

Henry G. Miller Remarks
WCBA James Hopkins Award
March 19, 2014

What a splendid introduction – but a bit short. I mean, Richard left out the part where I got the General Excellence medal from St. Brigid’s Grammar School in 1945. There were parades and celebrations in my honor all over the country. Some said it was for the end of the war but Mom and I knew better. Incidentally, I asked Richard to give the introduction because he knows all there is to know about me and has the good sense not to tell it.

How to start – it’s becoming almost mandatory when receiving an award – to start with that famous remark by Marx – Groucho that is. I have to question the judgment of any group that’d give me an award. And you’re expected to be modest and say – I feel so undeserving of this honor – but I don’t feel that way. I feel deserving. After all, I knew Judge Hopkins and I’m very grateful to him. Once we shared a dais. He explained to me that he’d have to leave right after I spoke. Nice of him to wait. I spoke – nothing much at all. He gets up to leave. The audience thinks he’s getting up for my remarks. They all stand up. The only standing ovation I ever got in my entire life.

Now, after I was told of getting this award, our Bar leaders came to see me. Jody, Dawn and Donna. Jody, Dawn and Donna, do you think we need affirmative action for men?

Anyway, they told me – after getting the award, how I should respond – be funny, charming, humble and, of course, say something important and finish by sharing the secret of life. But above all, be brief.

Well, I’ve given a lot of after dinner speeches – most of them, after dinner. The hardest are the extemporaneous ones. They take so long to prepare.

I learned from the great Dean, then Judge, Bill Mulligan. He introduced me once saying, “I just moderated a debate in which Henry participated. He was brilliant. I just can’t remember which side he took.” Bill was famous for his

great humorous speech where he proved Christopher Columbus was Irish. I retaliated by trying to prove St. Patrick from the word “patria” was really Italian. Not quite as witty, but I tried.

So how did I start? My first law firm, we made it into “Believe it or Not”, was called “Lawless and Lynch”. We were disappointed when we couldn’t get that great lawyer, Alex Forger, to join us.

I tried my first case in 1959, defending Uncle George Withers on a traffic ticket. When asked if he saw the police officer before he turned, he got a big laugh when he said he saw the police officer “loitering” on the corner. Of course, we lost the case – my first defeat, unfortunately, not my last.

After that, I became an attorney of record for the Greater New York Insurance Company. Hardened veterans of the Depression, their lawyers didn’t like paying money. If you settled a case during trial and came back and said that the settlement was a great win, they’d always say, “Miller, a few more wins like that and we’ll be bankrupt.” Oh I met wonderful lawyers there like old Jack Bachkoff who was so witty and quick. Once in jury selection, Jack’s opponent, currying favor with the jury, said, “Could you speak up,” as he pointed behind his ear. “I can’t hear so well. I caught a bullet back here in the war in ’17.” Jack, quick as the flick of an eyelash, said, “Mister, if you caught one back there, you were going the wrong way.” If there was a photograph Jack didn’t like and he found something a little wrong with the picture, he’d tell the jurors, “Ladies and Gentlemen, pictures don’t lie, but liars take pictures.”

Then I got a chance to try a case before Judge Joe Gagliardi in Westchester. He liked me and suggested his father call me. And that became my Italian Connection and loving friendship with Lee Gagliardi who made us proud when he became a Federal Judge. When Lee got the first of the Watergate cases, Mr. Gagliardi sent a donation to Boy’s Town of Italy to have masses said so Lee wouldn’t make too many mistakes.

So after 50 years of practice, what have I learned? Do I have anything new to contribute to the subject of how lawyers should behave?

My head is full of memories of those from Westchester who are gone: Mort Silberman, Tony Caputo, Denny O’Connor, the Don Wilsons, Billy Bave, Sr., Jim Dempsey, Don Mead, the Gagliardis, and my contemporaries, Jack Keegan, Frank Henderson and most recently, my beloved partner, Larry

D'Aloise and of course, in the City, my dear friend, Bob Conason, and so many others. What would they say if they were here?

I believe they would tell us that their sweetest reward was the friendships they made. Friends made the journey worthwhile.

I believe they would say a lawyer's life should be one of service. Who do we honor more, those aggressive lawyers who brag about their skill at getting cases and showing off their new mansion, their new yacht, or those lawyers who quietly go to Phoenix House without fee and try to repair broken lives? Lawyers have always been the museum builders, the library keepers, the public servants, the champions of those who cannot speak for themselves, the healers. Ours should be a ministry, practiced with civility, not hatred. Civility based on respect, not only for friends, but for adversaries. And, of course, it's up to us, the older lawyers, to show the way to the newer members of our profession. But before we preach, remember that old saying, a good example is the best sermon.

Some have asked if there is no Judgment Day, why be good? Easy answer. Because we care for each other. Because all people possess a unique worth, including the humblest among us. Those who fawn over the Chief Judge at a Bar dinner but are curt to the busboy who clears the table, reveal themselves most tellingly. Aren't we all on the same bewildering voyage? As an ancient philosopher once said, "Be kind. For everyone you meet is fighting a great battle."

In an uncertain world, all we may have is each other. Therefore, isn't it wise to help each other?

Life is short. The time to do good is now. The time to help each other is now. The time to forgive each other is now. The time to lose that self-righteous anger which says, "I'm right" is now. The time to set a good example for those who come after us is now.

Friendship softens life's hard pains. And I've been blessed first with the friendship of family. My son, Matthew, who is the finest real estate person in Westchester, and I know you will all use him. Did I say that right, Matt? Tonight there are relatives here who bring back memories of Myrtle Avenue and Greene Avenue and Ridgewood, NJ, with Aunts and Uncles long gone, Aunt Catherine and Uncle Eddie, Aunt Florence and Uncle Charlie, Uncle George

and Aunt Barbara, and Mary and Leo, laughing and talking and sharing. Tonight there are friends here reminding me of the wonderful times and trips we've shared with those who are gone, Angelo DePalo and Frank Mastaloni, and many others.

I hope I haven't spoken too long. I feel like the speaker who says, "I didn't wear a watch; I don't know how long I've spoken." Then someone in the audience yelled out, "Turn around. There's a calendar behind you."

So let me conclude by telling you your friendship, as an extended family, is dear to me. I hope I've earned it. I look upon the approval of my peers as the applause most worth having. I wish I could touch each of you. Maybe I have. It's been said by those wiser than me that each human lives in a condition of profound loneliness. But tonight you have made me feel less lonely and given me a memory to share and cherish. I rather feel like the old actor who lives for the moment when he has the audience silently listening and tells them:

Thanks. Your praise is humbling. Hopefully, I'm not finished yet. I may have a role or two to play, a case to try, a script to write. I'm a bit old for Hamlet. But I'm getting ripe for Lear.

Oh, and the secret of life. It's to laugh a lot. A merry heart healeth many wounds. And at whom should we laugh the most? Ourselves, of course.

Thank you. Thank you. God bless and goodnight.