

IN THE SUPREME COURT OF PENNSYLVANIA

**In Memoriam**

**MICHAEL J. EAGEN**

Room 456, City Hall  
Philadelphia, Pennsylvania  
Thursday, November 12, 1987  
11:00 o'clock a.m.

**Before:**

HONORABLE ROBERT N.C. NIX, JR.,  
Chief Justice.

HONORABLE ROLF LARSEN,  
Justice.

HONORABLE JOHN P. FLAHERTY,  
Justice.

JAMES T. McDERMOTT,  
Justice.

HONORABLE STEPHEN A. ZAPPALA,  
Justice.

HONORABLE NICHOLAS P. PAPADAKOS,  
Justice.

**Present:**

HONORABLE THOMAS W. POMEROY, JR.,  
Former Justice Supreme Court of Pennsylvania.

HONORABLE JAMES C. CRUMLISH,  
President Judge Commonwealth Court of Pennsylvania.

HONORABLE JAMES J. WALSH,  
President Judge Lackawanna County Court of Common Pleas.

HONORABLE JAMES M. MUNLEY,  
Judge Lackawanna County Court of Common Pleas.

HONORABLE S. JOHN COTTONE,  
Judge Lackawanna County Court of Common Pleas.

HONORABLE WILLIAM J. NEALON,  
Chief Judge U.S. District Court for the Middle District of  
Pennsylvania.

HONORABLE RICHARD P. CONABOY,  
Judge U.S. District Court for the Middle District of Penn-  
sylvania.

HONORABLE EDWIN KOSIK,  
Judge U.S. District Court for the Middle District of Penn-  
sylvania.

JOSEPH GALLACHER, ESQUIRE,

Past President Pennsylvania Bar Association.

SIDNEY KRAWITZ, ESQUIRE,

Past President Pennsylvania Bar Association.

FRANK McDONALD, ESQUIRE,

President Lackawanna County Bar Association.

PAUL A. BARRETT, ESQUIRE,

former Law Clerk to Chief Justice Eagen.

MR. JOSEPH CORCORAN,

Majority Commissioner Lackawanna County.

MR. JAMES BARRETT McNULTY,

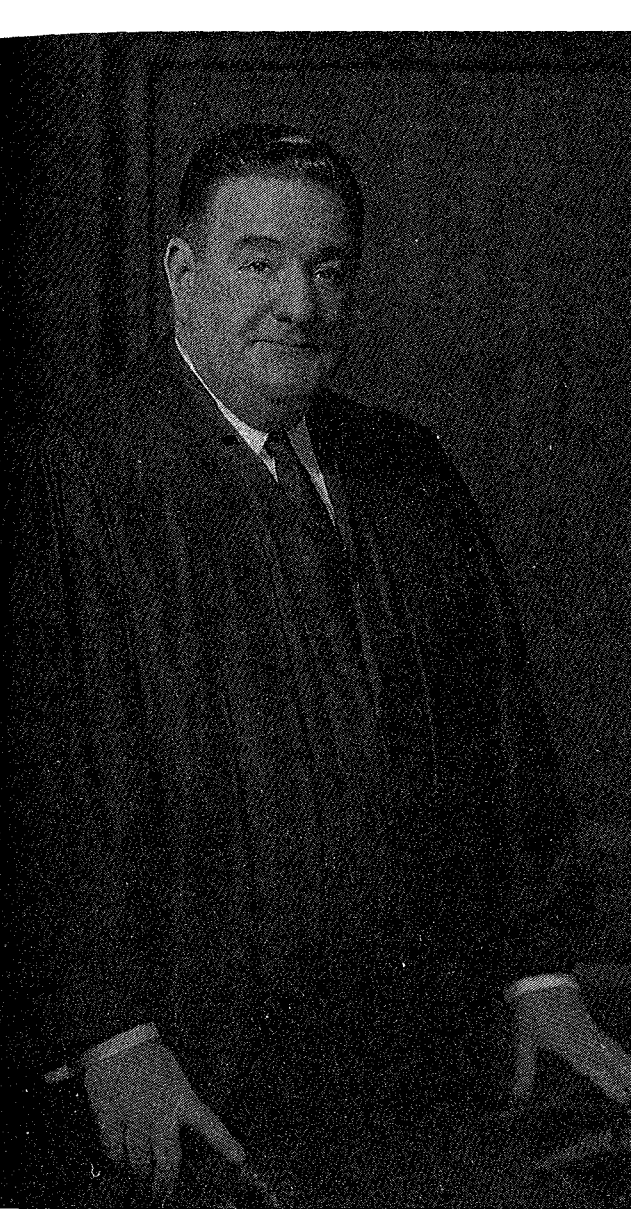
former Mayor of Scranton, Pennsylvania.

MS. LORETTA FITZSIMMONS,

Secretary to Chief Justice Eagen.

FAMILY:

FRIENDS.



HONORABLE MICHAEL J. EAGEN

# Proceedings

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CHIEF JUSTICE NIX: I welcome you to this ceremony, which will serve the dual purpose of a memorial to one of the greatest Chief Justices of this Commonwealth as well as a ceremony celebrating the hanging of the portrait of that Chief Justice. Normally there would be two separate ceremonies, one somber because of the recognition of the loss sustained by the death of one of our former members; and the other a joyous occasion celebrating the hanging of the portrait.

I have had the pleasure of serving under two Chief Justices who followed Chief Justice Eagen. When they were given the opportunity of having their portraits hung, they were most pleased to accept. I called Mike Eagen to afford him that opportunity, and he said, "Bob, you should know that I do not want a picture hung during my lifetime. If it is to be hung, then do it after my death." I don't know anything that demonstrates the character of the man more than that decision.

Therefore, although this is a somber occasion, it should also be a joyful occasion because that is the way I think Mike Eagen would want it.

I was wondering how to describe the man. Paradoxically, Mike Eagen was a man strong in conviction and yet very compassionate and forgiving, a man who was so much a part of the little man and yet at the same time a giant among all.

Over the weekend I received a letter from the artist who painted the portrait. After reading it, I could not think of a better way to describe Michael Eagen than the reflection of that man by the person whose painting you will see in a moment.

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Let me read that letter to you and share it with you. I think you will agree with my assessment of his view of Chief Justice Eagen. After indicating that he would be unable to attend today because of scheduling difficulties, he went on to say:

"I despair missing the service for so special a man. If there is an appropriate time, would you include some memories I have of him? An artist sees parts of a person's character not often viewed by others.

"I painted Justice Eagen twice. The first time he was Judge Eagen, a majestic, vivid, corpulent man whose bearing was totally intimidating to a young artist. He found posing awkward, since he had no vanity. But as we worked, a special relationship developed. I discovered his rare qualities of total kindness, tenderness combined with a lambent flame of intellect.

"After we discussed the fact that his wife had gone to school with my mother, I could think of nothing more to say. He sensed this, so he began to teach. His eyes sparkled as he spoke of the task of judgment of the many gray areas where the law must be interpreted, researched.

"Yet there was humor, and as he would chuckle, his handsome face would glow. One learned affection for him quite quickly. After the portrait was completed and installed, Christmas cards and brief conversations were exchanged as the years passed.

"The second portrait for the State Supreme Court was of a different man. Grief, pain and responsibility had taken their toll, but not upon his brilliance or his humor. His face was more relaxed. The once sparkling eyes had dimmed.

"We worked to the sound of a ticking clock on a sun-porch. As the hours passed, we argued about the meaning of the Rubaiyat, Macbeth. He had become more philosophical, almost mystic. He viewed death as another challenge in which he would be asked to prove his worth. As he spoke of his service as a justice and a Chief Justice, his face

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saddened. He explained that he hoped he'd always acted with wisdom and humanity.

"We worked many days because I didn't want to finish, for I knew it would be the last time I would see him. One day we both knew that the portrait was completed.

"As we parted, he hugged me and said, 'God love you. If they ever need another picture of me, do a good job.'

"I trust I have this time, for those who missed knowing Michael J. Eagen missed knowing greatness."

I do not think I could add any remarks here today, anything more to the picture of this man. He was a great man, a man for the ages, but a man who to all of us in this room was a friend.

We would like first to call upon Chief Judge of the Middle District, Judge William J. Nealon.

JUDGE WILLIAM J. NEALON: Thank you, Mr. Chief Justice. Your Honors, I rise today to attempt to perform a most difficult assignment, that of paying proper tribute to an extraordinary man before the Court that he loved, served and respected so deeply and completely.

Especially so, since his son Jim informed me today that prior to his death in his typically meticulous way he requested that I speak at this ceremony. He was an outstanding individual who Your Honors know attained the highest judicial station available to any citizen of the Commonwealth of Pennsylvania, that is, of Chief Justice of Pennsylvania.

Initially, because his life overflowed with honors and commendations, I would like to touch but briefly on a few of his numerous public and professional accomplishments and then concentrate on the inner qualities and character of the man himself.

Chief Justice Eagen was the recipient of honorary degrees from the University of Scranton, St. Joseph's University in Philadelphia, and the Dickinson School of Law.

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He was a spirited public-minded citizen who served in leadership positions in a broad spectrum of community, fraternal and religious activities for which he received countless awards and citations far too numerous to set forth in the limited time available to me. To mention but one example, the auditorium of his alma mater, the University of Scranton, is memorialized as the Michael J. Eagen Auditorium.

Along the way of his enormously productive life, he amassed an army of devoted friends and admirers from those less blessed to the mighty, all of whom basked in his reflected glory.

Now, mindful of his enviable list of public achievements, we might properly ask, What motivated this remarkable man? From whence and where did he come? Was he born of wealth and position? Was he one whose career was well charted by family elders where opportunity was presented to him by virtue of descendancy and was his for the asking? In short, just who was Michael J. Eagen?

I suggest most sincerely to this Honorable Court that retraveling the actual road of his life from its beginning on May 9, 1907 to its culmination on July 7, 1987 will emphasize far more eloquently than my sterile words his amazing story and the depth and breadth of his illustrious career. It is from this perspective I submit that we can best appreciate the accomplishments of this unique human being.

Mike Eagen's father operated a neighborhood hardware store from the family home in the small borough of Jermyn in Lackawanna County. When he was only ten months old, his father died. His widowed mother was left to raise four children, the oldest being only nine.

The family managed to keep together that struggling business and squeezed out an adequate living. The youngest of the brood, Michael, was a brilliant student. A caring mother and family attempted to see to it that he was educated to the full extent of his potential ability.



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He completed high school and then was graduated from St. Thomas College, the forerunner of the University of Scranton. In 1928 this determined and enthusiastic young man of modest means realized his lifetime dream and walked through the gates and into the halls of the prestigious Harvard Law School.

He finished his first year with commendable grades, but unfortunately the great depression loomed on the horizon. The family business was failing and sadly was eventually executed upon and sold at a sheriff's sale. Mother Eagen reluctantly brought her youngest son back from Harvard.

In order to sustain the family's needs, he became a school teacher and at that dark moment in his life abandoned any thought of ever becoming a lawyer. But the drive, the desire, the determination never left him. As the family's situation slowly improved, with his mother's consent, he began clerking and studying law in the office of an older but close friend, Attorney James Powell, for which he received the sum of fifty dollars per month. As we later learned to expect, he applied to his clerkship that keen and inquisitive mind tirelessly and thoroughly and at age twenty-four he passed the State bar exams and was admitted to practice on September 23, 1931.

Although satisfied and relieved, I am sure, that his struggle to become a lawyer was now over, the ambitious nature and dynamic spirit were still very much a part of his character and, in 1933 despite the fact he had been admitted to the bar less than two years, he filed nominating papers on the Democratic ticket for District Attorney in a county consisting of 105,000 Republicans and 15,000 Democrats. Brash, perhaps, but a hopeless or frivolous ploy, not on your life! Mike Eagen was always an optimist and could never resist a challenge.

It was here where the personal appeal, the integrity, the competence and charisma that ultimately led him to the absolute pinnacle of his profession were first recognized

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and he was roundly endorsed by the voting public. Despite the overwhelming odds, he was elected and a life of public service took root and began to flourish.

In 1941, at the age of thirty-four he was elected judge of the Court of Common Pleas of Lackawanna County, the youngest to ever fill that position. Needless to say, he served with great distinction until January 1, 1960 when he assumed his seat as a member of this renowned Court.

When I was a young man, the name Michael Eagen was a household word in Lackawanna County. His popularity knew no bounds. Everyone regardless of party or position respected and truly adored him. He had a personal warmth, a quick wit, and a zest for life that was contagious. He could literally light up a room.

If Your Honors will permit a personal recollection, the first time I actually heard him speak was at a law school forum while I was attending Catholic University Law School in the late nineteen forties. He was on the program as a speaker and an open participant in a constitutional discussion on a panel which included the late Justice Felix Frankfurter of the United States Supreme Court. His appearance on a program with such exalted company was no doubt influenced by the fact that a fellow Lackawanna Countian, attorney Joseph English, was a member of the law school faculty and knew Mike Eagen's intellectual capacity and oratorical excellence.

I mention this incident only to underscore how exciting it was for me to watch this young judge from my hometown captivate the audience that night with his stimulating comments, his debating skills and his thorough knowledge of the subject being discussed. I mean no slight, of course, to the revered memory of Mr. Justice Frankfurter, but in the socializing after the forum the private discussion centered around the masterful performance by the youthful trial judge from a relatively remote county in Northeastern Pennsylvania. It was a night I shall never forget.

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When I returned to practice in 1950, like every lawyer in Lackawanna County, I became a friend of Mike Eagen and in the years immediately following I am happy to say that I became one of his close friends.

In 1959 when he was aspiring to a seat on this Court, I was privileged to serve as his State campaign chairman in both the primary and general elections.

So Your Honors can understand how proud I am to stand before you this morning in a feeble effort to do justice to the memory of a man I admired and respected so much.

His is a story that would strain the imagination of any novelist. It is a story of courage, determination and personal sacrifice, as well as one of compassion and concern for others.

There is no institution, charity or other worthwhile cause in Lackawanna County that does not bear the stamp of his leadership and his example. Henry Wadsworth Longfellow wrote in his *A Song of Life* that "we can make our lives sublime and departing leave behind footprints on the sands of time."

Michael Eagen has, indeed, left his footprints large and deep on the sands of time. His brilliant legal mind, boundless energy, incisive approach to complex legal issues and his admirable judicial temperament were well known to this court and to all in the legal profession, so it would be presumptuous of me to recount the obvious.

His immense contribution to this court and his inspirational leadership as Chief Justice has been and will continue to be gratefully recognized and memorialized by bench and bar alike.

I have approached this assignment in a personal or, if you will, a simple and straightforward way because I knew Mike Eagen not only as an intellectual giant as described by Chief Justice Nix but at the same time as a gentle, decent and loving human being, a man absolutely without guile or

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pretense. He was modest and it was genuine. It was not false modesty.

He was also blessed with a wonderful family, a delightful and devoted wife, Helen, a loyal secretary and faithful companion, Loretta Fitzsimmons, and four children who brought him an abundance of joy and untold happiness. He suffered through the death of his wife and the unexpected passing of his lovely daughter Helen Marie.

But he was a realist and knew that life provides both joy and sorrow and that one who wears the crown must also be prepared to carry the cross.

By his example, he left a priceless legacy to his sons, Attorney Michael, Dr. Jeremiah, and Jim, and to his son-in-law, Attorney Tom Foley, his thirteen grandchildren, and three great-grandchildren, and his many relatives, friends and admirers.

Of him we can truly say here was a life put to its very best use. I can think of no more appropriate way of concluding my remarks than by paraphrasing the words of a poet—the mighty oak has fallen and the forest will never be the same.

Your Honors, I thank you.

CHIEF JUSTICE NIX: Thank you, Chief Judge Nealon. That was a moving description of a man for whom we all shared a deep affection. Nevertheless, even your remarks, as eloquent as they were, tend to pale against the man himself.

While you were speaking, I was reminded of the last telephone call I had with him shortly before his death. He was in a great deal of pain, as you know, and he recognized that death was imminent. He took the time to be concerned with my situation at that time and told me that no matter what the obstacle may be, that it was my obligation and responsibility and duty to do that which I thought was right.

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I was reminded of Thanatopsis and the fact that he did not approach death with fear but like the magnificent man that he was.

However, any assessment of Michael Eagen, to be fully representative, surely must reflect the irrepressible sense of humor he possessed.

I was reminded when you were talking about the fact that he ran for District Attorney with tremendous odds against him. He had the same odds against him when he ran for this Court.

He told a story that he claimed to be true but the twinkle in his eyes always caused me to question whether in fact it was. He was traveling around the State on this particular occasion. He was in his particular town, picked up by the individual that was going to take him to the function he was there to attend.

The individual met him and said to him, "Judge, we are so happy you are here. This community is so supportive of your campaign." Mike said at this point he was so buoyed up about this because things weren't going so well at that point.

As he was driving along with the individual, the person said, "Judge, as I said, the whole community is yours and I'd love the opportunity of stopping by my home. You are coming by my home, so I can introduce you to my wife and family."

So, of course, at this point he was completely elated. Anyone who knew Mike would tell you that he consented to that request. So they went to the home of his driver. The family came out to meet this great judge that everyone in the community liked.

The driver said with great pride, "I would like to introduce you to Judge Gunther." For those of you who do not know, that was the name of his opponent.

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Any ceremony of this nature would not be complete if we did not note for the transcript of these proceedings the names of the family and friends that are here in attendance because his family and his friends were a major factor in the life of Mike Eagen.

We note the presence of Michael J. Eagen, Esquire, his son; Dr. Jeremiah Eagen, his son; Jim Eagen, his son; Thomas Foley, Esquire, his son-in-law, whom he thought of as a son; and grandchildren, one of whom happens to have been my law clerk. I am sure the older lawyers present have on occasion met a young, bright legal scholar, just out of law school, who looked upon his elders with condescension, fully secure in all of the theories, novel at best, that he conjured up.

One person who brought a great deal of happiness and comfort into the life of Mike Eagen was his beloved sister-in-law and dear friend, Loretta Fitzsimmons, who is also present today.

We also recognize a former colleague of mine, The Honorable Thomas W. Pomeroy, Jr.

Also present are Judge Edwin Kosik of the Federal bench, Judge S. John Cottone, and Judge James M. Munley, who is also serving with distinction on our Judicial Inquiry and Review Board.

We also note the presence of the President Judge of Lackawanna County, Judge James J. Walsh, who is also a member of our State-wide Computer Committee, as well as the presence of the former Mayor of Scranton, The Honorable James Barrett McNulty.

Also with us are Joseph Gallagher, Esquire, Past President of the Pennsylvania Bar Association, and Sidney Krawitz, Esquire, another Past President of the Pennsylvania Bar Association. I remember as a young Justice I would see Joe and Sidney with the Chief Justice, and I mentioned a moment ago his reliability as to the story was somewhat

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questionable, but it was really a toss-up as to who could stretch the truth the most.

Everyone here deserves special mention.

At this moment we will hear from Paul A. Barrett, Esquire.

MR. PAUL A. BARRETT: Thank you, Mr. Chief Justice Nix. May it please the Court: Some sense of how very privileged yet humbled I am to speak of Justice Eagen in this Court on behalf of his former law clerks at the invitation of his good family can be had only with the realization that my sole pretension to the great honor is that I happened to be the first of his Supreme Court clerks in point of time and that, so far as I can determine, recognition of former law clerks on such an occasion is unprecedented. Many of them are here today and join me in thanking you for this opportunity to voice their high and fond regard for "the Judge," as we always called him.

The promise of what began on January 2, 1960 in this room, crowded to overflowing with his friends and well-wishers from all walks of life, had come to fruition by September 23, 1980, when Michael J. Eagen retired as Chief Justice of Pennsylvania and as a member of this Court.

The then President Judge of the Lackawanna County Court stood here that morning in 1960 and, alluding to what he styled "qualities of mind and heart that are most desirable," predicted that Judge Eagen's "qualifications will serve the Commonwealth of Pennsylvania with distinction and honor."

Another speaker, referring to the Judge's earmarks of integrity, ability and industry, prophesied that the new Justice's "record in this Court will add lustre to its venerated traditions."

Following the reading of the commission by Prothonotary McKibben, then Chief Justice Charles Alvin Jones, mentioning others of Judge Eagen's attributes, said to him, "You

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are destined for a very successful term as a Judge of the Supreme Court of Pennsylvania, with benefit to the people of the whole State and with great credit to yourself." So it began and, as foretold, so did it end. Not just this Court but the whole unified judicial system has been improved by the vision, vigor and vitality of our late good friend.

When he perceived in legislative enactments encroachments on your constitutionally sanctioned rulemaking authority, he upheld this Court's proper exercise of its duties by promptly dispatching a direct letter of address to the Governor, President of the Senate and Speaker of the House.

Within seventy-three days of his March 1, 1977 succession to the office of Chief Justice, he addressed the House of Delegates of the Pennsylvania Bar Association on the state of the judiciary in the Commonwealth and pinpointed unreasonable delay in the conduct and the disposition of cases at the trial and appellate levels as the major problem then confronting the court system.

He expressly dedicated his administration to utilizing every reasonable means to eliminate or reduce these delays. Invoking this Court's King's Bench power, he transferred by order appellate jurisdiction in 165 homicide cases then pending in this Court to the Superior Court and enlisted certain members of this Court, himself included, and certain active and senior members of the Superior Court and the Courts of Common Pleas to sit in panels of three during the summer of 1979 in Philadelphia and Pittsburgh to hear and dispose of those cases by brief, explanatory memoranda, not lengthy opinions.

He saw trial and appellate case backlogs, born of a litigation explosion which he called "a new ballgame," posing a challenge he did not propose to confront "with tools of a previous century," as a threat to an overburdened and understaffed system.



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with spirited shouts of "good morning, how are you, how are you doing?" he greeted chambermaids, elevator attendants, bellhops and doormen at the hotel, seeming to be energized by a power source not yet in the public domain.

One of his former law clerks reports that when a well-meaning young fellow once expressed awe of the judge's lofty station, the Justice immediately assured him that, were it in his power, he would on the spot gladly exchange his robes for the young man's youth.

Another tells of the day that the Chief, presiding in court, noticed that one of the lawyers was accompanied by a little boy in high socks and short pants. After argument in the gentleman's case was concluded, the Chief gestured to opposing counsel as if to tip him off to the lightheartedness of what was about to transpire, the following colloquy ensuing in open court:

Justice Eagen to the attorney with the young boy: "Who is the nice young man?"

Attorney: "He's my son, Your Honor."

Justice Eagen: "What is his name?"

Attorney: "Michael, Your Honor."

Justice Eagen to the young boy: "Michael, your father must be a very, very good lawyer. He just presented an argument about as good as we ever hear around here. I'll bet you are proud of him. Would you come up here?"

At this point the boy proceeded to the seat of the Chief Justice, was picked up and placed on his knee, and in response to a whispered prompting, picked up the gavel and hammered it home, the Chief Justice declaring a brief five-minute recess during which he took the boy into the conference room and showed him around. When court resumed, the Chief Justice announced:

"The Court hands down the following order: 'Oh, that the world had more Michaels.'"

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by which to gain a grasp on a candidate's qualifications for judge.

But some of us counted among Justice Eagen's most commendable features that he brought to bear on his judgments fewer previously formed notions, fewer personal predilections than any judge we have known. Forward looking as any, indeed innovative when the situation called for it, he nevertheless exhibited judicial restraint when governing precedent or *stare decisis* dictated, even when his personal preference was not accommodated.

A case in point was his belief that because sovereign immunity, though in its origins judge-made, had subsequently been incorporated into the State constitution, it was no longer susceptible to judicial abrogation. Previous decisions of the Court had, he felt, so held and, though he thought the sovereign should be answerable to the victims of its wrongs, he could not bring himself to exercise powers he believed reserved to others.

When his former law clerks gather or chance to meet, they speak primarily of Justice Eagen's humanity, his good nature, good cheer, his down-home ways. He loved Scranton. Once he visited me at a hospital and the conversation turned to the weather on that cold and dreary January day. I owned as how the landscape along the roadway between the Wilkes-Barre/Scranton Airport and central city Scranton somehow just did not compare with that between Miami Airport and balmy Miami Beach. He immediately brought me up short by extolling the virtues of the Lackawanna/Wyoming Valley area.

It seemed the more he worked, the more exuberant he became. During his tenure as the junior-most member of this Court, it befell him each day to lead the conference discussions of the previous day's arguments and he worked all hours of the night poring over briefs, reproduced records, and his notes of the oral arguments. But early the following day, laden with heavy briefcases under each arm,

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We, his former law clerks, echo: Would, indeed, that the world had more Michaels. Judge Nealon has told us how and from where our friend Michael came, but it seems not inappropriate to wonder, as did once the grieving Anthony: "Whence comes such another?"

Thank you.

CHIEF JUSTICE NIX: Thank you very much.

Would all the former law clerks of the Justice present today rise and stand?

(Former law clerks stand.)

CHIEF JUSTICE NIX: Thank you very much, gentlemen. I can't think of any greater tribute.

There are others to mention. We have the President Judge of the Commonwealth Court, Judge Crumlish, who was a very close and dear friend of Michael Eagen and on occasion went to Scranton with Michael.

We have Frank McDonald, Esquire, the President of the Lackawanna County Bar Association; Mr. Joseph Corcoran, the Majority Commissioner of Lackawanna County; and another fugitive from the bench of the Court of Common Pleas, Judge Richard Conaboy who is now a member of the Federal Middle District.

We will now have the presentation of the portrait and hear from Thomas J. Foley, III and Michael J. Foley.

MR. THOMAS J. FOLEY, III: Chief Justice Nix, it gives us great pleasure to present this portrait to the Court in the presence of family and friends of grandfather, Michael J. Eagen. The portrait was painted by Arthur Bryon Phillips who knew my grandfather, as Chief Justice Nix said, many years ago. I believe it was his knowledge of my grandfather developed over the years which permitted him to capture his many qualities which you heard described here today.

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CHIEF JUSTICE NIX: Before you unveil the portrait, let me say, Thomas, I was never successful for two years in keeping Michael quiet.

(At this point the portrait was unveiled.)

CHIEF JUSTICE NIX: At the close of the ceremony we will have the opportunity to come closer and view the portrait. Having heard that, you can see that the artist knew Mike Eagen.

Now, we will have a memorial proclamation read by Michael J. Eagen, Jr., Esquire.

MR. MICHAEL J. EAGEN, JR.: Mr. Chief Justice and Honorable Members of this Court, I would like to yield the floor to Judge Conaboy who will read the resolution.

JUDGE RICHARD P. CONABOY: Chief Justice Nix, Members of the Court, it is a great honor to appear before you. I appreciate this honor and I appreciate your allowing me and the family allowing me to read this Memorial Resolution for our late great Chief Justice Eagen who was so close to all of us. It is a resolution to be adopted by your Court, and I am privileged to read it today.

“WHEREAS, The Honorable Michael J. Eagen died July 7, 1987, the Justices of the Pennsylvania Supreme Court meeting at Philadelphia on November 12, 1987, wish to express their sorrow at his passing; and

“WHEREAS, Michael J. Eagen, born May 9, 1907, in Jermyn, Lackawanna County, Pennsylvania, graduated from St. Thomas College (now University of Scranton) in 1927, early on showed the mettle for which he later became so renowned, by working as a teenager shoveling coal and repairing railroad tracks to give a hand to his mother, widowed when he was just ten months old, and three siblings, and by taking a job as a law clerk when further economic setbacks caused him to leave Harvard Law School after just one semester; and

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“WHEREAS, he read and studied law endlessly and diligently and with fierce determination prepared himself to take the bar exam at Philadelphia in 1931 which he passed; and

“WHEREAS, two years later in the face of an enormous unremitting voter registration advantage in favor of the opposing political party ‘Mike’, as he always preferred to be called, was elected District Attorney of Lackawanna County, re-elected four years later and set lofty standards for action and performance in public service for years to come; and

“WHEREAS, he was elected to the Lackawanna County trial bench in 1941, at 34 the youngest judge in the county’s history and embarked upon an 18-year tenure marked by assiduous, indefatigable labor in the vineyards he so loved—those of the legal system; and

“WHEREAS, his merit and worth, wisdom and excellence were recognized by the citizens of Pennsylvania in 1959 when they elected Judge Eagen to a 21-year term on the Supreme Court of this Commonwealth where he increased in stature in the eyes of both the initiated and the uninitiated, through his hard work, solid leadership and legal moderation; and

“WHEREAS, in recognition of his surpassing concern that others might enjoy a better lot in life, as reflected in his public service—both official and gratuitous, ‘Mike’ Eagen was honored at various times by an impressive array of organizations, to name a few: Friendly Sons of St. Patrick, for outstanding community service; Exchange Club of Scranton, their Golden Deeds Award; the Koch-Conley Post # 121, American Legion; B’nai B’rith, its Americanism Award; Knight, Equestrian Order of the Holy Sepulchre of Jerusalem, conferred by Francis Cardinal Spellman; and was the recipient of honorary doctoral degrees from the University of Scranton, Dickinson Law School and St. Jo-

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seph's College, and of the Distinguished Pennsylvanian Award; and

"WHEREAS, Justice Michael J. Eagen and his warm friendly ways will be missed not only by his colleagues on the bench and at bar throughout Pennsylvania, but by everyone who had the distinct pleasure of knowing him.

"NOW, THEREFORE, BE IT RESOLVED: That we here assembled do express gratitude for the superb life of Michael J. Eagen, for his lasting contribution to our society in general and legal system in particular, and our sadness at his death.

"BE IT FURTHER RESOLVED: That this Resolution be entered upon the minutes of this meeting and a copy transmitted to his three sons, Attorney Michael, Jr.; Dr. Jeremiah, and James."

CHIEF JUSTICE NIX: Thank you, Judge Conaboy.

This ceremony will be transcribed and a copy presented to the family of Chief Justice Eagen. The family has advised me to announce that a luncheon will be hosted by the family at the Hershey Hotel at the close of these proceedings.

Mr. Crier.

THE CRIER: This Court is adjourned.

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