A Tribute to Justice Michael F. Dillon

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A Tribute to Justice Michael F. Dillon

MARIO M. CUOMO
GOVERNOR, STATE OF NEW YORK

The great jurist Felix Frankfurter once wrote, "A judge should be compounded of the faculties that are demanded of the historian and the philosopher and the prophet. The last demand upon him — to make some forecast of the consequences of his action — is perhaps the heaviest. To pierce the curtain of the future, to give shape and visage to mysteries still in the womb of time, is the gift of imagination."

Justice Michael Dillon was a man of enormous and rich imagination. With it, he did not simply dispense justice — although that was his sworn duty — but breathed life into the law. He was a lawyer with the rare talent for lifting a rule from flat type on a dusty page and infusing it with reason and logic, passion and persuasiveness, until it was in a proper and lively three-dimensional form that all could understand. As a judge, he was no less adept at bringing that same gift to both the courtroom and to his decisions.

I know, because in 1987 I reappointed Michael Dillon as Presiding Justice of the Appellate Division, Fourth Department based upon his unique talent and dedication to the law.

But Michael Dillon's gift for the law sprang not simply from his imagination, for imagination separated from strength of character rarely bears much fruit. Justice Dillon's gift for the law also sprang from a man for whom fairness, honesty, loyalty, and an endless appetite for hard work were the most personal of attributes.

He was a wonderful family man devoted to his church and to his community, a mentor to countless young men and women for whom he was a role model of unfailing decency and courage. Wherever Michael Dillon was, the reflection from his character could not help but brighten all who came near him, or the work they did.

I know that too, because I repeatedly tried to tempt Justice Dillon from the bench to come work in my Administration. But my suggestions could never overcome Michael Dillon's love for the law and the people whom he served.

It has been said that death is the scion of the house of hope. Michael Dillon's sudden and tragic passing should not be a cause for
prolonged grief, because in the lives he touched, in the law he wrote, in
the family he helped to raise, there is hope enough for all of us that the
joyful goodness that was Michael Dillon will carry on for years to come.

He was — and is — living proof of the greatness of the human
spirit.

HONORABLE SOL WACHTLER
CHIEF JUDGE
STATE OF NEW YORK COURT OF APPEALS

When my years of association with Mike Dillon allowed me the
privilege of familiarity, I delighted in referring to him as “Iron Mike
from Lackawanna.” The appellation suited him. It spoke to his strength
— both physical and of character — and it spoke to his roots. Those
humble roots of which he was so proud.

It was the same outspoken pride which he took in his wife Elaine
and his children — the same pride which he felt and expressed in the
Buffalo Law School and in the court and the judiciary which he served so
faithfully. It is so hard to believe that we will no longer feel the compan-
ionship and warm presence of Iron Mike. But we will never forget all
that he meant to us, and the enormous gift his being was to us.

We lawyers sculpt with words as artists sculpt with clay. Despite
this, we recognize, more often than we dare admit, that words seldom
seem to say enough. This is particularly so when those words are used to
express a strongly felt emotion. It is difficult for me to speak of Mike
Dillon without feeling both the emotion and the inadequacy of words.

I felt the void most acutely on September 4th, the first day of our
court session at Court of Appeals Hall in Albany. I, along with every
member of the Court of Appeals, offered a reflective moment in remem-
brance of our dear friend and colleague. The words came hard and the
emotion filled our courtroom.

Michael F. Dillon became one with all of us in more ways than can
be counted. Of course, he will be remembered for all of his contributions
to public service, but we recall with particular regard those which he
made to the Judicial Branch of government. It would be difficult to mea-
sure his contributions to the jurisprudence of this state as a preeminent
judge and his distinguished leadership as presiding justice for over a deca-
de of the Appellate Division of the Supreme Court, Fourth Judicial
Department.

During this period, in addition to his work on that Court, he
demonstrated his enormous leadership qualities as a member of the Administrative Board of the Courts. In that capacity he assisted me, as well as the state’s other governing presiding justices, with the governing of our court system. His participation was always active, and he demonstrated the ability to seize the heart of an issue and bring about a quick consensus for resolution.

Under exceptional circumstances, we were privileged to ask Judge Dillon to serve with us on the Court of Appeals for an entire session. In that experience we were all able to witness not only his acumen and collegiality, but also his enormous ability of expression and persuasion.

Even more memorable than these noteworthy accomplishments is the warm and genuine person he was. He enjoyed and shared selflessly his gift of personality, the joy of life and the common sense and touch which set him apart as a unique and remarkable human being. The remembrance of those qualities is indelible.

I feel privileged to be able to say that I knew Mike Dillon and that I was able to share a part of my life with this great judge and wonderful human being.

And so I end as I began, recognizing that words hardly seem to say enough — they are diminished by the memory of the stature and strength of Michael F. Dillon.

HONORABLE RICHARD D. SIMONS
JUDGE
STATE OF NEW YORK COURT OF APPEALS

Michael F. Dillon, a son of Lackawanna, New York, helped to educate himself as a lawyer by working in the steel mills there. After outstanding public service as a corporation counsel and District Attorney of Erie County he became a Justice — and eventually the Presiding Justice — of the Appellate Division, one of New York State’s most important courts. He served there with distinction for almost seventeen years and I am grateful that I had the privilege to serve with him for seven of those years.

Judge Dillon understood that judges, unlike those in the executive and legislative branches of government, have only one constituency, the general public. More importantly, he understood that when members of the public seek the court’s help to protect their rights or resolve their grievances, the relief awarded must be based upon principle, not political concerns. He applied all his considerable skill and knowledge to advanc-
ing those truths. His service provided the citizens of this State with one of its finest judges.

Those who have not been fortunate enough to sit on an appellate court cannot appreciate the closeness that can develop between associates brought together for that purpose. The judges share the experience of deciding significant matters which may have a substantial impact not only on the parties before the court, but also on others for years to come. More often than not, the issues presented arouse strong and diverse views among the judges and the court's success or failure depends upon their ability to discuss and harmonize those views to arrive at rational conclusions. This fusing of intellects is intended to produce justice and law as best as the human mind can explicate it.

Judge Dillon was ideally suited for such appellate work. He was dedicated to the law, the principles upon which it was founded, and the purposes it was intended to serve and he brought to the decisionmaking process a fine intellect leavened by a rare wisdom full of fresh insights and common sense solutions. The record is there to examine. As might be expected from his years as a District Attorney, he was comfortable with the criminal law, but his writings demonstrate his mastery also of subjects as diverse as wills, corporate law and Domestic Relations. One need only thumb through the pages of the official reports, from Volume 50 to Volume 168, to find evidence of his legal knowledge and sound judgment expressed on a wide variety of subjects.

When Judge Dillon first came to the court, he and I disagreed frequently. Though the writing often was sharp, it was never malicious and we both accepted our disagreements as an important part of the process by which opposing sides to a judicial dispute refine their thinking. As time passed, our views came closer together and the dissents were fewer; I don't know why. When discussing this change, each of us invariably attributed it to the other recognizing superior wisdom. Whatever the reason, the experience was one we profited from and enjoyed. Indeed, I considered him such an engaging and accomplished opponent, that I found it a positive pleasure to disagree with him.

If there was a task at which Judge Dillon excelled it was presiding. He was rich in what moderns call "interpersonal skills." To him, the courtroom was a place of dignity used for rational discussion and, though argument was generally uninhibited, he could use his incomparable sense of humor to control intemperate disputes or move the calendar along when time was being wasted. How well I recall a sympathetic case in which the heart suggested one result but the mind, recognizing the
claim was meritless, insisted there must be an affirmance of the Trial Court's dismissal. Notwithstanding respondent's strong position, his counsel had asked for thirty minutes to argue and, after what can only be described as a feeble effort by the appellant, counsel rose to address the court. "There are only five theories the appellant can advance to prevail against my client" he announced, and ponderously began to negate each one. Judge Dillon listened patiently for a few minutes before interrupting. "Counsel," he said, "until a minute ago I didn't think there was any way the appellant could win this case. You've already given me two good theories. Do you insist on using the rest of your time to give me three more?"

Judge Dillon brought the same talents to managing conference. He was committed to open discussion of the cases. His only restrictions were that the argument must be free of acrimony or cavil and a colleague's motives could never be questioned. The presumption of the intellectual integrity of the members of the court was irrebuttable. Discussion had to be directed toward developing a soundly reasoned and carefully expressed rationale for the decision. Individually, he was far from rigid in his thinking. He could report a case for affirmance or reversal, and argue passionately for the result, but even after winning a majority of his colleagues to his side he would not hesitate to change his vote if later convinced the minority represented the better view. The majority would have to choose a new writer for their position; he refused to write a decision in which he did not believe. When the temperature in the conference room rose — as it did sometimes during discussions — or when time was being wasted, he would ease the tension with humor and move matters along.

If anything was more enjoyable than working with Mike Dillon, it was relaxing with him. It was an undiluted pleasure to share the evening after a workday, to listen to his stories (always told with a hearty laugh and a sparkling eye), to argue politics or the relative strengths and weaknesses of the Buffalo Bills and their next opponent. The core of his life was his family and few conversations ended without some news about his wife and children. His family, he was quick to acknowledge, made him a wealthy man in the only important meaning of the word.

In the normal progression of things others will fill Judge Dillon's vacancy and, hopefully, serve the public as well as he did. But for those of us who worked with him and were enriched by the experience, no one will take his place.
Writing a tribute to Michael F. Dillon is at once the simplest and most difficult of tasks. Its simplicity lies in the fact that there is so much that can be said about this remarkable man; its difficulty lies in the same fact: how does one capture the essence of his life and character in a few pages?

He has been described as a man who loved and perfected the art of politics, a man of great warmth, humor and generosity of spirit. He was all of those things, but to describe him that far and no more is to miss his measure. His was one of those rare intellects which could be startling in its depth and quickness. He had the best judgment of anyone I've ever known. He would listen to a problem, unerringly ask the critical questions, which, once asked, pointed to the solution. The solution always contemplated not only the immediate result, but the ramifications for future consequences.

During the many years of our association, I always marveled at his ability to go straight to the heart of the matter and wondered how he developed that skill. The answer, I think, is that he was completely attuned to the ebb and flow of human problems, understood how others would respond to the circumstance at hand, and shaped his views accordingly. Those qualities, together with his diligence and dedication, earned him the profound respect of his colleagues on the bench and at the bar.

A seat on the Court of Appeals eluded him, but not because he was not extraordinarily qualified to serve there. Members of that court made no secret of their wish that he become one of them. While that wish may have been inspired in part by the satisfaction they would have derived from his wonderful humor and geniality, surely it was the high quality of his jurisprudence which they sought. It was not unexpected, therefore, that when the need for a temporary appointment to that court arose, it was Justice Dillon who was selected. His service in that appointment was distinguished. Indeed, I can state without fear of contradiction that the work of that honorable tribunal would have benefitted greatly by his continued presence there.

* In November, 1991, Governor Cuomo appointed Justice Denman to succeed the late Justice Dillon as Presiding Justice of the Appellate Division, Fourth Department.
Instead, his outstanding intellectual and administrative abilities continued to enrich the work of the Appellate Division. In his sixteen years on that court, twelve of which he served as presiding justice, his colleagues never wavered in their respect and admiration for the soundness and depth of his reasoning, the breadth of his wisdom and his uncommon ability to convince, persuade and mediate.

He wrote extremely well and took justifiable pride in the quality of the writings he produced for the court. He expected his colleagues to maintain equally high standards, and to the best of our ability, we did. Only half in jest, he appointed me court grammarian to prevent dangling modifiers and split infinitives. He, himself, had no need of my assistance. He wrote with style and grace in a manner that was effortless. It was the same manner in which he spoke, directly and to the point. In reading a Dillon writing, one never had occasion to ask what meaning was intended. His expositions and ideas were stated with clarity and precision. Indeed, I think that his writing was a reflection of his whole character. He understood the rhythms of language as he understood the rhythms of life.

Many demands were placed on Justice Dillon. The task of administering a heavily burdened Appellate Court is enormously difficult, and, owing to his charm and eloquence, he was asked often to participate in and to speak at ceremonies and public functions. Despite the demands of his office, he was rarely too distracted or too busy to accept such invitations. Similarly, he always had time for the many friends who called on him regularly for advice and assistance. His friendship was not casual — he cared deeply about his friends and treated their problems as though they were his own. That quality inspired a loyalty, indeed a devotion, among his staff and colleagues in the Appellate Division and in the District Attorney’s office during his ten years there.

He had a great sense of the joy of life and conveyed that sense to all with whom he came in contact. He touched the heart of everyone — waitresses and cab drivers as well as senators and governors. Having once met him, no one ever forgot Mike Dillon.

I have written of his work and his public life, to which he was dedicated. But it was his wife, Elaine, and their family which were the central concerns of his life. I have never known a man who more loved and cared for his family, and who was more loved by them in return. He was a man whose presence was immediately felt; his absence will be felt in equal degree.

He was a great jurist, a great man and a great friend.
One of our country's forefathers, after writing a lengthy letter to a friend, offered an apology for having written such a long letter with the comment, "I didn't have time to write a short one." To offer a short eulogy about Michael F. Dillon is indeed a difficult task, for he was a man who gave us so many things upon which to reflect.

The dictionary defines a friend as someone for whom we have great affection and whom we hold in high esteem. I am surrounded by friends of Michael F. Dillon. Like me, each of you has a special remembrance of this very special person. He was truly a giant among men as lawyer and judge, but of greater significance, as a human being.

That he was of humble origin is well known to all. He was a product of World War II and the wonderful opportunity for a college education given to service men and women under the G.I. Bill of Rights. With his two brothers, John and William, he attended Canisius College, Buffalo Law School, and together all three passed the Bar Exam. Thus began illustrious careers for each.

But it was Michael F., the youngest of the three, who became District Attorney of Erie County, Justice of Supreme Court, Associate Justice of the Appellate Division Fourth Judicial Department, and reached his pinnacle as Presiding Justice of this august institution. To be presiding Justice of an Appellate Division is to hold one of the top dozen Judicial positions in the State of New York. As presiding Justice of the Appellate Division Fourth Department, he was a member of the Administrative Board of the Courts. It was in that capacity that I first came to know him, and to see first hand the extent to which he had been blessed with grace, poise, and delightful personality, marked by innate wisdom. I cannot think of any better qualities for the making of a good judge.

With all of his success, he never forgot his origin, never forgot from whence he came, and it was the delightful warmth which he showed for the little people that I shall always remember. Michael and I took some trips together, spending eight or nine days together, and on that kind of a
trip two people talk about many things. In our conversations, as in all of his dealings, he showed himself to be clean of spirit and an honorable man.

At a restaurant, he would invariably ask the name of the waiter or waitress and have a little personal exchange. I remember him many times saying "well, you’re very nice Mary," or "George, I’m glad you’re handling our table tonight." He made life brighter and better for those people. Indeed his whole professional career made life better for those whom he encountered. We might exclude those whom he prosecuted as District Attorney, but in that effort all of society was made better by a conscientious, firm, resolute and honorable District Attorney.

At meetings of the Administrative Board of the Courts, he was a voice for reason. He was a strong advocate for the practicing lawyer, never forgetting how difficult it is to manage a busy practice, with many commitments and, on some occasions, just too little time to get it all done. And so when discussions came up with regard to rules or changing the practice, his was the voice which spoke for the lawyers. He told me once that the heaviest, unhappiest part of the Appellate Division work were the days when lawyer disciplinary hearings were heard by the court. It saddened him so, to see a lawyer fall. Indeed it saddened him to see any human being fall, because he was truly a loving, caring person.

Ralph Waldo Emerson wrote this of success: "To laugh often and much; to win the respect of intelligent people, and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others, to leave the world a little bit better, whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you have lived, this is to have succeeded."

Michael Dillon was a resounding success. So many of us have breathed easier because he lived.

HONORABLE JOSEPH P. MCCARTHY
COUNTY COURT JUDGE
ERIE COUNTY, NEW YORK

It was my privilege to know Michael Dillon. As with most significant occurrences in one’s life, I can remember the first time I saw him. He was on television. He was vigorously campaigning for District Attorney for the second time. He had earlier, at age twenty-eight, run and lost to the incumbent.
He was young, handsome, aggressive and articulate and I, as a law student active in the early presidential efforts of John F. Kennedy, immediately identified with Mike Dillon and joined him in his pursuit of the District Attorney's office.

He was elected District Attorney in 1963 on his third effort. He was the first District Attorney in Erie County to assemble a bipartisan staff. Having recently been admitted to practice and becoming initiated to the trial bar, I sought his appointment as an Assistant District Attorney. He called me prior to taking office and told me I was to be in his office that afternoon to be designated along with now Congressman Henry Nowak and Attorney Thomas Santa Lucia. Thus began a relationship that was to set the course of my legal career.

On January 1, 1964 we mutually embarked on our respective oaths to do justice to all with whom we came in contact. The next few years were to sorely test that resolve. It was evident from the beginning that he was a man of great compassion. I have observed Mike anguish over the effect of an indictment on both friend and foe alike but I never saw him waver from doing the "right thing." In the course of our duties we would at times recall the wisdom of former law professor William Laidlaw, who could often be heard to intone "The law is like music, if it sounds good, it must be good; if it sounds bad it must be bad and if it makes good sense it makes good law." Mike could always parse a legal or ethical question with clarity and decisiveness.

Over the next ten years I was witness to his exposure to the full range of human emotion in both his private and public life. His triumphal election as District Attorney was followed by the tragic loss of his son Brian. His electoral affirmation by the public was counterbalanced by editorial press challenges to his integrity in his early years as District Attorney. His reelection in 1965 as District Attorney was followed by his loss for County Executive in 1967. Through it all he avoided both self-pity and excessive pride.

Mike Dillon was an excellent lawyer possessed with an intuitive and inventive mind. His judgments were always made with uncommonly clear reasoning. All who came in contact with him fell under the influence of his magnetic personality to which a large cadre of local judges can attest.

No one I have known either before or since could seize either a banquet hall or a bowling alley with his presence. Whether on the homefront or in New York City, his personal charm and friendly exuberance captured all who came within range of his two-handed handshake.
Whenever we entered a restaurant or bar he introduced himself to the waitress, bartender and the kitchen help by the familiar “I’m Mike Dillon from Lackawanna.” His rendition of “Wait Till the Sun Shines Nellie” graced many a seminar evening.

His commitment to faith and family was always paramount.

His qualifications merited a designation to the Court of Appeals but it politically eluded him. Rumor had it that he could have run for Lieutenant Governor in 1986 if he would be willing to compromise his long held beliefs on abortion. It was typical of him that his decision was clear and uncomplicated.

When he was given bipartisan endorsement in 1975 for Supreme Court our daily contact terminated, to be followed by periodic luncheons where he would delight with his insightful observations on his broader field of endeavor. While our time together diminished, my respect for Mike never faltered. Of all the men I have ever met there is no one, other than my father, for whom I have had more respect. He was the best of men, I loved him and I shall not meet his like again.

CHARLES H. DOUGHERTY
PARTNER; ALLBRECHT, MAGUIRE, HEFFERN & GREGG
BUFFALO, NEW YORK

When I was asked to write this tribute my initial reaction was to consider what I could possibly write that would add anything to the magnificent eulogies spoken by the Judge’s son, Kevin or written by Associate Justice Dolores M. Denman. However, I recalled the response Mark Twain once made when he was questioned on the similarity of writing on a subject by two different authors:

“A considerable part of every book is an unconscious plagiarism of some previous book. There is no sin about it. If there were, and it were of a deadly sort, it would eventually be necessary to restrict Hell to authors-and then enlarge it.”

The same is true of eulogies.

I had the good fortune to be a friend of Mike Dillon at that time in both of our professional careers when we were struggling to prepare ourselves for the future. We talked about that future and shared experiences so important to our holistic development. I will always cherish those memories.

The primary theme of my tribute to Mike Dillon has to be his involvement with people, particularly fellow attorneys. He had an insatia-
ble appetite for meeting people, greeting people and learning everything he could know about the people he met. When he met you, shook your hand and looked you square in the eye you never forgot the occasion and you were never forgotten by him.

Archibald Cox once asked a law school graduating class the rhetorical question “What is it about the law that offers such fullness of life?” His answer, in part, was that involvement with people in every aspect of their lives was a prime source of satisfaction in a lawyer’s life. On that basis, Mike Dillon’s life had to be satisfaction in its fullest measure.

Mike Dillon never forgot his beginnings, either when he was a trial judge or after his appointment as presiding justice of the Appellate Division. Shortly after his appointment as presiding justice he contacted me as the then president of the Erie County Bar Association to express his concern that the Fourth Department not adopt any rule having broad impact upon the members of the Bar without first giving the Bar representatives an opportunity to comment. This was avant garde thinking for that time but typical of his concern for the interests of his fellow attorneys.

This past Spring when Mike was invited to sit as a trial judge in the University of Buffalo Law School Trial Technique program, both his sense of humor and concern for others was again evident. In a gracious letter accepting the invitation he said: “Since I haven’t sat as a Trial Judge for 15 years, I hope the students will be none the worse for the experience.” His concern that he would do a proper job was his primary consideration. The trial day, which coincidentally was also his birthday, was made all the more pleasant for him when his daughter Jennifer, then a newly admitted attorney, agreed to assist as his Court Clerk for the day.

When the Court day concluded I thanked him for his service and wished him a happy birthday. This prompted him to discuss briefly the fact that we were contemporaries and fortunately both had our health and were able to work. I will always remember his parting remark because, unknown to either of us at this time, that was our farewell. He said: “Charlie, I love my work, the people I work with and I feel great!” How nice it is that we know not the hour nor the day.

I have been unable to find the source of the following quotation, but I have no hesitation in adopting it as my own sentiment about the loss of this extraordinary man:

He held his place
Held the long purpose like a growing tree
Held on through blame and faltered not at praise
And when he fell in whirlwind, he went down
as when a lordly cedar, green with boughs
Goes down with a great shout upon the hills
And leaves a lonesome place against the sky.

Mike Dillon is gone. By emulating his strong sense of justice and commitment to people, may we too find the fullest satisfaction in our professional careers. By doing that, attorneys and judges can try to help fill "that lonesome place against the sky."

PHILIP H. MAGNER, JR.*
PARTNER; MAGNER, LOVE & MORRIS, P.C.
BUFFALO, NEW YORK

Justice Michael F. Dillon had legions of friends, hosts of admirers, and few confidants. Since I was fortunate enough for many years to be all of those, I count it a special privilege to be able to join with all of you today in remembering him at the opening of the Fall term of this Court.

It is, I believe, especially appropriate that this celebration of his life and his career take place now, while the West is still aglow with the light of his departure, and here, here in this chamber, where he served for so long and with such unmatched distinction. And it is especially meaningful that this morning's memorial is both by and for the profession which stood next to his family in his affections, which consumed so much of his life, in whose camaraderie he found both pleasure and inspiration, whose standards he sought always to elevate, and which brought him such enormous fulfillment.

It is difficult, I think, to imagine this Court without Michael Dillon, where he served as presiding justice for more years than any predecessor in the long history of the court. And, indeed, it seemed that he would always endure, would always be among us, to be depended and relied upon, always sure and certain, indestructible, always here.

But now that he is not, it remains for us to remember him well, to draw inspiration and strength from a life well-lived, and to carry on the great traditions of the law to which he contributed so much.

It seems clear to me that the true dimensions of a man, the length and breadth of his shadow, are not best measured in the despairing

* This piece was originally presented at a special session of the New York State Supreme Court, Appellate Division, Fourth Department in Rochester, New York, on Sept. 4, 1991, in tribute to Michael F. Dillon.
gloom with which sudden death at first surrounds us, but in the clearer, calmer light that follows, as healing time illuminates our recollection, a truer perspective, less dimmed by tears, sharpened more by memory.

The Dillon story is not unique. Rather, it is another proof that the American dream still lives, that the Horatio Alger stories of strive and succeed are still true. Fathers can confidently tell their sons and daughters that the old virtues and values continue to have meaning and worth, that the very heights of vaulting aspiration can still be scaled with the right combination of talent and courage, hard work and faith. For so it was with Pickles Dillon, the boy from the sidewalks and coke ovens of Lackawanna, who rose to preside over this honorable Court, and to become the most significant, distinguished, and revered member of our profession in this part of the State in my quite long memory.

It was a boyhood he spoke of often, and like his old friends, never forgot. After service in the Navy, he worked the full night shift at the steel plant through college and law school, and still managed to finish near the top of his class. His humble beginnings were never far from his mind through his years of private practice, his long service as District Attorney, as a Trial and Appellate Justice of Supreme Court, and finally, as this Court's Presiding Justice.

He was, of course, the consummate politician, the perfect candidate. Tall and imposing, smiling and handsome, no one could work a room like Mike Dillon. But the real reason for his magnetic appeal and political success was that he genuinely loved people, and they knew it, and responded in kind.

Nonetheless, he either knew instinctively or early learned that considerations of politics or of personal friendship could not be permitted to influence the conduct of public office. And so, as District Attorney, and later as a jurist, while cherishing all the old friendships and making many new, while always genial and courteous, he was careful to maintain the discreet distance necessary and appropriate to those who hold the public trust, and which makes undue familiarity unthinkable.

With many assistants who served under him now judges themselves, so well was the Erie County District Attorney's office operated under Mike Dillon, that he could have been District Attorney forever. But, probably realizing that Kevin would someday need a job, he accepted a multi-party endorsement to New York State Supreme Court in 1973. During his relatively brief tenure as a Trial Justice, I had the opportunity to try cases before him both with and without a jury, and I thought him one of the two best of the many fine trial justices in my experience.
His early appointment to this Court came as no surprise. He distin-
guished himself immediately, and was appointed as its Presiding Justice three years later. It was in that position which he held for so long that he found the fullest opportunity to employ the many talents and energies with which the Lord had blessed him. It diminishes no other Justice of the Court to say that this Court became truly the Dillon Court. The breadth of his scholarship, the logic of his thinking, the clarity of his writing, all combined harmoniously with real administrative ability, and his unfailing affection and concern for his colleagues on the Court fostered a deep sense of collegiality among its members. As a lawyer, a public servant, and a judge, he leaves a legacy of devoted service to his profession, to the Courts, and to the public, a truly caring dedication to the rule of law, which is life’s last best hope for all of us.

In simple justice, though, we ought not to paint him larger than life, this very human, many-sided man who was so much a part of life, and who lived it with such zest and enthusiasm. More than anything, it was his human qualities of mind and heart that most endeared him to those who knew him well. Presiding impressively over this Court or watching his children graduate one by one, fishing with boyhood friends or writing an opinion, accepting one of countless awards or drinking scotch at the kitchen table with a Captain of State Police, eulogizing a close friend at his funeral, or making the annual pilgrimage to Gulf Stream Park, struggling to work through the agony of back pain that seemed never to improve but finally did, singing close harmony barbershop with almost anyone else who could carry a tune, with his own singular eloquence, mourning a long lost son quietly but still, he touched the lives of others in so many ways. His faults were few, but he gloried in them, always of excess, never of inadequacy, and he wore them proudly like a badge.

When death strikes suddenly and unexpectedly, and reminds us of our own mortality, we say “untimely”, and “too soon.” But Michael Dillon, this powerful, proud, and vital man, will not live to see himself humbled and reduced by age or illness to an impotent and feeble shadow of his former self, as are some men who live too long. Instead, he left this life at the height of his powers and at the zenith of his career, sustained by the faith of his fathers, fulfilled by a long and loving marriage, proud of his family now grown and, through his sacrifice, educated every one, and heavy with every honor his schools and profession could bestow. I wonder if he would have had it otherwise.

In the long years of his service to our profession, it was the keenness of his intellect that earned our admiration, and the stature of his leader-
ship that commanded our respect, but it was the deeper and more meaningful qualities of his heart that won our affection. Everyone in this room, everyone everywhere who knew him has his or her own special Mike Dillon stories — a dozen come easily to my mind. And if, as I believe, memories are truly the cushions of life, then Justice Dillon has left us all well-upholstered for the future.

He will not be forgotten. He will endure in the printed case law of the State of New York, and in the continuing deliberations of this honorable Court. And for many years to come, wherever judges and lawyers meet and gather, we will remember him, and speak of him, and smile. Because, as we Irish say, always fondly, but only of our very best and finest, he was, indeed — he was, indeed, a great Mike.

KEVIN M. DILLON*
ERIE COUNTY DISTRICT ATTORNEY

Dad once told me that one of the first rules of politics is that if you were going to have a party, always make sure that the place where it was to be held is just a little bit smaller than the crowd you expected so that you are assured of having a full house. Through happenstance, that has occurred today, and I am sure he is pleased. We must now begin to celebrate because each of us here were witnesses to and participants in a truly wonderful event — the life of Michael F. Dillon.

During the last couple of years, Dad had an appreciation of his mortality and on occasion, he would discuss with me the eventuality of his death. There were a couple of things that he wanted me to do: he did not want anyone to make a big deal out of his funeral — he considered it to be trivial and unimportant. But if he could have seen the out-pouring of love the last few days, he would have known how important this was to all of us.

He also made me promise that there would be no eulogy. He said that he had either heard or given them all, and that those who needed a eulogy did not deserve one and that those who deserved one, like Henry Williams, Frank Skipper and Judge Desmond, did not need it. It is quite obvious into which category he falls since to say nice things about Mike Dillon is to be redundant. So keeping that in mind, and to honor his request, permit me to deliver a short speech containing a few remem-

* This tribute by District Attorney Dillon, Justice Dillon’s eldest son, was originally given at Justice Dillon’s funeral at Nativity Of Our Lord Church, Orchard Park, New York on July 13, 1991.
brances rather than a eulogy. It is a distinction that Dad would have appreciated.

Dad would often remind us that clarity of thought brings forth clarity of expression and if that be true, he was blessed with as sharp a mind and as full an intellect as God does provide, for he was the most eloquent man whom I have ever heard speak. While giving his last speech, Dad was at the very top of his form. But when the moment came, God gave him the very brief opportunity to confront publicly a most difficult situation before myself and 400 others. In a completely calm and controlled voice, he stated: “excuse me — but I seem to be having a problem.” He stood before us for only a second and I watched the soul leave his body and in an instant, that wonderful "twinkle" in his eye and the warmth of his smile were gone. There was no panic in his actions, no fear in his voice and the thought struck me later that he even knew how to die better than anyone else.

What happened thereafter was fitting, because Dad had the ability to touch so many people from so many different levels of life and to be loved equally by all. So it was only right that at the moment of his death praying over him were a Catholic priest, a religious brother, and a rabbi.

Dad’s work was important to him but it was a distant secondary element of his life. During the last few years, the only goal that he ever spoke of in terms of his work was to remain as Presiding Justice until such time as my sister Jennifer completed law school so that he could administer to her the oath as an attorney. To the amazement of all, that task was completed in January.

Dad had a love affair with life and life loved him, and if it is true that you reap what you sow, then the harvest of the last few days has shown that what he planted was love, concern and compassion for people. Dad had a way of making you feel important and of making you feel good about being you. He was different in that he was better, yet we loved him because he remained the same.

He was steadfast in his priorities and his values. He and my mother were and are one, and he enjoyed hearing her express her views on a variety of subjects, which views she was never reluctant to share. And while in many things they were as different as night and day, their values and priorities were mirror images of each other. Their’s was as perfect a marriage as there could be in that their love was so obvious, and the love given by each to the other made them both a little bit better. But for all of his successes and achievements, he still could not find the mustard in the refrigerator without her.
He raised his children with just the right mixture of love, discipline and affection, and they became unswerving in their pride, love and devotion to their mother and father. His faith in God never wavered and by power of will, he instilled that same faith in nine children. He was all that you could want in a father and, as I was fortunate enough to learn later, all that you could hope for in a friend.

To have a true friend is one of life's treasures. To have them by the score, as he did, is to make one the keeper of the kingdom. To have a sense of decency, firmness and compassion is a gift from God and to have others respect you for it makes one truly unique.

He was able to forgive and befriend former foes, able to stand tall during times of defeat and despair, able to point with pride to his humble origins and to not forget those that were left behind. He spoke with the same degree of concern to the least fortunate as he did to the most mighty. At times he was so much more than what others perceived and yes, at times somewhat less than what they believed. He found the good in each person and was the most loyal of friends.

We in the family were too close to him to share in the common perception that he was somehow bigger than life.

He loved those whom his children married as much as his own, and he could never forget the son that he lost.

He died with no money and yet was a rich man.

To have achieved just some of these things in one's life would make most people glad, but to have achieved them all made Mike Dillon unique, and that uniqueness made him my Dad.