Alan Dershowitz: 50 years at HLS**
  https://www.youtube.com/watch?v=d_CqB4wjm5w&list=PL2q2U2nTrWq3hb8GHbMVo6w3ZQp6E_uBx&index=1

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**SOCIAL MEDIA & MULTIMEDIA**

**THE HEALTHY ALUM**

You might want to consider signing up for one of the free publications of The Harvard Medical School.

http://www.health.harvard.edu/newsletters/

The newsletters contain useful tips. Here is an excerpt from a recent newsletter featuring 10 Myths about the flu.

http://www.health.harvard.edu/flu-resource-center/10-flu-

“If you’ve ever had the flu, you know how sick you can be. Chances are good that some of the advice friends and family gave you about avoiding or dealing with the flu was wrong. There seems to be no shortage of misinformation and bad advice when it comes to dealing with the flu. Here are 10 common myths about the flu.

1. **You can catch the flu from the vaccine.**
   The vaccine is made from an inactivated virus that can’t transmit infection. So people who get sick after receiving a flu vaccination were going to get sick anyway. It takes a week or two to get protection from the vaccine. But people assume that because they got sick after getting the vaccine, the shot caused their illness.

2. **Healthy people don’t need to be vaccinated.**
   It’s true that the flu vaccination is routinely recommended for people who have a chronic illness. But anyone — even healthy folks — can benefit from being vaccinated. Current guidelines suggest that children ages 6 months to 19 years old, pregnant women, and anyone over age 49 be vaccinated each year. In addition, the flu shot is recommended for healthy people who might spread the virus to others who are particularly susceptible. For this reason, health care workers are routinely advised to get the flu vaccination to protect their patients.

3. **Getting the flu vaccination is all you need to do to protect yourself from the flu.**
   There are a number of steps you can take to protect yourself during flu season besides vaccination. Avoid contact with people who have the flu, wash your hands frequently, and consider taking anti-viral medications if you were exposed to the flu before being vaccinated.

4. **The flu is just a bad cold.**
   Influenza may cause bad cold symptoms. But in the United States alone, 36,000 people die and more than 200,000 are hospitalized each year because of the flu.

5. **You can’t spread the flu if you’re feeling well.**
   Actually, 20% to 30% of people carrying the influenza virus have no symptoms.

6. **You don’t need to get a flu shot every year.**
   The influenza virus changes (mutates) each year. So getting vaccinated each year is important to make sure you have immunity to the strains most likely to cause an outbreak.

7. **You can catch the flu from going out in cold weather without a coat, with wet hair or by sitting near a drafty window.**
   The only way to catch the flu is by being exposed to the influenza virus. Flu season coincides with the cold weather. So people often associate the flu with a cold, drafty environment. But, they are not related.

8. **Feed a cold, starve a fever.**
   If you have the flu (or a cold) and a fever, you need more fluids. There’s little reason to increase or decrease how much you eat. Though you may have no appetite, “starving” yourself will accomplish little. And poor nutrition will not help you get better.

9. **Chicken soup will speed your recovery from the flu.**
   Hot liquids can soothe a sore throat and provide much needed fluids. But chicken soup has no other specific qualities that can help fight the flu.

10. **If you have a high fever with the flu that lasts more than a day or two, antibiotics may be necessary.**
    Antibiotics work well against bacteria, but they aren’t effective for a viral infection like the flu. Then again, some people develop a bacterial infection as a complication of the flu, so it may be a good idea to get checked out if your symptoms drag on or worsen.

   The flu is a good example of how medical myths can get in the way of good medical care. When it’s flu season, take the necessary steps to stay healthy. That includes separating fact from myth.”
REMARKS OF RONALD W. BROWN ON THE OCCASION OF HIS ACCEPTING THE IRWIN MARKOWITZ ALUMNI SERVICE AWARD

On January 22, 2014, Ronald W. Brown ('71) became the fourth recipient of the Irwin S. Markowitz11 Alumni Service Award “for his decades of exemplary service to HLSA/NJ and the community of Harvard Law School alumni in New Jersey, and with deep appreciation for his work to promote the strength and continuity of the Association.” The first recipient was Albert Cohn, the second was Judge Dave Landau, and the third was Stephen Roth, Gerri Markowitz, who was married to Irwin for 51 years, was unable to be present when Mr. Brown was recognized as this year’s recipient. Nicole Bearce, President of the Association, presented the award to Mr. Brown “with honor and affection by his classmates and colleagues.”

Ron entitled his remarks “Service, Saints, Socrates, and Superman”. Here is the text of those remarks as Ron prepared them. The remarks he actually gave were much shorter and conformed to time limit expectations.

When David Landau received this award, he shared with us some memories about HLS. This evening, I will do the same. I love good movies and great screenplays. Some of my remarks this evening will sound like screenplays, and hopefully visualize some events in my life that were movie-like. I have published the full text of my reflections as a WordPress blog at: http://ronaldbrownassociatesllc.com/2013/12/04/reflections-on-service-saints-socrates-and-superman/comment-page-1/. I am fairly certain that everyone going to the site will enjoy the graphics and audio files as well as learn something new. In addition, if Bob Holmes goes to that site, he will see a picture of 25 Troubridge Street, the entrance to the basement apartment where we lived during our first year of law school and at which someone erected a plaque memorializing the parties we threw. By publishing a link to the blog, I can assure Pete Mummma from the HLS alumni office that we will not be requesting the next edition of The HLSA-NJ newsletter be published in multiple volumes resembling a treatise. Everyone who goes to the site will find some examples of the Socratic Method at HLS applied in life in two novel ways that I know will leave you laughing. Readers who go to that blog will be able to read about how Irwin and Gerri Markowitz met, and how I met my wife Geri at HLS.

If you watch the Academy Awards/Oscars, the recipients of those awards sometimes take so much time thanking everyone that a signal is given to bring up the music, the equivalent of a book to pull them off stage. I don’t intend to speak very long tonight. But those of you with iPods, iPads, iPhones, cell phones, or other devices, please feel free to turn them on and key up the music if I do.

The Lord is blessing me right now. And my heart is full. But I hope at the end of my brief remarks, that Irwin Markowitz were here—and he is in spirit—he would say one sentence to me as this year’s recipient of the award that bears his name, and of my remarks. And that sentence would be the same one Will Smith said in the film Independence Day: “Now that’s what I’m talking about!”

 Permit me this aside: Anytime a lawyer refers to brief remarks, get ready for those remarks to end in eternity. But I promise you I will not take us there. Tonight I will only draw from sections of what’s presented in the blog so that we can honor our time commitment.

Nicole, as your first act as the newly elected President of HLSA-NJ, would you please stand in place of Gerri Markowitz. Sylvia Cohn, would you please stand in place of your late husband Al. David Landau would you please stand. Patty Lopez would you stand for Steve Roth. Would everyone please join me in a round of applause for these prior recipients of the Irwin Markowitz Award and in memory of the great person after whom the award is named?

Irwin Markowitz was married to his Gerri for 51 years. I have been married to my Geri for 41. In telling you that, and despite the presence here this evening of the U.S. Attorney for New Jersey, and distinguished members of the criminal defense bar, I also have to take this opportunity to confess to the commission of a crime. I suspect it must have been the same one Irwin committed with his Gerri, but I shall only speak about my crime with my Geri.

REMUNICATION continued on next page

11The Connector, Fall/Winter 2006 (“Irwin Markowitz was one of the Association’s most active members. As far back as anyone can remember, he was the primary organizer of the Vanderbilt Lecture program, and a sparkling presence at the event itself.”) The following information is taken verbatim from two sources. The source information was combined to eliminate redundancy: Irwin S. Markowitz had a law practice in Bergen County for 50 years. He was of counsel to Fischer Porter & Thomas, where he focused his practice on corporate and commercial transactions. He had considerable experience in alternative dispute resolution proceedings and had been appointed by the Chancery Division of the Superior Court of New Jersey in a number of complex matters with a high degree of success in achieving non-litigated resolution. Mr. Markowitz was on the approved list of mediators for the New Jersey Superior Court, the United States Bankruptcy Court for the District of New Jersey and N.A.S.D.A.Q. He had also served as Chairman of the A.D.R. Committee of the Bergen County Bar Association and had lectured extensively to legal and non-legal groups on the subject. Mr. Markowitz was a graduate of the University of Wisconsin and Harvard Law School (Class of 1952). Prior to Mr. Markowitz’s entry into private practice he served as general counsel to financial and insurance companies. He was a U.S. Army veteran.” See http://www.zoominfo.com/p/Irwin-Markowitz/387146175 and http://www.law.harvard.edu/news/bulletin/2006/fall/memoriam.php.
Given how obviously gorgeous my Geri is, I confess to the crime of marrying her before the age of consent. She wasn’t just a child when I married her; she was an infant. And truth be told, I not only married her before the age of consent, I married her before she was even conceived. The sentence I am serving for this crime is wonderful. It’s a life sentence, without the possibility of (or the desire for) parole.

I. SERVICE

Marian Wright Edelman was correct when she said “Service is the rent we pay for being.” The plaque I received this evening is for service to this organization. I hope to be able to continue paying rent by rendering service to HLSA-NJ for a long time to come.

One form of service everyone who is an alumn can perform and that is to pay your HLSA-NJ dues. Those dues help us fund such things as the Summer Fellows program. If you don’t know about that program ask Ken Oettle, and he will talk with you about it.

Another form of service is what we do when we help others. There is someone who usually attends this event but who shall remain nameless. We all know him in his official capacity. But the thing that most impressed me about him was when a former Governor talked about meeting this person while that person was rendering service in a soup kitchen on Thanksgiving Day. And though I will not name that person lest reporters start showing up at every soup kitchen in New Jersey, I will drop a hint about how we all know him. Some in this room refer to him as the CJ while others more respectfully refer to him as Chief Justice.

A third form of service is simply by sharing what you know to inform others. Geri and I first did that when we authored a Case Note in the Harvard Civil Rights-Civil Liberties Law Review. I did that when I applied to be, and Professor Jerome S. Bruner accepted my application to become the first pre-law advisor at Currier House in Radcliffe, where he and his wife were to be the first Masters. Currier House opened in 1970. Since that first co-authored case note, Geri and I have co-authored many other articles. We still do it in our blogs and publications.

In connection with this third form of service, I am pleased to advise you that there is a person here with us tonight who was formerly one of the editors of the newsletter for the Pro Bono and Public Interest Committee of the American Bar Association’s Section of Litigation.

As you probably know, the Litigation Section is one of the largest in the ABA, and getting professional visibility through publications is always a wise career move. That editor would eagerly have accepted anything you cared to write, and given the caliber of the writers within the Harvard Law School Association of New Jersey, would have fast-tracked consideration whatever you wrote. That editor has recently been promoted. The portfolio of the former Pro Bono and Public Interest Committee has been broadened through a merger with two other committees into the Access to Justice Committee. The Access to Justice Committee is having a conference call tomorrow night to discuss soliciting articles for publication. If you speak with me tonight about a subject about which you would like to write an article, you will be fast tracked because the editor who was recently promoted is the same person who is editor The Connector, the newsletter of this Association: me.

II. SAINTS

Some saints are easy to recognize. In New Orleans, you can recognize them by their National Football League helmets and by their fans who say things like “Who Dat” and who belong to the Who Dat Nation. But there are other saints among us are not as easy to recognize as those who love football in New Orleans. And though All Saints Day does not occur this early in 2014, we are going to recognize some saints tonight.

In addition to Gerry Markowitz and Sylvia Cohn, would anyone who was married to an HLS grad, please raise your right hand and keep it in the air. Now, would anyone who is currently married to an HLS grad, please raise your right hand and keep it in the air. Finally, would anyone who is in the future who would consider marrying an HLS grad, please raise your right hand? Thank you. Everyone can now put their hands down.

I have great news for everyone who raised their right hand. I have it on the highest authority – well not the highest but pretty high up – that each of you is a candidate for sainthood. As you may know, part of the criteria for being considered for sainthood is the performance of a specified number of miracles. And each of you who were married to or are married to an HLS grad have undoubtedly met that criteria. Anyone married to an HLS grad must on innumerable occasions have resisted the temptation to strangle them in order to get them to stop talking, and it is a miracle that you did not yield to that temptation.

15. Here are some of these articles.
III. SOCRATES

In 1967, fourteen years after Erwin Markowitz, David Landau, and Norman Dorsen left Cambridge, my roommate Bob Holmes and I, along with many others, were standing on the steps of Langdell registering for our first year at Harvard Law School. We had some of the giants of the legal world as professors: W. Baron Leach for Property; Milton Katz for Torts; Lon Fuller for Contracts.

During the 1967-1968 school year, something extraordinary happened that I remember and you probably don’t know about. Dean Derek Bok, Professors Albert Sachs and Professor Charles Nesson quietly collaborated with two HLS African American students—Reginald V. Gilliam a founder and the first Chairman of the Harvard Black Law Students Association and Bishop Hollifield and brought five distinguished visitors to campus for some evening “conversations” with some faculty, some students who were on the Law Review, and us. Though these small sessions were open to anyone who wanted to attend, I don’t recall seeing any announcements about them in the Harvard Law Record or the Harvard Crimson. Two of those distinguished visitors who came up from New York City to participate in these evening “conversations” included civil rights activist Roy Innis, the founder the Congress of Racial Equality and Professor Charles V. Hamilton of Columbia University. Professor Hamilton was the author of a book on Adam Clayton Powell and the co-author with Stokely Carmichael of a book on Black Power. One of the other distinguished visitors was Derrick A. Bell who would later become the first tenured African-American Professor of Law at HLS and for whom an official website[11] was created after his passing in 2011. These conversations were unprecedented, and in my view, courageous undertakings to broaden dialogue within the Harvard Law School.

Recent research in the Derrick A. Bell papers at New York University yielded additional insights on Derrick’s decision to come to HLS.

On June 2, 1969, Derrick wrote two letters. One letter was written to Dean Dorothy Nelson, USC Law Center. The other letter was written to Professor Howard Miller, USC Law Center. The first letter provides insight on Derrick’s decision to join the Harvard Law School faculty. The second letter underscores his commitment to legal services.

Below are the first three paragraphs of the letter to Dean Nelson. Note in particular the last paragraph.

“This is to inform you of my decision to resign from my position on the USC Law School faculty effective September 1, 1969.

As you know, in recent weeks I have been seriously considering an invitation to join the faculty at the Harvard Law School. Deciding to accept was difficult because it means terminating a relationship with this school which, while brief, has provided me with far more of substance than I can easily repay or even adequately describe.

My decision to leave reflects a number of considerations. Principal among them is the opportunity to work with the more than 100 black law students who will be enrolled next year at Harvard. The challenge of working with these students became irresistible when their leaders wrote and called urging that I come.”

On June 6, 1969, Derrick wrote a letter to Dean Derek Bok, Harvard University School of Law. The letter included a memo of the following transportation expenses incurred on May 27, 1969 “in connection with travel from New York to Boston and return for discussions with Harvard Law School faculty—as authorized by Dean Derek Bok:

- Taxi to LaGuardia Airport $4.00
- Eastern Shuttle round-trip fare $36.00
- Taxi to Cambridge from Boston Airport $5.00
- Taxi to Boston Airport from Lexington $10.00
- Total $55.00"

More interesting to me than those transportation costs compared to what they would be today, is the following paragraph in that letter:

On another subject, one of my secretaries, a Mr. Vernon White, has inquired about the possibility of accompanying me to Harvard. Mr. White is a phenomenal typist (speeds in excess of 100 words per minute) and has excellent shorthand and other secretarial skills. He is extremely intelligent and very dependable and has done some work on an advanced degree at Harvard. He turned to secretarial work after illness wrecked his hopes of becoming a concert pianist. If I can select a secretary, Mr. White would be more than satisfactory. (I do not expect that Mr. White will make demands for travel expenses of the outlandish variety to which recently you have been subjected.)"

While giving appropriate attention to practical matters, Derrick always kept a sense humor as well as a sense of commitment and caring about others. I think his letter reflects that.
I want to share one experience here. I share others in the blog. Let me set the stage by referring to “The Paper Chase”, a book written by John Osborne, a classmate with whom I took Contracts taught by Lon Fuller. There is a scene in trailer for the movie “The Paper Chase” when Professor Kingsfield calls a student down to the front of the lecture hall and says “Mr. Hart. Here is a dime. Call your mother and tell her there is serious doubt about your ever becoming a lawyer.” As some people in this room will remember, back in the day, some Professors actually used put downs like that as part of their Socratic teaching method. Another of those infamous Kingsfield like put downs was this: “If that is your best answer Mr. Hart, we take this shroud and slowly draw it over your head. Your brain is dead, and we mourn its passing.”

Professors had a seating chart with the name and picture of every student in the class and would look at that chart before selecting who would be called upon. I think they kept little marks next to the names so that they could be sure to distribute their penetrating questions evenly. People who had not read the cases or where otherwise unprepared did not sit in their assigned seat, but sat in the very last row of the lecture hall and were known as backbenchers. Being called on by a Professor was the intellectual equivalent of going into the gladiatorial arena. If you were not prepared you would be slaughtered. Back in the day, some professors entered the classroom with a facial demeanor resembling that of Ivan Drago entering the ring in the film Rocky III or Russell Crowe as Javert in Les Miserables.

I now want to share something that actually happened my first year. If it were a screenplay, it might be called: The Day The Earth Stood Still In Civil Pro: Doesn’t Anyone Have An Answer?”

We had a Civil Procedure class with Professor Shapiro. In one class he asked the most convoluted, complicated, and incomprehensible question ever heard in Austin Hall. The closest thing to that question was the type of questions Master Po asked David Carradine, a.k.a. “Grasshopper”, in the television series Kung Fu”. No one answered his question. With a visage worthy of Professor Kingsfield in The Paper Chase, Professor Shapiro calls on three students who usually had an answer to those kind of questions. One of those be calls on is Joel Klein (who would go onto Law Review,

clerk at the Supreme Court, and later become Chancellor of the New York City Department of Education.) Joel says: “I have no answer to the question because I don’t understand the question.” The classroom seems to become very dark and quiet, as though an intellectual solar eclipse has occurred and we are inside Plato’s Cave rather than Austin North. Professor Shapiro again poses the question. Up in the far left corner of the room, the band of Bill Jones slowly goes up. I think to myself: “Bill you have never spoken in this class. Please tell me your arm is having a spasm and that’s why your hand is in the air!” Everyone, including Professor Shapiro, sees the hand. The Professor asks, “Is there anyone else who thinks they can answer my question?” Seeing no one else respond, and Bill’s arm apparently locked in a Charlie-horse like cramp since his hand was still in the air, Professor Shapiro looks down on the seating chart, identifies the name that goes with the band, and says “Mr. Jones?” Bill replies, “Yes, that’s me.” Professor Shapiro then asks “What is your answer?” In a clear, loud and confident voice, Bill says “Professor Shapiro, I think that your question was asked and answered in Ashwander”. For a few seconds there is no sound other than the rest of the class flipping to the index and the Table of Cases looking for Ashwander. It is not to be found. Someone whispers to a neighbor, “What’s Ashwander?” The even softer reply comes back “I don’t know. I thought Ashwander was something you ordered with extra sprinkles from Hazens in Harvard Square!” And then it happens! Professor Shapiro smiles. Back then, law professors do not ever smile. They have practiced frowns like that of Tommy Lee Jones either as U.S. Marshal Sam Gerard or as Thaddeus Stevens in Steven Spielberg’s film Lincoln. Smiling in class was surely a breach of the faculty code of conduct for classrooms. Professor Shapiro’s smile is like the sun coming up at daybreak dissipating the mental fog of our Plato’s cave. You can almost hear a couple of classmates, formerly with the Harvard Glee Club, start to hum the

14 http://www.imdb.com/video/screenplay/vi2574452505/
15 http://www.imdb.com-character/ch0037571-quotes
Master Po: [after easily defeating the boy in combat] Ha, ha, never assume because a man has no eyes he cannot see. Close your eyes. What do you hear?
Young Caine: I hear the water, I hear the birds.
Master Po: Do you hear your own heartbeat?
Young Caine: No.
Master Po: Do you hear the grasshopper that is at your feet?
Young Caine: [looking down and seeing the insect] Old man, how is it that you hear these things?
Master Po: Young man, how is it that you do not?
16 As used here, Ashwander v. TVA , 297 U.S. 288 (1936) is merely a place holder for the case that Bill mentioned since I don’t recall the name of the case that was discussed.
Hallelujah Chorus. For the next twenty minutes, Professor Shapiro goes back and forth with Bill Jones on Ashwander. At the end of the class the Professor commends Bill and says he hopes the rest of us will be as well prepared for our next class as Mr. Jones was for this one. A few months later I am at Bill’s apartment celebrating his birthday. After a few libations, I ask Bill, “How in the world did you do what you did that ‘Ashwander’ day in Civil Pro?” He replies, “Do you really want to know?” I said: “Yes.” He replies, “You promise not to tell?” I say, “I promise.” He says, “Come with me to my den.” There he shares his secret. He pulls down and opens two notebooks. The first page of one says “Harvard Law Review.” The first page of the other says “Yale Law Journal.” The pages of each notebook have extensive notes in the margins and different highlighted colors. Bill says to me, “Ron, I looked at the course syllabus at the beginning of the term and saw we were scheduled to discuss a certain principle in Civil Pro. I went to Langdell Library and found the Law Review article Professor Shapiro had written on that principle. I also found the critique and rebuttal to that article that was published in the Yale Law Journal, as well as Professor Shapiro’s response. I knew every argument cold. And every time Professor Shapiro asked me a question, I simply drew from the answers in the Law Review and Law Journal.” I said, “Bill, with all the work we have to do, how did you find or make time to do all of that extra work.” He looked at me and said, “Ron, welcome to competition at Harvard Law School.”

Four things happened in 1968 during the second semester of my first year at HLS. Each of these events permanently impacted my life. I am sure that two of these events permanently impacted yours.

1. In February of 1968, I stood on Mass Ave, outside a gate to Harvard Yard and prayed to God that while I was in Cambridge I would meet a woman with whom I could spend the rest of my life. Someone who was intellectually gifted, physically gorgeous, emotionally compatible with me. And for those of you who know me, you are probably thinking, “Ron, you should have just asked for two out of three, because once you added that last one you were really pushing the outer limits for miracles!”

2. On April 4th, while I was again standing on Mass Ave, at night, just outside Harvard Yard across the street from The Coop, we received the news from Atlanta that the Rev. Dr. Martin Luther King Jr. had been shot and had died.

3. On June 5th, we received the news from Los Angeles, that Presidential candidate Senator Robert Kennedy Jr. had been shot and later died.

4. Sometime between the first event and the third, the fourth event occurred: My roommate Bob Holmes and I received our draft notices.

I elaborate on the first and fourth events in my blog.

IV. SUPERMAN: IRWIN MARKOWITZ

One of the reasons Irwin was so passionate about The Vanderbilt Lecture was his dream that proceeds from the event would help fund Fellowships for students to experience working in New Jersey in areas of Public Interest. Judge David Landau shares the following words with us, showing just how passionate Irwin was about the Vanderbilt Lecture:

“In reading the short bio in one of the responses to your note, I think it omits singular aspects of Irwin’s service to the HLSA of N.J.: tenacious dedication to ensure the successful continuation of our Vanderbilt lecture tradition and indeed, the Association itself. On his death bed, he had Gerri reach out to me on my cell phone, when I was driving in Massachusetts, to ask if I could arrange for an appropriate Vanderbilt lecturer. I was able to do so, fortunately, very quickly, by telephone from the car. He passed, knowing that the tradition would survive. Long time members will remember his telephonic efforts to remind them of THE LECTURE every year.”

Some people think that Clark Kent was Superman. They are wrong. Irwin Markowitz was the real Man of Steel. The character created by Jerry Siegel and Joe Shuster17 in 1933, that first appeared in D.C. Comics, and later became a television series, was only able to do such things as “change the course of mighty rivers” and “leap tall buildings in a single bound.” Irwin Markowitz did much more than that. Irwin changed the course of people’s lives, for example, when, as Gerri Markowitz shared with me, Irwin paid the rent for a walk-in store front in Teaneck that provided draft counseling during the Vietnam War, as well as in his always being involved in the American Civil Liberties Union and in Fair Housing. Irwin “The-Man-Of-Steel” Markowitz changed the course of HLSA-NJ through his passion for the Vanderbilt Lecture and generating the funds from this event to help support its Summer Fellows program. I believe we are fulfilling Irwin’s dream for The Lecture, and it is a living testimony to him.

If this were a film, the music you would start to hear now would be the Superman theme composed by John Williams, the greatest film composer of our time. Thank you Superman Irwin Markowitz.

Thank you everyone for your attention and thank you for this award.

17http://en.wikipedia.org/wiki/Superman
To become an active member of the Harvard Law School Association of New Jersey, simply fill out the form below and return it with a check payable to “Harvard Law School Association of N.J.”

Mail your payment to our Treasurer:
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Ridgewood Investments, 57 JFK Parkway, 1st Floor West,
Short Hills, New Jersey 07078

Annual dues for the Association year are $75 for alumni admitted to the bar for six to 49 years. Annual dues are $50 for alumni admitted for fewer than five or more than 50 years and those in the public sector. The annual year for the Association begins on July 1st.

I enclose my check for the 2014-2015 dues to the Harvard Law School Association of New Jersey in the amount of
☐ $75. ☐ $50.

Name: __________________________________________________________

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E-Mail: _________________________________________________________

Year of Admission to the Bar: ______________________________________

☐ I am employed in the public sector.