

Governor Phil Murphy

ICYMI: Star-Ledger Editorial Board on Governor Murphy's Nomination of Rachel Wainer Apter

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Murphy nominates another remarkable woman to New Jersey's highest court

Star-Ledger Editorial Board

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Gov. Phil Murphy has made another impressive choice for the state Supreme Court, a Harvard-trained lawyer who graduated magna cum laude and clerked for Ruth Bader Ginsburg.

Rachel Wainer Apter is backed by a powerful roster of former chief justices, judges and the ex-president of the New Jersey State Bar Association. This is a strong nomination from a Democratic governor who made clear his priorities and is now acting on them, by choosing a woman with sterling academic credentials – right down to a perfect 1600 on her SATs – who’s followed a similar path as the late Justice Ginsburg, as a civil rights lawyer.

We always reserve final judgement until after the hearings, but welcome this highly promising pick. That the only person who’s come out loudly against her is Jack Ciattarelli, who is desperate to gain footage in his run against Murphy for governor, only underscores the seriousness of her candidacy.

Even Ciattarelli won't specify exactly what his objection is, citing Wainer Apter's previous work as an attorney for the American Civil Liberties Union without saying why this is a problem. The policies the ACLU has pushed in New Jersey, including legalizing same-sex marriage and marijuana, or better oversight of Newark police and expanded voting rights, are broadly popular. So what exactly is Ciattarelli against here?

On the issues he cites as examples of liberal judicial activism, including school funding, affordable housing and pandemic borrowing, recent votes have been unanimous, including the approval of Chris Christie's appointees. And his charge that Wainer Apter is an "inexperienced activist" is similarly unfounded.

She's clerked for three federal judges and worked for a big law firm, Orrick, Herrington & Sutcliffe, in addition to her stint as an attorney for the ACLU. She's argued before both federal and state courts, served as counsel to state Attorney General Gurbir Grewal, and currently leads the state Division of Civil Rights as the chief enforcer of our laws against discrimination.

"Her academic qualifications are impeccable and her relative youth will be a boon to the Governor's legacy as the years pass," said John Farmer Jr., a former Attorney General who previously served as chief counsel to Republican Gov. Christine Todd Whitman. "I would argue that she has plenty of experience handling complex appellate matters," he added, "which will now be her sole focus."

Murphy's last pick, Fabiana Pierre-Louis, was just a few weeks younger than Wainer Apter, who is 40 years old. And that's the point – to get a sterling jurist who is going to serve for decades. Chief Justice Stuart Rabner was nominated to the bench at age 46. He had experience as a prosecutor, which is more common, and served as counsel to the governor, and Attorney General.

Wainer Apter has chosen a different path, but performed admirably. And her background as a civil rights lawyer would add a new perspective that is useful in court discussions, like RBG's work for the ACLU or Thurgood Marshall's experience with the NAACP. This should be a sign of progress for New Jersey.

Wainer Apter's great-grandparents fled anti-Semitic persecution in Europe, which gave her a strong sense of "the horrors that can come from dehumanization," she said. This means she has a passion for "the individual lives that laws and systems are meant to serve," as she put it; not that she will be a rubber stamp on any progressive argument.

"That's not the sense I have," says State Sen. Robert Singer, a Republican from Ocean County, who appreciated Wainer Apter's support in defending Orthodox Jews against anti-Semitism in his district. "My opinion of her is that she will always do the right thing. She is that kind of person. She will look at the law, and make the decision based on the law."

Holly Schepisi, who will have senatorial courtesy over this pick and, ultimately, the power to block the nomination, was far more measured than Ciattarelli. "At this time, I don't know how anybody could say either you're for or against somebody, without having even vetted the candidate," she said.

She surely knows that blocking a woman with Wainer Apter's credentials and support could be costly. We'd be fortunate to have someone of her caliber on the state Supreme Court.

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