

WILLIAM H. REHNQUIST AWARD FOR JUDICIAL EXCELLENCE

presented to

The Honorable James F. McHugh

United States Supreme Court

November 17, 2011

Introductory remarks by

Chief Justice Margaret H. Marshall

1010 Memorial Drive

Cambridge, MA 02138-4854

Chief Justice Roberts, President Mary McQueen of the National Center of State Courts, Chief Judge Eric Washington, the friends and family of James McHugh, distinguished guests and, of course Justice McHugh.

Chief Justice Roberts, you do this audience – and the many thousands of judges who serve in state courts across the country – great honor by being here this evening to present this the most distinguished award to a state court judge. Thank you.

And Justice McHugh, Jim, if I may, you do *me* great honor in asking me to say something about your extraordinary life in service to the public.

How can one summarize a career that began with military service to our country fifty years ago this Fall, continued through law school where Justice McHugh served as Editor-in-Chief of the law review and was selected by the faculty as the student with the best overall performance in his three years as a law student, encompassed service as a law clerk to a distinguished federal judge on the United States Court of Appeals for the District of Columbia, and all this before he spent fifteen years as one of Boston's most outstanding private practitioner's at a distinguished law firm?

I am not even going to try, although I cannot overlook one other time that Jim was in this building. It was to argue an important First Amendment case, which he won. No, I will not try summarize Jim's remarkable career. Rather, my remarks will focus on three aspects of what Jim has described as his "principal occupation" of the last several years: "improving the administration of justice in innovative ways."¹

But first, a word about Justice McHugh's service as a trial and then as an appellate judge in Massachusetts. Justice McHugh may well be *the* most highly regarded judge in Massachusetts. In the Superior Court he was the trial judge that counsel sought to preside in the most complex cases: prosecutors and defense attorneys in criminal cases, counsel for plaintiffs and counsel for defendants in civil cases. Why? Because Jim is unfailingly fair, hardworking, thoughtful, attentive, courteous and knowledgeable about the law. As an appellate judge for the past decade he has continued to shine: a McHugh opinion is a "must read", and there have been many of them.

Jim's outstanding attributes go far beyond his adjudicatory brilliance. First, he has a combination of skills that made him my "go to" person whenever the Massachusetts judiciary was contemplating innovations in the management of the judicial branch. Jim is passionate about good

¹ Boston Bar Association, Haskell Cohn Award, 1995

government, and has often been ahead of his time in formulating ways to improve the delivery of justice.

Second, Jim works brilliantly with others, listening carefully while forcefully leading in the direction of change. A small, but telling example: our trial courts are divided into seven (count them, seven) different departments, each with its own administrative and power center. When it became clear that to benefit from new technologies it was essential that the different trial departments agree on uniform protocols, I asked Jim to establish and lead a small group of experts to lay the foundation for future uses of information technology for the *entire* judicial branch. Jim did so, to universal acclaim, and then spent years making sure that the implementation of the new systems were in fact embraced in every department, top to bottom. The result is sweeping improvements in the administration of all of the courts of Massachusetts.

Third, in the wake of the 2008 budget disaster and succeeding challenging years, we recognized that the judicial branch would need, in essence, to re-invent itself, maintaining the best of our existing systems but thinking comprehensively about innovative approaches to improve the delivery of justice. Once again the Justices called on Jim to map a course for the future. The blueprint laid out by the small working group of which he

was a critical member has guided the Court in the ensuing difficult years. More recently, Jim was *the* point person formulating and securing passage of new legislation that removed some of the existing legislative barriers to meaningful judicial reform. It is the trial courts that will benefit most from these legislative changes. As an appellate judge with no formal portfolio for administrative matters, Jim could easily have declined the Justices' request for help. Not Jim. He brought to this new challenge his same formidable talents, guiding the way forward with energy and – dare I say it – good humor. His devotion to improving the deliver of justice in our courts knows no bounds. In every possible way Massachusetts courts function better and the delivery of justice in Massachusetts has improved because of Jim McHugh.

A coda: the adjudicative and administrative work of a judge has taken much of Jim's time, but not all. Kathy, his beloved wife of thirty-five years, and his two daughters join Jim here this evening. Jim knows where the center lies. Writing about Chief Justice Rehnquist, one of his law clerks observed that the Chief Justice had instilled in him "a commitment . . . to building and living an integrated life as a lawyer, a life that is not compartmentalized, atomized, or segregated but that pulls and holds together

work, friends, family, faith, and community.”² I could not improve on that as a description of Justice James F. McHugh.

Chief Justice Roberts, I commend to you a great judge from the Commonwealth of Massachusetts. He is a most worthy recipient of the William H. Rehnquist Award for Judicial Excellence.

² Richard W. Garnett *William H. Rehnquist: A Life Lived Greatly, and Well*, The Yale Law Journal 115:1847 at p.1854 (2006)