



The Star Ledger

HON. MORTON I. GREENBERG

JUDGE MORTON I. GREENBERG—A TRIBUTE

*Honorable Robert A. Matthews**

The appointment of Morton I. Greenberg to the Third Circuit Court of Appeals, while a loss to the citizens of the State of New Jersey in one respect, represents a gain to all the citizens of the states and territory comprising the Third Circuit. His service on the trial and appellate levels of the Superior Court of New Jersey has been marked by an unswerving dedication to the law and an insatiable quest for justice. Litigants have always found him fair and impartial. Attorneys appearing before him are impressed with his consideration of counsel, his level of preparation and, above all, his knowledge of the law. His colleagues on the appellate court regard him as a wise and understanding counselor, capable of accepting divergent views with an open mind.

Judge Greenberg's greatest strength, in my judgment, is his understanding of the proper role of the judiciary, and of the judge in particular, under the mandate of the Constitution. In these days of judicial activism during which the judiciary often seems to invade the powers of the legislative and the executive, it is always reassuring to watch his approach to a problem—an approach which honestly and carefully avoids the usurpation of extra-judicial power. The present day cry for an independent judiciary free from external pressure, is, I am afraid, an attempt to justify excursions by judges and courts into areas not proper for judicial scrutiny and determination. While Judge Greenberg never shrinks from approaching a difficult or sensitive issue properly before him, he does so with a keen sense of how a judge should approach that issue. If a law is deficient because of legislative nonaction, he does not attempt to legislate to reach a decision. In doing so, he recognizes that it is the obligation of the elected representatives of the people to fill the void, rather than the judiciary.

Judge Greenberg brings to the Third Circuit a wealth of experience as both a trial and appellate judge. He sat on my part of the appellate division for one term, during half of which we were

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joined by the late revered Judge Sonja Morgan. It was during that term that I came to appreciate Judge Greenberg's intelligence, integrity, and humanity. I am confident that his new colleagues will quickly discover these virtues as well. I am equally confident that he will be delighted by the challenges the Third Circuit presents, as I recall him telling me some time ago that he is not a man for all seasons—that his life is the law.