

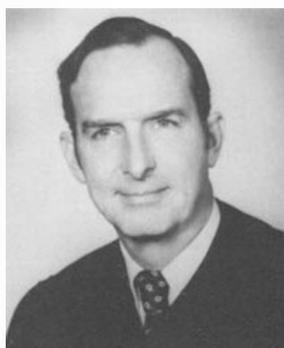


THE UNITED STATES  
DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY  
HISTORICAL SOCIETY

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# NUNC PRO TUNC

## Special Edition



A quarter of a century ago, then-Chief Judge John F. Gerry addressed the following remarks to the District of New Jersey's bench and bar:



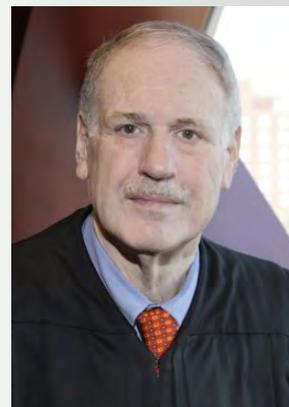
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I have a boundless admiration for the extraordinary talent and commitment of the judges of the Court whose respect and friendship I cherish as little else, and for the members of our Court family.

As all of those before us, during the proud history of this second oldest District Court in the Nation, we are but temporary custodians of its traditions and authority.

And the living institution that is the Court has afforded each of us that rare privilege most often denied to others, to reach beyond ourselves in its service.

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In 2015, our Court family lost Judges Dickinson R. Debevoise and Joseph E. Irenas. This Special Edition celebrates the silver jubilee of Judge Gerry's timeless eloquence by honoring the memory of those two men. During their almost sixty combined years on the bench, they gave life to Judge Gerry's words every day.

Though Judges Debevoise and Irenas were temporary custodians of our Court's traditions and authority, they indefatigably reached beyond themselves in its service, and immeasurably enriched its proud history. They shall continue to do so through their enduring legacies and the memories of their friends, both of which this Society is honored to showcase herein.

**The Honorable Dickinson R. Debevoise, U.S.D.J.**  
**(1924-2015)**

***“A Concern for All Humanity”***



**Introduction By: John W. Bissell, U.S.D.J. (Ret.)**

It is my privilege to write this brief prologue to former Chief Judge Anne Thompson’s tribute to Judge Dickinson R. Debevoise. Having known each of them for nearly 50 years, I can assure you that Judge Thompson captured the essence of Judge Debevoise and expressed it in words that I could never hope to match.

We were a threesome in the Federal Courthouse in Trenton for about two weeks in January 1983. I took the bench on January 3, 1983, and was assigned to Trenton to replace Judge Debevoise who then transferred to the Newark Courthouse. In the two weeks before his departure, Judge Debevoise asked me to sit with him, both on the bench and in chambers, to help me get a feel for the cases and issues that come to our District Court. However, he also recognized that I brought with me four years of experience in the New Jersey State Courts in Essex County, and never treated me as a “rookie” to our craft. When, shortly after his departure, I began my first trial (a then-cutting-edge Title VII case involving hostile work environment, generated by peer harassment), he had prepared me well for this unfamiliar litigation.

Judge Thompson needs no introduction from me. In reading her tribute to Judge Debevoise, however, I could not help but notice how many of his fine qualities are hers as well. This was no accident, because they shared a concern for all humanity that was second to none. Though she is too humble to admit it, she carries on their legacy with the same dedication, professionalism, integrity, compassion and civility that marked Judge Debevoise’s career.

As for the “apple” story that you will soon read in Judge Thompson’s remarks, I must report that each of their techniques were further refined. By the time I joined them for lunch in 1983, Judge Debevoise not only quartered and de-cored his apple, but peeled the skin off the sections as well. Judge Thompson followed



***Former Chief Judges Anne E. Thompson and John W. Bissell***

that procedure to a point, but left the skins on before eating her quartered apple with admirable refinement. Yours truly merely buffed the apple on his shirt sleeve and then “bit into my apple with my front teeth straight to the core.” (Thompson Tribute, September 19, 2015 (emphasis added)). Whether my technique has itself since been refined, I dare not say.

Thank you Judge Thompson for this wonderful tribute and thank you Judge Debevoise for inspiring it.

**Remarks By: Anne E. Thompson, U.S.D.J.**

*Given on September 19, 2015, at Trinity & St. Philips Cathedral, Newark, N.J.*

I am deeply honored to be here to speak at this memorial service for one of my most cherished friends and most distinguished colleagues. I wish to express my sympathies to the Debevoise family on behalf of our Court and to thank them for sharing Judge Debevoise with us, and with the nation, for so many years. Judge Debevoise and I were appointed to the Court in November 1979 by President Jimmy Carter along with Judge Harold Ackerman and Judge H. Lee Sarokin. We attended our U. S. Senate confirmation hearings in Washington, D.C. together.

Judge Debevoise and I became the best of friends, as well as colleagues, but in a way, we were sort of “The Odd Couple”. He said “tomahto” and I said “tomato”. He cut his lunch bag apple into small pieces with a little paring knife before eating it, I bit into my apple with my front teeth straight to the core. He sewed a rubber band into his judicial robe when the braided loop that fastens with the button wore out — I figured I had to buy a new braided loop when my judicial robe loop wore out.

We looked different on the outside, Judge Debevoise and I, we came from different parts of the schoolyard but we were kindred souls on the inside.

Make no mistake about it, he was the judicial giant I revered from the day we were given adjoining chambers in the Trenton courthouse that November 1979, until his death in August, 2015; he was my hero. Our friendship never wavered. There was a door between our Trenton chambers offices which we left unlocked. “If that door is ever locked”, he laughingly said to me “you’ll know I’m really mad”.



*Senator Bill Bradley with future Judges Sarokin, Thompson, Ackerman and Debevoise at their confirmation hearings in Washington, D.C.*

He used to say we were neophytes together in 1979 as we studied the Federal Judges Bench Book to learn how to pick a jury, how to handle a preliminary injunction, how to preside at an Immigration Ceremony.

But he didn’t remain a neophyte for long. He quickly launched into his masterful rulings such as the First Amendment case finding that New Jersey’s “Moment of Silence” law was an unconstitutional attempt to circumvent the US Supreme Court’s ban on state-sponsored prayer in the public schools. He built a reputation for his keen intellect, rigorous scholarship, prodigious work ethic, and his passion for fairness.

But he was also a regular, down-to-earth buddy who loved people and was always interested in their stories. He would ask me if I knew any gossip. I was the more energetic and talented harvester of gossip than he was, and I would share it with him. “I love gossip” he would say, and we’d laugh and whisper together.

One day in the early years — perhaps 1981 or 1982, when the weather forecast was for a crippling snow storm, he walked into my chambers and said he’d like to spend the night at my house instead of going home to Short Hills. My husband and I were profoundly pleased to welcome him into our home. I remember how patiently he talked to my children at dinner that night — asking them about their school day and their hobbies

— I was always so curt and harried — working mother and all — I thought to myself, I really should try to emulate Judge Debevoise and spend more time talking to the children.

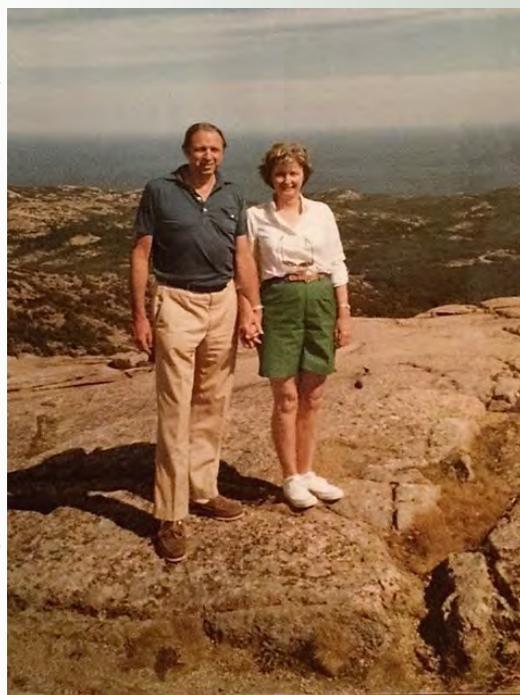
When a court vacancy occurred in Newark, he moved into the Newark courthouse but our friendship continued unabated. We talked on the telephone on a regular basis. We talked about our children, our families, our views on current events, our concerns about issues facing the Court. When my father died in 1983, he was the first non-family member I called. When I'd forget my judicial robe upon attending a Court ceremony in Newark, I'd repair to his chambers to borrow one of his (teasing him about the rubber bands sewed into the front).

When I was appointed to the Third Circuit task force to investigate the status of bias and equal treatment in the Courts of our Circuit, I asked Judge Debevoise to chair the commission on equal treatment for women. He did a splendid job. Even my law clerks knew he was my judicial model because I sang his praises to them year after year. They knew I thought of him as the consummate judicial professional.

A former law clerk of mine wrote to me just two weeks ago: "Dear Judge: Your stories about Judge Debevoise's professionalism ... and kind soul always inspired me to be a better person and will continue to inspire me."

Judge Debevoise and his wonderful wife Katrina would have me spend the night at their house in Short Hills when there was a late night event in North Jersey. I have the fondest memories of "Trina"... she was so gracious and refined and yet so down to earth and unpretentious. She was his intellectual match, she shared his intense interest in public affairs, in politics and his magnanimous outlook on humanity.

In 2002, when Judge Debevoise published a book about his ancestor, a Union officer who was killed at Lookout Mountain, Tennessee, during the Civil War, I hosted a book signing dinner party at my house for the N.J. bench and bar ... I remember when she thanked me for giving the party, I blurted out to her "I love your husband!" and then I stopped myself in embarrassment realizing how bold I had been. I tried to explain what I meant. She stopped me and smiled at me with such grace and said, "I understand exactly what you meant and I understand how you meant it".



*Judge Debevoise and his wife Trina.*

I was not the only judge on our Court to look up to Judge Debevoise. All of the judges regarded him as our distinguished colleague whose imprimatur on an idea, or a proposal, or a recommendation vouched not only for its honesty and authenticity but for its merit. Judge Debevoise handled some of the most difficult and challenging cases filed in our Court, involving ballot security and voting rights issues — which lasted for years — Holocaust reparations for victims of Hitler's Nazi Germany, detention of political asylum seekers in harsh privately run detention facilities in the United States, claims involving public housing tear down and rebuilding in Newark.

With all of these cases he had the sensitivity and the intellect such complicated subject matter required. He had the moral courage to make rulings that might be unpopular but he was always masterful and practical, the perfect gentleman. Judge Debevoise had a reputation for treating lawyers and litigants with the utmost courtesy, dignity and patience.

I have a letter he wrote to me 20 years ago in 1994, which I had saved. It read: "I have always tried to model my judicial behavior upon Judge Forman [that was Judge Philip Forman for whom he clerked in 1952] although I cannot reach his intellectual depth and elegant classical manner of expression". We would disagree with this humble assessment, but Judge Debevoise's words demonstrate his total selflessness. He was a

particularly elegant writer of his own handwritten judicial opinions. Clear, convincing and complete, they were composed on long yellow pads with the utmost care.

In 2009, when Judge Debevoise's law clerks honored him for his thirty years on the bench, I wrote a letter to him for their Memory Book, a copy of which happily, I had also saved. It read in part:

Dear Dick ...You have been my steady inspiration as well as my valued friend and colleague. Your integrity, your sense of purpose, your perseverance, your optimism are the standard we all seek to emulate. You are the ultimate, Dick, and we all look up to you as our ideal. Respectfully and fondly, Anne.

I am so glad I communicated those words to him when he was alive and able to receive them.

Last December, our Court voted to dedicate the Jury Assembly Room in the Newark Courthouse to his name. He was told of the proposed dedication ceremony and he said he felt so honored. Unfortunately, time and his illness eclipsed the plans for the ceremony but the lettering is on the wall in the Jury Assembly Room today.

Judge Debevoise improved us all, the Court, the bar, the era. He was active with programs and projects which were committed to combating the problems of disadvantaged people, and advancing their well-being. Urban poverty and racial inequality were issues that really mattered to him. From his early days in the 1960's as a founder and president of Newark Legal Services, and from his days recruiting N.J. lawyers to join him going to the South to represent civil rights workers in Mississippi during the dangerous turmoil of the 1964 Freedom Summer — he called it “the unfinished business of the civil war” — to his latter years as a trustee with The Fund for New Jersey and as a founding trustee of The New Jersey Institute for Social Justice, he possessed the mental and moral qualities that influence history.

He looked at the suffering and the inequities of society and in his own way, sought the Jewish ideal of Tikkun Olam — the charge to repair the world. That charge is to fix not just your own world but to force yourself to be aware of the world of all those around you and to do what can be done to make their world better.

Dickinson Richards Debevoise: he will live on in distinction and in great honor. The poem entitled “I Think Continually of Those Who Were Truly Great” by Sir Stephen Spender, a World War I poet, comes to mind:

I think continually of those who were truly great  
 Who from the womb, remembered the soul's history  
 Near the snow, near the sun, in the highest fields  
 See how the names are feted by the waving grass  
 The names of those who in their lives fought for life  
 Who wore at their hearts the fir's centre  
 Born of the sun they traveled a short while towards the sun  
 And left the vivid air signed with their honour.



**The Honorable Joseph E. Irenas, U.S.D.J.**  
**(1940-2015)**  
***“The Achievements of Which Mankind is Capable”***



**Introduction By: Heather Stapleton, Esq.**

*Judge Irenas' Career Law Clerk*

I am honored to present Chief Judge Simandle's remarks that were given at the memorial service for Judge Joseph E. Irenas. As you read, I invite you to envision "the Chief" — as Judge Irenas delighted in calling him — sharing this thoughtful remembrance of his dear colleague and friend in the beautiful space where it was originally delivered, the Princeton University Chapel.

**Remarks By: Jerome B. Simandle, C.J.U.S.D.C.**

*Given on January 9, 2016, at the Princeton University Chapel, Princeton, N.J.*

It is fitting that we are here. This beautiful and stately Princeton University Chapel figured heavily in Joe's life. This Chapel was and is a center for the life of the mind, where controversial speakers were welcomed and debates flourished. Perhaps that is why Joe felt so at home here. This was where his lifelong dedication to tolerance and his openness to new ideas were nurtured. This was where his Class of 1962 had its Baccalaureate ceremony — a commencement ritual that included one of the profound hymns on today's program which you just heard — "O God, Our Help In Ages Past." That hymn describes the endless ark of time which bears all of us away, leaving imprints only in the lives we have touched and the service we have done for others. That is the essence of what we celebrate today for Joe Irenas.



**Chief Judge Simandle**

All of us who have been so devastated and saddened by Joe's passing also celebrate the many remarkable and enduring facets of his life. We recall the happy moments and memorable stories that center

upon our dear departed friend. I knew him well and treasured his friendship . . . .

Joe Irenas loved a good story. One of his favorites was about a eulogy at a funeral. It seems that the citizens of a little town were gathered for the funeral of a ne'er-do-well named Clem, who had offended or cheated everyone at one time or another. The minister prayed for his soul and called upon the congregants to speak a few kind words. No one stepped forward. In desperation, the minister says: "We're not done until at least one person speaks." Finally, an elderly lady rises and says: "Well, Reverend, his brother was even worse."

Joe would love it that you laughed at his jokes. Today is certainly not Clem's funeral. We have been treated to wonderful, sincere speakers about many aspects of a life well-lived.

Every judge of our Court who has had the privilege to serve with Judge Irenas over this quarter-century would echo these same sentiments. I admired Joe as a judge and learned so much from him. I looked forward to our weekly discussions at lunch, when all the Camden judges would be enthralled by his stories, whether from the morning's cross-examination in his trial, or from his adventures tagging salmon in Alaska more than 50 years ago. No matter what the topic, Joe would have an interesting story derived from his own experiences, his vast reading, and his tremendous circle of friends. He just knew a lot about everything. And we loved him.

The universal view of his judging is that he loved the dynamics of the courtroom, he was passionate about the law, and he was exceedingly smart in every sense. The late Chief Judge Edward R. Becker, of the Third Circuit Court of Appeals, described him this way in 2002:



*Judges Joseph H. Rodriguez, Joseph E. Irenas and Stanley S. Brotman*

Joe Irenas is an extraordinarily able judge. He is such a judge for many reasons. He is a man of incandescent brilliance. The incisiveness and celerity of his mind and the range of his legal knowledge is breathtaking. So too are his energy and productivity and his ability to bring a complex case to a speedy and just conclusion. All of this is joined to the perspective of a man who was a great lawyer and who understands the dynamics of the legal profession and of a lawsuit.

(Edward R. Becker, "Dedication to Joseph E. Irenas, USDJ", 34 Rutgers Law Journal iii (2002)).

We all knew Judge Irenas was fearless — the soul of an independent judiciary. Indeed, his friendship with Judge Becker, above, had its origin in one of his rather provocative phone calls. Very early in his judicial career, an Irenas opinion was reviewed by the Third Circuit and was reversed. Let's just say Joe felt they had missed some of the subtle doctrinal points. He did something few of us would ever do — he picked up the phone to call Judge Becker to explain the correct version of the law to him! Only Judge Becker, who enjoyed the intellectual jousting as much as Judge Irenas, could have so quickly understood, appreciated, and laughed about the call. They became great friends. Others have told me their lasting friendships with Joe actually started with some sort of rather annoying encounter — the type where you ask, "Who is this guy?"

His fearlessness extended into the courtroom. In recent years, he had difficult, lengthy trials measured in months, where he presided with both fairness and dispatch. He was decisive and would often start the day with a ruling on an issue that had just been briefed and argued the night before. He expected attorneys to be as

prepared and knowledgeable as he was — and that’s a tall order. His written opinions were timely and often scholarly, while directly resolving the issues, without regard to favoritism or philosophy, the mark of a fearless judge.

Likewise, his generosity with fellow judges was legendary but true. Younger judges and older judges — he helped us all. He’d volunteer to receive cases from overburdened colleagues in addition to his normal caseload. He chaired court committees. Time is the scarcest commodity of a trial judge, yet he shared so much of it. He was a giver, not a taker. Time today does not permit recounting even a fraction of his many acts of kindness toward fellow judges and court staff.

His quiet charitable generosity was far-reaching, from his first days in Newark to his last years in Camden — giving to educational institutions and worthy causes at all levels. He even helped to fund the Medina Seminars here at Princeton University which annually bring together federal judges and Princeton professors to explore subjects at a distance from their everyday legal concerns. He was, in his judicial career and his private philanthropy, a walking example of a citizen in the Nation’s service, which happens to be Princeton’s motto.

Judges are supposed to be courageous — but Judge Irenas lived it. So many of my colleagues have commented on his heroic courage to continue his judicial duties while facing his physical challenges. Years of kidney failure and dialysis taxed his body but never his spirit. I cannot say I heard him complain even once. He arranged his schedule to get the treatment he needed while maintaining a busy, active life. How many judges — indeed, how many human beings — have such an unwavering dedication to duty? As former Chief Judge Jack Bissell, who was also his Princeton classmate, expressed it to me a few weeks ago: “Joe had such courage in the face of debilitating illness that he would not let it diminish what he wanted to do.” Indeed, I would add that if willpower alone determined longevity, Joe would have lived to be 200.

It has been mentioned today that Joe loved playing cards, and certainly he did. Once when talking with former Chief Judge Anne Thompson about coping with illness, Joe Irenas used the phrase, “I have to play the hand I’ve been dealt.” That he played this tough hand so well and for so long in the last phase of his life is further testament to his courage. Judge Thompson also observed that: “Joe’s life, as a giving, compassionate, and courageous person, much like the life of the late Judge Dick Debevoise, made a statement about the heights mankind is capable of.” I cannot say it any better.

It was a little known fact that Judge Irenas was Hispanic. Or so thought the Hispanic Caucus when they called Judge Joseph Rodriguez about him when compiling a list of possible Supreme Court candidates. Judge Rodriguez told Judge Irenas about the call. “So what did you tell them?” Irenas asked. Judge Rodriguez replied, “I told them you’re not Hispanic.” To which Judge Irenas exclaimed, “You did what? You’ve kept me off the Supreme Court!” And after that, as if to prove his Hispanicity, he would argue with Judge Rodriguez about the meanings of certain Spanish words!

Judge Irenas’ last full day in the Camden Courthouse was Tuesday, October 13th, the day before the accident. After a day of trial, he was on the Professionalism Day panel, which Judge Renee Bumb was moderating. I attended the program and enjoyed seeing Joe Irenas holding forth on the subject of professionalism, so near to his heart as a lawyer and judge. It is so fitting that his last public appearance addressed the topic that was so very important to him over the decades, and that he had taught in law school for years. Anyway, he spoke and spoke, all interesting, wise, funny, irreverent, and sometimes even on the topic. Then Judge Bumb, aware of the lateness of the hour, passed him a note. He held it up and read it to the



*Judge Irenas and his wife Nancy in 2012.*



*Judge Irenas with his staff and members of the Clerk's Office in 2012.*

audience. It said: "Stop talking!" "She wants me to Stop Talking?" And they teased each other back and forth as the program drew to a close and the audience cheered.

The clock now tells me, too, that it's time to stop talking. The final days of Judge Irenas' career as a judge were not only emblematic of his ironclad will to live and work, but also an uplifting moment of the human spirit. His life has indeed made an indelible statement of the achievements of which mankind is capable. He was our Court's Profile in Courage.

Yes, Joe Irenas loved a good story — and by his own life, he sure told a fine one. We shall not see his like again. Rest peacefully, dear Friend.

### Afterword

**By: Patrick J. Murphy III, Esq.**

*Editor*

Compiling this Special Edition was a unique privilege made possible by so many, including Chief Judge Simandle, former Chief Judges Bissell and Thompson, Heather Stapleton, and Judge Debevoise's daughter Molly Rennie. Over the course of months, each of them generously and enthusiastically shared their memories of Judges Debevoise and Irenas. By doing so, they helped preserve the legacies of those great men and enrich the history of our Court. They have earned profound thanks, as chronicling that enrichment is a foundational goal of this Society and the present publication.