

THE HLSA CONNECTOR

NEWSLETTER OF THE HARVARD LAW SCHOOL ASSOCIATION OF NEW JERSEY

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Corzine Taps Rabner '85 As Chief Counsel

In one of his first appointments as Governor-elect, Jon S. Corzine picked HLS alumnus **Stuart Rabner '85** to serve as his Chief Counsel.



STUART RABNER '85

“As the transition began, I said I’d seek out the sharpest minds and straightest arrows to serve in my administration, and without a doubt Stuart Rabner epitomizes that ideal,” Corzine said in December. “Stuart has worked tirelessly on the people’s behalf at the U.S. Attorney’s Office, fighting corruption, terrorism and violent crime.”

Before becoming the Governor’s top legal advisor,

Rabner headed the criminal division of the U.S. Attorney’s Office in Newark, where he supervised 100 attorneys and staff and prosecuted major anti-terrorism and corruption cases.

Soft-spoken and self-effacing, Rabner has a reputation as a corruption-buster.

Signaling his course, on the day he was appointed Rabner said: “The public has the right to demand that its officials conduct the affairs of government according to the highest ethical standards. We will strive to live up to that vital measure each and every day.”

Given the role of Counsel’s Office as the Governor’s representative on more than fifty commissions and authorities, Rabner is ideally positioned to

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HLSA SPRING SYMPOSIUM: RABNER ON STATE ETHICS

On Wednesday, June 14, the Association will welcome **Stuart Rabner '85**, Chief Counsel to Governor Corzine, to address our Spring Symposium at the Law Center in New Brunswick. Following a 6:00pm cocktail hour and joined by discussant Paula A. Franzese, Chair of the State Ethics Commission and the Peter W. Rodino Professor of Law at Seton Hall University, Mr. Rabner will discuss and take questions on the subject of “Ethics in State Government: Old Problems and New Initiatives.”



PAULA A. FRANZESE

If you have not already received your invitation to the Spring Symposium, please e-mail shrothlaw@verizon.net or call (201) 489-3737.

Half a Century After *Brown*, Ogletree '78 Predicts High Court's New Course

By Robert C. Holmes '70
The Harvard Law School Association of New Jersey was honored to have **Charles J. Ogletree '78**, the Harvard Law

School Jesse Climenko Professor of Law and Founding Director of the Charles Hamilton Houston Institute for Race and Justice, as its guest and lecturer at

the 49th annual Vanderbilt Lecture on November 9, 2005. Prof. Ogletree spoke and then answered questions about President Bush’s impact on the U.S. Supreme Court. The capacity crowd of nearly 120 included more than 100 HLS alumni and invited guests from the

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PROFESSOR CHARLES OGLETREE '78

INSIDE

VANDERBILT PHOTOS ♦ PRESIDENT’S MESSAGE
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Letter From The President

This year got off to an exciting start. When I assumed the presidency of the Harvard Law School Association of New Jersey ("HLSA-NJ") in November of 2005 at the Vanderbilt Lecture, I was struck by the collegiality of those attending the Lecture and dinner and by our legal community and guests simply enjoying one another's company. I



GERALDINE REED BROWN '72, 2005-2006 HLSA-NJ PRESIDENT

thought how great it would be if we could as HLSA-NJ create events in which there would be positive interactions and great networking among HLS grads in New Jersey. To that end, it is one of our goals this year is to create events in which HLS alumni and alumnae can interact and encourage others to bring their talents and ideas back to New Jersey.

On June 14, 2006, we will have our spring event at the New Jersey Law Center in New Brunswick. **Stuart Rabner '85**, a Harvard Law School graduate and Chief Counsel to Governor Jon Corzine, will speak on "Ethics In State Government: Old Problems and New Initiatives." Paula Franzese, a professor at Seton Hall School and Chair of the New Jersey State Ethics Commission, will be the discussant. The issue of ethics in government has been on the forefront of many discussions recently in New Jersey and around the country, and this program should provide a wonderful opportunity to reconnect with former classmates and other HLS alumni as well as hear the views and have the opportunity to ask questions of people who are dealing with one of the hottest contemporary issues. We urge you to attend the event to learn and reconnect with other HLS alumni.

The Association will also provide support to a public interest fellow this summer. Providing support for this fellow is an example of your dues at work – assisting others as we encourage them to do the "Public Good."

I have visited Harvard Law School on two occasions in the past year and I have found the changes in the Law School to be extremely positive. Dean **Elena Kagan '86**, and Dean **Robert Clark '72** before her, have made great strides in making the Law School experience more personable. The gifts that we as an Association have given in the past and that we plan to give in the future contribute to that effort – again, your HLSA-NJ dues at work.

Through this second Newsletter, we hope to keep you abreast of the activities of the Association. But we also urge you to provide us with relevant information about changes in your life and career. One of our goals is to increase the interaction and connection among HLS alumni in New Jersey. We urge you to share information and updates on your career and suggestions for ways that we can increase interaction. We particularly encourage you to take an active role in the Association by planning a future networking event – even by hosting one at your firm or company as alumni have done in years past – and by becoming a member of the Association's Board of Trustees.

HLSA-NJ needs you. Please become an active member, pay your dues, and help us help you as we all reconnect and become empowered to do the Public Good.

Geraldine Reed Brown '72

Paoella '99 to Clerk for Alito... Again!

HLS alumnaus **Christopher J. Paoella '99** will leave the Roseland law firm of Lowenstein Sandler PC this summer to become a clerk to Supreme Court Associate Justice Samuel A. Alito, Jr. Paoella, who spent his 1L summer at Lowenstein in



CHRISTOPHER J. PAOLELLA '00

1997 and returned there from the New York Office of Cravath, Swaine & Moore in 2003, previously clerked for Justice Alito when the latter sat in Newark as a Judge of the U.S. Court of Appeals for the Third Circuit.

Justice Alito con-

tacted Paoella shortly after he was confirmed to the high court, inviting him to be one of four clerks to serve the

Justice during the Court's 2006-2007 session.

"Justice Alito is a terrific boss, and I am looking forward to working for him again," said Paoella.

Justice Alito served as U.S. Attorney for the District of New Jersey from 1987 to 1990 and later spent sixteen years on the Third Circuit bench before being nominated to the Supreme Court by President George W. Bush last year.

ALUMNI *On The Move*

Sharon Bray '04 has left Lowenstein Sandler to join the Short Hills office of Boies, Schiller & Flexner as an associate.

After stints in the McGreevey Administration and as a clerk for U.S. District Judge Faith Hochberg '75, **Armen Meyer '02** has joined Accendx Capital in Greenwich, Connecticut as a research associate.

Christopher Paoella '99. See above.

Michael Passante '03 of Hoboken, formerly an associate at Gibson, Dunn & Crutcher in New York, recently joined Newark In Transition as Counsel to Newark Mayor-elect Cory Booker after working as Deputy General Counsel and Policy Adviser on the Booker campaign.

Stuart Rabner '85. See page 1.

Judge **Jack M. Sabatino '82** was appointed to the Appellate Division after five years of service in the Civil Division of Mercer County Superior Court.

Have news? E-mail jbartlet@post.harvard.edu

Garden State Bar Association.

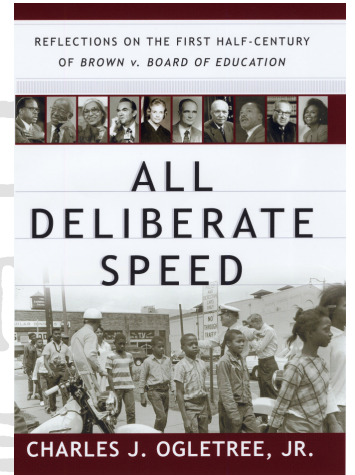
Many in the audience were no doubt surprised by the fact that Prof. Ogletree began his remarks with a description of his recently created Institute while at the same time reminding us of the labored history of the U.S. Supreme Court's decision in *Brown vs. Board of Education*. This history was recently detailed by Prof. Ogletree in his historical memoir *All Deliberate Speed: Reflections on the First Half Century of*

Brown vs. Board of Education (Norton, 2004), which was available at the Lecture for purchase and signing.

Professor Ogletree carefully and skillfully connected the creation of the Institute to *Brown* by reminding the audience of the significant role **Charles Hamilton Houston '22** played in the landmark case. Houston, the first African American to serve as editor of the *Harvard Law Review*, devoted his legal career to finding ways to end the use of law as a

Howard University School of Law. Leading and deploying the resources he had created, Houston launched a brilliant strategy of using the "separate but equal" principle of *Plessy v. Ferguson* to ultimately reverse the odious legal doctrine. Four years after Houston's death in 1950, one of his star pupils - Thurgood Marshall - argued successfully before the Supreme Court that the "separate but equal" doctrine was unconstitutional.

Professor Ogletree used the example of that decision, in *Brown*, to remind the audience that many of the most historically significant decisions rendered by the U.S. Supreme Court are the result of coincidence - "accidents of history." The *Brown* decision is associated with a court led by Earl Warren. In fact, Earl Warren's leadership role in the case was brought about by the untimely death of Chief Justice Fred Moore Vinson and President



Eisenhower's earlier commitment to have Earl Warren succeed him. President Eisenhower no doubt would have expected Vinson to guide the Court to a different outcome.

Moving from accidents of history to our most recent history, Prof. Ogletree noted new **Chief Justice John Roberts' ('79)** apparent lack of interest in having the current court identified with him as Chief. He mentioned the significance of the relative youth of Justice Roberts and Associate Justice Samuel Alito and the fact that both men are still

"SCALIA IS THE JUSTICE TO WATCH"

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IRWIN MARKOWITZ '52, DEAN OF THE VANDERBILT LECTURE PROGRAM, WELCOMES PROF. OGLETREE.

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 Meredith Trzcinski, Esq., Treasurer, 41 Rolling Glen Court, Mount Laurel, New Jersey 08054. As indicated in the Dues Notice mailed in June of 2006, dues for the 2006-2007 association year are \$75 for alumni admitted to the bar for over 5 years as of July 1, 2006, and \$50 for alumni admitted for less 5 five years and those in the public sector.

I enclose my check for the 2006-2007 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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developing their judicial legacy. For all of these reasons, predicting the future work of the Court, Ogletree said, is a very difficult and not particularly productive. This view notwithstanding, Prof. Ogletree offered two very interesting predictions.

First, “Justice [Antonin] Scalia [’60] is the Justice to watch.” Scalia may not have had his dream of



BRYAN BLANEY '87, PAUL FISHMAN '82, JEFFREY KANTOWITZ '82, LEONARD GARTH '52, AND LAWRENCE BILDER '52 SHARE A LAUGH AT THE VANDERBILT DINNER.

becoming Chief Justice fulfilled, Prof. Ogletree said, but will nevertheless emerge as the most influential member of the new Court. This is so, according to Ogletree, in part because the Court is new, and Scalia is the seasoned veteran; Roberts has no interest in having the Court identified with his name, and Scalia is crafty, persuasive and intellectually gifted.

Professor Ogletree’s second prediction is that Justice Clarence Thomas will in time emerge as a more significant player on the Court than he is now. Prof. Ogletree believes that Justice Thomas has a plan, that he is less disconnected from the Court than he appears, and that Thomas’ plan and influence will become more apparent as the law

developed by the new court evolves. Less a prediction than a recommendation, Prof. Ogletree urged any in the audience who might influence future Court appointments to press hard for the appointment of



HONORABLE MENTION: JUDGES LAWRENCE BILDER '52, LEONARD I. GARTH '52, AND ARTHUR MINUSKIN '46 WITH ARTHUR ROSE '56.

practicing lawyers. He urged this form of diversity over diversity associated with race or politics.

By the end of his remarks – which began with a haunting song about race relations and civil disorder and a slide presentation with graphic scenes of race riots in Tulsa, Okla. – it was clear to the audience what is important to Professor Ogletree regarding the future of the Supreme Court. We can expect that Prof. Ogletree will measure the new Court in terms of its likely response to challenges like

one articulated by Justice O’Connor in the 2003 Supreme Court decision affirming the constitutionality of the University of Michigan’s racial preference admission policies: the stated expectation that 25 years from 2003, such policies “will no longer be necessary.” He will look for an opportunity to have the Court address the challenge of reducing the disproportionate number of young black males proceeding from troubled, and often segregated, school experiences to incarceration. These challenges constitute the initial focus of the Institute and the next generation of Professor Ogletree’s extraordinary work.

RABNER*from page 1*

make good on this promise.

Rabner’s work as Chief Counsel will co-exist with a larger set of changes to the ethics climate in the state. In January, the Legislature voted to transform the former Executive Commission on Ethical Standards (“ECES”) into the State Ethics Commission, with a broader mandate and expanded enforcement powers. In his first executive order, Governor Corzine broadened the scope of financial disclosure required of executive

branch officials and provided the penalty of “removal from employment or office” for employees who do not meet its requirements.

HLSA-NJ will have the privilege of welcoming Mr. Rabner as the honored guest at its spring symposium. With discussant Paula Franzese, chair of the new State Ethics Commission and a professor at Seton Hall Law School, Mr. Rabner will address the challenges and opportunities facing champions of ethical government in New Jersey.