

## THE SUPREME COURT HISTORICAL SOCIETY

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### JUSTICE DAVID SOUTER RETIRES FROM THE BENCH

On May 1, 2009, Justice David H. Souter announced his intention to retire from the Supreme Court Bench after nineteen years of service. He was nominated by President George Bush after service on the First Circuit Court of Appeals. While not well known at the time to the general public, Justice Souter had already acquired a reputation in the legal community for great intelligence, meticulous preparation, hard work and commitment to the law.

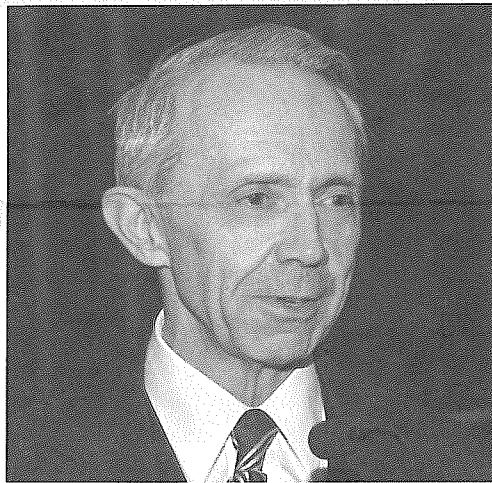
David Souter was born in Melrose, Massachusetts on September 17, 1939. After public primary and secondary schooling, he studied at Harvard University, graduating *magna cum laude* in 1961. A Rhodes Scholarship took him to England where he earned bachelor's and master's degrees in jurisprudence at Magdalen College, Oxford. Upon return to the United States, he entered Harvard Law School.

After admission to the bar, he joined the firm of Orr & Reno where his practice was varied, but included corporate law and litigation. Although he had been raised in Massachusetts, Justice Souter had spent extensive time at the home of his maternal grandparents in Weare, New Hampshire and he adopted that state as his home while still a young adult. His practice of law led to involvement with civic organizations and ultimately to public service. He was offered a position as an assistant in the criminal division of the state attorney general's office in 1968. He quickly rose to higher positions and won the respect of Warren Rudman, attorney general of New Hampshire. Following Rudman's resignation from that office to become a United States Senator, Souter was appointed Attorney General of New Hampshire by Governor Meldrim Thompson.

After two years as the attorney general, Souter was named to a state appellate judgeship. He and his fellow judges travelled on circuit to each of the ten counties of the state for court sessions. In this capacity, he reviewed a wide variety of cases, and garnered a reputation for his fairness and intelligence. Governor John Sununu elevated him to the bench of the New Hampshire Supreme Court in 1983. There he gained a reputation as a knowledgeable and independent thinker. President George H. W. Bush appointed him to the U.S. Court of Appeals in 1990, and when Justice William J. Brennan retired from the Supreme Court of the United States

only five months later, President Bush nominated Souter to replace Brennan on that bench.

Known as a low-key, unassuming man, Souter has served with characteristic dedication and intelligence on the Supreme Court. He has made strong friendships with his colleagues, but remained quiet and reserved in his private life, preferring to spend his time reading from his large collection of legal and historical books. From the bench he has displayed civility in his questioning of attorneys, but also a careful mastery of the facts and probing insight into the issues involved in each case.



**Justice David Hackett Souter retired from the Supreme Court after nineteen years of service.**

On his last day on the Bench, Monday, June 29, 2009, Justice Souter's retirement was acknowledged from the bench. Chief Justice Roberts read a letter on behalf of himself, his colleagues and retired Justice Sandra Day O'Connor, in which he expressed their "profound sense of loss" over Souter's retirement. He also noted, that "[we] deeply value the times we have shared in judicial service." Quoting poet Robert Frost, Roberts then said, "We understand your desire to trade white marble for White Mountains (referring to the mountains in New Hampshire near Justice Souter's home) and return to the land of 'easy wind and downy flake.'"

Justice Souter responded to the comments by reading his own letter from the bench observing that his colleagues had "touched me more than I can say." He said he would retain fond memories of "the finest moments of my life." Commenting on the nature of his work with his colleagues, he observed, "[w]e have agreed or contended with each other over those things that matter to decent people in a civil society. For nineteen terms, I have lived that life with you, all of us sharing our own best years with one another, working side by side as fellow servants and friends."

Justice Souter has returned to his home in New Hampshire where he will assume occasional federal circuit court duties. He has also indicated a desire and intention to engage in the review of public school curriculum on civics in his home state.

The Society will miss his support and cheerful willingness to give of his time and attention to its activities. Appropriate tribute will be paid to Justice Souter in a forthcoming issue of the *Journal Supreme Court History*.