In The Supreme Court of Pennsylvania

In Memoriam

Honorable James T. McDermott

Philadelphia, Pennsylvania
December 9, 1992

Before:

HONORABLE ROBERT N.C. NIX, JR.

CHIEF JUSTICE

HONORABLE JOHN P. FLAHERTY

JUSTICE

HONORABLE STEPHEN A. ZAPPALA

JUSTICE

HONORABLE NICHOLAS P. PAPADAKOS

JUSTICE

HONORABLE RALPH J. CAPPY

JUSTICE

HONORABLE FRANK J. MONTEMURO, JR.

JUSTICE

Present:

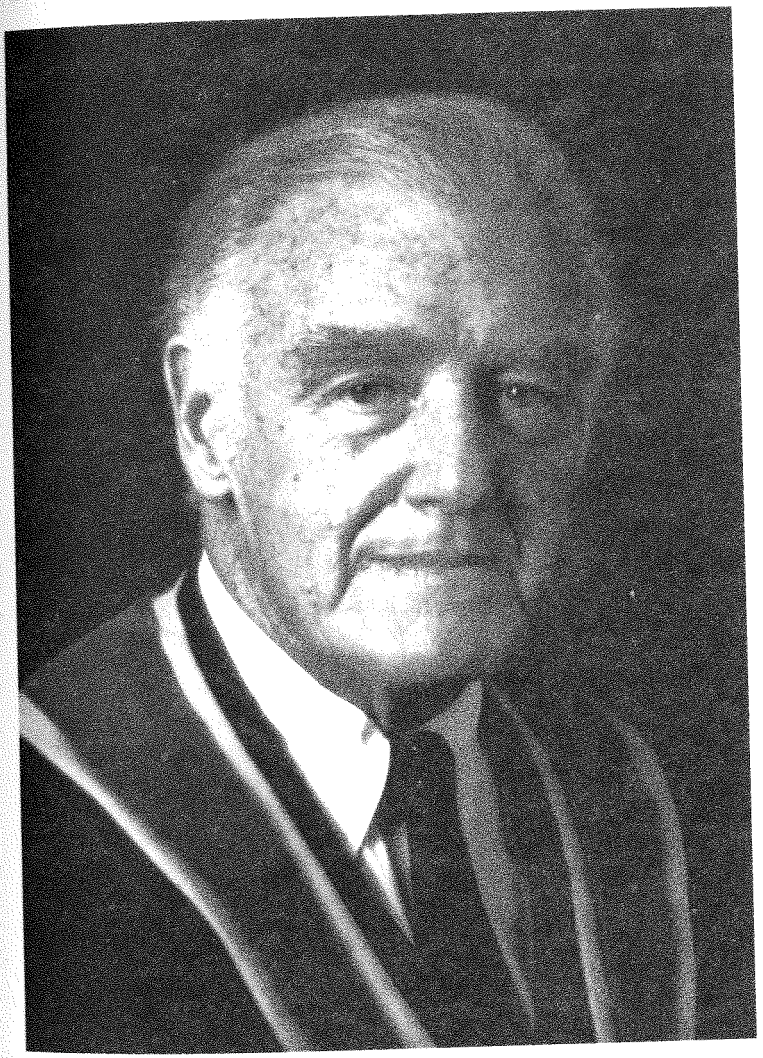
FAMILY, RELATIVES AND FRIENDS

MEMBERS OF THE JUDICIARY

MEMBERS OF THE BAR

MEMBERS OF THE CLERGY

GOVERNMENT OFFICIALS



HONORABLE JAMES T. MCDERMOTT

Proceedings

CHIEF JUSTICE NIX: Good morning. We welcome you to this memorial service for one of the distinguished Justices of this Court. He rendered yeoman service and I think unquestionably upheld in all regards its dignity. Although it is a sad occasion, knowing Jim McDermott, a ceremony of this nature would be something to his liking and certainly it is deserved.

As you look around this courtroom you see the portraits adorning the walls, the significance of those portraits is the fact of the continuity of this Court, that it has existed since 1722. It is the tradition of the Court that is more important than any member of the Court.

No one can question the magnitude of the contribution made by Justice McDermott to that proud tradition.

I would like to call upon a close friend, an old friend, and an outstanding jurist, to make remarks at this time.

Judge Zaleski, please come to the bar of the court.

JUDGE JEROME A. ZALESKI: Good morning, Msgr. Conway, Chief Justice Nix, Honorable Justices of the Supreme Court of Pennsylvania, government officials, judicial colleagues, family, relatives and friends of the late Justice James T. McDermott, September 22, 1926—June 21, 1992.

May it please the Court, I am Jerome A. Zaleski, Judge of the Philadelphia Court of Common Pleas. I am grateful to President Judge Edward J. Blake for permitting me to speak this morning on behalf of the Common Pleas bench of Philadelphia.

As Tennyson intoned:

"His music in our hearts we bore
Long after it was heard no more."

So it shall always remain for those who knew Justice McDermott or read his arresting opinions.

He served 16 years on the Common Pleas bench in Philadelphia, from 1965 to January 4, 1982, when he ascended to the Supreme Court. Chief Justice Nix and Justice Montemuro were colleagues and warm friends during that period. For ten years I, too, was his colleague on the Common Pleas Court.

Those of us who had contact with him can attest that he elevated the stature of the Common Please Court by his singular presence and the assiduousness with which he performed his duties.

His sense of fairness was exemplary as he applied the law to the case before him. He never shirked his obligations no matter how difficult the case or unpleasant the duty. Yet he was never mean-spirited or malicious. He honored the law too much to bend it or abuse it.

His compassion for victims of violent crimes was genuine and profound. He knew that he could do little to soften their grief or lighten their burden. Perhaps that explains his great respect for the Roman maxim:

"Salus Populi, Suprema Lex—The safety of the people is the highest law."

Back when Justice McDermott was a Common Pleas Court judge, he presided in Courtroom 653. Veterans of the court system still refer to this courtroom as Judge McDermott's Courtroom.

As a jurist with a strong, deeply held philosophy of the law, he was, on occasion reversed. He once remarked mischieviously after reading one such reversal, "I always suspected that I was right. Now I am certain of it."

It would be a rare day indeed without hearing a Judge McDermott story in City Hall, most of which are now legendary. How he loved to stroll the corridors and stairways of City Hall! His presence seemed to complement perfectly the architecture of this grand building.

Sometimes he would invite me to accompany him and he would identify and explain unique qualities of its design. It was the boast of Augustus that he found Rome of brick and left it of marble. The Justice found City Hall neglected and scorned and left it restored and admired.

He held his colleagues on the bench in the very highest esteem. His civility and cordiality to them was natural and sincere. During meetings of the Board of Judges he thundered against encroachments on the proper autonomy of the trial bench, because he knew a court's strength and efficacy lay not only in it integrity, but in its independence. He defended the tradition of the Philadelphia courts at these meetings, referring frequently to William Penn whose likeness appeared in his chambers and home, and the linkage of the court in our times with its proud history back to the very founding in 1682.

On many occasions he made the statement that the Common Pleas Court was the most important court in the lives of the citizens of Philadelphia. He was not a bit chary in grasping the nettle when undeserved charges or criticisms were made against the court he dearly loved.

Court employees held a special place in his heart. He was always courteously appreciative of them and was genuinely inter-

ested in issues affecting them. Although he rigorously required dignity and decorum in the courtroom, he enjoyed post-adjournment chats and banter with them afterwards.

I recall after his death a court officer approached me with tears in her eyes and said, "You know, I would see the Justice striding down Broad Street with his ten-gallon hat looking very much as though late for an appointment. Yet he would stop and speak with me for a few minutes."

I also recall after his death meeting his regular luncheon waitress who, again crying, said, "You know, he was the only one who treated me as a friend and not merely as a waitress."

He was very fond of the Belloc couplet and he truly lived its lesson:

"Of courtesy it is much less than courage of
Heart or holiness,
Yet in my walks it seems to me that the grace
Of God is in courtesy."

I believe it was DeGaulle who said, "No man is a hero to his valet," but Justice McDermott's staff would certainly disagree with the general. The love, respect, admiration and affection that his staff held for Justice McDermott had no equal.

There was no need for it to be expressed verbally. You experienced it the moment you crossed the threshold of his chambers. Serious business was ongoing, to be sure, but always there was that convivial atmosphere: Warm, welcoming and genuine. The saddest proof of this is the bitter grief that permeated and choked those chambers after his death.

I was not acquainted with the Justice until after I became a judge on January 4, 1972. Of course, I was familiar with his reputation, particularly with his unique and effective mayoral campaign in 1963. I was also familiar with his acclaimed work as Chairman of the City Charter Revision Committee.

Although we chatted briefly from time to time, I did not become close friends with him until a chance meeting at a high school reunion. We discovered that our backgrounds were very similar. We were raised in the same neighborhood, a short distance from this very spot. We received the same education through high school. It was then, however, I had committed the unpardonable, egregious transgression. I did not attend *The* college. To the Justice there was only one college, his beloved St. Joseph's and its world-renowned Jesuit philosophy. Although he did not suffer fools lightly, he was able to overlook this indiscretion.

By the way, at that high school reunion I witnessed a remarkable example of the courage he had in his convictions. The main speaker was a prominent journalist who had frequently and unjust-

ly criticized Justice McDermott in his columns. After the journalist spoke, Justice McDermott requested permission to respond. He spoke with such candor and persuasion that the journalist apologized to him. He later wrote a column retracting his previous criticism.

As our friendship grew, I began to observe that he never really seemed comfortable unless he had a book in his hand. He was truly the consummate book man. He had many, many friends that he loved very dearly. This courtroom is proof of that.

But he also had a deep and abiding friendship with the voices of former ages. These friends too guided him in his constant pursuit of truth and wisdom. They comforted him in times of grief and sorrow. They inspired him when difficulties arose. He spoke of them constantly, William Penn, Samuel Johnson, Oscar Wilde, Charles Dickens, Hilaire Belloc, G.K. Chesterton, Thomas More, Abraham Lincoln, John Henry Newman and, especially, William Shakespeare. They were his timeless, therefore contemporary companions.

How often did he recite from Newman's "Second Spring":

> "We mourn over the blossoms of May, because they are to wither; but we know that May is one day to have its revenge on November, by the revolution of that solemn circle which never stops—which teaches us in our height of hope, ever to be sober, and in our depth of desolation, never to despair."

The underlined copy he gave to me I hold here in my hand.

Whenever Justice McDermott read a book that troubled him or vexed him, he would frequently write to the author to comment or request an explanation. Whenever he traveled, he made a point of visiting the birthplace or home of his favorite authors. He was a litterateur, a patron of the arts.

His interests varied. There were trips to Rome, exploring the wonders of St. Peter's; and there was solitary attendance at a Gerard Manley Hopkins poetry reading in a poor North Philadelphia church.

I recall once suggesting that he view a video that I enjoyed, "The Dead," a James Joyce classic. The next morning I asked him how he spent his weekend. He said, "Haven't you been told that I was away? I attended an Epiphany party in Dublin in 1904."

Justice McDermott had many rare gifts, charm, grace, erudition and wit. He was an excellent wordsmith. But the puissance of his character was his passion. Who could not but respect and admire his vigorous and sanguinary expression of his views, even in disagreement? He was never tentative or equivocal. And this is quite an understatement.

He was passionate about the law, religion, history, literature, politics and the arts. As has been said of Chesterton, applies to him:

> "He understood God, man and history, therefore he understood politics."

He had a certain innocent quality about him, but beneath the surface of his lightheartedness was a second, deeper level, the real essence. The source of his strength was his religious faith and his complete trust in God. He believed in the importance and value of immortal principles in our lives.

His conduct and actions were clear evidence of the deep love he had for his God, his family and his country. And it certainly serves to strengthen the conviction that he truly was a great and good man. As for me, and I am certain for others, he inspired the better angels of our nature. Generations of lawyers and judges not yet born will study his opinions and say of his unconquerable logic and timeless wisdom, surely this man was the glory of his time.

In his City Hall chambers, which he so dearly loved, a drawing of the hand of Dr. Johnson holding a quill hung above him as he sat at his desk.

> "His character was a grand mixture of ruggedness and gentleness, of strong appetites and passion, of down-right honesty, of forthright speech, of great humility and simple piety."

That was actually a writer's description of Dr. Johnson, but does it not describe perfectly the man whose memory today we honor?

Dr. Johnson's famous lawyer's prayer had a prominent place on his desk:

> "Almighty God, the Giver of wisdom, without Whose help resolutions are vain, without Whose blessings study is ineffectual, enable me, if it be Thy will, to direct the doubtful and instruct the ignorant, to prevent wrongs and terminate contention; and grant that I may use the knowledge which I shall attain to Thy glory and my own salvation."

On the 17th day of September 1992 a resolution of the Board of Judges of the Philadelphia Common Pleas Court stated, inter alia:

> "While a member of the Supreme Court of Pennsylvania for ten years, Justice McDermott frequently and publicly acknowledged the indispensable place of the Common Pleas Court of Philadelphia and the judiciary of this nation and in the lives of the citizens of Philadelphia and so affirmed its prerogatives and independence."

It was passed unanimously.

In closing, may I read a quote from Thomas Wolfe which I received in a letter from one of Justice McDermott's closest friends:

"Death bent to touch his chosen son
With mercy, love and pity
And put the seal of honor on him when he died."

Ave, Atque, Vale, Mr. Justice.

CHIEF JUSTICE NIX: Thank you very much, Judge Zaleski.

Judge McEwen, would you come forward?

JUDGE STEPHEN J. McEWEN, JR.: Mr. Chief Justice, Justices of the Supreme Court, Msgr. Conway, members of the bench, members of the bar, family and friends of Jim McDermott.

When I see the Justices of this great Court, two predominant thoughts occur. One is that typically from this rostrum this Court is already familiar with the subject about which counsel addresses you because you have already achieved knowledge of the action and know full well the applicable law which you are about to hear.

Similarly, this morning you know all too well more than the speakers the subject that they address.

The other is that Judge Zaleski has been so powerful and thorough in his remarks I trust that you and those gathered here this morning will forgive the repetition. Perhaps repetition is necessary in order to characterize an exceptionally great man.

Justice James Thomas McDermott. Husband, father and friend. Student, teacher, lawyer, and minstrel. Common Pleas Court Judge and Supreme Court Justice.

"The just man is a man unto himself, and
He does not need to summon the law from afar,
For he carries it enclosed in his heart."

So spoke St. Thomas More.

Winston Churchill, who himself possessed a unique firmness of will and strength of character, when once called in eulogy to confer upon a dear and admired colleague a status that would transcend such British titles as Lord or Knight, thoughtfully declared and decreed upon his departed friend the title of "an English Worthy."

And so it is today that I lamentfully appear before this high and distinguished Court to speak of a "Philadelphia Worthy."

The Early Years:

The forebears of James Thomas McDermott immigrated from that dear isle across the sea, and were themselves descended from that unconquerable tribe of Celtic warriors who, legend has it, were taller than the Roman spears.

Jim was born and raised in the lap of American history: At Front and Vine Streets, within but a few hundred yards of the 1682

Delaware River landing site of William Penn, and within but a few blocks of the Liberty Bell and Independence Hall.

He was baptized in the Church of St. Augustine, a house of worship erected in 1844 by the Irish and German settlers whose presence and faith so infuriated the bands of bigots labeled by historians as "Know Nothings," that they burned to the ground the prior edifice.

The original Delaware River Bridge, now the Ben Franklin Bridge, was erected when Jim was but an infant, and even grazes the steeple of his St. Augustine's Church. Thus it was that Jim could, without overstatement, say that he "was born and raised on the waterfront and under the bridge."

Jim and sister Nora were the beneficiaries of the love and care of dear mother, Helen Genoe McDermott, in the four-story row home of her family, where the uncle of the children, "Unk" James Genoe, provided the paternal presence, and an Aunt Julia kept a watchful eye.

Their home was in the precinct tended by Jim's police sergeant grandfather, a neighborhood known as "The Tenderloin", a label reflecting the finery and fashion of its late 19th Century residents, including the famed Barrymore theatrical family.

If Jim was to recall with fondness his early school years at St. Augustine, Madison, Kearney, and Ben Franklin High, it was absolute love he formed for St. Joseph's College, not simply because he embraced the Ratio Studiorum and thereby enhanced his love of books and learning, but also because the intensity of intellect, purpose, and discipline of the Jesuit fathers, who became his mentors there, inspired in him those same characteristics.

Since his mother had been an actress of renown, how deeply he pleased her when he appeared in presentations of the college's Cap and Bells Drama Society, even though his role was but a walk-on.

It was during his college years that he donned the cap of chauffeur for the president of the Esslinger Brewing Company, and also first displayed a preference for the garment of cape and robe. And no wonder, since witnesses assert that Jim in the gold-adorned regalia and role of doorman at the Boyd Theater, the Center City moviehouse of the gentry, was not only statesque in noble pose but reflected more glitter than a five-star admiral.

And, of course, it was at Temple University Law School that he first demonstrated his fluency in the language of the law and his innate feel for fairness, which, as we all realize, was reflected in his lifelong commitment to the rule of law, and his sound sense of jurisprudence.

The Husband and Father:

It was in 1955 that Jim commenced upon the career of husband and father, when he made Delaware County's own dear Mary Theresa Bradley, his precious "Reesie". Their marriage was blessed with one splendid lass and five fine sons: Now Susan McDermott Cunningham, James T. McDermott, Jr., J. Bradley McDermott, Thomas J. McDermott, Michael I. McDermott, and Matthew A. McDermott.

How rich the hue of tradition and nostalgia that four of the children call St. Joseph's College alma mater, and three of them are achieving early prominence as members of the bar—and how prideful "Reesie" would be of the children from whom Heaven called her in 1974.

The Lawyer:

And it was as a lawyer that Jim undertook to provide for this fine family. Attorney Herman Becker was his first legal mentor. And how fulfilled Mr. Becker could be that one protege became a Justice of the Pennsylvania Supreme Court and another, his own son Eddie, ascended to the United States Third Circuit Court of Appeals.

After that early tenure, Jim and Ed Quinn became partners—brothers better described the relationship. And when Walter Higgins joined them, the firm of McDermott, Quinn and Higgins pursued the practice of our profession at 1411 Walnut Street until Jim moved to City Hall Chambers as a judge of the Court of Common Pleas.

While the robe he donned as judge was most becoming, the legend of Jim McDermott more frequently triggers a recollection of Jim, cloaked during his lawyer years in his fine flowing cape, patrolling the sidewalks of Center City whenever not engaged by an adoring sidewalk audience.

He was essentially engaged in general practice. His clients included injured plaintiffs, criminal defendants, The American Federation of Government Employees, and the Home Life Insurance Company. The specialty of his practice was litigation. Even before his personal fame had spread, he was known in the courtrooms of City Hall as "that lawyer in the cape."

Jim once represented an accused during a lengthy trial in which Dick Sprague was the prosecutor. The result was an 11–to–1 hung jury. As intense as Jim and Dick argued to the jury, court officers still talk about the argument they conducted after the jury was discharged about which of them had convinced the jurors.

Jim savored the wins and suffered the losses. But what his partner and dear friend Ed Quinn most vividly recalls is the frequency with which Jim could deliver on his promise to make a particular juror cry.

If his college drama roles were but walk-ons, in the theater of the courtroom he captured every eye and was soon a leading man in City Hall. Is it not significant that the stories which Jim would most easily recall were of his days at the bar of the courtroom and not upon its bench?

The Man:

Versatility was a particular strength of Jim McDermott. He was a superb political party candidate. A loyalist of the revered Sheriff Austin Meehan and of our beloved Bill Meehan, the accounts of his campaigns as he sought to serve the City as mayor and in the United States Congress are apocryphal, for he was able to instinctively sense the interest of each audience and tune upon each of the attendant emotions.

He was, as well, a master statewide campaigner, as I can personally attest, and a wonderful companion upon the maze of trails we together coursed during his 1981 campaign to become a Justice of the Pennsylvania Supreme Court.

He found fulfillment in all of literature, especially the works of Samuel Johnson, whose portrait profiles, uncovered by Jack Thompson, Jim's dear friend and chambers architect, adorn the walls of his City Hall study.

So moved was Jim by the Jesuit poet Gerard Manley Hopkins that he undertook himself to compose. While he did not proceed to publication, he would occasionally, in his quite theatrical style, recite a few stanzas and, when appreciation triggered inquiry as to the identity of the author, would disclose by a wry, perhaps even vainful, smile that the lines were his own.

Jim found himself captivated as well by the works of G.K. Chesterton and reveled at gatherings of the Chesterton Society in discussion with Judge Jerry Zaleski and exemplar Mike Stack upon the profound, although intriguingly concealed, lessons of that philosopher-author.

He had a rare knowledge of the life of President Abraham Lincoln and was with special friends, eulogist Merv Sneath and philosopher-columnist Tom Fox, somewhat unique in intensity of interest in Lincoln as a young man and lawyer.

He was a student of political lore, and was obviously as flexible in appreciation as he was versatile in interest, because he found admirable traits in such presidents as Theodore Roosevelt and Richard Nixon.

The conversation of visitors to Jim's home was always conducted in rather quiet tones, perhaps because the walls of books resembled the stacks of a library, and the countless paintings created the atmosphere of a museum.

Jim was a student, perhaps more aptly a scholar, of philosophy in general and the philosophy of government in particular. It was no surprise then that when a client, a Russian artist of some but struggling regard, retained him as counsel in deportation proceedings and committed to a fee of two portraits, Jim commissioned the excellent works which still adorn his home, the portraits of two of his particular heroes, Declaration of Independence author Thomas Jefferson and judicial supremacy author Chief Justice John Marshall.

Jim also achieved rave reviews as a teacher during the decades when he taught at the St. Joseph's School for Industrial Relations, serving as the right arm of the Jesuit Father Dennis Comey, who himself was the inspiration for the Hollywood role of "The Waterfront Priest". The considerable time and effort he devoted to these evening classroom efforts came easily to Jim, for he was committed to the principles of Pope Leo XIII's encyclical "Rerum Novarum", and was consumed with the cause of the employee and the plight of the worker.

Jim was an individual of strong will and, as a result, did not fall victim to the temptations which afflicted his friends and associates, not because God made him stronger than his friends and associates, but because he had judged and decided that self-indulgence and excess are weaknesses, and so very trifling, trivial, and temporary in the face of meaningful and significant joy.

Jim was an individual of elegance and dignity, and those intimidated had been deceived, for he was an extraordinarily personal man who, though comfortable in the company of philosophers and poets, more thoroughly enjoyed friends and cherished friendship, a bond made richer in humor.

How deeply we envy, for their constant exposure to his wit, his children and dear friend and close companion Deidre Mecke, as well as his chambers family: Kathy Radwanski, Bill Corey, Julie Varano, Tom Malloy, and Maria Varano.

No one who witnessed will ever forget the annual excitement Jim stirred at the famed Luchow's Restaurant on 14th Street in New York City. You had to see it to believe it. Early in this century, the chairmen and directors of Pennsylvania's financial and industrial and entrepreneurial giants formed for their mutual benefit, and in the early years for the selection of statewide candidates, the Pennsylvania Society. And they would, on the second Saturday of each December, assemble a thousand and more strong in the ballroom and party suites of the Waldorf Astoria in New York City, attired, of course, in high starched collar, jeweled studs, and tuxedo.

Well, for several years during the Seventies, Bill Meehan and a busload or two of his ward leaders and committeemen would also

journey to New York on that day and visit for a bit the Waldorf, where they would display toward these men of influence and power the same special respect that master sergeants reserve for officers.

When the tuxedoed members of the Society proceeded to the banquet hall, the Philadelphia contingent returned to their bus for the short ride to Luchow's, where the management would annually delay turning on the Christmas tree lights and Yule candles until the evening when "Mr. Meehan's party came to town."

The Philadelphia travelers would proceed from the bus to line the long dining tables which had been set aside for them. When the last was in place, with the hundreds of diners already abuzz at the appearance of the group, the noted oompah band would play "Hail to The Chief" to salute the arrival of a stately figure of royal bearing known as "The Count", resplendent in striped pants, high starched wing collar, a flowing cape atop the tails of his morning coat, a brilliant crimson ambassadorial sash across his breast. Jim McDermott had arrived.

And soon all of the visitors at Luchow's, including the sophisticated New Yorkers, joined the Philadelphia contingent in a continuing chant, "Hail to The Count!"—which was the signal for the band to play the Notre Dame victory march, and for the Philadelphia contingent to start a long snake dance through the huge restaurant, a procession in which everyone eventually joined—diners and waiters and captains and Maitres D' alike—all, that is, except "The Count", who remained at the head of the table of honor, according papal approval of the celebration by nodding and moving outstretched hands endlessly upward.

Jim was, as well, so very loyal. The Testaments identify faith, hope and charity as essential and proceed to designate charity as the greatest. And so, while the crest of Ignatius of Loyola proclaims loyalty, service, devotion as fundamental, some proceed to designate loyalty as the key characteristic. There are, of course, two types of loyalty: Loyalty to one's own family, profession, school, associates.

Loyalty to one's self: As Shapespeare said, ". . . to thine ownself be true, and it must follow, as the night the day, thou cans't not then be false to any man."

And, of course, Jim could not be false to any man, and so was very true to the family he christened, the institutions he loved, and the friends he enjoyed. So embarrassed by his own few flaws, forgiving became his heart, fairness his soul, and loyalty his command.

The Believer:

It is certain that in this City, and even in this Commonwealth, his name will not only live but shine because upon the bench and at

the podium his oratory, at once gentle and provocative, now grave, then gay, and always persuasive, established him as without rival, a unique man of action, of utmost vigor, and of inspiration.

There was no man so gifted, so eloquent, so forceful, who knew so well and felt such deep admiration for the law-abiding citizen whose terror and suffering at the hands of the brigands excited his wrath.

Jim believed that life was sacred and that the equality of mankind, as creatures of God, confers upon each of us the right to seek fulfillment and happiness. While uncontrolled fate might inflict suffering and woe, no individual may be permitted to harm another person because such conduct offends not only the victim but as well demeans the dignity of mankind, for as Jim's cherished pastor and friend, Father James B. Sherman, O.S.A., intoned at his funeral Mass, "No man is an island."

For Jim, forgiveness was instinctive when sought for thoughtlessness, mistake, and misjudgment. When the conduct was criminal, concern for the offender could appropriately be the focus of crimes against property. However, crimes of violence against the person so vilely offend mankind that the punishment had to be both certain and severe. And, of course, the commentators who so anguish at severe sentences fail, usually quite deliberately, to recount the depraved criminality and brutality upon the victim which triggered the sentence. Concern for the victim was not only a mission of Jim McDermott, it became an actual achievement.

Jim detested oppression, that is to say, the untoward imposition and unfair intrusion upon the average person by parties upon whom fate or law has bestowed power or position or affluence. The marauders entoiled in the criminal process were, of course, exposed to punishment for the harm they bring to other persons. Sad to relate, however, the institutional offender is beyond sanction, and even hope and prayer.

And so he decried: The bandit financiers who so manipulate the stock market that they imperil our system of government;

The furtive Federal agents and self-righteous prosecutors who, fancying themselves avengers, take the law into their own hands and defile the Constitution, and

The journalists who each day and in each edition slander the individual. Thus it was that he, like others of us, daily celebrated and expressed appreciation for Jim Beasley, the splendid advocate who refuses to be cowed by media oppressors and persists in confronting their malevolent efforts.

Jim McDermott longed for an era of enlightment in this country, when responsibility would be as required as rights were demanded. He lamented that his longing was more hopeful than realistic, since

the unworthy powerful and affluent confine their zeal to enhancing their own interests, while many of those in need pursue rights so ardently that responsibility becomes obscured, if not forgotten.

And though Jim has gone, I can still hear the echo of his summons:

> "They have breached the walls of reason, but stand firm and be strong against evil, for evil flees in the face of resolute men."

Conclusion:

Those of us who have been blessed by Heaven with the joy of Jim's friendship and association do and will certainly miss him. But the recollection of that friendship and association, as well as reflection upon the exceptional strength of character which he displayed, is certain to be a font of inspiration and a source of rich, warm memories. How grateful we can be that we shared a bit in his journey.

And so proclaimeth these annals of Justice James T. McDermott.

CHIEF JUSTICE NIX: Thank you, Judge McEwen.

A memorial resolution will now be presented by the Honorable James D. McCrudden.

JUDGE JAMES D. McCRUDDEN: If the Court please, my name is James McCrudden. I am a Senior Judge for the First Judicial District of Philadelphia.

At the outset, I would like to say that the late Justice and I were classmates at the Temple School of Law and remained fast friends thereafter. Approximately ten years ago, my oldest daughter married his oldest son. She is here with their two children, together with other children of the late Justice.

I would like to proceed with the resolution:

WHEREAS, The Honorable James Thomas McDermott passed from this life June 21, 1992, the Justices of the Supreme Court of the Commonwealth of Pennsylvania meeting at Philadelphia on December 9, 1992, wish to express their sorrow at his passing; and

WHEREAS, James Thomas McDermott was born on September 22, 1926 in the City of Philadelphia; and

WHEREAS, he was a student at and graduate of Benjamin Franklin High School, Saint Joseph's College and Temple University School of Law; and

WHEREAS, he successfully practiced law in the courts of this Commonwealth and the courts of the United States for fifteen years as a member of the law firm of McDermott, Quinn and Higgins; and

WHEREAS, he became Judge of the Court of Common Pleas of Philadelphia in August 1965 and served that Court and the citizens of Philadelphia with distinction for sixteen years; and

WHEREAS, he was elected Justice of the Supreme Court of Pennsylvania in November 1981 and served this Court and the citizens of Pennsylvania with distinction for more than ten years, authoring in that time more than four hundred forty opinions; and

WHEREAS, his erudite manner, his love of the law, his sense of humor, and his quest to make the law work for the betterment of all citizens, will long be remembered.

AND NOW, THEREFORE, BE IT RESOLVED that we here assembled gratefully acknowledge the life of James Thomas McDermott for his lasting contributions to society in general and the legal system in particular, and express our sadness at his passing;

BE IT FURTHER RESOLVED: that this Resolution be entered upon the minutes of this Court and a copy be transmitted to his children, James, John, Suzanne, Thomas, Michael and Matthew.

CHIEF JUSTICE NIX: Thank you, Judge McCrudden.

The Court now calls upon Msgr. Walter J. Conway.

MSGR. WALTER J. CONWAY: We will now conclude with a prayer in praise of Jim McDermott and also a prayer for his immortal soul.

Divine Father, the family, friends and colleagues of the late Justice James McDermott have gathered this morning to honor the memory of a true Christian gentleman who diligently and sincerely strove to promote justice in accord with the principles of Your divine law and the laws of equity and justice which govern the courts of our nation.

In his pilgrimage of life Jim was a man of integrity whose goodness and kindness was known and experienced by many. Sacred Scripture tells us "Fear of the Lord is the beginning of wisdom." Jim had a reverential fear of the Lord which gave him the wisdom and fortitude to seek the welfare, security and just rights of all people, regardless of their circumstances.

He was, above all, a loving, compassionate and generous father to his children, a loyal friend to many, a sincere and wise collaborator with his colleagues, a faithful member of the Church and an example of prudence and kindness to all who truly knew him.

May his magnanimous soul receive Your mercy, O Lord, for whatever might have been his human failures. May he rest in the eternal peace of Your light and ever dwell in the ceaseless Vision of Your glory in the heavenly Kingdom You have prepared for all men and women, Amen.

CHIEF JUSTICE NIX: Thank you, Msgr. Conway.

Let the record reflect that this ceremony has been transcribed and that a transcript will be forwarded to the family and his colleagues.

We will take a fifteen-minute recess.

(Memorial Service Concluded.)