

# EUGENE G. LISS

Attorney-at-Law  
92 Main Street  
1<sup>st</sup> Floor  
Little Falls, New Jersey 07424  
Tel: 973-890-1819  
Fax: 973-785-4053  
email: [lisslaw@hotmail.com](mailto:lisslaw@hotmail.com)

VIA UPS and email - [SupremeCTBrief.mbx@njcourts.gov](mailto:SupremeCTBrief.mbx@njcourts.gov)

March 8, 2021

Michelle M. Smith, Clerk of the Superior Court  
Superior Court of New Jersey  
R.J. Hughes Justice Complex  
Superior Court Clerk's Office  
25 W. Market Street  
6<sup>th</sup> Floor, North Wing  
Trenton, New Jersey 08611

**RE: RAYMOND ARTHUR ABBOTT, ET AL. V. FRED G. BURKE, ET AL.  
DOCKET No. 085333**

Dear Ms. Smith:

Enclosed please find an original and eight (8) copies, plus one filing copy, of the following:

1. Notice of Motion for Leave to Appear as Amicus Curiae in Support of Plaintiff's Motion In Aid to Litigant's Rights;
2. Certification of Eugene G. Liss, Esq., in Support of Motion to Appear as Amicus Curiae;
3. Statement of Interest of Amicus Newark Teachers Union Local 481;
4. Amicus, the Newark Teachers Union Local 481's, Letter Brief, Request for Acceptance, Procedural History and Statement of Facts;
5. Certification of John M. Abeigon, President of the Newark Teachers Union Local 481; and

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Michelle M. Smith, Clerk of the Superior Court

March 8, 2021

6. Eugene G. Liss, Esq., Attorney Business Account Check No. 22430 payable to the Treasurer, State of New Jersey in the amount of \$50.00 which represents the filing fee of the enclosed.

Kindly file the enclosed documents and return one package stamped "filed" in the enclosed self addressed, stamped envelope.

Thank you for your kind cooperation.

Very truly yours,

A handwritten signature in cursive script that reads "Eugene G. Liss".

EUGENE G. LISS

EGL/db

Enclosure

cc: David G. Sciarra, Esq. (VIA UPS & email)  
Gurbir S. Grewal, Attorney General (VIA UPS)


EUGENE G. LISS, ESQ.  
92 Main Street  
Little Falls, New Jersey 07424  
(973) 890-1819  
[lisslaw@hotmail.com](mailto:lisslaw@hotmail.com)  
Attorney for Newark Teachers Union

RAYMOND ARTHUR ABBOTT, ET AL.	:	SUPREME COURT OF NEW JERSEY
	:	DOCKET NO.: 083626
	:	
Plaintiffs-Movants,	:	CIVIL ACTION
	:	
vs.	:	NOTICE OF MOTION FOR LEAVE
	:	TO APPEAR AS AMICUS CURIAE
FRED G. BURKE, ET AL.,	:	IN SUPPORT OF THE PLAINTIFF'S
	:	MOTION IN AID TO LITIGANT'S
Defendants-Respondents.	:	RIGHTS
	:	

TO: DAVID G. SCIARRA, ESQ.  
Education Law Center  
60 Park Place  
Suite 300  
Newark, New Jersey 07102

GURBIR S. GREWAL  
Attorney General  
Supreme Court of New Jersey  
25 Market Street  
P.O. Box 970  
Trenton, New Jersey 08625-0970

PLEASE TAKE NOTICE that the Newark Teachers Union Local 481, AFT, AFL-CIO, by its attorney, Eugene G. Liss, Esq., hereby moves before the Supreme Court of New Jersey to be permitted to submit a brief Amicus Curiae in the above-referenced case. Reliance will be placed on the attached Certifications.

  
EUGENE G. LISS, ESQ.  
Attorney for Amicus  
Newark Teachers Union  
Local 481, AFT, AFL-CIO

Dated: March 8, 2021

EUGENE G. LISS, ESQ.  
 92 Main Street  
 Little Falls, New Jersey 07424  
 (973) 890-1819  
lisslaw@hotmail.com  
 Attorney for Newark Teachers Union

RAYMOND ARTHUR ABBOTT, ET AL. : : Plaintiffs-Movants, : : vs. : : FRED G. BURKE, ET AL., : : Defendants-Respondents. : : <hr style="width: 40%; margin-left: 0;"/>	SUPREME COURT OF NEW JERSEY DOCKET NO.: 083626  CIVIL ACTION  <u>CERTIFICATION OF EUGENE          EUGENE G. LISS, ESQ.,          IN SUPPORT OF MOTION TO          APPEAR AS AMICUS CURIAE</u>
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I, EUGENE G. LISS, ESQ., hereby certify:

1. I am an attorney at law in the State of New Jersey and Counsel to the Newark Teachers Union.

2. Newark Teachers Union Local 481 is a Non-Profit Organization having a collective bargaining contract with the City of Newark Public Schools and represents all teachers, aides and clerks employed in New Jersey's largest urban school district consisting of approximately 36,197 students, most of whom are of minority status and who attend 64 schools in Newark.

3. The Newark Teachers Union Local 481 and its officers daily interact within the Newark Public Schools by not only viewing Newark schools but have knowledge of existing staffing, educational



programs and the physical condition of buildings within which its members are employed and Newark students are taught.

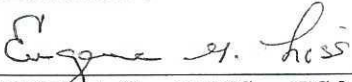
4. The Newark Teachers Union Local 481 represents approximately 3,500 members who daily interact with Newark's administration, students and parents and they provide the educational format to the students of Newark as directed by the Superintendent of the Newark Public Schools.

5. The Newark Teachers Union Local 481 believes that the present state of educational funding for the 2021 school year within the State of New Jersey's budget will not provide financial and educational parity in Newark with suburban schools with the result being that Newark's urban students, who are predominately African and Hispanic Americans, will further suffer educational deficiency far greater than exists in suburban areas of New Jersey to the detriment of Newark's students receiving a thorough and efficient education.

6. The Newark Teachers Union Local 481 concurs with Plaintiff's counsel that students in Abbott Districts have had their constitutional right violated because the State of New Jersey has not provided, in its 2021 budget, funds to correct educational facilities that are unsafe, overcrowded and effectually inadequate.

7. The Newark Teachers Union Local 481 submits that the position and facts presented to the Court will assist the Court in making an equitable and just determination of this matter.

I hereby certify that the foregoing statements are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
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EUGENE G. LISS, ESQ.  
Attorney for Amicus  
Newark Teachers Union  
Local 481, AFT, AFL-CIO

Dated: March 8, 2021

STATEMENT OF INTEREST OF AMICUS  
NEWARK TEACHERS UNION LOCAL 481

The officers of the Newark Teachers Union Local 481 and its members, teachers, aides and clerks, interact daily in every educational aspect of education concerning the City of Newark's 64 public school buildings and approximately 36,197 urban children who are predominately African and Hispanic Americans. The Newark Teachers Union Local 481 is in the unique position to have firsthand knowledge of working, educational and the physical condition of Newark Board of Education school buildings, many of which are over a century old. The Newark Teachers Union Local 481 has filed grievances on behalf of its membership relating to building conditions which impede the health and welfare of its members and their students.

It is the Newark Teachers Union Local 481's position, in conjunction with Plaintiff, that unless aged Newark School buildings are repaired, rehabilitated and replaced because of aged construction and overcrowding, Newark's students will suffer educationally and are denied the benefits of a through and efficient education and that the education plight of urban minority students will continue to diminish and the disparity of educational achievement between urban and suburban students will consequently widen.

The Newark Teachers Union Local 481 wishes to bring to the Court's attention an accurate portrayal of conditions at two (2) of

Newark's schools whereby the Court can assess the impact of no funding in the State of New Jersey's budget for fiscal year 2021 for the construction, repair, rehabilitation and overcrowding of Newark Public Schools.



RAYMOND ARTHUR ABBOTT, ET AL. :  
Plaintiffs-Movants, :  
vs. :  
FRED G. BURKE, ET AL., :  
Defendants-Respondents. :

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SUPREME COURT OF NEW JERSEY  
DOCKET NO.: 085333  
CIVIL ACTION

AMICUS, THE NEWARK TEACHERS UNION LOCAL 481'S,  
LETTER BRIEF IN SUPPORT OF MOTION IN AID OF LITIGANT'S RIGHTS

EUGENE G. LISS, ESQ.  
92 Main Street  
Little Falls, New Jersey 07424  
(973) 890-1819  
[lisslaw@hotmail.com](mailto:lisslaw@hotmail.com)

Attorney for Amicus,  
Newark Teachers Union Local 481,  
AFT, AFL-CIO

On the Brief:

Eugene G. Liss, Esq.

REQUEST FOR ACCEPTANCE OF LETTER BRIEF

Amicus, the Newark Teachers Union Local 481, AFT, AFL-CIO, respectfully requests that the Court accepts this Letter Brief and Certification of John M. Abeigon, President of the Newark Teachers Union Local 481, AFT, AFL-CIO, in lieu of a more formal brief.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

Amicus, the Newark Teachers Union Local 481, relies upon and incorporates the Procedural History and Statement of Facts of the Plaintiff.

LETTER BRIEF

The Newark Teachers Union Local 481 offers the Court in its Certification of its President, John M. Abeigon, a glimpse of Newark's Ann Street School and Lafayette Street School both plagued with over-crowdedness in school buildings constructed over 130 years ago. Lafayette Street and Ann Street Schools service a population of arrivals from South and Central America countries many of whom have little or nonexistent English-speaking skills and have to be taught by bilingual teachers. COVID-19 has forced the closing of Newark schools from March of 2020 until their limited reopening on or about April 12, 2021. Newark's students have been taught virtually at home during this period. The context of this Letter Brief is not to condemn Lafayette Street and Ann Street schools for their physical condition, which has been maintained, but apprise the Court that serious over-crowdedness for nearly a decade, coupled

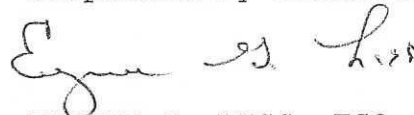
with a year of student classroom absence for mostly non-English speaking students, make the attainment of a thorough and efficient education impossible. The students who are jammed into overcrowded classrooms and schools, like Ann Street and Lafayette Street schools, are children of recent immigrants whose English-speaking skills are rudimentary as are the English-speaking skills of many of the students.

The staffs at overcrowded Lafayette Street and Ann Street schools try their best under the most difficult of situations but, unless circumstances change and the State addresses the overcrowdedness, Lafayette Street and Ann Street schools will never attain academic equivalency with the richer suburban schools which is the goal of the Abbott decision.

CONCLUSION

For the reasons stated above, Amicus respectfully request that the Court grant the Motion in Aid of Litigants' Rights, enter the relief requested as set forth in Plaintiff's proposed Order, and retain jurisdiction to ensure State compliance with that Order.

Respectfully submitted,



EUGENE G. LISS, ESQ.  
Attorney for the Newark Teachers  
Union Local 481, AFT, AFL-CIO

Dated: 3/3/21

EUGENE G. LISS, ESQ.  
92 Main Street  
Little Falls, New Jersey 07424  
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lisslaw@hotmail.com  
Attorney for Newark Teachers Union

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RAYMOND ARTHUR ABBOTT, ET AL.	:	DOCKET NO.: 085333
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Plaintiffs-Movants,	:	CIVIL ACTION
	:	
vs.	:	
	:	
	:	CERTIFICATION OF JOHN M.
	:	ABEIGON, PRESIDENT, NEWARK
	:	TEACHERS UNION LOCAL 481,
	:	IN SUPPORT OF MOTION TO
FRED G. BURKE, ET AL.,	:	<u>APPEAR AS AMICUS CURIAE</u>
	:	
Defendants-Respondents.	:	
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I, JOHN M. ABEIGON, hereby certify:

1. I am the President of the Newark Teachers Union Local 481, AFT, AFL-CIO, having its principal office at 1019 Broad Street, New Jersey 07201.

2. I make this certification in order that the Court may consider the Newark Teachers Union Local 481 a friend of the Court in respect to the above-captioned case.

3. I have been employed by the Newark Board of Education as a classroom teacher commencing in 1991 until 1995 at which time I became the Legislative Representative for the State of New Jersey American Federation of Teachers and remained in such position until 2015 at which time I was elected President of the Newark Teachers Union Local 481 and have served in that capacity to date.



4. During my tenure as a Newark teacher, Legislative Representative and President of the Newark Teachers Union Local 481, I was, and presently am, within the City of Newark public schools in order to represent members of the Newark Teachers Union Local 481.

5. Many of the teachers' complaints have to do with building conditions due to heating, lighting, ventilation and sanitary problems existing because of the age of school structures and overcrowdedness in classrooms.

6. It is my recognition and opinion that the City of Newark's tax base could not presently afford the cost to repair, replace and rehabilitate deficits existing within Newark schools, some of which are between 100 and 150-year-old, and certain Newark schools are dramatically overcrowded and therefore, educationally inadequate.

7. I wish to bring the Court's attention two (2) examples of aged and overcrowded conditions within two (2) schools in Newark's East Ward known as the Ironbound section of Newark. Ann Street School is presently a 131-year-old structure which in 2012 was determined to be in very poor facility condition having 1,340 students in a school having a student capacity of 824. Ann Street was at 186% capacity. Presently, in the 2020-2021 school year, Ann Street school is still enormously overcrowded having 1,239 students. The second school I offer as an example is Lafayette Street School,

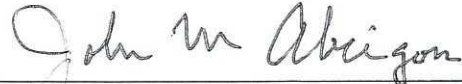


which is approximately 113 years old and had an enrollment of 1,118 students in 2012 with a capacity of 650 students and was at an occupancy rate of 172%. Presently, in the 2020-2021 school year, there are 1,207 students enrolled at Lafayette Street School. An increase of 89 students. (Emphasis supplied). Both Ann Street School and Lafayette Street School are still overcrowded and serve many immigrant students not having English-speaking skills. Bilingual teachers are necessary to offer instruction.

8. I bring the aforementioned facts to the Court's attention as a friend of the Court for the purpose of informing the Court how important it is that the State of New Jersey, in its budgetary process, recognizes that the State of New Jersey must and should comply with the remedial directives for school improvement projects and construction funding in the designated poor urban districts as mandated by this Court in Abbott v. Burke, 153 N.J. 1998 ("Abbott V") and Abbott v. Burke, 164 N.J. (2000) ("Abbott VII") and the State's failure to do so in its 2021 budget warrant's Plaintiff's intervention to ensure that schools in Abbott Districts are safe, not overcrowded and educationally adequate.

I hereby certify that the foregoing statements are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 8, 2021



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JOHN/M. ABEIGON, PRESIDENT  
Newark Teachers Union  
Local 481, AFT, AFL-CIO