

The Honorable
Philip J. Finnegan

In Respect to the Memory

of

The Honorable
Philip J. Finnegan

Proceedings had on the Eleventh Day of April
One Thousand Nine Hundred and Sixty

Before the

United States Court of Appeals
for the Seventh Circuit



HON. PHILIP J. FINNEGAN

Painted by Grace Annette DuPré

**Memorial Ceremony for
Judge Philip J. Finnegan
Held in the United States Court of Appeals,
For the Seventh Circuit
on Monday, April 11, 1960
at 2:00 o'clock p. m.**

Before:

Hon. John S. Hastings, Chief Judge,
Hon. F. Ryan Duffy, Circuit Judge,
Hon. Elmer J. Schnackenberg, Circuit Judge,
Hon. Latham Castle, Circuit Judge.

The Court now convenes for the purpose of having Proceedings relating to the presentation of Memorial Resolutions in tribute to the memory of the Honorable Philip J. Finnegan, a former member of this Court. One of our active members, Judge Win G. Knoch, is unavoidably detained away from Chicago today and has asked me to express his deep personal regret that he could not be here on this occasion.

The Court now recognizes Mr. Telford B. Orbison, of the Indiana Bar, President of the Bar Association of the Seventh Federal Circuit.

Mr. Telford B. Orbison addressed the Court.

MAY IT PLEASE THE COURT:

On behalf of the Bar Association of the Seventh Federal Circuit and on behalf of all members of the Bar of this Court, I ask leave of this Court to present memorials this day in tribute to the late member of this Court, the Honorable Philip J. Finnegan. I ask this Court to permit Judge Daniel A. Covelli to present this tribute to the late Judge Finnegan.

May I also move that this Court record the proceedings of this day upon the permanent records of this Court and that a suitable copy thereof be delivered to the family of this distinguished jurist.

Chief Judge Hastings, on behalf of the Court, granted the Motion and recognized the Honorable Daniel A. Covelli, Judge of the Superior Court of Cook County, Illinois.

Honorable Daniel A. Cobelli, of Chicago, Illinois Addressed the Court

MAY IT PLEASE THE COURT:

I am deeply appreciative of the privilege of addressing this Honorable Court in tribute to its former associate, Philip J. Finnegan, in whose memory his family and friends of the judiciary and bar have gathered here today. When the last chapter of a human life has been closed, we quite properly set apart time to review, to consider, and to evaluate; and in so doing we come to an appreciation of that which has been well done.

In every step of his varied career of public service, Judge Finnegan has exhibited the highest regard for the rights of his fellow men, large and small, rich and poor, alike. Insight into Judge Finnegan's character is gained by briefly tracing his distinguished career.

Shortly after the Chicago fire, Judge Finnegan's parents moved from Michigan to Chicago. He was born on the West Side of Chicago on June 25, 1886, one of six sons and daughters of Richard and Ella Finnegan. At an early age the six children were orphaned by the death of the head of the family. Immediately the three boys obtained early morning newspaper routes in order to earn sufficient funds to sustain the family. The spirituality and gentleness of Judge Finnegan's mother were of the rarest quality, and it was she who endowed Judge Finnegan with his deep religious conscience. From his family life he learned at an early age that true self respect involves an abiding respect and tolerance for the rights of others. This principle was to have a profound influence upon his judicial work.

The education of Judge Finnegan was acquired in the Chicago schools. He attended St. Ignatius grade and high school. He was first exposed to the law while working as an office boy for the firm of Synnesvedt and Carpenter, who specialized in patent and trade-mark litigation. He received his LLB degree from the Chicago Law School in 1913, and was admitted to practice before the Supreme Court of Illinois in the same year. Upon his admission to the bar, Judge Finnegan entered the general practice of law, initially with the firm of Thurman, Hume and Kennedy, and subsequently with the firm of Finnegan and Hansen, in the old Majestic Theatre Building, until he was appointed Assistant to the Probate Judge of Cook County, the late and revered Henry Horner, in which capacity he served for eight years.

Judge Finnegan commenced his thirty-seven years on the bench in 1922, when he was elected a judge of the Municipal Court. In 1922 his opponent was first declared the victor in the election. Judge Finnegan knew that he, in fact, had won the election, and not his opponent; and he demanded a recount. The leaders of his party at first attempted to dissuade him, but he stood firm in his demand. The party leaders then advised him that they would give him no support if he persisted in the recount, and withdrew from him any assistance during the recount. Judge Finnegan was uncompromising and stood on his conviction that he had won the election. For a time he stood alone, without assistance from any quarter. Finally he obtained the assistance of five or six of his friends; and proceedings were brought by Judge Finnegan to compel a recount. He again was warned by the then party leaders that he should discontinue his demand for a recount and let his opponent ascend to the bench. Judge Finnegan remained adamant, and with the assistance of his six friends he personally battled at the recount for more than a year, many times

being buffeted about by the superior number of persons attending the recount on behalf of his opponent. At the end of the recount, Judge Finnegan was the victor, the final vote being 306,876 for Judge Finnegan and 306,027 for his opponent; and Judge Finnegan took his place on the Municipal Court.

In September of 1923 he married Sue Moran. His relationship with his family was, through the years, one of complete devotion, love, and generosity. He remained a Municipal Court justice until 1929, when he was elected to the Circuit Court of Cook County to fill a vacancy. He was re-elected in 1933, 1939, and 1945; and in that long period he served as Chief Justice of the Circuit Court several times and as Chief Justice of the Criminal Court of Cook County.

Judge Finnegan was a tireless and meticulous worker. He was an energetic and patient jurist who was free from personal and partisan influences. He was uncompromising and stood on his convictions. He was always fair and impartial. He served faithfully, diligently, and with integrity in all branches of the Circuit Court of Cook County with such distinction that on May 5, 1949, he was appointed to this court by President Truman, to succeed the late Honorable William M. Sparks, who had retired. On August 12, 1949, the date he took the oath of office, he was formally presented to this court by Judge William V. Brothers, one of his dearest and closest colleagues on the Circuit Court. Judge Brothers speaks of Judge Finnegan as "One of the finest men I have ever known. He was a sagacious, considerate, conscientious, and loyal member of the Circuit Court. It was his singular ambition to faithfully serve justice and his country."

Judge Finnegan became the fifth member of a strong court, then comprised of Judge J. Earl Major, the late

Judge Otto Kerner, Judge Sherman Minton (elevated to the United States Supreme Court in 1949), and Judge Duffy. To the solution of the varied and vexatious problems that arise in this judicial circuit, Judge Finnegan brought his intelligence, his human understanding, and his spirit of moderation and fair play, molded in no small degree by his long previous experience as a judge.

The opinions of this court have been regarded by the bar and bench of this country as carefully considered and able decisions. Judge Finnegan, in his nine and a half years of judicial service as a member of this court, contributed immensely to the meriting and preservation of that reputation. Commencing with the decision of *Clover v. Coffing*, reported in Vol. 177 of the 2nd Series of the Federal Reporter, October 13, 1949, he wrote 267 prevailing opinions, the last of which was *Roddy v. United States*, 262 F. 2nd 308, handed down two weeks prior to his untimely death on January 4, 1959. He additionally penned a number of concurring opinions, and on occasions stood alone, writing a number of dissenting opinions. His judicial opinions reflected his deep convictions where fundamentals were involved, and invariably his opinions are characterized by clear analysis of the problems presented to him and clear exposition and application of the controlling legal principles.

Judge Finnegan was stricken with a double coronary in January, 1954, which necessitated his absence from the court for several months. During this long period of his confinement and during his convalescence, his burning desire was to attend the annual 7th Circuit Judicial Conference, held in May of that year, so that he would be able to once again see all of his friends of the judiciary and bar whom he loved so much. He did attend, and all of his friends were heartened by his splendid recovery.

In January of 1959, while Judge Finnegan and Mrs. Finnegan were visiting their daughter Patricia and their grandchildren for the Christmas holidays, Judge Finnegan departed this life. He left his widow, Mrs. Sue Finnegan, his daughters Phyllis O'Brien and Patricia Hughes, a sister, Miss Eleanor Finnegan of Chicago, a brother, John F. Finnegan of Manhasset, Long Island, and two stepsons, Robert and Anthony Moran. His other brother, the late Richard F. Finnegan, was former editor and publisher of the Chicago Times and Sun-Times.

Every one of us here today, I am sure, has his or her special memories of Judge Finnegan. He will long be remembered for his amiability and consideration for the feelings of others. He never lost the common touch, and displayed always that warm, friendly, considerate spirit and that wonderful sense of humor which were his. His admirable human qualities won him devoted friends. Those of this court who worked with him know of his devotion to the business of the court, his painstaking examination of briefs and records, his absorption in the questions involved, and his courtesy to the members of the bar.

I personally have lost an intimate friend whose profound philosophy and practical advice I shall sorely miss. Many an evening after dinner, at his home or mine, I literally sat at his knee and listened to his fatherly advice. Judge Finnegan was indeed a friend to be cherished. He was the personification of his own ideals.

Response by
Honorable John S. Hastings, Chief Judge

On behalf of all members of our Court, I express our sincere appreciation to the officers and members of the Bar Association of the Seventh Federal Circuit for these memorials presented today honoring the life and memory of our late colleague, Judge Philip J. Finnegan. We are particularly grateful to Mr. Telford B. Orbison, of New Albany, Indiana, President of the Association, for his participation, and to Mr. Robert C. Williams, of Chicago, Illinois, as Chairman of the Memorials Committee, for making the arrangements for these services. Judge Covelli has honored us by his fitting presentation.

Judge Finnegan was born in Chicago, Illinois, on June 25, 1886, and lived and worked in this community all of his life. Following his graduation from the Chicago Law School in 1913, he engaged in the general practice of law until his election as Judge of the Municipal Court of Chicago in 1922. During this period he served as assistant to the Judge of the Probate Court for eight years. He was elevated to the bench of the Circuit Court of Cook County, Illinois, in 1929, where he served until his appointment in 1949 to the United States Court of Appeals by President Harry S. Truman, to succeed Judge Will M. Sparks, who had resigned. He remained as a member of this Court until his death on January 4, 1959.

During the nine years and eight months of his active service on our Court, Judge Finnegan devoted himself

completely to his judicial responsibilities. Although at times suffering from severe physical infirmities he never failed to assume his share of the work to be done as long as it was possible for him to do so. He participated in the decision of many important cases. His decisions reflected sound judgment and his opinions bore the mark of careful consideration. His occasional dissents were positive yet free from personal bias or bitterness. He was faithful and conscientious in his service.

Judge Finnegan was a kindly man and a genial associate. His personal contacts with his colleagues were friendly and his keen Irish wit made him a delightful companion at the luncheon table. He found great happiness in his life on the Court and was anxious that others would share it with him. Personal bickering was foreign to his disposition. By nature he was warm, hospitable and helpful.

The Judge was properly proud of his place on the Court. He was jealous of its standing and reputation. He now joins the distinguished company of the nineteen judges who have preceded him since the Court was founded in 1891.

Judge Finnegan was a devoted family man. His personal character was of the highest order. He was loyal in his political affiliation and devout in his religious faith, yet he was always tolerant of the views of others. He leaves behind a legacy of pleasant memories. May his soul rest in peace.

It is ordered by this Court that the proceedings of this memorial service be spread upon the permanent records of this Court, and that a copy thereof be delivered to the members of his family.