

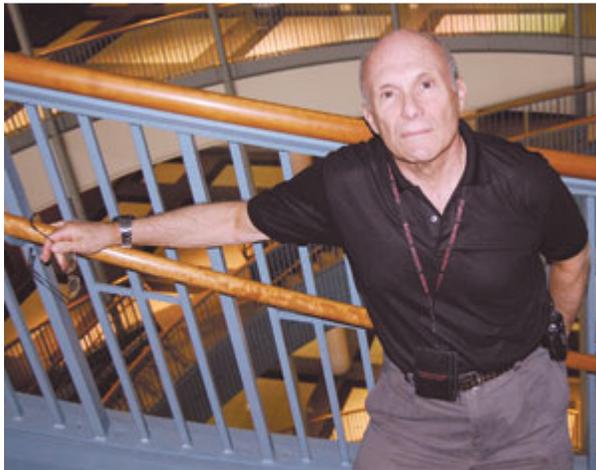
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## Professor is New Jersey's Education Law Dean

By John Mooney

New Jersey Law Journal

August 14, 2009



Paul Tractenberg has been called the father of school equity in New Jersey, its dean, and even, by one writer, its all-knowing Yoda.

Starting as a young law professor at Rutgers Law School in the early 1970s, he founded the Education Law Center in Newark, the lead player in the longest-running school finance case in the nation, **Abbott v. Burke**.

As the center's first director and sage advisor, he has argued and consulted in the case before the state Supreme Court, helping to bring billions in dollars and sweeping reforms to New Jersey's urban schools. For close to 40 years, the New Jersey State Bar Association member has represented much of the intellect, if not the heart, behind the landmark decisions.

"There were many builders (of **Abbott**) along the way, but Paul has always been its architect," said Lawrence Lustberg, a law center board member and longtime ally.

Yet as **Abbott's** historic standing took a big hit this spring with the Court's decision to effectively end its mandates for the 31 affected districts, Tractenberg has been left to take stock of the lessons and legacy of the case that has come to define him and the law center he created.

In a unanimous decision, the Court found Gov. Jon Corzine's new school funding formula constitutional and its **Abbott** mandates no longer necessary, dealing the center its first major setback in a ruling on the matter.

But don't look for many tears from Tractenberg, and certainly no regrets. Even now, at 71 years old, the grandfather of nine and leader in a range of new projects, he is not about to concede anything and argues **Abbott** is simply beginning its own new chapter.

"With this decision, we could have blown taps over **Abbott** and could have railed against the court and the state," Tractenberg said from his law school office overlooking Newark's downtown. "Or we could see it as a celebration of **Abbott** and as really breathing new life into the effort."

In his fourth decade with the case, he remains very much committed to the cause, with legal and research papers piled deep on his desk and shelves. Tractenberg remains on the law center's board, which he chaired for the past two years. He also consulted on the latest litigation.

"Not too many lawyers are engaged in one litigation for 30 years, and that's Paul," said Ronald Chen, a former assistant dean of Rutgers Law, and now the state's Public Advocate.

"This last decision, what was it, **Abbott XX**?" he said. "Just Paul's dogged determination -- building the record and not just going for sound bites -- that's all about Paul's consistency and tenacity."

## **The Activist Bug**

Tractenberg credited his persistence to his hardscrabble upbringing in Newark's Weequahic section. An only child whose father never finished high school, Tractenberg still lights up talking about his time in Weequahic's predominantly Jewish enclaves and playing baseball across the street from Maple Avenue School.

Passing up prospects to pitch professionally, he went to law school. That took him to a Wall Street law firm, but it wasn't long before he was swept up in the heady years of Presidents John Kennedy and Lyndon Johnson, serving as a counsel to the then-fledgling Peace Corps.

From there, it was back to New York City and another esteemed law firm. But the activist bug was in him, and his next work included counsel to the city's Board of Education in its complex decentralization plans in the late 1960s.

"That is really what whetted my appetite" for school work, he said. "I felt I had been on a multi-year search for what would really satisfy me."

## Back To School

That interest and passion in education law would bring him full-circle to his hometown of Newark. When he joined the Rutgers Law School in 1970, education finance litigation was just developing, with California and Texas about to be joined by New Jersey in the forefront of what has become a nationwide movement.

“He was deeply interested in education law at a time when there weren’t a lot of others involved,” said Frank Askin, a Rutgers law professor and longtime friend of Tractenberg’s.

At Rutgers, Tractenberg immediately got involved with the first of the major school funding cases facing New Jersey, **Robinson v. Cahill**. He and a group of his students filed an **amicus** brief on behalf of the American Civil Liberties Union and the National Association for the Advancement of Colored People Newark chapter, arguing the state’s urban students were entitled to the best possible education, the “thorough” education promised by New Jersey’s constitution.

Several years later, Tractenberg launched the Education Law Center with the help of Ford Foundation money. In 1981, the center filed a follow-up case to **Robinson, Abbott v. Burke**, on behalf of hundreds of thousands of students in poor urban school districts.

Almost two decades would pass before the center ultimately prevailed in the Court’s landmark 1998 order for broad changes in how the state treats urban schools and their students.

David Sciarra became the center’s fourth director in 1996. Sciarra said he still marvels at the underpinnings laid down by Tractenberg in those early years.

“Paul had the foresight to know this would be a long struggle,” Sciarra said. “He knew there had to be an organizational capacity to carry this out.”

Tractenberg is more modest. “I knew it would have a five- or six-year run, but beyond that, I wasn’t thinking much about it,” he said.

Still, **Abbott** led to a protracted and controversial set of rulings about all the money spent, fueling a debate that continued to heat up through the years, coming to a head this spring with the court’s latest decision to pull back from its earlier decrees.

Backed by the justices, the Corzine plan would extend additional funding to all districts with needy children, essentially ending the separate distinction and funding of the Abbott districts. But many advocates fear it will also weaken the state’s commitment to meeting the greatest needs in Abbott districts like Newark and Jersey City.

Tractenberg has taken a different tack so far and said the ruling could also be read as a reinforcement of the programs and gains brought on by **Abbott**, especially around preschool.

“If the new law is not fully funded immediately as the court required, we’ll confront a serious ethical question of whether we will be obligated to file a new legal challenge,” he said.

## **New Projects and Poker**

In the meantime, Tractenberg has immersed himself in a host of other projects. The focal point has been his nearly decade-old Institute on Education Law and Policy, an interdisciplinary research arm of the Rutgers-Newark campus.

Its projects have included a study of state takeover laws nationwide that proved integral to the state policies designed to end its epic controls of its three largest districts. The institute also recently began a research collaboration with the Newark schools to establish a comprehensive data warehouse and conduct high-quality, independent research for the district.

Also, the institute is completing a major national study of school governance reforms, including mayoral control of urban schools.

If that wasn’t enough, Tractenberg organized a symposium and seminar for the law school’s centennial last year, and is completing, with his students, a book about the centennial. This summer in Italy, on a prestigious Rockefeller Foundation fellowship, he is writing and editing another book on the state’s 10 most pivotal legal cases, **Abbott v. Burke** among them. Tractenberg’s wife of 31 years, Neimah, is with him.

“I’m busier than I have ever been . . . ever,” he said before going overseas. “And it’s all good stuff.”

Tractenberg has battled some health issues, but that hasn’t stopped his avid cycling regimen nor his weekly poker game with Askin and a small group of other legal luminaries.

The game is held every Wednesday night with rotating hosts, and Tractenberg is said to hold his own. “There is nobody but good players left at this point,” said Askin. “The chronic losers all dropped out along the way.”

Tractenberg again made no such boasts, showing the same humility in poker as in the courtroom. Regarding the latter, he said he came to New Jersey’s school equity battles with skills and intelligence that are hardly remarkable, chalking up his success to possibly possessing a little more patience than most.

“Tenacity, staying power,” he said. “I’ve learned you just have to stay at it. You can’t be a dilettante if you want to accomplish anything.”

**This article was produced by the New Jersey State Bar Association for publication in the New Jersey Law Journal.**

