

Chief justice announces retirement

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Head of state courts to leave in Nov.

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When John Broderick won nomination to the state Supreme Court in 1995, he told a friend his lifetime appointment wouldn't be a lifetime commitment. Broderick, then 48, told the Monitor life is too full of change.

Broderick knew himself well.

Now 62, Broderick announced yesterday he will step down as the chief justice of the state Supreme Court in November, eight years before state law would have required it. He's been on the high court for 15 years and has served as its chief justice for the past six.

"My life has taught me that change is good and the time seems right," Broderick wrote in a letter to Gov. John Lynch announcing his decision yesterday. "It was never my intent to stay too long."

Broderick wasn't specific about his reasons for leaving the bench. In his letter to Lynch, Broderick said he wanted to return to the private sector and "re-connect with a former life I so much enjoyed." Broderick had a law firm and was a well-respected lawyer before becoming a judge.

He told staff yesterday he wasn't retiring, court spokeswoman Laura Kiernan said. "He said, 'I refuse to use the word,' " Kiernan said.

Broderick declined interviews with the news media yesterday. Some observers wondered whether his last few months fighting deep legislative cuts to the judicial budget had discouraged him enough to leave his job. No other chief justice has played such a visible and vocal role during the budget process.

"I know that was something that was frustrating and upsetting to him," said Concord attorney Chuck Douglas, who himself stepped down as a state Supreme Court justice in 1985 to resume private practice. "I know he felt the court system was not treated the way he felt it should be in the budget process. That may not be the reason he's leaving, but I would think it is a reason."

But Kiernan said yesterday the recent budget season and Broderick's announcement were not connected. She said Broderick emphasized that point to staff in a mid-day meeting yesterday.

State Rep. Marjorie Smith, a Durham Democrat who chaired the budget committee and at times went head-to-head with Broderick over budget cuts, said she doubts those budget sessions pushed him out. She said some people like the somewhat isolated life of a judge and some prefer to be active in the law and politics.

"I think there are all kinds of reasons Justice Broderick might resign," she said.

Smith said she considered Broderick's public and passionate role in budget negotiations unusual and surprising for a chief justice but said she didn't believe the discussions and arguments had become personal for him.

"I think from the chief's perspective, he wanted to make very clear to the other judges and to the court employees that he was doing everything he could to protect the interest of the court," she said.

Gov. John Lynch issued a statement thanking Broderick for his service, but his spokesman did not return a call seeking comment on the governor's plans for choosing the next chief justice. John Stephen, a Republican challenging Lynch for governor, issued a statement asking Lynch to postpone that decision until after the election.

Broderick was a Democrat who helped lead Bill Clinton's 1992 presidential campaign in New Hampshire. Three years later, a Republican, then-Gov. Stephen Merrill, nominated Broderick to the high court. Broderick and Merrill were best friends who once had a law practice together.

It was another Republican governor - Craig Benson - who elevated Broderick to chief justice six years ago. In that role, Broderick has made improving the state's court system a priority, Kiernan said. One of his first acts as chief justice was to visit every courthouse in the state to ask staff and judges about their on-the-job challenges.

Those visits convinced Broderick the state could make justice more accessible and affordable to the public, Kiernan said. He convened a citizens commission to evaluate courts from a court-users point of view and to recommend improvements. The group's suggestions became the basis of the judicial branch's long-term strategic plan.

He led an effort to change the law to allow lawyers to represent clients on only part of a case, saving clients the cost of hiring a lawyer for an entire case. Broderick also called together managing partners from the state's bigger law firms and urged them to take more cases for free.

Then he visited 17 of those firms to sell his idea to the firms' lawyers. Alex Walker, lawyer and president of Devine Millimet in Manchester, recalled yesterday that Broderick was very persuasive.

"He said the need was great," Walker said. "And that it was an issue he was taking seriously."

Devine Millimet had already committed itself to increasing its pro bono work, so "we were an easy sell," Walker said. He said the commitment to issues outside the courtroom has continued to be a priority for Broderick.

"In my mind he is one of the finest chief justices this court has ever had," Walker said. "He has a deep understanding of the law, but separate and apart from that . . . I think over the course of his entire career he has elevated the status of the court."

Broderick also saw the judicial branch introduce the Family Division, which consolidates marital, custody and domestic issues into one place to help families more quickly resolve issues. He also elevated the assistance available to judges, lawyers and law students suffering from substance abuse or mental health issues.

Committees of volunteers were providing that help to people in need, but three years ago Broderick took \$90,000 from dues paid by people in the legal profession to create the Lawyers Assistance Program. In that time, the program has helped 120 lawyers, judges or law students.

Cecie Hartigan, the executive director, said Broderick had not only committed money, but also his time and encouragement to the program. He joined Hartigan in promoting the program to law students and lawyers, telling them there was no shame in asking for help.

"He's a very personally compassionate person," Hartigan said. "Those who (have attended those meetings) come away realizing that he's absolutely genuine and that he enjoyed the experience of not having a dignitary status in our halls."

Kiernan said his personal touch will be missed at the Supreme Court. When Broderick told staff yesterday he would be stepping down, "there was an audible gasp in the room," Kiernan said.

She said Broderick often sent handwritten notes to employees when their kids enjoyed success or they had experienced hard times.

"I think people are very sad to see him go," she said.

To read Broderick's letter to Lynch or view comments from Broderick's colleagues, visit courts.state.nh.us/index.htm and click on "What's New" under the "Communications Office."

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