

Remarks of MBA President Christopher P. Sullivan

Annual State of the Judiciary

October 26, 2017

4:00 p.m.

John Adams Courthouse

Boston, MA 02108

Good afternoon. I am Massachusetts Bar Association President Christopher P. Sullivan, and I am pleased to welcome you to the Annual State of the Judiciary Address.

As I look around the room, I see so many familiar faces — lawyers, judges, legislators, colleagues and friends. On behalf of the Massachusetts Bar Association I welcome all of you: the esteemed members of our judiciary, the clerks and the elected officials who join us here today. All of you are our partners in keeping our court system as a model for other states to follow.

Every year at this event, I see the legal community coming together with legislators and others to hear about the status of our courts in the commonwealth and what plans the judiciary has for the future. It is cause for celebration. I find it inspiring and energizing.

Our system of government is founded on the Rule of Law where no one is above the law. In our system of government, lawyers play an important role not only in helping to craft legislation, but also in how the laws are applied. When we work together with legislators, the executive

branch and the judiciary, the organized bar is a powerful force for good. Perhaps the most visible example of this phenomenon is the Annual Walk to the Hill for Civil Legal Aid, which is coming up on Thursday January 25th. I urge you all to participate in this event so that civil legal aid can, and will be, adequately funded this year.

Each time I have the honor of speaking to our legislative and legal community, I see the power of cooperation and collaboration. Working together for the common good, we can do wonderful things to improve the lives of our citizens and change our society for the better.

“Cooperation and Collaboration” may seem a surprising theme because ours is an adversarial system of justice. Conflict is a central to the legal profession. The parties to the litigation battle it out in the courtroom to achieve a verdict. So how, you ask, is this “cooperation and collaboration”?

The simple answer is the power of the bar is seldom revealed in an individual lawsuit. The power of the bar manifests itself most clearly when it works together with the legislature, the executive branch and the judiciary to promote sound public policies that improve and protect our system of justice and which make it more fair and just.

Inevitably, there will be times when we disagree on an approach, or a position. And certainly controversies will arise. But if we operate in a culture where our first instinct is to respect and trust each other,

regardless of a difference in perspective, then we will have a realistic chance to reach the collective goals we all seek to obtain. We must continually commit ourselves to nurture and promote that culture of “cooperation and collaboration.”

Massachusetts’ native son, John Adams for whom this courthouse is named, designed a system of government where the executive, the legislature and the judiciary need to work together if anything meaningful is to be accomplished. John Adams knew that this form of government would be the best vehicle to represent the will of the people, under the auspices of the law, and with the appropriate constitutional oversight of checks and balances. The concept of interdependence binds us together. It is what keeps us glued together by themes that are common to us all — unity, collegiality and camaraderie. Our identity as Americans and citizen of this commonwealth is not built on foreign concepts like “blood and soil.” Rather our identity as a people is based upon our shared commitment to universal truths and principled positions including that “All men are created equal and endowed with unalienable rights.” We are committed to the principle that we will govern ourselves under the Rule of Law where no person is above the Law.

The MBA strives to be a model of what an organization can do when it harnesses the collective intellect and goodwill of its members and its allies. The MBA’s House of Delegates is a microcosm of this, where

lawyers representing virtually every area of practice in all corners of the commonwealth, as well as very diverse collection of affinity and specialty bars, all have a seat at the table and an opportunity to be heard. It is in the House of Delegates that MBA formulates the policies it will advocate for. Such things as creating greater access to justice for the indigents who are underrepresented and for reform of our criminal justice system to improve the quality of justice that is administered in our courts. Without appropriate funding for our justice system, we cannot guarantee the rights and securities afforded to us all by our constitutions. Without proper funding, we cannot meet our obligation to provide true access to justice for those who need it the most.

The MBA has established itself as a knowledgeable and persuasive voice on Beacon Hill. It has always vigorously advocated for appropriate court funding for our judicial system. The MBA argues for these initiatives because they will ensure access to justice, improve the state of judicial system and make our Commonwealth a better place for all of our citizens. That is always the ultimate goal.

Obviously none of these goals could be accomplished without our friends and colleagues in the legislature who recognize the vital role lawyers and the courts play in our democratic system.

As individuals we can do so little, but when we work together united in purpose to improve our justice system and society at large, we can do great things.

As I prepare to introduce Chief Justice Gants, I want to reiterate that one of the greatest benefits about the MBA is the terrific rapport that we enjoy with our colleagues on the bench. It's proof that the legal community is not just lawyers, but it is lawyers and judges, working together to ensure access to justice for all the citizens of our Commonwealth.

My goal this year as President is to continue the MBA's tradition as the leader in upholding the rule of law, in maintaining a fair and independent judiciary, with access to justice for all, and promoting excellence in our profession. The MBA accomplishes all these things by offering education to the public as well as its members; by promoting unity with our fellow bar associations throughout the Commonwealth; by maintaining a strong partnership with the bench; and by being a respected and trusted voice on Beacon Hill. I am proud to be a leader at the MBA, and proud to be a part of this legislative and legal community that works tirelessly for the good of all our citizens. Thank you.

INTRODUCTION OF CHIEF JUSTICE RALPH D. GANTS

Now, it is my privilege to introduce our chief justice.

Not only is Chief Justice Ralph D. Gants the head of the judiciary. He is undisputedly one of the most admired, respected and revered leaders in our legal community.

Among his many accomplishments, Chief Justice Gants established a pilot program of court service centers. He successfully spearheaded a legislative effort to expand the Housing Court which just last month approved and fund by the legislature. And as a member of the Access to Justice Commission, Chief Justice Gants was responsible for creating the \$51 opt-out attorney registration fee under SJC Rule 4:03, as well as the fee for pro hac vice appearances under SJC Rule 3:16. These fees alone generate approximately \$1.5 million per year for legal services for the poor. Chief Justice Gants is forward looking and creative thinker who is extremely practical. He uses all of his many skills to the great benefit of all in our Commonwealth.

When Governor Patrick nominated then Associate Justice Gants he said: “Justice Gants is a brilliant jurist with a passion for justice and a keen understanding that the law needs to make sense in the lives of real people.”

A more perfect description of Chief Justice Gants could not be articulated. But I would also add this. As a judge for 16 years — first on the Superior Court and then on the SJC since 2009 — Chief Justice Gants has always brought to the bench more than just his 33 years of legal experience, his extraordinary intellect and his tireless work ethic. He has brought an openness and sincere aura of humility that is infectious, and that has endeared him to litigants, lawyers and fellow judges, alike.

Whether he is chairing commissions or task forces to ensure legal services for the underrepresented, or toiling over a decision that will certainly affect someone's rights or responsibilities, or simply being such a mensch that he rushes back across the state after a long and difficult day, to attend an evening reception just because he promised he would be there.

My great friend and former MBA President Doug Sheff probably said it best: "Adding 'chief' won't change the justice." Chief Justice Gants has remained the same brilliant, humble, accessible person he has always been.

Chief Justice Ralph Gants is the respected and admired as the leader of our judiciary, the voice of our legal community, and an example for us all.

Ladies and gentlemen, thank you for your time, and now won't you please join me in welcoming our Chief Justice: Ralph D. Gants.

INTRODUCTION OF PAULA CAREY, TRIAL COURT CHIEF JUSTICE

Thank you, Chief Justice Gants.

Here in Massachusetts we are so fortunate to have an abundance of riches when it comes to court chiefs. And now I now have the distinct pleasure to introduce one of the brightest gems of all, the honorable Paula Carey, Chief Justice of the Trial Court.

Chief Justice Carey's effectiveness as a proven court leader during her tenure as Chief Justice of the Probate and Family Court where she was instrumental in the development of the Uniform Probate Code, which ushered in much needed reforms in guardianship and probate procedures. Chief Justice Carey has been an active participant at the MBA, where, before becoming a judge, she once chaired our Family Law Section Council. And prior to when she was appointed as a circuit Judge in the Probate and Family Court in 2001, she was a highly respected fellow family law practitioner.

And now, as Chief Justice of the Trial Court, she is once again setting an incredible example for what a strong and effective court leader should be.

Appointed Chief Justice of the Trial Court in July 2013, Chief Justice Carey works in partnership with Trial Court Administrator Jonathan Williams to oversee the entire Trial Court, which includes the Superior Courts, Boston Municipal Court, District Courts, Housing Courts, Juvenile Courts, Land Courts, and the Probate and Family Courts — as well as the Office of Commissioner of Probation, and the Office of Jury Commissioner.

In addition to having authority over the Trial Court's judicial policy, Chief Justice Carey is responsible for appointing department chiefs, monitoring case flow management and establishing programs that ensure access to justice.

Take it from me, she is probably one of the hardest working individuals on the planet. She is a powerhouse with the energy and strength of a Hercules, although at first glance you may not believe me. We are very lucky to have her leading our Trial Court.

Please join me in welcoming Chief Justice Carey.

INTRODUCTION OF JONATHAN S. WILLIAMS, TRIAL COURT ADMINISTRATOR

Thank you, Chief Justice Carey.

It is now my honor to introduce our new Massachusetts Trial Court Administrator Jonathan Williams.

As many of you know, the MBA was a long-time proponent of having a court administrator. We enjoyed a very successful relationship with the first Court Administrator, Harry Spence. And we are excited to work with Court Administrator Williams as he continues to modernize and improve our Trial Court.

I'm calling him the "new" Court Administrator since he is new to the role since our last State of the Judiciary Address. But he has been working in that role since the spring — and he is doing a fantastic job.

We at the MBA have been fortunate to meet with him already. But for those who have not had the pleasure of meeting him, Court Administrator Williams came to Massachusetts after many, many years working in leadership roles for the state of North Carolina, where he is from. He has a wealth of experience working with the courts, and he also brings a unique perspective as a lawyer.

He served for four years as Senior Deputy Director in the North Carolina Administrative Office of the Courts, where he supervised operations for the Judicial Branch, including technology, finance and general services. He also served as the Chief Reporter to the Commission on the Administration of Law and Justice, a 65-member multidisciplinary group tasked to make broad recommendations for court reform in North Carolina which delivered its final report in March 2017.

Court Administrator Williams definitely bleeds Tar Heel Blue as an alumnus of UNC Chapel Hill for both his undergraduate and law school studies. But we're fortunate he has found a home here in Massachusetts, where he works in tandem with Trial Court Chief Justice Paula Carey to lead the court's efforts to deliver "justice with dignity and speed."

While Chief Justice Carey handles the court's judicial policy, Court Administrator Williams oversees all the administrative functions, including budget preparation and oversight, labor relations, information technology, capital projects and personnel policy. Together, they oversee more than 6,300 court staffers and 100 courthouses.

Yes, Court Administrator Williams has a lot on his plate. But it's all incredibly important work as we move our Trial Court forward. As he said in our recent podcast with him, "It's hard to make policy without *administrative policy* to carry it into action in the real world."

I encourage everyone to check out the full interview with him later on our MassBar Beat podcast. But we are so fortunate to have him here with us in person today. And I'm excited to hear what he has to say.

So without further delay, Ladies and gentlemen ... please join me in welcoming Trial Court Administrator Jonathan Williams.

CLOSING REMARKS

Everything we've heard this evening just proves what I said earlier — we are so fortunate to be a part of this great community of people who work toward common goals — and achieving those goals — together. Thank you again for coming today. We now invite you to join us for a reception up on the 2nd floor.