

10/17/85  
10/17/85 - Nonlitigation - Re: OAG's position on matter - 10/17/85

- No specific town referenced

Letter to Dean Simmins

Re: Clinic using tax money

UL v. Cartenet

3 pages

CA000389L

THE STATE UNIVERSITY OF NEW JERSEY  
**RUTGERS**  
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic  
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October 17, 1985

To: Dean Simmons

From: Eric Neisser *EN*

Re: Garibaldi Inquiry

You have asked me to provide, on behalf of the Constitutional Litigation Clinic, information concerning the allocation of my time and that of a former Clinic staff attorney to the case of Urban League of Greater New Brunswick et al. v. Mayor and Council of Carteret, et al., C 4122-73 (Middlesex Cty., Chancery Div.), in order to assist the President of the University to respond to an inquiry from Senator Garibaldi. Although we do not believe that the information requested infringes on academic freedom, we are very concerned about the implications of such inquiries for academic freedom of clinicians and about the increasing time being diverted to the inquiry. This concern is heightened in this instance by the fact that Senator Garibaldi is also Mayor of the Township of Monroe, one of the named defendants in this litigation, and he has been very active and vocal in the litigation, to the point of ordering town officials to violate court orders. We thus hope that you and the President will continue in your efforts to insulate the Clinic faculty from the inquiry.

Herewith the requested information:

1. Litigation expenses, such as expert consultant fees, deposition costs, and travel and other incidental expenses, are the responsibility of the American Civil Liberties Union of New Jersey and thus have not required expenditure of state resources.
2. Professor John Payne, who has been co-counsel for plaintiffs throughout the Clinic's involvement since September 1983, has volunteered all of his time, as the Clinic has never been one of his teaching assignments and he has been on FASP leave since January 1985. Thus, there

has been no expenditure of state resources for his work.

3. Bruce Gelber, Esq. and Janet LaBella, Esq. of the National Committee Against Discrimination in Housing in Washington, D.C., were co-counsel with Professor Payne and myself, from the onset of our involvement until March 1985 and their work involved no expenditure of state resources.

4. During the summers of 1984 and 1985 and during the fall 1984 semester when I was on internal academic leave, all of my work on the litigation was volunteered, requiring no expenditure of state resources.

5. During the Fall 1983, Spring 1984, Spring 1985, and current Fall 1985 semesters, the Constitutional Litigation Clinic has constituted one-half of my teaching assignments. (At your request, I am not quantifying what proportion of my University obligations for which I am compensated involved non-teaching assignments, such as service to the Law School and professional activities.) Over the four terms mentioned, the Urban League litigation has required approximately 60 percent of my Clinic time, although it represents only 2 of the 6 credits each term credited towards my Clinic teaching assignment load. At all times I have been also responsible for other litigation in the Clinic, for participation in the weekly Clinic seminar, and for various Clinic administrative matters. Work on the Monroe portion of the litigation has consumed at most 5 percent of my total Clinic time, or approximately 1/12 of the time I have spent on the Urban League litigation, both because Monroe is only one of nine active defendants and because it played a minimal role in the most complex portions of the litigation. Indeed, work on Monroe has absorbed as much time as it has primarily because of the Township's obstinate refusal to comply with a series of court orders, mostly at the documented personal direction of Mayor Garibaldi.

6. Barbara Williams was a staff attorney with the Constitutional Litigation and Prison Law Clinics from June 1984 to September 1985. During her term of appointment here, 90 percent of her assignments were for the Constitutional Litigation Clinic. Of her assignments within the Constitutional Litigation Clinic, approximately 70 percent of her time related to the

Urban League litigation, although, again, that litigation constituted only 2 of her 6 teaching credits for the Constitutional Litigation Clinic. Again only approximately 6 percent of all of her Constitutional Litigation Clinic time, or 1/12 of her Urban League litigation time, was allocated to work on the Monroe portion of the litigation, for the reasons noted above.

7. As of this writing, I have spent some 6 hours on the inquiry from Senator Garibaldi, which would otherwise have been spent on assigned academic functions. I estimate from what I know that both Professors Payne and Hyman have so far each spent some 3 hours on the matter, in addition.

I hope that the above information adequately responds to your inquiry.

cc: Professor Payne  
Professor Hyman