A BRIEF HISTORY

The Pennsylvania Bar Association

By Ted Stellwag

Editor’s note: This article is based on the script of a video presentation by Ted Stellwag, the late executive director emeritus of the PBA, that was shown at the PBA Board of Governors’ retreat in Cooperstown, N.Y., on June 25, 2009. Stellwag, who passed away last September at age 68, had an abiding love of history and historic preservation, especially when it came to the PBA and the Maclay Mansion, the PBA headquarters building in Harrisburg.

It is impossible to say for certain who first hatched the idea that became the Pennsylvania Bar Association.

In 1880, the Centre County bar sent letters to other local bars suggesting a statewide organization. Nothing much came of it.

In 1888, some Philadelphia lawyers decided to start a Pennsylvania Bar Association. They even wrote an impressive charter, which turned up 30 years ago in the attic of the Maclay Mansion. Henry Thomas Dolan, the lawyer and legal historian who in 1970 told the story of our first 75 years in his Diamond Anniversary History, did some research and found this was a sort of marching and chowder society. These guys wanted an excuse to get together for lunch.
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Then, on Sept. 19, 1894, five lawyers met in Philadelphia to try to give shape to the notion of a state bar association. George Wharton Pepper was there. He would become a U.S. senator and a giant figure of the early bar. Another of the five was Judge William Hargest from Dauphin County. Edward Allinson, publisher of The Legal Intelligencer, hosted the meeting in his office.

A call went out for an organizational meeting to be held in Harrisburg on Jan. 16, 1895. Allinson promoted the meeting in his newspaper, and he took the extraordinary step of traveling to every county to urge attendance. He must have been persuasive, but something much greater galvanized these lawyers. To quote Henry Dolan, “The practice of law ... was Balkanized. Sixty-seven little fiefdoms administered the mechanics of practice before their courts and their standards of professional discipline, with more than a touch of vigorous independence.”

Meanwhile, the state Legislature was gearing up to regulate the practice, with dozens of bills that would have dramatically changed the way lawyers did business. No local bar would have been able to turn the legislative tide. It called for a statewide effort.

And so they came, some 200 strong, to meet in the Supreme Court chamber in Harrisburg. “They were virtual strangers,” writes Dolan. “But they recognized in each other men who had come up through the same training and experience.”

The meeting accomplished two things. First, the legislative assault was blunted by diplomacy rather than attack. A Committee of 21 was chosen and the General Assembly was asked to refer all law-related bills to that committee for review. The second item of business was even more important. The lawyers who squeezed into that ornate courtroom approved the formal steps for the creation of the PBA. A charter was written dated July 1, 1895, with 592 charter members listed.

The charter, which hangs in the Board Room at the Maclay Mansion, is handwritten with precise penmanship. In Section 2 are the words that still define the purpose of the association: “To advance the science of jurisprudence; to promote the administration of justice; to secure proper legislation; to encourage a thorough legal education; to uphold the honor and dignity of the Bar; to cultivate cordial intercourse among the lawyers of Pennsylvania; and to perpetuate the history of the profession and the memory of its members.”

The photo [reproduced with this article] is the most famous image in PBA history. These are the men who made that history in the early years. The location is the Bedford Springs Hotel. The date is July 10, 1895. Many of these lawyers came from rural practices that hadn’t changed much since Colonial times. They’re sitting in the sunshine next to their big-city brethren.

If you had to define the emphasis of the PBA’s first several decades in a single word, it would be standardization. A Committee on Legal Education promoted the idea of a Board of Law Examiners and
The Maclay Mansion, a National Historic Site built in 1791, is the PBA headquarters building in Harrisburg.

The PBA’s current governance format began to take shape in 1959. The Board of Governors was created to replace the Executive Committee. The final piece was put in place in 1966, when the PBA House of Delegates was created.

In the year of the PBA’s founding, there were 39 local bars. That number grew to 67 by 1928, and it was time for them to have a greater voice. Until then, PBA policy was made by members voting at annual meetings, which reflected the views of lawyers at the meeting, not necessarily those of the whole membership. So it was decided that each local bar was entitled to send two delegates to annual meetings. Under this plan, proposals would first be voted upon by the members at large, then by the delegates from the county bars.

At the same time, the state was divided into eight zones. Each was invited to send a regional director and three members to sit on an Executive Committee. The original 36-member committee grew to 77 and a very large table was needed to gather around.

The PBA lived out of a suitcase in its early years. The files and records moved around as officers changed, stuffed in a vacant closet or an unused bit of floor space. There was no staff for the first 25 years.

That all changed in October 1920 when the PBA hired its first employee to be executive secretary. Her name was Barbara Lutz and she had been a theater booking agent. She set up shop on Market Street in Philadelphia, two blocks from City Hall. Barbara was the entire staff for many years, except for an occasional hand from her sister when the workload got too heavy. We can assume that Barbara enjoyed the work because she stayed on the job for 48 years while the PBA survived the lean times during the Great Depression and enjoyed the surge of membership growth after World War II.

The PBA Quarterly was first published in 1929. There have been only four editors, the latest of which is professor Louis Del Duca of the Penn State Dickinson School of Law. Lou began the job in 1968 after the then-PBA president came to his house armed with a huge Hershey bar for his son. The kid loved the chocolate and Lou was hooked for life.

The PBA moved from Philadelphia to Harrisburg in 1933 and originally had offices across from the Capitol. Six years later, PBA President Robert McCracken of Philadelphia planted the seed for a permanent home, and he later chaired a committee to buy a suitable building in Harrisburg. When the committee came to the Maclay Mansion, a limestone mansion on the riverfront in Harrisburg, you can imagine their sense of awe. I still feel it after 37 years. The second oldest building in the city, and now a National Historic Site, it was built in 1791 by William Maclay, a lawyer and patriot who was the first U.S. senator from Pennsylvania.
The PBA bought the front half of the building — the original Maclay structure — for $45,000, and William Maclay's sturdy house by the river began a new chapter in its long life. Former U.S. Sen. George Wharton Pepper made the dedication remarks in January 1950.

In the early 1970s, the PBA bought the South Street wing of the building, which includes the magnificent stairwell. Following a complete renovation, the building was rededicated in September 1975.

The PBA's current governance format began to take shape in 1959. The Board of Governors was created to replace the Executive Committee, so 2009 was a milestone year for the board, its 50th anniversary. There were 11 PBA zones by 1959. Each elected a zone governor who joined the PBA officers on the board. Over time the board has grown with the addition of young lawyer, at-large and unit county seats.

In 1960, the number of committees was dramatically reduced. Meanwhile, 15 sections concentrated attention on substantive areas of the law.

The final piece was put in place in 1966, when the PBA House of Delegates was created. The formula for representation in the House was one delegate for each 100 members in a zone. Bar historian Dolan recorded that it was all about having "voting power in hands chosen on a strict principle of representation. ... The number of delegates was fixed at 100." The House has grown three-fold over the decades.

If George Wharton Pepper was the giant figure in the PBA's first 50 years, Gilbert Nurick of Harrisburg, PBA president in 1967, was the towering presence of the second half-century. He helped create the Young Lawyers Division in 1935, originally named the Junior Bar, and he launched the Conference of County Bar Leaders, the first of its kind in the nation and the model for the ABA's Bar Leadership Institute. He also championed the creation of the Disciplinary Board of the Supreme Court of Pennsylvania and was its first chair. Nurick was the first recipient of the Pennsylvania Bar Medal in 1978 as the personification of the extraordinary service it honors.

The decade of the 1960s was a time of constitutional reform, but the issue had been percolating since the turn of the century. The PBA Annual Report for 1901 includes the first open criticism of the Pennsylvania Constitution adopted just 27 years earlier. Alex Simpson Jr., one of the PBA founders, spoke about its shortcomings in his presidential address in 1902. It came up again in 1915, and a committee was appointed, but the members agreed that the climate was wrong for reform. A Standing Committee on the Pennsylvania Constitution was created in 1937. It turned attention to revising the organization of the courts. From then on the matter was dissected and debated at every annual meeting for many years. Meanwhile, the issue of a constitutional convention went before the voters six times, beginning in 1920, and lost six times.

It was John McL. Smith who finally got the matter off the dime in 1960. He was 70 at the time, had served as PBA president 10 years earlier and may have been...
Stellweg Memorial Stone

After Ted Stellweg passed away last September, the PBA staff contributed to the purchase of a stone as a permanent memorial to him in the PBA Preservation Walk outside his beloved Maclay Mansion. The diamond-shaped stone is placed near the staff memorial garden in front of the building and bears the following inscription:

IN MEMORY OF EXECUTIVE DIRECTOR TED STELLWAG
from the PBA Staff
“The purpose of life is a life of purpose.”

The original bar “junkie.” He understood the need for a statewide public education campaign to alert voters to the importance of constitutional revision.

William A. Schnader of Philadelphia, PBA president in 1962, became the lead player in the great drama that unfolded through much of the decade. He served as attorney general and was a candidate for governor, and he devoted nearly 30 years to constitutional reform. Bar historian Dolan tells us that Schnader was “possessed with a vision ... and the power to win others to it.” In a 1961 issue of the PBA Quarterly, Schnader “flung down a challenge to the membership to familiarize itself ... with the archaic instrument of 1874 and prepare to argue the case.”

In 1967, a lawyer from Meadville, Raymond P. Shafer, became governor. He proposed a constitutional convention limited to four areas, including the judiciary. The PBA supported the governor and called out the membership to advocate a yes vote in the referendum. The electorate approved the convention, which convened in December 1967.

The results of the convention were mixed and, sadly, the weight of hindsight falls on what didn’t happen. Merit selection of judges was left out of the judiciary article and was handed over to a referendum in 1969. The political parties worked hard to defeat merit selection, and the voters rejected it by a narrow margin. However, the new judiciary article did create the Commonwealth Court and merit retention. It mandated the retirement of judges at 70, reduced the terms of Supreme Court justices to 10 years and replaced the justices of the peace with district justices.

Historian Dolan called the PBA’s work for constitutional reform its “signal and perhaps most lasting victory.” William Schnader died at age 81, three weeks after the convention.

The 1960s also saw the birth of the Pennsylvania Bar Institute.

In 1965, the Board of Governors established PBI as a separate nonprofit arm to carry out the CLE mission. It replaced the Continuing Legal Education Committee, which had been at work for six years.

George Barco of Meadville was the catalyst and first PBI president. He was a cable television pioneer who knew that statewide CLE must be supported by technology. In the early years, that took the form of the old reel-to-reel video recorders. It evolved from cable to satellites, then video conferencing and the Internet. During the 30-year tenure of Roger Melton, recently retired executive director, PBI went from a mom-and-pop operation to a high-tech big business that can instantly reach lawyers everywhere. His was a job superbly done!

Peter Roper was appointed PBA executive director in 1978. Having built a career in public relations and then as a lawyer in Ohio, he came to the PBA from the Cleveland Bar Association with a national reputation for innovation. During his eight-year tenure, the PBA began providing law practice management help for members, Committee/Section Day became a regular event, the PBA worked successfully for an elected office of state attorney general, the Client Security Fund was created with strong support from the PBA, the Pennsylvania Bar Foundation was formed and The Pennsylvania Lawyer magazine began publication, replacing the old Bar Brief.

I was appointed executive director in 1986 and was privileged to serve with 14 presidents. It is excruciating to talk about myself, but, upon reflection, there are some things from that time that bring special pleasure. The first is inclusion.

A 1992 bylaws amendment added two at-large seats to the board — a woman and a minority governor. The Minority Bar Committee was created in 1988, with Michael Reed as chair. He later served as the PBA’s first African-American president in 2004-05. The Commission on Women in the Profession began its work in 1993. It was chaired by Leslie Anne Miller, who served as the first female PBA president in 1998-99. The Minority Attorney Conference first convened 21 years ago, and the Women in the Law Conference began in 1994.

We were able to strengthen relationships with county bars, which is such an essen-
Several past PBA presidents offered personal remembrances of Ted Stellwag.

Ted first served as executive director at the midpoint of my presidency. He stepped in at a difficult time and met and exceeded the needs of the PBA. He was a low-key, meticulous and caring individual with no hidden agenda, fully committed to the PBA and its mission to its members and the public. He was respected and admired in all the communities he inhabited, which were many. We miss him, but he will always be with us.

— Jerry Bogutz, 1985-86

Ted was a bit like Will Rogers. “He never met a man he didn’t like.” And especially he liked lawyers, their company, their conversations, their sociability and the ideals that the profession espoused. He was also a good writer and had a great sense of humor. He has served us well.

— Joseph H. Jones, 1987-88

A lot has already been said about one whom we all loved as a loving family man, a very religious person, a great personality, a professional bar executive, a best friend, one who worked for all, one who loved the law and lawyers and one whom we all will remember as our personal friend and colleague. Besides all of Ted’s professional skills, his personality commanded respect from all he touched. Whenever I was with Ted professionally, on business or socially, I never knew of anyone to say anything but kind words towards him. Ted, we miss you, but we will never forget you.

— Carl W. Brueck Jr., 1988-89

I remember Ted as a thoughtful, warm person who made those whom he touched feel important. He helped guide me through my year as president. I will miss him.

— Leonard Dubin, 1989-90

I will always remember Ted Stellwag as a man of unusual integrity, fairness, insight, humor, organization, creativity, compassion, faith and faithfulness, articulation, friendliness, loyalty, honor, tradition and friendship. I cherish my relationship with Ted and the memory of him, as demonstrated in the full meaning of each of those words through the example of his life.

— John A. Carpenter, 1990-91

When a great friend passes away, it is always a time for sadness and reflection. With the death of Ted Stellwag, the past presidents of the PBA who worked with Ted lost a close friend and astute adviser who had an unerring knack for guiding them through the potential pitfalls of being PBA president. More importantly, the lawyers of Pennsylvania who are PBA members lost an invaluable comrade and director who devoted all of his unique gifts and talent to the cause of the PBA and the betterment of its members. In the words of Shakespeare, we will not see his like again, and his death leaves a great void among his friends, family and the legal profession.

— Thomas L. Cooper, 1991-92

Now another spirit dwells in the Maclay Mansion. Ted Stellwag’s PBA legacy lives on.

— Bill Cassebaum, 1992-93

It is impossible for me to even think of the PBA without thinking of Ted. He personified our great organization for so many years, and every president who had the good fortune to serve with him benefited enormously from his multi-faceted abilities and his great kindness.

— H. Robert Fiebach, 1993-94

As a journalist, Ted knew how to sense what people thought. His advice was priceless. The Pennsylvania Bar Association never had a greater friend or the confidence of so many bar presidents. Go Phillies, Ted.

— Art Piccone, 1995-96
In the 35 years that I knew Ted, he was steadfast in his devotion to Annie and Patrick, his dogs, baseball, the PBA, his friends, the Harrisburg community and many other interests — in that order. Wherever Ted was, he filled the room. Death cannot extinguish memory of the warmth of his friendship, the radiance of his smile and his jovial good nature.

— Leslie Miller, 1998-99

Ted was always upbeat and positive, even in his final days when the medical news was quite grave. He always cared much more about the other person; “self” was not in his vocabulary. He was always kind, thoughtful, considerate, spiritual and funny. There is much that I will miss, but there is great comfort in all of the wonderful memories, including Phillies home openers and our search for the perfect post-game restaurant, bar meetings and road trips to conferences, “BARstorming” the state, reading Ted’s writings and quiet meals with Annie and Ted. They broke the mold on this one. You were the best, Ted.

— Lou Teti, 1999-2000

Alexis de Tocqueville understood the role that lawyers play in American society. His legacy is Democracy in America, the most important analysis written of American political life. Ted, another non-lawyer, understood our role equally well. His legacy is many years of dedicated service to lawyers. We are forever in his debt.

— William P. Carlucci, 2005-06

Ted was not just an effective and dedicated executive director, he was also a superb journalist. His preview articles about the incoming presidents in The Pennsylvania Lawyer magazine were journalistic gems. He put his heart and soul into each article, did his homework and even made a road trip to your office to interview you. He realized how important the article was, not just to you, but to the organization. In addition, he was a special friend — the type of friend you might not see for five or six months, yet you would begin your conversation with him at or about the same place you left it the last time you both spoke. I benefitted so much more from the relationship than he did.

— Ken Horoho, 2006-07

Ted’s most enduring quality to those PBA presidents who served with him, as well as those who served after he had retired as executive director, was his irrepressible optimism and positive spirit. He was the “Yoda” of the PBA. I cannot recall a single harsh word he had to say about anyone or any idea. The force of his personality and inner happiness was infectious and brought out the best in all of those around him. He will be missed terribly, but we all know he would only have us remember him with great joy.

— Andy Susko, 2007-08

Ted always had an open mind when it came to increasing membership, retaining members and creating new paths to PBA leadership. During his time as executive director the bylaws were amended to add a designated seat in the House of Delegates for a young lawyer from each zone and to allow graduated dues for newly admitted members. Ted, thanks for your leadership and friendship over the last 37 years.

— C. Dale McClain, 2008-09

> from page 23

Tial partnership. Our sections witnessed dramatic growth of scope and membership during that time. A long-range plan was created and largely implemented, the Legislature passed IOLTA legislation and the Pennsylvania Bar News began as a tabloid.

I am also hugely proud of the staff we were able to bring together. It has been a joy to be in their company and to share a large part of my life with them.

A kind of paternity intrudes itself when you pass the reins to a new executive director. It’s like handing your daughter to the groom — but this has been a very happy marriage since I retired in 1999. During Barry Simpson’s term, interaction with the Legislature has been upgraded. The most dramatic example of this has involved the sales tax issue, which we also dealt with — and defeated — in 1991. Funding for legal services has been a perennial struggle, but we remain an effective advocate on the side of the angels.

The PBA is now so much more sophisticated in the technology to communicate instantly with members. That ability was best demonstrated during the recent assault on retention judges. The grassroots response of members was mobilized by technology and disaster was avoided.

The PBA Web site has been upgraded, the PBA E-News keeps members instantly up-to-date and there’s a smorgasbord of information-age benefits, with the InCite free legal research service leading the list. This is incredible stuff to a non-nerd who 20 years ago had to be dragged away from his legal pad and BIC pen.

Burton Laub, a former Dickinson School of Law dean, once wrote, “There is no promise of perfect justice. Even Mother Nature doesn’t dispense it. What is justice to the sparrow hawk is not justice to the sparrow.” And yet that’s the challenge — if not perfect justice, then certainly justice that embraces all, that finds truth and preserves the awesome nobility of the law. It’s in your care, just as it was for those hardy souls on the lawn at Bedford Springs, and will be for generations of lawyers yet to come. Good luck and Godspeed.

The late Ted Stellwag served as PBA executive director for 13 years and another 10 years as executive director emeritus until his death in 2009.

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