

**Presentation to the Supreme Judicial Court  
of the Portrait of Honorable Margaret H. Marshall**

**Remarks of Honorable Ralph D. Gants  
Chief Justice, Supreme Judicial Court**

**Seven Justice Courtroom  
John Adams Courthouse  
April 10, 2015**

Welcome. It is a great pleasure and privilege to welcome all of you to this wonderful occasion: the presentation to the Supreme Judicial Court of the portrait of Chief Justice Margaret H. Marshall. There are too many friends and colleagues of Chief Justice Marshall to mention all of you by name, but I do wish to acknowledge a few very special guests.

Chief Justice Marshall has several family members here today: her eldest step-daughter, Eliza Lewis, and Eliza's partner Neil Miller, and two of her granddaughters, Lily Lewis McNeil and Bea Masters. I would ask them to stand.

I would like to extend a particular welcome to Chief Justice Roderick Ireland, the first black African American to serve on the Supreme Judicial Court, and Justice Ruth Abrams, the first woman to serve on the Supreme Judicial Court. I ask each of you to stand. I also welcome the many other judges from our state court who are here today, and who are too many to mention by name.

I would also like to extend a particular welcome to Chief Judge Sandra Lynch of the First Circuit, a long-time friend of Chief Justice Marshall, and all of her federal court colleagues. We are so pleased that you could join us today.

Welcome, as well, to Chief Justice Marshall's law clerks, many of whom have traveled from across the United States to be here. Welcome back to the Supreme Judicial Court.

And I welcome back to the court Ginny Thurler, who served the SJC and the Appeals Court for many decades, and who was the right hand to Chief Justice Marshall for 11 years, and Anne Walker, who also most capably served Chief Justice Marshall and the court for many years.

A portrait ceremony is ultimately about legacy -- a legacy of friendship, mentorship, and leadership. I will let John Nadas and Sasha Polonsky Tulgan speak about the first two, although, Lord knows, Chief Justice Marshall has been to me and to everyone on this court a good friend and mentor. I will focus only on her legacy of leadership in the cause of justice, and will do so too briefly to do justice to all that she has accomplished.

To do so, I will do a poor imitation of the angel Clarence in the movie, "It's a Wonderful Life," and ask the question, "What would our Commonwealth, and indeed our nation and our world, have looked like if Margaret Marshall had never left South Africa?"

Would we have made the extraordinary progress in court management that we have made in the past ten years? Chief Justice Margaret Marshall understood that it is not enough for justice to be fair and impartial. She knew that justice must be provided in a timely fashion and in a manner that inspires public trust and confidence. Early in her tenure, she established the Visiting Committee on Management in the Courts, which became known as the Monan Commission after its chair, then-Boston College Chancellor J. Donald Monan. That Committee issued a harsh assessment of court management in 2003. Chief Justice Marshall made sure that this report never sat on a shelf gathering dust. Working with Trial Court leadership and management experts, Chief Justice Marshall set out to transform the management of the court system. It is a journey of a thousand miles but she blazed the path, and thanks to the inspired leadership of Chief Justice Paula Carey and Court Administrator Harry Spence, and to the court reform legislation of 2012, we are well down the road to achieving excellence in court administration.

Would access to justice and language access be recognized as central to our mission of justice? Chief Justice Marshall consistently championed efforts to break down barriers in the courthouse that had prevented non-English speaking litigants and self-represented litigants from having their day in court. And she was committed to ending racial and gender bias in our courts.

Would our courts be as transparent as they are today? Under her leadership, every SJC argument was webcast and made available on-line. How long will it take before the United States Supreme Court follows suit?

Would the critical importance of state courts in providing justice be as well recognized? As both Chief Justice of the SJC and President of the National Association of Chief Justices, Chief Justice Marshall became the national spokesperson for the importance of our state courts. She loved to tell audiences that 98 percent of all court cases are heard in state courts, and only two percent in federal court. And she would warn all those who would listen: "Justice is like oxygen: while you are breathing it, you barely notice it. Cut off the supply, and you will notice the loss more quickly than you realize. Strengthening state courts, especially during a time of economic crises, will ensure that the oxygen keeps flowing smoothly."

Would we be sitting in this wonderful courthouse? They call Yankee Stadium the house that Ruth built. This courthouse is the house that Chief Justice Marshall built.

Would same sex-marriage be legal in 37 states, and would the Supreme Court be deciding this June whether there is a Federal Constitutional Right to gay marriage? Indeed, would Ireland be voting later this month whether to adopt same-sex marriage? We can never know, but remember that Goodridge v. Department of Public Health was a 4-3 decision, and think about the courage required in 2004 to declare that the laws that limited marriage to the union of a man and a woman had no rational basis. There is one thing, however, of which I am pretty sure: without Chief Justice Marshall, it is doubtful that wedding ceremonies throughout this nation and the world, wedding ceremonies between a man and a man, a woman and a woman, and a man and a woman, would recite a paragraph of that opinion.

And there is one more thing of which I am pretty sure. If Tony were here, he would tell me, "Don't forget to say how much poorer my life would have been if Margaret Marshall had never left South Africa."

#### Biography for John Nadas

John Nadas is a long-time friend and colleague of Chief Justice Marshall's: he recruited her to Choate Hall & Stewart over 25 years ago. He is now Chairman of Choate Hall, having previously served as its Managing Partner for many years. He specializes in complex civil litigation. His extensive professional and community involvement presently includes service on the Boards of Directors of the Boys and Girls Club of Boston and the Greater Boston Chamber of Commerce. He also serves as an Adviser to the American Law Institute project on insurance law. A graduate of Swarthmore College and Cornell University Law School, John was a law clerk to U.S. District Court Judge Joseph L. Tauro, the son of one of our own Chief Justices.

#### Biography for Sasha Polonsky Tulgan

Sasha is speaking as the representative of Chief Justice Marshall's extraordinary group of law clerks, many of whom are here today. I would ask that they all stand and be recognized.

Sasha received her undergraduate degree in International Relations and East Asian Studies from Stanford University. She received her J.D. from Washington University School of Law in 2006, and then clerked for Chief Justice Marshall. The Chief assures me that she selected Sasha because of her extraordinary law school record and not because her father, Dr. Derek Polonsky who is here today, comes from South Africa and is a graduate of the Chief's alma mater in Johannesburg. Sasha practiced first at Davis Polk and then at Cooley LLP, in New York, before she was recruited to be the Deputy to the President of the University of Rochester, Joel Seligman, her former Law School Dean. Sasha's many pro bono interests have focused on assisting immigrants seeking political asylum in the United States.