

Celebrating the Life of Chief Justice Ralph Gants



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An Event Hosted by Northeastern University School of Law

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On September 23, 2020, Northeastern University School of Law hosted a virtual gathering to celebrate the life of Chief Justice Ralph Gants. Chief Justice Gants was a treasured friend and mentor to many in our community and a cherished husband of Professor Deborah Ramirez. While the Northeastern community mourns his passing,

we strive to continue the extraordinary work that Chief Justice Gants began and to carry on his legacy. The following are remarks made by family, friends and colleagues as our community came together to celebrate the life of Chief Justice Gants.

Remarks by Governor Charlie Baker¹

I just want to start, first of all, by saying that I'm sure many of the people who are on this gathering are attorneys. I'm not. I was an English major in college. And when those of us who majored in things like English have to deal with moments like this one, we generally turn to poetry or prose to try to make sense of it. And, as I thought about the sudden and shocking loss of Chief Justice Gants, I remembered a poem that I read when I was in college by Henry Wadsworth Longfellow, and I think it's perfectly appropriate that it was one of Massachusetts' own that I chose to quote.

“Death takes us by surprise,
And stays our hurrying feet;
The great design unfinished lies,
Our lives are incomplete.

But in the dark unknown
Perfect their circles seem,
Even as a bridge's arch of stone
Is rounded on the stream.

Alike are life and death,
When life in death survives,
And the uninterrupted breath
Inspires a thousand lives.

Were a star quenched on high,
For ages would its light,
Still traveling downward from the sky,
Shine on our mortal sight.

So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.”

When I spoke about Justice Gants' passing, I talked about a very bright light that had gone out. But I think Longfellow here captures in many respects, the legacy and the unfinished work that I know he would have thrown himself at were he still with us, and he would have brought virtually everybody on this gathering and many others along for the ride.

And I'll just close with this. My dad has always said to me that you should try to make your life matter, not just to yourself, but to those you seek to serve. And I think Chief Justice Gants, as much and as well as anyone, lived up to those words. A great man did, in fact, die. And I know I speak for everyone in state government here in the Commonwealth when I say how much we're going to miss him.

Thank you.

Remarks by Professor Deborah Ramirez²

We are gathered here to celebrate the life of Ralph Gants: a great husband, father, and justice. By my side are my children, Rachel and Michael, and our dog Tig, who lots of you know and have met. Michael and Rachel, your father was so proud of you and I know that his spirit remains with you. I am joined today by Ralph's brother, Fred, and his three sons, Logan, Connor, Brendan and his girlfriend Christina. To Michael, Rachel and Tig, Ralph was not the Chief, he was "Papa Ralphie." He was kind, and he was funny, and he made me laugh every day. We were partners in social justice.

As his wife and partner, I know one thing to be true. He would have wanted us to honor his memory by continuing his work. And, I know he would want us to focus more on his work than on him. Today and on other days at other memorials, others will laud his life and his legacy. But I want to focus now, on the work he was doing on the day he died. On the day he died, he was working on the eviction crisis. He knew that on October 18th, the moratorium on evictions would expire and tens of thousands of low-income tenants would be forced out of their homes. He knew how hard it would be for homeless families to get back on track. So, on the day he died, he went into his home office to work on a plan to try to avoid a tsunami of likely evictions that might soon be overwhelming the courts. He believed that the expiration of the housing eviction moratorium represented the gravest and greatest threat to public health and basic notions of fairness and justice than any other threat he had faced in his long career. He saw this as a civil rights issue, a racial justice issue, and a public health issue; and he was not working alone. He was collaborating with a ninety-four-

person stakeholder group. They knew that the legislature would need to fully fund RAFT, which is Rental Assistance for Families in Transition. That by giving families four thousand dollars of RAFT funds, the housing court, its mediators and specialists, could help landlords and tenants negotiate a soft landing and allow tenants and landlords to create a mutually agreeable plan. And he was working with the Department of Housing and Community Development to streamline this process and make the RAFT application fair and accessible to everyone. He knew that the courts could only solve this problem fairly, if RAFT was fully funded or if the moratorium were extended. I know, that Governor Baker; Lieutenant Governor Polito; House Speaker DeLeo; Senate President Spilka; Senator Barrett; the Chief of the Trial Courts, Paula Kerry; Senator Will Brownsberger; Ira Jackson; Sue Finegan; and others have been working tirelessly to get RAFT fully funded and to simplify the application process. This is what he was doing in his office on the morning he died, and he was so grateful to you for doing this work. He knew we not only needed to solve the problem, we needed to solve it fairly. So those of you who have gathered here today, can support his work by calling your legislators and asking them to fully fund RAFT. That may be as much as one hundred and seventeen million dollars a month for four months. Please call. It matters. And, as Governor Baker said, many of us are lawyers and we could call the Volunteer Lawyers Project and be trained as lawyers for the day to help tenants through this eviction crisis.

I miss him every day. I always thought we would have more time. He worked on this particular issue until his heart gave out. And we need to finish what he could not. If he were here, beside me today, he would say he had no regrets. He lived his life exactly as he wanted. Except perhaps that he wanted more time. All of you know that he often said, "If you couldn't be the shortstop for the Red Sox (and he couldn't), being chief was the next best thing." He was honored to be your chief. Every day. He bent the arc of the moral universe towards justice one case at a time. Every day, every day, he kept the doors to the courthouse open and the scales balanced. He lifted up the vulnerable and he held the powerful accountable. Farewell, Chief. Farewell, Papa Ralphie. May you rest in peace. We know, all of us gathered here today, we know that justice is a relay race and we will pick up your baton and we will carry it forward. Ralph, we got this.

Thank you, everyone.

Remarks by Michael Ramirez Gants³

Dad,

He was the one we went to when things were falling apart—when we needed answers. At the court, it was the same way. Whether you were a janitor, lying alone in a hospital bed, or a security guard who just lost his daughter, he was the one we called, and he knew what to do. He understood. You might not know it, but he took your calls too. If you've ever been kicked out of your home or faced unfair health bills or struggled with a disability, if you've ever faced predatory debt collectors or suffered through a violent relationship or been discriminated against, he listened. He heard you and he woke up at 5:00 AM, every morning, always asking a simple question: "how are we going to fix this?"

When he heard something was wrong, he was going to make it better. It was that simple. He didn't believe the legal system was fair as it was, but he believed that, together, we could inch things in the right direction.

He was tireless, he was uncompromising, and he knew how to make change happen. You might not know about all the things that Chief Justice Gants did for you. That's because he didn't care about credit, he didn't care about self-promotion. Here were the three things he cared about:

He cared about the vulnerable, the sick, the disabled, the beaten down, the counted out, the working people.

He cared about fairness. That no matter who you were, rich or working class, well connected or alone, white or Black or Brown, you got treated with respect and dignity.

And he cared about the planet. That we honor this Earth that we live on and all the beings on it.

He loved words. All he could do was use words: opinions, orders, instructions. But words were not enough. He needed action. And he needed it right now because he saw the world filled with people suffering in silence, and he heard, in a way no one else could. If you worked with him it wasn't always conformable. He was constantly pushing: "what more can we do?" And his standards were uncompromisingly high because he knew every decision he made, every rule he announced, every instruction he gave, affected people deeply. It changed the course of lives.

There will never be a judge more interested in how his work effects the day to day lives of people in this state and in this world. What he knew and what he could prove with his own data is that the legal system, in this state, does not treat all people

equally. It does not, in practice, treat Black people, Hispanic people, poor people, non-English speakers, and the disabled the same as it treats the wealthy, the white, and the able-bodied. He did everything he could to fix this to make the system truly fair.

His heart gave out on him, but he never gave up on us to the day he died. He believed in people. He knew that deep down each of us is good, each of us cares about each other, each of us is sensitive, and each of us is intelligent. He knew how powerful we all are, how small acts of generosity could become a movement and leave the world indelibly changed: more kind, more generous, more fair. He believed that with enough decisions and enough speeches and enough orders, he could build this new world. He died with his work still unfinished. The work is always unfinished.

If he could speak, he would tell you: “I did every single thing I could do. I used every ounce of energy I had. I pushed until my heart failed me. Now, it’s your turn. Today, do what you can to build a more kind, more generous, more fair world.”

Thank you.

Remarks by Chief Justice Roderick Ireland⁴

Dean Hackney; members of the Northeastern University community; distinguished guests; friends; and, most importantly, members of Ralph’s beloved family – his wife, Deborah, his daughter, Rachel; and his son, Michael.

I am honored to say a few words about my friend and colleague, Chief Justice Ralph Gants, with whom I had the pleasure of working from 2009 to 2014 at the Supreme Judicial Court.

As everyone has said, Ralph was brilliant, funny, self-effacing, kind, compassionate and caring . . . and, all of that is true! But Ralph was also a wonderful, supportive colleague behind the closed doors of the Court, and I thought I would share a few reflections about our time there together.

In my mind there are two notable things about the SJC that I want to comment on, as they really define the working relationships among the Justices.

First, the Court is a very deliberative body. Sometimes it may take multiple drafts and discussions before the Court is finally ready to release an opinion on a case. This is consistent with its longstanding reputation for producing high-quality work.

Second, the SJC is a very collaborative institution with a number of practices and traditions that have evolved over the years. These traditions, which literally run the gamut, establish the tenor of the interactions among the justices as they engage with each other to do their work.

For example, there is a system that has been followed at the SJC for several hundred years, in which the judges meet monthly to discuss and critique each other's draft opinions. It is called "consultation." The men always wear ties when meeting for consultation, and no food is permitted in the room.

Cases are discussed and voted on by seniority, with the most senior justice speaking first, working down to the junior justice. The Chief Justice then has the last word.

Perhaps the most interesting aspect of our consultations is that justices never interrupt each other while someone is speaking. This means the justices have to listen to what is being said by their colleagues – and, believe me, I can remember that in some cases, time really . . . really . . . really!!! Seemed to slow down! But still, you had to sit there and wait for your turn to speak!

So when Ralph came on as an associate justice, I was the senior justice, having been there the longest and outranked only by then Chief Justice Margaret Marshall. Ralph was the rookie justice who, by tradition, sat closest to the door of our consultation room. That meant he had to get up to answer whenever there was a knock on the door!! As I recall, he always did so, in good cheer.

Consultation can be a daunting and humbling process. And that is where Ralph was especially good. He would sometimes disagree with a draft, but at the same time, he would propose language that could cure a problem and make it one hundred times better.

Sometimes, so as not to embarrass a colleague, he would say, "I want to speak with my dear colleague outside, and we'll get a draft back to you shortly." Or sometimes he would redraft a section of an opinion and give it to a colleague, before consultation, for his or her consideration.

My point here is that Ralph was always careful not to embarrass another colleague, and often would make a joke about himself to lighten the process. I always thought he was extremely kind and considerate during our consultations, and the other justices saw that, too, and appreciated it. He didn't have to disparage others to elevate himself.

Ralph had a tremendous work ethic and was committed to doing a good job. He was a dignified, respectful colleague with a reputation for fairness, integrity and adherence to the rule of law.

During my tenure as Chief, Ralph was always supportive and helpful whenever I asked for assistance on any matter. He also extended the same courtesy of support to me when I came to Northeastern, facilitating court visits for my students, and accepting invitations to participate in Justice Ruffin Society events here on campus.

Ralph always acknowledged me publicly as Chief Justice, and I did the same to him.

And so, Chief-to-Chief, I want to acknowledge you, Chief Justice Gants, as a visionary and outstanding jurist, one whose legacy will be remembered for generations.

In the words of the Scripture, Timothy Second, Chapter 4, Verse 7 . . . You “fought the good fight . . . you finished the race . . . and you kept the faith.”

May the Chief rest in peace!

Thank you.

Remarks by Justice Fernande Duffly²

I am privileged to join you as we remember Ralph Gants, Chief Justice of the Supreme Judicial Court and the MA Court system, whose many contributions to achieving his goal of repairing the world have just been and will by others, be described today with eloquence.

I mean no disrespect when I say that, to those who worked with him he was just Ralph. The images of Ralph that come to my mind, do include times that he stood before legislators, or a ballroom of lawyers and judges, to deliver an inspiring speech about fairness and equal justice. More often, they are of Ralph standing before a

gathering in the Adams Courthouse, celebrating a holiday, an individual achievement or a birthday. The person being honored might be a judge, but just as often it is a member of our courthouse family. The speech includes a personal anecdote conveying he knows them, and a display of his trademark humor, as well as something to remind us that are all part of a team, doing the work of justice.

I don't know how Ralph found the time – I sometimes thought that he must have a twin or body double, to be in so many places giving speeches, as well to have the time to be the devoted husband to Debbie and loving father to Michael and Rachel as you heard from them he was- not to mention the good friend to the legions who, like me, feel privileged to have called him that.

As the notes posted on the SJC memorial page reveal, there were - in addition his friends and colleagues - those who had only brief encounters with Ralph that nonetheless touched them deeply and moved them to share their experiences. The list includes judges, court officers, assistant clerks, account clerks, probation officers, secretaries, lawyers, law clerks and students, who might have been in an elevator with Ralph, or walking into the building or passed him on the street. The thoughtfulness they movingly describe is of Ralph just being Ralph.

For me, the most enduring images of Ralph are not those of the sittings or even the formal meetings of the SJC justices, arrayed - in order of the dates of our appointments - around the large conference table in the library conference room. These meetings were and are important. There, we discussed the cases we had just heard at oral argument and the weighty issues we were about to decide. As Chief, it was Ralph's job to preside over the discussion - called the "semble," French for "it seems" - and ultimately to decide who would write the opinion, choosing from among those who at that point seemed to be part of the majority. It was challenging work that we all loved being part of.

Most people do not know that more than three centuries of tradition required that justices could drink only water in that room – and no food was allowed, even when the discussion went well past lunch. So, it was during our brief breaks that I ate – outside of the conference room - a handful of almonds to address hypoglycemia. At some point early on, Ralph asked about this, and I explained. In that moment, he swept away tradition, and from then on, I ate my almonds - and we drank coffee and tea - in that room; and when Gerri Hines joined us, we ate the snacks she brought to share, further strengthening the collegiality of that court for which it is rightly known.

But these days, the images that most often come, unbidden, to my mind are of Ralph sitting behind a desk, head bent in concentration as he appears to be reading, writing,

or editing a document in front of him - an opinion? a letter of recommendation? Or draft of a document that will be the blueprint for eradicating injustice in our legal system? – no matter, in I would come.

And Ralph's response was always the same – just Ralph being Ralph, taking time to really listen. That was easy - at least for me - when Ralph's desk was the one in our adjoining offices at the Adams Courthouse.

Before he became chief, we shared a pod that included our two offices, separated by a small kitchen area and space for our law clerks and administrative assistants.

Later, the desk he occupied was located in his new office, that of the Chief Justice. That desk is reached inside the Adams, by walking a distance roughly equal to half the length of Pemberton Square, from our former office pod, to the entrance of the door to the Chief's suite, through the waiting area, then a U-turn past the anteroom where the receptionist has a desk, then into the airplane-hangar sized space that is the chief's office, with Ralph's sports memorabilia and a comfortable seating area midway, only then to reach Ralph's desk at the far - very far, end.

If you are among those who have worked with me anywhere, you know that I don't like using the phone. I prefer to drop by, to talk in person if you happen to be available. In this, I'm like my father: an immigrant with no education, he became a successful insurance agent who preferred driving a hundred miles -- rather than call ahead -- to knock on the door of a potential client on the chance they'd be home.

But I may not have been unique in this. Unless there was someone else with him in the room, the Chief's staff appeared to have instructions to waive people in, so, in I'd go. The rest of that recurring image is of Ralph, raising his head, a warm smile breaking the look of concentration. If he is very busy, a welcoming beckon with his hand gestures to the chair beside his desk. More often, he'll stand and walk to meet me at the seating area where we will sit, and he will listen with full attention and offer advice if asked, as he did no matter who came through the door. Ralph, just being Ralph.

A man of honor, may he rest in peace.

Remarks by Justice Diana Maldonado⁶

When I first sat down to prepare my remarks for this evening, I tried to highlight all the great things Chief Justice Gants did to enhance the judiciary and the legal profession. I culled from his opinions, his State of the Judiciary remarks, his news editorials, and his testimony before various legislative hearings, and I ended up with a document longer than any one of his opinions. But because my time is limited, I could only reflect on a few of his great works. I apologize in advance for repeating some of what you've already heard.

We all know that Chief Justice Gants was one of a kind. He was known for his humanity, his humility, his brilliance, his hard work, and his unwavering commitment to social justice, gender and racial equality, and the fair administration of justice. He endeavored to create a judiciary that is more compassionate, more inviting, and more accessible to all. With his voice, his pen, and his actions, he worked arduously to do just that. Having sat in the district court for fourteen years, I could appreciate the positive impact for everyone, including the court, he had when he championed for greater legal representation of unrepresented indigent parties in civil cases, particularly in the eviction setting, in which often both sides, although more often tenants, were unrepresented. He even appended to one of his decisions a guide to help litigants navigate through the complexities of the eviction process. He created multiple service centers in our larger courts to assist those without counsel because, as he put it, “[u]ntil we create a world in which all who need counsel have access to counsel, we must do all we can to make the court system more understandable and accessible to the many litigants who must represent themselves.” And well before the forced closures of COVID-19, Chief Justice Gants had a vision, and worked towards expanding our use of information technology stating, “[w]e cannot discuss the challenge of making the provisions of justice more efficient, without also discussing our need to get up to date in our use of information technology. We need to make better use of video conferencing on computers, facetime on smartphones, or simply conference calls, to reduce the number of times that attorneys and parties need to appear in court.”

He also understood that the legal community and the judiciary were only as strong as the sum of its parts stating, “[f]air and efficient administration of justice is not only the work of judges and justices, but of everyone, including clerks, court officers, probation officers, court facility employees, and administrative staff.” To that end, he strove to make us a stronger judiciary, by expanding judicial and staff training, including multi-discipline mandatory trainings in domestic violence, and gender and racial equality. He was a champion of sentencing reform, advocating against mandatory minimums,

recognizing the disparate impact on the Black and Latinx community. But also, because he believed and advocated for a "justice and reinvestment approach to incarceration, which would reduce correction spending, and reinvest those savings in strategies that can reduce recidivism and improve public safety." He advocated for greater drug treatment and mental health therapy for prisoners, and support of rehabilitation and reentry. He opposed collateral consequences and excess fees for convicted persons stating, "[i]f we are committed to reducing recidivism, we should be lending defendants a helping hand to enable them to get back on their feet, not weighing them down with punishing collateral and financial consequences."

And long before George Floyd and Breonna Taylor, and countless others, Chief Justice Gants commissioned Harvard Law School to research racial disparities in the Massachusetts Criminal Justice System, noting among other things, the sentencing disparity among white Americans and Black and Latinx Americans because, and I quote, "[w]e need to learn the truth of this troubling disparity, and once we learn it we need the courage and the commitment to handle it."

In early February of this year, in the heat of racial unrest, Chief Justice Gants led a group of chief justices and associate judges, to an evening forum at Roxbury Community College to listen and address community concerns. Shortly thereafter, under Chief Justice Gants' leadership, the justices of the Supreme Judicial Court issued a letter to the judiciary and the bar, urging judges and lawyers to consider what they were doing, and or failing to do, about the disparities in the treatment of Black and Brown Americans in the court system, in access to legal representation, in hiring, and in the legal community as a whole.

Yet despite all his achievements, he remained humble, known to even the parking attendant at the lot across from the courthouse as simply "Judge Ralph." And he was always quick witted and good humored. Two summers ago, Justice Shin and I were preparing for our end of the court year staff appreciation Mad Hatter themed party. We were entering the courthouse with boxes full of colored posters, paints, brushes, glue, lace, glitter, baskets, and even branches. As we approached the elevator, the doors opened and out stepped Chief Justice Gants. Just then, we dropped a box full of glitter containers at his feet. Without missing a beat, as he now started to help us gather our goods onto the elevator, he exclaimed, "I always knew you were a colorful bunch at the Appeals Court, I just never realized how much effort went into it."

Professor Ramirez, Rachel, Michael, I know no amount of words or pageantry can take away your pain. But know that your loss is also our loss. Chief Justice Gants was a remarkable person who touched each of our lives in a meaningful way. And I, and the

entire judiciary and legal community, grieve with you. I pray that we can remain brave enough and committed enough to continue what Chief Justice Ralph began.

God bless, God speed.

Remarks by Professor Brook Baker^z

I am honored to be part of this celebration of the life of Ralph Gants and speaking as a faculty representative on behalf of our Northeastern family. And like a family, we are grieving. First and foremost, for a Chief Justice who represented everything that we could hope for in a judge: one who dispensed justice in the cases that came before him and one who was equally committed to the realization of the right to justice in the court system he administered.

But we are also grieving for and with our beloved colleague, Debbie, who has lost her life partner, the love of her life, her co-conspirator and fellow traveler in the search for social, racial, and legal justice. Her constant companion. Her sounding board and springboard. Her rock. Her place of repose. The father and guardian of her children. Her sleep mate. Her lover. We are shocked by the unexpected, even though what happened is inevitable. We are confounded by a life cut short, a life that accomplished so much and yet had so much more to do. And we are shocked even though we live in an era of COVID-19, when far too many lives are being cut short. We are devastated as well, just as we were about the nearly contemporaneous death of another great justice, Ruth Bader Ginsburg. And yet we are also inspired, inspired to do more. To imagine that change is possible, to make change happen, and to continue to reach higher.

Fellow faculty members have recounted some memories of Ralph, and Ralph and Debbie together. Where people shared vacation spots and many other social activities. Judith and I mainly interacted with Debbie and Ralph socially at Plum Island, where they regularly went to walk the beach. Many times, they walked at the other end of the beach from where we lived, on and looking out on the great marsh. But they did stop by occasionally. It was always such a pleasure when they broke their slight measure of reserve and decided to call us and say, “what do you think if we come over?” And so, I really saw Ralph at work, I saw Ralph at leisure. One reminder of what a serious person he was, is Debbie and I would usually drink wine on those occasions, but the Chief Justice knew he was going to be driving home so he would ask us for something else.

Other faculty members remember Ralph as a fully engaged participant at the Aspen Institute Judicial Conference on Human Rights and Comparative Law and remember seeing him in the airport carrying a suitcase full of court papers that he had brought to the conference so that he could read them and critically review them on the flight home.

Another shared memory is that he was a great friend of the innocence community and was instrumental in securing the release of many wrongfully convicted people in Massachusetts. On a recent call of the Massachusetts Innocence Project this past week, two of the exonerated members of the Board who had collectively spent 54 years in prison for crimes they did not commit were present. Both men stopped the meeting and reflected with gratitude on the life of the man who authored the decisions that gave them back their lives

So, what are the qualities that we so admire? Surely one was vision: a long vision tempered by perspective. A vision with sufficient depth and penetrating analysis to discern structural inequalities, systemic barriers, and ingrained practices that denied justice to those who needed it the most.

The second was a dogged determinism and decisiveness. Having identified a problem of injustice, Ralph strategized, he planned, he persisted. The problems he worked on demanded solutions and he worked tirelessly across multiple constituencies to achieve them, not by himself but by bringing others along and making common cause.

A third quality was basic human decency. As many others have already said, he respected others, he listened, and he cared. And from all accounts, he was a decent and caring manager as well. He had high standards, but he was not impervious. He strove to enlist all court employees in support of needed change.

What Ralph cared for most was reversing inequality. Inequality in all of its forms but most particularly the persistence and virulence of racial inequality. It's no surprise that when Ralph died, the papers in his office were not just the papers that Debbie described about the upcoming end to the conviction moratorium, but also the Harvard report on racial disparities and sentencing in Massachusetts. After all, he had commissioned the study much earlier in his tenure as Chief Justice and well in advance of the current wave of demands to end mass incarceration of Black and Brown communities. He knew the steps that had to be taken for people to have increased access to racial justice, but also that racial justice was not being delivered by the court system he administered. And as we well know, Ralph cared deeply about re-entry, the need for second chances, and racial justice for those previously incarcerated.

In this commitment, we return to Debbie and Ralph's partnership. What a dynamic duo for racial justice. We can imagine their dinner and breakfast talks. We can imagine shared plans, operable in the heart of the court system and in the heart of the legal academy. We know that Debbie will be persistent in her pursuit of their shared vision, a vision where the vestiges of slavery are more effectively addressed in both the criminal and civil justice systems.

Ralph's physical heart failed him, despite all that he did to stay fit, but his metaphysical heart beats on, for Debbie, and Rachel, and Michael. It beats at Northeastern, it beats for the Commonwealth, and it beats for justice.

Thank you.

Remarks by Attorney Michael Cahalane⁸

Thank you, Dean Hackney. I'm grateful to you, to Professor Ramirez, Professor Burnham, and the Ramirez-Gants family for the opportunity to celebrate Chief Justice Gants tonight. I'm also honored and humbled to have been asked to speak alongside Governor Baker, Chief Justice Ireland, Justice Duffly, Justice Maldonado, and my former professor, Brook Baker.

In 2010, after the SJC adopted a new standard for slip and fall cases involving snow and ice, the Boston Herald visited the homes of the Justices to see if they had shoveled their own sidewalks. According to the Herald reporter, Justice Gants had indeed shoveled, and even asked Professor Ramirez to pick up some ice-melt. When interviewed by the reporter, Professor Ramirez said about the Chief Justice, "he's his own Jiminy Cricket, his own conscience."

18 years ago, I was a first-year law student sitting in the last row of Professor Ramirez's criminal law class at Northeastern. I was also applying for my first co-op, and I saw an opening to intern for Superior Court Judge Gants. I interviewed with Judge Gants at the old Middlesex Courthouse on Thorndike Street in Cambridge, and to this day, I don't know how it happened, but miraculously I was offered an unpaid internship along with another classmate and friend, Mike Andrews, to serve as Judge Gants' legal intern. So, I stumbled into this job, but it literally changed my life. Judge Gants referred to me and my co-intern as "Mike number 1" and "Mike number 2." Which one of us earned the coveted number one spot varied day to day, depending on the relative quality of our research and writing. A friendly motivator that encouraged

each of us to try our best. The three of us spent the summer in Lowell and then Worcester hearing some fascinating cases, including a murder trial. I enjoyed eating lunch each day with Judge Gants at his favorite places. Especially diners in Worcester to discuss the day's docket and the Red Sox.

Although I spent most of the summer as "Mike number 2," I learned a great deal about the law, and through trial and a lot of error, Judge Gants helped me refine my writing skills. What I learned most from Judge Gants was about how to be a good person, colleague, boss, and citizen. Judge Gants treated everyone with decency and civility, whether a first-year intern, a fellow judge, an unprepared lawyer appearing before him, the court staff, or a criminal defendant accused of a heinous crime. He taught me how to treat litigants, co-workers, and employees with compassion and respect, as equals.

I was named partner at Cetrulo LLP at around the same time that Justice Gants was named Chief. We exchanged letters congratulating one another on these milestones. I was astounded that the Chief Justice of the Supreme Judicial Court, the highest court of the Commonwealth and the oldest appellate court in the Western Hemisphere, would take the time to write to me, his intern, from more than a decade prior. But that was Justice Gants. No matter how successful, influential, or powerful, he never forgot the little people along the way. I keep his letter framed on my desk as reminder to treat others as he treated me: with decency, kindness, and respect. There is no doubt that Justice Gants was a giant as a lawyer, a teacher, a mentor, a judge, a Chief, and a champion of equality and justice for all. But notwithstanding these and the other well-deserved accolades we have heard tonight describing this legal colossus, for me, Justice Gants will always be Jiminy Cricket, forever guiding me and constantly reminding me to do the right thing and to treat others with respect and compassion. I know for a fact that I'm not the only law student, legal intern, law clerk, lawyer, or judge, that Justice Gants affected this way. All of us who were fortunate enough to know the Chief Justice have similar experiences. But now it's up to all of us to pick up his mantle and continue his work, always remembering to treat people with the humanity that they deserve, and that Chief Justice Gants taught us.

Thank you.

Remarks by Justice Margot Botsford²

Much of what I had to say tonight has been said by others, so I will not repeat it. I just want to reflect on a couple of memories and observations of Ralph that stick with me in this very sad time.

I first met Ralph, I think, the day in 1997 he was sworn in as a judge on the Superior Court. I was assigned to be his mentor. Well, the mentorship lasted for about ten minutes and in not too long a time we essentially switched places. But back to the beginning. When Ralph joined us on the Superior Court, he was looked on with fear and trepidation by almost all my colleagues because he came from the federal system; if you grew up as a state court practitioner and judge, the Feds were not to be trusted. Plus – and this was in 1997, you have to remember – Ralph arrived that day insisting that he could set up his own computer and didn't want any help from our admittedly pretty limited IT staff – i.e., as we saw it, he was a show-off and a know-it-all. In sum, as we began our association, I was both nervous about and mistrustful of Ralph. But again, it took not very much time at all for Ralph to become true friends with so many of us, and a real leader. His intellectual brilliance, his kindness, his energy, his baseball skills at summer games -- all of these played an enormous role.

Fast forward. In 2007, I moved from the Superior Court to the SJC, and Ralph made the same move to the SJC in 2009. He joined the court while Margaret Marshall was the Chief Justice, and she was convinced that Ralph had come to the court feeling that he had been entrusted by a higher power with the mission of changing certain established legal doctrines and principles of Massachusetts common law, the first of which was the one that Michael mentioned, the governing principles of “Snow and Ice” law. The then-established Massachusetts common law rule provided that property owners, if they didn't do anything at all—i.e., didn't touch – any snow and ice that remained on their property after a snowstorm, they would not be liable to a person who fell and hurt herself on the accumulated but “natural” snow and ice. But, this common law rule further provided, if the property owner took affirmative steps to remove or contain the snow and ice on the property and then somebody fell, the property owner would be liable if the cleanup job were found in any way to be negligent. In Ralph's view and ultimately the whole court's, this was a completely antiquated, backwards rule that punished cleanup efforts and made no practical sense. So Ralph worked in his first year to get the court to pick a case for hearing that offered the opportunity to change this rule, and when the court did so, Ralph wrote the opinion that – guess what? -- changed the rule. But unfortunately for me, following the first snowstorm after the decision came out, as Michael said, there was that Herald Reporter, and yes, upon inspection, Ralph Gants's walk in Lexington was completely

clean, but mine in Jamaica Plain was not. And thereupon resulted one of my many less-than-flattering mentions in the Boston Herald. Thank you, Ralph!

I want to move on from there. In addition to specific common law rules or doctrines, Ralph had identified a number of areas of Massachusetts law that he deemed worthy of change, and he seemed intent on doing so. And I have to say, although in some instances I first resisted his push for change, in fact Ralph persuaded me about the correctness of his view regarding all of them. What I mean is that I think that in terms of bringing change to our civil and criminal law, case by case, that the brilliance of Ralph's analysis supporting change and just the principles of fairness that shone through that analysis persuaded me and his colleagues to join with him - not always, but almost always. It was such a privilege to work with Ralph for nine years on that court.

I want to just add a couple of things about Ralph as Chief Justice. People have talked a great deal, as they should, about his commitment to improving our justice system in so many dimensions and using his both his personal power and the power of the role as Chief to do so. I want to just say something about the human aspects of Ralph. You've heard about his blessing the bringing of food into the consultation room. As Nan Duffly mentioned, in a court that was at the time more than 300 years in existence, that was a Big Deal, Capital B, Capital D, but Ralph did it and consultations on the SJC have never been the same since then. In the spirit of modernizing (and humanizing) established court traditions, Ralph also tried to bring music to our rather staid SJC parties. I have to say that this effort marked what in my experience of working with him was his one episode of failure. The occasion was Judy Cowin's retirement party, and Ralph tried to get all of us to sing a version of the song "There Ain't No Sunshine When She's Gone" to mark the occasion. He brought printed copies of the score with special words attached, but it was, as I suggested, a complete failure: either we were too embarrassed to sing or too many of us simply couldn't carry a tune, and the result was a dismal and halting set of sounds that bore little resemblance to the song.

What I want finally to mention is something that happened this past summer. For the past two years, at Ralph's request, I have been involved in working on issues relating to "lawyer well-being." As I have recently learned, one of the functions of the Chief Justice is to sign off on a list of lawyers who are slated for administrative suspension from the bar because they have not paid their bar registration fees. In July or August of this 2020 year, Steve Cronin, an Assistant Clerk in the Clerk's Office, brought into Ralph a long list of attorneys that the BBO had identified to be administratively suspended for non-registration. Steve Cronin indicated that Ralph looked at the list and quickly said to him, "wait a minute, a lot of these people are solo practitioners.

And in any event, we're in the middle of the COVID crisis; they're not even going into their offices. How do you know that they've even gotten the BBO registration notices? You need to go out and find each of them.” Steve did so, and reported that these lawyers were so grateful for the warning notice, and to now have the opportunity to pay and remain unsuspended members of the bar.

I have been Ralph’s friend and colleague for over twenty years. It has been one of the seminal experiences of my life to be able to work with him for all that time. I can't even begin to imagine the loss of Ralph for Debbie, for Rachel, for Michael, or for his brother and his nieces and nephews. All I know is that for me, like for so many within and outside the court system, we have lost not only a beloved colleague and leader, but a true, generous and beautiful friend. As others have said, Ralph, may you rest in peace.

Remarks by Justice Geraldine Hines¹⁰

It is my privilege and honor to add my voice to those offering tributes to the life of Chief Justice Ralph Gants. And thank you Dean Hackney and the organizing committee for giving me the opportunity to speak here today. The grief that has landed so hard upon so many of us comes pouring out of us because we appreciate now, if we didn’t before, that this was a man of many endearing qualities: humanity, compassion, vision, and a genuine and enduring commitment to justice for the oppressed, the unseen, the unheard, and the marginalized people among us. And our grief is compounded because he has left us at a time when we are facing the reality that our country, and our world really, is so very broken in so many ways.

We have managed the anguish of these times, when injustice seems poised to triumph, because we have been surrounded by people like Ralph Gants, a man who poured the full measure of his intellectual and physical energies into resisting that eventuality. We have been especially blessed by his leadership of the Court at a time when the vitality of the rule of law is being threatened in many quarters, and when many among us are losing faith in the law to address the vast inequities in our country. In our struggle to cope with our grief, we can take a measure of comfort in the fact that he chose our side, favoring equal justice under the law, and that he resisted the lure of fame and fortune that is pressed hard upon those blessed with his academic pedigree and talents.

In our mourning, we can celebrate his willingness to lend his extraordinary intellectual gifts to the task of making the world a better place than the one he was born into. He shined his light upon and brought his wisdom into places where injustice flourishes. And we are all better for it. In closing, my prayer is that you, Debbie, Michael, and Rachel, will find solace in knowing that his life in the law was consequential in so many ways, ways seen and unseen, and that a new generation of lawyers will be inspired by his example. May he rest in peace.

Remarks by Professor Harold Koh¹

Ralph and I became friends 46 years ago, and stayed close ever since. We celebrated when he met and married Debbie and we rejoiced when first Rachel, then Michael were born. Long before that, just after law school, as young lawyers in Washington, we were roommates while I was clerking and he was working as Special Assistant for the Director of the FBI. I am not sure I have ever seen—before or since—the same combination of brilliance, honesty, humility, compassion and wit in the same person.

Ralph could find the funny side of any situation. When FBI agents came to interview him about my Justice Department security clearance, he told me afterwards that they had asked him whether I had ever worked for an organization dedicated to the overthrow of the US Constitution. His answer: “No. ... Apart from clerking for the Supreme Court of the United States!” When I blanched, he said “Don’t worry. I didn’t really say that. ... But I wanted to.”

When we talked to him by Zoom just after he came home from the hospital last week, I asked him, “Ralph, how are you doing?” He answered, “I’m rebuilding...like the Red Sox!”

Ralph was the most loyal friend you could ever want. When I started dating my wife Christy, my parents came from Connecticut to DC to meet her. Ralph had just bought his first car, a bare-bones stick shift, so I asked whether he would drive all five of us to a restaurant in Georgetown, so my parents and girlfriend could meet each other. We were all crammed into this tiny car and I was sitting in the front seat straining to hear how my parents liked my girlfriend. I looked over and noticed Ralph’s hands frantically working to try to keep the car from stalling out. But we never did. When we got back to our apartment after a lovely evening, I said, “Ralph, I thought you didn’t know how to drive a stick shift car!”

“I didn’t,” he said, “but I spent a good part of the weekend practicing for tonight.”

“But weren’t you at the FBI all weekend working on life and death issues?”

He said, “I did that too. But you know ... tonight was one of those nights that just had to go well.”

That was Ralph the friend: uncomplaining, self-sacrificing. Whether taking hearings for another judge whose family member was sick or traveling great distances for a friend’s daughter’s bat mitzvah, year in and year out, Ralph showed me what it means to be a real friend.

At his investiture ceremony at the Superior Court, Ralph committed himself publicly to make his courtroom like that of his mentor, Judge Eugene Nickerson. When Ralph became a law clerk, he reminded us, his judge told him “we can’t make this whole unfair world fair, but we can and we must do everything that we can to make this courtroom—our small piece of this world—a place where fairness, justice, and civility rule.” As a friend, lawyer, judge, and justice, that too, became Ralph’s commitment.

One night as roommates, when we were very young, Ralph and I talked late into the night about all the problems of the world. Before we went to sleep, we made each other a promise: that when we grew up, if we ever got to positions of influence, we would do everything in our power to make the world a fairer place.

This ceremony shows that Ralph kept his promise. But he got cheated out of time. The question he now leaves for all of us is, will we keep ours?

Remarks by Judge Richard G. Stearns¹²

I first met Chief Justice Gants, or Ralph as he’ll always be known to me, in 1983, when a man who played a large role in both of our lives, then U.S. attorney Bill Weld, asked me, as chair of our office hiring committee, to interview a young man who was coming to us with the strongest possible recommendations from Judge William Webster, then FBI Director. I was fully prepared for an Elliot Ness lookalike and was mildly surprised when the real Ralph package crossed the threshold of my office. That night, as my wife Patti reminded me, I told her that I had just interviewed perhaps the smartest person that I had ever met. In fact, I had.

Ralph also proved to be in his wry, understated way, one of the wittiest people I have ever known. As our friendship flourished, I discovered that despite first impressions,

Ralph was a talented athlete. He and I shared a passion for cross-country skiing, although he took perverse pleasure in the fact that I could never keep up with him on any of our outings. Last week Debbie shared with us a group photo of the U.S. Attorney's Office as it looked in 1985. It was an impressive group, populated with a future governor, an FBI Director, one could say a Baker's dozen and a Weld's dozen of judges, past and future, managing partners of major law firms, a future Chief Justice of the Supreme Judicial Court, and of course, a future Northeastern Law University professor. They were all good lawyers, but none was better fitted to be a judge than Ralph. He had all the qualities that I think make a judge great: patience, wisdom, humility, and most important, the capacity to decide. Although he was ten years my junior, he was the one I inevitably turned to for advice, not only about the law, but also for counsel on matters of personal consequence. I trusted him that much. He was, as many have remarked, devoted to his family and his two remarkable children: Michael who spoke so eloquently of his father, and Rachel, who I had the pleasure of having as a summer intern in my office. I haven't fully accepted the fact that he is gone, and in a most important respect he is not. His legacy will endure, as all of you have attested, and I will always hold his memory close to my heart.

Remarks by Professor Margaret Burnham¹³

And so we bid adieu to Ralph, grateful for his public service, his friendship, his wisdom, his gentle smile and his wicked good humor. And for his profound belief that we together could, for Massachusetts and for our country, create courts that lived up to their promise to deliver equal justice. Grateful we are that he well understood but never gave in to the entrenched roads upon which judges had so long trod in our Commonwealth. And he forged a fresh path, for which we are grateful. Thankful too we are, that he sought to leave no court, no judge, no clerk, no probation officer behind in his work. He cared deeply for the personal welfare of our public servants. But he also rendered visible the fault lines that they themselves may not have seen as they processed cases and managed dockets. Behind the dockets lay lives. The Chief Justice saw them and wanted those who administered justice and all of us to see them too. Lives reduced by racist adjudications, lives truncated for want of good, affordable legal services, lives mutilated by mandatory sentences and unfair eviction laws. Those were the people Ralph worked for. For he believed it was government's job to improve lives, not to impair them. Grateful we are, that until breath left his body, racial justice was on the Chief's mind and on his desk. For he believed, fervently, that until the scourge of racism was confronted, our courts would never enjoy the confidence, and the respect, he thought they deserved.

As well friends, we've gathered to honor Ralph's dear Debbie. Quite a team they have been as Professor Baker said. Hand in hand, ever since they first started courting in the stairwells of the old federal courthouse in Post Office Square. While Ralph's hand has been on the inside, Debbie's has been on the outside, but they have pushed in the same direction. Professor Ramirez has built one of the most formidable coalitions to transform our criminal justice system that we in the Commonwealth have ever known. Her work will continue, for the road ahead of us, while dark important, is also bright with possibility. Debbie please know how deeply we respect and admire you. And know too that we will walk that road with you and your remarkable children. Together will you Debbie, we will fight like hell for the living even as we pray that our honorable Chief Justice may rest in peace.

¹ The Honorable Charlie Baker, Governor of the Commonwealth of Massachusetts.

² Loving wife and partner of Chief Justice Gants and Professor of Law at Northeastern University School of Law.

³ Son of Chief Justice Gants and Professor Ramirez.

⁴ Retired Chief Justice of the Massachusetts Supreme Judicial Court and Distinguished Professor in the School of Criminology and Criminal Justice at Northeastern University.

⁵ Retired Associate Justice of the Massachusetts Supreme Judicial Court and Distinguished Professor of Law at Northeastern University School of Law.

⁶ Associate Justice of the Massachusetts Appeals Court and member of the Northeastern University School of Law Class of 1985.

⁷ Professor of Law at Northeastern University School of Law and member of Northeastern University School of Law Class of 1976.

⁸ Partner with Cetrullo LLP and member of Northeastern University School of Law Class of 2005.

⁹ Retired Associate Justice of the Massachusetts Supreme Judicial Court and member of Northeastern University School of Law Class of 1973.

¹⁰ Retired Associate Justice of the Massachusetts Supreme Judicial Court and Clinical Professor at Northeastern University School of Law.

¹¹ Sterling Professor of International Law at Yale Law School.

¹² Of the United States District Court for the District of Massachusetts.

¹³ University Distinguished Professor of Law at Northeastern University School of Law.