

Supreme Judicial Court
Chief Justice Ralph D. Gants
Oath of Office Remarks
July 28, 2014

Great Hall
John Adams Courthouse

I am honored and humbled to be standing before you today as Chief Justice of the Supreme Judicial Court. I am grateful to Governor Patrick for the trust he has now twice placed in me by his nomination and to the Governors Council for the trust they have now three times shown by their confirmation. In the years to come, I shall try to prove worthy of their trust.

Governor, thanks to you, another historic first, actually two historic firsts: the first Jewish Chief Justice and the first Chief Justice to play soccer in the Over the Hill League.

I am mindful that this ceremony marks the passing of the torch from one Chief Justice to another. From Chief Justice Wilkins to Chief Justice Marshall to Chief Justice Ireland, and now, to me. Each of these former chief justices graces me with their presence here today; each has sat down with me to share their wisdom; and each in distinct ways has demonstrated how one becomes a great chief justice. It is only fitting that I speak for a moment about the Chief Justice who

most recently has carried that torch so high and so proudly for the last four years, Chief Justice Roderick Ireland: For 37 years -- 13 on the Juvenile Court, 7 on the Appeals Court, 17 on the SJC, the last four as chief justice, Rick Ireland has excelled as a jurist, as a mentor, as a scholar (he literally wrote the book on juvenile law), as a leader, and as an ambassador for the judicial branch. In each of these roles, he has demonstrated wisdom, kindness, patience, integrity, and, always, humility. He leaves an enduring, indeed a historic, legacy. Truly a tough act to follow. I ask him now to stand so that you may honor him for his extraordinary service to this Commonwealth and to the cause of justice.

I did not come alone to this podium. I stand here with my parents, who both have passed and whose ashes we recently buried together in a garden they would have enjoyed, in the company of interesting people, across the street from a good Jewish deli. They are here today not only in spirit, but through the presence of

some of their friends, including Val Etra, who was their friend and neighbor for 30 years, and my tenth grade chemistry teacher.

My father's way of encouraging a spirit of skepticism and inquiry was to say, whenever he read the newspaper, "Always read between the lines." He was a salesman, but his observation regarding his employers' expectations apply with equal force to a chief justice. "They don't care what you did last year," he would say. "They care what you are going to do this year."

My mother judged everyone by how they treated others. The highest praise she could give to a person of apparent accomplishment was that he was "a regular guy." As in, "Jonas Salk invented the polio vaccine, but he is a regular guy."

I stand here with my wife, Deborah, whose love and support has sustained me for more than 25 years, and whose dogged perseverance on behalf of our children when they struggled with health problems is the stuff

of legend. I stand here with my daughter, Rachel, who is now providing financial counseling for Spanish-speaking clients through the New York Legal Assistance Group, and who is planning soon to go to law school, for all the right reasons. I stand here with my son, Michael, who endeavors to be an entrepreneur in the pursuit of justice for persons of modest means.

I stand here with my friends over the course of my 59 years, many of whom are with me today, including my roommates from college and law school, who have been sworn to silence.

I stand here with the late Federal Judge Eugene Nickerson, for whom I served as a law clerk, who each day carved out a corner of Brooklyn where every person received a fair hearing and a fair shake, where every litigant and lawyer was treated with respect and dignity. In 1997, seven years before the SJC concluded that laws forbidding gay marriage had no rational basis, Judge Nickerson declared unconstitutional the Pentagon's "Don't ask, Don't tell"

policy, declaring, "It is hard to imagine why the mere holding of hands off base and in private is dangerous to the mission of the armed forces if done by a homosexual but not if done by a heterosexual."

I stand here with former judge and FBI Director William Webster, for whom I served as a special assistant, who taught me the importance of rigorous analysis - the need to question assumptions, to ask how we know what we think we know, to explore whether there are better and smarter ways to do things that had been done the same way for many years. [I should add that Judge Webster quite literally stands with me today because, 90 years young, he has travelled through a rain storm of Biblical proportions to honor me by his presence. Admired justice of the U.S. Court of Appeals for the Eighth Circuit, the only person to be director of both the FBI and, later, the CIA, and, most importantly, a regular guy.]

I stand here with William Weld, who as U.S. Attorney brought me back to Boston to work as a federal

prosecutor and who as Governor nominated me to the Superior Court in 1997. With my colleagues in the U.S. Attorney's Office and the law firm once known as Palmer and Dodge. With the many fine judges, court clerks, law clerks, court officers, and court reporters of the Superior Court, with whom I served for nearly 12 years. And I stand here with my fellow justices on the SJC, my law clerks, my assistant, Cathy MacInnes, and with the unheralded members of the SJC staff who for the last five years have endeavored to spare me from error, and who I hope will continue to do so.

I am blessed to be the Chief Justice of a Supreme Judicial Court that is unmatched in its openmindedness, its commitment to do justice with mercy, and its diversity. A court where two justices were nominated by a Republican Governor (Governor Cellucci), and five by a Democrat (Governor Patrick), but where none of us can predict where each other will stand on an issue before we discuss the case, because we read the briefs and come to oral argument with a mind open to

persuasion, listen respectfully to the perspectives of the other justices, and will change our mind where another justice has a better idea. A court where one Justice was born in Indonesia, the daughter of a hero who fought the Nazis with the Dutch underground in World War II, and another was born in Manhattan, the daughter of a brilliant editor at the New Yorker. A court where one Justice is a proud son of Pittsfield, another a proud resident of the sovereign state of Cambridge. A court where one Justice was an offensive guard on the undefeated, untied Dartmouth College football team of 1970, and another wrote a Ph.D. dissertation at Yale on the "Foundations of American Civil Religion." A court where two justices have a spouse named Deborah, one justice a man, the other a woman. A court where we will soon have our first female African-American justice, born and raised in the era of Jim Crow in the Mississippi Delta. And a court where, when Justice Hines is sworn in on Thursday, a majority of the justices will be women.

In 1962, the Reverend Martin Luther King closed a speech in New York City with a prayer uttered by an old slave preacher: "Lord, we ain't what we oughta be. We ain't what we want to be. We ain't what we gonna be. But, thank God, we ain't what we wuz." As a judiciary, we ain't where we were. We have a strategic plan in place that does not merely declare our aspirations, but sets firm deadlines to meet specific goals and makes every court leader accountable if those benchmarks are not timely met. We are creating specialty courts to help defendants deal with the problems of drug abuse and mental health that brought them to our courtrooms. We have opened two court service centers to help litigants navigate our court system, and we aim to open one in each of the fifteen busiest courthouses in the Commonwealth within the next three years.

We have an extraordinary new Chief Justice of the Trial Court, Paula Carey, and an equally extraordinary Court Administrator, Harry Spence, and I look forward to working hand in glove with them. By the end of this

year, six of our seven trial court departments will have new Chief Justices. We are truly embarking on a new generation of leadership.

No, we ain't where we were, but we ain't where we ought to be, ain't where we want to be. We need to recognize that every court, not just our drug and mental health and veterans courts, are problem-solving courts, and we need to be more creative in finding ways to resolve the problems that bring people to court. Too many of our civil litigants, especially in Probate and Family Court and Housing Court, cannot afford to retain an attorney and attempt to represent themselves. We need to do more to help them find legal assistance, especially for those who will not find justice without it, and we need to provide better and more accessible legal information to help them help themselves. In our criminal cases, we need to do better to craft sentences that will provide justice and deterrence, but also diminish the risk that the defendant will commit new

offenses and find himself back in our courtroom to be sentenced again.

We ain't now where we are going to be. I firmly believe that our judicial system will be in a better place in the next three, five, ten years. My confidence does not rest in my belief in me, because I know that I can accomplish none of this alone. My confidence rests in my belief in we, in what I call our justice team.

Confidence in our maintenance staff, who are making our courthouses clean and functional, places of dignity where justice can be done.

In our court officers, who do the thousands of small things that nobody sees that make everyone safe and keep everyone calm in our courtrooms.

In our courtroom and docket clerks, who find ways to manage what otherwise could be chaos.

In our law clerks, who help our judges find and develop the law.

In our probation officers, who refuse to give up on defendants who may have given up on themselves.

In our trial court judges, who struggle each day to do justice, because anyone who thinks the job is easy has never done it.

We must be an independent judiciary in our decision-making, but if we are to succeed as problem solvers, our justice team must include more than the judiciary; it must include the bar, the Executive Branch, and the Legislature. I am confident that we will have their support, because I know that they, too, see themselves as problem solvers and that they care as deeply as we do about this Commonwealth and the welfare of its residents.

If we are willing to search for new ways to solve old problems, if we are willing to put our egos aside and remember that it is not about us, if we are willing to work our tails off, if we are willing to work together, I know that we can build a justice system

that will not only dispense fair, sensible, and efficient justice, that will not only help to address the formidable problems faced by so many of the residents of this Commonwealth, but that will be a model for the nation and for the world. I am grateful for the opportunity to lend my hand to this great endeavor. And I look forward to working together with each of you in the years ahead. Thank you.