

Governor Phil Murphy

REMARKS: Governor Murphy on Announcement of Intention to Nominate Rachel Wainer Apter As Associate Justice of the New Jersey Supreme Court

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As Prepared for Delivery

One week ago, I received a phone call from Associate Justice Jaynee LaVecchia informing me of her decision to retire from the New Jersey Supreme Court at the conclusion of its current term at the end of August.

I again want to thank her for nearly 40 years of distinguished public service to our state, and I suspect she is not done serving the people of New Jersey.

For 21 years, Justice LaVecchia has been a vital and important voice on the Court whose decisions have stood the test of time because they were written to do so. She is not one to decide cases based on politics. She has only sought to do what is right and proper in the eyes of the law.

That is the tremendous legacy not just of Justice LaVecchia, but of our state's Supreme Court.

For nearly 75 years, our Court has been held in national esteem, a body whose decisions have foreshadowed broader national change. From civil rights in the 1960s, to gender rights in the 1970s, to the rights of same-sex couples and the LGBTQ+ community in the last two decades, our Court has often paved the path of national progress.

A 1999 article in the New York Times opened thusly:

"Whatever the rest of the country says about New Jersey, it accepts that the state has the legal equivalent of the New York Yankees. It has the New Jersey Supreme Court. The words that consistently come up are 'pre-eminent,' 'path-breaking,' even 'brilliant.' For years, law professors have told their classes to pay attention to this court's decisions."

Those exact words – 'pre-eminent,' 'path-breaking,' 'brilliant' – can also be easily ascribed to the late United States Supreme Court Justice Ruth Bader Ginsburg, who would have turned 88 years old today. Over the last six months, we have felt the tremendous void her passing has left on our highest court and in our nation.

It was from here at Rutgers Law School in Newark that she began blazing her own legal trail, as the first tenured female law professor and the inspiration to a generation of lawyers – women and men, alike – committed, as she was, to the core principle of equality under the law.

That is why last December, the building we are standing in today was renamed Ruth Bader Ginsburg Hall.

And she not only inspired the students on this campus, she also inspired an entire generation of young lawyers who had the extreme privilege to clerk under her at the United States Supreme Court.

So here and now is where all three of these legacies meet...the New Jersey Supreme Court's legacy of ground-breaking and forward-thinking decisions ... Justice LaVacchia's legacy of service and integrity ... and Justice Ginsburg's legacy of inspiring the next generation of fighters for equal justice.

And, fittingly, all three of these meet with the woman standing beside me. I am honored to announce my intention to nominate Rachel Wainer Apter to serve as Associate Justice of the New Jersey Supreme Court.

Rachel has been unanimously recommended by my Judicial Advisory Panel, whose membership includes two former Chief Justices. Pending her review by the New Jersey State Bar Association Judicial and Prosecutorial Appointments Committee, I will formally send her nomination to the State Senate for their advice and consent.

Upon confirmation, Rachel would become the 41st justice to serve on our state's highest court.

Rachel is a resident of Englewood and native of Rockaway Township. A graduate of Morris Hills High, she earned her undergraduate degree at the University of Pennsylvania, summa cum laude, and her juris doctorate from Harvard Law School, magna cum laude.

I must take a moment to acknowledge Rachel's family, who joins us today. Her husband, Jonathan, and children, Eliana, Maya, and Noam. Her parents, Mitch and Suzi Wainer. Her brothers Seth, and his wife, Rachel, Josh, and Zack. And, her parents-in-law, Naftali and Elaine Apter.

I must also acknowledge Rachel's grandparents and great-grandparents, of blessed memory. They were Eastern European Jews who fled persecution in their homelands, traveling across an ocean to be able to live and worship freely. Their lives and experiences have been singular in Rachel's own life and professional career. And I know that today would be a particular point of pride for them.

And I know today would be a particular point of pride for Justice Ginsburg, too – to see one of her former clerks asked to serve on New Jersey's highest court.

In 2018, Rachel joined our administration as Counsel to Attorney General Gurbir Grewal, serving as his top advisor on civil rights and immigration issues.

Since October 2018, she has served as the Director of the Division on Civil Rights, receiving unanimous confirmation by the New Jersey Commission on Civil Rights.

During the Trump administration, Rachel led New Jersey's successful legal efforts to preserve the DACA program for our dreamers, personally litigating the case in Texas on behalf of the people of our state. She helped draft the Attorney General's Immigrant Trust Directive which ensures that both victims and witnesses can report crimes without fear of deportation.

She successfully demanded that Facebook address an anti-Semitic web page that encouraged violence against Orthodox Jews in Ocean County.

Rachel has also written proposed reforms to strengthen New Jersey's Law Against Discrimination – the nation's oldest such law – to further prevent sexual harassment, an effort that was taken in partnership with the New Jersey Coalition Against Sexual Assault.

She chaired our administration's Interagency Task Force to Combat Youth Bias, which has proposed comprehensive anti-bias legislation.

And she has taken many initiatives to address anti-Black racism, including issuing enforcement guidance on the policing of black hairstyles and creating a community relations unit to work directly with impacted communities after civil rights incidents occur.

These achievements aside, Rachel had built a tremendous reputation as a litigator and champion of equal rights long before joining our administration, both in private practice at the global law firm Orrick, Herrington & Sutcliffe, and at the ACLU.

She has litigated to preserve the rights and dignity of same-sex couples, defend voting rights that were under attack, and protect the rights of people with disabilities.

In the words of Justice Ginsburg, "Fight for the things that you care about. But do it in a way that will lead others to join you."

In every aspect throughout her career, Rachel has lived these words.

At this time in our history, when state courts have never mattered more, the New Jersey Supreme Court's long-held reputation for judicial independence and sound decision making takes on new and urgent importance.

I know that Rachel will add to the Court's legacy. I am indeed honored to put her name forward today.

It is now my honor to introduce the Lieutenant Governor, Sheila Oliver.

Governor Phil Murphy

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