Governor Phil Murphy

Governor Murphy Announces Intention to Nominate Rachel Wainer Apter to Serve on the New Jersey Supreme Court

03/15/2021

Wainer Apter, Director of the Division of Civil Rights, Clerked for the Late U.S. Supreme Court Justice Ruth Bader Ginsburg

NEWARK – At Ruth Bader Ginsburg Hall at Rutgers–Newark, Governor Phil Murphy today announced his intention to nominate Rachel Wainer Apter to the New Jersey Supreme Court to fill the seat of Associate Justice Jaynee LaVecchia, who will retire at the end of the current Court term on August 31, 2021. The appointment will first be sent to the New Jersey State Bar Association's Judicial and Prosecutorial Appointments Committee. With the Committee's approval, the Governor will proceed with a formal nomination, subject to advice and consent in the Senate.

"In the wake of Justice Ginsburg's passing, the advances in civil rights that she spent a lifetime fighting for are under threat in Washington," **said Governor Murphy.** "State courts have never mattered more, and I am honored to nominate Rachel Wainer Apter, who clerked for Justice Ginsburg and followed in her footsteps as a civil rights lawyer, to the New Jersey Supreme Court. Over the past few years, Rachel has defended New Jersey's DREAMers in federal court, drove Facebook to confront hate speech on its platform, and proposed reforms to prevent sexual harassment. I know she will continue to serve all New Jerseyans on our state's highest court."

"Rachel has dedicated her professional life to protecting others from grave threats to their liberties," **said Lieutenant Governor Oliver.** "Our Court has stood, time and again, as the last best protector of the rights of residents. This court has stood strong against outside political interference and pressure. Rachel will undoubtedly continue and strengthen this storied tradition."

"Rachel is an intellectual powerhouse and one of the country's most thoughtful and passionate civil rights litigators," **said Attorney General Grewal.** "She was one of the first people I brought on to my leadership team as Attorney General and since then I've had the privilege of working with her to improve the lives of all New Jerseyans. During her tenure as Director of the Division on Civil Rights, she transformed the organization into a national leader and innovator. Rachel will no doubt serve in the finest traditions of our state's high court, where she will continue to use her many talents to ensure equal justice under law. I applaud Governor Murphy for this extraordinary nomination."

"I know Rachel Wainer Apter through her work as Law Director of the New Jersey Division of Civil Rights. She has an outstanding educational background and is a highly accomplished civil rights lawyer," **said Senate Majority Leader Loretta Weinberg.** "Having begun her career as a law clerk for justice Ruth Bader Ginsburg, I know her career has been dedicated to a fight for equality. The Governor has made a fine nomination and I look forward to meeting with her very soon."

"The law is not simply a subject to be debated or a puzzle to be solved, but something that profoundly impacts the lives of individual people each day," **said Rachel Wainer Apter, Director of the Division of Civil Rights.** "The cases that the New Jersey Supreme Court hears concern issues of fundamental importance to our state and to all of us as individuals, including how our society will live up to the promise of equal justice under the law. I am grateful beyond measure for the faith that Governor Murphy has placed in me with this nomination, and will do my best to serve the people of New Jersey if confirmed."

Wainer Apter currently serves as Director of the New Jersey Division on Civil Rights – the state agency charged with protecting the civil rights of all New Jerseyans. The Division is responsible for enforcing the New Jersey Law Against Discrimination, the nation's oldest anti-discrimination law, which prohibits discrimination on the basis of race, creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, gender identity, disability, pregnancy or breastfeeding, and a variety of other protected characteristics in the workforce, places of public accommodation, housing, and lending. The Division is also charged with preventing and eliminating discrimination in New Jersey by both receiving, investigating and acting upon complaints alleging discrimination, and by affirmatively issuing reports and publications, conducting investigations, and implementing educational and community outreach programs to address systemic discrimination.

Prior to her current role, Wainer Apter served as Counsel to the Attorney General, advising on civil rights and immigration matters, including leading the New Jersey team that defeated a motion (https://urldefense.com/v3/__https:/t.e2ma.net/click/72z9de/nrddit/b60j6n__;!!J30X0ZrnC1oQtbA!ale-bygiTpKEoj_jDPBBwcOmCsToRs_vCMQbq4-FJolbBYq3co4jDi85e55w5P_1L4rSLWneWXI$) by Texas and seven other states to end Deferred Action for Childhood Arrivals (DACA).

Prior to joining the Attorney General's Office, Wainer Apter worked at the American Civil Liberties Union on cases concerning voting rights, reproductive freedom, and the right to be free from discrimination. She served as counsel in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, which considered whether a baker who refused to sell a wedding cake to a same-sex couple was exempt from Colorado's anti-discrimination law. Wainer Apter also argued and won a disability discrimination appeal in the United States Court of Appeals for the Second Circuit and led a task force regarding investigations into incidents of sexual harassment and sexual assault on college campuses.

After law school, Wainer Apter served as a law clerk for Justice Ruth Bader Ginsburg on the United States Supreme Court, Judge Robert Katzmann on the United States Court of Appeals for the Second Circuit, and Judge Jed Rakoff on the United States District Court for the Southern District of New York. She also worked in the Supreme Court and Appellate practice at Orrick, Herrington and Sutcliffe, where she served as lead associate or lead attorney on dozens of cases in the United States Supreme Court and federal and state courts of appeal, including three Supreme Court merits cases, a successful petition for certiorari, and a successful petition for en banc rehearing.

Rachel graduated from the University of Pennsylvania, summa cum laude, and received her law degree from Harvard Law School, magna cum laude. A native of Rockaway, New Jersey, Rachel lives in Englewood with her husband Jonathan and three children.

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