

Legal Representation, On TV, in Headlines

Linda B. Kenney, From Beginnings in Red Bank
To High-Profile Lawyer in the State's Race Cases

By JONATHAN MILLER

RED BANK

Call her New Jersey's answer to Johnnie Cochran Jr. She is a middle-aged Italian American from Red Bank who makes her own pasta and has a penchant for wild changes in hair color.

She is Linda B. Kenney, who has captured such headlines in the recent past as: "New Jersey agrees to pay \$13 million in profiling suit," "Family of boy slain by cops files U.S... suit" and "Mother of driver killed after chase files profiling suit."

Ms. Kenney, who has emerged as a leading, if unlikely, character in the state's legal drama over race, policing and justice, is a respected and feared advocate. With dozens of civil rights lawsuits won, settled or pending, regular appearances on CNN and Court TV and a column in The Asbury Park Press, she has indeed become New Jersey's Johnnie Cochran - or at least New Jersey's link in Mr. Cochran's widening law chain.

With the help of Mr. Cochran, Ms. Kenney has turned her growing profile into seven figure profits. She won \$912,000 for Keshon Moore, the uninjured driver in the April 1998 shooting on the New Jersey Turnpike (Mr. Cochran's team represented the three passengers in the \$12.9 million settlement.) She is representing the family of Stanton Crew, a black man who led the police on a highspeed chase that ended in his shooting death on Route 80 in June 1999. And in Jersey City, she is seeking damages for the family of a 15-year-old black youth, Michael Anglin, who was shot to death in January 2000 after a car theft that is still disputed.

Ms. Kenney is also representing 10 of 13 minority state troopers who say they were the first to blow the whistle on racial profiling in New Jersey. They are suing the Department of Law and Public Safety, claiming that the department ignored and retaliated against them. Further, they allege that when Chief Justice Deborah Poritz and Justice Peter Verniero were attorneys general, they knew about the police strategy but did little about it.

Despite her success, Ms. Kenney, 48, insisted in a recent interview, "There's not many people who take these cases." More over, in a post-Sept. 11 world, she frets that juries might be more inclined to give officers the benefit of the doubt in cases in which they are accused of wrongdoing.

Ms. Kenney is keenly aware that people wonder how the daughter of an immigrant postmaster from Red Bank became the go-to person on racial profiling lawsuits.

"That's what everyone asks me," she said, "and I've thought about it a lot, because it's unusual."

Perhaps it was because her father's best friend - and her own best friend when she was growing up - were black, she says. Or that more and more blacks moved into the Italian neighborhood where she lived.

"I had lived kind of a sheltered life in Red Bank," she said, "I got out into the real world and I found, 'Oh, my God, there's bias?' I was shocked. I was shocked."

She attributes much of her success to her father - a postmaster - who refused to let his two daughters settle for traditional roles. As for her mother, Ms. Kenney described her as a "domestic goddess."

"You had to go to the journalism club or you had to go to the forensic club," she said. "None of this baton-twirling and cheerleading stuff for you. I didn't want to do cheerleading, anyhow."

After graduating from Red Bank Catholic High School

she received a bachelor's degree and a law degree from Rutgers in Newark. In 1978 she took a job as a clerk in the state's appellate division. She also ran Senator Edward M. Kennedy's failed presidential campaign in Monmouth County and was later elected as a delegate to the national convention.

From there, Ms. Kenney moved to the Monmouth County prosecutor's office as an assistant in the sex crimes squad. Since 1984, she has worked independently, and since 1993 has kept a 2,200-square-foot office in a converted textile factory near the railroad tracks on Bridge Avenue here.

It is obvious that her father's influence had the desired effect. Today, colleagues and opponents alike describe Ms. Kenney as "a terror" in the courtroom, someone who takes chances and possesses a theatrical flair but remains one of the best-prepared lawyers they face.

"You notice that most attorneys are boring," said Nancy Martin, a lawyer in Ms. Kenney's firm. But with tier boss, she said, "It's like watching a movie."

Those who have seen her on television have noticed something else. "She'd have a different hair color every other day," said Mr. Cochran, who of ten had her as a guest on his Court TV show.

It is blond today, Martin Luther King Jr. Day. She is barefoot, and her toenails are painted red. Heavy bracelets congregate around tier right wrist, clanking whenever she waves her hand. She chalks up her appearance to a love of the shore - "I'm a Jersey girl at heart," she said. "That's why I have bare feet in an interview."

These days, however, her home is an apartment on West 53rd Street in Manhattan that for the last four years she has shared with her second husband, Michael Baden, the chief forensic pathologist for the New York State Police.

Benincasa - "good in home" - is Ms. Kenney's maiden name, but she keeps her divorced husband's last name, purely a business decision. "If I called up and said, 'Linda Baden,' " she explained, "no one would know who I was talking about."

On one wall of their home is an original execution warrant for Rickey Ray Rector, a mentally retarded black man who gained attention briefly when Gov. Bill Clinton of



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Arkansas, who was running for president, refused to stay his execution.

The Kenney name is now attached to some of the most politically explosive cases in New Jersey. When Mr. Cochran was looking for a lawyer in the state to represent one of the victims in the turnpike incident, he turned to Ms. Kenney. It was that case that put the spotlight on the long-running practice by the State Police of targeting and stopping minority drivers.

These days, Ms. Kenney is representing victims of other shootings, often as co-counsel with Peter Neufeld and Barry Shek - the lawyers who became household names helping O. J. Simpson's defense against murder charges - as well as Mr. Cochran.

"She's gutsy," said Cynthia Jacob, a former president of the New Jersey Bar Association who has opposed Ms. Kenney from time to time. "I think she's gotten a reputation for taking cases that are hard sells, that stretch case law."

Ms. Kenney understands that many of the cases she takes are unpopular. She hears it on her car radio as she drives down the Garden State Parkway. But it doesn't matter. The shootings, she contends, amount to a roadside trial, conviction and execution.

"There's no death penalty for running away from the police," she said, slipping into what sounds like a closing argument. "There's no death penalty for stealing a car. There's no death penalty for being in the wrong place at the wrong time."

But she is not opposed to profiling when it comes to tracking down terrorists.

"The federal government is really not profiling," she said, "because they're using additional factors besides just race."

She explained: "There was no relationship to why minorities were stopped in New Jersey - and crimes - and it was going on for ages, with no reason. As opposed to Sept '11, where at least you say, 'O.K., there may be somebody who doesn't look like us and may be doing something wrong, Now are they associated with any terrorist activity?'"

It was the early 1980's when Ms. Kenney began carving out a niche in the nascent area of employment law, making a name for herself when she successfully brought suits in discrimination cases in which she defended, interestingly, police officers. On an average day, she said she gets about 25 inquiries from people seeking representation. From that, she takes about 10 a year.

The ever-growing fame has also led to political connections. When James E. McGreevey came calling not long after his election as governor, she accepted a position on his transition team. Still, she insists she has no political aspirations.

"I have no desire to hold public office" for fear of losing her independence, she said, "None. Zippo. I'd rather sell Dunkin' Donuts."



Linda B. Kenney has emerged as a lawyer in a number of cases highlighting racial issues and policing, including a 1998 turnpike shooting by state troopers.