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Posted by David Logan on 12/01/2009 at 12:00 AM

The School of Law recently welcomed the Honorable Margaret H. Marshall, Chief Justice of the Supreme Judicial Court of Massachusetts, launching our Women Who Lead series, with an address on “Our American Constitutions: Models for the 21st Century.”

Born in South Africa, Chief Justice Marshall attended law school in the U.S. and has had a distinguished career, culminating with appointment to her current position a decade ago. She is only the second woman to serve on the Supreme Judicial Court in its more than 300-year history and is the first Chief Justice. In November 2003, she handed down the landmark decision in Goodridge v. Department of Health, requiring equal marriage rights for gays and lesbians.

Marshall noted that she headed of the oldest court in continuous existence in the United States (the Mass high court has been around since 1692!). The state constitution that her court enforces is also a venerable one; it was ratified seven years before the U.S. Constitution. Its primary author, John Adams, anticipated a number of innovations the national constitution would later adopt – for example, as Chief Justice Marshall phrased it, “a popularly elected executive with real power,” and – “even more important, she added – a judicial branch to check and balance the executive and legislative branches.”

Variations on that model, she said, have since become the gold standard for constitutions around the world, from Germany to India to her own birth country of South Africa – and for good reason. “Ours is not a perfect nation; we make lots of mistakes. But it is my profound belief that this is about the best model,” she said, pointedly crediting her state’s own master lawyer (and emphatically not Virginia’s Jefferson) as the primary author of “this remarkable invention.”

Moving from broad historical conclusions, to nuts-and-bolts specifics, the chief justice handily fielded student, faculty and alumni questions about states that elect their judges (“I’m not so sure that merit selection works any better”) and – most appropriately considering the Women Who Lead series – the arguably tougher standards applied to women in the profession (“The scrutiny of my work is much tighter; I can’t get away with anything. I have to be absolutely scrupulous”) and the difficulty work/home issues this reality entails (“I do not adhere to the view that we shouldn’t have children!!”).
Overall, Chief Justice Marshall concluded, the rise of women in the law in her lifetime has been as remarkable as the rise to equality of black citizens of South Africa. “It has been a wonderful, wonderful journey,” she said, “and an extraordinary privilege to live in this time and see it all unfold.”

Here are some pictures from the event and a reception held afterwards.