



MILTON B CONFORD

IN MEMORIAM
MILTON B. CONFORD
(1909-1989)

*HONORABLE SYLVIA B. PRESSLER**

Milton B. Conford died on March 20, 1989. The monument that is his life and work will, however, endure. It is built upon the solid rock of his prodigious scholarship, his uncompromising personal and jurisprudential integrity, the force and clarity of his intellect, and his total commitment to the highest ideals of justice. His energy and dedication to the service of the law were unflagging during his long and inspiring career. His life work represents the best that the legal community of New Jersey has achieved in this half-century.

Judge Conford was born in New York City in 1909, educated in the public schools of Newark and Irvington, did his undergraduate work at Columbia University, and was graduated from its law school in 1931, having served as editor of the *Columbia Law Review*. From then until 1954, when he was appointed to the Superior Court of New Jersey and immediately assigned by Chief Justice Vanderbilt to the appellate division, he practiced law in Newark. He served as special railroad tax counsel to Hoboken and other Hudson County municipalities, Mayor of Hillside, a member of the editorial board of the *New Jersey Law Journal*, counsel to Governor Meyner, and First Assistant Attorney General. The signal event of those years was the adoption of the 1947 Constitution and its judicial article, which produced our present court system. Judge Conford was consultant to the Judiciary Committee and, together with Morris Schnitzer, prepared its report on the judicial article. Following its adoption, he participated in the drafting of the first set of court rules, particularly the rules dealing with actions in lieu of writs.

Judge Conford's career as a lawyer was distinguished not only prior to his judicial service but after his retirement as well. He then spent ten happy and productive years of counsel to the firm of Wilentz, Goldman & Spitzer and, during that time, even had the professional distinction of arguing, and winning, a case before the United States Supreme Court. But as significant as his accomplishments as a lawyer were, his accomplishments as a jurist were extraordinary. During his twenty-six years as an appellate judge, Judge Conford wrote on every legal subject. Some of

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his opinions were what we like to think of as landmarks—he was especially proud of *Oakwood at Madison v. Madison*,¹ the *Mount Laurel* forerunner he wrote for the New Jersey Supreme Court during his almost six years of temporary service there. Indeed, on the occasion of his retirement, his law clerks presented him with three bound volumes. They contained only his supreme court opinions. That by itself would have been monument enough if that was all there were. But, of course, there was much, much more.

I believe that those of us still working in the law find that his even greater contribution lies in the hundreds of opinions he wrote for the appellate division over which he presided from 1971 to 1979. This was the court he loved, shaped, and stamped with his unique standard of excellence. He brought wisdom and learning, felicity of expression, penetrating analysis, and practical and honest forthrightness to all the everyday subjects with which the law deals in regulating the affairs and relationships of society. The vast body of his published work addresses, explains, and advances the whole spectrum of legal concerns. He never chose the expedient over the legitimate or the convenient over his perception of the long-range mandates of the law. Judge Conford never pandered to the extraneous, and while he exercised a practical application, the inspiration of our common jurisprudence was always the essence of his extraordinary intensity. The guiding principle of his professional life was to do the right thing for the right reason and to do it painstakingly, honestly, thoroughly, and lovingly.

It is now over ten years since his retirement from the bench, and it is still impossible to research a legal problem without coming upon an opinion of Judge Conford's which speaks to it—and not only speaks to it, but embraces it with an illuminating intelligence which is as valid and as enlightening and as insightful as when it was written to decide a long ago controversy. And he wrote some of those opinions more than three decades ago. I always find a special pleasure, when working on a problem, in discovering that he had already solved it or had at least lit the way. I say in my opinion "As Judge Conford held," and I know I am standing on bedrock. I always knew too, as did all of us in the appellate division, that to the very end Judge Conford was reading all our published opinions when they were filed to be sure there would be no errors in them when they were reported—and

¹ 72 N.J. 481 (1977).

when he found a mistake, he would write to tell us of it. There will not ever again be anyone who will care so much.

Judge Conford will always be a part of those of us who were granted the joy of working with him and at his side. We formed a special community, specially bonded—his law clerks, the judges he sat with, the appellate division staff. It was my unique privilege to have begun my own legal career as Judge Conford's law clerk and to have sat with him as his colleague as he concluded his judicial service. During all the years between and since, he was always my preceptor, my counselor, my champion, my role model, and my dearly loved, admired, and esteemed friend. He was a great man.

Milton Conford was the quintessential common-law judge—learned, impartial, fair, open-minded, and totally dedicated to his calling. He was the teacher but never himself stopped being the student. Surely, as long as the rule of law prevails, as long as people of good will are committed to justice and the judicial process, as long as the books remain on the shelves, and as long as there remains sentient, to every one of us who remembers what he was and what he stood for and what he accomplished, Milton Conford will live on. He has left us an incomparable legacy.