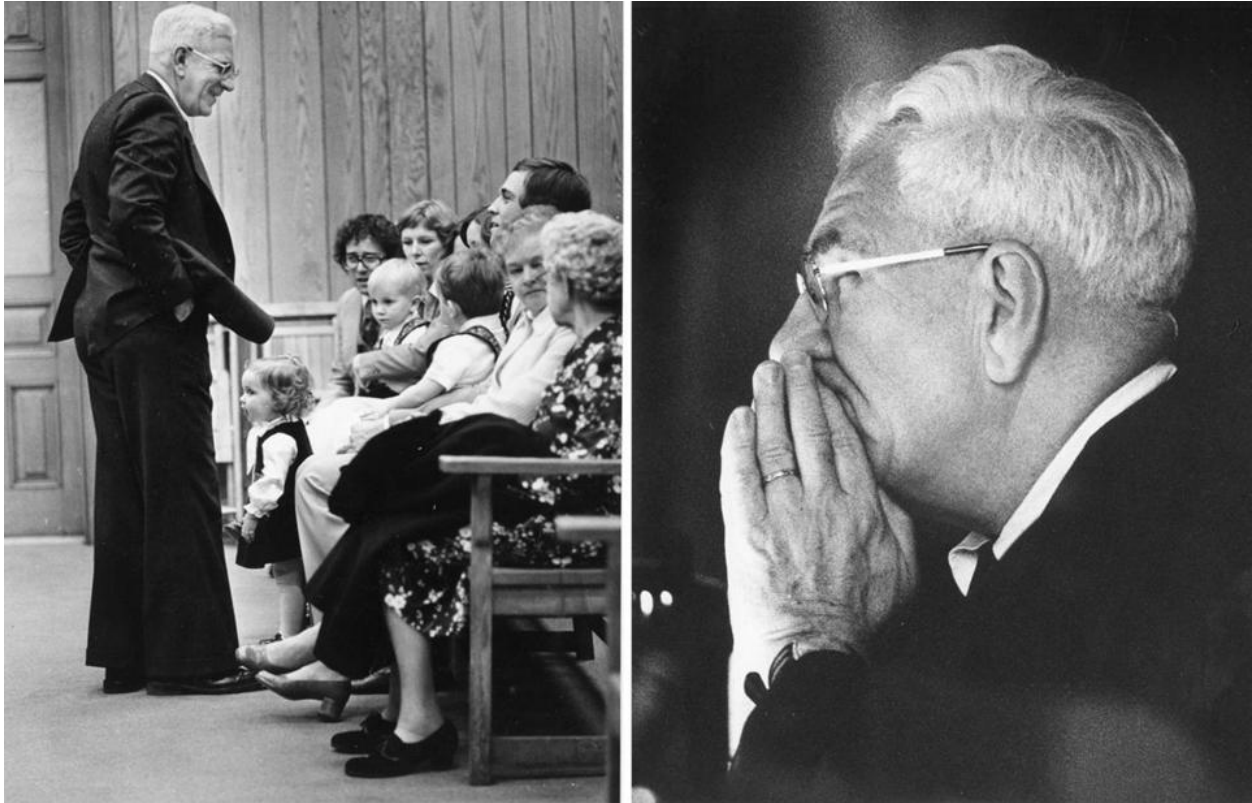


Joseph R. Nolan; SJC justice known as social conservative



Joseph Nolan's family joined him when he was sworn in as a Superior Court judge in 1978. At right, Justice Nolan listened to arguments before the Supreme Judicial Court on April 2, 1989.

By Bryan Marquard GLOBE STAFF APRIL 24, 2013

Five years after becoming a state Supreme Judicial Court associate justice, Joseph R. Nolan wrote a stern dissent in 4-to-3 decision on a right-to-die case in 1986 that allowed a family to remove a feeding tube from a 49-year-old firefighter who had suffered a brain aneurysm and had languished in a coma for three years.

Justice Nolan had spent more than three decades as a lawyer, law professor, and judge, but he chose words that seemed to owe much to his devotion to the Catholic Church.

"I can think of nothing more degrading to the human person than the balance which the court struck today in favor of death and against life," he wrote. "It is but another triumph for the forces of secular humanism . . . which have now succeeded in imposing their anti-life principles at both ends of life's spectrum."

Justice Nolan, the first judge to serve at every level of the Massachusetts court system, died Tuesday in St. Elizabeth's Medical Center in Brighton of complications of a broken hip he suffered in a fall Saturday. He was 87 and had lived in Belmont for more than 40 years.

Appointed by Governor Francis W. Sargent in 1973 to serve as a special justice at Brighton District Court, Justice Nolan was appointed an associate justice of the Superior Court five years later.

He became an associate justice of the Massachusetts Appeals Court in 1980, and the following year Governor Edward J. King chose Justice Nolan as his first nominee to the Supreme Judicial Court.

Cardinal Sean P. O'Malley praised Justice Nolan for reviving the Catholic Lawyers' Guild of Boston and serving as the organization's president.

"His work was guided by core beliefs he held true to as a committed and faithful Catholic," O'Malley said in a statement. "He balanced his secular life with his prayerful commitment to Christ and the church. Providing a strong prolife presence in our community, Justice Nolan was a daily communicant who received the Eucharist with great devotion. He spoke regularly about the importance of understanding 'sin and grace' and basic morals."

SJC Chief Justice Roderick L. Ireland said in a statement that Justice Nolan "was a beloved member of this court for many years.

"His warmth and light-hearted humor created a wonderful working environment for all who worked with him," Ireland said.

Nevertheless, Justice Nolan did not mince words on the court, or in retirement, when he disagreed with a majority ruling. Joining former Boston mayor Raymond L. Flynn in support of a proposed ballot initiative to ban gay marriage in 2008, Justice Nolan expressed frank displeasure with the SJC's 2003 decision allowing same-sex couples to wed.

"I was on that court for 14 years; then I left and then they came up with that abomination," Justice Nolan told the Globe in 2004, when the Catholic Lawyers' Guild of Boston held a luncheon for clergy, lawyers, and politicians to rally opposition to gay marriage.

Justice Nolan also was the sole dissenting justice when the SJC ruled in 1994 that the St. Patrick's Day parade in South Boston could not bar an Irish-American gay and lesbian group from marching. He wrote an 11-page dissent, and parade organizers appealed to the US Supreme Court, which overturned the SJC's ruling.

"It was the right decision," Justice Nolan told parade organizers in 2005 as they celebrated the 10th anniversary of their Supreme Court victory. "It was correct. I was right, and you kept going, God bless you."

During his years on the Supreme Judicial Court, Justice Nolan "was positively orderly," said Neil L. Lynch, a retired SJC associate justice.

"He was an intense worker," Lynch said. "We used to tease each other because he would have only one piece of paper on his desk. That would be on the case he was working on, and it would not be removed until he was finished. I had the office next to him, and my desk looked like probably a hurricane had passed through when I was working."

An orderly life was essential for Justice Nolan, who along with his work as a judge was a popular professor at Suffolk University Law School, a writer and editor of legal books, and a father of seven children.

“He always referred to his children as his ‘seven jewels,’ ” said his son Joseph Jr. of Belmont.

“He was an inspiration to me and to many of his close friends because of the type of life he led,” said Robert Crane, a former state treasurer and longtime friend. “He was a very devout Catholic and a daily communicant. We all looked to him for advice and counsel on how to bring up a family, because he was an expert at it.”

Born in Mattapan, Justice Nolan was the younger of two sons whose father was a school custodian and whose mother cleaned houses.

He graduated from Boston College High School in 1942 and served in the US Navy at the end of World War II as a pharmacist’s mate third class, serving in the Pacific theater.

Returning home, he went to Boston College, where he studied business and graduated with a bachelor’s degree in 1950.

While Justice Nolan was a sophomore, a friend left for dental school and asked him to keep an eye on his girlfriend, Peggy Kelly. Justice Nolan married her in 1947; the friend ended up becoming a priest.

Justice Nolan graduated from Boston College Law School in 1954 and started a private practice. He went on to serve as an assistant Suffolk district attorney and general counsel for the state Lottery Commission.

Beginning in 1965, he taught until 2011 at Suffolk University Law School.

“All the kids who took his courses said he was the best legal professor they had,” Crane said. “They loved him.”

Justice Nolan also edited two editions of “Black’s Law Dictionary” and coauthored five law books.

Though he rose to serve as a justice in the state’s top court, he kept the perspective of someone who had climbed from the judiciary’s lowest rung.

“He started in the Brighton court, and he always joked that the most powerful judge in the court system was the district court judge, because that’s where the cases begin,” his son said.

Besides his wife and son, Justice Nolan leaves five daughters, Jacqueline Nolan-Haley of New York City, Maura of Brookline, and Janice Henry, Barbara, and Martina Alibrandi, all of Belmont; another son, Leonard of Winchester; 24 grandchildren; and 16 great-grandchildren.

A funeral Mass will be said at 10:30 a.m. Saturday in St. Joseph Church in Belmont. Burial will be in Belmont Cemetery. “His Mass at St. Joseph’s will be the old rite Latin Mass that was said at BC High when he was a student,” Justice Nolan’s son Joseph said.

Along with attending Mass daily and a Latin Mass each Sunday, Mr. Nolan “prayed every day,” said his son, who added that Mr. Nolan’s wife and children were with him in the hospital room, reciting the rosary just before he died. “He’d say, ‘Tell so-and-so they’re in my prayers, they’re on my prayer list.’ He said multiple rosaries every day, and he died with the rosaries in his hand.”