



Marshall's retort is right on the money

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Supreme Judicial Court Chief Justice Margaret H. Marshall is known for her diplomatic, circumspect approach.

So it came as a bit of a surprise when Marshall issued a sharply worded letter to Gov. Deval L. Patrick on the subject of the state budget.

The message of the letter was simple: The judicial branch simply cannot reduce its budget by 7 percent, as requested by the governor.

In a time of crisis, the chief justice is to be commended for an exemplary moment of leadership. Working effectively with the other branches is undoubtedly part of Marshall's job. But the judiciary is being asked to surrender too much money. There are critical constitutional rights at stake when it comes to the courts. There is indeed a breaking point, and it's hard to argue with the chief justice when she says that the courts are very close to that threshold.

Marshall writes in the letter: "I must respectfully advise you that the judiciary is unable to process such cuts in our Fiscal Year 2010 spending plans. A voluntary spending reduction of the magnitude you request from this branch of government would be drastic"

Marshall had agreed to a \$22.1 million cut last year. The court has struggled to keep its core operations running since then. As the chief writes in her letter, to cut further would be next to impossible.

"Given the extent and impact of the budget reductions we have already enacted, I cannot responsibly identify additional spending cuts for Fiscal Year 2010," she states. "[J]ust as you have an obligation as chief executive of the Commonwealth, so also I have a concomitant obligation as

the leader of the third branch of government - that is to ensure the delivery of justice for the people - and, most respectfully, I must safeguard the resources necessary to meet that obligation."

There are many twists and turns yet to come in this saga. Closing courts, laying off staffers and other drastic measures may soon be necessary, and Chief Justice Marshall has recognized that tough decisions are ahead.

But at this point in time, Marshall's response to the governor is more than warranted. The leader of the courts demonstrated that she is not afraid to put her foot down.

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