

A TRIBUTE TO THE LATE CHIEF JUSTICE ROBERT N. WILENTZ

*The Honorable Deborah T. Poritz**

I first came to know Chief Justice Robert Wilentz much in the same way most young lawyers came to know him, through his opinions, through the body of work that contained his vision of the legal rules that shape and guide our lives. Others will no doubt speak in scholarly detail of that vision; for me it was filled with compassion and refined by his powerful intellect and knowledge of the law. But, here, I want to say a few words about my interactions with him when I was in the Executive Branch, and my sense of him as the administrator of an exceptional state court system, made so under his leadership.

I remember, as an Assistant Attorney General, representing Chief Justice Wilentz in a lawsuit wherein it was claimed he was no longer a resident of New Jersey and could not continue to serve as Chief Justice for that reason. We all knew that his wife was ill and that he spent time in New York City to be with her, near her doctors and her hospital. He would not let us speak of these matters in our answering papers. After his wife died, he spent little time outside of New Jersey.

I remember defending a New Jersey statute that set limits on aid to the homeless and I will never forget his piercing look as he asked me, leaning over the bench at which I now sit, what would happen to the people whose housing subsidies were cut off by operation of that law. Again and again during the course of the argument he pushed me to tell him whether the State had provided a "safety net" to protect women and children unable to find shelter.

He appeared always to speak from his heart, sharing his thoughts on difficult subjects almost as if he were revisiting them as we spoke. I remember, as Attorney General, long discussions with him about the Juvenile Intensive Supervision Program run by the Judiciary, and about Executive Branch efforts to integrate the Juvenile Justice System. He wanted ways to save children at risk, and he wanted the court system to involve parents and communities in that effort.

For 17 years Chief Justice Wilentz was the administrative head of the New

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Jersey courts. I have come to learn, in these first six months I have served as Chief Justice, just how much our court system is his system, just how much our system has taken shape under his leadership. But it was not until 1995, toward the end of his tenure, that the goal of the Judicial Article of the 1947 Constitution—a unified statewide judiciary—was finally realized.

And yet, in 1979, when Chief Justice Wilentz was sworn in, fulfillment of that goal must have seemed remote. The approximately 660,000¹ cases filed in 1979 were a record, a record that added to an ever-increasing backlog of unresolved lawsuits. There were 12 vicinages servicing the State's 21 counties, each vicinage a hybrid of local funding and staffing within the statewide judiciary. Each county had its own district court and its own juvenile and domestic relations court. Without effective centralized management, the system lacked cohesion and direction.

Under the new Chief Justice, in 1979, the year he took office, the Appellate Division instituted an administrative dismissal procedure and disposed of hundreds of inactive cases. In 1980, but a year later, he approved a statewide Speedy Trial Initiative to reduce the time it took to resolve criminal cases. Also in 1980, he appointed prominent business leaders and others to the first of two Committees on Efficiency and asked them to review the structure and management of the Judiciary. Indeed, the Committee's 1982 recommendations became the cornerstone for major structural changes that included stronger Assignment Judges, separate Civil, Criminal, and General Equity trial court divisions, three new vicinages and, with the creation of the Family Part of the Chancery Division by the Legislature in 1983, the consolidation of the domestic relations courts into a single family trial court. In a few short years, Chief Justice Wilentz had begun to reshape our system into the unified model that was the promise of the 1947 Constitution.

In the years that followed, he never lost that early momentum. Through computerized docketing and case management systems, the courts kept pace with dramatic developments in information technology that irrevocably changed the way we do business. At the same time, the Chief Justice set about improving the services provided by court personnel through training in computer skills and methods of management. The creation of teams gave employees ownership in the system and allowed cross-training, and new operating standards established consistent case management practices in the Civil, Criminal, and Family Divisions. Always, Chief Justice Wilentz sought to improve the level of professionalism of the men and women who work for the courts.

Chief Justice Arthur Vanderbilt, our first Chief Justice under the 1947

¹Information on case filings is maintained by the Administrative Office of the Courts. This figure is adjusted to reflect current methods of case accounting.

Constitution, spoke of "the grand task of simplifying and modernizing the law."² Court unification is at the core of that task. Chief Justice Wilentz understood that unification is about the equal delivery of justice across this state and about courts that are open to all the people of New Jersey. Under his leadership, the Supreme Court established the first Task Force on Women in the Courts and the first Task Force on Minority Concerns, now permanent committees of the Court. As part of this effort to improve access to the courts, he started a rigorous program for qualifying interpreters and he implemented reforms suggested by the task forces, reforms designed to eliminate bias against women and minorities in our courts.

For the bench and the bar he set high standards of performance. Our Judicial Performance Program, instituted under his guidance, has become a model for other court administrations, both nationally and internationally. He asked lawyers not to forget their ethical responsibilities, and he helped to open the grievance process to scrutiny by the public. He asked the people of New Jersey to take responsibility for the quality of the justice system by participating in it as volunteers, committee members, and jurors. His penultimate public appearance was at an April 1996 conference designed to involve communities in their courts.

The administration of justice never operates in a vacuum; it is part of society, subject to the same social pressures and the same technological advances as are other large institutions. If New Jersey's court system is poised to enter the next century prepared to accept new challenges, that readiness is in large measure because of Chief Justice Wilentz. When the State undertook to fund the entire court system in 1995, a chapter closed and a new chapter opened. Today's system was shaped by one Chief Justice who understood the dream of another and who worked unceasingly to make that dream real.

A few short weeks before Chief Justice Wilentz died, he invited me to meet with him in his hospital room. I did not know how little time I had to learn from him, and I will always feel the loss of his wisdom. He spoke of many things to me that day but, most of all, of his love for our system of justice, for the Court and the work of the Court, for the people who make the system work, for the judges and the men and women of the Administrative Office of the Courts, and he spoke of court unification, and of the things yet to do, for others to do, now that he no longer could. He talked about minority representation and gender bias and he tried to tell me everything he thought was important in a few hours. He tried to describe the system he had envisioned. He had written out his thoughts on a legal pad, there in that hospital room. And he gave them to me, a final gift.

²ARTHUR T. VANDERBILT, *CASES AND MATERIALS ON MODERN PROCEDURE AND JUDICIAL ADMINISTRATION* 1255 (Washington Square Publishing Co. 1952).

