

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

**Remarks of Sasha Polonsky Tulgan, Esq.
Law Clerk to Chief Justice Marshall, 2006-2007**

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

Thank you, Chief Justice Gants, the Justices of the Supreme Judicial Court, and friends, colleagues and law clerks of Chief Justice Marshall.

I am Sasha Tulgan. I was a law clerk in the Marshall chambers in 2006-2007. My co-clerk Tad Heuer and I have the distinction of being the Chief's favorite law clerks. But this is a distinction we share with precisely 27 other individuals, many of whom are here. That's how it works with the Chief. We all spend a year trying desperately to tread water, learn the Chief's writing style and "Marshall methods," and not become huge disappointments, often sweating through 30 drafts of opinions in a process described by one clerk as "iterative and relentless." And then, once the year was over, we were instantly canonized. We experienced the honor of becoming part of the family, in which we would be nurtured and mentored for life. The Chief now introduces us as, "Sasha, my favorite law clerk." A dazzling endorsement, sure to impress, which only becomes awkward when several of us are introduced in succession.

When I interviewed with the Chief in 2005, I remember her current law clerks, Amy and Lea, describing her as striking an unlikely balance of warmth and formality. She insisted that we wear suits every day and arrive at the Court early – always before 8:30, and much earlier on argument days. If she saw a law clerk dressed in a shirt, tie, dress pants and a fleece vest in early April, she would remark, "Jeff, is it casual Tuesdays?" I remember she took a rare sick day once when she was violently ill with some strain of a cold or flu, but still working from home, of course. I went to meet her at her home so we could make some revisions to a first degree murder opinion. Notwithstanding the abysmal state of her health, she was dressed in a black suit and pearls, working from her dining room table.

The most valuable thing we all took away from our clerkships was a lifelong mentorship. The Chief takes this very seriously – on a career as well as personal level. She impressed upon all of us the importance of foregoing extravagances to pay off law school debt quickly, and of shopping at Filene's Basement for off-the-rack designer suits and Hermes ties. She taught us to avoid being photographed with a drink in our hands. She has married many of us, and attended the weddings of many more. The only rule was: no weddings over Labor Day weekend (which often overlaps with her birthday). I learned she allowed Diane Gwin a waiver of this rule though. She delights in the young children of law clerks, whose faces adorn the walls of her office. And she helps direct all of us professionally. She actually began this with me on the phone call when she offered me a place in her chambers. I accepted on the spot, as any sensible person would. And she said, "You should know, Sasha, when someone offers you a job, it is always acceptable to ask for a day or two to think it over."

But this was a no-brainer for me, and indeed for all of us. I grew up in a family of Marshall devotees. My father is a Johannesburg native and was also a student at the University of Witwatersrand during the worst period of apartheid in the 1960s when the Chief was active in the National Union of South African Students, or NUSAS. She was with Senator Robert Kennedy when he made his famous “ripple of hope” speech at the University of Cape Town. She says his words that day, aimed at shaping human history by striking out against injustice, are written on her heart as if in stone, shaping her passion for advocacy and a lifelong commitment to increasing access to justice.

She taught us all in turn to be advocates for worthy causes. Her parting gift to us at the end of our clerkship was a framed photo of all the SJC justices with their autographs. She inscribed to us a quote from Oliver Wendell Holmes, Jr.: “May you ‘live greatly in the law.’” To another set of law clerks, she wrote, “May justice remain your guiding spirit.” She has exemplified these messages at every stage of a stunning career.

She remains a tireless advocate in the law as well as in life. Anyone who knows the Chief will attest that she can be very convincing when she decides she wants something to happen. One July I told her I would not be able to make her reunion in the Vineyard. I was living in New York City, was about to start a trial, and was in the midst of back to back international travel. I realized we would have to drive at 4am to make the fast ferry from Providence to be at the Vineyard by 10. I assumed the Chief would understand, which was foolish, given her custom of working 29 hour days. She replied to me, “We expect you on Saturday. Convey to (wonderful) Adam [my husband] my mother’s mantra: life is not a dress rehearsal. Live every minute to the fullest. Ciao. M.” When we walked in the door at the Vineyard house, she had a sheepish smile on her face, but did not seem surprised to see us.

Side by side with advocacy, the Chief taught us to be gracious and respectful of all people. At any event – at a bar association, a law school class, or a museum, she would take time to thank the staff members, servers, and valets for making the event possible. She knew the names of relatives of the court staff and was always sure to acknowledge and appreciate the humanity of the people involved, not just their roles. She showed great warmth, respect, and attention to all advocates appearing before her – she was always mindful of how important each case was to the individuals involved. She taught us that birthdays, anniversaries, milestones, accomplishments, and challenging life events need to be recognized, often with a personal card, a bottle of Veuve clicquot, a bouquet of flowers, or a personal phone call.

I can’t appropriately talk about the Chief’s role in all of our lives without saying something about Tony, whom we were so fortunate to get to know. What struck many of us about Tony was that for this Pulitzer Prize winning writer who authored the book about *Gideon v. Wainwright* that inspired several generations of readers to attend law school, a man who kept company with Nelson Mandela and knew Senator Robert Kennedy as “Bobby,” in the Vineyard, around the Chief, he was just “Tony,” a loving, doting husband who was indelibly connected to his beloved Margie. The relationship between this original Duke and Duchess of Cambridge was non-stop intellectual fireworks, one of unmatched mutual understanding and deep respect, and continues to be a model for us all.

Joey Fishkin, law clerk in 2007-2008, who had an advantage as a law clerk because he succeeded me and Tad so could only raise the bar, says he learned from the Chief that much of the work of good writing is in carefully calibrating and framing one's sentences – the few sentences that show us how to understand the import of all the others. He is now an Assistant Professor at the UT School of Law. He would tell you that his writing was significantly influenced by the Chief's distinctive, restrained and elegant style, carefully crafted to be straightforward and understandable. She taught us, "Let the facts speak for themselves. There is no need to push them and stretch them. But do give very careful thought to how you *frame* them."

We all bear this in mind when we read the words, "The question before us is whether, consistent with the Massachusetts Constitution, the Commonwealth may deny the protections, benefits, and obligations conferred by civil marriage to two individuals of the same sex who wish to marry." Once you've stated the question that way, the rest more or less follows. A good lesson in our careers and in our lives.

Chief, your favorite law clerks are delighted to be here with you to honor your extraordinary legacy, to remember our wonderful sushi lunches (and lattes) in your chambers, to celebrate your dedication to this great Commonwealth and *oldest* constitution, as well as your strength, panache, elegance wisdom and resolve. We honor you, we salute you; we love and adore you.