

Western New England Law Review

Volume 33 (1980-1981)
Issue 2

Article 3

1-1-1980

JUSTICE FRANCIS J. QUIRICO

Justice Paul C. Reardon (Ret.)

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Recommended Citation

Justice Paul C. Reardon (Ret.), *JUSTICE FRANCIS J. QUIRICO*, 3 W. New Eng. L. Rev. 159 (1980),
<http://digitalcommons.law.wne.edu/lawreview/vol3/iss2/3>

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DEDICATIONS

JUSTICE FRANCIS J. QUIRICO

JUSTICE PAUL C. REARDON (RET.)*

Early in the summer of 1956, while on vacation with my family, I was camped by the shore of Lake McDonald in Glacier National Park. To check on court developments while away from Boston, I occasionally called Edmund Phinney, who was executive clerk to the chief justice of the Massachusetts Superior Court, which office I then held. I telephoned Mr. Phinney, and he advised me that Governor Herter had appointed Francis J. Quirico of Pittsfield to become an associate justice of the superior court within a day of the seat's vacancy. I did not know Mr. Quirico. If I had heard of him before, his name had made no dent with me. I was assured long distance by Mr. Phinney, however, that his inquiries indicated that the superior court was getting an unusual addition even though that addition was a Democrat. A quarter of a century now has gone by, and the years since 1956 have proved that great lawyers and judges still come from the Berkshire Hills.

It was my privilege to serve as chief justice of the superior court for over six years while Justice Quirico was a member.¹ I know I represent the feeling of all his colleagues on that court when I say that as a judge he was truly extraordinary. Perhaps the basis for his achievement lay in his background. From his early years he was remarkable in his proclivity for hard work and his dedication to his family. As a high school student in Pittsfield he worked in his father's carpentry shop, and in 1928, the year after his graduation, he served at a very young age as secretary to the superintendent of schools. He went on to graduate with honors from Northeastern University School of Law in 1932 and some years later served as city solicitor for the City of Pittsfield, a position he held for four and a half years. His brothers elected him

* Chief Justice, Superior Court of Massachusetts, 1955-1962; Associate Justice, Massachusetts Supreme Judicial Court, 1972-1976; retired, 1976.

1. Justice Reardon was chief justice of the superior court from 1955 to 1962. Justice Quirico joined the superior court in 1956 and left when he was appointed to the supreme judicial court in 1969.

president of the Berkshire County Bar Association in 1955, and a year later he was on the superior court.

Those who worked with him on that court will never forget his devotion to duty, the legal acumen that he constantly displayed, and the number of hours that he committed weekly to his work. He was at once painstaking, gentle, knowledgeable, and at all times completely in charge of the courts over which he presided. He had been a competent lawyer himself, and hence lawyers before him who on rare occasions tried to pull the wool over his eyes failed in their attempts. When he was assigned to a given sitting, he came into the county, made a complete analysis of the state of the dockets and the progress of litigation in that county, and wrapped up his findings in complete and informative reports which were sent to the central office at Boston. The files of that office contain the numerous statements which he rendered, which could only have come from a judge who went far beyond his duty in trying to assess the needs of those areas where he happened to be. Upon those occasions when he was assigned away from Berkshire County, he would arrange to meet with the lawyers of Berkshire on Saturdays when he came home. Berkshire County, which had as much need then as it does now for judicial attention, saw him initiate night sessions in 1960 to aid the local litigants and lawyers.

But what endeared him to everybody was not only his learning and his dedicated attention to his judicial task, but his modest spirit. He has been and is an exemplar of what a judicial gentleman can and should be. He has been patient and understanding in dealing with the lawyers before him. While others have jockeyed for preferment, he has moved ahead on his own merit, the best argument for his advancement being his own excellence. In his charges to the jury, his dispositions of complicated motions, his fairness, his objectivity, his handling of the courtroom and in his logical conclusions, Justice Quirico was an obvious standout.

He was assigned some of the most difficult cases tried in the courts during the years of his service. He was the obvious choice to sit on a number of cases which had heavy political overtones, particularly around Boston. He thus was assigned to, and presided over, the so-called *Small Loans Trials*² which extended from 1964

2. The *Small Loans Trials* involved 144 grand jury indictments charging several small loan companies with bribery. The indictments resulted in two trials. The consolidated appeals from the *Small Loans Trials* are reported in *Commonwealth v. Beneficial Fin. Co.*, 360 Mass. 188, 275 N.E.2d 33 (1971), *cert. denied*, 407 U.S. 910 (1972).

through 1967. They are the longest trials in Massachusetts' history. In those cases he disposed of over seven hundred motions with his customary efficiency and saw them through to a conclusion which was later upheld by the supreme judicial court.³ In 1963 he sat on another tough one, the *Boston Common Garage* Trials.⁴ These are but two of the difficult matters with which he dealt as a trial judge. Each succeeding chief justice regarded him as one on whom to rely heavily when a piece of truly difficult litigation came along. He was a preeminent candidate for a position on the Massachusetts Supreme Judicial Court when a seat was vacated due to the death of his predecessor, Justice Whittemore.

It was my pleasure to serve with Justice Quirico again for seven years on the Massachusetts Supreme Judicial Court. It was a distinct pleasure to have him once more as a colleague and to be able to benefit from his wisdom and experience. Both in the consultations and on the committees on which we jointly served, notably the Committee on Rules, I found him to be a force for good.

On June 3, 1980, the Boston Bar Association conferred upon him its Award for Distinguished Judicial Service. The citation which the Association gave him said, in part:

As a lawyer of probity and learning he was appointed a Judge of the Superior Court in 1956. There he served for thirteen years with honor and distinction. He presided with great skill over some of the most complicated and lengthy cases that came to the Court for disposition in those years. As a superb trial judge he earned by his assiduous devotion to his task and by the calm and competent manner in which he discharged it, the complete admiration of all lawyers who appeared before him and many more besides.

To the Supreme Judicial Court, to which he was appointed in 1969, he brought the wisdom and erudition that had marked his Superior Court career. Since then he has again manifested his great ability and balance in clear, scholarly and dispassionate opinions and dissents. He has respected time-tested precedent and yet has welcomed needed change.

Massachusetts' judicial history will mark him as one of the great judges of this century. . . .⁵

3. The decision, probably the longest in Massachusetts appellate history, runs 188 pages. *Id.* It is a tribute to Justice Quirico's conduct of these lengthy trials that the Massachusetts Supreme Judicial Court found no error.

4. The *Boston Common Garage* Trials involved conspiracy and larceny of more than \$700,000. *Boston Globe*, Oct. 29, 1969, at 8, col. 1.

5. *Award for Distinguished Legal Service*, 24 BOSTON B.J. 12 (June 1980).

In my belief the citation states the truth.

From close personal observation running back over a quarter of a century, I can say that with the departure of Justice Quirico the Commonwealth of Massachusetts sustains a very real loss. The most solid contributors to the public good who have served on the bench during the forty-five years I have been in the law have not generally been demonstrative or inclined to cover themselves with praise. The public rarely comprehends the value of the contribution made to its welfare by a quiet yet strong man like Justice Quirico, but Massachusetts has produced and can continue to produce such individuals. That is really our best insurance for the future.

After long years of tiring travel and work away from home, Justice Quirico returns to Berkshire County, which gave him to the Commonwealth. The people of Massachusetts are in his debt for the devoted service which he gave them for over a quarter of a century.