

It is with great sadness that the Commission notes the passing of James A. Broderick, on November 8, 2013. As the Commission's first Chief Administrative Law Judge, Judge Broderick was instrumental in getting the Commission up and running in 1978 under the newly enacted Federal Mine Act Safety and Health Act. Even prior to the seating of the first Commissioners, Judge Broderick moved over from the Department of the Interior and was tasked with a number of responsibilities, including the transfer of personnel from Interior, setting up the Commission's administrative and docket offices, issuing interim procedural rules consistent with the new statute, finding suitable office space within the District of Columbia for the Commission and new space for the ALJs that moved them out of MSHA's headquarters, negotiating case processing protocols with MSHA, briefing the first set of Commissioners on practices and procedures, and developing the Commission's first budget.

After relinquishing Chief Judge duties a few years later, Judge Broderick remained with the Commission for over a decade longer. He capped his time at the Commission by presiding over the most complex group of Commission cases ever, *In re Contests of Respirable Dust Sample Alteration Citations*, better known as the "Dust Cases." The cases arose out of MSHA's issuance of over 5,000 citations to more than 800 coal mine operators alleging that they had tampered with samples used to monitor the respirable dust miners were being exposed to in the mines. In the "common issues" portion of the case, numerous expert witnesses testified and thousands of exhibits were entered into evidence. Judge Broderick's subsequent decisions in both that portion of the case and the individual mine case that went to trial was that the Secretary of Labor had failed to carry the burden of proof, decisions that were affirmed by the Commission and the U.S. Court of Appeals for the District of Columbia Circuit.

Commission officials and staff past and present have had nothing but kind words regarding Judge Broderick:

Chairman Mary Lu Jordan: "Although I did not have the opportunity to work alongside him for very long at the Commission, I had the privilege of appearing before him, as an attorney for UMWA. Through these interactions, he always showed tremendous courtesy to me and most importantly, the utmost respect for the law. Judge Broderick was a greatly admired colleague whose contributions to the Commission will be remembered and appreciated for years to come."

Former Chairman and Commissioner Michael F. Duffy, who worked with the Judge at both Interior and the Commission: "He was a wonderful man and a great boss, who opened the Commission for business with quiet determination, patience, and good cheer. I never heard the Judge raise his voice in anger or lose his focus or good-natured dedication to the Commission's mission. In short, he was the consummate public servant without whom the Commission would most likely have gotten off to a shaky start."

Former Commission Judge Paul Merlin, who succeeded Judge Broderick as Chief ALJ: "As Chief Administrative Law Judge, he was both bright and effective. But more importantly, he was the rare individual who was both deeply devout and immeasurably tolerant. It was a privilege to know and work with him."

Chief Administrative Law Judge Robert J. Lesnick: “I had the pleasure to begin my career before Judge Broderick. Our first Chief will be remembered for his deep commitment to enforcing mine safety and health laws and regulations in a fair and impartial manner.”

Lynne Bowman Dunbar, who was the Judge’s clerk for the Dust Cases: “Judge Broderick was a great gentleman and judge and, to me, a wonderful mentor and friend. He was a pleasure to work with and I am proud to have known him.”

More information about Judge Broderick’s life and career is contained in his Washington Post obituary.

[http://www.washingtonpost.com/local/obituaries/james-a-broderick-administrative-law-judge/2013/11/29/45adde78-57a6-11e3-ba82-16ed03681809\\_story.html](http://www.washingtonpost.com/local/obituaries/james-a-broderick-administrative-law-judge/2013/11/29/45adde78-57a6-11e3-ba82-16ed03681809_story.html)