

Fox Rothschild Podcast

The Presumption of Innocence Podcast Series: Episode 24

**Special Edition: Spotlight on the Association of
Criminal Defense Lawyers of New Jersey**

Featuring Matt Adams of Fox Rothschild LLP and Joseph Hayden

Adams: Hi everyone, and welcome to "The Presumption of Innocence." Today we have a special edition of our podcast where we will explore the founding and history of the Association of Criminal Defense Lawyers of New Jersey, which has grown to be the preeminent professional organization for the criminal defense bar in the state, and one that appears in virtually every case of consequence to criminal jurisprudence before the New Jersey Supreme Court. It's an organization near and dear to me personally, as well, as I was just recently installed as the 39th president of the organization.

My special guest today is Joe Hayden, the founding president of the ACDL-NJ and a man that really needs no introduction. He's practiced law for more than 50 years. He's considered one of the top criminal defense lawyers in the country and is currently a partner and co-chair of the White-Collar Litigation Group at Pashman Stein Walter Hayden.

Today, we're gonna take a historical retrospective approach to reliving the events surrounding the ACDL-NJ's formation, its early actions amid a criminal justice emergency, and how it has grown to where it is today.

But first, Joe, set the stage for us in those early days. Tell us about your background and where you found yourself professionally at the organization's founding.

Hayden: Thanks, Matt, and thank you for the invitation to discuss this topic. It has really enabled me to look back at some very memorable events and exciting times. I graduated from Rutgers Law School in 1969 and then clerked for Joseph Weintraub, who was the Chief Justice of the New Jersey Supreme Court. All of my co-clerks went into corporate law firms and I took an offer to start with the newly formed organized crime section of the Division of Criminal Justice in 1970.

I was with the Division, the organized crime section, for three years. I had the opportunity to try the first wiretap case tried in the state, and I appeared in virtually every county in the state on some matter or another, with the exception of Salem-Gloucester. But I was a defense man at heart, and after my three-year commitment was up in the fall of '73, I left and formed a law firm with Al DeCotiis and Jack Nulty in Newark.

And we were there from '73 to about '80. And the seventies were exciting times for young lawyers who wanted to be involved in the criminal practice. You could try so many more cases. There were judges available. There were cases available. There were gambling cases. There were drug cases. There were organized crime cases.

And with a little luck, you could be involved with senior lawyers and you could see how you opened and how you cross-examined. And I built up a pretty good practice during the seventies. Towards

the end of the seventies, there were a lot of conspiracy and multiple defendant cases, and they were beginning to use RICO beyond even organized crime, into political corruption, labor union cases.

And you could be in lengthy cases with very experienced lawyers, and we all made each other better. It's harder to develop trial experience now than it was then. All you had to do was be willing to work hard, get lucky, win a couple of cases and take on other cases. But a couple of things began happening, which kind of led to the formation of our association.

Adams: Joe, we're in the early eighties, right?

Hayden: Yes.

Adams: So you're practicing roughly, what, 15 years at this point?

Hayden: 10 years.

Adams: 10 years.

Hayden: And, you know, I really start practicing in '70.

Adams: All right. So, you're in the early part of your career, really, and a relatively young man at that point. And this criminal justice emergency happens. What, what's going on?

Hayden: First of all, a lot of us then got involved with the NACDL, the National Association of Criminal Defense Lawyers. And once a year, we'd go to the annual conference. We'd meet great lawyers from other states. We'd talk about common problems. And you would hear about defense strategies and techniques that you just didn't hear in your own state.

And we also heard that different states were beginning to form chapters, which were local to them, for criminal defense representation and involved with the NACDL. But I never came back from the NACDL and wasn't inspired and proud of what I did. And then Reagan was President, Meese was the Attorney General, and the Department of Justice began to take a very aggressive posture towards lawyers all around the country. Subpoenaing lawyers, bringing lawyers in before the grand jury, trying to disqualify lawyers and prosecuting lawyers in a very aggressive posture.

Adams: Lawyers were under attack.

Hayden: Yes, the lawyers began to be under attack. And when the lawyers got together on a national basis, we would compare notes and see that. But in terms of myself, Michael Critchley and I were involved in the case involving Essex County Sheriff John Cryan and the Democratic Party and campaign fundraisings and some spinoff businesses that the Cryan family had. And both of us got subpoenaed before the grand jury, had our records subpoenaed. And I ended up having to testify in connection with my representation of Cryan -- Sheriff Cryan. Had to testify in the federal grand jury twice. A lot of my whole office was in the grand jury. Mike had a similar questioning towards him too and that to his representation.

Adams: So, let me get this straight. Joe, you are the defense lawyer for the sheriff, right? You're carrying out your sacred constitutionally protected duties. And all of a sudden one day, a process server shows up and now you're in the crosshairs.

Hayden: There were also parts of the tax investigation. It was records turned over, . It was a very aggressive posture towards attorney-client privilege and work product. And I remember Mike calling me up, saying to me, "Joe, you know this U.S. Attorney you tell me is such a nice guy and such a professional guy."

I say, "Yeah, Mike." He said, "He must be asking me questions about some other Joe Hayden. This Joe Hayden he's asking me questions about, he's looking to do a dirty deed to."

Adams: And this is 1985, roughly?

Hayden: 1980... no, '82, '83. And so, both of us had to go out and get lawyers. And my friend Alan Silber represented me and went through the issues. And I was prepared to take a contempt if the matter how to go to the Third Circuit. But I went to Alan's office after he agreed to represent me, and I thought it was gonna be a brief conversation. And he says to a secretary, "Please bring out the Hayden file." And I said, "File, you gotta have a file, a Hayden file. I thought this was just a minor matter." We got through it; nothing came of it. But it was a very uncomfortable experience, and we had the feeling, with the exception of our friends, we're kind of out there alone.

Adams: I'd imagine you'd never been through something like that before. I mean --

Hayden: No, no. It wasn't fun the morning that I was going into the grand jury. And as it turns out, at that time I was living in New York, I came out and my car had been towed, so I didn't necessarily think it was a great omen.

Adams: Insult to injury there.

Hayden: But the more troubling situation was about a half a year later. Ed Jacobs -- was and is one of the premier lawyers in New Jersey -- he was representing clients in the Atlantic City area. And federal authorities had approached the mayor of Atlantic City and talked to him about cooperating. The man decided he wasn't. He goes to Jacobs, who represented somebody else, and tells Jacobs he was approached by the FBI and he wants the word to get out. Jacobs then goes and tells his clients. Somehow the feds hear about it. They come out with massive subpoenas, and they serve a subpoena on Jacobs to be in front of the grand jury in about two days.

I didn't know Ed, but we had a mutual friend. I met him the night before in Tom River. We went over the legal alternatives. I had to use maximum pressure/persuasion to convince Ed as to what the appropriate thing was.

And we ended up in front of the grand jury judge, who fortunately was John F. Gerry. And when Judge Gerry said, "There's no more situations here. Your client must testify." I said, "Judge, we've just begun to fight. There's attorney-client, there's work product, there's issues as to what he did for what client when." And I wanted to go through a case-by-case basis with it.

Down there at the same time was Carl Poplar and Frank Hartman. And as we went to lunch, we once again talked about: We need an association. This is just getting to be too much, the way prosecutors are operating. The NACDL was a great organization, but it was too far away. New Jersey State Bar Association is an association for all types of attorneys: prosecutors, defense lawyers. You couldn't get anything through the state bar without a couple of meetings, and we needed our own association.

And everybody talked about, we've gotta do it. The problem was, we were all busy. Everybody was afraid to be convinced to do too much. And the question was, who was gonna do the logistics? Who was gonna do the pick and shovel work? Or as my spouse Katharine says, "None of you guys wanted to do the scut work, and somebody had to be prepared to do the scut work."

So, we talked about it. There was a need for it. There was a precedent for it around the country. But we didn't launch.

Adams: So, you're faced with this onslaught of efforts to pierce the attorney-client privilege, disregard attorney work product. Is it a repeated thing? It sounds like it's something that was growing ahead of steam behind it, like a freight train.

Hayden: Yes, it was. And also, we were hearing from lawyers around the country that it was happening. There was the sense that we needed an association not only to protect lawyers, but in order to be able to participate in a lot of issues, including amicus. But nobody had the ability and time, and people were afraid to make the commitment that they were gonna do the pick and shovel work to put it together.

Adams: What was the political climate like at that time? Because in candor, I was about a year and a half old.

Hayden: Reagan was fairly conservative. Ed Meese was fairly conservative. The government was aggressive. There was the so-called war on drugs around the country. And there were certain prosecutors -- not everybody -- who just thought that defense lawyers got in the way.

Adams: Law and order.

Hayden: Yes. Right. So then, I had a major fraud case in 1985 that was supposed to go to trial. It involved the fraud for the ski operation which ran Vernon Valley Great Gorge against the state of New Jersey, which was supposed to get certain proceeds from the ski operation. And we resolved the case at the courthouse steps right at the time of jury selection in Morris County.

The trial was supposed to be two months. And I had a window of time now, because all of a sudden the case was over. It's like, it was like a glorified snow day except --

Adams: Opportunity knocked.

Hayden: Yeah, yeah, right. And it was like, you know, a couple of months. And I remember thinking, driving home back to Hoboken in the car, "You know, I really got the time to maybe try to do something about this criminal defense association." Didn't ponder it too thoroughly.

And then woke up the next morning almost like an epiphany. And I had the sense if we're gonna do something about a criminal defense association, it is now or never. I had that sense. There's no excuses. There's no situation with time. I went into the office and I called some of the lawyers: Raymond A. Brown, Raymond M. Brown, Alan Silber. I think I reached out to Carl Poplar, Frank Hartman, different parts of the state. And I said --

Adams: The titans of our profession, if you ask me.

Hayden: Yeah. And we wanted to be statewide. My sense of it is this was not gonna be a North Jersey operation. It was gonna be a statewide operation. And I asked them, would they be involved if I try to organize something? And they all said, "Absolutely. Count us in. We'll be there."

And I even talked about first steps because, you know, what is the first step? And we figured we ought to have a meeting where we get there. And I didn't wanna lose the momentum and the meeting was maybe 10 days in the future. Not the forthcoming Saturday, but the Saturday after that. We sent a letter out to criminal lawyers -- I sent the letter out -- who were on my Rolodex. It was people I knew. People I was dealing with. I asked my secretary. It was a joint letter addressed to about 30 people or so, talking ... Kind of a call to arms.

Adams: So, today it would be a mass email, but you sent a physical letter. It goes out by the mail to everybody in your Rolodex. How many did you think would come?

Hayden: You know, I didn't know. The one thing I wasn't gonna do is be out there all alone and everybody said, meet me at the awards dinner or something like that, because then it was not gonna be an exciting proposition.

So, we set the meeting up at the Gateway in Newark, the Gateway Hotel office complex in Newark for a Saturday, maybe 10 days, forthcoming. And then what I had to do was not only send a letter, I called everybody on the mailing list: "We need you there if you think this is important."

I was really excited about the reception we got. And I said, bring a friend, bring anybody you want. We wanna have as good a turn as we could. And we had about 40 there. And I mean, some of the leaders of the bar: Warren Wilentz, you know Chris Franzblau. I think Eddie came up from Atlantic City. Frank Hartman came up. Carl Poplar came up. People came a long way. Raymond A. Brown, who's always the dean of the criminal defense bar, Raymond M., Mike Critchley. And, of course, everybody's talking cases and laughed and it was, it great to get together. It was around 10 o'clock on a Saturday.

I started it off with the same theme but didn't want to pontificate. I wanted others to talk. And it was like a rally. There was anger. There were some people more aggressive than others. But there wasn't one sentiment from anybody that we shouldn't have an organization and we shouldn't go forward. And then after about an hour, Raymond A. stands up -- and I'll clean this up a little bit. And he says, "No bull. I pledge a thousand dollars to this new organization."

With that, five people stand up and say, "I pledge a thousand." I say, "I pledge a thousand." And in 30 seconds we had \$10,000 pledged by people. After it was over, one of my friends say "Well, now you know how the UJA works with their fundraising." But we had \$10,000.

Adams: What next? So mechanically, how do you move this rally with a bunch of spirited souls that are now joined together to rebut what is a growing tide of prosecutorial abuses? Now, where do you go with that?

Hayden: The logistics were daunting because first of all, we needed a name. We needed a bank account, which had to have a tax ID number. Then we had a form nonprofit organization. Then we had to have bylaws. Then we had to add officers and trustees. And fortunately, everybody chipped in.

Warren Wilentz helped us. Chris Franzblau helped us as to some of these filings. We were surprised. Originally, we were gonna call ourselves the New Jersey Organization of Criminal

Defense Lawyers, and they found, in terms of the name filing, that you couldn't start with New Jersey because it made it look like it was a state entity.

Hence, we have the name we have now: Association of Criminal Defense Lawyers of New Jersey. What we did in the wake of the first meeting is formed a steering committee. I'd never heard that term. It was informal, and the steering committee was gonna get us set up, was gonna come out with the recommendations as to officers, bylaws and how we go forward.

And then we're gonna have another meeting two or three weeks down the road. But we had these logistical pick and shovel events that we had to get through to be a real organization. And it was the sense of all of us, if we're gonna do it, we're not gonna fool around. We're gonna do it right. We wanted an organization that would endure and advance in terms of techniques and criminal defense strategies. It would expand, is probably a better word than advance. And to do that, we had to organize right, and we didn't wanna go out until we were organized.

You know, it was a different era in terms of the way the newspapers covered the courthouses and covered trials. There was one or two reporters for the major papers, Bergen Record and the Star Ledger, who were at every courthouse. And there were legal reporters for the Ledger. And there was a top reporter by the name of Herb Jaffe. He did a lot of the Supreme Court stuff. He did a lot of the policy stuff. I knew him pretty well.

And I recall calling Herb and telling him what we're gonna do. And he said, "Joe, that's an exciting idea. I'm gonna write a story about it." Or, he may have even heard about it and called me. But he liked the idea and he wrote a very prominent piece that was the lead in the Jersey section in the Sunday Star Ledger.

Adams: The paper of record at that moment, right?

Hayden: Yes, that's right. Lawyers organized in pursuit of justice: Very flattering, nothing sarcastic. Had a quote from me, a quote from a couple other people. That helped us take off because there's nothing like the printed word that gives a little legitimacy to an organization. And we also were able to take that article, Xerox it, and send it out to other people.

So now you have the papers reporting about this new organization. And people calling my office or other offices wanna be part of the action, want to be part of what's going on here.

Adams: You're immediately recruiting off of organic media coverage about what you're doing.

Hayden: Yes, that was an era people read the papers. And people read the Sunday paper. And we're trying to legitimize ourselves.

We're about ready to have the second meeting. We've got a steering committee, and we talk about officers. And I knew I was gonna be an officer, but I was de facto leader of the steering committee. It was very collegial. There was never any competition. It was just a question of, we wanna move fast and we wanna launch.

Adams: Who in your mind was the first president of this organization, naturally should be the first president?

Hayden: Raymond. A Brown.

Adams: The celebrated civil rights lawyer from Newark?

Hayden: No, no, not civil. He was the best criminal lawyer I ever saw. He was the best cross-examiner I ever saw. He was a civil rights leader in Jersey City. He tried cases in the deep South. But he was the lawyer that everybody went to. And my office was in the gateway and his was right down the hall. And I would see Ray and Raymond A. and Raymond M. all the time. We'd talk cases. But he was the man to be the first president.

Adams: How many years your senior would he have been at that time?

Hayden: 25.

Adams: So, this is a man that you have reverence for, respect.

Hayden: Yes.

Adams: And you're in your forties?

Hayden: Yeah. I was about 40, 41. So, I walk down the hall, have a list, and I say, "Ray, you gotta do me a favor. Here's what I'd like to do. We're forming and we would like you to be the first president. You will give stature." And he says, "No." And if anybody knows Ray, he doesn't mince words.

He says, "No, I won't do it." And then he comes across the desk and puts his arm around me and he says, "Joe, you're my friend on a lot of things, but I'm not a president of an organization. You can do it better than me. You do it."

Adams: He anointed you the president.

Hayden: Yeah. He appointed me president. So, I go back to the steering committee. Everybody says, "Fine." And what we say is, we'll honor him at the first dinner. And I think our offices were, I was the first president, Frank Hartman from Burlington County was the second. Justin Walder was the third. Justin and I were not partners at the time.

Eddie Jacobs was the fourth and Raymond M. Brown was the fifth. We go back. We talk about trustees. People have made recommendations for trustees, 'cause again, we didn't wanna lose much time. We've all heard the famous line, "No Army is stronger than an idea whose time has come." The idea for this organization, the time had come. We had the momentum. We didn't wanna lose it. It was like we were building the airplane as we were starting to fly it.

So, at the second meeting, we kind of ratified what the steering commission was gonna do in piecemeal. We were getting the bank account, because you couldn't even put the checks in. Getting the name, getting the tax ID number.

And you know, there were people who were so generous. Warren Wilentz, who was a very good trial lawyer and criminal lawyer. And Barry Albin was there. We asked Warren if he wanted to be an officer and he said, "No, it's for you young guys. Let me work on some of the paperwork." I mean, the generosity. Chris Franzblau said the same thing. "You young guys should do it. Let us help you launch it 'cause we know we all need it." We used the word "launch" in terms of getting off the ground.

So, we then decided that we had to have a dinner, an event, our first annual dinner. And Warren suggested a restaurant, I don't know whether it's on One or Nine in Middlesex County called The Pines. And it was a catering/wedding/restaurant place. The price was right. I think he got us a good price 'cause we were going to use this as a fundraising device for the tickets. We had some money pledged, but we knew we were gonna need full-time staff. Not that we're gonna have an office or anything else, but you were gonna need funds.

And as we went forward, one of our trustees was Miles Feinstein, and Miles was a great organizer. And he must have bought three tables of tickets. We asked every trustee if they possibly could buy a table or sell a table or do the best they can. Nobody really monitored. And all Miles did is invite judges. He had all the judges. Nobody was worrying about checking with the AOC, check it with any kind of judicial review. Miles figured we wanted to get as many judges there as possible. People, you know, were inviting judge friends.

Adams: And it gave legitimacy to the organization if they were there.

Hayden: Of course. And this is not just a, an organization of renegades. And Ray, then, Raymond A., really scored a coup for the organization. Former Governor Hughes and former Chief Justice Hughes was a friend of Raymond A. Brown. Their friendship went back to the Newark riots of 1967 when, eventually, they were trying to meet with people in the community and tone down the violence and bring about the truce. And the governor called Ray and asked Ray if he could be an intermediary to set up meetings. And Ray did. Then he spent a lot of time with the governor. He was friendly with the governor when he became the Chief Justice. Hughes has just stepped down now as having been the Chief Justice.

Ray asked Chief Justice Hughes to be at our dinner. Chief Justice Hughes accepts. He had gotten older. I remember his steps being small and slow. He was sharp as a tack. And he spoke. And when he spoke the word went out, Chief Justice Hughes was there. We may have even put it on some of the mailings about the dinner, about the need for this organization. And he said, and I'll never forget the words, "In my heart, I was always a defense man. And I always root for the underdog." And you got a standing ovation. I mean, they just stood up. And he stepped down. Then Michael Critchley introduced Ray and he gave a stirring and encyclopedic description of Ray's achievements and what his career has been like. And then when Ray spoke, as the feature honoree, it was just a call to go out and fight and not to be kicked around and all. And he ended up saying, "And if there's one thing about my career, the thing I'm proudest of, I have never taken a step back. And I tell you folks, never take a step back no matter what they did."

And the place was on its feet when he finished.

Adams: If those aren't marching orders from the dean of the Criminal Defense Bar, I don't know what is.

Hayden: That's right. And it was complimentary. And everybody left that dinner proud to be a criminal defense lawyer. And we had momentum.

Adams: Let me ask you this, Joe, to that point, before we're rallying the troops, is morale starting to dip with criminal defense lawyers? Are people saying to themselves, "Ugh, I don't know if I could do this. I'm gonna become targeted like my clients?"

Hayden: No, the feeling was, what's happening is wrong and unfair and stronger language than that. What can I do to fight back?

Adams: So resolve as opposed to fear.

Hayden: Yeah, that's right. Resolve. And also, there were good people and there was energy and there was pride. Pride at being a criminal defense lawyer, you know, liberty's last champion.

And we were there, and women and men that we all admired. And everybody had a good sense of humor. So, we decided to have a second dinner in the fall. This one was in the spring sometime. I don't have the date in front of the first one. And the second dinner we had as our honoree federal Judge John Gerry.

And Gerry was a wonderful man. Anybody who had the opportunity, I tried a number of matters in front of him. And he was fair, and he was humorous. He took the law serious, the federal court serious, but not himself. And not unlike Chief Justice Hughes, he knew how to speak to his audience because so much of his speech was that he thought it was wrong for lawyers to be under attack, for lawyers' fees to be frozen and for lawyers not to be able to permit to use client's money for purpose of their fees. So, needless to say, Judge Gerry's speech was well received, and we had another excellent dinner. Maybe we had one more second dinner, but it turned out too much because although there was a lot of energy and a pink cloud in the beginning. As we see, as you'll see, Matt, working for one dinner is hard enough, working for two dinners... we tried to balance the North Jersey, South Jersey thing.

Adams: But you were off to the races at this point.

Hayden: That's right.

Adams: You're funded, the energy is there, and you have this inspiration in your ear of Raymond Brown. The Raymond Brown saying: Go run with this. And at that point, you're my age.

Hayden: We had this sense, we wanted to create an organization that would endure and expand. We were not taking shortcuts. We were not mailing it in. We had an amicus committee by then. We had a lawyer strike force by then. There was a lot of talk about a brief bank. We hired for a while. Alan Marcus represented us as a lobbyist to be looking at legislation that was going through and tagged for us what we had to worry about and what was just political fodder for people, telling the constituents they introduced.

And so, we wanted to be permanent players in the criminal justice scene in New Jersey. And just like you prepare a case the right way, prepared to do the organizational stuff that we had to do. And that was getting out with the people and and everybody was, "Come on in. Big tent. We want you there."

But we had some wonderful speakers that came in in the beginning. The president or somebody would invite somebody. We had Alcee Hastings. I don't know if you knew who Alcee Hasting was. He was a federal judge who, during the eighties, was indicted for bribery in Georgia or Florida. I guess it was Florida.

The greatest speaker I ever saw. He came a couple times during his litigation to the ACDL, and he was eventually acquitted. Did his own summation. I think he walked away, did his own summation. I mean, just a speaker almost to the level of Dr. King. The Republican Congress was disappointed enough about the acquittal. They moved to impeach him. They had a hearing with a lesser standard of proof, voted to impeach him and convicted him. And despite the fact he was acquitted, threw him out from being a federal judge. Hastings though, Alcee got the last laugh because he then ran for Congress in Florida and got elected and went back to Washington and was a thorn on everybody's

side. And he came and spoke to us and again, had everybody just stand and applaud about the need to fight and the dignity of the people we represent.

There was a lawyer of national stature by the name of Bobby Lee Cook from Georgia -- I think he died just five or six years ago -- spoke to us. We had Robert Carter. Robert Carter was a federal judge, sat in the Southern District of New York, but he worked with Thurgood Marshall. And Robert Carter tried in Topeka, Kansas, *Brown v. Board of Education*, trial counsel --

Adams: My goodness.

Hayden: in *Board of Education*. He was tough guy. Ted Wells and I had a case in front of him. About six months later, I went out of my way when Carter was in front of us to introduce myself to him. So, we get over in Southern District and we're in talking to the judge and I said, "Judge you may not remember me, but I met you when you spoke to the Association of Criminal Defense Lawyers in Newark."

And he says to me, "So?" I said, "Well, Judge, it's just nice to have met you at something like that." And he looked at me like, he was no nonsense. He was a good judge though.

One of the interesting things that happened is that the dinners moved around. They were at The Pines for two or three years. Whoever the president was could begin the plan. I know we had some in the the hotels around Newark Airport, and we actually had a couple in Asbury Park where there's a new hotel building. And I think if the price was right, they would try to do it so you could max in terms of the amount the association got. I remember the one in Asbury Park because a couple of our members must have had too much a drink. A fight broke out...

Adams: Oh my goodness.

Hayden: ... at the end of the dinner over who got the valet first or something like that, and it was in Asbury Park. And actually, with the cocktail hours when we were trying to start the dinner, everybody would've been out at the cocktail hour having a good time. You couldn't get people to shut up. I mean, you know, you were trying to start the dinner and you're calling to order. They're all talking to one another.

I know there was one dinner. I finally got up there and tried to calm everybody down. And I yelled and everything else. Some guy just looks up, "Hey Joe, you're no longer the president! Sit down."

Adams: So, the collegiality that we still experience today was basically baked in from the beginning.

Hayden: Yes. It was baked in. And remember, it takes strong men and women to be criminal defense lawyers. A lot of people are contrarians. You know, we, people like Dennis McAlevy, just contrarians. Brian Neary. They're not afraid. You can't be afraid to be doing the type of stuff we do for too long. And even the comment I made was half in jest, what I was talking about.

One of the things I do wanna mention is we were blessed with executive directors and we needed full-time skilled professionals for our association. In the very beginning, it was my beloved secretary, Judy Kotch, who just from my office, helped us get through the first dinner. Eventually, Judy was my secretary for 38 years. We were very close. Unfortunately, she rests in peace right now, but her contributions, just part of my staff, were just terrific.

We had a woman that replaced her by the name of Ann Lewis. Ann was with us a couple years. She had worked with a couple other bar associations, and she had to move on. We had Katie Hartman, who was Frank Hartman's daughter, who came on after Anne moved on. She did an excellent job. I think she left when she went to law school if memory serves. She did a good job just steering us, you know. And then we had Ginny Whipple.

Adams: The incomparable Ginny.

Hayden: Well, like a franchise quarterback. They always say the team wants Tom Brady, a franchise quarterback. She was our franchise quarterback. And she would get stuff done so effortlessly and would have her crew for the tables and the tickets and everything else that, although everybody praised her, we may have taken it for granted.

But what we were trying to do -- build an organization that will endure and expand -- you could not do without staff. When we were talking about it at the steering committee, we didn't want this to be a drinking club. We didn't want this to be an old boys club. We could sit around, talk about our cases and do nothing and then the thing fades away. We wanted to create something that would be there long after us, but would have an impact on the criminal justice system. Because the defense is absolutely entitled to have everything the prosecution has, including stature, places on committees, and they're willing to be heard. And you needed staff for organization because you need these dinners.

After we canceled the fall dinner, we decided to have seminars, before we called it Super Saturday. And the first seminar we had was the single best seminar I have ever seen in the practice of law in my 53 years of practice. And I forget who came up with the idea, but we were saying, what do criminal defense lawyers want to know the most? How to cross-examine. What will bring people out? So we decided to have a program with an experienced witness, a former DEA agent, who would be talking about a factual scenario. It may have been a stop on the turnpike and a search of the car for narcotics. And he would be cross-examined by three of our lawyers outside of each other. Raymond A. Brown, Michael Querques and Justin Walder were humble and gracious enough to do the cross-examination for the membership. After it was over, everybody said, "I wouldn't have had the nerve to do that in front of my brethren. Oh my God."

And it was so enlightening. There wasn't one way to do it. There were multiple ways to do it. And that started our sense of, if we weren't gonna have two dinners, we were gonna have a program in the fall. We had a couple and then it took a few years before they called it Super Saturday.

Adams: Joe, when you look at the lasting legacy, this enduring legacy of the organization that you helped to create, nearly 40 years later, and the process that it took to build it to where it is today, how does that make you feel?

Hayden: Well, it makes me feel proud and it makes me feel grateful. I've always said, Matt, I get too much credit in the sense that I was the tip of the spear. Without everybody else jumping in from the logistics, to being there, to encouraging us to do it and buying tables and being there. But still, we had a vision, and frankly, the vision has expanded beyond our wildest dreams. The fact --

Adams: How so?

Hayden: That we have the list serve. I mean, I read that list serve, lawyers helping lawyers. Somebody give me a phone number, tell me how to get around this judge, tell me how to get inside

the probation office to perhaps get my client out on a quick probation. And lawyers helping lawyers with briefs.

We never envisioned that. And we know how much the ACDL is involved in amicus work with New Jersey Supreme Court, appellate courts. They call us up. They want us to be involved. I've had the privilege of arguing three Supreme Court matters in about the last 15 months. And it's a wonderful experience to be there. And they listen. The Supreme Court listens to us as they do to the wonderful appellate section of the Public Defender's Office. And I don't think it's a coincidence that the case law and some of the decisions have gone towards the defense, towards the constitution, the way they should, is because of our organization being involved and being in absolute lockstep with the public defender's office. And they're great lawyers.

Adams: When you go to that list of past presidents, Joe, and you see the people who have followed. You obviously were the first president from 1985 to 1986. In '86, Frank Hartman came in. And you go on and on, and you look over the course of those decades. And I'm frankly humbled and flattered that my name will soon be on that list at the conclusion of my term as president. But what's the first thing that comes to your mind when you see that list of leadership that's followed you?

Hayden: The actual absolute first thing on my mind is, I'm grateful I'm still here. When you realize we'll have our 40th annual dinner next year, and so many of us, so many of us, are still here. I was looking at that list and the number of us that -- of our group -- that went out to the bench. Harvey Weissbard, 1994-95, went out to the Appellate Division with distinction. One of the great appellate lawyers in our state.

Cathy Waldor, our first female president, 1996-1997. She's a magistrate judge. She's a fabulous magistrate judge. It's a hard job. She works with lawyers. She uses her skills. Barry Albin: Barry was there with Warren Wilentz. You know, when we were first starting, he was a partner and he was always a player 'cause he was trying cases. He was the president, 1999-2000. He goes on the Supreme Court for 17, 18 years. He's back with us, you know. He's back with us.

John McDonald, who I had the privilege of trying so many cases with, was the president from 2004-2005. John went to the Superior Court in Somerset County and did a wonderful job on domestic violence matters. And then had the opportunity to become the prosecutor of Somerset County, and he's now out there as a prosecutor. He's progressive. He can try a case with anybody. And John, while he was a practicing lawyer, argued a case in front of the United States Supreme Court. I mean, every lawyer's dream when you're first going to law school.

And I haven't even touched our trustees, and I'm sure there are many people were trustees who are now on the bench. I was just thinking of Ed Jerejian who is in Bergen County and doing a wonderful job in Chancery.

But the ultimate recognition as to the stature of the lawyers in our association is the recent appointment of Michael Noriega, then the president-elect of the ACDL, to the New Jersey Supreme Court by Governor Murphy. And the seat he is filing is that of our former president, Barry Albin, who recently retired. It does not get any better for our association or the judiciary.

Our association attracts good lawyers. We are proud of the quality of our work. Do people squabble once in a while? That's the nature of the personality. That's the nature of the business. But I think we have endured and expanded. And, Matt, it is my belief that we need the Association of Criminal Defense Lawyers now more than ever.

Adams: Why?

Hayden: Subtle and nuanced problems that we have to strategize and speak with one voice. And I truly believe that, for this organization, the best is yet to come and the best leadership is yet to come.

Adams: When you think back on the history, the perspective you have ... where do you wanna see the ACDL of New Jersey go in the next 40 years?

Hayden: To be open-minded, to be creative, to do what is right and to never step back.

Adams: There's no better way to end it. Joe, thank you so much for being part of this special edition of "The Presumption of Innocence."

It's all the time we have. We'll see you next time.

Hayden: Thank you.