

**REMARKS BY
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It's an honor to be with all of you this morning in this beautiful courtroom at the Connecticut Supreme Court. Rooms like this are very special in American life – not because of their simple elegance but because what they represent and the real lives they affect. Rooms like this are the envy of much of the world. In recent times, we have neglected their mission and burdened their performance. That's what I came to Connecticut to talk about today.

Let me begin with a story.

A few years ago, I flew very early one winter morning to Washington to attend a memorial service on Capitol Hill for a friend, who was also a distinguished member of Congress. Someone I revered.

My cab driver that morning was as pleased to see me, as I was to see him. Business at Reagan at that early hour was slow and cabs were scarce. As we drove across the Potomac, we continued to talk and he began telling me his story.

Although he spoke with a thick accent, he had been in the United States for almost twenty-five years. He had two daughters who were just children when they arrived here. He now had a granddaughter. He was one proud grandfather. At a stoplight, he passed me her picture. She was just as adorable as he said. I told him I had granddaughters, too. We had found common ground.

“My grown children,” he said, “are well educated and have very good jobs.” He was proud of them. Mostly, he said, he was proud to be an American. “This is the greatest country on earth,” he told me forcefully. “The very best. I'm from the Balkans, and my daughters' lives here have been so much better. They have been given so much. I love the American people.”

As we turned onto Pennsylvania Avenue with the Capitol rotunda in the distance, he asked me what I did for a living. I told him I was a judge, an appellate judge. “You have the most important job in your entire government,” he exclaimed, his voice rising and full of admiration. “Your job makes America, America.” I asked him what he meant and why he felt that way. “Courts protect people from government, particularly from its abuses,” he told me. “Without judges,” he said, “little people like me could never be sure if they were really safe, really equal or really free.” A few minutes later, he dropped me near the Capitol. After I paid

him, he stretched his right arm over the seat between us to shake my hand. “Good luck to you,” he said, with a wide smile, “it has been an honor to have you in my cab. A real honor.”

I had a little time before I needed to be in Statuary Hall so I walked around the block lost in thought. I had been very touched by the cab driver’s words and by his simple wisdom. My walk took me past the United States Supreme Court. It was still early and there weren’t many people on the sidewalk. So I stopped just to take it in.

As I stood there that morning gazing at the front edifice of the court, I wondered what American life would be like without it, how the history of the twentieth century might have been different if it did not exist and how the real promise of our country could ever be assured without an independent, accessible judiciary. The cab driver this day had put a face on it for me. A very human face. And a very grateful one, too.

In the years that followed that winter morning in Washington, I have often thought of my cab driver and of his near-sacred confidence in the American Justice System. As I watched court funding decline, delays increase, technology age in place and the explosion of self-represented litigants trying to navigate a system they didn’t understand, I wondered whether my cab driver had given me too much credit. I was increasingly convinced we weren’t keeping faith.

State Courts administer ninety-five percent of all the justice in America. In a sense, they serve as society’s emergency room. There are more cases filed in a week in state courts on the island of Manhattan than are filed in every federal courthouse in the country in a year. State courts sustain the foundational promises of our constitutional democracy. And they are at risk.

State courts are the most open branch of government and as Justice Souter of my state has often said publicly, they are intended to be a “safe place” for all who seek justice. State courts are “safe places” because they are deliberately blind to wealth, age, race, gender, power, politics and the popular will. They are not special but they are different; different by design.

A slowly eroding state court system, and it is slowly eroding all across America, should give all of us pause. It’s not about their cost because state courts are a tiny part of state budgets. It’s about their value; their extraordinary value to our social compact. It’s their value that has made them indispensable but inadequate funding that has made them vulnerable.

Let me give you some brief historical context from my home State of New Hampshire. We have the second shortest and second oldest permanent constitution in America. It’s older than our federal constitution. It dates to 1784 and was adopted by popular vote after an eight year war for independence from the British crown. The people of my state risked all they had to fight for their independence. By 1784, they had buried their dead and outlasted the unleashed wrath of the king. They were ready for self-government and they were prepared to adopt their founding document.

In 1784, as you can imagine, children died of many illnesses – illnesses that could be easily treated today. I am sure those tragic deaths caused genuine anguish and inner turmoil.

Yet when they adopted a constitution, the citizens of New Hampshire made no promise about providing health care to children – or to anyone else.

In 1784, there were no doubt a lot of bad roads in New Hampshire and a lot of broken wagon wheels. Yet when the constitution was written it made no promises or provisions about roads. In 1784, there were issues of public safety but the founding document was silent about insuring or guaranteeing its' enforcement.

But the citizens of New Hampshire, tested by war and years of arbitrary power exercised by the king did write into their founding document a right of access to timely and impartial justice. They understood the need for a neutral magistrate and the real value of a justice system to their daily lives. They had seen the abuse of absolute power and were determined not to repeat it. We need to keep faith with those brave citizens of 1784 and fund the state courts to a level that allows them to operate as intended.

Without a vibrant state court system, there will be no commerce as we know it, no real protection for the unpopular minority and less predictability in American life. On a day such as this, it is fitting that we stop to reflect and to renew our commitment to a timely, accessible and affordable justice system in America. We need to speak up and stand up in the defense of our state courts. Anything else will not keep faith with the generations to follow and will not ensure our freedom. Now would be a good time. We have not a day to waste.