

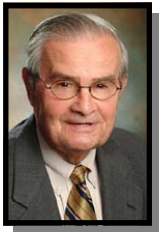


THE HISTORICAL SOCIETY OF  
THE UNITED STATES DISTRICT  
COURT FOR  
THE DISTRICT OF NEW JERSEY

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# NUNC PRO TUNC



Donald A. Robinson, Esq.

## Message From Our President

The Historical Society is proud to honor two of the mainstays of our Federal Family for over the past several decades, Chief Judge John W. Bissell and Magistrate Judge G. Donald Haneke, both of whom retired last month.

Judge Bissell, in addition to his judicial duties, has enthusiastically led our Federal Family to reach beyond ourselves in service to our Court. His devotion to projects in each of

our vicinages, Newark, Trenton, and Camden, has enriched the proud history of our nation's second oldest District Court. In addition he was one of our founding members and is mainly responsible, along with Magistrate Judge Ronald Hedges, for invigorating our beloved Society.

Judge Bissell's energy and spirit has been an inspiration to all of us. In his busy life he has found time to devote countless hours

to the voluntary activities that enrich our court. His leadership will be missed but we know we can count on him to be a loyal and active member of our Society

Judge Haneke has been a member of the Federal Family for 34 years. He served as an Assistant United States Attorney beginning in 1971 for 3 years. Then, after 4 years in private practice he returned to

(see ROBINSON on page 2)

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## **Society to co-host book forum with Rutgers Law School and the Office of the New Jersey Attorney General featuring Senior Court Judge Robert L. Carter S.D.N.Y.**

*Thursday September 29th, 2005  
Rutgers Law School - Newark 5:00 to 7:00 pm  
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## **Chief Judge John W. Bissell Renaissance Judge By Jennifer Davenport, Law Clerk to Judge Bissell**



Honorable John W. Bissell

Chief United States District Judge John W. Bissell is retiring this year after having served 22 years on the federal bench, the last four as the state's presiding federal jurist. On December 1, 2005, Judge Bissell will join Connell Foley in Roseland, NJ, as

Counsel and will serve as Chair of the Alternative Dispute Resolution Department and also as a member of the firm's Litigation practice group.

A graduate of Philips

Exeter Academy, Princeton University and the University of Virginia Law School, Judge Bissell began his legal career as a Law Clerk to the Honorable Arthur S. Lane, U.S. District Judge for the District of New Jersey. Judge Bissell entered private law practice as an associate with Pitney, Hardin & Kipp, Newark, N.J., 1966-1969. He subsequently joined the United States Attorney's Office in the District of New Jersey and was promoted to Chief

(See Bissell, page 3)

## Upcoming Events

Book Forum at Rutgers  
Law School Newark

September 29th 5-7:00 pm

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Society Gala October 27th  
4:00p.m. US. Supreme  
Court Historical Society  
Speaker.

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Swearing in of New  
Lawyers December 2005



**ROBINSON**

Continued from page 1

duty as an AUSA for 4 years. His advocacy talent was recognized by the Attorney General who awarded him a "Superior

Judges.

Judge Haneke's supervision of lawsuits has exemplified the spirit of Federal practice codified in the very first Local Civil Rule in that he has done his job:

*"Chief Judge Bissell, in addition to his judicial duties, has enthusiastically led our Federal family to reach beyond ourselves in service to our court"*

Performance" certificate.

Judge Haneke's judicial service (beginning in 1982) for 23 years and 4 months exceeds the tenure of any full time Magistrate Judge In New Jersey. He has been assisting Judges Bissell (for 22 years), Greenaway (for 9 years) and Ackerman (for 12 years). In the past, he has worked with 7 other District

"to secure a just determination, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay."

We wish both of these men and their families health, happiness and success in their retirement from the Bench. They will always be part of our Federal Family no matter where they are.

**A Brilliant Career - Part 2**

by Thea Parent, law clerk to Judge Brotman

Judge Brotman's has always believed in the importance of the organized Bar. He is a member of the Cumberland County Bar Association, (President 1969-1970), the Camden County Bar Association, and the New Jersey State Bar Association (President 1974-1975). He also served as Chairman of the Editorial Board of the New Jersey Bar Journal (1964-1974), and on the New Jersey Board of Bar Examiners (1970-1974). In 1974-1975, the Judge was also the President of the Harvard Law School Associa-



Honorable Stanley S. Brotman

tion of New Jersey.

Brotman was a member of the ABA's House of Delegates where he represented New Jersey as one of the State Bar Delegates (1975-1980), and as the State Delegate and a member of the Nominating Committee (1982-1993).

He is a past Chairman of the National Conference of Federal Trial Judges, as well as the ABA's Standing Committee on Judicial Selection, Tenure and Compensation. He was a member of the ABA's Standing Committee on Federal Judicial Improvements. Brotman was also a member of the Space and Facilities Committee of the Judicial Conference of the United States (1987 to 1993). He is a former Vice President and Membership Chairman of the Federal Judges Association, a member of the American Judicature Society and a Fellow of the American Bar Foundation. Since 1996, he has been Chairman of the Judicial Immigration Education Project of the ABA which produced two Bench Books on Immigration Law.

Over the course of his career, Judge Brotman has been recognized with awards and honors that have touched him deeply and are highly valued and appreciated by him.

In 1990, Brotman was given the New Jersey State Bar Foundation Medal of Honor. In 1991, he was the recipient of the first Person of the Year Award from the Virgin Islands Bar Association. Brotman received the American Judicature Society Herbert Harley Award in 1994. The Association of the Federal Bar of New Jersey presented its William J. Brennan, Jr., Award to Judge Brotman in 1995, and he also received the Special Recognition Award presented by the Trial Attorneys of New Jersey in that year. He was given the

John F. Gerry Award by the Camden County Bar Association in 2001.

In 1997, Chief Justice William Rehnquist of the United States Supreme Court appointed Judge Brotman to a seven-year term on the United States Foreign Intelligence Surveillance Court. Operating under tight security, the Court is charged by statute to hear applications for and authorize, where appropriate, clandestine surveillance operations while protecting the rights of citizens. Service on the FISA Court is always in addition to duties on the District Court.

Judge Brotman's decisions, published and unpublished, over the past 30 years are numerous and well documented. A few are mentioned below:

Preliminary injunction restraining defendant from using the image likeness or persons of Elvis Presley, The King, or any of the equivalent in the promotion of musical services.

N. J. Casino Control Commission's ability to consider sanctions against unions influenced by organized crime figures not preempted by Federal Labor Laws.

Refused to restrain mandatory random testing of jockeys for drugs and alcohol; individualized suspicion not required.

(See Brotman, page 4)

**Bissell**

Continued from page 1

of the Civil Division in 1971. Shortly thereafter, Judge Bissell returned to Pitney, Hardin & Kipp as a partner from 1972-1978; during which time the firm moved to Morristown.

Judge Bissell began his judicial career as an Essex



County District Court judge in 1978 and then moved to the Superior Court in 1981. He was sworn in as a Judge of the United States District Court for the District of New Jersey in January, 1983. Bissell became Chief Judge of this Court in June 2001. As Chief, he has served as the district's liaison to the federal bar, launched policy changes, managed case reassignments, overseen the implementation of the District's electronic document filing system and coordinated the Court's operations. As a testament to his dedication and service to the bench and the federal bar, Judge Bissell was awarded the Association of the Federal Bar of the District of New Jersey William J. Brennan, Jr. Award in June, 2005. This award honors an outstanding jurist or attorney whose contributions to the law are

recognized by The Association as deserving special and unique recognition befitting the name of Justice Brennan in whose name the award is given.

As a jurist, Judge Bissell has been described as having a reputation for integrity, intellectual curiosity and fairness. This description represents not only Judge Bissell, the jurist, but also "Jack" Bissell, the lawyer, husband, father, grandfather and colleague. Judge Bissell's humanitarianism is evident to all those who appear before him in Court. If you were to sit in Judge Bissell's courtroom, you would undoubtedly hear him compliment the attorneys for their well-prepared arguments and thank them for their fine display of professionalism. However, it is Judge Bissell's own preparedness coupled with his professional demeanor and respect for all which prompts those in his presence to reciprocate.



**Magistrate Judge G. Donald Haneke Retires**

**By Thomas Feeney, Law Clerk to Judge**

After 23 years, the Honorable G. Donald Haneke will retire on August 26, 2005 from service as a Magistrate Judge of the United States District Court for the District of New Jersey. He leaves a legacy of distinguished service, collegiality, and professional-

ism.

After graduating from Saint Peter's College and New York University School of Law, Judge Haneke began his legal career as a law clerk to the Honorable Harold Kolovsky of the New Jersey Superior Court, Appellate Division. Upon completion of his clerkship, Judge Haneke served as an Assistant United States Attorney in the Criminal Division from 1971 to 1974 and in the Civil Division from 1978 to 1982. Between his years with the U.S. Attorney's Office, Judge Haneke was an associate with the firm of Drazin & Warsaw, P.C. of



Honorable G. Donald Haneke

Red Bank, New Jersey.

Throughout the years, Judge Haneke has developed a reputation for candor and thoughtfulness while on the bench. While never underestimating the seriousness of the proceedings before him, Judge Haneke would frequently remind those in attendance -"You've got to be able to laugh." Additionally, when dealing with criminal defendants or others not familiar with the practices of the Court, Judge Haneke would take the time to explain the pro-

ceedings fully so that all felt comfortable despite the gravity of the situation. He is a totally dedicated family man, happily married for 35 years to his wife Lia and the proud father of Lisa, who is a teacher, and David, who will become a U.S. Probation Officer on August 29.

Upon his retirement, Judge Haneke will return to the firm of Drazin & Warsaw, P.C. He has promised not to be a stranger and to continue his devotion to the welfare of the New York Yankees.



**A Judicial Assistant Reflects... a 42 year career**

**By Cathy B. Hughes, Judicial Assistant to Chief Judge Bissell**

On a Monday morning in August 1963 I walked down a long hallway on the fourth floor of the U.S. Post Office & Courthouse in Newark, New Jersey, opened the door at the end of the hallway, entered the U.S. Attorney's Office, and began what has so far been 42 years of service with the U.S. Government.

Behind that door was the Civil and Criminal Docketing Sections as well as the Administrative Division of the U.S. Attorney's Office; it is now Judge Falk's Chambers.

I started working in the Civil Division, which was located where Judge

(See Hughes page 4)

**Hughes**

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Shwartz's chambers and the CSO's office are now. After three weeks, I was transferred to the Criminal Division. The entire Criminal Division was located on the hallway I walked down that first day. I shared an office with an Assistant U.S. Attorney, our desks were side-by-side. Judge Cavanaugh's chambers are now on that hallway.

In 1969, the U.S. Attorney's Office moved across the street to the Federal Building and I worked there until 1974. At that time, I returned to the U.S. Post Office & Courthouse as secretary to Judge Herbert J. Stern. Much renovation had taken place in the Post Office between 1969 and 1974. Judge Stern's chambers were located in that same location and, amazingly, my office was the very same office I had shared with an AUSA, but this time it was all mine.

In 1987, my Judge resigned but, thankfully, Judge John W. Bissell (Chief Judge since 2001) asked me to work for him. I accepted, and relocated to my present office - around the corner and down another hall, but still on the fourth floor.

When I started working for the U.S. District Court there were eight active District Judges - one in Camden, two in Trenton and five in Newark. Today, there are 16 active judges - three in Camden, three in Trenton and 10 in Newark. Some of those numbers will be changing soon.

(See **Hughes** page 6)

**Brotman**

Continued from page 2

Refused to enjoin Donald J. Trump, defendant partner with Holiday Inn in Trump's Plaza, from using name "Trump's" in an independent casino venture in same city.

Mentally ill involuntarily committed patients have the right to refuse psychotropic treatment in non-emergent situation; independent psychiatric review required.

Governor of the Virgin Islands acted within statutory authority in imposing nocturnal curfew in wake of Hurricane Hugo and that the curfew as imposed was not unconstitutional.

Police officer violated family members 14<sup>th</sup> amendment privacy rights by disclosing arrestee's AIDS infection to individuals who never even had casual contact with the arrestee. Municipality also found liable for failure to train police officers on the disclosure of confidential medical information given by arrestee.

State officials who reneged on alleged agreement to provide new identity and relocation to confidential informant had special duty to informant.

Due process required release of pretrial detainees after 15 months

in confinement when trial is further delayed.

Contaminated water aquifer, St. Thomas, VI. Series of actions against Esso, Exxon and Texaco, definition of liability, most of cases settled. Resulted in over 20 written opinions. Virgin Island's two-year statute of limitations governed the property tort liens; plaintiff owners had stated a cause of action based on strict liability under law of Virgin Islands; and Virgin Islands Solid and Hazardous Waste Management Act does not create a private cause of action for indemnification and damages.

\$50,000 in damages awarded to a plaintiff who alleged that he suffered emotional distress when a dentist refused to proceed with a tooth extraction after learning that the man was HIV positive.

By adopting specifically targeted mitigation measures in connection with the construction of temporary housing, the Federal Emergency Management Agency and the Fish and Wildlife Service satisfied their obligation to conserve the protected Virgin Island tree boa and sea turtles.

Held in Civil contempt, officers of the Virgin Island Government including Governor and

Attorney-General for failure to comply with a settlement agreement and related court orders designed to remedy unconstitutional conditions at the Criminal Justice Complex and Annex in St. Thomas.

Life does not always run smoothly on the bench. For a period of two years, the Judge was picketed both at his home and at the Courthouse in Camden, New Jersey, as a result of issuing a bench warrant for the arrest of the leader of a religious cult. The cult's leader had proclaimed himself the "Prophet Jeremiah reincarnated" and refused to pay taxes on the ground that such taxes were being used to bring about a nuclear catastrophe. The fugitive had fled to Canada, but was eventually apprehended on his return to the U.S.

Like his colleagues and predecessors, Judge Brotman leaves a legacy consisting of his judicial rulings. He has also contributed to the careers, legal and otherwise of the 67 lawyers who served their clerkships in his Chambers and who remember his example of service to others.

Judge Brotman took active Senior Status in 1990, and will be assuming Inactive Senior Status beginning in 2005. Though he will no longer carry a case load, this writer is certain that he will continue to exemplify his legacy.



## New Jersey Federal Court held first school for women jurors

By Meghan Linares

New Jersey is known for many things...but few know that the first woman in the country to both participate in a federal grand jury and serve as its foreperson did so right here in Newark. Not only that, but the first school for women jurors held its first session in the Newark Federal Courthouse!

It didn't exactly happen overnight. The ratification of the Nineteenth Amendment gave women the right to vote but certainly did not give them the right to serve on a jury...well at least not in the opinions of many states. New Jersey happened to be one of the early states to allow women jurors.

As interest grew in jury service in New Jersey, Judge William Clark became just as interested in diversifying the jury pool by including women. Women were inspired to learn more and to improve as jurors of the court.

Because of this increased interest in jury service by women, Judge Clark, announced the start of Jury School, on January 7, 1937. When commenting on the school, the first of its kind, Judge Clark stated, "This is a school for jurors to arouse an interest, that will check a tendency of the courts to grow over legalistic." The New Jersey League of Women Voters was the first to help



Judge Clark with his mission.

On January 16, 1937 the first school for jurors opened. With Judge Clark as the teacher, one hundred and fifty women, accompanied by a handful of men, gathered in his courtroom to be furthered educated on the service of jury. The pupils ranged in age and were mostly members of the New Jersey League of Women Voters.

This three hour session located in Newark, discussed topics such as the history of juries and how to translate the "peculiar gibberish" which the legal profession injects into human speech.

While women did receive the right to such service a little more than ten years prior to the opening of the school, the reality of a woman actually being selected to be on a federal

court case was extremely rare. The reasoning for this was most jury commissioners were of the biased mind that women were not strong enough emotionally to be able to deliver a just and reasoned decision.

Judge Clark thought otherwise and became the first Federal Judge to select women for trial juries. Following in his footsteps, Judge Guy L. Fake was the first federal judge to hear a case with an all women jury.

Judge Clark taking this a step further, wanted to now include women in the grand jury panel. Therefore, on March 6, 1937, for the first time in the United States Courts' history, women were going to serve on the grand jury panel.

The school did not last but a year. Courthouse speculation at the time had

Judges Fake and Clark at odds over the propriety of the school. After only one year it was moved to Seton Hall University. Nonetheless, it was an unqualified success in getting women more involved in the jury process.



According to Judge William Clark, not only was Ms. Sims the first woman to serve Grand Jury duty in this country, she was also the first female foreperson

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### Our Officers

**President:** Donald A. Robinson, Esq.

**Treasurer:** Sean R. Kelly, Esq.

**Exec. Director:** Susan A. Travis

**Of Counsel:** McCarter & English

Judge Bissell is the third

#### **Hughes**

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Judge I have known to occupy these chambers. Of course, with each new Judge, chambers has taken on a new look, either new paint colors (at one time it was gold (sunglasses were definitely required)), new rooms added (love that kitchen!), or both.

Many other things have changed over the years as well. Since I started with the Government 42 years ago there have been nine Chief Judges (including Judge Bissell), and four Clerks of Court. The U.S. Attorney's Office now occupies multiple floors in the Federal Building. The U.S. Probation Office and U.S. Pretrial Services perform duties that Probation once performed alone. I began working with a manual typewriter and progressed to electric typewriters and electronic typewriters to the present-day com-

puters. I still take shorthand, which is considered by some to be "a dying art" or "an outdated skill." Recently a law clerk asked me what those figures were that I was writing. She had never heard of shorthand.

The past 42 years have been a great learning experience, with the not so memorable occasions outnumbered by the memorable occasions. I consider myself very fortunate because I have met and worked with wonderful people. I'd love to do this for eight more years, I think 50 years of government service would be great - don't you??



**In 1937, the names and photographs of the jurors, who decided the Parker case (featured in our last issue), were published before trial.**

## **Society, Office of the Attorney General and Rutgers Law School to host Book Forum featuring Judge Robert L. Carter**

The Historical Society, together with the Office of the Attorney General and Rutgers Law school, will host a book forum featuring The Honorable Robert L. Carter, Senior United States District Judge for the Southern District of New York. Judge Carter is the author of a recently released book titled "A Matter of Law: A Memoir of Struggle in the Cause of Equal Rights." The book reception will be held on Thursday, September 29, 2005 from 5:00 PM to 7:00 PM at the Rutgers Law School in Newark.

Born in Caryville, Florida, Judge Carter was reared in Newark and East Orange, New Jersey. He obtained his bachelor's degree from Lincoln University and law degree from Howard University Law School.

In 1945, following military service, Judge Carter became the Assistant Special Counsel for the National Association for the Advancement of Colored People (NAACP) and later in 1956, its General Counsel. While counsel for the NAACP from 1944 to 1968, Judge Carter argued and won 21 of 22 cases in the Supreme Court of the United States, including a number of cases that altered human relations in America. Judge Carter tried Brown v. Board of Education in Topeka, Kansas and argued it on appeal before the Supreme Court of the United States. Among the cases Judge Carter argued are NAACP v. Alabama and NAACP v. Button, which accorded First Amendment protection of both freedom of association and freedom of

political advocacy to civil rights groups; Baker v. Carr, which established the one man one vote principle that governs the nation's voting rights litigation; and South Carolina Electric & Gas v. Fleming, which outlawed segregation in interstate transportation.

In 1972, Judge Carter was appointed to the United States District Court for the Southern District of New York. On December 31, 1986, Judge Carter assumed senior status.

At the September 29<sup>th</sup> reception, Judge Carter will comment upon American history in the context of significant constitutional matters he has argued before federal courts. He also will be available to autograph copies of his new book. We hope to see you there!