PREFACE

In February, 1981, Justice Francis J. Quirico retired from the Massachusetts Supreme Judicial Court. This issue of the Western New England Law Review is dedicated to Justice Quirico to honor him for his extraordinary contributions to the Commonwealth of Massachusetts during the twenty-five years he presided over its courts. Assembling the material for this issue has been a pleasure for all those involved: every account of Justice Quirico’s career we have received has described a remarkable man and a remarkable judge, admired and loved by all who know him.

Justice Quirico was born in Pittsfield, Massachusetts and remained there through high school. He returned to Pittsfield to practice law in 1932 after graduating from Northeastern University School of Law. In 1956, Justice Quirico was appointed to the Massachusetts Superior Court. He was chosen to succeed Justice Arthur E. Whittmore on the Massachusetts Supreme Judicial Court in 1969 and served there until his retirement in 1981. Justice Quirico has fulfilled with excellence his three major roles: lawyer; superior court judge; and supreme court justice.

Chief Justice Allan M. Hale of the Massachusetts Court of Appeals, who once tried cases before Justice Quirico and who later became his colleague on the bench, describes Justice Quirico as “one of the greatest lawyers and judges this Commonwealth has ever produced.” To dispel any doubt that he might be exaggerating, he adds, “It’s true.” The quality which distinguishes Justice Quirico is his “good, plain common sense.”

Francis Quirico is known to be a prodigious worker, devoted to the law. He heard cases for an unparalleled two sessions a day during his superior court years. Justice Paul A. Tamburello of the Massachusetts Superior Court practiced law in Pittsfield during Justice Quirico’s tenure as a superior court judge and recalls that “cases moved when he sat; he did not tolerate unwarranted delays.” Lawyers knew that their cases would be tried as they were reached on the docket. No special favors ever were granted to attorneys who wanted their cases heard sooner than scheduled. Everyone was treated equally; there was no special treatment for favorites, not even for Paul Tamburello, Justice Quirico’s closest friend.
Justice Quirico’s “relentless pursuit of his work” continued when he became a justice of the supreme judicial court, says Justice Tamburello. He worked on his opinions seven days a week, in Boston on weekdays and at home in Pittsfield on weekends. Francis Quirico, observes Chief Justice Hale, is one of those rare individuals whose hard work and devotion result in the creation of a “superb product.”

The excellence of his opinions has earned Justice Quirico the respect of judges and lawyers throughout the Commonwealth. The Quirico opinions are noted for their scholarship. They are always well researched and are always “on a solid legal footing,” says Justice John M. Greaney of the Massachusetts Court of Appeals. The Quirico opinions are marked by an “acute awareness of the separation of powers,” Justice Greaney observes; Justice Quirico is “sensitive to the fact that the legislature reflects the public mood to a much greater extent than the judiciary.” Justice Tamburello evaluates the Quirico opinions in this way: “After reading a Quirico opinion, you are guaranteed to be up to date on the subject. You can be assured that all the law is covered.”

Justice Quirico also possesses all the personal attributes which a judge should have, says his lifelong friend, Justice Tamburello. He has never taken unfair advantage of his position. He answers his telephone not as “Justice Quirico” but as “Francis Quirico.” He is not only a “deeply intelligent fellow” but is a gentleman whose presence lends dignity to the courtroom. Justice Quirico is described as a humble, kind man, always considerate of others.

This issue of the *Western New England Law Review* contains three tributes to Justice Quirico and one student note which analyzes a Quirico opinion. The first tribute is written by Justice Paul C. Reardon, former chief justice of the Massachusetts Superior Court and former associate justice of the supreme judicial court. Justice Reardon’s article, which focuses on Justice Quirico’s years on the Massachusetts Superior Court, depicts the outstanding skill and ability with which Justice Quirico conducted trials. The second tribute, by Chief Justice Edward F. Hennessey of the Massachusetts Supreme Judicial Court, describes the unique qualities which have made Francis Quirico such an outstanding trial and appellate court judge. Chief Justice Hennessey’s tribute, like Justice Reardon’s, portrays a man who is deeply admired by members of the bench and the bar. The third tribute, by Deirdre H. Harris, former law clerk to Justice Quirico, describes how Justice Quirico’s philosophy has emerged in his opinions, particularly in his dis-
senting opinions. Finally, a 1980 Quirico opinion, *Yanofsky v. Great Atlantic & Pacific Tea Co.* , is analyzed in a student note. The decision effects dramatic changes in Massachusetts landlord-tenant law.

The editorial board and staff of the *Western New England Law Review* thank all those who contributed to this issue honoring Justice Francis J. Quirico. The abundant recognition Justice Quirico has received upon his retirement from the bench is well deserved. In the words of Justice Tamburello, "There never again will be a man like him on the court."

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