

Mark Wolf to step down as chief US judge

But will continue in senior status

By **Milton J. Valencia** | GLOBE STAFF OCTOBER 16, 2012

US District Court Chief Judge Mark L. Wolf, who has presided over some of the most high-profile cases the state has seen in recent years, announced this morning that he will retire from full-time status effective Jan. 1, after 27 years on the bench. Wolf said in a letter to President Barack Obama that he will take senior status at the beginning of 2013, when his rotating tenure as chief judge for the district of Massachusetts ends. US District Court Judge Patti B. Saris is slated to become the next chief judge.

“It has been a privilege to serve on this distinguished court for the past 27 years and as its chief judge since 2006,” Wolf wrote in his letter to the president.

Reflecting on his years as a judge, Wolf said in an interview, “It’s very challenging, but very gratifying to work every day to try and give integrity to this nation’s ideal of equal justice under law.”

Federal law allows judges to retire, continue serving, or take senior status after reaching a certain age and having served a set number of years. Wolf will be 66 when he steps down. By taking senior status, he can still preside over cases, though he can limit himself to a certain number and type.

More important, his departure from full-time status creates an open seat for the district of Massachusetts, and he said a new appointment could add a new dimension to the court.

Wolf said he expects to continue presiding over a respectable caseload and will maintain the cases he still has before him. But he also plans to broaden his work to teach law and give seminars in other countries on the judicial system and combating public corruption, as he has in recent years, in Slovakia, Turkey, and Romania.

Appointed by President Reagan in 1985, Wolf had been a prosecutor for several years and served as an assistant to the deputy attorney general and as assistant to the attorney general. He was also deputy US attorney for the district of Massachusetts, and headed the public corruption unit for part of that time.

Martin Weinberg, a prominent defense attorney who has tried significant cases before Wolf over the last two decades, said in an interview that Wolf is known for his work ethic “to get it right.”

“He makes lawyers better, by testing lawyers, by testing arguments, by getting to the depths of every legal issue, and there isn’t a defendant who goes to the courtroom who doesn’t know the judge has tried his best to get it right, even if the advocates disagree with the final opinion,” Weinberg said.

Wolf’s departure from the bench and the end of his tenure as chief judge could temper a significant voice for the court. As chief judge, he sets the agenda for the court, overseeing budget priorities and policies and has publicized many of the court’s programs.

A longtime supporter of charitable efforts and community organizing, Wolf has prioritized the development of seminars for lawyers and programs for inner-city schools. He also pioneered pilot programs to videorecord civil proceedings in the courthouse.

Wolf has also been at the center of some of the most significant cases in recent years, sometimes issuing decisions that are at odds

with public opinion.

He was the judge, for instance, who ruled last month that the state must pay for convicted murderer Michelle Kosilek’s sex change operation, after finding that the procedure was medically needed to treat her gender identity disorder.

In another case in 1995, he ruled that the South Boston Allied War Veterans Council had the right under the First Amendment to exclude gays from the Saint Patrick’s Day parade, going against previous state court decisions. His view was ultimately upheld by a unanimous US Supreme Court.

He oversaw the conviction last year of former House speaker Salvatore F. DiMasi, in one of the biggest political corruption trials in the state’s history.

He is best known for the hearings in the late 1990’s that exposed the FBI’s corrupt relationship with informants Stephen “The Rifleman” Flemmi and James “Whitey” Bulger.

“He is such an important contributor to the court; he has done things that other judges would not have done,” said recently retired US District Court Judge Nancy Gertner, who opposed Wolf when he was a prosecutor and she was a defense attorney and who also practiced before him when he became a judge. Then she sat with him on the bench and remarked on the Bulger hearings.

“He carried that through in a way that was entirely appropriate, extraordinarily courageous, and something we all should value,” she said.

Wolf is also known for his affinity for poetry and has said before in interviews that, in making critical decisions that affect peoples lives, he often finds comfort in written words.

In one example, he invoked poetry in becoming the first judge in more than a half century to sentence a defendant to death in Massachusetts, in the trial of serial killer Gary Lee Sampson.

Quoting poet W.H. Auden, he told Sampson: “You personify the wisdom of the poets’ insight that ‘evil is unspectacular and always human . . . And shares our bed and eats at our own table.”

“We live in a nation of decent people who have had as their ideal a reverence for life. By committing horrific crimes that virtually compelled decent people in this community to condemn you to die, you have diminished, if not degraded, us all.”

Wolf handed out the death sentence in 2003. Earlier this year, he vacated the decision after finding that a juror who decided for the death sentence withheld information about her history with crime and law enforcement, tainting the integrity of the jury process, and he ordered a new trial. Prosecutors appealed that decision.