

An Unobjective Tribute to Justice Pollock

Governor Brendan T. Byrne *

Do not expect me to be objective about Stewart Pollock. We have played squash and tennis together. As Governor, I appointed Stew to the New Jersey Supreme Court. His twenty years of outstanding service on that court, to his credit, validated that nomination. But I know Stew Pollock in less public — but more personally meaningful — ways. Once, he took me to visit Hamilton College, his alma mater. We have had lunch with each other a number of times. I have read many of the books that his wife, Penny, has written — children’s books. We have discussed important topics, such as legal philosophy and judicial restraint, but we have also enjoyed conversations regarding trivial matters. Stew is not just a colleague; he is my friend.

Even if you did not play squash with Justice Pollock, he had a way of becoming your friend. He is the type of person who could stand on principle and still be elected to public office. Stew has such a nice way about him. Most lawyers and media people, however, know him only through his opinions. Still, even on that limited basis, Stew is a likeable person. Stew’s opinions are always well-written. It is clear that he understands the arguments before him. Furthermore, he has a consuming interest in doing justice. Stew also believes that there is a rational and logical way to arrive at a just result.

I have often thought that it was unfortunate that Stew could not pick a topic and write on it — instead of waiting for a case or controversy to present an issue. Sometimes he had to work with a less-than-perfect set of facts in order to reach the ultimate concept of law deserving legitimacy. I have often needled him about using a swimming pool liner to establish the concept that “state of the art” may not always be a defense,¹ or relying on a corporation run by a son and his mother to define a corporate director’s liability.²

* Partner, Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein; Governor of the State of New Jersey, 1974-1981.

¹ See *O’Brien v. Muskin Corp.*, 94 N.J. 169, 463 A.2d 298 (1983).

² See *Francis v. United Jersey Bank*, 87 N.J. 15, 432 A.2d 814 (1981).

But Justice Pollock's writing is great writing; his logic speaks to fairness. It is that essential fairness that shall stand as the hallmark of Justice Pollock's service on the New Jersey Supreme Court.