

PRESIDENT'S PERSPECTIVE

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Chief Justice Rabner has led admirably; deserves reappointment



Earlier this winter, in his State-of-the-State address, Governor Chris Christie apologized to the people of New Jersey for actions taken regarding lane closures on the George Washington Bridge.

The Governor acknowledged that as the leader of the state, he is responsible for its achievements and its missteps. He uttered the phrase so many before him have said, "Mistakes were clearly made."

While the Governor was referring to the Bridgegate controversy, parallels can be drawn to his actions toward the third co-equal branch of government, the Judiciary.

The NJSBA believes mistakes were clearly made when Governor Christie took the unprecedented move to not reappoint Justice John E. Wallace Jr. Another mistake was clearly made when he personally vilified now-retired Mercer County Assignment Judge Linda Feinberg. And, of course, a mistake was clearly made when the Governor refused to nominate Justice Helen E. Hoens for reappointment this fall.

Mistakes are part of the human experience. We can and do make them every day in the course of our personal and professional lives. It is such a part of the fabric of our existence that magnets and bumper stickers abound bearing commentator Ester Dyson's entreaty to "always make new mistakes."

The reverberations of these past mistakes continue to be felt throughout the Judiciary. Governor Christie should think twice before making another mistake with Chief Justice Stuart Rabner.

This spring, Chief Justice Rabner will complete his initial term of seven years as head of the state's judicial branch of government, making him eligible for tenure. Through his

opinions and his administration of the Courts, he has demonstrated the qualities that every chief justice should have. In fact, Chief Justice Rabner epitomizes the very qualifications Governor Christie recently said he looks for in a justice.

"What you're looking for is someone who understands the exalted nature of the work, but does not believe it makes them personally exalted," Governor Christie said in describing his choice of Justice Faustino Fernandez-Vina at his ceremonial swearing-in to the high court.

Those words and sentiment describe Chief Justice Rabner's tenure and demeanor precisely.

The NJSBA believes strongly that judges, and the Chief Justice in particular, deserve tenure save some demonstration that they lack the knowledge or decorum to serve. It would be an unprecedented intrusion of politics into the judicial branch to decline the reappointment of the sitting Chief Justice, the person entrusted to lead this branch of government. It would be a clear mistake in the case of Chief Justice Rabner, who has so admirably led our Judiciary for the past seven years.

This is more than just about Chief Justice Rabner rightfully receiving tenure. This is about recognizing and honoring the integrity of the Judiciary. To decline Chief Justice Rabner's reappointment would strike a body blow to the concept of an independent Judiciary, one where the residents of this state seek to resolve their differences in a fair and equitable manner. It would be a clear and blatant attempt to co-opt the Judiciary by another branch that is supposed to be its equal, not its superior. Further, it would diminish the democracy envisioned by the founding fathers of this country and the framers of the 1947 New Jersey Constitution.

Governor Christie further promised in his State-of-the-State message to "do better." He should apply that mantra not just to governing the state's highways and bridges, but also to the state's Judiciary. ♪