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Criminal defense lawyer Joseph Hayden
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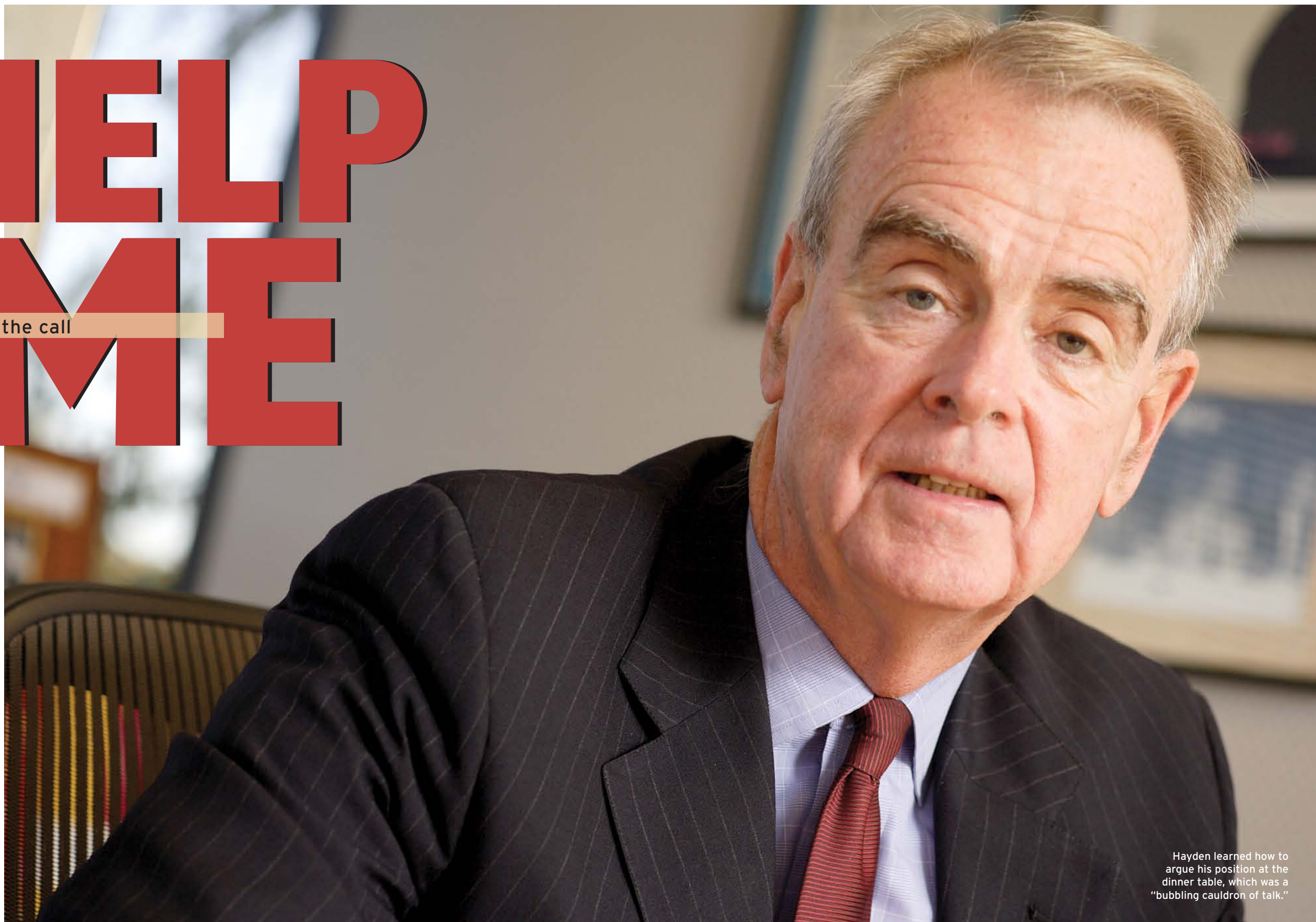
HELP ME

Joseph Hayden answers the call

by TIMOTHY HARPER

photography by LUIGI CIUFFETELLI

The newspaper reports and television images coming from Alabama in March 1965 weren't good. Police were gassing and beating civil rights marchers on the Edmund Pettus Bridge. Across the nation, thousands of sympathizers headed south to join the marches from Selma to Montgomery. At Boston College, nine students chipped in and rented a station wagon and drove straight through.



Hayden learned how to argue his position at the dinner table, which was a "bubbling cauldron of talk."

Hayden doesn't spend a lot of time trying to knock down the prosecution; he'd rather give the jury his interpretation of events. "I have the ability to argue facts, which are stubborn things."

"It was the ultimate middle-class role reversal," one of those students, Joseph Hayden Jr., remembers three decades later. "We looked for the poorest neighborhoods, because we knew we'd be safe there. We avoided the cops; they were the biggest danger."

HAYDEN, NOW ONE of the foremost criminal defense attorneys in New Jersey, grew up in Newark with three younger sisters, an at-home mother and a father who worked as an Essex County prosecutor. "Our supper table was a bubbling cauldron of talk," Hayden says. "Law, politics, social issues." His father discussed his cases, but never tried to push the law on his children.

Hayden was an uninspired student but a star basketball and football player at St. Benedict's Prep. He received a scholarship to BC as a wide receiver, but gave up the sport after not playing much as a freshman. He needed a new outlet for his energy. "So I became a student. But more of an activist than a student," he says.

He was in Alabama for only a few days—including one night in custody—but the experience showed him the power of the rule of law and the courage of regular people. When he returned to Boston, he helped organize civil rights teach-ins on campus.

He graduated from BC in 1966 and "barely made it into" Rutgers Law School. But once in, he thrived, eventually graduating magna cum laude.

It was in 1967 that his career came into focus. Amid the race riots that summer, Hayden volunteered to help process the more than 1,500 people who were arrested. Working from person to person in the Newark Armory—and while still hearing sniper fire outside—Hayden took their information for bail proceedings and listened to their stories. He liked the action.

He started out as a prosecutor, in the Division of Criminal Justice, handling cases in every county in New Jersey. In his third trial, involving an Atlantic City bookmaking ring, he won the first criminal convictions in New Jersey based on wiretapping evidence. He was good at the job but his heart wasn't in it. "By nature, I'm not a prosecutor," Hayden says.

After fulfilling his three-year commitment, he went into private practice, and is now at Walder, Hayden & Brogan, based in Roseland. He remembers early on going to municipal court to represent the son of a client. He was astounded at the number of people waiting to appear. "It was like a cattle call," he says. The defendants were not well known, their cases weren't worthy of headlines, they were being churned through the system. "I saw all those defendants looking at their lawyers, with no indication or recognition of what the judge was saying, and they had this look in their eyes. 'Help me,' they were saying.

"The experience drilled into me that I don't have the right to do this, that none of us has the right to represent people, if we're not going to be prepared, if we're not going to care. We can't be too busy or too hung over or too bored. If someone is looking up at you with that look in their eyes—'Help me'—and you can't give that person your best, you shouldn't be there."

He quickly figured out that a big part of the defense attorney's job is to emphasize the presumption of innocence. He doesn't spend a lot of time trying to knock down the prosecution; he'd rather give the jury his interpretation of events. "I have the ability to argue facts, which are stubborn things," he says.

He doesn't try to go for a knockout early. "There's danger in not seeing the forest for the trees, in getting caught up

in minutiae," he says. "You've got to get a sense of what is important and what's not. If you fight for every point in the early going of a trial, you may not have as much credibility when you want to fight the big points later."

One of his biggest battles early in his career was the 1983 "Body in the Barrel" case. A businessman was accused of murdering his lover's husband. The body had been cut up and stuffed into a 55-gallon drum. Hayden put his client on the stand, and the client told a plausible tale of killing his lover's husband in self-defense. The man testified that he panicked and then carved up and stashed the body in the barrel. The jury convicted him of the lesser charge of aggravated manslaughter.

AT 62, HAYDEN is still as lean and rangy as a wide receiver. After a heart attack a few years ago, he gave up marathons. But he still walks and works out several times a week. Hayden is close to his daughter Kathryn, who is a student at Columbia, and his son Patrick, a graduate student and a labor organizer for the American Federation of Teachers. He lives in Hoboken with his second wife, U.S. District Judge Katharine Sweeney Hayden.

These days Hayden pours his activism into Democratic politics. (Hillary Clinton is his candidate; he's also a "Friend of Bill," and has worked locally for Jon Corzine, Frank Lautenberg and Jim Florio.)

"I've been asked to run for office," he says. "It's very flattering, but it doesn't take three seconds to say no. I'm a working lawyer." ◀

Timothy Harper, based in Ridgewood and at www.timharper.com, is a journalist, author, lawyer and editorial/publishing consultant who helps institutions and individuals write and publish books.