



# THE HLSA CONNECTOR

NEWSLETTER OF THE HARVARD LAW SCHOOL ASSOCIATION OF NEW JERSEY

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## Chief Justice Marks a Half Century of Vanderbilts

Zazzali Finds Common Ground Between International Human Rights Standards, N.J. Constitution; HLSA Honors Memory of Irwin Markowitz '52

By Stephen F. Herbes '01

On November 15, 2006, the Harvard Law School Association of New Jersey welcomed the Honorable **James R. Zazzali**, Chief Justice of the New Jersey Supreme Court, to deliver the 50th annual Vanderbilt Lecture. Chief Justice Zazzali spoke to a capacity crowd of nearly 140 people, including HLS alumni and invited guests, on the topic "International Human Rights: History, Current Trends in Enforcement, and the New Jersey Experience."

Following a short history of the Vanderbilt lecture series delivered by Judge **David E. Crabtree '52**, the evening also began with a special presentation to the family of **Irwin Markowitz '52**. Irwin, who had planned and organized the Vanderbilt Lecture program for more than a decade and became known as its "dean," succumbed to cancer in July.

In an emotional moment, **Stephen Roth '67** presented Irwin's widow and daughters with a plaque honoring his

service to the Association and New Jersey's legal and philanthropic communities. Mrs. Markowitz thanked



CHIEF JUSTICE OF NEW JERSEY JAMES R. ZAZZALI

the association and spoke briefly and effusively of Irwin's love for the Law School and the Association and his life of service on issues of peace and social justice.

Introduced by Judge **David Landau '53**, Chief Justice Zazzali then

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## SPRING SYMPOSIUM: PUBLIC ADVOCATE RONALD CHEN

**Ronald Chen** will describe his experiences as the state's first Public Advocate in a decade at the Association's Spring/Summer Symposium on Tuesday, June 19 at the New Jersey Law Center in New Brunswick. Joined by discussant **Jon Shure** of New Jersey Policy Perspectives, Chen will speak and take questions on the topic "Rebuilding a Public Advocate's Office for the 21<sup>st</sup> Century."

A cocktail hour at 6:00pm will be followed by the speaking program commencing at 7:15. In addition to the Public Advocate's presentation, HLSA-NJ will recognize its 2007 summer public interest fellows.



RONALD CHEN

This year, the spring symposium is free for dues-paying members, with a \$25 admission fee for non-member alumni. Alumni who have not yet paid their 2007-2008 dues may do so at the door.

For more information, e-mail [jbartlet@post.harvard.edu](mailto:jbartlet@post.harvard.edu) or call (973) 624-9400 x27.

## Fishman '82, Wilcox '89 Selected to Join *Law Journal* Editorial Board

HLS went two-for-two last fall when the newest members of the *New Jersey Law Journal's* editorial board were announced. **Paul Fishman '82** of Friedman, Kaplan, Seiler & Adelman LLP and **Gary Wilcox '89** of McCarter & English LLP joined the elite group of 34 members.

When offered the position, Wilcox said, "I jumped at it, because I thought it would be a wonderful opportunity not only to be part of the process but also to meet so many esteemed attorneys, former judges, and others from the state."

The board's primary function is to draft and approve the unsigned editorials that appear near the



GARY WILCOX '89

back of the first section of each week's *Law Journal*. The board meets weekly to discuss draft editorials, Wilcox explained.

"It's sort of like a salon," Fishman said. "A bunch of people sit around and talk about all

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## Letter From The President

**W**e stand on the shoulders of giants.” The famous paraphrase of Sir Isaac Newton’s letter to fellow scholar Robert Hooke seems particularly apt this year. This year, the Association embarks upon a second half-century of Vanderbilt Lectures, and the first president graduated from HLS in the 21st Century takes the helm ever so briefly from those who came before me.

At our 50<sup>th</sup> Vanderbilt Lecture last fall, we remembered one of the giants, **Irwin Markowitz ’52**, with a plaque presented to his family in recognition of his years of service to the Association and New Jersey’s legal community. And just weeks ago, we learned the sad news that another giant, **Alan Lowenstein ’36**, had passed on as well. (See page 4.) Our first newsletter, published almost two years ago, remembered the life of Judge **Warren Brody ’55**. Each leaves a professional legacy – of decisional law, of a stronger HLSA, of enduring public service and advocacy for New Jersey’s neediest.

Who stands on the shoulders of these giants? New judges, like **Jack Sabatino ’82**, **Fred Kessler ’78** and others follow in the footsteps of the host of HLS alumni who have graced the New Jersey bench for more than two centuries. At the highest levels of government, Attorney General **Stuart Rabner ’85**, Senate Judiciary Committee Chairman **John Adler ’84**, and Governor’s Counsel **Ken Zimmerman ’87** are continuing the legacy – Rabner and Adler as home-grown sons of New Jersey and Zimmerman a thriving transplant, lured by the desire to serve and Alan Lowenstein’s compelling case that the New Jersey Institute for Social Justice was the place to do it. And a new, rising generation of young alumni is now poised to stand on their shoulders.

Others, too, follow – like **Paul Fishman ’82** and **Gary Wilcox ’89**, both appointed last fall to the editorial board of the *New Jersey Law Journal*. (See page 1.) Likewise, the more than two dozen HLS alumni who are associates, counsel and partners at the firm Lowenstein founded with **Richard Sandler ’55**, and the hundreds more alumni pursuing the private practice of law; public servants in all branches of government; scholars; businesspeople; and the 18 alumni who ably serve the Association as members of your Board of Trustees.

Our lives have many facets, and many golden threads bind our pasts to our futures: heritages of faith, place, and principle that connect us to our families and communities across generations. As attorneys and Harvard Law School graduates, I hope you feel that your affiliation with the law school – and, by extension, with this Association – is part of your professional heritage. Passed down to children? Perhaps. (My father, a pediatrician, had no such luck – unless you count extracting from me a promise not to do med mal work.) Passed down to the next generation of HLSA-NJ? Certainly.

There are more than 1,300 HLS alumni living in New Jersey, of whom about 100 become dues-paying members of the Association every year. If you are one of those active, dues-paying members of the Association, thank you. If not, we ask you to join us.

By supporting the Association, you enable us to continue to provide educational and networking events for you, you support to our summer public interest fellows and other service programming, and you enable the Association to be the thread that binds New Jersey’s generations of HLS alumni one to the next.

John W. Bartlett ’01



JOHN W.  
BARTLETT ’01

## At Vanderbilt Lecture, Members Elect New Officers and Trustees

The Vanderbilt Lecture functions as the Association’s annual meeting. By acclamation, the membership elected **John W. Bartlett ’01** as president of the Association, succeeding outgoing president **Geraldine Reed Brown ’72**. Joining Bartlett on the unopposed slate of officers were vice president **Jason F. Orlando ’00**, treasurer **Jeffrey Kantowitz ’82**, and secretary **Stephen F.**

**Herbes ’01**. Each officer will serve a one-year term.

Also by acclamation, the Association elected Innodata Isogen chairman and CEO **Jack Samuel Abuhoff ’86**, assistant Newark municipal prosecutor **Michael Passante ’03**, Lowenstein Sandler partner **Anthony Pergola ’95**, and **Alice Turinas ’87** of Seiden Wayne LLC in Newark to join the Board of Trustees.

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sorts of things, and it’s really smart, funny people. It gives rise to very interesting and thoughtful conversations.”

Wilcox agreed: “When we get a large turnout and there’s very lively discussion, the level of experience and thought that’s in the room – a former governor, a former Justice of the Supreme Court, other former judges – is really incredible. To hear these people’s thoughts and ideas

and experience, particularly in editorials that involve specific cases that have been decided recently or issues involving the legislative process, is fascinating.”

Nearly a quarter of the *Law Journal*’s editorial board studied at Harvard Law School. In addition to Fishman and Wilcox, the board includes **Andrew T. Berry ’65**, Gov. **Brendan T. Byrne ’50**, **Jerry F. English**, **Lawrence Lustberg ’83**, **Arnold K. Mytelka ’61**, and Justice **Daniel O’Hern ’57**.



PAUL FISHMAN  
’82: “IT’S SORT OF  
LIKE A SALON.”

## ALUMNI On The Move

After managing the campaign of Democrat Robert Rodriguez in California’s 25th Congressional district, **Armen Meyer ’02** is now legislative director for Congressman Anthony Wiener (D-NY).

**David Dante Troutt ’91**, a professor at Rutgers Law School-Newark, published his first novel – *The Importance of Being Dangerous* – in April.

Have news? E-mail

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took the podium, continuing an unbroken line of sitting Chief Justices to address the Association since the first lecture was delivered by then-Chief Justice Arthur Vanderbilt. (Vanderbilt was the first chief justice to serve under the 1947 New Jersey Constitution.) 2006 was the only year Zazzali - who will turn 70 in June - could have delivered the lecture as current occupant of the high court's center seat.

Chief Justice Zazzali began his talk with a brief overview of international human rights violations during the past 100



**LOWENSTEIN SANDLER PC MANAGING PARTNER MICHAEL RODBURG '71 SPEAKS WITH ATTORNEY GENERAL STUART RABNER '85.**

years. He mentioned the holocaust in the Congo presided over by King Leopold of Belgium that resulted in the deaths of an estimated 10 million people, and the genocide committed by Ottoman Turks against the Armenian Christian minority in 1915. Then he reviewed the mass murders committed by the regimes of Josef Stalin, Mao Zedong, and Adolf Hitler, and noted that genocide and widespread human rights violations continue in the present day in Bosnia, Cambodia, Darfur, Rwanda, and elsewhere.

Zazzali juxtaposed the magnitude of these human rights violations with the "minimalist" response of the international community. After World War I, a 15-member commission appointed by the Allies recommended to the Paris Peace Conference that violations of the laws of humanity be punished, but the Allies never held any trials. Zazzali noted the Nuremberg tribunal established after World War II, the International Military Tribunal for the Far East created by General Douglas MacArthur, and the Universal Declaration of Human Rights adopted by the United Nations in 1948 as more recent - but only sometimes more successful - examples of international responses to human rights violations.

Turning to the present, the Chief

Justice outlined some of the more recent efforts by the international community to prevent and punish individual violations of human rights. He discussed *Soering v. United Kingdom*, a case decided by the European Court on Human Rights, which held that the United Kingdom could not extradite a



**STEPHEN H. ROTH '67 PRESENTS A PLAQUE EXPRESSING HLSA-NJ'S GRATITUDE FOR THE LIFE AND CONTRIBUTIONS OF IRWIN MARKOWITZ '52 TO HIS WIDOW, GERI MARKOWITZ.**

suspected murderer to the United States because the average time on death row was six to eight years - a term the court deemed "inhuman treatment." He also described a number of other cases decided by the European Court on Human Rights, involving, among other matters, the criminalization of homosexual relations between consenting adult males, sex reassignments, prison conditions, the execution of suspected terrorists, the right of Muslim women to wear the *hijab* (head scarf), search and seizure procedures, and

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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." to Jeffrey Kantowitz, Esq., 200 Executive Drive, West Orange, NJ 07052. As indicated in the Dues Notice mailed in May of 2007, dues for the 2007-2008 association year are \$75 for alumni admitted to the bar for over 5 years as of July 1, 2007, and \$50 for alumni admitted for less than 5 years and those in the public sector.

I enclose my check for the 2007-2008 dues to the Harvard Law School Association of New Jersey in the amount of  \$75.00  \$ 50.00

Name: \_\_\_\_\_ Class: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Date of Admission to the Bar: \_\_\_\_\_  I am employed in the public sector.

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the rights of criminal defendants to prepare a defense and enjoy a timely trial.

Chief Justice Zazzali briefly noted other efforts by the international community to deter human rights violations, including the Inter-American Court on Human Rights Tribunal, the United Nations Office of High Commissioner, the International Criminal Court, and the Human Rights Commission. He acknowledged that the Arab nations established a human rights commission in 1993, but questioned whether it was functioning. He also noted negligible human rights efforts in Asia and Africa.

Finally, Zazzali turned his attention to the United States. He contrasted the jurisprudence of the first chief justice of the United States Supreme Court, John Marshall – who decided more cases under international law than under United States law – with the recently proposed “Feeney Bill,” which would make use of foreign law by a U.S. judge grounds for impeachment.

Zazzali then spoke briefly on New Jersey’s own experience with human rights.

New Jersey, the Chief Justice reminded his audience, adopted a new constitution shortly after the United Nations adopted the Universal Declaration of Human Rights. Similar to the United Nations’ Declaration, which provides that “[e]veryone has a right to an education,” the New Jersey Constitution provides for a child’s right to a “thorough and efficient” education. New Jersey courts gave meaning



**GOVERNOR’S COUNSEL KEN ZIMMERMAN ’87 JOKES WITH HIS HLS CLASSMATE ASSISTANT U.S. ATTORNEY AMY WINKELMAN ’87, GARY BLACKMAN, AND INCOMING HLSA-NJ PRESIDENT JOHN W. BARTLETT ’01.**

## Remembering Alan Lowenstein '36

Alan V. Lowenstein '36, one of New Jersey’s most prominent attorneys, died on May 8, 2007 at the age of 93. Mr. Lowenstein, who had been recognized for his professional excellence, leadership, and integrity, founded Lowenstein Sandler PC in Newark in 1961. (The firm now numbers more than two dozen HLS alumni among its 250 attorneys.)

Among his notable professional achievements, Mr. Lowenstein was the principal draftsman of the Banking Act of 1948 and chairman of the New Jersey Corporation Law Revision Commission (1963-1971). He was a leader in Newark’s charter reform movement, helping to change the City’s governmental structure. In 1953, voters approved his proposal for direct election of a mayor and city council. A passionate advocate for the underprivileged, Lowenstein (via the Alan V. and Amy Lowenstein Foundation) also created and endowed the New Jersey Institute for Social Justice in 1999.

Lowenstein’s autobiography, *Alan V. Lowenstein: New Jersey Lawyer And Community Leader*, was published by



**ALAN LOWENSTEIN '36 (SEATED) WITH FORMER U.S. ATTORNEY GENERAL NICHOLAS DEB. KATZENBACH AND GOVERNOR JON S. CORZINE IN 2006.**

Rutgers University Press and the New Jersey Institute for Continuing Legal Education in 2001.

In addition to his LL.B. from Harvard Law School, Lowenstein held a Masters degree in Political Science from the University of Chicago and was a *Phi Beta Kappa* graduate of the University of Michigan in 1933.

to that right with their decisions in *Robinson v. Cahill*, *Abbott v. Burke*, and their progeny.

In the area of housing and shelter, the United Nations’ Declaration states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, and housing. Likewise, the New Jersey Supreme Court held in the *Mount Laurel* series of cases that under the New Jersey Constitution, housing and shelter are necessary for “the general welfare.”

But New Jersey still has room to improve. In a moment that riveted the audience, Chief Justice Zazzali described his visit several years ago to a New Jersey county jail. “[T]here was a room about 12 feet by 20 feet that housed over 18 inmates. There were no



**IRA KARASICK '78 TALKS WITH BRUCE SHOULSON '64.**

beds, ... only sleeping bags, back-to-back. There was the added excitement of mice running over inmates when they were asleep – or trying to sleep.” He then drew comparisons between conditions in that county jail and cases where the European Court on Human Rights has held that prison conditions violated international conventions on human rights.

In an emotional appeal, Chief Justice Zazzali urged the audience to become better informed and more involved in human rights issues. It is better, he closed, to light a candle than to curse the darkness.