



Photo/Martin O'Grady

CHIEF JUSTICE ROBERT N. WILENTZ

*The New Jersey Supreme Court is on the cutting edge of the law and court administration, experts say, but it has some local critics.*

## A Bold Court Forges Ahead

BY BRUCE S. ROSEN

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OIL REFINERIES, toxic-waste dumps and corrupt politicians have generated more than their share of New Jersey jokes. But when it comes to the New Jersey Supreme Court, no one is laughing.

The same court that in the 1960s bridled at the caveat-emptor attitude of business, and in the 1970s ordered the state's schools closed after finding an unconstitutional tax structure, now is riding a new crest of decisions touching on issues ranging from the tort responsibility of social hosts to "wrongful life."

Even more far-reaching — and controversial among the state's 26,000 lawyers — are the court's recent major administrative initiatives that have

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drawn national attention and include a planned overhaul of the entire civil litigation process.

And the seven-member court has taken bold steps to regulate the legal profession. Recently New Jersey became the first state to adopt a new code of professional responsibility, stricter in some ways than the American Bar Association model rules approved last year, and it has established the toughest contingency-fee limits in the nation.

"It might be the best Supreme Court in the country — state or federal," said Harvard law Prof. Laurence H. Tribe. "The court combines a sensitive understanding of the limits of judicial power with a recognition of the need for a judiciary which doesn't respond with a wooden view of prior rulings."

Professor Tribe and other court watchers say New Jersey's high court has replaced California's on the cutting edge of the law. "I don't always agree with them," he said recently, "but they have a sense of craft and prior law that a number of other top courts lack."

Prof. Yale Kamisar of the University of Michigan Law School called the court "the most innovative in the nation."

And Robert B. McKay, president of the Association of the Bar of the City of New York and former New York University School of Law dean, said: "No other court is as forward-thinking in terms of administration."

But the out-of-state reviews don't seem to mollify the court's primary

**The court's main critics include attorneys who contend it is out of touch with the pressures of everyday practice.**

antagonists: conservative legislators and local officials who believe that the court in its rulings has stepped knee-deep into legislative prerogative; and state judges and lawyers who say the court in its administrative reforms has lost touch with the pressures of everyday practice and who are adamant in their dissatisfaction with the pace and direction of the transformation.

### A Powerful Chief

At the center of the controversy is Chief Justice Robert N. Wilentz, 57, who five years ago inherited a court already distinguished in its liberal traditions but facing an increasingly unmanageable case load.

Under the New Jersey Constitution, the chief justice is not only first among equals, but also is chief administrator of the court system and the legal profession. With this authority and the force of his personality, court experts say, Chief Justice Wilentz is among the most powerful state chief justices in the nation.

His critics say he is arrogant, and that he is preoccupied with wielding power and reshaping the law and the court system to suit his social vision. Supporters say the chief justice is tireless, tenacious, skillful and sensitive, consumed with increasing public confidence in the judiciary.

After graduating from Columbia University School of Law in 1952, Chief Justice Wilentz joined his father's firm, Wilentz, Goldman & Spitzer, P.C., then in Perth Amboy, N.J., and now in Woodbridge. As a trial lawyer there, he represented powerful corporate inter-