

Statement of Chief Justice Margaret H. Marshall

July 21, 2010

Good morning. Earlier this morning I informed Governor Patrick of my intention to retire as Chief Justice of the Supreme Judicial Court by the end of October 2010. I have also informed Senate President Murray and Speaker DeLeo of my intention to do so.

My decision to leave this Court four years before the mandatory retirement age of seventy is predicated singularly on a personal reason: my husband, Anthony Lewis, has been diagnosed with Parkinson's Disease. Tony and I are both at an age when we have learned to value, value deeply, the precious gift of time. And so, with deep regret, but also with deep conviction, I will relinquish my role as Chief Justice in order that, without distraction, Tony and I may enjoy our final seasons together.

I cannot take this step without acknowledging that it has been a wonderfully rewarding experience for me to serve the people of Massachusetts as a Justice on this historic court, the oldest appellate court in continuous existence in our nation, which has long served to protect the rights of all of the people of this Commonwealth, impartially, fairly, equally.

I was born and educated in South Africa. Growing up in South Africa, I could never have imagined the warm welcome I received when I first arrived in Boston as a graduate student at Harvard. When I started my legal career at Yale Law School five years later, in 1973, I knew not one lawyer in this Commonwealth, and I certainly knew no judge. I did not imagine then, could not have imagined, that one day I would be invested with the trust, and have the privilege, to serve on the Supreme Judicial Court. For that I shall be forever grateful to former Governor William Weld, who appointed me to the Court in 1996, and to former Governor Paul Cellucci, who appointed me as Chief Justice three years later.

Along the way of my legal career there were members of the bar, clerks and other judicial staff, and judges, who taught me in large ways and small, that this is a great legal community, part of a great Commonwealth and a great nation, founded on the rule of law and equal justice for all; who showed me that, outsider as I was, I would be openly embraced by this community. To one who loves the law, as I do, there is no greater gift than the opportunity to devote one's life to shaping the law, and to giving meaning to the constitutional principles and rules by which we are governed. That is the privilege I have been given in this legal community.

It is fitting that I speak to you here, in this extraordinary building, for the John Adams Courthouse is an inspiring architectural expression of the justice that orders our lives, and affords to each of us, to every one of us, the promise of a system of law founded on dignity, respect, and justice for all. This building is named after one of my great heroes, the man who drafted the Massachusetts Constitution in 1780, the oldest written Constitution still being enforced. Our Constitution begins with a ringing declaration of rights: "All people are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their Lives and Liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness." (Art. 1) These are the words that have informed my work every day for the past fourteen years.

Our system of justice is organic. Every dispute, every case, tests the law anew. No judge, whether deciding in 1692 if men and women should be condemned as witches, or deciding in 1783 if slavery could still be tolerated in Massachusetts under our then sparkling new Constitution, or today, no judge has been able to leave this Court believing that the task of

justice is done. I am no different.

During my fourteen years on this Court, I have worked closely with so many to ensure that justice is delivered in every corner of this Commonwealth. To Governor Patrick, to Senate President Murray, and to Speaker DeLeo, I extend my thanks for the many ways in which you have worked cooperatively with me and the branch of government that I head -- in ways that are often not recognized by the public.

To the members of the bar who move the law, case by case – you have made my tenure a joyous one. Appellate justices learn from great lawyers; you give renewed meaning to the rule of law in our courthouses every day.

To the Chief Justices of the Appeals Court and the Trial Courts, to the almost four hundred judges and the nearly seven thousand members of the staff of the judicial branch: I am most grateful to you as together we have sought to make Massachusetts a national model of judicial excellence. These are challenging times for State courts across the nation. Massachusetts is no exception. Thank you for all that you do for the tens of thousands of people who seek justice in our courthouses every day. As staffing levels continue to decline, and resources disappear, you have responded with generosity and determination so indicative of the talented, hardworking professionals that you are.

To the staff of the Supreme Judicial Court, from my first day here you have guided me and advised me, taught me and protected me, quietly, and without public acknowledgment. Thank you.

To my six judicial colleagues on the Supreme Judicial Court, and to the seven former Justices with whom I served, I shall treasure always your commitment to the principles so

brilliantly articulated by John Adams in the Massachusetts Constitution. Your intellect, your thoughtfulness, your scholarship, your collegiality through countless Consultations as we resolved difficult legal issues, have made my work thrilling. I take great comfort in knowing that, in you, this Court rests in wonderful hands.

As my work comes to an end, I shall cherish always my many years spent here. I hope that I shall have an opportunity to thank each of you who has halved the weight of my work, and doubled its pleasure. I have been privileged, indeed, to "live greatly in the law."¹

¹ "[T]hat a man may live greatly in the law as well as elsewhere . . ." Oliver Wendell Holmes, Jr. *The Profession of the Law*; Lecture delivered to undergraduates at Harvard University (February 7, 1886), reprinted in *Speeches by Oliver Wendell Holmes* 23 (1891).