

Justice Marie Garibaldi: Simply the Best

*Governor Thomas Kean**

I am grateful to Marie Garibaldi and admire her greatly. I thank Marie because she was kind to me when I needed her help. I respect Marie because she is legally and politically astute.

I remember, so many years ago, when I met Marie while campaigning in New Jersey. I was running for governor and was at least twenty points behind in the polls. Meeting her was very meaningful because, although I was the underdog, she supported me and introduced me to the members of her firm.¹ Marie immediately impressed me. She expressed more than a passing interest in political issues. Many people feign an interest in politics, but few are actually knowledgeable. Marie was truly knowledgeable. She carefully followed the campaign, and fearlessly questioned me about my positions. Her political awareness impressed me, and gratified me.

When I was elected, I was extraordinarily apprehensive about appointing judges because unlike Governors Byrne, Hughes, and Meyner, my three predecessors as Governor, I did not have a working relationship with members of the bar. I had no legal background, but I knew that New Jersey deserved the most qualified person in the legal profession to serve on its Supreme Court. I thought it a disgrace that in the long history of our state there had never been a woman on our Supreme Court. I wanted to appoint the ablest woman in the legal profession in the state of New Jersey. Period.

Only one name came to mind: Marie Garibaldi. She was the president of the New Jersey State Bar Association.² Everybody knew her. She was a top-flight attorney, one of the best in the state. My advisors agreed that

* President, Drew University; Governor of the State of New Jersey, 1982-1990.

¹ Justice Garibaldi was a partner at Riker, Danzig, Scherer, Hyland & Perretti from 1969-1982. See Michael Booth, *Bypassing Bar, Whitman Names Fifth Justice to Supreme Court*, 158 N.J.L.J. 1129 (Dec. 27, 1999). The future governor and the future Justice met when she escorted him on a tour of the firm's offices. See Rocco Cammarere, *Marie Garibaldi: What a Legacy!*, 9 N.J. LAW. 1 (Jan. 3, 2000).

² See Cammarere, *supra* note 1, at 1; Robert Diamond, *Female Lawyers in State Increasing*, N.Y. TIMES, August 15, 1982, § 11, at 12 (“[T]his year, the New Jersey Bar Association has its first female president, Marie Garibaldi of Newark, who has been practicing law for 17 years.”).

Marie was unequaled in the field. I sought advice from many people: former New Jersey Supreme Court justices, senior partners of prominent law firms, and others. When I said, "I want the best, most qualified, woman in the state to serve on the New Jersey Supreme Court," there would be a moment's pause, and then each would say, "have you thought of Marie Garibaldi?" The decision was what you call a "no-brainer."

It was very important to me that the first female New Jersey Supreme Court Justice be well qualified. I did not want anyone to allege that she was there only because she was a woman.³ Marie met every criterion. Everyone thought Marie was a superb appointment,⁴ and Marie *was* superb on the court.⁵ She wrote complex and wise opinions.⁶ She moderated decisions. She was somebody who everybody liked. Marie's departure has certainly impacted the court.⁷ You cannot lose a good person like Marie

³ Justice Garibaldi emphasized that her sex would not affect her role as a New Jersey Supreme Court Justice. See *First Woman Joins Jersey's Top Court*, N.Y. TIMES, Nov. 18, 1982, at B2:

Asked if she would bring a feminine perspective to the seven-member court, the new associate justice replied: "No. When you come to the court you bring your life experiences, and I think a woman has different life experiences than some men would have. The legal issues you research, you would do as you approach the case, I would do as any other attorney, male or woman."

Id.

⁴ See *Miss Garibaldi Gets Approval for Court*, N.Y. TIMES, Oct. 19, 1982, at B2 ("The New Jersey State Senate *unanimously* approved today the nomination of Marie Garibaldi, a tax lawyer and president of the New Jersey State Bar Association, as the first woman to serve on the state's Supreme Court.") (emphasis added).

⁵ See Harvey C. Fisher & Scott Goldstein, *Garibaldi Retiring, LaVecchia Named*, 8 N.J. LAW. 2677, at 1 (Dec. 27, 1999) ("Court watchers and others universally hailed Garibaldi.").

⁶ See Editorial: *Justice Marie Garibaldi*, 9 N.J. LAW. 50 (Jan. 10, 2000). An editorial proclaimed her insights:

Justice Garibaldi's contributions to the court were many and varied, and fittingly, have had nothing to do with gender Justice Garibaldi wrote with great knowledge, competence, and insight in the fields of contracts, corporations, and commercial law The list of her noteworthy opinions goes on and on. No one can question Justice Garibaldi's insightful, comprehensive, and scholarly contributions to our law and jurisprudence.

Id.

Another editorial also celebrates Justice Garibaldi's accomplished opinions: "Her 225 opinions have been distinctive in their clarity, their practical insight and their keen sensitivity to the shared role in the stewardship of the state's affairs." Editorial: *Justice Marie Garibaldi*, 159 N.J.L.J. 122 (Jan. 10, 2000).

⁷ See Editorial, *supra* note 6, at 50:

We were surprised, and disappointed, to learn that Justice Marie Garibaldi will be leaving the New Jersey Supreme Court on Feb. 1, 2000. Surprised, because she is at the zenith of her marvelous tenure on the court. Disappointed, because she has enriched and added great luster to our high court that will be difficult to replace. Yet, we must accept the fact of her

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without a dramatic effect. I know she is missed. In fact, Justices on the court have said to me, "boy, do we miss Marie!"

Professionally, I am extremely proud of nominating Marie Garibaldi to the bench because she was an extraordinary New Jersey Supreme Court Justice. Personally, I feel privileged to know Marie Garibaldi because she is a truly remarkable person.

retirement, and must respect her reasons for now closing a great judicial career. We console ourselves by counting our blessings in having had Marie Garibaldi as an associate justice We have been fortunate to have had Marie Garibaldi as a professional colleague, as an effective practicing member of the bar, as a moving force in the organized bar, and most prominently, as a distinguished member of our distinguished high court.

Id.