

SUPREME COURT OF NEW JERSEY

**Memorial Proceedings**

for

**THE HONORABLE C. THOMAS SCHETTINO**

September 12, 1983

**Before:**

Chief Justice Robert N. Wilentz  
Associate Justice Robert L. Clifford  
Associate Justice Sidney M. Schreiber  
Associate Justice Alan B. Handler  
Associate Justice Stewart G. Pollock  
Associate Justice Daniel J. O'Hern  
Associate Justice Marie L. Garibaldi

**Appearances:**

Associate Justice Haydn C. Proctor (retired)  
Vincent J. Apruzzese, Esq., President of the New Jersey  
State Bar Association  
John J. Budd, Esq.

# In Memoriam

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**CHIEF JUSTICE WILENTZ:** Members of Justice Schettino's family and friends, former Justices: The Court is convening for memorial proceedings for the Honorable C. Thomas Schettino. To commence the ceremony I'd like to call on Mr. Vincent Apruzzese, the President of the New Jersey State Bar Association.

**MR. APRUZZESE:** Chief Justice Wilentz, Justices of the Supreme Court, fellow jurists and honored guests: On behalf of the New Jersey State Bar Association I am proud to be here today to pay tribute to the memory of a great man, Justice C. Thomas Schettino. It is indeed a privilege to participate in these proceedings honoring Justice Schettino's distinguished accomplishments both as a public servant and a remarkable human being.

He was the embodiment of the American dream. As a boy he helped his family by working before and after school and assisting his father on their East Orange farm in his spare time. He was an athlete and scholar as his Rutgers and Columbia classmates can readily attest.

Today we have two distinguished men who will present remarks about former Justice Schettino. First we will hear from former Justice Haydn Proctor on the record of service of Justice Schettino, followed by John Budd, a distinguished attorney from Essex, on his accomplishments and background.

If it please the Court, former Justice Haydn Proctor.

**JUSTICE PROCTOR:** Mr. Chief Justice and Associate Justices of the Supreme Court: I want you to know that I deem it a great honor to be asked to say a few words in memory of our friend, Justice C. Thomas Schettino. I was a member of the Supreme Court when he was appointed on March 20, 1959 and was still on the Court when he retired on September 9, 1972. During a great part of that time our chairs were next to each other. We became warm friends.

I know that John Budd will tell us a great deal about Tom's life and about his many accomplishments. But, as you know, he sat in the Chancery Division in my own County of Monmouth for a number of years. During that time he lived in Allenhurst. Because of his integrity and fairness, he had the respect of all the lawyers who appeared before him. I have had many lawyers tell me that even though they had not been on the winning side in a trial before

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Judge Schettino, they truly had received their "Day in Court," free from the hostile atmosphere that is so often present in trial court-rooms.

No judge who ever sat in Monmouth County earned and commanded greater respect. There were several reasons for this. Tom Schettino had an extraordinary gift of friendliness. That gift was contagious and had a calming effect on the adversaries in the courtroom. He treated everyone fairly, no matter who they were. But there was one thing that impressed me even more than those qualities. That was his innate courtesy. Of course he was polite and had good manners but what I'm talking about is that outward aspect of his inward feelings. That is genuine courtesy. In other words, his heart was in the right place.

Tom knew many prominent people and many who were far from prominent. He made everybody feel "at home" whether he was a financier or a laborer. He seemed to have that quality of making the fellow he was talking to feel that his interests were Tom's interests. I'm sure you all noticed *that*. When you talked with him, you felt that your concerns were his concerns. You never felt uncomfortable with him.

And he was the same when he was a member of this Court.

Judge Eugene Serpentelli, who now sits in the Superior Court in Ocean County, was at one time a Law Clerk for Chief Justice Weintraub whose Chambers were next to Tom's. He got to know Tom very well. After Tom's death, Judge Serpentelli in an interview with the press said:

He had a great feeling for people. I recall that Justice Schettino was the favorite of young lawyers for his patient pedagogical way of discussing legal problems. He was very supportive and educative of his Clerks. I remember how he used to challenge us and our legal abilities, and how he enjoyed greatly the give and take. He would challenge us with respect.

That statement is descriptive of a jurist and a gentleman.

There was a large table in our conference room and standing on it was a little plastic sign. It was in front of Justice Francis' chair. On it were these words: "Gentlemen can disagree without becoming disagreeable." By the way, I think now that sign will have to be changed, but the spirit is there. Certainly that spirit is in this Court, and I hope it always will be. It meant a lot to our Court, and I am sure that it means a lot to your Court.

In the nature of things there are bound to be dissents, sometimes sharp ones. But on our Court there was never any caviling or personal bickering. Indeed, the atmosphere was always one of cordiality and courtesy. I am sure that we have all noticed that

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this has not always been the case in some other jurisdictions. We have seen that in those courts, certain Judges have indulged in personal attacks against their colleagues both in their opinions and in the press.

Fortunately, the atmosphere in our Court has always been congenial. I firmly believe that Tom's friendliness, his tranquil spirit and his entire character contributed in a large way to that atmosphere and the work of the Court. He always added a cheerful note. Even during his last days on the Court, when he was not well, his cheerfulness did not wane. In short, he epitomized the gentleman who can disagree without becoming disagreeable.

On September 11, 1971, in proceedings before this Court in memory of Justice William A. Wachenfeld, Justice Schettino spoke for this Court. In his remarks he said that he was reminded of the Biblical story concerning King Solomon. He said the Lord, greatly pleased of Solomon's actions, offered him whatever he desired. Solomon responded that he wished to have an understanding heart whenever he would sit in judgment of his fellow men. The Lord granted his request. Little did Tom realize that he was describing his own big understanding heart.

Tom's qualities and talents about which I have spoken and his big understanding heart have earned him the affection of all those who knew him and have entitled him to the respect of the people of the State of New Jersey. Thank you.

CHIEF JUSTICE WILENTZ: Thank you, Justice Proctor.

We will now hear from Mr. Budd of the firm of Budd, Larner, Kent, Gross, Picillo and Rosenbaum, formerly Budd, Larner and Schettino.

MR. BUDD: Chief Justice, members of the Supreme Court, friends and family of the late Tom Schettino: On March 21st a warm and a very compassionate man died and it's safe to say that a part of all who knew and revered him was interred with him. I deem it a privilege to be able to participate in these memorial proceedings for one who was a devoted friend for more than half a century. The limitation of time imposed upon me does not permit a comprehensive review of his many achievements. Therefore, I shall merely touch upon the highlights of his illustrious career as a lawyer, public servant, jurist and as a friend.

Joseph and Maria Schettino migrated from Italy in 1903. They begat 8 children of whom 6 survived childhood with Tom as the eldest. Angela, Rose, Frank and Ann are with us today.

Tom graduated from East Orange High School high in his class. In addition, he starred on both the baseball and soccer teams. In

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1926 he enrolled at Rutgers University where he also gained distinction as a scholar and as a stellar athlete on two varsity teams.

In 1927, however, adversity struck this closely knit family with the untimely death of Joseph Schettino. He left Maria with 6 children ranging from Tom, age 19, to Ann, age 2. Maria was faced with an awesome responsibility but she never faltered, she never despaired. She refused to permit Tom to leave Rutgers. A little grocery store with an adjacent farm tilled by the family produced the necessities of life. Nancy and Angela insisted upon leaving school in order to supplement the family income and to permit an education for brother Tom. Mother Maria and the sisters reaped the fruits of their sacrifices.

In 1930 Tom enrolled at Columbia where he earned a law degree. Columbia produced two major bi-products. One was in the form of Teresa Lorenzo, a student at Barnard College, whom he married in 1936 and who shared his aspirations, disappointments and triumphs until her death in 1968. Ann Casale and Jean Conlon were the offsprings of the marriage. The second significant bi-product was the entire membership of the class of 1933 with whom Tom forged a bond of eternal friendship. This class has met for 50 consecutive years and his classmates have vicariously shared in his achievements.

A Clerkship at the office of Edmund R. McGlynn led to an enduring relationship with Joseph Weintraub, a future Chief Justice, and Milton B. Conford who later graced the Superior Court bench with distinction. A brief stint at private practice was followed by an appointment to the legal staff of the Port of New York Authority as Chief New Jersey Counsel.

In 1941 Governor Edison ordered a probe of the New Jersey Highway Department and Tom was selected to assist the investigation. He gained national prominence by testifying for 17 consecutive days concerning the acquisition of land for Route 3. After the probe, Governor Edison selected Tom as Executive Clerk and as Clerk of the Court of Pardons. Thus at the age of 35 Tom was playing a significant role in the administration of the Executive Branch of the State Government.

In 1944 Tom opted to return to private practice. He joined his classmate and intimate friend Samuel A. Larner and this speaker in the firm of Budd, Larner and Schettino. After a rewarding private practice of just three years he received an appointment by Governor Driscoll to the Court of Errors and Appeals. When the constitution of 1947 was edified Tom became a member of the Superior Court.

In 1959, after 12 years of service on the Superior Court Bench, Governor Meyner in his infinite wisdom elevated him to the Su-

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preme Court. Fate was most unkind. At the very summit of his judicial powers he was stricken with an incurable illness that compelled his retirement from the Bench in September, 1972 after 35 years of consecutive service. I can well recall the pain and anguish that flowed from his retirement from the Supreme Court.

Despite the misfortunes which had befallen him, he was determined to be productive. He rejoined as counsel his former firm, which is now designated as Budd, Larner, Kent, Gross, Picillo and Rosenbaum. His association with us permitted our firm to draw upon his large inventory of knowledge and experience. Ultimately, he, however, was compelled to cease his association because his malady could not be controlled.

What traits generated the love, the respect, the admiration that Tom Schettino commanded from the legal community and from the general public? I find myself completely inadequate to express in mere words the many elements that comprised his character. He was kind, he was considerate, he was gentle, he was unassuming. He kept alive in his breast that little spark of celestial fire called conscience. To his Law Clerks he was never the master. He acted as a mentor and a teacher. He fertilized and stimulated their legal thoughts. He became their marriage counselor, their father confessor, and helped structure their careers as lawyers. He exhibited a passionate tenderness for the young lawyers who appeared before him and made them feel completely at ease.

Both the State Bar and the Essex County Bar showered honors upon him for his distinguished service. Did you ever hear Tom speak ill of any man? Did you ever hear any man speak ill of Tom? I'm confident that the answer to both questions will be in the negative. He possessed an unflagging optimism. He was the eternal sophomore, the effervescent boy at heart. His genuine warmth enveloped everyone around him. He treasured his friendships. There was a complete absence of pomposity or sophistication. Even when he was wracked with pain, he expressed the view that this was a beautiful world and that it had treated him well.

Perhaps it is a beautiful world but only because men of the stamp of C. Thomas Schettino inhabited it and made it a better place for all of us. Thank you.

CHIEF JUSTICE WILENTZ: Thank you, Mr. Budd.

On behalf of the Court I want to thank Mr. Apruzzese, former Justice Proctor and Mr. Budd for bringing back some very fond recollections of Justice Schettino and properly paying tribute to him.

I ought to recognize some people who are here today. The Attorney General, Irwin Kimmelman, is here. Former Governor

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Meyner, who appointed Justice Schettino to this Court, is with us. Senator Russo, who is the Chairman of the Senate Judiciary Committee, a former Clerk of Justice Schettino, is also here.

The Court wishes to join the family and the friends of Justice Schettino in paying tribute to one who served the Judiciary for so long and so well. He was such a modest man that he would probably be embarrassed to hear all these wonderful things about himself.

It is difficult sometimes for a lawyer to evaluate or form an impression of a Justice of this Court—where Justice Schettino sat for many years—so while I appeared before this Court several times while he was a Justice, my impressions come not from those occasions but from the more numerous ones when I argued before him while he sat in Chancery. I will say only that he was firm, he was righteous, he was fair, he was perceptive, but above all he had those two characteristics of which there are none more important for a Judge: He was patient and he was kind.

We join the family and the friends of Justice Schettino, the Court joins all of you, in sadness at the passing of this great Judge and this wonderful, fine gentleman.

This concludes the ceremonies. We would appreciate it if the members of the Schettino family would join the Court in the Supreme Court conference room for a few minutes so we can all say hello to each other. Thank you very much.