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NUNC PRO TUNC

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On Thursday, February 7, 2008, we honored our twelve Magistrate Judges for their numerous contributions to the Court. A reception followed a tribute conducted in the Ceremonial Courtroom of the Frank R. Lautenberg Courthouse in Newark, New Jersey. Photographs taken at the event appear throughout this issue.

We dedicate this edition of *Nunc Pro Tunc* to our beloved and indispensable Magistrate Judges!



A Tribute to Our Magistrate Judges

By: Donald A. Robinson, Esq.

June 1, 1969 began a New Era in our Court. That was the day Michael Keller began judicial service as our first (and at that time only) Magistrate Judge. Since then twenty-eight more of these full-time judicial officers have functioned in our three vicinages. What was the practice of law like before they became the front line of litigation? Failure to answer or insufficient answers to Interrogatories? Deposition disputes? Motions to amend pleadings? Case Management conferences? Settlement conferences? All of these pre-trial applications and conferences went to a District Judge who had only the help of one Law Clerk to manage the huge volume of litigation, decide all pre-trial disputes, conduct form Pre-trial Conferences and try cases. Every motion day, the courtroom would be crowded with dozens of lawyers awaiting, at the client's expense, their turn to argue disputes, however minor. There were no Rule 16 conferences at the beginning of the litigation to mold the case. There were no discovery plans or schedules and no telephone conferences arranged to avoid delays. Instead, all disputes, dispositive or not, had to be presented by formal motion.

In the past thirty-eight years, our Magistrates Judges have made the administration of justice more efficient, just as Congress intended. The best evidence is in the irrefutable statistics. The latest figures show that our full-time Magistrate Judges from October 2006 through September 2007 decided 6,377 civil motions, conducted 1,381 settlement conference, 7,557 pretrial conferences and held 232 motion and evidentiary hearings. Criminal cases? They handled 4,095 preliminary proceedings, warrants, initial appearances, bail hearings, pretrial felony hearings, motions and guilty pleas, grand jury returns and seizure warrants.

The total civil and criminal work for just that one year, during much of which there was one or more vacancies, is an astounding 19,642 matters our full-time Magistrate Judges handled. Then, too, our two part-time Magistrate Judges, did a full-time job in handling 2,156 petty offense cases plus 111 misdemeanors. The shop-worn cry that justice delayed is justice denied has no place in the United States District Court for the District of New Jersey—thanks to our dedicated Magistrate Judges.





The Honorable Tonia J. Bongiovanni, U.S.M.J.

“Jeez, what’s delaying the judge? What is he doing back there? A long lunch perhaps?” The inner chamber’s door opens and a bunch of suits meanders out. Mostly grey suits. Unsmiling grey suits. Must be civil lawyers, I think. Don’t they know that I have a bail hearing scheduled with the judge? They are monopolizing the judge’s time. My time. And justice needs to be dispensed.

For two decades that was my perspective. Don’t misunderstand. I respected civil lawyers. Some of my best friends are civil lawyers—even partners in respectable firms. But with Starsky & Hutch as my childhood role models and having been a Criminal Justice Major in college, a Rutgers Police officer, an investigator then Assistant then First Assistant in the Federal Public Defenders Office, I had a penchant for criminal law. I thought civil law was, well, boring.

Now, I am Oz and that bunch of suits is leaving my inner sanctum. Often grey suits. Often unsmiling. But something has changed. The cases. Or just my perspective of the cases. Some cases are novel, some are interesting, and some are just plain difficult. And all are important to the litigants. Who knew?

And yes, now I am the cause of delays. Odds are that they are not caused by a long lunch. No one mentions that many judges eat breakfast and lunch at their desks. And dinner is not until eight o’clock p.m.—assuming there is no after work function to attend. The lifestyle violates all healthy eating rules and wreaks havoc on this girl’s waistline. Thank goodness for billowy black robes. And yes, there are delays. Sometimes justice takes awhile. We are just trying to get it right.

The Honorable Edward R. Knight, U.S.M.J.

Shortly after I was appointed to the court in 1976, I was assigned to preside at four Naturalization Swearing in Ceremonies. At the first and second ceremonies, it became apparent that small children (not infants), were brought to court. Frequently, some of the children became bored, restless and loudly talkative. Accordingly, at the start of each subsequent ceremony, I advised the parents to permit their children to move about the courtroom, (doors were always closed), and to let them talk aloud if they desired. It would only be necessary to remove a child from the courtroom if he or she were to scream.

At one subsequent ceremony, a little boy began to wander about and soon headed for the bench. He climbed the steps, and extended his arms to me to be picked up. I placed him on my lap and continued with the ceremony. In about two or three minutes, he indicated that he wished to be put down. I put him down and he returned to his mother.

When his mother came to the clerks and me for her certificate, the lad came with her. As he approached, he waved hello to me since by that time I was a friend of long standing. When he and his mother turned to return to their seats, he waved goodbye and blew me a kiss.

The lad is now circa 30 years of age. Perhaps, he practices immigration law somewhere in New Jersey.





The Honorable Ann Marie Donio, U.S.M.J.

There is a wide range of cases that come before the United States District Court and one of the many positive aspects of the job of the Magistrate Judge is the variety of the work. For example, as a Magistrate Judge, I have the opportunity to conduct scheduling, status and discovery conferences, final pretrial conferences and settlement conferences. Generally, once a week, I hold initial scheduling conferences for recently filed civil cases. I have enjoyed having the opportunity to meet with counsel in an effort to develop case management schedules that accommodate the various issues in the cases. In addition, under Local Civil Rule 37.1(a), parties are provided an opportunity to present discovery disputes to the Magistrate Judge by way of telephone conference or letter and a Magistrate Judge addresses generally on a daily basis numerous types of discovery disputes. As a result, each day of work for the Magistrate Judge is very interesting.

The Honorable Mark Falk, U.S.M.J.

I am honored to serve as a Magistrate Judge. It is a somewhat unique position in which the day-to-day duties are precisely what I want to do. It is also a people-oriented job that is meaningful and fun. I am further blessed to sit in the District of New Jersey, which I have come to learn is the envy of many MJs around the country. Thanks to our district judges and federal bar, this district appreciates the role of the Magistrate Judge and it is a wonderful place to work. We are also grateful to tireless supporters like Tom Hnatowski, Chief of the Magistrate Judges Division of the Administrative Office of the Courts and our own Judge Dennis Cavanaugh, Chair of the Judicial Conference Committee on the Administration of the Magistrate Judges System. Finally, it is a pleasure to work shoulder to shoulder with my MJ colleagues, some of the nicest, most talented people I have ever met.



The Honorable Esther Salas, U.S.M.J.

It would be impossible for me to adequately express myself in 150 words or less as to why I love being a Magistrate Judge. However, since our Chairman, Donald Robinson (a.k.a. The Chief), said it best, I will borrow his phrase that “there is no family like our Federal family.” Magistrate Judges in this district are entrusted with a great responsibility to move the Court’s docket and to ensure that every litigant is afforded effective and efficient access to the judicial process. The role of the Magistrate Judge is much more than that of a discovery watchdog. Magistrate Judges oftentimes must make critical decisions which may dramatically impact the manner in which cases proceed. All in all, considering the level of professionalism by the bar and the level of trust given to us by the District Court, there is little doubt that I am just honored to have been provided this wonderful opportunity.





The Honorable John J. Hughes, U.S.M.J.

We Magistrate Judges, on a good day, deal with at least 20 to 30 lawyers and litigants. We know what it's like to have clients, and as trial lawyers, we know what it's like to stand in the well of the courtroom, day after day, sometimes arguing unpopular causes. We've been there. So we appreciate, only too well, the intense pressures that routinely accompany modern day litigation. Not to be trite about it but, we feel your pain.

The final, indispensable ingredient for effective U.S. Magistrate Judges, in this District, and in every District, is the level of confidence that everyday lawyers and litigants have in the system. People have a right to expect that we are prepared; that we try our best to be fair and reasonable; that we are respectful of differing views. I'm just guessing, but when I see people like Don Robinson, the Dean of the Federal Bar in New Jersey, and so many others, go out of their way to support the Magistrate Judges, I figure that the confidence level of lawyers in this system is pretty high.

The citizens of New Jersey can take great pride in the U.S. Magistrate Judge system. And, the citizens of the United States can take great pride in the entire federal judiciary. We, and all the Judges on the Federal Bench, take great pride in working with you all every day in every case to achieve the most noble, yet elusive of all human pursuits—justice.

The Honorable Patty Shwartz, U.S.M.J.

When the Historical Society announced that it was recognizing the Magistrate Judges, my reaction was that this was a great honor, but totally unnecessary. In this regard, I believe that my colleagues (past and present) would agree that we have been fortunate to serve this Court. Here are the "top ten" reasons why this is so:

10. We are never alone since our courtrooms and chambers are filled with people from all walks of life.
9. We are never bored since every day brings interesting issues.
8. We are constantly learning about the law and the various pursuits of the litigants.
7. We observe great lawyering.
6. We are part of the trial process without having the pressures of the trial lawyers!
5. We assist people resolve their differences.
4. We are part of the federal criminal justice system, and work with the other components to ensure fair treatment of the accused and the safety of the public.
3. We have the good fortune of working with the terrific people who are part of our federal family.
2. We work in this particular District Court—the second oldest in the nation, and a Court known for its dedication and fairness.
1. We have the extraordinary privilege of serving the public.

With these benefits, it is easy to understand why one does this work with gratitude for this rare chance to serve.





The Honorable Anthony R. Mautone, U.S.M.J.

Almost eight years ago I applied for the part-time Magistrate Judge's position. I had never sought a judicial appointment but this interested me because of its part-time nature and the opportunity to become part of governmental service after an absence of over 20 years. Becoming part of the "federal judicial family" was especially appealing.

The years spent in this position have been enjoyable and rewarding, in spite of the fact that my duties are not nearly as challenging as those of my full-time colleagues who work in conjunction with District Court Judges. The five fold increase in case load since my appointment would be impossible to handle without my right hand Court Room Deputy, Angel, and all the members of the federal agencies who service my Court, i.e. Pretrial Services, Probation, U.S. Attorney's Office, Federal Public Defenders, U.S. Marshals Service, interpreters and members of the United States Military and their civilian employees.

Although I occasionally yearn for more challenging cases, I continue to enjoy my duties in the realization that in most instances, whether traffic or criminal, mine is the only Federal Court to which the largest number of people will ever be exposed. It is this awareness that enables me, on behalf of each defendant who appears before me, to treat each of their cases no matter how minor the infraction as a truly "Federal case."

The Honorable Madeline Cox Arleo, U.S.M.J.

For me, it is an honor and a privilege to serve as a Magistrate Judge. This is an opportunity of a lifetime and I try to remember that every day. The work is challenging and always interesting. However, in the words of our Chief, Don Robinson, the real joy comes from our "beloved federal family." I could not ask for better and brighter judicial colleagues. Law clerks, secretaries and deputy clerks are smart and hardworking.

The support we get from our government agencies rivals that of a big law firm—from the Clerk's Office to Pretrial Services. The U.S. Marshals keep us all safe every day. The U.S. Attorneys and the Public Defenders are skilled and decent professionals. The private lawyers who appear before us are generally top-notch.

I would be remiss if I do not specifically acknowledge my fellow Magistrate Judges. Since I began in 2000, I have had to say hard goodbyes to many of them and welcome new ones. They have all been great. They have kept me sane and make me laugh. They are a pleasure to work with and I am lucky to have them as friends.





The Honorable Joel R. Schneider, U.S.M.J.

After employment for 26 years in two civil private practices I have been a U.S. Magistrate Judge in Camden since November 2006. I will always be grateful for the opportunity to be a member of the federal bench in New Jersey. The work I do on a day to day basis is challenging, stimulating and interesting. In addition to the work, my colleagues in the "federal family" make coming to the courthouse on a daily basis an enjoyable experience. It is unfortunate that not every lawyer has the same opportunity as I do to experience on an up close basis the unmatched intelligence, integrity, compassion and work ethic of our federal judges and staff. The quality and ability of the work done by the federal courts in New Jersey is unmatched by any court in the country. I look forward to many years of serving the bar and public.

The Honorable Michael A. Shipp, U.S.M.J.

Since my recent appointment as a United States Magistrate Judge, I have come to appreciate the vital role Magistrate Judges play in various communities. First, we play an important role in the "courthouse community." This includes significant interactions with law clerks, Pre-trial Services, the Clerk's Office, Probation, and the U.S. Marshal's Service, to name a few. In addition, Magistrate Judges have the golden opportunity to interact with some of the finest attorneys in the "legal community." Through that interaction, we examine legal concepts, ideas, and share our vision of the law with others. Finally, we influence the "community at large." We are in a unique position to impact youth while modifying preconceived ideas related to the judicial system. Magistrate Judges are the first judicial officers encountered by most citizens in the federal system, and fair and efficient service can help the community to form positive, lasting impressions. It is indeed a gift to be connected, in such a meaningful way, to these various communities.



The Honorable Claire C. Cecchi, U.S.M.J.

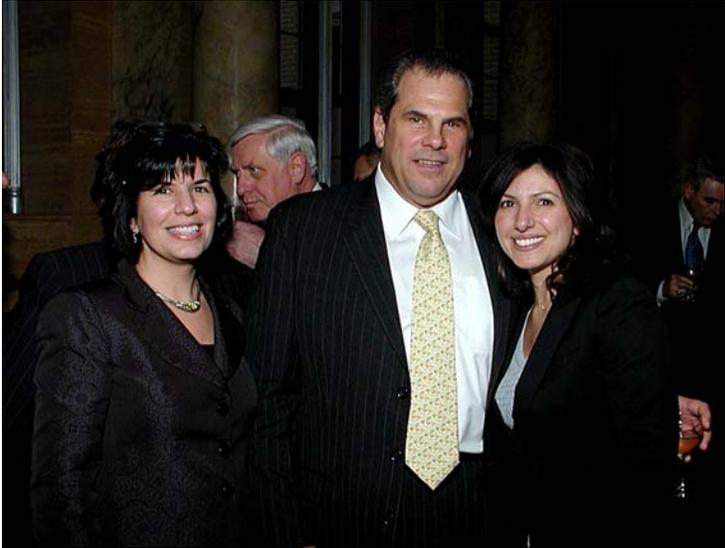
When I first started on the bench, my colleagues said to me "This is the best job you will ever have." Well, sure you get to wear a robe, sit high up on a bench and give orders that require compliance (unlike at home).

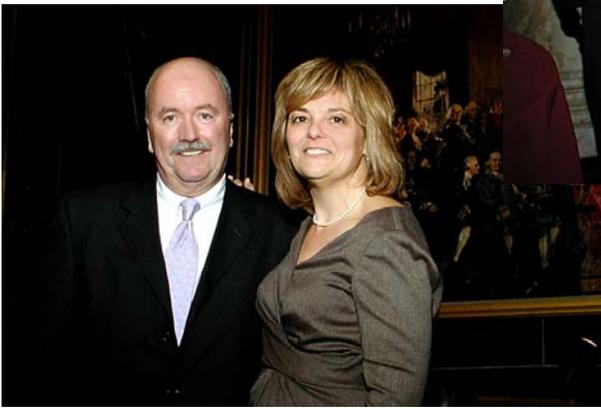
So, I say with a smile, that is part of the fun, but what are the *real* highlights of the position? Every day, or rather every 30 minutes or so, you are faced with a new challenge. The cases are quite varied and the issues are far flung, most often requiring on the spot decisions. Lawyers from all different backgrounds appear and become the "face" for their cases, with the best turning difficult facts into compelling arguments. Oral argument can become high drama accompanied by a careful analysis of the law. Overall, it is fascinating to watch a case grow and develop, and to assist in strategically moving it forward to resolution.

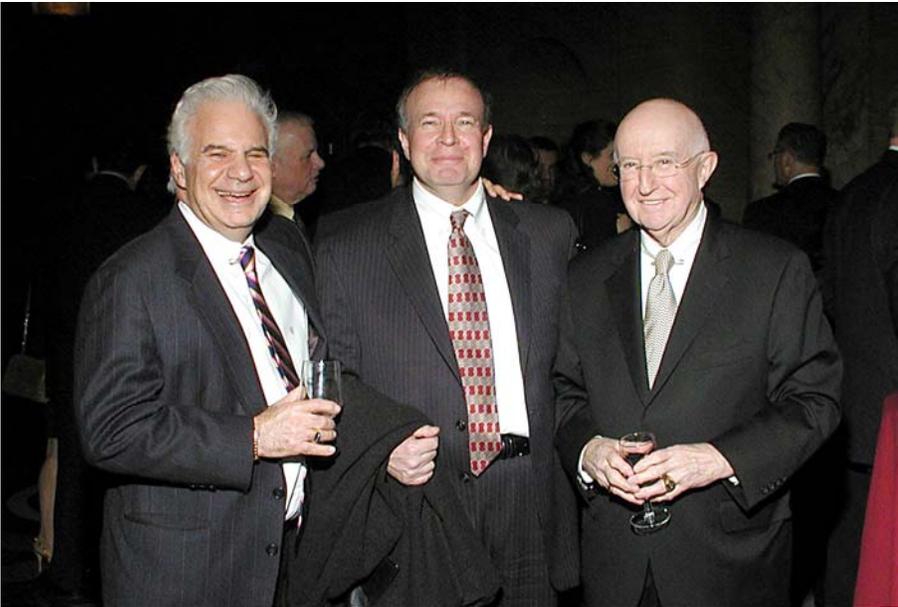
I feel privileged to serve in this position and honored every day to be a vital part of the judicial process. I am very fortunate to have been given the opportunity to do something I truly enjoy. As to my colleagues' wholehearted enthusiasm for the position, no doubt about it, of course they were right.











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