



THE HLSA CONNECTOR

NEWSLETTER OF THE HARVARD LAW SCHOOL ASSOCIATION OF NEW JERSEY

Summer 2016



Ronald W. Brown (HLS '71; HBS '73)

President's Letter

It gives me great pleasure to start this letter by thanking:

Judge Greenaway (HLS '81) for his remarks at the 59th Vanderbilt Lecture.

Vice President Jake Elberg (HLS '03) for taking the lead on updating our by-laws as well as **Fredi Pearlmutter** (HLS '71) and **Ken Oettle** (HLS '69) who assisted in that effort.

Nicole Bearce (HLS '97) for volunteering to maintain our new website.

Secretary David Clark for becoming Assistant Editor of *The Connector*.



It is an honor and a privilege to be part of the new HLSA-NJ Officer leadership team. The new officers are: Jacob T. Elberg (Vice President); David Clark (Secretary), and Kaushal "Ken" Majmudar (Treasurer). I was elected President. All officers' terms began January 1st. Biographical sketches of the officers are presented elsewhere in this edition of *The Connector*.



One of my favorite lessons is attributed to HLS alum and American Express Chairman & CEO Ken Chenault, in the book *Take A Lesson*: "Every morning in Africa, a gazelle wakes up. It knows it must run faster than the fastest lion or it will be killed. Every morning a lion wakes up. It knows it must outrun the slowest gazelle or it will starve to death. It doesn't matter whether you are a lion or a gazelle. When the sun comes up, (whether) in Africa, (or in leading a professional organization like HLSA-NJ), you better be running."

I hope to hit the ground running and I look forward to adapting and applying in practice these four leadership lessons:

Don't try to solve every problem by yourself; even super heroes have sidekicks.



Learn from Jake Sully in the movie Avatar "You are on Pandora!" and from our own Yogi Berra "You can observe a lot just by watching": know where you, where your organization is, and what's really going on.



Understand and meet your commitments. (Commitments are not just things you make. They are things you live. Daily. How your life reflects or falls short of your commitments is a story sometimes of triumph, sometimes of tragedy, sometimes of struggle and success, sometimes of failure and frustration. But it's a story that you write every day.)



There is never enough time to do everything so, as Professor Ram Charan advises us, prioritize execution of essential things over important ones.

As part of a new leadership effort during this two-year term as President, I have prioritized these twelve goals:

1. Be open to and encourage events organized around themes and activities of interest to small groups of HLSA-NJ alums such as wine and cheese tastings, fund raising walks for fall prevention and other causes, outdoor concerts, golf foursomes, museum visits.
2. Have one or more free telephone conference calls open to all HLSA-NJ alums.
3. Follow up on a suggestion by Judge David Landau (HLS '53) and encourage participation in the annual alumni swearing in ceremony¹ for admission to the U.S. Supreme Court Bar.
4. Develop a strategic plan with the assistance of the Community Partners Program of the Harvard Business School Club of New York.
5. Increase communication with, as well as fellowship and professional relationships among HLS alumni who live or work in New Jersey.
6. Resurvey all HLS alums in New Jersey to get a clearer profile of their interests and preferences.
7. Expand co-sponsorship and collaboration of events with other Harvard groups in New Jersey, New York City, and Philadelphia.
8. Increase utilization of social media to recognize HLS alumni who have made substantial contributions in law, government, business or other endeavors affecting New Jersey.
9. Enhance the capacity of HLSA-NJ to fund the summer Fellows program for HLS students to work in public interest positions in New Jersey.
10. Encourage more students and recent grads to consider careers in New Jersey.
11. Increase attendance at the annual Vanderbilt Lecture.
12. Grow the membership of HLSA-NJ.



Robert J. Lack (HLS '81) advised that he would be stepping down from the board when his term ended this past December. In my view, Bob exemplified the best of what a trustee should be. He always offered helpful suggestions, focused on solutions, and stepped up when something needed to be done. Thank you Bob!

In closing this letter I re-emphasize how very much I am looking forward to leading the new leadership team serving the Harvard Law School Association of New Jersey.

¹ Pete Mumma of the HLS Alumni Relations Office, coordinating with the HLSA of Washington D.C., organized the first such swearing in. It is now an annual event. To qualify for admission, alumni applicants must have been admitted to practice in the highest court of a State, Commonwealth, Territory or Possession, or the District of Columbia for a period of at least three years immediately before the date of application; must not have been the subject of any adverse disciplinary action pronounced or in effect during that 3-year period; and must appear to the Court to be of good moral and professional character. Go to this link for additional information: <http://hls.harvard.edu/dept/alumni/events/scotus-events/scotus-bar-admission-2016/>

THE 59TH VANDERBILT LECTURE



DELIVERED BY THE HONORABLE JOSEPH A. GREENAWAY, JR.

The following bio of Judge Greenaway (HLS '81) is from the Office of the Secretary, Columbia University.

Joseph A. Greenaway Jr. received his commission from President Obama as the 62nd jurist appointed to the United States Court of Appeals for the Third Circuit on February 12, 2010. Judge Greenaway was sworn in on February 24, 2010. He sits in Newark, New Jersey. Judge Greenaway earned his B.A. in history from Columbia College in 1978 and graduated from Harvard Law School in 1981.

His legal career began as a litigation associate with the New York law firm of Kramer, Levin, Nessen, Kamin and Frankel. After a clerkship with the late Hon. Vincent L. Broderick of the U.S. District Court for the Southern District of New York, he returned to the Kramer, Levin firm for two years. In 1985, Judge Greenaway joined the United States Attorney's Office for the District of New Jersey. After several years, he was promoted to chief of the Narcotics Bureau. He prosecuted the government's case against Wayne Pray, a.k.a. "Akbar," which resulted in Akbar's being sentenced to life in prison without the possibility of parole. Prior to his appointment to the federal bench,

he served as in-house counsel for Johnson & Johnson, the health care conglomerate. On July 26, 1996, at the age of 38, Judge Greenaway received his commission from President Clinton as the 67th jurist appointed to the federal bench in New Jersey. Judge Greenaway was sworn in as a federal judge on September 20, 1996.

Judge Greenaway is a member of the Columbia University Board of Trustees, a former member of the Columbia College Board of Visitors, chair emeritus of the Columbia College Black Alumni Council, and a former secretary of the Columbia College Alumni Association. Judge Greenaway is a member of the American, National, and Garden State Bar Associations. From 2002 to 2006, he was an adjunct professor at Rutgers School of Law in Newark. From 2007 to 2012, he served as an adjunct professor at Columbia College, where he taught a seminar on the Supreme Court. Currently, he is an adjunct professor at Cardozo School of Law, where he teaches courses on trial practice and appellate advocacy.

FIVE HIGHLIGHTS FROM THE UPDATED BY-LAWS

1. The affairs of the Association shall be administered by a Board of Trustees composed of between 12 and 20 Active Members of the Association. The Board of Trustees shall be the policy-making body of the Association and continuously observe activities of the Association to ensure adherence to approved policies. It is responsible for setting immediate and long-range goals. The Board of Trustees shall include the following Officers: a President, a Vice President, a Secretary, and a Treasurer. **The Board of Trustees shall also include all past Presidents, if they are Active Members of the Association and inform the President that they desire to serve as Trustees.** The Board of Trustees shall have access to the books, records, and mailing list of the Association.
2. Members of the Association who have paid Association dues for the current calendar year shall be considered Active Members of the Association.
3. **Any Active Member of the Association may nominate an Active Member of the Association to serve as a Trustee by transmitting the nomination to the President and the Secretary.** Any nomination transmitted to the President and Secretary shall be circulated to the Board of Trustees within 30 days from the date of submittal. Elections shall take place at a time and in a manner determined by the President, no fewer than 14 days after a nomination has been circulated to the Board of Trustees and no less frequently than once each calendar year.
4. Trustees shall serve 4-year terms. Newly elected Trustees shall take office on January 1st of the year following their election.
5. Except as required otherwise by law or these Bylaws, Trustees may participate in a regular or special meeting through the use of any means of communication by which all Trustees participating may simultaneously hear each other during the meeting, including in person, internet video meeting, or by telephonic conference call.



A PARTIAL LIST OF GAME CHANGER PAST PRESIDENTS HLSA-NJ (1974-2015) WITH PICTURES OF TEN

1. Stanley S. Brotman (1974-1975)
2. Nicholas H. Hagoort, Jr. (1976-1977)
3. John L. McGoldrick (1977-1978)
4. Paul B. Thompson (1982-1983)
5. Roger A. Lowenstein (1983-1984)
6. Laurence B. Orloff (1984-1985)
7. Arthur F. Dicker, III (1985-1986)
8. Michael L. Rodburg (1986-1987)
9. Frederick K Becker (1987-1988)
10. H. Reed Ellis (1988-1989)
11. Christine L. Miniman (1989-1990)
12. Roger S. Clapp (1990-1991)
13. John J. Degnan (1991-1992)
14. Saul A. Wolfe (1992-1994)
15. Joshua M. Levin (1994-1995)
16. Frederic S. Kessler (1995-1996)
17. Thomas E. Moseley (1996-1997)
18. Peter A Buschbaum (1997-1999)
19. Irwin S. Markowitz (1999-2000)
20. Albert L. Cohn (2000-2001)
21. Harvey C. Kaish (2001-2002)
22. Amy S. Winkelman (2002-2003)
23. Stephen H. Roth (2003-2004)
24. Robert C. Holmes (2004-2005)
25. Geraldine Reed Brown (2005-2006)
26. John W. Bartlett (2006-2007)
27. Jason Orlando (2007-2009)
28. Paula Tuffin (2009-2011)
29. Hervé Gouraige (2011-2013)
30. Nicole Bearce (2013-2015)



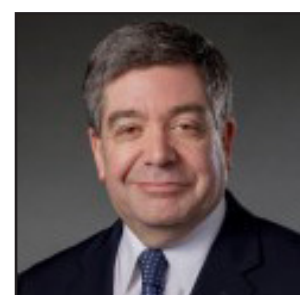
Nicole Bearce



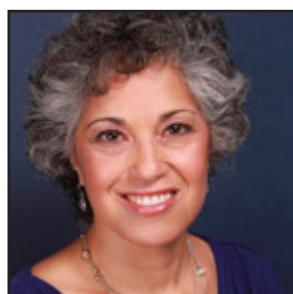
Hervé Gouraige



Paula Tuffin



Frederic Kessler



Amy Winkelman



Jason Orlando



Peter Buschbaum



Robert Holmes



John Bartlett



Geraldine Reed Brown

BIOGRAPHICAL PROFILES² OF OFFICERS-HLSA-NJ 2016



David J. Clark (HLS '96)
Secretary

Dave enjoys the outdoors, including hiking, cycling, camping, skiing, and swimming. He is also an avid soccer fan. He currently serves as the Cubmaster of his sons' Cub Scout pack.

Dave is Senior Counsel in the Litigation and Employment, Labor & Workforce Management practices in Epstein Becker Green's New York office. His practice concentrates on litigating complex commercial and employment-related disputes before state and federal courts and arbitration tribunals. He represents clients in a wide range of industries, including financial services, advertising and media, accounting, banking, insurance, managed care, and retail brands.

Dave's practice includes:

- Trade secret and restrictive covenant law counseling and representation in disputes involving the movement of people and information from one employer to another
- Litigation of other employment-related matters, including claims of discrimination, harassment, and unpaid compensation
- Commercial matters involving breach of contract, fiduciary duty, fraud, unfair competition, corporate governance, securities, RICO, and ERISA
- Advice and counsel on government investigations and litigations, internal investigations, and regulatory matters
- Guidance and creative strategies on best practices for the preservation and collection of electronically stored information (ESI), frequently focusing on forensic investigations of computer data, as well as finding solutions to resolve ESI protocol disputes with opposing counsel.

Dave has participated in jury trials and is experienced in class actions, injunction proceedings, and appellate advocacy. He also has represented clients in numerous alternative dispute resolution forums, including mediations and arbitrations before the American Arbitration Association, the Financial Industry Regulatory Authority, and the American Health Lawyers Association. He has successfully resolved many cases short of trial through pre-trial motion practice and negotiation of favorable settlements. His representative cases include:

- *Heller v. AXA Equitable Financial Services, Inc.*, No. 13-12828-FDS (D. Mass. Apr. 15, 2014) (denying petition to vacate arbitration award and confirming award)
- *Republic of Iraq v. ABB AG*, 920 F. Supp. 2d 517 (S.D.N.Y. 2013) (dismissing complaint alleging RICO, Foreign Corrupt Practices Act, and other claims asserted against business entities that transacted business with former Iraqi government)
- *Gallagher Bassett Services, Inc. v. York Risk Services Group, Inc.*, 2012 IL App. (2d), slip op. (August 29, 2012) (affirming dismissal of five-count complaint against two former employees and their new employer for alleged violations of restrictive covenants, tortious interference and trade secret misappropriation)
- *Rompalli v. Tykbe Capital, LLC*, 452 Fed. Appx. 69 (2d Cir. 2012) (denying petition to review administrative agency decision dismissing claims of national origin discrimination)
- *Limpert v. Cambridge Credit Counseling Corp.*, 328 F. Supp.2d 360 (E.D.N.Y. 2004) (dismissing federal class action claims)
- *Gallo v. Savings Bank Life Insurance Fund*, 257 A.D.2d 600, 684 N.Y.S.2d 278 (2d Dep't 1999) (affirming summary judgment in favor of defendant on statute of limitations grounds)

Dave is the Editor and a coauthor of Epstein Becker Green's *Trade Secrets & Noncompete Blog*. He has also written extensively elsewhere on issues regarding trade secrets and restrictive covenant law, including the following:

- "Five HR Errors That Can Invalidate a Non-Compete Agreement," *Human Resource Executive Online* (Dec. 12, 2014)
- "The (Trade) Secret Playbook," *New York Law Journal* (Sept. 10, 2012) (coauthor)
- "Non-Hire Agreements as Antitrust Violations," *New York Law Journal* (Dec. 22, 2010) (coauthor)
- "Preparing to Compete With a Former Employer," *New York Law Journal* (Feb. 23, 2010) (coauthor)

Dave has also lectured on restrictive covenants and on civil litigation in Epstein Becker Green's *Breakfast Briefing* and *Webinar Series* and *Continuing Legal Education Program*.



Kaushal "Ken" Majmudar
(HLS '94), Treasurer

Kaushal "Ken" Majmudar (HLS '94), 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 the 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 has 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 Paladin 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, and SumZero – an online community for professional investors. He has also written for SeekingAlpha – 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.



**Jacob T. Elberg (HLS '03),
Vice President**

Jake Elberg is an Assistant U.S. Attorney and 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, Jake 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, Jake supervises and directs the Office's investigations regarding Foreign Corrupt Practices Act violations, as well as fraud against certain other government agencies and programs. Jake joined the U.S. Attorney's Office in 2007. Prior to joining the US Attorney's Office, he 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 general 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).



**Ronald W. Brown
(HLS '71; HBS '73),
President**

Ron is married to Geraldine Reed Brown, a past President of HLSA-NJ. They have two grown children, Kimberly (Yale '04) and Michael (Stanford '07). A voracious reader (especially biographies, history, science fiction, great sermons) who loves museums, art, cooking, and music (especially playing his flugelhorn in church), Ron writes a blog on topics ranging from his first Zumba class (<https://rongeri.wordpress.com/2012/12/23/rons-first-zumba-class/>) to strategic alliances (<https://ronaldwbrownassociatesllc.wordpress.com/2010/05/16/part-2-strategic-alliances/>).

Ronald W. Brown is Legal, Legislative Affairs, EEO/AA, CEPA, and Ethics Liaison Officer, State of New Jersey, Office of Information Technology (OIT). OIT oversees the mainframes, servers, networks, and databases that make up the State's technical infrastructure, in effect, the State's IT nervous system, a complex, multi-billion-dollar enterprise that could not function without a reliable core of computing capability and technological expertise. He previously chaired the inter-departmental working group that produced the legal, information technology, records retention, training and education program, practices, policies and procedures for compliance with e-discovery. He also structured and negotiated the first Comprehensive Research And Development Agreement (CRADA), recognized as a national model in IT collaborations, between OIT and U.S. Army Communications-Electronics Command Research, Development, and Engineering Center (CERDEC). Ron previously served as 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 (NASCIO), and was a major

contributor to four NASCIO briefing papers: *IT Procurement and Enterprise Architecture: Recognizing the Mutual Benefits*; *Getting What You Need On The Way To The Win-Win: Leveraging the RFP In State Technology Procurements*; *Negotiating IP On The Way To The Win-Win: NASCIO's Intellectual Property Recommendations*; *Walking The Road To Win-Win: NASCIO Procurement Subcommittee Recommendations on Liability Limitations for State IT Contracting*.

He is also President and CEO of Ronald W. Brown & Associates, LLC, a management consulting and business advisory services firm.

As an author, his publications include:

- Book Review and Interview with Rutgers Law School Professor David Troutt, the founding director of CLIME and author of *The Price of Paradise*, American Bar Association, Section of Litigation, Access to Justice committee newsletter.
- "DNA Collection and the Fourth Amendment", co-authored with Geraldine Reed Brown, American Bar Association, Section of Litigation, Winter 2012 Newsletter, Pro Bono and Public Interest Litigation Committee
- "The Genetic Information Non-Discrimination Act: What's In My Genes and Jeans Is My Business Not Yours", The Garden State Bar Association Journal.
- An Economic Development Handbook: Urban Enterprise Zones and Other Tools, published by the New Jersey Commerce & Economic Growth Commission.
- Lead Perspective, "Economic and Trade Related Aspects of Transborder Data Flow: Elements of a Code for Transnational Commerce", The Northwestern Journal of International Law and Business which was reprinted as a book published by Chartwell-Bratt Ltd. (London) and Studentlitterature (Sweden).
- Article, "Computers, Communications, and Information Exchange", in Toward A Law of Global Networks, American Bar Association, Section of Science and Technology.
- Paper, "Protection of Intellectual Property and Promotion of International Trade: Piracy Effects and Policy Choices", presented at the Atwater International Conference, Montreal Canada;
- Article, "The New International Government Procurement Code Under GATT", New York State Bar Journal.

² If an officer is affiliated with a law firm, the biographical information is from the officer's profile on that site. If the officer is not affiliated with a law firm we have attempted to provide comparable information. In addition, and regardless of affiliation, we have started a new practice of including some personal information about the officer and their interests and activities outside the office.

PROFILES (Ronald W. Brown) continued from previous page

EDUCATION:

- B.A. with Distinction in History from Rutgers, The State University of New Jersey.
- Juris Doctor from Harvard Law School where he was a member of the Board of Editors and Articles Editor of the Harvard Civil Rights-Civil Liberties Law Review and a Resident Tutor, Pre-Law Advisor, Currier House, Radcliffe College.
- Master in Business Administration, Harvard Graduate School of Business Administration, where he was a Goldman Sachs Fellow.
- Attended the Summer Program, Parker School of Foreign and Comparative Law, Columbia University.

PRIOR EXPERIENCE:

- Director of Management Consulting for W. Frye & Associates Certified Public Accountants/Consultants.
- President and Chief Operating Officer for BRS&W Productions Inc. BRS&W was established for the purpose of acquiring all rights relating to an underlying literary property in connection with all development activities for a theatrical motion picture and was associated with one of the founders of Tri-Star Motion Pictures in connection with this project. At BRS&W he performed business, financial, and legal affairs functions including structuring and negotiating proposed deal terms, as well as, drafting and negotiating contracts transferring rights, option to purchase, and other agreements.
- Executive Vice President for Administration and Chief Operating Officer for the Sammy Davis Jr. National Liver Institute, a start-up national venture devoted to patient care, education, and research supported through annual special event concerts by entertainers.
- Director of North American and Commonwealth Anti-Piracy Operations, Motion Picture Association of America, where he had responsibility for the United States, Canada, the Caribbean, Australia, New Zealand, India, Sri Lanka, Kenya, and South Africa;
- Staff Counsel in the World Headquarters Legal Department of a Fortune 500 company.

Earlier in his career, Ron became Chairman, European Law Committee and member of the Council, American Bar Association, Section of International Law and Practice. He was a past speaker at the International Bar Association, International Law Symposium, Toronto, Canada and was one of 4 private sector representatives on the 16 member U.S. Delegation to the Second OECD Symposium, Special Session of the Committee for Information, Computer and Communication Policy, London, England. He was also a past Annual Meeting Chairman for the Section of International Law and Practice; principal organizer of "Counseling Clients in International Business Transactions: Substance, Procedure, and Organization."

MEETING WITH SALVO ARENA '00



Karen Chance Mercurius, *Director of HLS Alumni Relations*, Pete Mumma, *Associate Director of HLS Alumni Relations*, Nicole Bearce (HLS '97) *immediate past HLSA-NJ President*, and I (HLS '71; HBS '73) had a very enjoyable meeting with Salvo Arena (HLS '00) *President of the Harvard Law School Association and Managing Partner of the New York City offices of the Italian law firm, Chiomenti Studio Legale*. In the event you have not read it, here is a link to Salvo's letter to alums: <http://www.alumni.law.harvard.edu/article.html?aid=259>



Prior to our meeting, Pete Mumma had sent an email stating the following: "I write to you today to share some exciting news. As some of you already know, the HLS Alumni Relations Office has been working for some time to build a new online platform to highlight the activities of the HLSA and to showcase the many events that are hosted by the HLSA Clubs/SIGs³. In June, all alumni will receive a message from Salvo Arena '00, President of the Harvard Law School Association, to announce the launch of the new site - <http://www.alumni.law.harvard.edu/>. In addition to the new website, we are happy to report that we are now able to offer ALL HLSA Clubs and SIGs their own unique, independent website. We've been working these past several months to develop a template for the sites, build in HarvardKey login (alumni login access) and to connect the individual sites to the Harvard Alumni database (for profile updates). We now have templates available for all Clubs and SIGs see: <http://www.alumni.law.harvard.edu/clubs.html>) and we look forward to connecting with you all over the next several weeks to update the sites, add more content, events and messaging from the HLSA Chapters.

The new platform provides several benefits, including:

- Increased visibility of local activities, with automatic promotion on the Global Events Calendar on new HLS alumni site.
- Integration to the HLS alumni database, with automatic updates sent to/from local chapters and the University's database.
- A local events calendar with integrated registration tools.
- Access to your own email tool, with the ability to send at will.
- And more...!"

I think this is great news, opening up additional communications and other opportunities for us.

³ SIG is the abbreviation for Special Interest Group.

THE HEALTHY ALUMNUS/A

Harvard Medical School publishes a number of newsletters and health reports that may be of interest. Here is a link to those reports: <http://www.health.harvard.edu/special-health-reports>. Below is a partial list.



Harvard Health Publications
HARVARD MEDICAL SCHOOL
Trusted advice for a healthier life

Mind & Mood

- Coping with Anxiety and Stress Disorders
- Coping with Grief and Loss: A guide to healing
- Positive Psychology: Harnessing the power of happiness, mindfulness, and inner strength
- Simple Changes, Big Rewards: A practical, easy guide for healthy, happy living
- Stress Management: Approaches for preventing and reducing stress
- Understanding Depression

Nutrition

- Food Allergy, Intolerance, and Sensitivity
- Reducing Sugar and Salt
- The Harvard Medical School 6-Week Plan for Healthy Eating

Oral Health

- Dental Health for Adults: A guide to protecting - and fixing - your teeth and gums

Pain

- Back Pain: Finding solutions for your aching back
- Headaches: Relieving and preventing migraine and other headaches
- Healthy Feet: Preventing and treating common foot problems
- Healthy Hands: Strategies for strong, pain-free hands
- Knees and Hips: A troubleshooting guide to knee and hip pain
- Living Well with Osteoarthritis: A guide to keeping your joints healthy
- Neck Pain: A troubleshooting guide to help you find relief
- Pain Relief: Natural and alternative remedies without drugs or surgery
- Rheumatoid Arthritis: How to protect your joints, reduce pain and improve mobility
- The Joint Pain Relief Workout: Healing exercises for your shoulders, hips, knees, and ankles

Staying Healthy

- Boosting Your Energy
- Cold and Flu
- Get Healthy, Get a Dog: The health benefits of canine companionship
- Healthy Travel
- Improving Sleep: A guide to a good night's rest
- Making Sense of Vitamins and Minerals: Choosing the foods and nutrients you need to stay healthy
- Mobility and Independence

Women's Health

- A Guide to Women's Health: Fifty and forward
- Osteoporosis: A guide to prevention and treatment

Addiction

- Alcohol Use and Abuse
- How to Quit Smoking
- Overcoming Addiction: Paths toward recovery

Aging

- A Plan for Successful Aging
- Caregiver's Handbook: A guide to caring for the ill, elderly, disabled ... and yourself
- Living Wills: A guide to advance directives, health care power of attorney, and other key documents
- Sexuality in Midlife and Beyond

Digestive Health

- Better Bladder and Bowel Control
- Cooling Heartburn
- The Sensitive Gut

Diseases & Conditions

- A Guide to Coping with Alzheimer's Disease
- Chronic Obstructive Pulmonary Disease: treating emphysema and chronic bronchitis
- Diabetes: A plan for healthy living
- Healthy Eating for Type 2 Diabetes
- Hearing Loss: A guide to prevention and treatment
- The Aging Eye: Preventing and treating eye disease
- Thyroid Disease: Understanding hypothyroidism and hyperthyroidism
- Understanding and Controlling Your Allergies
- Viruses and Disease: Protecting yourself from the invisible enemy

Exercise & Fitness

- Better Balance: Easy exercises to improve stability and prevent falls
- Core Exercises: 6 workouts to tighten your abs, strengthen your back, and improve balance
- Gentle Core Exercises: Start toning your abs, building your back muscles, and reclaiming core fitness today
- Lose Weight and Keep It Off
- Strength and Power Training: A guide for older adults
- Workout Workbook: 9 complete workouts to help you get fit and healthy

Heart Health

- Controlling Your Blood Pressure
- Diagnosis: Coronary Artery Disease
- Diagnosis: Heart Failure
- Healthy Eating for a Healthy Heart
- Healthy Eating: A guide to the new nutrition
- Stroke: Diagnosing, treating, and recovering from a "brain attack"

Men's Health

- 2016 Annual Report on Prostate Diseases
- A Guide to Men's Health Fifty and Forward
- What to do about Erectile Dysfunction



This In Memoriam covers the period from the last Connector. We apologize if we have omitted anyone. Each of the persons below attended or graduated from HLS, and practiced or resided in or had some connection with New Jersey. We extend our condolences to their friends and family.

Antonin Scalia - J.D. 1960



Antonin Scalia, Associate Justice, was born in Trenton, New Jersey, March 11, 1936. He married Maureen McCarthy and had nine children - Ann Forrest, Eugene, John Francis, Catherine Elisabeth, Mary Clare, Paul David, Matthew, Christopher James, and Margaret Jane. He received his A.B. from Georgetown University and the University of Fribourg, Switzerland, and his LL.B. from Harvard Law School, and was a Sheldon Fellow of Harvard University from 1960–1961. He was in private practice in Cleveland, Ohio from 1961–1967, a Professor of Law at the University of Virginia from 1967–1971, and a Professor of Law at the University of Chicago from 1977–1982, and a Visiting Professor of Law at Georgetown University and Stanford University. He was chairman of the American Bar Association's Section of Administrative Law, 1981–1982, and its Conference of Section Chairmen, 1982–1983. He served the federal government as General Counsel of the Office of Telecommunications Policy from 1971–1972, Chairman of the Administrative Conference of the United States from 1972–1974, and Assistant Attorney General for the Office of Legal Counsel from 1974–1977. He was appointed Judge of the United States Court of Appeals for the District of Columbia Circuit in 1982. President Reagan nominated him as an Associate Justice of the Supreme Court, and he took his seat September 26, 1986. Justice Scalia died on February 13, 2016.

Edgar H. Booth - J.D. 1953

Edgar H. Booth, 88, a resident of Glen Rock, N.J. for over 50 years, died on February 21, 2015 after a long illness, at home with his family at his side.

He was born on June 8, 1926, in

Brooklyn, New York. During his college years, he enlisted in the Army Specialized Training Program, but was not sent overseas. After the war, he completed college at Stanford University, majoring in journalism. In 1953, he graduated from Harvard Law School, joining his father, Benjamin H. Booth, at Booth, Lipton & Lipton, in NYC, where he spent more than 30 years. He practiced for another 30 years at other firms in NYC, specializing in bankruptcy and insolvency cases.

In Glen Rock, he served on the Glen Rock Board of Education from 1971-1977, and was Board President from 1973-1974. In December 1955 at the wedding of a close friend from high school, Edgar met his future wife Joan Blumberg, and they were married the following October. Edgar often said that marrying Joan was the best thing that ever happened to him. Edgar is survived by his wife Joan; his sister Deborah Katz of Rowe, MA; his son Charles Booth and his wife Carole Petersen, of Kailua, HI; his daughter Janet Zide and her husband Stephen, of Old Greenwich, CT; and five grandchildren, Daniel, Jordan, Caroline, Justin, and Lauren.

Irving D. Isko - J.D. 1950

Irving D. Isko, 87, passed away peacefully at his home on March 20, 2015 at the age of 87. He was the loving father of Laura, Steven and Susan and devoted grandfather of Julia and Alison. Irving was born November 26, 1927 in New York City. He graduated from Townsend Harris, Cornell University and Harvard Law School. After starting his career at the Berliner Law Firm, he worked at Philipp Brothers, then Engelhard Minerals and Chemicals and finished his career as President and Chief Executive Officer of Engelhard Corporation.

David A. Pressler - J.D. 1955

David A. Pressler, 84, a longtime resident

of Englewood, N.J. and recently of Sparta, N.J., passed away on June 11, 2015.

He was born September 27, 1930 in West Orange, N.J. and was raised in his youth in Newark, N.J. as the only child of Sol P. Pressler and Jessie Kurtz Pressler. He was a proud graduate of the Weequahic high school following a demanding tutelage in the then exemplary Newark public schools. Thereafter he matriculated at Rutgers in New Brunswick, N.J. graduating with the esteemed Class of 1952. There he had become a champion debater and eventually head of the Freshman Debate team and among others, President of the independent students (The Scarlet Barbarians), a larger group of students adverse to the xenophobic and racial and religious economic proclivities of the Greek letter societies (also called Fraternities) which were then prominent in college social life.

Following Rutgers, he enrolled at Harvard Law School and graduated honorably in the Class of 1955. Before that he worked as a waiter in the summers at the Hollywood Hotel in West Long Branch in its great days. In the exalted summer of 1953 he met Sylvia Brodsky. They married August 22, 1954 and moved as a married pair to Cambridge, MA to live in an apartment (converted cellar). After graduation in May 1955 they moved to Newark.

Sylvia enrolled at Rutgers Law School and eventually graduated with the best record in 16 years (as usual for her, first in class 1960). David A. Pressler completed the mandatory clerkship, passed the exam and was sworn in as an Attorney at Law 1956. Immediately afterward he was drafted into the U.S. Army and served for two years in Colorado and Germany. After returning to the U.S.A. he practiced law (general practice) primarily in New Jersey for 55 years. At one time he was President of the Bergen County Bar

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association and at the time of his death he was President of the Alumni Class of Rutgers 1952. He was a diligent supporter of Rutgers throughout his life.

He was predeceased by his wife Sylvia and his son Noah and is survived by his daughter Jessica, grandchildren Rachael, Brandon, Isabella and step grandchild Sofia and another son David. He had a strong life until the deaths of his loved ones overwhelmed him.

Olin Stanley Woolson, Jr. - L.L.B. 1955

Olin Stanley Woolson, Jr., 85 and of Somerville, N.J., died November 7, 2015 at home. He was the son of the late Marion (Osborne) Woolson and Olin Stanley Woolson. Formerly, he resided in Wildwood, N.J. before moving to Somerville in 1955. Stan was a prominent Somerville attorney for 30 years before retiring in 1985. He began his career with the law firm of the late W. Eddy Heath. In 1960, he and the late Edward Bowlby formed the law firm of Bowlby and Woolson. In 1977, he formed the law firm of Woolson, Guterl, Sutphen, and Anderson.

Stan graduated from Brown University in 1952 and from Harvard Law School in 1955. He was a veteran of the US Navy and former member of the Somerville Kiwanis Club. He was a member of the First United Methodist Church of Somerville, a former Deacon of the North Branch Reformed Church and a former Elder of the South Branch Reformed Church. He was an accomplished backpacker, long distance biker, and an avid reader, especially enjoying any literature pertaining to World War II. He was predeceased by his wife Thelma in 2011 and a son Douglas in 1986. Surviving are his daughters Carolin Woolson and Elaine and her husband Thomas Woolson.

Joshua M. Levin - J.D. 1959

Joshua M. Levin, 81 passed away peacefully on Jan. 9, 2015, surrounded by his family. Josh was born in Elizabeth, N.J., the only child of Milton and Ethel Levin. He lived for many years in Summit, where he raised his family.

He graduated from Thomas Jefferson High School in Elizabeth in 1950, Harvard College in 1954 and Harvard Law School in 1959, after service with US Army Intelligence. Josh practiced law for nearly 50 years, first with his father, and then his longtime partner Calvin Chenkin in Newark, East Orange and

Livingston. He was an early and passionate advocate for civil rights and civil liberties, helping to organize Newark Legal Services and the Summit Open Housing Committee.

He was a voracious reader, had a sharp legal mind, and was dedicated to intellectual and cultural pursuits throughout his life, such as the former Spectator lecture series, the Summit Adult School, and a play reading group he founded and was a member of for more than 50 years. He enjoyed sailing his boat Pisces with his wife, Letitia, out of the Harlem Yacht Club in City Island, N.Y.

Josh was devoted to his alma maters Harvard College and Law School and received numerous awards for his dedication and service. At various times, he served as President of both the Harvard Club of New Jersey (in which he was head of the Schools Committee for 40 years) and the Harvard Law School Association of New Jersey. Those who had the privilege of knowing him will miss his great intellect, charm, wit and gentle soul. He was predeceased by his wife in 2012, and is survived by his children: Monica (Hugh), Matthew (Valerie), and Stephanie (Noah); his five grandchildren, and his many devoted friends.

The Honorable Joseph E. Irenas - J.D. 1965

The Honorable Joseph E. Irenas, 75, Senior United States District Judge, died October 16, 2015, at Cooper University Hospital in Camden, New Jersey, surrounded by his family. Judge Irenas was working five days a week, despite having taken senior status in 2002, and undergoing hemodialysis treatment three times a week. He was presiding over a jury trial when he suffered a fall at the Camden courthouse, which ultimately led to his death.

Born July 13, 1940, in Newark, New Jersey to Zachary and Bess Irenas, Judge Irenas and his younger sister Diana Schoenblum, were raised in Elizabeth. It was there, in 1951, on the first day of the sixth grade, that Judge Irenas met his wife Nancy (nee Jacknow). Judge Irenas was a proud alumnus of the Pingry School, graduating in 1958. In 2009, the school awarded him their highest alumni honor, the Letter-In-Life Award. In his acceptance speech, he advised graduating

students: respect all people, behave ethically, be grateful for the support of your family, and tip restaurant servers well. After Pingry, the Judge attended Princeton University, meeting many life-long friends there. He graduated from Princeton in 1962. At his Class's 50th Reunion, he was awarded the Lifetime Class Service Award for going "above and beyond the call of duty" in contributions to his class. In the summer of his junior year at Princeton, and perhaps foreshadowing the Judge's future as a government servant, he spent the summer in Alaska tagging salmon for the United States Fish and Wildlife Service. Once, when asked to describe one of the hardest things he had ever done, the Judge responded, "digging a hole in the permafrost to serve as an outhouse."

Upon graduating cum laude from Harvard Law School in 1965, Judge Irenas clerked for the Honorable Justice Haydn Proctor of the New Jersey Supreme Court. He then began a very prolific and successful private practice at McCarter & English, LLP. Described by the firm as a "genuine Renaissance lawyer," Judge Irenas received recognitions as both a litigator and a transactional attorney, and served as one of the firm's Managing Partners. His reputation at the firm was "legendary;" "he was feared by some, loved by many and respected by all." Also during the Judge's time in private practice, he was appointed by the Supreme Court of New Jersey to serve as a bar examiner. In November 1991, the Judge was nominated by President George H.W. Bush to fill a newly created district court seat in the District of New Jersey, Camden Vicinage. He took the bench in April, 1992. In the early days, the Judge worked 7 a.m. to 7 p.m., notwithstanding his commute to and from Princeton, where he lived. In addition, he taught Professional Responsibility, First Amendment, and Products Liability law as an adjunct professor at Rutgers-Camden Law School. In 2002, the Rutgers Law Journal dedicated their Volume 34, Number 1 to the Judge. The following year, he was awarded the Judge John F. Gerry Award by the Camden County Bar Association, in recognition of his "spirit and humanitarianism." In 2005, he was awarded the William J. Brennan, Jr. Award from the Association of the Federal Bar of New Jersey which "honors those whose actions have

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advanced the principles of free expression.”

In later years, Judge Irenas often sat by designation on the Court of Appeals for the Third Circuit, and had organized the Camden Courthouse’s Professionalism Day program for the past three years. He participated in a panel discussion for this program the afternoon before his fatal accident. When the Judge was asked during his Senate confirmation hearing “what particular contribution” he hoped to make to the judiciary, he answered, “I would . . . like to make some contribution in the area of case management, docket control and the moving of cases.” As his colleagues on the bench, members of the bar, and his law clerks—past and present—can attest, he was resoundingly successful in that regard, frequently volunteering to take complex cases and maintaining a nearly full docket of civil and criminal cases, even in the face of formidable health challenges.

After taking senior status, he was fond of saying that he was “working for free,” in light of the fact that, due to life tenure protected by the U.S. Constitution, the Judge would be paid whether or not he reported to work. Former Chief Judge of the Third Circuit, Edward R. Becker, once described the Judge as “a man of incandescent brilliance.” Indeed, the Judge’s intellect was undeniable by all who encountered him. In addition to his numerous intellectual accomplishments, Judge Irenas had deep compassion for those in need. He recently retired from the Board of the National Alliance on Mental Illness (NAMI), Mercer County, where he served as a trustee for many years. He was the first recipient of the NAMI pillar award in 2012 for his significant contributions to the organization. He was also an enthusiastic supporter of Cathedral Kitchen, a soup kitchen located in Camden. At the holidays, rather than exchanging gifts, the Judge and his staff pooled their money to make a donation to Cathedral Kitchen. The Judge would then personally deliver the check. To his law clerks, he was an incomparable teacher and mentor. To his countless friends and poker buddies, he was a trusted confidante with a mischievous sense of humor. To his children, Amy and Ted and son-in-law Bob; and to his grandchildren Joe, Patrick, Charlie, Jenna, Shayne and Zoey, he was a wise advisor and unwavering supporter. To his sister, Diana,

he was simply “the best big brother and friend” one could ever have. To his wife of 53 years, Nancy, he was a partner, soul mate and the love of her life.

Harold A. Schuman - J.D. 1954

Harold A. Schuman, 88, passed away on August 3, 2015, surrounded by the overwhelming love of his family. He was a husband, father, grandfather and great grandfather. After serving in World War II, Harold graduated from Harvard Law School. He was active in the Ocean County legal community where he practiced law for more than 50 years. Harold will be greatly missed, but will forever live in the hearts and memories of those who knew him.

The Honorable David E. Crabtree - J.D. 1952

The Honorable David E. Crabtree, 87, of West Caldwell, died peacefully on Jan. 27, 2015, after a long illness. Judge Crabtree was born in Cincinnati, Ohio, on June 27, 1927. He was honorably discharged from the United States Navy after World War II and graduated from Ohio State University in 1949. He then attended Harvard Law School, graduating in 1952. Judge Crabtree practiced law in Woodbury, N.J., for 18 years, specializing in federal taxation. In 1979, he was the second judge appointed to the newly formed tax court of New Jersey. He happily served on the court for 18 years, authoring more than 135 opinions which were published in the bound volumes of the “Tax Court of New Jersey.” Upon retirement, Judge Crabtree authored a legal treatise on state taxation in New Jersey.

Judge Crabtree was a member of the Cherry Hill Society for the Preservation of Barbershop Quartet Singing in America (SPBSQSA) for 15 years. He was a devout baseball fan, attending as many Boston Red Sox games as possible while he was at Harvard. His senior legal thesis reflected his love of baseball by first analyzing the anti-trust aspects of baseball’s then existing reserve clause that granted a baseball club the perpetual right to renew a player’s contract and then predicting the free agency system that the players won through arbitration in December 1975.



Judge Crabtree is survived by his beloved wife of over 24 years, Moira Crabtree (Lynch); daughters, Leslie Crabtree Calupca and Ellen Crabtree, stepchildren, Gregory S. Sullivan and Brooke E. Troisi, and cherished grandchildren, David Crabtree-Logan, Meghan Crabtree-Logan, Brendan R. Sullivan, Kiera M. Sullivan, Amy C. Sullivan, Emma E. Troisi and Sean M. Troisi.

Isaac Henkoff - J.D. 1954

Isaac “Ike” Henkoff, 84, formerly of Montclair, New Jersey, died on March 3, 2015 at home in Little Falls, New Jersey. He graduated from Bayonne High School, Rutgers University and Harvard Law School. He served in the US Army from 1954 to 1956. A former trial attorney, he was a partner at the law firm of Chapman, Henkoff, Kessler, Peduto & Saffer until his retirement in 2001. He was an avid fan of the Yankees and the Jets, and enjoyed the New York symphony, ballet and opera.

He was predeceased by his son Philip Henkoff and his long-time companion Judith “Judy” Baum. He is survived by his daughter Lisa, of New York City, her husband Manu Rana and their daughter Maya; his brother Hank of Dedham, Massachusetts and Hank’s sons Ron and David and their families; Judy’s daughter Erica, her husband Tim and their son Dashiell; and Judy’s daughter Jenny, her husband Henry and their son Caleb.

Professor Marc R. Poirier - J.D. 1978

Marc Poirier, 63, passed away on August 2, 2015 after a brave battle with cancer. He was Professor of Law and the Martha Traylor Research Scholar at Seton Hall Law. He taught and wrote in the areas of property theory, environmental and natural resources management, cultural property, and law, gender, and sexuality. His article, “The Cultural Property Claim Within the Same-Sex Marriage Controversy,” was widely popular, and won a Dukeminier Award as one of the best law review articles of 2008 in the field of law and sexual orientation. Professor Poirier was a sought-after speaker on the topic of the legal recognition of same-sex couples. An earlier law review article analyzing



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the gender politics involved in *Boy Scouts of America v. Dale* (U.S. 2000) also won a Dukeminier Award, in 2003.

In the environmental area, Professor Poirier was co-counsel on an amicus brief to the New Jersey Supreme Court on behalf of conservation interests, supporting a state law that protects hundreds of thousands of acres of pristine watershed land from urban sprawl. He wrote about and advised environmental advocacy groups on the public trust doctrine and the scope of permissible regulatory takings. His article in the area of coastal land management argued that place-based public art has a unique role to play in the communication of the risk of sea level rise due to global warming. For several years Professor Poirier taught a survey course in environmental law to the U.S. Army Corps of Engineers.

Professor Poirier served on the boards of the Society of American Law Teachers, The Coastal Society, and Diamond Metta Lesbian and Gay Buddhists of New York. He also served on the Steering Committee of a Contemplative Lawyers Group based in New York City. He anchored a meditation group that meets regularly at Seton Hall Law School. He served as the Chair of two sections of the Association of American Law Schools, Property and Law and Interpretation. Professor Poirier also served for six years on his local Planning Board in South Orange, New Jersey.

For twelve years Professor Poirier practiced law in Washington, D.C., with the firm of Spiegel & McDiarmid, specializing in the licensing of hydroelectric projects and other energy regulatory matters. He has twice served as the Chair of the Hydroelectric Regulation section of the Energy Bar Association. He majored in Literature as an undergraduate at Yale, where he graduated magna cum laude with distinction in 1974. He then lived in Paris, France, working for a French oil pipeline engineering company. He graduated from Harvard Law School cum laude in 1978, where he was an Articles Editor on the Harvard International Law Journal. He received an L.L.M. from Yale Law School in 1991.

Marc's article "One L in a Different Voice: Becoming a Gay Male Feminist at Harvard Law School" is essential reading for anyone interested in law school reform. His commitment to marginalized people and his determination to improve the world were

relayed through his scholarship, service, meditation sessions and big hugs.

Theodore H. Lunine - J.D. 1948

Theodore H. Lunine, 95, passed away on October 10, 2015. He was the beloved husband of the late Ruth Lunine. Cherished father of Carol (Jonathan) Orwitz and Janet (Jonathan) Barzilay. Devoted grandfather of Julie Barzilay, Matthew Orwitz, Nina Orwitz and Jessica Barzilay. Dear brother of Myron (Katherine) Lunine.

Robert A. Kurdock - 1969

Robert Alexander Kurdock, 78, of Hawthorne, N.J., died on Tuesday, May 12, 2015. Born and raised in Paterson, Bob had lived in Hawthorne for 45 years. After graduating college, Bob had attended Harvard Business School and was the Vice President of the New York-Susquehanna Railroad. He was a former parishioner of St. Anthony R.C. Church in Hawthorne and a member of the Hawthorne Democratic Club. He proudly served his country as a soldier in the U.S. Army. Robert was the beloved husband of JoAnn (nee: Lindsay) Kurdock. Loving father of Johanna Sena and her husband Ed of Hawthorne and Bethann Kurdock and her husband Brian Masters of Hawthorne. Dear grandfather of Chloe and Alexis Sena and Lindsay and Addison Masters. Dearest brother of Shirley Kurdock of Hawthorne and Marybeth Cohen of Franklin Lakes.

S. Joseph Fortunato - L.L.B. 1957

S. Joseph "Joe" Fortunato, 84, of Tequesta, Fla., formerly of Madison, died peacefully on Friday, Jan. 8, 2016. Born at home in Montclair in 1932 to Sebastiano Fortunato and Josephine Ridolfo Fortunato, he was the adored baby brother of Gaetena and Mary. His father was a prominent union leader.

Joe was quarterback at Montclair High School (Class of 1950) under Clary Anderson and Joe's cousin Butch Fortunato. He was an All-State back in football, leading Montclair to a series of state championships. An outstanding student as well as an athlete, he was offered a scholarship to Yale University and became the first in his family to attend

college. He played football all four years at Yale and was elected captain for the 1953 season. He was selected All Ivy 1952, AP 1952 All-East Football as a linebacker and AP 1952 All American Honorable Mention. He commented on more than one occasion that he learned the most about life from Yale football. He graduated in 1954 with a bachelor's of arts degree in economics. His Yale memberships included the Aurelian Honor Society, St. Elmo Society and the Skull and Bones Society.

Joe earned his LL.B. degree at Harvard Law School in 1957. Admitted to the New Jersey Bar, he joined the Newark law firm of Pitney Hardin and Kipp (now Day Pitney) in 1958, becoming partner in 1963. He specialized in labor and employment law. At the time of his retirement in 2002, he was a managing partner.

He married Dian Susan Kimball in 1955 and raised three children, Stephen, Michael and Susan in Montclair and later in Lake Valhalla, Montville Township. Together they skied, played tennis, duplicate bridge and attended many Yale football games with friends. Joe and Dian remained friends after a 1979 divorce, continuing to play golf and vacation with family together. Joe married a second time to Susan Scott; that marriage ended in divorce.

In 1967 he was general counsel on the Governor's Select Commission on Civil Disorder. He served as an independent director on many of the Franklin Templeton Mutual Funds from 1983 to 2006. He was a past vice president of the Federal Bar Association, a past chairman of the Essex County Ethics Board and member of the Trustees of the Client's Security Fund from 1979 to 1983, serving as treasurer in 1982 and chairman in 1983.

He served on the vestry of St. Luke's Episcopal Church in Montclair in the 1960s. He was a past-president of the Yale Club of Montclair, past member of the Board of Overseers of the New Jersey Institute of Technology and past-member of the Board of Trustees of the Shakespeare Theatre of New Jersey in Madison. Joe also was a member of the Morris County Golf Club in Morristown and Jupiter Hills Golf Club in Tequesta, Fla. Throughout his life, Joe was a dedicated and loyal friend to all who called him friend from many walks of life.

SUMMARY⁴ OF THE PROMISE OF AMERICA, BY JUDGE JOSEPH A. GREENAWAY, JR.

Judge Greenaway's remarks at the Vanderbilt Lecture have been published as an article in the *Cardozo Law Review*, Volume 37:1167. Here is a hyperlink to the full article with footnotes: <http://www.cardozolawreview.com/content/37-4/GREENAWAY.37.4.pdf>

Introduction

Judge Greenaway began the lecture by referring to "The Godfather" as one of his favorite movies and to the scene where undertaker Amerigo Bonasera says to Don Vito Corleone, "I believe in America."⁵



Using that statement as an anchor, Judge Greenaway posed a series of questions and posited answers in contexts ranging from the political Declaration of Independence and protesting the tyranny of George III, to landmark litigation in *Dred Scott v. Sandford* and in *Brown v. Board of Education*.



Judge Greenaway's questions included: Why do we believe in America? What is it that makes us believe in America? Is it the notion of Freedom? Opportunity? Justice? Equality? He observed that answers to these questions are important to our republic, and that equality is an essential cornerstone principle of our democracy.

Despite the ostensible purpose of the Declaration of Independence – to protest the tyranny of the British monarch over the American colonies, that document is vastly better known for its opening salvo – "We hold these truths to be self-evident, that all men are created equal." But what is the meaning of the word "equal" in the Declaration as we contextualize the notion of equality in 1776? The simple question for consideration is: Does equal mean equal? Did it ever, and through the history of our country, has the notion of equal meaning equal ever been achieved?

I. Notions of Equality in the Declaration and in Contemporaneous Writings

Today, constitutional scholars battle over the meaning of the words in our Constitution: What meaning shall we give to the words of the text? Of course, the Declaration is not subject to modern day canons of construction. It is a document no less critical to the formation of our republic than the Constitution, but more foundational to our country's aspirations than its laws. But did the signers of the Declaration really believe that "all men are created equal?" Not as such apparently. Equally true – based on the realities of colonial times – was the notion that women, slaves, freemen, people of color, and men of limited means or education surely could not have felt as though they were considered equal to our founders.



Looking back now, was equality – true equality – ever a principle our forefathers embraced? In truth, the signers of the Declaration did not. For example, Thomas Jefferson and many of the signers of the Declaration were slaveholders. It is also apparent that equal did not mean equal by examining the other documents that were proclamations of freedom and independence penned contemporaneously with the Declaration of Independence. Most of the colonies devised and adopted declarations

premised upon "natural rights" rather than the plain "all men are created equal" language of the Declaration. Politicians of the first half of the nineteenth century followed suit, distancing themselves from the Declaration's reference to equality.

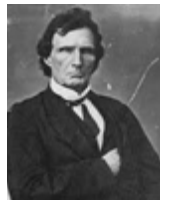
II. From *Dred Scott* to *Plessy*: The Jurisprudence of "Inequality"

Prior to the Civil War, the Declaration played a prominent role in the Supreme Court case of *Dred Scott v. Sandford*. In that case, Chief Justice Taney denounced on any level the notion of equality in any manner among the races. He claimed that there existed a universality of thought regarding Blacks at the time, he blithely dismissed the rights of free Blacks, and he condemned the notion that any person of color— despite status— could be deemed equal, giving the Supreme Court's imprimatur to the notion that despite the plain language of the Declaration, equal did not and could never mean equal.

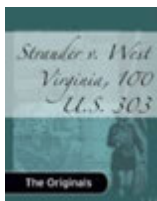


Shortly after *Dred Scott v. Sandford*, the Civil War raged. Lincoln, among all the leaders to have commented on the Declaration of Independence, saw its statements on equality as setting a standard for the future, one that demanded the gradual extinction of conflicting practices as that became possible.

After unimaginable loss of life, the end of the Civil War brought with it the hope that the principle of equality and its realization would become one. The Thirteenth, Fourteenth, and Fifteenth Amendments (the Civil War Amendments) sought to provide Blacks greater access to the notion of equality. Although some debate (notably led by Representative Thaddeus Stevens) occurred regarding true equality, the focus came to be equality under the law. Specifically, the Fourteenth Amendment provided for due process of law and equal protection of the laws.



As with most laws, however, the conundrum lies in enforcement. The post-war inception of vagrancy laws, Black codes, and the ability of law enforcement, together with industry, to subjugate Blacks to involuntary servitude became slavery by another name.



With one rare exception, the Supreme Court, at this time, limited the ability of the Equal Protection Clause to curtail the efforts of the states to impede progress towards equality. The one and only exception was *Strauder v. West Virginia*.

In that case, the petitioner sought to challenge jury selection in his criminal trial because there were no Blacks in his venire. In ruling for the petitioner, the Court asked: "What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States, and, in



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regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color?"

Despite the anomaly of *Strauder*, the question persisted post-Civil War: Did "equal under the law" really mean equal? Judge Greenaway posits that the key period to examine in the movement towards the idea that equal could in fact mean equal was from the 1896 decision in *Plessy v. Ferguson* until 1954 when *Brown v. Board of Education* became law.



In a test case, the refusal of Homer A. Plessy⁶ to move to a "colored" car on a segregated train led to an action testing the constitutionality of the segregation law. Justice Brown, writing for the Court, responded to the equal protection argument by professing emphatically that there was no issue of note regarding equality or inferiority. The problem was that his rationale seemed grounded more in social science than law, which was disturbingly similar to Tyler's argument related to the Declaration of Independence in *Dred Scott*.

The dissent in *Plessy* was steadfast and courageous for its time. Justice John Marshall Harlan wrote: "[t]he arbitrary separation of citizens, on the basis of race . . . [is] wholly inconsistent with the civil freedom and the equality before the law established by the constitution. It cannot be justified upon any legal grounds." This provided the impetus for the most sustained legal battle conducted before the Supreme Court on the issue of equality.



III. Turning the Tide: The Battle Towards Brown

The NAACP Legal Defense Fund (led by Charles Hamilton Houston⁷ and Thurgood Marshall) took on the seemingly impossible task of making our nation live up to its promise "that all men are created equal." The Legal Defense Fund employed a legal strategy aimed at dismantling separate but equal, but, more importantly, for providing teeth to the Fourteenth Amendment by establishing that equal could in fact one day mean equal. Houston devised a strategy to chip away at the separate but equal doctrine by carefully choosing cases in which the state entity failed to provide equal resources - as required by *Plessy*. The strategy worked.



Over a nearly twenty-year period, in case after case, the Supreme Court slowly eroded the separate but equal doctrine leading up to *Brown*. Victories were attained in cases involving admissions to graduate schools, and involving restrictive covenants in residential properties.

When *Brown* came before the Supreme Court, it looked at first as if the separate but equal doctrine would be upheld, as Chief Justice



Fred Vinson indicated that he would vote to affirm. But while the case was sub judice, Chief Justice Vinson died and Earl Warren was appointed to replace

Vinson. Warren heard the rehearing on *Brown* and rallied the Court to deliver a unanimous decision: "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does."



Conclusion

Brown was a portent of change on America's landscape. In Judge Greenaway's view, one could strongly support the notion that movements such as these and other movements seeking justice and equality found their impetus and voice from the dismantling of segregated schools in *Brown* - an event that most of the country thought would never happen.

Judge Greenaway concluded the Vanderbilt lecture by observing it is difficult to determine and attempt to divine whether even today equal means equal. He raised the question often

asked by young passengers on a long journey: are we there yet? The question put here is vastly more complex than the one our forefathers faced. The once seemingly straightforward question of does equal mean equal can no longer be answered with a simple yes or no. Are we closer today—undoubtedly. Are we there yet—



⁴ The Connector's Editor acknowledges and thanks HLSA-NJ Secretary David Clark for preparing this summary of Judge Greenaway's lecture. The graphic images and footnotes in this summary were added by the Editor.

⁵ As every film buff knows, in the opening scene of *The Godfather*, the first three lines Amerigo Bonasera says to Don Vito Corleone are: "I believe in America. I believe in America. America has made my fortune." The last lines Bonasera says in his opening monologue are: "These two boys were brought to trial. The judge sentenced them to three years in prison, and suspended the sentence. Suspended the sentence! They went free that very day! I stood in the courtroom like a fool, and those two bastards, they smiled at me. Then I said to my wife, 'For Justice, we must go to Don Corleone.'" See pages 24-25 in *The Annotated Godfather: The Complete Screenplay with Commentary on Every Scene, Interviews, and Little Known Facts* by Jenny Jones

⁶ https://en.wikipedia.org/wiki/Homer_Plessy ("Homer A Plessy was an American Louisiana Creole of Color...Due to his "fair" appearance, Plessy could have ridden in a railroad car restricted to people classified as white. However, under the racist policies then in force, he was classified as "1/8 black" or, according to the language of the time, an octoroon. Hoping to strike down segregation laws, the Citizens' Committee of New Orleans (Comité des Citoyens) recruited Plessy to deliberately violate Louisiana's 1890 separate-car law. To pose a clear test, the Citizens' Committee gave notice of Plessy's intent to the railroad, which opposed the law because it required adding more cars to its trains. On June 7, 1892, Plessy bought a first-class ticket on a train from New Orleans and sat in the car for white riders only. The Committee had hired a private detective with arrest powers to take Plessy off the train at Press and Royal streets, to ensure that he was charged with violating the state's separate-car law and not some other misdemeanor.")

⁷ Citing Richard Kluger's book *Simple Justice*, Judge Greenaway notes in his *Cardozo Law Review* article that "Houston was a Phi Beta Kappa graduate of Amherst College, and he was the first African American to serve as an editor of the *Harvard Law Review*."

SOCIAL MEDIA & MULTIMEDIA FROM HLS

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



Food Law and Policy Clinic releases short film on food waste in America

<https://today.law.harvard.edu/food-law-and-policy-clinic-releases-short-film-on-food-waste-in-america/>
February 12, 2016

The Harvard Food Law and Policy Clinic (FLPC), in partnership with Racing Horse Productions, has released a short film, “EXPIRED? Food Waste in America,” that explores how the variety of date labels on food products contributes to food waste in America.



Legal scholars debate Cruz’s eligibility to serve as president

<https://today.law.harvard.edu/a-question-of-citizenship/>
By Liz Mineo/Harvard Staff Writer, February 8, 2016

In a debate hosted by the Harvard Federalist Society, two constitutional scholars—Harvard Law School Professor Laurence Tribe and Professor Jack Balkin of Yale Law School—debated whether Cruz’s birth in Calgary, Alberta, Canada to a Cuban father and an American mother disqualifies him to serve as president.



Inside baseball: MLB Commissioner Rob Manfred ’83 on rules, rulings and marketing ‘the American pastime’

<https://today.law.harvard.edu/inside-baseball-mlb-commissioner-rob-manfred-83-on-rules-rulings-and-marketing-the-american-pastime/>
By Jonathan Topaz ’18, February 4, 2016

Major League Baseball Commissioner Rob Manfred ’83 recently spoke with Harvard Law Today reporter Jonathan Topaz ’18 about his time at HLS and some pressing issues facing the MLB.



American law and new global realities: A view from Justice Breyer

<https://today.law.harvard.edu/justice-breyer-discusses-american-law-and-new-global-realities/>
February 4, 2016

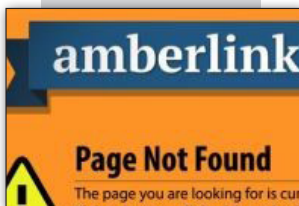
U.S. Supreme Court Associate Justice Stephen Breyer ’64 visited Harvard Law School on Jan. 25 to discuss his new book, “The Court and the World: American Law and the New Global Realities.” Breyer, who taught at HLS from 1967 to 1994, spoke about his analysis of U.S. courts’ role in an increasingly globalized world.



Former FDA commissioner reflects on public health regulation

<https://today.law.harvard.edu/former-fda-commissioner-reflects-on-public-health-regulation/>
By Raishay Lin ’16, February 3, 2016

In a visit to Harvard Law School on Jan. 20, former U.S. Food and Drug Administration Commissioner Dr. Margaret A. Hamburg HMS ’83 reflected on her six-year tenure at the agency and shared her thoughts about the future of public health regulation.



Berkman Center releases tool to combat ‘link rot’

<https://today.law.harvard.edu/berkman-center-releases-tool-to-combat-link-rot/>
January 29, 2016

The Berkman Center for Internet and Society at Harvard University announced the release of Amber, a free software tool for websites and blogs that preserves content and prevents broken links.



Santiago Legarre on comparative constitutional law

<https://today.law.harvard.edu/santiago-legarre-on-comparative-constitutional-law/>
January 27, 2016

Why do we compare Constitutions? Why should we? Those were the questions posed by Santiago Legarre, a professor at Universidad Católica Argentina, at a talk at Harvard Law School on Jan. 11 sponsored by HLS’s American Constitution Society.

SOCIAL MEDIA continued from previous page**The International Criminal Court: What lies ahead?**

<https://today.law.harvard.edu/the-international-criminal-court-what-lies-ahead/>
January 26, 2016

Luis Moreno-Ocampo, founding Prosecutor of the International Criminal Court, and Tim McCormack, Visiting Professor of Law at HLS and Special Adviser on International Humanitarian Law to the Prosecutor of the ICC, recently discussed challenges that lie ahead for the organization, the first permanent court established to deal with war crimes and crimes against humanity.

**During HLS visit, Attorney General Lynch makes the case for criminal justice reform**

<https://today.law.harvard.edu/during-hls-visit-attorney-general-lynch-makes-the-case-for-criminal-justice-reform/>

By Christina Pazzanese/Harvard Staff Writer, January 19, 2016

In a recent talk at Harvard Law School, U.S. Attorney General Loretta Lynch '81, HLS '84 discussed criminal-justice reform “a transformative issue of our generation.”

**Alan Jenkins reflects on social change and reframing conversations on race**

<https://today.law.harvard.edu/alan-jenkins-on-social-change-and-reframing-conversations-on-race/>
January 15, 2016

Lecturer on Law Alan Jenkins '89 shared ideas for reframing conversations on race and social justice at a talk at Harvard Law School on Jan. 12. The talk was moderated by Clinical Professor Dan Nagin, vice dean for experiential and clinical education at HLS.

DUES NOTICE



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 Kaushal “Ken” Majmudar, at the following address:

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 2016-2017 dues to the Harvard Law School Association of New Jersey in the amount of
 \$75. \$50.

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I am employed in the public sector.

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All active members of the HLSA-NJ are eligible to be Trustees, and all past presidents are eligible for automatic appointment. To express interest or nominate another member, contact Ron Brown at 180RonWB@gmail.com, with a copy to Jake Elberg at jelberg@post.harvard.edu, and Ken Majmudar at ken@ridgewoodinvestments.com.

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.

The HLSA Connector results from a collective effort and 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 the purposes of HLSA-NJ.