

Justice O'Hern: The Person Behind the Justice

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I had the privilege of serving as one of Justice O'Hern's law clerks during the 1998-1999 Court term. My perspective on his career as a jurist is, naturally, somewhat limited because I have graduated law school somewhat recently. Yet formulating a fitting tribute to the Justice has not been as daunting a challenge as I initially feared; Justice O'Hern's years of service to the State of New Jersey provided me with a wealth of professional and personal achievements from which to choose to discuss.

I remember the first time I spoke with the Justice regarding the possibility of a clerkship. Needless to say, it was very intimidating. Having grown up in the area, I was familiar with his accomplishments and his stellar reputation in the community. At law school, I learned about his contributions to the Court's jurisprudence during the last two decades. Although he is a local legend, he immediately made me feel at ease during our initial conversation.

While clerking, I had the unique privilege of learning about the person behind the Justice. Rather than focusing on his many substantive contributions to the law, I offer a different view of the Justice and his legacy. This tribute focuses on Justice O'Hern as a person by exploring his roots and life experiences, which have made him one of the finest Justices on one of most renowned state supreme courts.

Behind each written opinion and robed portrait, it is the individual that shapes jurisprudential vision. This surely is true of Justice O'Hern, whose life has combined a rich mixture of public service, elected office, private practice, and dedication to family and

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community. To fully understand the depth of his contributions to substantive law in New Jersey as well as the impact that he has had on his law clerks, one must understand Justice O'Hern as a person and appreciate the scope of his early experiences in local and state legal communities.

Loyal Son of Red Bank

On May 23, 1930, Justice O'Hern was born in Red Bank, New Jersey, a town that borders the Navesink River. He and his three siblings, Kate, Henry, and Eugenia ("Gig"), were raised by his parents Eugenia and Henry O'Hern. Justice O'Hern attended Regis High School and received his undergraduate degree from Fordham University. After serving in the Navy during the Korean War and attending Harvard Law School, Justice O'Hern clerked for United States Supreme Court Justice William J. Brennan, Jr., whose seat on the New Jersey Supreme Court he would later assume. Following this prestigious clerkship, the Justice returned to Red Bank and began private practice in 1960. He joined the local firm of Abramoff, Apy, Fox and Zaro, where he was partner from 1966 to 1978. In addition to his work at the firm, Justice O'Hern served as a councilperson in Red Bank from 1962 to 1969, and as Mayor from 1969 to 1978.¹

His tenure as Mayor occurred during a critical period of time. Red Bank, like many cities in New Jersey, was seeking to achieve racial harmony at a time when racial discord was tearing communities apart. Newark, for example, has only recently begun to reestablish its identity. Red Bank weathered the storm, in large part because then-Mayor O'Hern was at the helm. Red Bank thrived under his leadership for almost a decade, and Justice O'Hern was tireless in his efforts to preserve the city's character. Without his vision, Red Bank would not have been able to enjoy its current revitalization.

Justice O'Hern's lifelong love of Red Bank and its surrounding areas has been passed on to his law clerks. No term at the Court would be complete for one of Justice O'Hern's clerks without a visit to the marina, a pizza from Brothers, and a walk down Broad Street, where the Justice is always greeted with friendly hellos. One clerk

¹ In May 1978, Justice O'Hern was appointed Commissioner of the New Jersey Department of Environmental Protection by Governor Brendan T. Byrne. He served as Department of Environmental Protection Commissioner until July 1979, when he was appointed Counsel to the Governor. Justice O'Hern was nominated by Governor Byrne, confirmed by the Senate, and sworn in as an Associate Justice of the New Jersey Supreme Court on August 6, 1981.

even reports the Justice's praises being sung by the local Red Bank barbers.

Justice O'Hern's devotion to a single geographic area is exemplary. Justice O'Hern's dedication to, and appreciation of, the area in which he was raised inspires a derivative loyalty in his clerks, who remain citizens of Red Bank in spirit, having seen it through the eyes of the Justice. It is indeed appropriate that his chambers overlook the Navesink River, across from his childhood home.

Clerking for Justice Brennan

After receiving an LL.B. from Harvard Law School in 1956, Justice O'Hern began a clerkship with Justice Brennan, also an Irish Catholic from New Jersey. Justice O'Hern remained close to Justice Brennan throughout his life. He served as a pallbearer at Justice Brennan's funeral in 1997, reflecting Justice Brennan's reciprocal affection and respect for Justice O'Hern.

His description of Justice Brennan's opinions in a recent tribute aptly describes his own writing and philosophy.² Whether Justice O'Hern's opinions concern discrimination, the homeless, or the right to privacy, they are permeated, as were Justice Brennan's, by his utmost "respect for human dignity."³ His opinions preserve the integrity of the Constitution and of laws, while they safeguard individual rights. The Justice learned from one of the greatest jurists of our time and has bequeathed that same spirit to his own law clerks.

The Gentleman

Justice O'Hern is the quintessential gentleman. He is a gentle man, who puts others at ease and never speaks an unkind word of anyone. He is humble, patient, and gracious. He truly is the personification of the "Golden Rule"—after you meet him, you have made a friend for life. The Justice always sees the good in people and treats everyone equally. Without airs, he speaks of the accomplishments and opinions of his siblings⁴ on the Court, rather than expounding upon his own invaluable contributions.

When attorneys argue before the Court, the Justice is always respectful. In his eyes, oral argument exists to find truth and ensure

² Daniel J. O'Hern, *A Tribute to William J. Brennan, Jr.*, 8 SETON HALL CONST. L.J. 313, 314 (1998).

³ See *id.*

⁴ The Justice has always been sensitive to the feelings of others. Rather than referring to his fellow Justices as brethren, which implies that they are all male, he more accurately refers to them as his "siblings."

justice, not to embarrass attorneys or to grandstand. He always shows patience toward his law clerks. If a clerk errs, he gently corrects, explaining how to be a better lawyer, writer, and thinker. If a clerk performs well, he is quick to provide praise and encouragement.

Justice O'Hern makes everyone feel welcome, when in or out of chambers. Any visitor receives a warm reception. His interest in his own law clerks and in the clerks of the other Justices and judges is genuine, not forced; he does not make conversation because he feels obligated to do so. Most of all, Justice O'Hern makes everyone feel appreciated, always thanking people for their assistance and for their hard work.

Family

To the Justice, nothing is more important than family. His family is his greatest pride and achievement. He has been married for more than forty years to the former Barbara Ronan, who is as kind, caring, and compassionate as the Justice—a perfect match. Together they have raised five children, Daniel, Jr., Eileen Luby, James, John, and Molly. The O'Herns also have six grandchildren: Frank, Erin, Jack, Caitlin, Dominique, and Ashley. The Justice also remains close with his siblings (of the familial sort), who live in the Red Bank area as well. His clerks, too, form an extended family, and the annual holiday parties in chambers assume the character of a family reunion.

Conclusion

Whether in the capacity of attorney, elected official, or jurist, or in the role of friend, father, husband, or grandfather, Justice O'Hern has taught us well. Though his tenure as Justice ended on May 23, 2000, Justice O'Hern continues to be a beacon to guide all of us as we develop our professional and personal lives. The only thing that will have changed is that he will not be donning the robe. He is, and will remain, a fixed star in the New Jersey firmament.