

CA - General

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Letter to Judge in response to letters of objecting to NJWV's  
petition

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September 8, 1975

Hon. David D. Furman  
 Superior Court of New Jersey  
 Court House  
 New Brunswick, New Jersey 08903

Urban League v. Carteret, et al.  
Docket No. C-4122-73

Dear Judge Furman:

We have received letters from counsel for the municipalities of Helmetta and Cranbury objecting to the petition of the New Jersey League of Women Voters and the Middlesex County League of Women Voters ["the Leagues"] to appear as amici curiae. The municipalities argue that there are already enough lawyers in the case already. The argument lacks merit.

First, it is important to bear in mind the alignment of counsel, which is essentially one (representing plaintiffs) against 23 (representing defendants). In cases where there is such an imbalance in representation, it is not at all unusual for defendants to try to exploit their numerical advantage through a careful allocation of their resources. Even the most diligent counsel, representing plaintiffs, may find it difficult

to deal effectively with each issue raised by each defendant. The Leagues' participation, focused on the question of remedy, reduces the problem.

Second, the Leagues are public interest groups. They have no direct stake in the controversy. Their aim is to obtain a result which benefits the citizenry of New Jersey, not only in this case but also (through stare decisis) in cases to come. Thus, the Leagues seek to assist the Court in the delicate task of fashioning a remedy. In this connection, the Court has inherent power "to adjust the interests of the plaintiffs, the defendants and the public by devising an individually tailored remedy to fit the particular case." Township of Hanover v. Town of Morristown, 108 N.J. Super. 461, 487 (Ch. Div. 1969) (emphasis added). To achieve this result, the Court may reject the arguments of the parties, and "substitute relief which in its' judgment better reflects the parties' equities." Id. at 490; see Pascack Assoc. v. Mayor, Coun. Tp. of Washington, 131 N.J. Super. 185, 201 (Law Div. 1974), rev'd on other grounds, \_\_\_ N.J. Super. \_\_\_, (App. Div. 1975).

Finally, we do not see how anyone could be prejudiced by the limited participation sought. The Leagues do not intend to examine witnesses or otherwise take an active role in the

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conduct of the trial proper. They seek only the right to brief and argue in favor of the existence of broad, flexible remedial powers sufficient to rectify the wrongs recognized in Mt. Laurel.

This case is of first impression on the issue of remedy. The issue was left open in Mt. Laurel (67 N.J. at 192). This case will be watched closely to see whether the words "fair share" are to be meaningful or hollow ones.

Given such novel, difficult and far-reaching issues, this Court may wish the assistance the Leagues can provide.

Respectfully yours,

*William J. O'Shaughnessy*

William J. O'Shaughnessy

cc: All Counsel