David E. Schwager relishes taking on many challenges to improve his community and his profession.

The Pennsylvania Bar Association’s soon-to-be 126th president is a deeply involved civic leader in northeastern Pennsylvania where he grew up and now practices real estate and business law.

For the past 10 years, he and a childhood friend have spearheaded the fundraising and construction of a $13.5 million new Jewish Community Center (JCC) in Kingston.

At a time when many Jewish communities around the country are struggling to raise money and maintain their buildings, Schwager believed strongly that Wilkes-Barre’s shrinking Jewish community needed a new JCC in order to survive and thrive. Without it, he feared, the community would simply fade away.

“The old Jewish Community Center was showing its age and falling into disrepair,” Schwager says. “The community was losing interest in its programs. We wanted to build a new center that was capable of hosting exciting and attractive programs for the entire community, a place everyone could use.”

Many members of the community were skeptical that the project would be possible in a community whose population had declined from 5,000 people in 1972, when the Agnes flood wiped out Wilkes-Barre, to fewer than 2,000 today.

Editor’s Note: The following profile of incoming PBA President David E. Schwager was written approximately two months before our communities began to experience the COVID-19 pandemic and its significant effects on every aspect of our lives including the judicial system and the practice of law.

When asked to provide additional comments in light of the pandemic, Schwager said, “The title actually is most appropriate to what Pennsylvania lawyers, judges and clients face in the months ahead. We all have been and must continue to be ‘up for the challenges’ that we have encountered and will continue to encounter as a profession and a community.

“Clearly, the first priority for my presidential term now is to continue to fight for our members’ extreme crisis-fueled needs in the legislative, executive and judicial branches of government and to work with the courts and other stakeholders in addressing the important issue of assuring continuity of the delivery of legal services.

“Our members are hurting. Our clients are hurting. Everything and everyone is hurting. From Day One of this crisis, the PBA has been fighting for its members and providing important resources to them. Never has it been more clear that, if you’re facing the challenges that have been thrust upon legal practitioners and if you are not a member of the organized bar, you and, in turn, your clients are missing out. The PBA was a critical source of important information in the opening hours of the crisis and in the days and weeks that have followed. This has served to vividly demonstrate the role that the PBA plays day in and day out and its value to all of us.

“It is my fervent hope and prayer that we all emerge at the other end of this pandemic healthy and safe and that our first responders and our health care professionals are successful in safely ministering to those suffering the effects of COVID-19. In the final analysis, those are the most important challenges we face.”
But Schwager was undaunted. In 2010, he formed a limited liability company with a few local philanthropists called Project Home Run. Together, the group bought the delinquent note and mortgage on a vacant shopping center in Kingston from the bank and Schwager foreclosed on the property. Following the sheriff’s sale, Project Home Run donated the site, which was a community eyesore, to be used as the new local JCC.

Then, Schwager headed up the fundraising effort, and led the Building Committee. He twisted arms and kissed babies (and lots of elderly men and women!). After nearly a decade, the Friedman Jewish Community Center opened last March, one of only four new JCCs constructed over the past decade. The Friedman Center features basketball courts, a fitness center, squash courts, an early learning center with an outdoor learning space, a community garden and plenty of meeting and gathering space.

The largest gift came from the local B’nai B’rith Apartments Housing Foundation, a separate nonprofit that Schwager led for many years — without it, the project may never have happened.

“The first B’nai B’rith apartment complex in the world was built here in Wilkes-Barre nearly 50 years ago,” Schwager explained. Led by Schwager, the group sold the senior housing facility and donated $2.25 million to the JCC project. Bringing things full circle, the gift allowed the JCC to name the street on which the JCC sits S.J. Strauss Lane, honoring a Jewish lawyer and member of the Luzerne County Court of Common Pleas in the early 20th century.

During a tour of the JCC, Schwager greeted everyone, from the women trying to arrange a card game to the learning center staff and a man stacking chairs in a meeting room. Like a proud new father, he spoke of how active the center is, how the number of people who use it continues to increase, and how this new facility has become the social center for the entire community, not just Jewish residents, which is exactly what Schwager hoped.

“I was greatly influenced to respect, and hopefully, emulate [those lawyers I knew in my youth].”
Schwager said he grew up knowing he wanted to be a lawyer. His original love of the law came from his downstairs neighbors in the home where he grew up: the Rosenn brothers. Judge Max Rosenn was a longtime member of the U.S. Court of Appeals for the Third Circuit well into his 90s, and his younger brother Harold was a founding member of Rosenn Jenkins and Greenwald, which evolved into Northeastern Pennsylvania’s largest law firm from its humble founding by the brothers in the 1950s.

“To me, they [Judge Rosenn and his brother Harold] were synonymous with the law in the Wilkes-Barre area,” Schwager recalled. “Judge Rosenn had a major role in the reconstruction of Wilkes-Barre after the Agnes flood as chair of the flood recovery task force, after having served as Pennsylvania’s secretary of public welfare.

“Harold (now 102) was and is a very well respected lawyer in our community and, through my interactions with Judge Rosenn and his brother and so many other lawyers who I knew in my youth, including the late PBA President Arthur Piccone, I was greatly influenced to respect, and hopefully, emulate them.”

Except for one brief moment during college, when he got jittery about taking the LSAT, Schwager’s legal career path has been fairly straight and narrow: graduated from Wyoming Seminary College Prep School in 1980, Lafayette College in 1984 and the Dickinson School of Law in 1988. The only exception was a year-long hiatus during law school in which he ran a friend’s campaign for Congress.

Schwager met Marc Holtzman, the candidate, in high school, when together they founded their high school’s Teen Age Republican club. Schwager would go on to become vice chair of the Pennsylvania Teen Age Republicans and then chair of the Pennsylvania College Republicans, an intern for U.S. Sen. John Heinz during college, and a law clerk on the legal staff of Pennsylvania Senate President pro tempore Robert Jubelirer during law school.

Holtzman’s campaign, which raised and spent a then-record $1.4 million and lost, would mark the end of Schwager’s active political career. But the same skills that helped him rise in politics would also help him lead numerous civic and community organizations: the Kingston Borough Zoning Hearing Board (chair), Wyoming Seminary Alumni Association (president), Ecumenical Enterprises Inc. (treasurer), Jewish Community Center of the Wyoming Valley (president), Lafayette College Alumni Association (executive committee), American Cancer Society Wyoming Valley Unit (vice president), Temple Israel of Wilkes-Barre (president), S.J. Strauss Lodge of B’nai B’rith (president), Osterhout Free Library (campaign co-chair), United Hebrew Institute School Board (chair) and B’nai B’rith Apartments Housing Foundation (president). Schwager serves on the boards of the Greater Wilkes-Barre Chamber of Business and Industry, Greater Wilkes-Barre Growth.
Partnership, Greater Wilkes-Barre Industrial Fund and Martha Lloyd Community Services. He has also served on the boards of the General Alumni Association of the Dickinson School of Law and Girl Scouts of America Penns Woods Council.

And that’s not even the whole list. Schwager is known throughout the community for his tireless community service, a dedication that he learned from his parents, Margot and Fred, who fled Germany before World War II to escape Nazi Germany. After leaving Germany as teenagers with nothing, they met and married in the United States, and moved to Northeastern Pennsylvania to work in the area’s burgeoning shoe manufacturing industry.

Soon after assuming the chancellorship of Germany, Hitler promulgated legal actions against Jews. In 1935, the Nuremberg Laws deprived Jews of German citizenship. In the first half of 1938, the German government passed laws restricting Jewish economic activity and occupational opportunities and requiring all Jews to carry identification cards. Many Jewish families, fearing what was to come, sent their children to safety in other countries. Families had to show connections in those countries, thus distant relatives became safe harbors.

During Kristallnacht (Nov. 9-10, 1938), the turning point toward more violent and repressive treatment of Jews, many were taken into police custody, including Fred’s and Margot’s parents, Albert and Resi Schwager and Max and Rosa Neumann, from their respective towns. The Neumanns were sent back to their home that had been appropriated as a communal residence for all Jews in the neighborhood. It was renamed No. 1 Adolf Hitler Street and came to be known in town as “The Jewish Ghetto.” As tensions continued, Max and Rosa Neumann were again taken into po-

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lice custody, transferred to Theresienstadt in what is now the Czech Republic and put on a cattle car to Treblinka, Poland, where they were shot on arrival.

Albert and Resi Schwager had a beautiful home and a successful leather business. Resi was taken into police custody, and Albert was sent to Dachau. They were released because of the forced sale of the home and the business and used the capital to purchase tickets on the St. Louis, a German line that set sail for Havana, Cuba, in May 1939. Because of political tensions, corruption and fear, the Cuban government denied entry, and the United States and Canada were unwilling to admit passengers without proper immigration documents. The St. Louis was headed back to Germany when Great Britain, France, Belgium and the Netherlands agreed to each take a percentage of the refugees. Fred urged his parents to go to Great Britain to learn English since they would eventually land in New York. That likely saved his parents’ lives.

Schwager was a late-in-life baby, a third child born when his sisters Harriet and Renee were 17 and 12 years old. He never lacked for attention. He and his wife, Laurie, a banker from New Jersey, met in 1986 while he was on vacation, relaxing after Holtzman’s losing congressional campaign. She has become his lifelong partner, ever patient with Schwager’s endless hours of work and community commitments. Together they have two adult children, twins Max and Melissa.

Most of Schwager’s free time is spent attending Wilkes-Barre/Scranton Penguins ice hockey games and volunteering in the community, but he enjoys going to the theatre. The Schwagers recently bought a cottage at Lake Winola in Wyoming County, where they enjoy swimming, socializing with neighbors and spending time on their pontoon boat, Knot Right. “We find that during the 35-minute drive there, our blood pressure goes down noticeably,” he said.

Schwager’s legal journey started as a clerk at Rosenn Jenkins, which he joined as an associate after law school, with a focus on real estate and business law.

He left the firm for a short stint as Luzerne County assistant district attorney, where he had an 80% conviction rate. “I may be the only real estate lawyer in Northeastern Pennsylvania to argue a death penalty case before the Pennsylvania Supreme Court,” Schwager said. Following the DA experience, he joined a small firm in Wilkes-Barre called Chariton & Keiser, which, over the years, has become the firm of Chariton, Schwager & Malak. Schwager also spends time as an assistant county solicitor for Luzerne County, focusing on its real estate issues.
Schwager's first memories of the PBA date to law school.

“I went to meetings in the Maclay Mansion to plan for the early days of the mock trial competition. And I went to a PBA seminar on entertainment law,” he said.

As chair of the Luzerne County Young Lawyers, he attended PBA events. His partner Jerry Chariton encouraged him to get involved in the PBA Real Property, Probate and Trust Law Section, where he rose to become chair. PBA Past President Marvin S. Lieber asked him to chair the Statutory Law Committee. And another Luzerne County attorney, Richard M. Goldberg of Hourigan Kluger & Quinn PC, then the Zone 5 governor, encouraged his deeper involvement in the PBA.

Past PBA President Francis X. O’Connor became another Schwager mentor. In 2010, Schwager became Zone 5 governor and, in 2013, he was elected PBA treasurer, a position he held for three one-year terms during which he was chair of the PBA Finance Committee, Investment Committee and Planning Committee. He was chair of the PBA Non-Dues Revenue Task Force, Bylaws Committee, Financing of Real Estate Committee and Real Estate Taxation Committee. Schwager also served on the Pennsylvania Bar Foundation board and is a life fellow of the foundation and served on the Pennsylvania Bar Institute (PBI) board.

At a PBA Midyear Meeting, O’Connor suggested to then-Justice and now-Chief Justice Thomas Saylor that Schwager be considered for an appointment to the Disciplinary Board of the Supreme Court. A few weeks later, Schwager was appointed to that board where he served for six years, the final year as chair (2017–18). In 2016, Schwager was appointed chair of the Third Circuit Court of Appeals Bankruptcy Judge Merit Selection Committee.

Schwager’s first priority for his term is to increase membership. “Demographics are not with us. Fewer people are entering law schools, so fewer people are joining the profession. Our strategy is to have a personal touch. We shouldn’t rely on the PBA staff sending emails. Leadership and other active members must make contacts with members and potential members.”

He also wants to reach out to other statewide legal organizations like the district attorneys, trial lawyers, defense lawyers and the like, all of whom are facing the exact same demographics. “Also each of these groups has its own separate priorities; we all have the promotion of justice and the legal system as a cornerstone and, therefore, finding commonality and sponsoring joint programming can work for the benefit of all of the groups.”

“We should be sending a note of congratulations to someone who was promoted or made partner,” he said, adding that the PBA should hold more regional events so members and nonmembers can gather and form a stronger sense of community. Schwager is also looking to integrate the programs of the PBI into the PBA, giving members more reasons to get together and network. Finally, he’s focused on ensuring that the PBA keep membership price low and value-for-membership high.

“The financial piece can’t be overemphasized,” Schwager said. “Keeping PBA affordable is vital, not only membership, but...
access to the CLEs. Young lawyers are saddled with such significant debt. As we fully integrate the PBI into the PBA, we will see the advantages. Members will have more access to more services that are critical to a practice.”

By the end of his term, Schwager would like to see the PBA with a growing membership “that’s doing great things, doing and initiating things that make PBA an integral and indispensable part of a lawyer’s tool kit.”

Schwager can’t wait to get started using his background and life experiences to help make an impact during the coming year in his role as PBA president. ⚡

Photographs by Brittany Boote