

**SPEECH FOR  
RUTGERS SCHOOL OF LAW-NEWARK  
COMMENCEMENT  
MAY 25, 2007**

**CHIEF JUSTICE JAMES R. ZAZZALI**

Good morning. I am honored to be here this morning. I am pleased to have an audience of young lawyers for what will be one of my last public addresses as Chief Justice. Today, we celebrate your commencement. But I would also like to celebrate today two great legal institutions: Rutgers Law and the New Jersey Supreme Court. After that I will conclude with some advice to you.

## I

Let's start with Rutgers. Eighty years ago President Calvin Coolidge famously declared that "the business of America is business." Within one year after he left office, this nation was plunged into the worst depression in its history. Almost one-third of America was unemployed, ill-fed, ill-housed and ill-clothed.

I say to you that the business of America includes more than business. Those citizens in need today may not be quite a third of our nation but it's getting close to it. If we are to remain great, our "business" must include as a top priority, along with making a buck, our core values of justice and fairness. Those are values that have been and continue to be the business of your profession, the legal profession.

It's now your business as well. And that brings me back to Rutgers Law School.

You are graduating from a renowned institution that over the last century has built a formidable reputation for itself. Home to many, many brilliant legal minds and the source of many great attorneys, Rutgers is a special place. I admire this school for the great job it does in preparing attorneys to enter the profession.

Just as important, however, I admire Rutgers for advancing the causes that determine our worth as a society, such as civil rights, free speech, anti-discrimination, and equal employment opportunity, to name a few. The principles of social justice that pervade this institution have been one of the defining aspects of the New Jersey Supreme Court as well. It was the subject of the magnificent Weintraub Lecture of my colleague, Justice Virginia Long, last year at Rutgers. This shared connection has fostered between us a unique bond and mutual respect.

When Rutgers started the Minority Student Program some decades ago, it seemed new it but really wasn't. Look at your history. Before joining the Rutgers fold, the old University of Newark, its predecessor, provided legal education to a large number of immigrant students. Irish and Italian, Catholic and Jew, these students took advantage of an opportunity to learn a profession and advance their social position in what often was, at the time, a society that did not necessarily endorse the ambitions of certain immigrant groups.

What was new about the Minority Student Program that began several decades later is that it was one of the first attempts made by any institution at planned diversity. Thus viewed from an historical perspective, the Minority Student Program was an extension of earlier efforts at inclusion. In any case, it has strengthened Rutgers Law School's reputation for social consciousness.

Rutgers-Newark also was one of the first law schools to implement a clinical teaching approach. Law clinics have proliferated around the country since then, but Rutgers pioneered the model that has achieved an unparalleled impact on state law. The advances you have made are well-known but are worth repeating: rights for poor women and children; free speech rights in our malls and other privately-owned public spaces; and protections of the right to vote for homeless people and even domestic violence victims who fear putting their addresses into the public record.

Inspired by committed professors, past and present, Rutgers students have added immeasurably to the common good in the course of their own educational advancement. The clinical methodology offers hands-on training to aspiring lawyers who gain practical experience even as they are changing the laws—improving the laws and their society. What an exciting, fascinating, sobering and thought-provoking experience for a young lawyer.

## II

And that takes me to the other institution I mentioned—the New Jersey Supreme Court, which, since 1947, has made social justice its unspoken mantra. It seems to me that our Court and this law school have often gone down parallel tracks, headed toward the same destination, rarely colliding.

“Judicial creativity” was the term used by Professor Alfred Blumrosen to describe the Court back in 1955, and it still applies today. Some, indeed many, have accused our court of “legislating from the bench,” but the New Jersey Supreme Court, quite simply, has done nothing more than to meet its responsibilities in accordance with the mandate laid out in the 1947 Constitution. That document established a Judiciary equal in power to the other two branches of government, and protected that power in several ways, including jurists who are appointed rather than elected, who are absolutely prohibited from political participation, who are barred from outside employment, and who comprise a unified statewide court system overseen solely by the Supreme Court and the Chief Justice.

To the uninformed, having appointed rather than elected justices may appear undemocratic. But that selection process gives the Court the freedom to make rulings based on sound legal principle rather than popular sentiment. It better serves society by not acquiescing to the whims of those who seek popularity in the short term rather than good government and true justice in the long term.

Judicial independence gives us not only power but also credibility, without which our rulings would hold little meaning. Moreover, our state Constitution differs significantly from the U.S. Constitution in its emphasis on the rights of the people rather than the limits of government. It makes sense, then, that the New Jersey Supreme Court has gone further than the U.S. Supreme Court in carving out rights and protections for our citizens.

This is true in so many areas, whether a thorough and efficient education, affordable housing or the right of free speech. Does that make ours a liberal or “activist” court?

Let me talk about one case that is 50 years old that you studied in torts: Henningsen v. Bloomfield Motors. Stated simply, we held that a consumer who purchased a defective car could make a claim against a manufacturer, even though the consumer had the contract only with the auto dealer.

Is that “activist” to allow a purchaser to sue the manufacturer for a faulty product, whether it is a pill that was not tested properly but can kill or a car with defective brakes that were not tested properly? Would you say that was a bad sign of an activist court? I doubt it. Yet a half-century ago it was. We were the first Supreme Court to protect consumers in this way. And so, a half-century ago, it was criticized in some quarters as too “progressive.”

All, therefore, we seek to do is to keep in tune with the times while still respecting precedent.

To a large degree, “activist” is in the eye of the beholder. Justice by its very nature must protect and serve those who, without justice, are most easily silenced—those who are most vulnerable.

The Courts’ rulings over the years have spelled out protections for those on trial, for low- and moderate-income families in need of housing, for unsuspecting consumers, for children in poor and urban school districts, and for marginalized groups such as gays.

All groups that are, quite clearly, *not* in power.

I have not been a part of all of these cases, of course, but I take pride in the reputation of the Court not only for its jurisprudence, but also for its integrity, its intelligence and its dedication to the task.

### III

Before talking about you, allow me to relate a little personal history as background for my advice to you.

As most of you know, I have been in office only since last October, and my 70<sup>th</sup> birthday—the day that New Jersey puts all of its jurists out to pasture—is only four weeks away. It is entirely possible that I may run into you at some new employee orientation program in my future job, whatever that may be. Or perhaps you will notice my resume on Monster.com.

Today as I look out at all of you poised and confident young lawyers, I am reminded of my own law school graduation. I can tell you that whatever I was daydreaming about while our commencement speaker droned on about goals and opportunities, I was not imagining that I would one day be speaking to you as Chief Justice. Looking back, I can tell you that my career has meandered through some interesting experiences, hardly any of which could be anticipated.

When I graduated from law school in 1962, most of my classmates were headed north, to big firms and big paychecks near the Big Apple and other northern cities. I headed south, toward the

civil unrest and labor strife taking place in the Carolinas, the Virginias and Georgia. I worked to organize workers and bring about some amelioration of the abject poverty and dismal working conditions of those who didn't have the means or the education to get the job done for themselves. All for the grand salary of \$5,000 a year, which, even in those days, was not a princely sum.

That was a formative period for a number of reasons. I began to see, to really see, what it means to be truly poor and powerless in this country. It was an awakening.

Since having that experience and learning that lesson, in small ways, incrementally and like so many other public servants, I have tried to make a difference in our society and to strengthen the protections afforded by our legal system to those who need them most.

#### IV

Being at this point in my career, and being asked to address you at this point in yours, I assume that I am expected to give you some advice. And being both a father and a grandfather in addition to an attorney and chief justice, I certainly have some thoughts I would like to share.

First, give serious thought to how you can help not only your clients, but just as important, your fellow citizens. I am not saying you should go into public service; it's not for everyone. But find some way to contribute to the greater good, either through pro bono work, or mentoring, or community service—wherever you find your talents best put to use. Consider the words of William James, who said, “The greatest use of life is to spend it for something that will outlast it.”

I started out talking this morning about “business.” Let's apply that word to lawyering.

No, let's not apply that.

What's my point? It is simply what my predecessors as Chief Justice have said for 60 years: The law is a profession, not a business. That may be falling on deaf ears today but the fight is still worth fighting. You must strive to keep the law primarily a profession that serves the public. If you make a good living along the way, terrific. And if you get rich, I suppose that's O.K. too. But don't make that your primary goal. If you think that billing 2,500 hours a year will make you happy, it may do just the opposite. Instead, you might as well go sell stocks, where you'll work less and earn more.

Don't be a slave to billable hours, don't be a slave to your job. Don't be a slave to “success” as it is defined in this shallow and impermanent world. Of course you want to be a good and successful lawyer. I want that for you as well, but don't make it your life. Remember: no one on his or her deathbed ever said, “Gee, I wish I had spent more time on my business.”

Next, keep close to the liberal arts...the subjects you liked in college: history, literature, philosophy, the fine arts. Read good books, enjoy good music, delve into history. Broaden you

mind and deepen your thinking and support the arts in every way. Culture is what makes us human and what draws us together as a society. I will repeat what I said to the New Jersey Bar Association members at their annual convention last week: “It is better to read a good book than write a great brief.”

Stay informed. Become intimately aware of the injustices all around you. You may feel the call, at some point, to get involved. I hope you do. If you do, you will never look back on your life and say, “I wish I spared less time for my fellow human beings.” Look at the suffering, explore the issues, and keep the discussion going.

In terms of being informed, young people today, indeed, most people today, do not read newspapers the way your parents and grandparents did when they were young, when newspapers were the main source of information about government and world events. I find that extremely troubling. Even identifying what is news has become difficult. The lines between news and entertainment have blurred and the so-called “shock jocks” are directing the public discourse. An uninformed or, worse, a misinformed citizenry is a blight upon our great state and nation. And it threatens democracy itself. We must work together to have a strong system of delivering accurate information about what we do.

Let me also speak to you today not only as Chief Justice but also as a former member of the Disciplinary Review Board, the ethics board for attorneys. I urge you, at the dawn of your career, to take our ethics rules, our Rules of Professional Conduct, to heart. If in the future you have a question or a problem, do not wait to get help. Get advice from your superiors at the firm, from our ethics hotline, from our Advisory Committee on Professional Ethics. Don’t wait for the problem to grow and to jeopardize what you have worked so hard to achieve.

No attorney begins a career intending to succumb to addiction. No attorney begins a career intending to deceive clients. No attorney begins a career intending to become entangled in a fiasco of sloppy bookkeeping. Spare yourself and your family the heartache and spare our profession the shame. Don’t be afraid to ask for help.

You are entering the legal field at a critical point in the history of our nation, our state, our profession. You can have a great impact on our profession and, perhaps more important, on that almost one-third of a nation that is in need. I hope that is so.

I emphasize one last thing. That is the importance of gratitude. There are some philosophers and psychologists who will tell you that gratitude is as important a virtue as love. Meister Eckhart was a medieval monk whom you never heard of. He was a mystic who spent most of his life in prayer and meditation. Yet, he once said that you really only have to know one prayer in your whole life. And that prayer consists of two words: “thank you.” Thank others for the time that they have given to you and treat their time like the gift it is. Your parents have given you full years of their time raising you, working to finance your needs and your education, staying up late and getting up early so that you can reach this achievement. As you go through life, be sure to thank others—the partners and friends who support you, mentors who nurture your career, employees who work with you—for the time they have given to you.

And it would be nice if just once in a while you came back to this great school and said thank you to the professors, the administrators and the staff for all that they have done for you. Just in case you missed the point: they dedicated their lives to you. Their dedication has been critical to your success here and in the future.

Finally, allow me to draw on a line that I am sure some of the more senior citizens here have memorized in a poetry class, probably in sixth or seventh grade:

From my heart I wish you joy;  
I was once a barefoot boy.

And, by the way, thank you.