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Thomas J. Clary

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In Memoriam

THOMAS J. CLARY

1899-1977

To

THOMAS J. CLARY

The Board of Editors of

THE VILLANOVA LAW REVIEW

humbly dedicate this volume.

THOMAS J. CLARY — 1899-1977

A framed letter from President Truman held a place of honor on the walls of Judge Clary's chambers. In characteristically direct Truman style, the letter read: "I know you will be a good judge."

The praise and acclaim accorded to him by his brothers on the bench and by attorneys who practiced before him establishes the accuracy of President Truman's prediction: Judge Clary was a *very* good judge.

Why was he good? Because of a variety of skills and attributes which he brought to the judicial tasks which the President had assigned to him. He was an experienced and able trial lawyer; a talent which came from working both as a prosecutor and as a private practitioner. He had total integrity and an unflinching attitude toward work; qualities which were nurtured by his religion and his family heritage. He had an abundance of practical sense; a gift no doubt enhanced by his own struggles as well as by his role in the political battles of his day. And he had a gigantic reserve of humanity, understanding and humor; a capacity which, I like to believe, grew inevitably out of his Irish ancestry.

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But Judge Clary did not stop at being a very good judge. He added a further dimension to his judicial functions by assuming a major leadership role in achieving dramatic improvement in the administration of federal trial courts. For this he won the respect not only of his fellow judges in the Eastern District of Pennsylvania, but also of Supreme Court Justices and judges across the nation. He poured great energy and interest into the task of judicial administration — with almost as much enjoyment as he would get from presiding over a difficult trial conducted by skilled, well-prepared counsel. His eagerness in this type of work must have been greatly sustained by what I discovered to be extremely firm convictions regarding the role of the legal system and its relationship to the society which it serves.

When I was his law clerk, in 1962 and 1963, we often talked well into the evening, and at that time his favorite subject was the improvement of court procedures. He then was working with several other judges to design the national deposition program for the electrical industry civil antitrust cases which had swamped the district courts in several jurisdictions. The program eventually became the model for all complex, multi-district litigation, but from the judicial vantage point of 1962, the problems were staggering. However, Judge Clary was determined that those problems had to be overcome, or in the long run our legal system would face a crisis of confidence.

Judge Clary talked often of his belief that laws, courts, and lawyers had to function in a manner which would enable the citizens to have confidence in them. The confidence of the public was essential because our legal system is based almost entirely upon voluntary compliance. He recognized that the vast majority of people function willingly within our system because they have faith and believe that the law will give them the opportunity for fair, reasonable treatment. But he also recognized that such faith can be preserved only if the parts of the system, most especially the courts, move efficiently and sensibly and in a way which people understand and respect. He believed that the primary responsibility of a trial judge was to preserve that faith.

Judge Clary was not the style of man to be described as a philosopher. But it is hard to envision a more fundamentally profound understanding of what a trial court is all about.

One other aspect of Judge Clary should be mentioned — particularly in this REVIEW. Judge Clary's sense of loyalty was almost overpowering. And this law school was a primary recipient of that loyalty. He was proud of being part of its birth just twenty-five years ago; he was proud of serving continuously on its Board of

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Consultors; he was proud of helping the school's students and graduates; he was proud of their successes as though they were his own.

Judge Clary was a much loved member of the law school family. As the law school celebrates its twenty-fifth anniversary this year, his help and his loyalty will be remembered and toasted. Also, he will be greatly missed — because he was our friend, and a very good judge.

*James L. McHugh, Jr.**

** J.D., Villanova University School of Law, 1962. Chairman, Board of Consultors to the Villanova University School of Law.*

