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A TRIBUTE TO JUSTICE FRANCIS J. QUIRICO

BY CHIEF JUSTICE EDWARD F. HENNESSEY*

On October 9, 1980, anticipating the approaching retirement of Justice Francis J. Quirico, all the justices of the Massachusetts Supreme Judicial Court journeyed to Pittsfield for a one-day sitting of the court. The event was unprecedented. There had been Pittsfield sittings before, one as recently as 1961, but never had all seven justices participated there. The city and all Berkshire County, aware that this was a "Quirico sitting," responded enthusiastically. Led by the high sheriff, resplendent in formal costume and carrying the staff of his office, the justices proceeded from the hotel to the courthouse. The large courtroom was filled to overflowing as spectators moved in and out, perhaps to see the court, but surely to see their own "Francis" during arguments of counsel.

On the previous afternoon I had driven from Boston to Pittsfield in the company of Francis Quirico. As we reached western Massachusetts, I was treated to an educational experience in the history, the geography, and the economics of the area. Justice Quirico revealed a profound knowledge of and deep affection for almost everything we saw. We detoured to view the ancestral home of Oliver Wendell Holmes, my great predecessor in office as chief justice of the Massachusetts Supreme Judicial Court. We drove to Lenox to see a small colonial building. I was told that Lenox was the county seat many years ago and that Lemuel Shaw first sat as chief justice in that tiny building. Justice Quirico spoke of Shea's Rebellion, of the Reverend Allen who was deeply and vocally involved with the making of our state constitution and our frame of government, of the deep concern of the Berkshire people that the new state constitution should include a bill of rights, and of the threats of the local people to secede from Massachusetts. Not for the first time, I reflected on that day that an appellate judge is better fitted for his work if he possesses a deep understanding of the land and the people and their history. He comes poorly equipped if he works from printed pages alone.

* Chief Justice, Massachusetts Supreme Judicial Court, 1976-present.

Francis Quirico has brought to his judgeships not only the orientation to places and people of which I speak but other extraordinary attributes as well. I have thought of him and his work in terms of several flattering clichés, such as “Genius is the infinite capacity for taking pains.” The Quirico devotion to duty is legendary. His evenings and his weekends ordinarily have belonged to the law. This dedication has been recorded in judicial records in the amusing story of a breaking and entering of a Pittsfield courthouse. Two defendants, in pleading guilty, disclosed that in order to break in they had to lurk near the courthouse in Pittsfield until nearly midnight when Justice Quirico finally left the office where he had been working. Thousands of similarly long days are now behind him as he, with his infinite capacity for unswerving service to the public, lays his credible claim to genius.

Another aphorism, usually attributed to Abraham Lincoln, says that we could perform wonders if no one cared who received the credit. This is apt as we speak of Justice Quirico. Never one for many speeches or many public bows, he has been content to let his extraordinary work product speak for itself.

Not long ago, in another context, I spoke of the supreme judicial court and its justices, past and present. Those words are worth repeating since they fit so well into any tribute to Justice Quirico. I said that capable and idealistic justices have served on the supreme judicial court, and each generation has nourished its tradition. The justices have brought strength to the institution and have themselves been strengthened by it. Oliver Wendell Holmes, while chief justice of the Massachusetts Supreme Judicial Court, spoke of this fortunate reciprocity in 1891 with these words:

Great places make great men [and women]. The electric current of large affairs turns even common mold to diamond, and traditions of ancient honor impart something of their dignity to those who inherit them. No one of any loftiness of soul could be long a Justice of this Court without rising to his full height.

Justice Francis Quirico, as trial and appellate judge, rose to his full height as a magnificent custodian of the common law of Massachusetts.