

## 60<sup>th</sup> Anniversary Celebration

Chief Justice Stuart Rabner, September 8, 2008

Good morning, everyone. On behalf of the entire Supreme Court, welcome. It is a real honor for all of us to share today's proceedings with such an esteemed and distinguished group as is in this courtroom today.

We have retired Chief Justices and Associate Justices of the Supreme Court, whose service dates back 35 years on the Court; Governors Corzine, Byrne, and DiFrancesco; leaders of the legislature from both sides of the aisle, in both houses; assignment judges and other judges from throughout the State, in our state and federal court systems; students and friends of the court, represented by the many bar associations that are here today, members of academia, and people from other walks of life; members of the media who follow the work of our court on a day-to-day basis, and in so doing, perform a valuable public service; and dedicated members of the judiciary -- present and past clerks and directors, and our very valued staff who comprise the backbone of the Judiciary and make up our court family.

Aside from identifying the Governors by name, I have deliberately avoided identifying anyone else because each of you is truly deserving of a separate introduction. But to go that route, and to speak fairly about your special relationship with the Court, would turn this into a very long program. So I thank you for understanding.

Today is a time for celebration as we mark the 60th anniversary of our modern Supreme Court. The first court term under the 1947 Constitution took place in September 1948, and it marked a time of monumental change in our system of justice. To highlight some of the changes that occurred, let's focus very briefly on three fixed points in time, beginning 61 years ago when our court was comprised of seventeen different courts with overlapping jurisdictions.

If you've had a chance to take a look at the programs that are in front of you, you can see a flow chart toward the back, which I think can best be described as a spaghetti flow chart. As amusing as the organizational structure of the time may seem today, it was a serious

problem for our citizens, a very real problem 61 years ago. There were 9,000 untried cases in the court system, including some that were more than fifteen years old. Each of them represented a delay in the delivery of justice with a real impact on our citizens. It's fair to say, regrettably, that our court system had the reputation as being, if not the worst, among the worst legal systems in our nation at the time, living up to descriptions Charles Dickens included in his stories about the law.

Let's move ahead one year to 60 years ago. The September 1948 term began with not seventeen, but a streamlined version of five courts. They no longer had overlapping responsibilities, with cases moving from court to court and languishing before they could be heard on the merits. In that first year alone, our Law Division judges tried 98 percent more cases than the year before. We also had a straightforward appellate process, and our appellate judges resolved all ready cases before the summer recess.

The new structure has certainly endured the test of time. Today New Jersey ranks at the very top of judicial systems throughout our nation, under whatever measure might be applied. Our system has witnessed quick and ever-improving changes for the betterment of our State.

How did we get there? A number of ways -- starting with the leadership of giants who served on this Court over the course of decades, and beginning, of course, with first citizen and then Chief Justice Arthur Vanderbilt, whom we will hear more about momentarily. Change also came about through the support of a number of important political leaders, including Democratic Governor Charles Edison, his Republican successor Alfred Driscoll, members of the legislative branch, and the attendees of the 1947 Constitutional Convention, all of whom cared deeply about making our system work better.

To be sure, there were strong opponents: legendary Jersey City Mayor Frank Hague, sitting judges, and a good number of lawyers. But to overcome that opposition there was overwhelming support from ordinary citizens who, unlike just years before, voted by a substantial margin of three-and-a-half to one in favor of the reforms from the Constitutional Convention of 1947.

So today, we start the 60th term under our modern constitution. It's remarkable to see both some of the changes and what has remained constant over the years. The modern Supreme Court heard its first arguments on September 15, 1948. They heard three cases that day including a lawsuit brought by Elizabeth Bosze. On March 24, 1944, Ms. Bosze went to work, fell, and slipped as she was headed toward her office. She sued the owner of the building, the Metropolitan Life Insurance Company, and testified at trial that she slipped on the metal sill of the elevator cab and that the floor had been waxed and was too slippery. She didn't win at the trial or the appellate level, and she didn't fare much better at the Supreme Court. Its members, all white males, unanimously agreed that she had not proved the elevator was constructed in a defective way or maintained negligently.

Today and tomorrow our Court will hear argument in nine cases. One of the cases scheduled for tomorrow was brought by the Estate of Mathi Kahn-Polzo. Ms. Polzo was riding a bicycle on the shoulder of a road maintained by a county. She was involved in a serious accident in the vicinity of a large pothole and tragically lost her life. The Court will hear argument about the duty of care that the county owed in maintaining that road, and the level of proof regarding that subject, echoing some of the very points in Ms. Bosze's case of 60 years ago.

As for some changes in these similar sounding matters, in September of 1948, if you wanted to listen to a case, you would have had to get up early, make your way down to Trenton, and find an empty seat in the courtroom. Tomorrow, as is true for every argument this term and in recent memory, you can simply turn on your computer and listen to a live webcast of the arguments, or listen in later to an archived video recording.

Ms. Polzo's case was heard as a result of a petition for certification, one of 1,200 the Court reviewed in its last term. During the 1948 term, there were a total of fifteen cert petitions that the Court received. While that may not mean a great deal to many of our attendees here today, I can see the smiles on the Justices who have painstakingly reviewed and presented -- one by one -- the cert petitions over the years.

Perhaps what's most striking, though, is what has remained the same. When we think about our Supreme Court, we think about the very important and difficult cases that it takes on -- matters that affect the very vitality of our State and that go to the fundamental rights our citizens have under the 1947 Constitution. Those cases rightly attract attention in the popular media and in legal journals.

Ms. Bosze's and Polzo's cases are not the type that would necessarily garner headlines, but they matter a great deal. They are perfect examples of how ordinary citizens come to our courts when they believe they have been wronged, when they seek to vindicate their rights. They're entitled to, and we believe they receive genuine respect and courtesy from the judges and staff that handle their matters; careful, thorough, and prompt review of the legal issues that are presented; and an honest, impartial, and wise decision that focuses only on the facts and law of the case, not the parties and their backgrounds.

Litigants have every right to walk out of this and every courtroom in our State disagreeing with a decision, but we hope that they will walk out with the sense that they've received a fair hearing, a fair shake. That is the ultimate benchmark in any system of justice -- today, or in 1948. It is a measure that we strive to attain in each case, in every courthouse throughout the State, each and every day.