

INTRODUCTION

CHIEF JUSTICE HUGHES AND JUSTICE MOUNTAIN

I eagerly accepted the Law Review's invitation to participate in this recognition of the notable contributions of Chief Justice Hughes and Justice Mountain. It is not only because of the satisfaction I have felt in the ever growing national reputation of the Court on which I too had the honor to sit. It is also because of the pride I feel in the accomplishments of two cherished personal friends. The Chief Justice's father and my father were friends before us and our own friendship goes back several decades. This is true also of my friendship with Justice Mountain. He and I entered the law as clerks in the same Newark law office some 45 years ago.

The New Jersey Supreme Court has ranked as one of the country's outstanding appellate courts since its creation in 1947. Its stature today is even higher. Chief Justice Hughes and Justice Mountain would be the first to insist that their colleagues account for the Court's deep and perceptive insights into the larger function of the law in our turbulent and rapidly changing society. But the articles that follow in this Symposium show them to be unduly modest. Both have authored a large number of distinguished opinions covering the broad spectrum of difficult issues that erupted so massively during their years on the bench. The clarity, construction and reasoning of those opinions not only manifest industrious and comprehensive research but a grasp of disciplines besides the law so necessary to today's appellate decision making.

During the fight that produced our new judicial system in 1947, I favored the provision for mandatory retirement at age 70. I confess that at 73 I have reservations. Legal issues have become so much more numerous and complex that their resolution can little spare the wisdom, experience and intellectual vigor of Richard J. Hughes and Worrall F. Mountain. I have frequently been reminded that it is the state courts at all levels, not the federal courts, that finally determine the overwhelming number of the vital issues of life, liberty and property that trouble countless human beings of this Nation every year. This perhaps was the reason Mr. Justice Cardozo expressed misgivings about leaving the New York Court of Appeals for the United

States Supreme Court. He said, "Whether the new field of usefulness is greater, I don't know. Perhaps the larger opportunity was where I have been." Chief Justice Hughes' and Justice Mountain's judicial careers exemplify the fullest enrichment of that "larger opportunity."

Both the Chief Justice and Justice Mountain are modest men, more embarrassed by than happy with encomiums. But that makes only the more fitting this Symposium in their honor—to paraphrase Learned Hand—to "acclaim ones who—all unaware of their deserts—have so richly earned our gratitude."

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