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| **Festschrift:In Memory of William Garth Symmers and James J. Higgins** |
| **Source:** MLA Report, Fall 2000 **Doc. No.:** 753 **Date:** November 3, 2000  **Festschrift to Honor the Memory of**  **WILLIAM GARTH SYMMERS**  **November 30,1910–August 16, 2000**  **MLA Life Member 1938–2000**  **MLA Vice-President 1964–1966**  I believe that I knew Bill Symmers longer than did any other member of MLA. We became friends in the early 1930s at Charlottesville, VA, where, incidentally “Garth” was a prominent family name. In 1935 we were both members of the graduating class of the University of Virginia, Bill getting his LL.B. and I my B.A. In 1939, my last year in law school, I began to think about getting a job in a law firm, preferably an admiralty firm. The only maritime lawyer I knew was Bill Symmers, who was then working for the U.S. Maritime Commission in Washington. I went up to get his advice and found that he was in the process of converting the old Dollar Line into the new American Presidents Line. Because of the time difference with San Francisco he did not leave the office until 9:00 p.m. I knew that his father was then a prominent admiralty lawyer in New York, and Bill passed on his father’s advice: “If you want to make a lot of money, go into a Wall Street firm. If you want to have a lot of fun, go into an admiralty firm.” Then and since, Bill Symmers liked to have fun, so he ended up in the admiralty, and so did I.  I never made much money, but I certainly did enjoy the admiralty practice.  Bill did not interest me in the maritime law; I had that interest when I entered law school. What he did interest me in, however, was the Maritime Law Association. In 1952 he successfully proposed me as a member. Bill always liked to help younger lawyers in the admiralty practice, and in May 1976 two of his protegees became the senior officers of MLA. I was elected President, and Frank O’Brien was elected First Vice-President. Bill attended the meeting at Vesey Street and sat in the front row next to Arthur Boal. As he looked around, he said to me: “David, in 1952 1 knew everybody and you didn’t know anybody. Now you know everybody and I don’t know anybody.” That fall MLA had its first resort meeting in the U.S., at The Breakers, Palm Beach. I persuaded Bill to attend, and he did have a good time, including a tennis game with my wife Eleanor.  In 1956 the firm of Symmers, Fish & Water was organized, and soon became well known in “The London Market.” In 1960 Bill became a member of the Supreme Court’s Advisory Committee on Admiralty Rules. At that time it seemed quite possible that admiralty procedure would disappear, being absorbed into the Federal Rules of Civil Procedure. However, effective July 1, 1966, the Committee produced a marvelous and ultimately successful compromise in what was called the Supplemental Admiralty Rules. Admiralty Practice and Procedure were retained but one of the best features of the FRCP, the Discovery rules, were introduced into the admiralty. Ten years later the distinctive admiralty procedure of arrest and attachment came under Constitutional attack by some judges and professors. This time it was the MLA itself that by 1985 had beaten back the attack.  At the time of his death Bill’s length of membership was exceeded only by that of Ed Longcope and Nick Healy. All in all, Bill Symmers was a very successful Proctor in Admiralty and a great friend to his colleagues and clients.  *David R. Owen*  *President, MLA* *(1976–1978)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Festschrift to Honor the Memory of**  **JAMES J. HIGGINS**  **Who Served as President of**  **The Maritime Law Association of the United States**  **from 1968 to 1970**  James J. Higgins came to Kirlins as an associate attorney in July 1948. He had been in the army in World War II, and subsequently he attended Fordham University where he obtained his LL.B in 1946. He was born and raised in Jersey City where politics is endemic to citizenry. Through his political connections he commenced his practice experience as the Trustee appointed to manage a bankrupt Chinese restaurant in Jersey City. Recognizing the limited future in that role, he sought employment through various other connections, one of which led him to an interview at Kirlins and thence to employment for the rest of his professional life with our firm. He took little, that I can recall, from his experience managing the Chinese restaurant other than a lifelong delight in good Chinese food.  During his career, Jim became involved in just about every aspect of maritime practice and rose through the Maritime Law Association, in which he took a lifelong interest, from the positions of Membership Secretary and Association Secretary to President of the Association from 1968 to 1970. During that period there was considerable activity in the marine ecology area in which he took a great interest in serving as Chair of the Ecology Committee and as member of the three-man negotiating committee with Nick Healy and Gordon Paulsen acting on behalf of the P&I Clubs in resolving the issues then arising out of the new concept of financial responsibility for oil pollution incidents. Jim hugely enjoyed traveling in connection with his firm, MLA and CMI activities and was well known in the Far East, England and on the Continent. He was recognized worldwide for his extraordinary sense of humor and his network of personal correspondents kept up a lively exchange communicating the latest examples of local ribaldry on an international scale to the delight of his partners. Jim and I were associated professionally and as sincere friends for close to 50 years, a good part of which time we were partners. To many of his intimate friends and to others with whom he was not so friendly, Jim was sometimes thought of as a curmudgeon and, in fact, his partners viewed his abilities in this area as carrying curmudgeonry to an art form, otherwise unmatched in their experience. In my mind, all organizations are the better off for having among their group a solid curmudgeon who sharpens the mind and wit and quickens the action, and Jim provided that service for Kirlins with aplomb.  Those of us who worked closely with him greatly miss the fun and mischievousness that was so much a part of his nature. As I say, every firm needs a curmudgeon like Jim Higgins. Happily, my partners have found another curmudgeon (not me) but all in all Jim Higgins remains irreplaceable.  *Marshal Keating*  *Treasurer of the MLA, 1978 to 1998*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  It is difficult for me to realize, but it’s true, that my first meeting with Jim Higgins occurred when he was a student in my admiralty class at New York University Law School.  My next contacts with Jim were in the years 1964–66, when I was President of the MLA and he was its efficient Secretary. We worked together closely during that period. I remember particularly the polling of the membership by mail on whether we should have a first out-of-New York meeting, and, if so, where it should be held. (The overwhelming response was in favor of such a meeting, and most replies chose New Orleans as the situs. San Francisco was the runner-up and the next out-of-New York meeting was held there.)  I also recall Jim’s skillful handling of the loan of the New York admiralty oar to the famous Nautical Museum at Greenwich, England, for an exhibition of admiralty oars from all over the world. The New York oar, the mace of the New York Vice-Admiralty Court until the Revolution, is now owned by the U.S. District Court for the Southern District of New York, but is on permanent loan to the Museum of the City of New York. After we had obtained the Court’s permission, Jim retrieved it from the New York Museum, arranged for transportation and insurance, and saw to it that it was safely back in New York after the exhibition closed.  Not long after he was Secretary, Jim served as President of the Association, for two one-year terms. He presided at our meetings with great aplomb, following Roberts’ *Rules of Order* so faithfully that when he became a Past President he was appointed the Association’s Parliamentarian, a position he handled very efficiently, but with good humor.  Jim’s wit was famous, and his poignant remarks enlivened many an MLA meeting. He will be sadly missed whenever MLA members gather in the future.  *Nicholas J. Healy*  *President, MLA (1964–1966)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Jim was an original who could always be relied upon to enliven our MLA meetings with colorful remarks, often based on his personal experiences. He sometimes posed as a politico, whimsically professing special knowledge of how things are accomplished in the real world. But underlying it all was Jim’s practical, solid good sense. Early in his practice, Jim became an expert on legal issues related to the marine environment and continued his interest at least until he retired from active practice. At recent meetings of the directors, to which Past Presidents were invited, Jim’s absence was noted with concern, invariably resulting in general inquiry as to his well-being. Jim will be greatly missed.  *Herbert M. Lord*  *President, MLA (1974–1976)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Many who were merely acquainted with Jim Higgins thought of him as a rather rough and tough guy, not much interested in things like classical music, art and “finer things in life.” It is true that he could be “rough and tough,” and that was often the impression he wanted to give.  But to those who knew him well, as I believe I did, there was another side to Jim, which revealed that he was a well-rounded and most interesting kind of man.  Under his sometimes hard-boiled exterior was a man who cared deeply about music, literature and the welfare of others. One of his favorite expressions was “You can take the boy out of Jersey City, but you can’t take Jersey City out of the boy.” He was from Jersey City, and made no attempt to be something he was not.  He did care about the law, especially maritime law, and was intolerant of practitioners who did not adhere to the highest standards, professionally and personally.  Jim Higgins served with distinction as President of the MLA from 1968 to 1970; Vice-President, 1966–1968; Secretary, 1961–1966; Membership Secretary, 1959–1961. At the time of his death he served as Parliamentarian, a recognition of his expertise in “Robert’s Rules of Order” which he cited whenever he thought it advisable.  We all will miss Jim, his parliamentary skill and his trenchant wit. The MLA will never be the same without him.  *Gordon W. Paulsen*  *President, MLA (1982–1984)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  I remember Jim Higgins fondly as a man of much good will, good humor, and devotion, and of positive decision where decision was required. He spoke in debate with eloquent force, and with a strong vein of irony that enhanced the interest of much that he said, both in and out of council.  Although he was a powerful advocate when spoke, he reminded us by example, when the bar seemed more and more to need the example, that lawyers could practice vigorous advocacy with good humor. Even when not speaking and unannounced, he could never be unnoticed.  He was our parliamentarian for many years, and I borrow the words of his perennial motion to say, “I now move that a unanimous ballot be cast” for his election to our Hall of Presidential Fame.  *Graydon S. Staring*  *President, MLA (1984–1986)*  Jim Higgins was a fine lawyer, a gentleman, and a good friend. His wit and humor never failed to lift a gathering whenever we met. He was also a devoted member of the Maritime Law Association, serving in many capacities over many years, including President from 1966–1968. His last official title was as Parliamentarian and our meetings frequently included a word from Jim regarding procedure. In 1986 after the Nominating Committee gave its report, Jim rose to propose that the Secretary be instructed to caste one ballot in favor of the proposed slate of officers, and that motion was unanimously carried. I was Secretary at the time and to have some fun with Frank O’Brien, who was the new President, I wrote Frank a week or so later to say, with regret, that I had forgot to cast the single ballot within the statutory time limit and that under New York law he was therefore not validly in office, citing many fictitious legal authorities. Frank called Jim to find out if this was so and Jim, not to let Frank off too easily, said that Frank was *functus officio, i.e*., out of office. But it didn’t take Frank long to realize he was having his leg pulled.  Jim was always a delight to be with. He will be remembered with affection and we shall miss him.  *Kenneth H. Volk*  *President, MLA (1990–1992)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  John Sims, my mentor, introduced me to Jim Higgins on my first trip to New York for an MLA meeting in 1956. Perhaps because Jim and I were both associates in our firms, we became fast friends and occasionally had a beverage or two together. We maintained our relationship through his final illness. In one of our first conversations, Jim, who had just returned from a trip to India, enthralled me with his stories, including the fact that he had to register and be certified as an alcoholic in order to get a drink legally. I was much impressed.  In 1969, when he served as President of our Association, we were in Tokyo for a Comité meeting. Through the influence of my father, a newspaper man, we were invited to the office of the Associated Press in Tokyo, where we hoped to get international publicity for the CMI, Higgins, and Kirlin, Campbell & Keating. I am not sure what coverage we received, but, after the meeting with some very nice gentlemen from the A.P., we decided we would go to a tea house (or perhaps a bath house) in downtown Tokyo. We hailed a cab outside of the building where the A.P. office was, and showed the address of the establishment to the driver, who refused to take us. We hailed another cab and got the same result. After ten minutes of bewilderment, we finally learned that the place we desired to go was directly across the street from the building where the Associated Press was headquartered. Since he claimed it was all my idea, Jim never let me forget the experience.  Jim was a fine lawyer, a gentleman, and a good friend, and I will miss him.  *George W. Healy, III*  *President, MLA (1992–1994)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Each of us who knew him should be very thankful for the productive life of the twenty-sixth President of The Maritime Law Association of the United States, James J. Higgins. Jim provided leadership to the Association by serving as Secretary from 1961 until 1966, Vice President from 1966 to 1968 and President from 1968 to 1970. Since that time he was willing to continue his service to the Association as the Parliamentary Aide and in numerous other meaningful capacities.  Jim was always most generous with me by sharing his time and advice. During my term as First Vice President, and then as President during 1996 to 1998, he would often call and share his thoughts with me. However, he was always very careful to phrase them in such a way that they were merely his “reflections” and that he did not wish to influence me unduly. However, his comments, that were usually very direct, were always constructive and given in the true spirit of helpfulness.  Often, my contemporaries and I shared experiences that we had during our younger days with Jim Higgins. We each had some humorous events to relate. However, the underlying theme behind these comments was the knowledge that Jim was attempting to be helpful to us as lawyers and persons.  I recall most vividly, early in my career, at one of the P&I Association’s counsel meetings, that Jim and Pat Higgins singled out Anne and me to be invited to dinner as their guests. At that time, he was Immediate Past President of the MLA and I was just beginning. It was a very generous and thoughtful gesture and I appreciated it then ... and now. I am sure that many others share such similar instances.  During the following years, it was my pleasure and privilege to get to know Jim well. His traits as a maritime lawyer and as a leader committed to The Maritime Law Association of the United States greatly enhanced the legacy of each of us and to The Maritime Law Association of the United States.  We shall miss him.  *James F. Moseley*  *President, MLA (1996–1998)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  I had to good fortune to know the late James Higgins for over 30 years, both as a fellow member of the Association and, at times, as a participant in some of the legal matters and cases that passed between our mutual firms. As a fellow New Yorker and a graduate of the same law school as Jim, I am indeed saddened by his passing. The Association has not only lost a firm and provocative voice in the matters of the Association but also an interesting and extremely humorous gentlemen.  Most of my activities with Jim arose in the last 10 years when I had the opportunity to spend a substantial amount of time at the offices of Kirlin Campbell & Keating in connection with a litigation with one of his younger partners that had been ongoing for many years. During the occasionally heated discussions regarding the testimony of the various witnesses, Jim would always find the occasion to pass by the deposition room and drop in. Thanks to his warm Irish charm and, at times, pointed and extremely colorful comments, whatever the incipient problem was seemed to have been resolved. All concerned would have a fine discussion unrelated to the case which assisted the participants by making them feel better as the beneficiaries of Jim’s well chosen and pithy comments.  As a younger member of the Association, I remember vividly the dinners in New York under Jim’s tutelage as President. One of these evenings included the stirring sounds of the New York Police Emerald Society Pipe Band introducing the members of the Association with the tunes of the Garyowen as we all assembled for dinner at the Commodore Hotel, a place long remembered by the older members.  Jim was always noted for his ability to turn an apt phrase and to diffuse many difficult situations with his fine Irish wit. The Association has lost a fine gentlemen and someone whose ‘Higginsesque’ comments will long be remembered by those of us who had the opportunity to come in contact with Jim and to be the beneficiary of his thoughts.  *Howard M. McCormack*  *President, MLA (1998–2000)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Jim Higgins was one of the true giants of the Maritime Law Association. His contributions were many since he served as Committee Chair, Membership Secretary, Secretary, Vice President and, of course, President of the Association. In addition, for as long as I can remember, he was the official Parliamentarian for the MLA.  While his professional contributions to the Association were extensive, what made him truly memorable was his charm and his wit, which endeared him to all those who knew him personally, and to those whose only acquaintance with him was by listening to his comments at various MLA meetings. Whenever Jim Higgins rose to his feet, everyone perked up because they knew that, whatever he had to say, it would be interesting or witty, or both.  From a very personal standpoint, I will never forget the kindness he showed me as a young lawyer when I served on one of his committees. He went out of his way to show me the ropes and welcome a young lawyer into the fold. To be treated in such a manner by a lawyer of his eminence and stature meant a lot.  With his high professional skills, unfailing courtesy, and a great sense of humor, Jim Higgins epitomized as much as anyone what the MLA is all about. I’m sure I speak for all those who knew him when I say that we will miss him sorely, but we will never forget him.  *William R. Dorsey, III*  *President, MLA (2000–present)* |