



A TRIBUTE TO JUDGE CLARKSON S. FISHER

*by George J. Koelzer **

On September 30, 1987, the Honorable Clarkson S. Fisher, Chief Judge of the United States District Court for the District of New Jersey since March 4, 1979, took senior status. Judge Fisher continues to sit regularly in the District Court at Trenton.

Born in Long Branch, New Jersey, on July 8, 1921, Judge Fisher attended public schools in Long Branch, and after graduation from Long Branch High School, attended St. Benedict's Preparatory School, Newark, New Jersey for post-graduate education. He then matriculated at Notre Dame University, where his studies were interrupted by service in the United States Army, Pacific Theatre, during World War II. After Honorable Discharge from the Army, Judge Fisher resumed his studies at Notre Dame. He graduated from Notre Dame University School of Law in 1950. He was admitted to the Bar of the State of New Jersey in 1951. Thereafter, until his appointment to the bench in 1964, by then Governor Richard J. Hughes, Judge Fisher practiced law in Long Branch, New Jersey with the late Edward F. Juska, in the firm of Juska & Fisher.

Long active in community affairs, Judge Fisher was elected to the Borough Council of West Long Branch in 1959, and served until 1964. He was elected to the General Assembly of New Jersey from Monmouth County in 1963, where he served for one year until his appointment to the Monmouth County Court in September 1964. He was appointed to the Superior Court of New Jersey in 1966. In October 1970, President Richard M. Nixon appointed him to the United States District Court for the District of New Jersey, where he succeeded the late United States District Judge Reynier J. Wortendyke. From 1970 until 1979, Judge Fisher sat in Trenton, sharing judicial duties in the Trenton vicinage with his close friend, the late United States District Judge George H. Barlow. Upon the sudden and untimely death of Judge Barlow on March 4, 1979, Judge Fisher succeeded him

* Member of the firm of Ober, Kaler, Grimes & Shriver, Edison, New Jersey; Member of the Lawyers Advisory Committee of the United States District Court for the District of New Jersey; Chairman of the Lawyers Advisory Committee of the United States Court of Appeals for the Third Circuit (1987).

as Chief Judge of the United States District Court for the District of New Jersey. Judge Fisher's tenure over eight and one-half years as Chief Judge is the longest in the recent history of the Court, and it is interesting to note that by reason of the amendment to the Judicial Code in 1982, Pub. Law 97-164, Title II, 202, 96 Stat. 52, codified at 28 U.S.C. § 136(a)(2)(B) (1982), no judge will again serve as Chief Judge as long as Judge Fisher did.

In more than seventeen years on the federal bench, Judge Fisher has heard and decided almost every kind of federal case, civil and criminal, that comes before the court. It is fair to say that he has earned the respect of all lawyers who have appeared before him. His decisions, beginning with *Joyce v. McCrane*, 320 F. Supp. 1284 (D.N.J. 1970), represent the broad spectrum of federal law. To take a few examples, Judge Fisher's decision in *Ronson Corp. v. Liquifin Aktiengesellschaft*, 370 F. Supp. 597 (D.N.J. 1974) is a leading case in the area of tender offers in federal securities law. Judge Fisher's decision in *First National State Bank of New Jersey v. Commonwealth Federal Savings and Loan Association of Norristown, Pennsylvania*, 455 F. Supp. 464 (D.N.J. 1978) regarding a financing agreement, is a widely respected and scholarly treatment of the law of specific performance. His decision in *Daggett v. Kimmelman*, 535 F. Supp. 978 (D.N.J. 1982), affirmed by the Supreme Court *sub. nom. Karcher v. Daggett*, 462 U.S. 725 (1983), is a leading case in the field of legislative and congressional reapportionment. His decision in *B.F. Hirsch, Inc. v. Enright Refining Co.*, 577 F. Supp. 339 (D.N.J. 1983) is an early decision under Civil RICO.

These are but a few of the many decisions, some reported and many not, which have attracted the respect and admiration of legal scholars and lawyers practicing day to day in the federal court in New Jersey. Yet those who know Judge Fisher would be the first to say that he is totally without pretense, completely without arrogance, intellectual and otherwise, and at all times, a gentleman. It is easy to see why he has earned the respect, and the affection, of the bench and Bar.

Any tribute to Judge Fisher would be incomplete without reference to his personal characteristics, which have illuminated his life. He is a man of complete devotion to his family, his church, his country and his profession. He has been married for the past thirty-six years to the former Mae Hoffmann, and they have four sons, Albert, Clarkson S., Jr., Scott and Daniel. They have four grandchildren. He has long been a trustee of St.

Michael's Roman Catholic Church in Long Branch, New Jersey, and has been active in the affairs of the church. A man of deep patriotism, he is also a scholar of the history of the United States, particularly of the Civil War. His devotion to the law and to the profession of the law undoubtedly has been the foundation for his great success as a District Judge. His whole life exemplifies the values which we admire in our fellow citizens.

I am sure I speak for his many friends in congratulating him upon his splendid success as an active District Judge and wishing him every future success and happiness as he embarks upon senior service as a United States District Judge for the District of New Jersey.