

PLT REMARKS FOR THE MARCH 22 PROGRAM

I WANT TO THANK YOU ALL FOR BEING HERE TODAY. YOU REPRESENT AN EXTRAORDINARY CROSS-SECTION OF MY LIFE AND MY WORK, AND I'M SO GRATIFIED TO SHARE THIS OCCASION WITH YOU.

AT THE RISK OF SOUNDING LIKE SOMEONE ACCEPTING AN OSCAR, THERE ARE SOME PEOPLE I HAVE TO SINGLE OUT FOR SPECIAL THANKS.

- ROB STEINBAUM CONCEIVED OF AND OVERSAW EVERY ASPECT OF TODAY'S PROGRAM
- BRENDA LISS VOLUNTEERED TO COLLABORATE, AND, ESPECIALLY, TO ORGANIZE AND MODERATE THE "TRIBUTES" PART OF THE PROGRAM
- MIKE STARRETT WAS THE JACK-OF-ALL-TRADES BEHIND THE SCENES
- LARRY LUSTBERG AND HIS DISTINGUISHED PANELISTS ILLUMINATED THE MAIN SUBSTANTIVE THEMES OF MY CAREER-LONG ENGAGEMENT IN EDUCATION LAW AND POLICY (AND WHAT A PANEL IT WAS WITH RETIRED CHIEF JUSTICE DEBORAH PORITZ, RETIRED ASSOCIATE JUSTICE GARY STEIN, MY EXTRAORDINARY LAW SCHOOL COLLEAGUE ELISE BODDIE, DAVID SCIARRA, THE LONGTIME EXECUTIVE DIRECTOR OF ELC WHO HAS PRESIDED OVER ITS CONTINUOUS GROWTH AND FLOURISHING, AND JULIA RUBIN OF THE BLOUSTEIN SCHOOL, RESEARCHER AND PARENT ADVOCATE EXTRAORDINAIRE)
- ALL THOSE WHO SHARED THEIR THOUGHTS, REMINISCENCES AND FEELINGS ABOUT OUR PROFESSIONAL AND PERSONAL CONNECTIONS OVER THE YEARS
- FINALLY, THE CLOSE FRIENDS AND FAMILY WHO WERE ABLE TO BE HERE, INCLUDING ESPECIALLY MY SON (A RUTGERS LAW ALUM), MY DAUGHTER-IN-LAW, THEIR FOUR SPECTACULAR CHILDREN, AND MY WIFE NEIMAH, THE MAINSTAY AND INSPIRATION OF MY LIFE FROM THE DAY I MET HER.

NOW COMES MY BIGGEST CHALLENGE TODAY--TO DESCRIBE ALMOST 50 YEARS OF CONNECTION TO RUTGERS LAW SCHOOL IN A FEW MINUTES BY FOCUSING ON FOUR QUESTIONS (JUST LIKE THE UPCOMING PASSOVER CELEBRATION):

1. WHAT BROUGHT ME TO RUTGERS LAW SCHOOL?
2. WHAT KEPT ME HERE FOR ALL THESE YEARS?
3. WHAT MADE POSSIBLE THE WORK YOU HAVE CELEBRATED TODAY?
4. WHAT HAPPENS NOW IN "RETIREMENT?"

WHAT BROUGHT ME TO RUTGERS LAW SCHOOL?

AFTER STINTS AT TWO OF THE HIGHEST POWERED NYC LAW FIRMS, I CONCLUDED THAT THEY JUST DIDN'T PROVIDE ME WITH THE PSYCHIC INCOME THAT I WANTED AND NEEDED. I DECIDED TO EXPLORE LAW TEACHING AND THE EXPLORATION WAS A REMARKABLY NARROW ONE. IT CONSISTED OF RUTGERS LAW SCHOOL IN NEWARK--PERIOD. AFTER ALL, FOR MOST OF MY LIFE I WAS A NEWARK AND ESSEX COUNTY KID—BORN, RAISED AND PUBLIC SCHOOL EDUCATED IN NEWARK, AND IN THE LATE 1960'S MOVED TO SUBURBAN ESSEX COUNTY AFTER A SOJOURN IN WASHINGTON, D.C. WITH THE THEN-NEW PEACE CORPS.

IT WASN'T JUST MY NEWARK ROOTS THAT CAUSED ME TO FOCUS ON RUTGERS LAW, HOWEVER. IN THE LATE 1960'S, RUTGERS WAS EMERGING AS THE PEOPLE'S ELECTRIC LAW SCHOOL, THE MOST INNOVATIVE AND EXCITING LAW SCHOOL IN THE COUNTRY BAR NONE. ITS COMMITMENTS TO A DIVERSE STUDENT BODY AND FACULTY, TO CLINICAL LEGAL EDUCATION, TO SERVING THE COMMUNITY, AND TO INCULCATING IN ALL ITS STUDENTS, WHATEVER THEIR PROFESSIONAL DESTINATIONS, A FIERCE COMMITMENT TO USE LAW TO ADVANCE THE SOCIAL GOOD WERE EXTRAORDINARY.

- AS JUST ONE OF MANY DRAMATIC EXAMPLES OF THOSE TIMES, THERE WAS MY STUDENT WHO RETURNED FROM A WEEKEND LAW STUDENT CONFERENCE AT HARVARD LAW PROUDLY DISPLAYING A MIMEOGRAPHED SCOREBOARD WITH "RUTGERS 86, HARVARD 3," THE NUMBER OF CLINICAL EDUCATION CREDITS THEN AVAILABLE AT EACH SCHOOL.

FINALLY, THERE WAS THE EXTRAORDINARY WILLARD HECKEL. WILLARD WAS WIDELY, ALTHOUGH PERHAPS NOT PUBLICLY, KNOWN TO BE GAY LONG BEFORE THAT WAS DEEMED "ACCEPTABLE." AND YET HE BECAME NATIONAL MODERATOR OF THE PRESBYTERIAN CHURCH, HEAD OF NEWARK'S ANTI-POVERTY AGENCY AND A BELOVED DEAN OF RUTGERS LAW SCHOOL WHO LED IT THROUGH MANY TEMPESTUOUS TIMES INCLUDING THE AFTERMATH OF THE NEWARK REBELLION OF THE LATE 1960'S.

TO BE HONEST, WILLARD AND I DIDN'T HAVE AN ESPECIALLY HARD-NOSED NEGOTIATION ABOUT MY JOINING THE FACULTY. IT QUICKLY BECAME APPARENT TO BOTH OF US THAT THIS WAS A MATCH MADE IN HEAVEN. I AGREED TO TEACH HALF MY COURSES AND SEMINARS IN AREAS WHERE THE SCHOOL HAD CURRICULAR NEEDS, AND THE OTHER HALF IN THE AREA THAT ALREADY HAD BECOME MY PROFESSIONAL PASSION—USING LAW TO ADVANCE

THE EDUCATIONAL OPPORTUNITIES OF CHILDREN WHO MOST NEEDED EXCELLENT OPPORTUNITIES AND GENERALLY WERE NOT GETTING THEM.

SO, I TAUGHT BUSINESS ASSOCIATIONS, WHICH WAS THE INTRODUCTORY CORPORATE LAW COURSE, CONTRACTS TO FIRST-YEAR STUDENTS, AND EVEN ANTITRUST LAW. IN LATER YEARS, I BUILT ON A LONGSTANDING INTEREST IN SIMULATION COURSES AND SEMINARS THAT FOCUSED ON CRUCIAL LAWYERING SKILLS, SUCH AS CLIENT INTERVIEWING AND COUNSELING, NEGOTIATIONS, AND MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION. INDEED, ONE OF THE THINGS I'M PROUDEST OF WAS MY YEARS AS FACULTY ADVISER TO THE SCHOOL'S CLIENT COUNSELING AND NEGOTIATING TEAMS THAT PARTICIPATED IN THE ANNUAL NATIONAL ABA COMPETITIONS (ISN'T IT LIKE AMERICAN LAWYERS TO MAKE EVERYTHING COMPETITIVE?). OUR EXTRAORDINARY AND GIFTED STUDENTS NOT ONLY COMPETED, BUT THEY EXCELLED. ALMOST EVERY YEAR, OUR CLIENT COUNSELING TEAMS WON THE REGIONAL COMPETITION AND PLACED HIGH IN THE NATIONAL COMPETITION. ONE YEAR OUR NEGOTIATIONS TEAM DID EVEN BETTER—IT WON THE NATIONAL COMPETITION.

THE OTHER HALF OF MY TEACHING FOCUSED ON EDUCATION LAW AND POLICY. EVERY YEAR OF THE 46 AND A HALF I WAS ON THE LAW FACULTY AND IN RESIDENCE AT THE SCHOOL, I TAUGHT AT LEAST ONE COURSE OR SEMINAR IN THAT FIELD, AND OFTEN I TAUGHT TWO. SOMETIMES I TAUGHT ALLIED COURSES, SUCH AS LOCAL GOVERNMENT LAW. ACTUALLY, ONE OF MY VERY BEST TEACHING EXPERIENCES WAS WHEN WILLARD HECKEL AND I TEAM- TAUGHT THAT COURSE.

AND TEACHING WASN'T MY ONLY ENGAGEMENT IN EDUCATION LAW AND POLICY. LITERALLY FROM THE MOMENT I ARRIVED AT THE LAW SCHOOL IN JULY 1970, I BECAME INTENSELY INVOLVED IN LEGAL ADVOCACY, AND LATER ACTION RESEARCH, ALMOST ALWAYS WITH MY STUDENTS AS COLLABORATORS AND PARTNERS.

BY THE WAY, MY NEWARK CONNECTION SHAPED MY ADVOCACY AND RESEARCH AGENDA. AS A GRADUATE OF WEEQUAHIC HIGH SCHOOL WHEN IT WAS A TOP 10 SCHOOL IN NJ AND THE NATION, I COULD NOT FATHOM WHY ONLY 15 YEARS LATER THE STUDENTS AT THAT HIGH SCHOOL AND OTHER URBAN SCHOOLS WERE NOT GETTING COMPARABLE EDUCATIONAL OPPORTUNITIES. I SET OUT TO DO WHAT I COULD TO RECTIFY THAT WRONG AND MY EFFORTS CONTINUE UNABATED.

WHAT KEPT ME HERE ALL THESE YEARS?

I LEARNED EARLY ON AT RUTGERS THAT WHAT MANY SAY ABOUT LAW TEACHING IS TRUE—AT THE RIGHT SCHOOL THERE SIMPLY IS NO JOB MORE REWARDING. FOR ME, RUTGERS LAW SCHOOL WAS DEMONSTRABLY THE RIGHT SCHOOL.

MY ORIGINAL TEACHING DEAL WITH WILLARD HECKEL WAS HONORED BY A LONG LIST OF DEANS AND, I BELIEVE, PROVED TO BE A QUINTESSENTIAL WIN-WIN-WIN FOR ME, THE LAW SCHOOL AND THE BROADER COMMUNITY.

I WAS ABLE TO DEVOTE MUCH OF MY TIME AS A LAW PROFESSOR TO WORK THAT MATTERED DEEPLY TO ME AND THAT I BELIEVED WAS OF CONSEQUENCE TO OTHERS. THERE IS NOTHING BETTER THAN TO EARN YOUR LIVING DOING WHAT YOU VALUE AND ENJOY IN AN ENVIRONMENT THAT ENGAGES YOU.

OVER THE YEARS I WAS SUPPORTED BY MANY COLLEAGUES AND STUDENTS WHO SHARED MY BELIEFS AND COMMITMENT AND WHO WORKED SHOULDER TO SHOULDER WITH ME ON BOTH INSTITUTIONAL ISSUES INVOLVING THE LAW SCHOOL AND ON BROADER ISSUES THAT AFFECTED THE COMMUNITY OUTSIDE OUR WALLS.

I WAS BLESSED TO BE PRESENTED WITH THE SERENDIPITY OF EXCITING OPPORTUNITIES AND TO BE ABLE TO ACCEPT MANY OF THEM. ONE OF THE BEST THINGS ABOUT BEING A LAW PROFESSOR AT THE RIGHT SCHOOL IS THAT A FACULTY POSITION CAN BE MANY JOBS WRAPPED INTO ONE--TEACHER, MENTOR, RESEARCHER, SCHOLAR AND ADVOCATE. AT RUTGERS I WAS ABLE TO CHOOSE TO ENGAGE IN THOSE ACTIVITIES AT THE LAW SCHOOL OR TO USE MY FACULTY POSITION AS A SPRINGBOARD TO ADVANCE MY PROFESSIONAL OBJECTIVES IN MANY WAYS AND IN MANY PLACES. MY PARTICULAR PENCHANT FOR CREATING INSTITUTIONS INSIDE AND OUTSIDE THE LAW SCHOOL HAS BEEN TOLERATED, EVEN ENCOURAGED, AND FOR THAT I AM INDEBTED TO THE SCHOOL.

ABOUT SERENDIPITY, LET ME DESCRIBE THE MOST DRAMATIC EXAMPLE OF MANY—THE ESTABLISHMENT OF THE EDUCATION LAW CENTER IN 1973.

AT DINNER WITH FELLOW FACULTY MEMBERS OF A PRACTICING LAW INSTITUTE SEMINAR ON “SCHOOL LAW,” ONE MENTIONED THAT HE HAD HEARD THE FORD FOUNDATION WAS CONSIDERING FUNDING A PUBLIC INTEREST LAW PROJECT TO REPRESENT PARENTS AND STUDENTS WHO WANTED TO IMPROVE THEIR EDUCATIONAL OPPORTUNITIES. THE NEXT MORNING I CONTACTED

SANDY JAFFE AND JIM KELLY, PROGRAM OFFICERS AT FORD, AND, AS THEY SAY, THE REST IS HISTORY.

FOR AT LEAST FIVE YEARS, FORD PROVIDED VIRTUALLY FULL FUNDING OF THE EDUCATION LAW CENTER IN NEW JERSEY AND PENNSYLVANIA. RUTGERS LAW PERMITTED ME TO TAKE A HALF-TIME LEAVE FROM MY TEACHING RESPONSIBILITIES SO THAT I COULD ESTABLISH AND DIRECT ELC FOR ITS FIRST THREE YEARS. ALTHOUGH I CHOSE TO ESTABLISH ELC OUTSIDE OF THE LAW SCHOOL, MANY OF MY STUDENTS AND COLLEAGUES, AND LAW SCHOOL ALUMNI, WERE DEEPLY INVOLVED IN ITS WORK.

A STELLAR LAW SCHOOL ALUMNUS, BILL HODES, WAS THE FIRST LAWYER I HIRED FOR MY ELC TEAM (AND THE SECOND LAWYER, STEVE EISDORFER, AN INTERLOPER FROM HARVARD LAW SCHOOL WHO HAS BECOME MR. MT. LAUREL IN NJ, WAS SUPPOSED TO TRY TO GET HERE TODAY AFTER A DAY IN TRIAL). BUT BILL HAS ALWAYS BEEN AN INIMITABLE CHARACTER MARCHING TO THE BEAT OF HIS OWN DRUMMER. HE ACCOMPLISHED SOMETHING I BELIEVE NO OTHER RUTGERS LAW GRADUATE HAS—HE CLERKED FOR THE U.S. SUPREME COURT. BUT HE DID IT IN HIS OWN DISTINCTIVE WAY. DURING THE COURT’S OCTOBER 1996 TERM, WHEN BILL WAS A 50-SOMETHING LAW PROFESSOR AT THE UNIVERSITY OF INDIANA IN INDIANAPOLIS, HE BECAME THE COURT’S OLDEST CLERK SINCE THE EARLY 19TH CENTURY. AND HE CLERKED FOR RUTH BADER GINSBURG, WHO HAD BEEN HIS CIVIL PROCEDURE AND CONFLICT OF LAWS PROFESSOR AT RUTGERS LAW ALMOST 30 YEARS EARLIER. IN A RECENT TELEPHONE CONVERSATION, BILL TOLD ME THAT ONE OF HIS FELLOW CLERKS—ON THE COURT NOT FOR RBG—WAS TED CRUZ.

NOW, ALMOST 45 YEARS AFTER ITS ESTABLISHMENT, ELC IS FLOURISHING IN BOTH NJ AND PA, HAVING CHOSEN YEARS AGO TO FUNCTION AS SEPARATE ORGANIZATIONS. ELC-NJ’S CURRENT EXECUTIVE DIRECTOR, DAVID SCIARRA, IS HERE WITH US TODAY, DAVID AND HIS COLLEAGUES HAVE FASHIONED THE ORGANIZATION INTO ONE OF THE NATION’S MOST INFLUENTIAL EDUCATION ADVOCACY FORCES. THEY HAVE BUILT ON A FOUNDATION SUBSTANTIALLY LAID BY HIS PREDECESSOR AS ELC DIRECTOR, AND THE DRIVING FORCE BEHIND *ABBOTT V. BURKE*, THE LARGER-THAN-LIFE MARILYN MORHEUSER. MARILYN CAME TO RUTGERS LAW IN THE EARLY 1970S AS A “MATURE” FORMER NUN WHO WAS DRAWN HERE BY ARTHUR KINOY AND THE PEOPLE’S ELECTRIC LAW SCHOOL. SHE WAS MY RESEARCH ASSISTANT AND WE BECAME CLOSE FRIENDS AND COLLEAGUES. TO NO ONE’S SURPRISE, HER LIFE—NOT JUST HER PROFESSIONAL LIFE--AFTER GRADUATION WAS DEVOTED TO THE PUBLIC INTEREST AND ELC WAS HER MAIN PASSION.

RICH AND REWARDING AS THE ELC EXPERIENCE HAS BEEN, IT WAS ONLY PART OF WHAT KEPT ME AT RUTGERS ALL THESE YEARS. IN 2000, I WAS ABLE TO DIVERSIFY MY OWN EDUCATION RESEARCH AND ADVOCACY EFFORTS BY ESTABLISHING THE INSTITUTE ON EDUCATION LAW AND POLICY, AN INTERDISCIPLINARY ACTION RESEARCH PROJECT BASED AT RUTGERS. FOR A LEAN AND MEAN ORGANIZATION, DURING ITS 15 YEAR LIFE IELP WAS ABLE TO PRODUCE AN IMPRESSIVE NUMBER OF HIGH QUALITY RESEARCH REPORTS, EACH DESIGNED TO ILLUMINATE AND ADVANCE A PROGRESSIVE EDUCATION LAW AND POLICY AGENDA.

MUCH OF WHAT WE WERE ABLE TO ACCOMPLISH AT IELP RESULTED FROM THE STRONGLY INTERDISCIPLINARY CHARACTER OF OUR EFFORTS. PROFESSOR ALAN SADOVNIK, A DISTINGUISHED SOCIOLOGIST OF EDUCATION, BECAME MY PARTNER IN CRIME, AND, IN ONE OF THOSE RARE MOMENTS WHEN WE WERE FINANCIALLY FLUSH, WE WERE ABLE TO HIRE BRENDA LISS, A DISTINGUISHED RUTGERS LAW GRADUATE, AS OUR FULL-TIME EXECUTIVE DIRECTOR. LATER, JEFF BACKSTRAND, A QUANTITATIVE WHIZ WHO BROUGHT A HEALTH CARE BACKGROUND WITH HIM, BECAME AN ACTIVE PARTNER.

I LEARNED AN ENORMOUS AMOUNT FROM ALL OF THEM AND HOPE THAT THEY LEARNED SOMETHING FROM ME. BY THE WAY, SPEAKING OF LEARNING EXPERIENCES, WHOEVER CONCEIVED OF THE CONCEPT OF SABBATICAL LEAVES, HAS DRAMATICALLY ENRICHED THE LIVES OF MANY FACULTY MEMBERS. DURING MY YEARS AT RUTGERS LAW, I TRIED TO TAKE MAXIMUM ADVANTAGE OF THAT UNIQUE OPPORTUNITY.

WHAT MADE POSSIBLE THE WORK YOU HAVE CELEBRATED TODAY?

THE ANSWER TO THIS QUESTION ACTUALLY FLOWS ORGANICALLY FROM MY ANSWER TO THE PRIOR QUESTION AND DOESN'T REQUIRE MUCH ADDITIONAL TIME (WHICH IS A VERY GOOD THING SINCE A LARGE HOOK WILL SOON BE EMERGING TO YANK ME AWAY FROM THE PODIUM).

MY ANSWER, APPROPRIATELY, HAS FOUR COMPONENTS:

- THE SPONSORS, SUPPORTERS AND FUNDERS OF MY WORK;
- THE COLLABORATORS, COLLEAGUES AND STUDENTS WHO HAVE WORKED WITH ME ON MY VARIOUS PROJECTS;
- THE NEW JERSEY SUPREME COURT; AND
- THE ENERGIZER BUNNY.

NOW FOR A FEW WORDS ABOUT EACH:

- *SPONSORS, SUPPORTERS AND FUNDERS.* AS ANYONE WHO HAS BEEN MAINLY FUNDED BY SO-CALLED “SOFT MONEY” CAN ATTEST, RAISING ENOUGH SUPPORT ON A REGULAR ENOUGH BASIS TO MAKE IT POSSIBLE TO LAUNCH AND SUSTAIN SUBSTANTIAL PROJECTS IS AN ENORMOUS CHALLENGE. I HAVE BEEN VERY FORTUNATE TO BE ABLE TO DO MOST OF THE PROJECTS I REALLY WANTED TO DO. FOREMOST AMONG THE SPONSORS AND FUNDERS OF MY WORK HAS BEEN THE FORD FOUNDATION. LITERALLY SINCE I WAS A LAW STUDENT AT THE UNIVERSITY OF MICHIGAN LAW SCHOOL IN THE EARLY 1960’S, FORD’S SUPPORT HAS BEEN WITH ME AND HAS MADE POSSIBLE SO MUCH OF WHAT I’VE BEEN ABLE TO DO. CLOSE BEHIND, THOUGH, ARE A NUMBER OF NJ FOUNDATIONS LED BY THE FUND FOR NJ AND INCLUDING VICTORIA, PRUDENTIAL, SCHUMANN, MCJ AMELIOR AND DODGE. A VARIETY OF INDIVIDUAL DONORS ALSO HAVE HELPED, INCLUDING SOME FORMER LAW STUDENTS (SUCH AS NEAL ROSENBERG AND DAVID MILLS). RUTGERS, TOO, HAS CONTRIBUTED. ON MY MAIN CURRENT PROJECT INVOLVING THE MORRIS SCHOOL DISTRICT, THE MORRIS EDUCATIONAL FOUNDATION HAS REACHED DEEP TO HELP. BEYOND FINANCIAL SUPPORT, THOUGH, OVER THE YEARS A SUCCESSION OF DEANS AT RUTGERS LAW AND, AT MY HOME AWAY FROM HOME, THE SCHOOL OF PUBLIC AFFAIRS AND ADMINISTRATION, AS WELL AS NEWARK CAMPUS PROVOSTS AND CHANCELLORS, SUCH AS NORMAN SAMUELS AND STEVE DINER, HAVE PROVIDED ESSENTIAL RECOGNITION AND SUPPORT.
- *COLLABORATORS, COLLEAGUES AND STUDENTS.* HAD I WORKED ALONE OVER THE YEARS I WOULD HAVE ACCOMPLISHED LITTLE. CREATIVE AND COMMITTED COLLABORATIONS HAVE BEEN THE MAIN ENGINE OF WHATEVER I’VE BEEN ABLE TO ACCOMPLISH. AND THOSE COLLABORATIONS HAVE BEEN DIVERSE, FAR-FLUNG AND NUMEROUS. FROM THE EARLIEST DAYS OF MY INVOLVEMENT IN NJ’S SCHOOL FUNDING LITIGATION, LONG BEFORE THERE WAS AN ELC, IT WAS RUTGERS COLLEAGUES AND STUDENTS WHO PROVIDED THE IDEAS, INSPIRATION AND SWEAT EQUITY. LATER, THE COLLABORATIONS REACHED FURTHER IN A VARIETY OF DIRECTIONS—TO OTHER ACADEMIC COMPONENTS OF RUTGERS AND VARIOUS OTHER UNIVERSITIES, TO MEMBERS OF THE BAR, TO COMMUNITY AND OTHER ORGANIZATIONS, TO VOLUNTEERS. ALTHOUGH ONE PERSON CAN MAKE A DIFFERENCE, MOST BIG AND SUSTAINABLE CHANGE REQUIRES THE PROVERBIAL VILLAGE. AND POPULATING THE VILLAGE WITH THE BEST PEOPLE AVAILABLE IS ESSENTIAL.

- *NJ SUPREME COURT.* THE PROMINENT PRESENCE HERE OF DEBORAH PORITZ AND GARY STEIN, WHO HAVE BECOME GOOD FRIENDS AND PROFESSIONAL PARTNERS OVER THE YEARS, HIGHLIGHTS THE EXTRAORDINARY ROLE THAT THE NJ COURTS, AND ESPECIALLY THE NJ SUPREME COURT, HAVE PLAYED IN MY WORK EVER SINCE THE EARLY 1970'S. WERE IT NOT FOR THE COURT'S REMARKABLE AND UNPRECEDENTED COMMITMENT TO OUR STATE'S SCHOOL FUNDING AND EDUCATION REFORM LITIGATION, MY WORK COULD WELL HAVE AMOUNTED TO A PILE OF INTERESTING ARTICLES, PAPERS, REPORTS AND LEGAL BRIEFS, PROBABLY AT BEST A FOOTNOTE IN SOMEONE'S HISTORY OF THE PAST 50 YEARS. WITH THE COURT'S ENGAGEMENT, HOWEVER, WE'VE MADE MEANINGFUL, IF STILL INCOMPLETE, PROGRESS. BETTER THAN MOST, I KNOW HOW COURAGEOUS OUR COURT HAS BEEN AND NO ONE EXEMPLIFIES THAT BETTER THAN DEBBIE PORITZ AND GARY STEIN, WHO REMAIN DEEPLY ENGAGED IN THE EFFORT TO IMPROVE THE PUBLIC SCHOOLS OF NJ LONG AFTER THEIR RETIREMENT FROM THE COURT.
- *ENERGIZER BUNNY.* THE REFERENCE TO THE ENERGIZER BUNNY AND ITS ROLE IN MY WORK OVER THE YEARS MAY HAVE HAD YOU SCRATCHING YOUR HEADS. THE EXPLANATION IS SIMPLE. YEARS AGO A GROUP OF HIGH SCHOOL STUDENTS FROM A MAGNET PROGRAM FOCUSED ON LAW AND JUSTICE SPENT A DAY HERE AT RUTGERS LAW. THEIR VISIT CONCLUDED WITH AN INFORMAL DISCUSSION, RIGHT IN THIS ROOM, WITH SEVERAL FACULTY MEMBERS ABOUT THE KINDS OF OPPORTUNITIES A LAW DEGREE COULD OPEN UP FOR THEM. AFTER MY BRIEF REMARKS, ONE OF THE STUDENTS ASKED ME A GREAT QUESTION—DID I HAVE A ROLE MODEL? I ANSWERED THAT I DID AND WHO IT WAS WOULD SURPRISE THEM—ACTUALLY IT SURPRISED ME. MY ROLE MODEL WAS THE ENERGIZER BUNNY BECAUSE, OVER MY CAREER, I HAD COME TO REALIZE THAT THE MOST IMPORTANT QUALITY ONE CAN HAVE, IF ACHIEVING CHANGE IS YOUR OBJECTIVE, IS PERSISTENCE. YOU HAVE TO ESTABLISH YOUR GOAL, FIGURE OUT HOW TO ACCOMPLISH IT, AND THEN JUST START THE JOURNEY BY PUTTING ONE FOOT IN FRONT OF THE OTHER. YOU HAVE TO RECOGNIZE THAT ON ANY JOURNEY, ESPECIALLY A LONG AND DIFFICULT ONE, THERE WILL BE BUMPS IN THE ROAD AND STEEP, SEEMINGLY ENDLESS CLIMBS. YOU HAVE TO REALIZE THAT SOMETIMES YOU'LL FALTER AND EVEN FALL. IF YOU ARE DETERMINED ENOUGH, YOUR RESPONSE WILL BE TO STAND UP, BRUSH YOURSELF OFF AND START PUTTING ONE FOOT IN FRONT OF THE OTHER AGAIN. WE'D ALL LOVE TO HAVE A GOLDEN TONGUE AND UNLIMITED CHARISMA, BUT

FEW OF US DO. IF WE WILL IT, THOUGH, WE CAN ALL HAVE ENDLESS PERSISTENCE AND STAYING POWER—JUST LIKE THE ENERGIZER BUNNY.

WHAT HAPPENS NOW IN “RETIREMENT?”

SINCE THE ENERGIZER BUNNY HASN'T REACHED ITS FINAL DESTINATION YET, THE JOURNEY CONTINUES (INDEED, STATE-LEVEL ACTION OF THE KIND I'VE EMPHASIZED THROUGHOUT MY CAREER MAY BE EVEN MORE IMPORTANT NOW GIVEN CURRENT FEDERAL EDUCATION DIRECTIONS).

TO ENSURE THAT NO GRASS GROWS UNDER MY PERSONAL ENERGIZER BUNNY'S FEET, I GREETED RETIREMENT LAST YEAR BY ESTABLISHING A NEW NON-PROFIT ORGANIZATION, THE CENTER ON DIVERSITY AND EQUALITY IN EDUCATION (CDEE), TO HOUSE MY ONGOING WORK.

THE MAIN PROJECT IS AN ONGOING STUDY OF NEW JERSEY'S MORRIS SCHOOL DISTRICT, WHICH BEGAN AT RUTGERS BEFORE MY RETIREMENT. FOR ARCANE BUREAUCRATIC REASONS, IT HAD TO BE MOVED FROM RUTGERS AFTER MY RETIREMENT, HENCE THE CREATION OF CDEE.

FOR THOSE OF YOU WHO DON'T KNOW WHAT OR WHERE THE MORRIS DISTRICT IS, IT RESULTED IN 1971 FROM THE STATE COMMISSIONER OF EDUCATION'S MERGER OF THE MORRISTOWN AND MORRIS TOWNSHIP DISTRICTS FOR RACIAL BALANCE REASONS. INSTRUMENTAL IN THAT ACTION, NOT SURPRISINGLY, WAS THE NJ SUPREME COURT'S RULING IN *JENKINS V. MORRIS TWP*. THAT THE COMMISSIONER HAD THE POWER, AND PERHAPS THE DUTY, TO EFFECT SUCH A MERGER IF HE CONCLUDED THAT THE ACHIEVEMENT OF RACIAL BALANCE IN THE SCHOOLS WAS FEASIBLE. BASED ON THE RESEARCH DONE BY MY TEAM, THE MORRIS MERGER IS THE ONLY ONE IN NJ AND PROBABLY THE NATION ORDERED IN THAT WAY AND FOR THAT REASON.

WHAT OUR EXTENSIVE RESEARCH HAS REVEALED IS THAT THE MORRIS DISTRICT, DESPITE FORMIDABLE CHALLENGES, IS A REMARKABLE SUCCESS STORY. TO THIS DAY, IT REMAINS ONE OF NJ'S AND THE NATION'S MOST DIVERSE SCHOOL DISTRICTS. IT IS BUOYED BY WIDESPREAD COMMUNITY SUPPORT AND A POSITIVE CAN-DO ATTITUDE BY DISTRICT PERSONNEL FROM TOP TO BOTTOM.

I AM PLEASED TO TELL YOU THAT THE MORRIS DISTRICT STORY ALREADY HAS RECEIVED PROMINENT ATTENTION THROUGH OUR INTERIM REPORT PUBLISHED BY THE CENTURY FOUNDATION IN DECEMBER 2016, EXTENSIVE COVERAGE OF THE REPORT BY THE NY TIMES AND A NUMBER OF NJ PUBLICATIONS, AND EVEN A VERY POSITIVE TWEET BY THE FORMER U.S. SECRETARY OF EDUCATION JOHN

KING. IN THE NEAR FUTURE, WE EXPECT TO GAIN ADDED VISIBILITY WHEN THE OUTSTANDING PUBLIC TV SHOW DUE PROCESS, DIRECTED BY SANDY KING A FELLOW WEEQUAHIC HIGH SCHOOL ALUM, RELEASES A MINI-DOCUMENTARY ABOUT THE MORRIS PROJECT.

MY EXTRAORDINARY RESEARCH TEAM AT THE CENTER, LIKE THE ONE AT IELP, IS THOROUGHLY INTERDISCIPLINARY. SPEARHEADED BY ALLISON RODA, RYAN COUGHLAN, DEIRDRE DOUGHERTY, FARAH RAHAMAN (A RUTGERS LAW STUDENT) AND SARAH BLAINE (A RUTGERS LAW ALUM) WE ARE MOVING FORWARD TO COMPLETE OUR RESEARCH AND ANALYSIS AND TO PUBLISH OUR FINAL REPORT, PROBABLY IN THE FORM OF A BOOK FOR A BROAD READERSHIP. AT THE URGING OF OUR TWO MAJOR FUNDERS—THE FUND FOR NEW JERSEY AND DAVID MILLS, MY FORMER STUDENT TURNED PHILANTHROPIST—CENTRAL TO OUR FINAL REPORT WILL BE AN ACTION PLAN FOR HOW THE MORRIS DISTRICT CAN BE A MODEL FOR THE STATE AND NATION.

IN MY “SPARE TIME,” I AM ENGAGED IN SOME IMPORTANT RELATED PROJECTS THAT I WILL MENTION BUT WHOSE DETAILS I’LL SPARE YOU FOR NOW:

- A POSSIBLE STATEWIDE SCHOOL DESEGREGATION CASE;
- A POSSIBLE UPDATED VERSION OF THE FUND FOR NJ’S “AGENDA NJ” WITH POLICY RECOMMENDATIONS FOR OUR STATE’S NEXT GOVERNOR;
- MY “FRIEND OF THE COURT” PARTICIPATION IN A LEGAL CHALLENGE BROUGHT BY MY FORMER STUDENT ARTHUR LANG TO THE STATE’S ALLEGEDLY INADEQUATE FUNDING OF THE LAKEWOOD SCHOOL DISTRICT’S MOSTLY LOW-INCOME HISPANIC PUBLIC SCHOOL STUDENTS; AND
- CONSULTING WITH THE SOUTHERN POVERTY LAW CENTER ABOUT A POSSIBLE MISSISSIPPI LITIGATION BASED IN PART ON THE FEDERAL READMISSION ACT OF 1870 (INTRODUCED TO ME BY BILL AND RITA BENDER, CLINICAL FACULTY AT THE PEOPLE’S ELECTRIC LAW SCHOOL).

SO, MY CHALLENGE IN “RETIREMENT” IS HARDLY FINDING ENOUGH TO KEEP THE ENERGIZER BUNNY’S BATTERIES CHARGED. RATHER, IT’S TRYING TO FIND THE RIGHT BALANCE BETWEEN MY EDUCATION LAW AND POLICY ACTIVITIES AND TIME FOR FAMILY, FRIENDS, TRAVEL AND EXERCISE, ALL OF WHICH I CARE DEEPLY ABOUT. I’M WORKING ON THAT AS WE SPEAK.

THANK YOU FOR SHARING THIS WONDERFUL PROGRAM WITH ME. NOW LET’S ADJOURN TO SOME QUALITY EATING, DRINKING AND SOCIALIZING. I’VE STOOD BETWEEN YOU AND THOSE GOODIES FOR LONG ENOUGH.