

Ul v. Cartnet, Old Bridge

June 12, 1987

letter to judge re Leiman's proposed resignation

pgs. 3

CA 002390L

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

June 12, 1987

VIA LAWYERS SERVICE

The Honorable Eugene D. Serpentelli
Judge, Superior Court
Ocean County Court House
CN 2191
Toms River, NJ 08754

RE: Urban League, et al. v. Carteret, et al.

Dear Judge Serpentelli:

This is in response to the letter of Carla Lerman dated May 31, 1987, which we received Tuesday. It seems clear from that letter that Ms. Lerman is offering to resign only because she is concerned that her continued participation will hinder early resolution of this matter. This demonstrates Ms. Lerman's dedication to this case -- as if such demonstration were needed -- but we do not agree with her as to the probable effect of her resignation. As quoted in The News Tribune (Sun., May 31, 1987), however, Ms. Lerman is willing to continue her role as Master if Your Honor so requests: "I will let the judge decide (on the removal). It's his decision since he appointed me."

It is respectfully submitted that Ms. Lerman's offer to resign should not be accepted by the Court for several reasons. First, contrary to Ms. Lerman's intent, her resignation would substantially delay the resolution of this matter. Second, the benefits of Ms. Lerman's unique expertise, which has been of incalculable benefit to all parties as well as the Court, would be lost. Third, it would seriously delay implementation of the Old Bridge settlement, delay which the Planning Board and Town Council unfortunately appear to welcome.

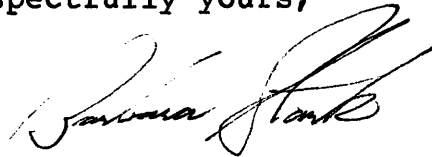
We note parenthetically that there is no serious question of any impropriety on Ms. Lerman's part in connection with the totally specious "conflict" alleged by Old Bridge. It is significant that no motion has been filed to remove Ms. Lerman as Master, despite the political posturing of the Planning Board and Council. Indeed, it is difficult to imagine how such a motion could be drafted in view of the undisputed facts voluntarily provided by Ms. Lerman.

The only task for the Master at this point is to analyze the parties' reports in connection with Old Bridge's motion to transfer. In accordance with Your Honor's request, and with absolutely no protest from Old Bridge, Ms. Lerman has already done so and participated in the May 26th meeting of the parties. There is certainly no reason to deprive the Court of the benefit of Ms. Lerman's analysis, especially since resolution of the instant motion may well settle the whole matter.

Acceptance of Ms. Lerman's resignation would seriously impede any such resolution. It would be necessary to find a replacement, which would probably be a drawn out process given the apparent unwillingness of the municipal defendant to honor the settlement in any form. Whoever is eventually chosen would then have to begin the time consuming task of familiarizing herself with the complex factual background of the settlement and subsequent developments. Even if a replacement as capable and diligent as Ms. Lerman could be found, moreover, she could not possibly have the astute understanding of the parties' various interests acquired by Ms. Lerman through years of direct involvement with the parties and their counsel.

It is respectfully submitted, accordingly, that Ms. Lerman's offer to resign should not be accepted by this Court. At the very least, it is respectfully requested that Ms. Lerman should be invited to participate in the conference on June 25, 1987 and a response to her offer to resign should be deferred until resolution of the pending motion.

Respectfully yours,



cc/Old Bridge Service List
Ms. Carla Lerman

SERVICE LIST

Urban League v. Carteret, Civ C 4122-73 (Superior Court, Chancery
Div., Middlesex County) (OLD BRIDGE)

Jerome J. Convery, Esq.
151 Route 516, Box 872
Old Bridge, NJ 08857

Thomas Norman, Esq.
Jackson Commons
30 Jackson Road
Medford, NJ 08055

Thomas Hall, Esq.
2-4 Chambers Street
Princeton, NJ 08540

Stewart M. Hutt, Esq.
459 Amboy Avenue
Woodbridge, NJ 07095

Dean Gaver, Esq.
4 Becker Farm Road
Roseland, NJ 07068

William Flynn, Esq.
PO Box 515, 18 Throckmorton Lane
Old Bridge, NJ 08577

Frederick Mezey, Esq.
PO Box 238, 93 Bayard Street
New Brunswick, NJ 08903