

Courting Justice: Ten New Jersey Cases that Shook the Nation**Paul Tractenberg, editor****Rutgers University Press, New Brunswick, 2013. 268 pp., \$17.00 paperback.****DOI: <http://dx.doi.org/10.14713/njs.v1i1.3>**

The subtitle for this book is apt, for the volume is a collection of ten decisions rendered by New Jersey's highest court; findings that have had effects far beyond this state alone. Among the "landmark decisions" discussed are the Mount Laurel affordable housing cases, *In Re Quinlan*, which established a patient's right to die with dignity, and the ongoing litigation concerning school funding in New Jersey. The school funding issues alone have been "in progress" for more than thirty years, replete with at least twenty-seven court opinions and thousands of pages of pages of various legal documents (198-199). While the ten cases included are surely worthy of discussion, this reviewer regrets that there is no mention of the sometimes intriguing interplay between the New Jersey Supreme Court and its federal counterpart. In at least two significant instances, the U.S. Supreme Court rebuffed the New Jersey justices--for example in the cases of *PLO v. New Jersey*, and *Boy Scouts of America v. Dale*. Both serve as excellent demonstrations of the activist state court decisions highlighted here, but both were summarily reversed by a divided Supreme Court.

While these chapters rightfully emphasize the activist character of these decisions, one further regrets that there is so little background context concerning the nature and origins of this judicial activist court. See, for example, Chief Justice Robert Wilentz in the Mount Laurel Cases emphasizing that "we shall continue--until the Legislature acts--to do our best to uphold the constitutional obligation that underlies the Mount Laurel doctrine. We may not build houses, but we do enforce the Constitution (55)." What factors have led our state Supreme Court to "go beyond what any court, state or federal had done by 1975, or has done since (Ibid)?"

Most of the chapters have been written by lawyers/law professors, some of whom were personally involved in the litigation discussed. Although they can be forgiven for forgetting that the average lay reader may not understand legal nuances, at least two chapters can be cited as instances where the context is so well presented that it takes the reader into the contents: Richard Chused's eye-witness description of a downtown Newark court room in 1968 (see his chapter on low-income renters), or the portrayal of Karen Ann Quinlan's parents as they agonized over what to do concerning their daughter as she lingered between life and death in an irreversible coma.

Finally, mention should be made of the final chapter by John Wefing. The only one not to focus on a specific case, actually it could well have been the first chapter. It concerns the importance of the current New Jersey constitution, adopted in 1947, and traces the evolution of a modern constitutional system, with special attention to the modernization of the highest court. This had been an unwieldy group of sixteen, including six lay members who did not even have to be lawyers! Transformed into the current court of seven members, including a chief justice with important and extensive powers of judicial administration--what they could accomplish since is well presented in this book. It will appeal to legal historians, and to general readers into New Jersey History since 1960.

Jonathan Lurie

Professor of History emeritus, Rutgers University