

Three Lawyer Amigos, Sort of

We all love the movie, *The Three Amigos*, starring Steve Martin, Chevy Chase and Martin Short. What made the movie special was the comradeship shown between the three friends. I thought of the movie briefly at the annual Lycoming Law Association banquet held in June to honor, among other things, 50-year members. I do not know if other Bar Associations have a ceremony like this, but it is a big-time tradition in North Central Pennsylvania.

The three lawyers honored were Peter Campana, C. Edward S. Mitchell and John ("Jack") Humphrey. I was honored myself, to give the remarks for my now-retired partner, John Humphrey.

All three lawyers represent the very punctilio of integrity. They were and remain highly regarded, more for their presence, demeanor, sincerity and integrity than for any particular one-off major achievement. They are just great lawyers, really fine people, and totally honorable.

Given my own seniority in the Bar, I know the three of them well and interacted with all of them in interesting and unique ways.

Peter Campana, when I came to the community, was already a well-regarded lawyer handling criminal matters, "on the edge" in the eyes of other lawyers in connection with his plaintiff and pro-underdog point of view. Pete was affiliated with two other Campana lawyers in town, both of whom were major characters. I did not know father Ambrose as well, but I was befriended by uncle John Campana. In my single days, I used to go to Newtown Tavern for a drink. John Campana was a regular there. After several drinks with John and company anti-union lawyer Charlie McKelvey sitting across the table, John would put his arm around my shoulder and say: "Cliff, you're a great American no matter what they say about you." I never knew if I was being insulted or complimented, but I still miss John's company.

Peter Campana was eventually, through no fault of his own whatsoever, threatened with contempt by a federal judge. I knew the judge well, since I had worked for him, and I was certain that the judge's irritation at the fact that Peter Campana sent an associate to a court conference, had more to do with Peter's perceived views, the nature of his representation, and perhaps even his Italian heritage than anything substantive. I made the fateful decision to put my own career in jeopardy and I represented Peter at the trial. He was acquitted. In a way, difficult to define, that experience bound me to Peter Campana and made me realize the difficulty of practicing law when one is perceived as a minority group member and when those in control, in power and in charge are not necessarily enlightened. Judge Muir used to like to brag that he took a command position on the Booker T. Washington, the first integrated ship in the Navy personally commissioned by Eleanor Roosevelt, not because he wanted to help Black people, but because he knew that no southern White would volunteer for the job. Muir was, of course, the quintessential blueblood, White Anglo-Saxon Protestant who was dragged kicking and screaming into the modern post-1964 Civil Rights world. I tried a sex discrimination case before Judge Muir, and he told me that I better drop the Title VII action, which of course was decided by the court without a jury, and just try the

Equal Pay Act case, which is a jury issue, because I would never win before him as a judge. I did win with the jury and the Judge refused to enforce my clients being paid because of the Eleventh Amendment. Fortunately, he was reversed by the Third Circuit.

Peter Campana dealt with the Judge's attack on his character, background and profession by holding his head high, not giving up, and continuing to practice law with panache. Those were difficult times, I am sure, for Peter, and, as it turned out, my career was not harmed at all.

C. Edward S. Mitchell was a well-known, highly regarded insurance defense lawyer. He was the big-time guy before insurance companies became so political that it was the politicians who told the insurers what lawyers they should use, instead of the companies using their own good business sense. Ed has lost a lot of that insurance business, not because of his ability, but merely because of the dramatic political change in the way business is done as between the law and the political machinery. Ed is the son of Neafie Mitchell, a major power at the Bar when I arrived in North Central Pennsylvania. I recall Gary Harris, my former retired partner, showing me how to deal with Neaf Mitchell. He was negotiating a slip and fall case that was to start trial on a Monday. Friday afternoon, Gary called me down to his office and had me listen to his conversation with J. Neafie Mitchell concerning an attempt to settle the case. After what seemed like hours, Gary finally said that the lowest amount that he would accept was \$10,000 for the case. There was a long pause, and Neaf said, "Would you take \$9,999?" The case was settled for \$10,000. I also recall some of the plaintiff lawyers in town leaving the lights on in their offices at night before trial, so that Neaf would think they were working late. Okay, it is time to admit it. I did that once myself!

Ed was the next generation. I recall in the early days an electrocution case against Ed Mitchell in which I was absolutely convinced that Ed deliberately did not give me material in discovery that I was entitled to. The judge agreed with me. The case was unique in that we tried it to a summary jury, and the good folks of Lycoming County split the verdict one-third comparative negligence, one-third against PP&L for the electrocution, and one-third against the homeowner where the electrocution occurred. Justice was done.

For a long time, I was sore at Ed for referring to my Coast Guard maritime licensure as "being in the Jewish Navy". I was irritated enough when he said it to me the first time, but 10 years later he repeated the remark. Perhaps he thought he was being funny, or maybe it was just, again, that good old blueblood institutionalized form of looking down on others who were not somehow the original inhabitants of North Central Pennsylvania. However, as the years progressed, I became more understanding and appreciative of Ed and what he brought to the table. He knew how to settle legitimate cases, he developed a sense of honor and integrity, and he became a fine example of a good defense lawyer.

Then there was Jack Humphrey. There was so much to say about Jack Humphrey, that I decided I had to keep my remarks short. In addition, I was warned by Jack not to say much. I wanted to blend humor, résumé stuff and my heartfelt appreciation for Jack in a way that did not take very long and certainly would not sound

like a eulogy. I started off by telling the story that I heard about Jack before I came to this community when I was studying for the New York Bar. I met somebody who went to the University of Virginia Law School with Jack, where Jack had been an Associate Editor of *The Law Review*. I was told that when Jack was an MP in the Army at Fort Dix, he single-handedly emptied out a bar during a fight. The legend was easy to believe, given Jack's great height and apparent strength. Those who have embarked on sports escapades with Jack would not doubt the story for a second. However, what really demarcated Jack was not his height or physical response, but rather his commitment to people who frequently did not have a voice. He handled the great case of *Patel v. The Himalayan Institute*, garnering a multi-million-dollar punitive damage verdict in Scranton on behalf of a woman who was sexually abused. Jack handled cases on behalf of the Lewisburg Prison Project against so-called "ax-handled" Fenton, the Warden. Through Jack's efforts, conditions of confinement were greatly improved at Lewisburg. Jack himself started out as a civil defense lawyer, and gravitated to the plaintiff's practice seamlessly. He was the guy that people went to when they wanted a good, honest, fair-minded opinion. He was the moral compass in a law firm where there were many challenges to that task. When a young partner got into trouble with the Federal Court for being unresponsive to the federal judge, and ultimately was threatened with fines and contempt, Jack stood up for the young lawyer. I thought the young lawyer should be thrown out, and I said so. While I do not regret my feelings, I do respect that Jack was willing to stand up for somebody who otherwise would have had no support within the firm. There were many other challenges, and Jack became the friend, mentor and advisor to the Firm Manager, Kim Paulhamus. I do not think she could have done her job as well had she not had Jack Humphrey to turn to.

To me personally, Jack was always the guy to look up to, and not just because of his height. The question always was whether Jack would approve? Was Jack okay with this? What was Jack's position on the deeper moral question presented? How did he think we should approach the judge? Perhaps Jack was not the Oracle of Delphi, but he was at least the trusted advisor at Rieders Travis.

To some extent, Jack was always the boss. He was my boss when I came in as a junior Law Clerk in Federal Court in Williamsport, and to some extent the power of his logic and the force of his personality kept him in that role even as a partner in the law firm.

These three great and comparable lawyers, all have something to say to those of us that are practicing law and to those early in their careers. They represent the necessity to work hard; stick with it; never forget the moral philosophical imperatives; and pay attention to family, friends and hobbies. Jack and I in particular had major discussions about spiritual issues. Without question, Jack was a major influence in my delving deeper into my Judaism, which enhanced for me grounding in my life, professional career and relationship with family.

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