

Remarks of  
U.S. Senior Circuit Judge Frank M. Coffin

in memory of

Judge Morton A. Brody

Beth Israel Synagogue  
Waterville, Maine  
March 27, 2000

Almost eight and one half years ago, many of us here today gathered in Bangor to welcome Mort Brody to the federal bench. This was the happiest of days. He had already distinguished himself as Chief Justice of the Maine Superior Court and Associate Justice of the Supreme Judicial Court. On that occasion I had the honor of administering his oath of office and of saying a few words. I closed my remarks by saying that the court he was joining inherited the lofty tradition ennobled by Judge Gignoux and since maintained by Judges Carter and Hornby. I predicted that the three would become "a formidable troika."

That was hardly a notable prophecy. All who knew Mort would know exactly how he would perform. They would not be surprised at the steadiness of his daily devotions, driving each day from Waterville to Bangor and back. They would have expected the same magical amalgam of common sense, courtesy, compassion, and good humor. They might not have expected, but they would not have been surprised, to learn that at home Mort had fitted out a second chambers in which he could carry on his work at night or on weekends. And we have just read how Mort, during these last days, converted his Boston hospital room into yet another chambers.

One of the high points for me during these years has been the occasional reviewing of a Brody opinion. I knew I would find a completely honest presentation of the facts, a thorough and up-to-date discussion of the law, and always the attempt to reach a just result if the law would let him. And on the all too rare occasions when we met, I shared the experience of all of you. I just couldn't help feeling good.

During these years, when not on the bench, Mort served both the Judicial Conference of the United States, his circuit council, and his court in many an important assignment. He took on vital tasks as a member of the Board of Overseers of Bates College, where he is regarded with deep affection. Just last fall, while fighting his illness, he played an important role at our First Circuit Conference at Sunday River.

In trying to - if I may use the expression - do justice to Mort, I felt haunted by Rudyard Kipling's poem, "If." Here is my version, as applied to Mort.

If you can move your cases, yet save time to hear  
What counsel work so hard to try to plan,  
If you can take a fearsome case, yet have no fear,  
If you can hate the crime but not the man;

If you can spend the livelong day decoding law  
And see your role as one of highest worth,  
Yet have an eye to quash injustice raw

And view yourself with wit and humble mirth,

You will be that to which we all aspire

And on that day when all is said and done,

You'll be a judge we all admire,

And — which is more — you'll be a Man, my son!

What a judge . . . and what a man.