

Remarks  
of  
Judge Frank M. Coffin

Presentation of Portrait  
of  
Judge John D. Clifford, Jr.

Edward T. Gignoux Courthouse  
November 6, 2009

First I want to thank Chief Judge Woodcock and the Clifford family for including me in these proceedings. Preparing my remarks was a labor of love, reviving precious memories of a happy time in this venerable district court.

In March of 1947, John D. Clifford had just been tapped by Harry Truman to be the eighth district judge of this court since 1789. I was just finishing my studies at Harvard Law School and returning to Maine to begin a law practice. I received a call from my grandmother. She said that Judge Clifford had called her because he had known my grandfather, Frank A. Morey, who had been what he called a helpful elder to him and that he had generally followed my career. Would I be interested in being his law clerk? Would I? I highly recommend the grandmother route in obtaining a clerkship.

I served the judge for two full years, from April, 1947, to June, 1949. When I reported for duty, the judge looked massive to me, not tall but square and solid. These words also describe his character. He didn't so much walk as lumber. He had a gravelly voice, coming from a deep cavern within him. He had a ready smile and twinkling eyes. He succeeded a former Republican Congressman who had been appointed by President Harding 25 years earlier, in 1922, 85 year old John A. Peters.

Judge Clifford had been the United States Attorney for 14 years and had had many dealings with Judge Peters. One might have expected tension between them, for, apart from differing political loyalties, Peters was patrician and austere in his demeanor while John Clifford was down to earth and gregarious. But, surprising though it seemed, John Clifford was Judge Peter's personal preference for his successor. They had developed a mutual respect and affection for each other. This speaks well for both men.

As for me, I first met Judge Peters when I went into his chambers (just behind me) and found him standing at the stand-up desk where he wrote his opinions. He looked at me and asked, "Just exactly, what is a law clerk?" I was hard pressed to tell him much. Maine had never seen such an animal before. Today, for both new law clerks and new judges, there are workshops, seminars, codes of ethics, and manuals of procedures. But we were on our own. We both set about learning what our new jobs demanded. We found that Judge Peters had apparently not needed any treatises on legal subjects and began to build our library. It was exciting for me to order well known texts on Admiralty Law, Insurance, Torts, Contracts, Criminal Law, and Federal Jurisdiction and Procedure. As for Judge Clifford, he had an easy relationship with Circuit Chief Judge Calvert Magruder in Boston and often called him for advice.

There were plenty of pre-trial conferences, for the judge, far ahead of his time, in his support of alternative dispute resolution, believed that a reasonable settlement was better for all than a hard fought trial. In the course of our work, I had a chance to meet and observe all of the

leading federal courtroom practitioners of the state, both in Portland and in Bangor. They included the four Bermans in Portland and Lewiston, other leaders of the trial bar such as Bill Mahoney, Jim Desmond, John Leddy, and Forrest Richardson, the leader of the admiralty bar, Nate Thompson, and those of the corporate bar, especially Leonard Pierce, Brooks Whitehouse, and Peter Isaacson. And Judge Clifford's old Bowdoin friend and future Justice, Bill Nulty. In Bangor, there were Mike Pilot and Abe Rudman, and from "the County" Scott Brown and George Barnes. One non-lawyer who would drop in was the former John Feeney, who had become famous as movie director John Ford.

As time went on, there came to be much activity in addition to the pre-trial conferences. The judge agreed to help out the Southern District of New York at the Foley Square courthouse by hearing admiralty cases for a month. And at home, in addition to fairly routine criminal cases, habeas corpus and immigration cases, we handled cases involving securities laws, corporate disputes, antitrust issues, and complex bankruptcy arrangements. Our roster of litigants included some of the great corporations of the country and their lawyers.

The judge and I soon developed a uniquely pleasant way of getting to court. Ruth and I had bought a house on Mountain Avenue in Lewiston, very near the Bates campus. The judge lived on a street behind and parallel to ours, Ware Street. He would drive up to our house in his big Cadillac, pick me up, and drive to Portland, regaling me with tales of home town characters, some of his more bizarre clients, eccentric judges, and some of his cases. He knew human nature. One of his stories was about a troubled person who came to his U.S. Attorney office to complain about unnamed evil forces who were shooting invisible barbs at him, wounding his consciousness. The judge listened patiently, then picked up the phone, solemnly dialed a number, talked briefly, and turned to his complainant, saying that the government had agreed to erect an invisible fence around his house. He would not be bothered again. Case closed.

After I left his chambers, Damon Scales, who later became an Auburn lawyer and eventually a district judge, and Richard Poulos, later a Portland lawyer and well known bankruptcy judge, followed as clerks for the next seven years. We all joined in a Maine Law Review tribute to the judge in November of 1995. The Judge also presided over some critical staff appointments. Perhaps one of his most appreciated moves was to appoint Morris Cox as Clerk of the District Court.

As I ask myself, "What did my clerkship give me?" I find several answers. First, a close association with a fair-minded, warm-hearted man, one who became a fine judge. Second, the teaching that nothing is more important than a mastery of the facts of a case, a good balance to law school emphasis on principles and doctrines. Third, an appreciation of the value of the still new Federal Rules of Procedure. And lastly, a unique window into the world of lawyers and lawyering and, even more important, how a judge sees a case.

Beyond all this, he granted me his continuing friendship and welcomed me into the extended families of Cliffords and Delahantys. No one could have given me a better start. I am indebted also to Trustee Checkoway for his generous gift to the court, and I shall always cherish the fact that this portrait stands close by the chambers I occupied for forty-one years - a room just a few inches through the wall from the space I occupied as law clerk, working for My Judge.