

**The Story of
McNees Wallace & Nurick LLC
A Law Firm**

1935 – 2010

By Frank Haas



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Dedication

There have been some sad events in the life of McNees Wallace & Nurick, but none more tragic than the untimely deaths of four of the firm's promising young lawyers: Ralph Evans at age 37 in 1950; Jack Riggs at age 38 in 1971; Gary Yenkowski at age 35 in 1995; and Bob Haas at age 36 in 1997. Each was among the brightest, most productive and aggressive movers and shakers the firm has known. In November 2006, the death of 57-year-old Larry Wieder shook the firm with another terrible loss.

We dedicate this book to these five men. They were fine lawyers and good friends, all with sparkling futures, devoted to the firm and its clients. And they are sorely missed.

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From the Author

My connection with McNees Wallace & Nurick began in the fall of 1947 when Sterling G. McNees became my preceptor. Then, before

one could even attend law school it was necessary to be associated with a practicing Pennsylvania attorney, a “preceptor,” and as McNees was an old friend of my father, he agreed to fill the role.

So I began law school at the University of Pennsylvania in the fall of 1947, but within a couple of weeks I became seriously ill and lost that entire year of school. In

early 1948, as I was recovering, I worked as a clerk and messenger in McNees’ offices, which occupied the entire ninth floor of the State Street Building, at the corner of Third and State streets.

The youngest lawyers occupied cramped desk space in a tiny library. There were 10 lawyers there at the time: Sterling McNees, Gilbert

Nurick, David M. Wallace, James H. Booser, Harry H. Frank, Ralph Evans, Jim King, Jim Quigley, Bob Griswold, and Sam Schreckengast. I was there only a month or two, doing menial chores, but I attended some meetings with the lawyers and, although I’d spent but one month in law school, I was taught to do some very rudimentary research.

I was officially hired in August 1951, fresh out of law school, at a rate of \$300 per month. In this firm I carved out my entire career, becoming managing partner in the mid-’70s and retiring in 1995. I’ve read many law firm “histories” that are mini-biographies of the “great” men who founded them. Most seem determined to explain the firm following Emerson’s maxim that “an institution is the lengthened shadow of one man,” or at least the lengthened shadow of a few strong and exceptional men.

Today’s law firms, particularly firms with 20 or more lawyers, are no longer “the lengthened shadow” of any one man or woman, or even two or three. They are complex business organizations, partnerships in name only. In many, partners barely know each other, if at all. They are far more hierarchical and less collegial than heretofore.

Today McNees Wallace & Nurick may not be the shadow of one man, or of a few men, but knowing where it’s been and where it is cannot be understood without knowing something about the backgrounds of Sterling Glenn McNees and Gilbert Nurick, the founding great men of this institution. They created the firm and guided it personally or in spirit for many years. Other strong and effective lawyers have been at McNees, but no other shadows have cast as far or as deep.

And in ways large and small, those shadows still reach out and touch the present generation.

The firm has nearly always been ahead of the curve in many ways. McNees and Nurick, particularly, were men of vision and led the firm in innovation of all kinds. McNees was always looking for new trends and new ways of doing things, from office technology to



transcribing and copying machines, from lawyer specialization to the maintenance by lawyers of daily, hourly, even minute-by-minute time records (much to the chagrin of some in the firm).

But McNees also was a leader in other ways. He always said the firm remained a “nickel and dime” practice, ever striving to be a “quarter to a dollar” practice. Yet at all times McNees was aware of the firm’s status as a community institution, an attitude that involved both high standards of ethical conduct, participation in community, charitable and professional affairs, and accepting almost any business that came through the door. It is a legacy of both McNees and Nurick that no other Harrisburg law firm has provided as much leadership to area civic, charitable and professional organizations and causes.

During all of its 75 years McNees lawyers have been deeply involved in the professional and community life of the Harrisburg area. They have always been active in the local and state bar associations, and to a limited extent in the American Bar Association.

Interestingly, the firm has averaged one president of the Dauphin County Bar Association for every decade since the 1930s: Sterling McNees in 1934; David M. Wallace in 1944; Gilbert Nurick in 1949; James King in 1968; Frank Haas in 1970; Dick Lefever in 1986; Dave Lehman in 1997; and Jim DeAngelo in 2010. Many McNees lawyers have headed or served on Sections and Committees of the Pennsylvania Bar Association, and have been active in nearly every aspect of community life, serving on city, borough and township government boards; school boards; authority boards; and on the boards of nearly every charitable organization in the area, including The United Way and its predecessors. McNees lawyers have chaired many of those boards over the years.

Between the time of the firm’s founding in 1935 and today in 2010, 363 lawyers have come through its portals. One, Gilbert Nurick, remained in one capacity or another for 58 years. He died in October 1993. His association with McNees, which began in 1931, lasted 62 years. Others stayed but a few months. During that time somewhere in the neighborhood of 500 other people, including secretaries, business office personnel and paralegals, have been employed by the firm.

I call this a “reminiscence” though my knowledge and impressions of the first 12 years is secondhand. Thankfully, a 12-year association with McNees, 46 years with Nurick, close contact with Jim Booser, Dave Wallace and others, and hours of conducting research via old firm documents, newspaper archives, and interviews with retired partners and an occasional family member have given me a fairly thorough understanding of the firm’s early years.

In McNees’ 75-year history there have been hundreds of lawyers, thousands of clients, and countless transactions and legal proceedings in courts and agencies. I can only deal with trends in the firm and the profession, a relatively few exceptional events and lawsuits, and vignettes of some of the key players, describing the growth and stature of the firm in the profession and the community during the past three-quarters of a century.

Because of ethical constraints regarding confidentiality I do not discuss clients by name unless McNees’ representation was or is publicly known. I also do not discuss any specific cases or representation in a way that would enable the reader to know who that client was, unless McNees’ representation has been of general public knowledge. Thus many of the specific events described, and the McNees lawyers involved, are of public interest. But as any experienced lawyer knows, many of the most interesting and significant events and the people involved cannot be revealed to anyone.

A history of a law firm generally is written when the firm’s longevity exceeds its founders’ expectations. To survive the long haul, a firm must be strong enough to carry forward once its great men, and the shadows they cast, fade from view. In days gone by, old law firms functioned more or less satisfactorily over substantial periods of time as the leadership was enlightened and benign, and/or as the money flowed. That hasn’t changed much. The leadership at McNees has been generally enlightened and benign, and its financial growth over the years has been slow but fairly steady. Along the way, there have been great men, long shadows, abiding friendships, bold moves, and cases won.

When I retired in 1995, I was asked by my partners to be the firm’s historian and to write its history since its founding. This is my attempt at detailing all of it.

Preface and Perspective

“Other persons in their life work have the driving incentive of the constant imminence of discovery and invention. Steel business is revolutionized by the automobile; the airplane and radio came upon us overnight. Not so with the law. Ours is a plodding course, up the long grade with no level stretches and no coasting.” — Sterling G. McNees

When Sterling G. McNees graduated from Allegheny College in 1909, one did not have to go to law school to become a lawyer. Would-be lawyers could get ready for the bar exam by reading law in one’s preceptor’s office and by going to the court house to watch lawyers try cases and learn how to search titles.

Yet McNees, founder of the firm McNees Wallace & Nurick, wanted more learned preparation. After earning his degree from Allegheny College, he taught briefly at the high school in Franklin, PA, then used that income to attend law school at the University of Pittsburgh. There he took the usual courses of the day, studying contracts, torts, real estate, criminal and constitutional law.

The constitution he and his fellow students studied was the same one we have now, with a few important differences. The amendments stopped at Fifteen; that meant U.S. senators were elected by state legislatures, women could not vote and there was no federal income tax. Back then the “commerce clause” didn’t stretch very far, and separate but equal was the law of the land.

While still a law student, McNees opened a tiny office in Apollo, PA, a small town about 20 miles east of Pittsburgh. There he offered legal services, mostly to the immigrant colony of Italian and Greek workers.

“(I was) there about a year when (I) moved to a grand suite of 3 rooms over the Bank,” he wrote in 1956 of his humble beginnings as a lawyer. “In one (I) ate and slept, in another kept (the) books and in the third (I) saw ... clients. The rent for all was \$17.00 a month and a half time girl, a few months later, cost ... \$7.00 a week.”

In 1920 he came to Harrisburg to work in the Department of Public Instruction under Gov. William Sproul. Within a year he became one of five Deputy Attorneys General of the Commonwealth of Pennsylvania, a very prestigious post at the time.

He had been in state government for three years when in 1923 he opened his own law office in Harrisburg, a modest couple of rooms at 315 Walnut Street, a building long since demolished. It could not have been an easy decision. He was 36 years old with a wife and two children to support. It had been said that one must be in Harrisburg 300 years to become a part of it; at that point McNees was still some 297 years shy of that goal.

It would be presumptuous to suggest that when he hung out his shingle McNees had any grand plans. His hopes were probably no higher than being able to make an honest living with which to support his family. But from the beginning he was aware of two things: First, that he was an outsider in Harrisburg, and second, that he could not wait 300 years to become an insider.

At about the same time, Gilbert Nurick, then a teenager, was wrestling with his own ambitions and family responsibilities. He’d quit school at 16 to find work to support his family, only to be coaxed back to the classroom by his principal, who paid a visit to his father and insisted the promising student return. That principal then personally intervened to see that Nurick attended Penn State, from which he graduated in 1928.

The young man was offered a scholarship to Harvard Law School but could not afford to accept it; he couldn’t leave the family without his help since his father had died the previous year. Instead



Pictured: *Harrisburg in the 1930s.*

he commuted to Dickinson School of Law in Carlisle for three years, returning to Harrisburg every day to work in the family store at night and on weekends.

All the while, McNees was building a name for himself in the capital and beyond. He had a wide acquaintanceship throughout the Commonwealth and since his office was located in the capital city, he received many referrals from lawyers around the state. Even as the Great Depression gripped the nation, the flow of business to McNees' law office continued to increase, though he wryly commented then that "the volume is too much but the fees are too few."

By 1931 McNees was ready to hire his first associate. He consulted a close friend, Leon D. Metzger, Esq., who was an adjunct professor of law at Dickinson School of Law. Metzger recommended Nurick, who'd graduated from law school that year, and McNees hired the new lawyer on that recommendation. It was the first time a lawyer or law firm in Harrisburg had ever hired a Jew, and when they formed the partnership with Charles Hollinger four years later, it was the first time a Gentile and a Jew had been partners in a law firm. Today this hardly would be a footnote; then, it was a major breakthrough.

A relationship of mutual respect and admiration developed between the two lawyers. One year early on in their business together, Nurick agonized over what to do about a Jewish High Holy Day that was approaching. He decided he would not ask for the day off, but showed up for work early that morning as usual. When McNees arrived at the office he acknowledged both his employee's work ethic and his faith in one simple statement. "I'm surprised to see you

here. Shouldn't you be in Temple?" he asked Nurick. "You should be taking the day off. See you tomorrow." Recognizing the tenor of those times, it's obvious how not just a business relationship but also a friendship would blossom between the two lawyers.

That friendship graduated to a partnership in 1935, creating a business that continues to stand the test of time.

Near the end of his career, when McNees was asked to write about his experiences practicing law, his earliest recollection was an enlightening one, literally and figuratively.

"One morning 44 years ago [1912] I was standing on a chair trying to paint a rusty chandelier," he wrote. "An old farmer came in with such a troublesome problem that the light fixture never got painted." Though it would be another 23 years before the firm in its present form would come into existence, that neglected light fixture was a harbinger of the future firm's commitment to what mattered most: Its clients.

"And now we come to the corner stone on which reputation is built," McNees wrote. "It is conscientious and successful service to the client. It is one thing to get the business. It is another to do the work thoroughly and promptly. One must always balance the effort with the result desired. There is no end to research even in a simple case but no case is worth endless research. It takes judgment to know when to say 'We have gone far enough.'"

For 75 years, partners, associates and staff of McNees Wallace & Nurick have been devoted to this purpose.

Chapter One

1935-1939

“Law is founded upon fixed principles. It was already well established when Adam and Eve lived rent free in the Garden of Eden. Yet Eve, under certain enticements, not a little abetted by curiosity, took the fruit, and Adam then and there, knowing said fruit to have been stolen, accepted the same. Thus one-half of the entire population of the world was guilty of larceny and the other half, guilty of receiving stolen goods. Immediate punishment is proof that the law was already well established.”
— Sterling G. McNees

Pictured: 1935 Tax
Return for McNees,
Hollinger & Nurick.

In 1935, the nation and the world were in the throes of an economic depression. There were 14 million people out of work in a country of 135 million. In the depths of such a recession, social stability rested quite firmly on family, church, fraternal organizations and political parties, along with a certain reverence for conformity. Divorce was barely acceptable. Law enforcement was rarely resorted to. The automobile was on its way to taking over the world, and radio and commercial aviation were in their infancy.

Against this backdrop of tradition and recession, of a shifting national landscape and ever-emerging technology, Sterling G. McNees, Charles Hollinger and Gilbert Nurick formed the partnership of McNees, Hollinger & Nurick on Jan. 1, 1935. For McNees, 47, it was the next logical step in a career he'd been building for nearly 25 years. For 28-year-old Nurick, it was an impressive feat for a budding young lawyer. And for Hollinger, 61, the last stop on his distinguished professional journey.

Hollinger
had been
Chief
of the

Bureau of Corporations in the Department of State of the Commonwealth of Pennsylvania for more than three decades before departing in 1934 and agreeing to partner a new Harrisburg law firm with McNees and Nurick. The duo had been practicing together since 1931 as principal and associate, respectively. McNees, a native of Armstrong County, was an established figure in Harrisburg, having been practicing law or involved in politics there since 1920. Nurick, who was born in a tiny town in Northumberland County between Harrisburg and Sunbury, was an up-and-coming lawyer with a tireless work ethic and sound business judgment.

The trio of lawyers rented space in the Payne-Shoemaker Building at Third and Pine streets. It was there that the firm's roots took hold in a region that already had a small yet established community of lawyers. At the firm's founding, there were three judges in the Dauphin County Court and 167 lawyers in Dauphin County. No law firm in Dauphin County had more than five lawyers. Legal service to the entire government of the Commonwealth of Pennsylvania was provided by an attorney general, five deputies, and a few assistant deputies and special deputies around the state. The criminal calendar occupied but a small amount of the three Dauphin County judges' time.

The Dauphin County Courthouse was a hundred-year-old building at Market and Court streets. Immediately behind and to the north of the courthouse, facing Walnut Street, was the county jail of the same vintage, with its “hanging yard,” where the morbid and the curious had gathered on nearby rooftops a hundred years ago to view the occasional

PARTNERSHIP RETURN OF INCOME
(TO BE FILED ALSO BY SYNDICATES, POOLS, JOINT VENTURES, ETC.)
For Calendar Year 1935

Or Fiscal Year began _____, 1935, and ended _____, 1936
File This Return Not Later Than the Fifteenth Day of the Third Month Following the Close of the Taxable Year

PRINT PLAINLY NAME AND BUSINESS ADDRESS OF THE ORGANIZATION

McNees, Hollinger & Nurick
(Name)
Payne-Shoemaker Building,
Harrisburg, Pennsylvania.
(Street and number)
(Post office address)

Business or Profession **Attorneys**

Nature of Organization **Partnership**
(Partnership, proprietorship, pool, joint venture, etc.)

Date of Organization **Jan. 1, 1935.**
If so, give the name and address of each person or persons and state the nature and extent of his or her interest in the organization in the preparation of this return (See Instruction 20)

Net income or loss **46,364.86**
If so, state the name and address of each person or persons and state the nature and extent of his or her interest in the organization in the preparation of this return (See Instruction 20)

Net income or loss **10,536.74**
If so, state the name and address of each person or persons and state the nature and extent of his or her interest in the organization in the preparation of this return (See Instruction 20)

Net income or loss **35,828.12**
If so, state the name and address of each person or persons and state the nature and extent of his or her interest in the organization in the preparation of this return (See Instruction 20)

IF YOU NEED ASSISTANCE IN THE PREPARATION OF THIS RETURN, GO TO A DEPUTY COLLECTOR OR TO THE COLLECTOR'S OFFICE

COPY TO BE RETAINED BY TAXPAYER



Sterling G. McNees

publicly sponsored “necktie party.”

For its first 25 years, McNees considered itself a general practice firm, involved in all the traditional areas of law: real estate transactions, large and small; domestic relations, including divorce and property settlements, now styled “equitable distribution,” “non-support” and child custody; creditors’ rights; landlord and tenant; bankruptcy; drafting wills and trust documents and administering decedents’ estates; adoptions; collections; general litigation; and occasional personal injury litigation.

The partnership’s first federal income tax return, for 1935, reflects gross income of \$37,226.62. Total deductible expenses, which included the entry “Girls — \$3,942.73” — were \$7,630.01, and \$29,595 was distributed to three partners, with 62 percent going to McNees and 19 percent each to Hollinger and Nurick. One can assume that the “Girls” entry included the expense of Ella Spangler’s



Charles H. Hollinger

secretarial services that year. Spangler was McNees’ secretary from 1935 until he died in 1959.

For a little perspective, in 1935 you could buy a new Ford for \$495, and catching a movie in downtown Harrisburg after 5:30 p.m. cost 25 cents. You could spend Friday and Saturday nights at an Atlantic City Hotel, on the boardwalk, with meals for \$11 per person, and rent rooms in Harrisburg for between \$1.50 and \$4 per week.

The new firm built its business in several ways, including dedicated volunteer service in community and business organizations and careful relationship building with movers and shakers in and out of state politics. A large part of its client base was built on the simple, sound business practice of anticipating the needs of a changing society and stepping up to meet those demands. In the 1930s, those demands were of the transportation kind.

By the 1920s, thanks to Henry Ford and his



Gilbert Nurick

“Tin Lizzie,” America had started to move on a new set of wheels — wheels with rubber tires that did not need tracks on which to run. Gifford Pinchot got himself elected governor of Pennsylvania not by catering to the Pennsylvania Railroad but by promising “to get the farmers out of the mud.” Almost overnight old dirt country roads were covered with blacktop. “Pinchot Roads” were sold politically as “farm to market roads” but as public highways they were there for anybody to use — and seemingly everybody did. Merchants and manufacturers quickly realized that the automobile offered a new way to get supplies and deliver finished products, and this created a whole new approach to finding and serving customers. Suddenly there was something called “over the road hauling,” and the American trucking industry was born.

Then someone figured out that if you put seats in a truck instead of cargo you had a new way to move people from one place to another. Enterprising people got into this new business, and before long there

The Story of McNees Wallace & Nurick LLC

was a statewide organization called The Pennsylvania Bus Association, organized by a Harrisburg lawyer named Sterling G. McNees. He and Nurick, in the mid-to-late 1930s and beyond, pioneered the representation of motor truck interests throughout the Commonwealth. The bus and

trucking industries were foundation stones of the firm's business for more than 30 years. Organizing the Pennsylvania Bus Association was just one example of how well this Nineteenth Century man reacted to the changing times in which he found himself. McNees understood that life would be

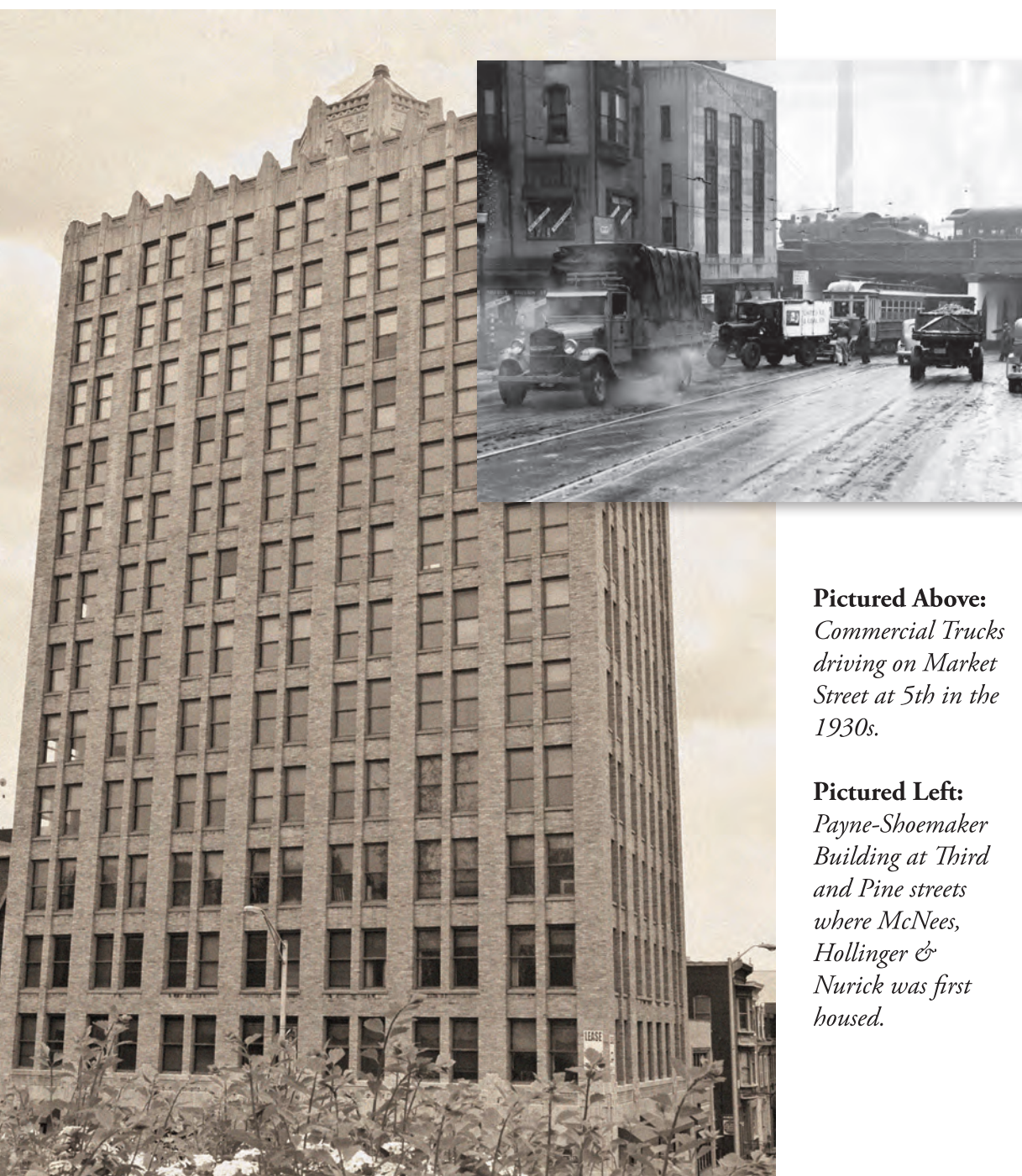
different in the new freewheeling society, that there was "rain to be made" on the roads and streets of Pennsylvania. How much of it might fall on one law firm? Quite a bit, if enough people knew the principal lawyer behind the firm and had every confidence in his integrity.

If you are a lawyer that people know and trust you cannot help but be successful. This was the McNees formula for building a successful law practice. It worked all of his life; it still does.

There were several keys to McNees' success as a business getter. His personality was warm and outgoing; he inspired confidence. He also was known for impeccable client service. He realized that clients might not be able to judge the quality of the legal work, but they did know if their phone calls were returned and if their lawyer seemed to be 100 percent on their side. Finally, both he and Nurick had an ability to delegate new cases to younger lawyers in such ways as to make the client feel he was going up the ladder rather than down.

Nurick also was a superb lawyer — learned, incisive, disciplined, practical and hardworking, but modest and self-effacing. He was a zealous and effective advocate for his clients' interests and a skillful negotiator. He could disagree without being disagreeable, but he was an exacting taskmaster, and he could be very persistent. When you took work to Nurick you checked it and rechecked it first, for he could spot shoddy work at a glance. He maintained the highest ethical standards and he commanded the respect and trust of both colleague and foe.

Steadily, intelligently, McNees, Nurick and Hollinger gathered client after client, mostly



Pictured Above:
*Commercial Trucks
driving on Market
Street at 5th in the
1930s.*

Pictured Left:
*Payne-Shoemaker
Building at Third
and Pine streets
where McNees,
Hollinger &
Nurick was first
housed.*

culled from their own contacts and side work in the community.

“When one is hungry he eats most anything and he specializes in whatever business comes to him,” McNees wrote in 1956 of the firm’s beginnings. He noted an early source of business with the Pennsylvania Bar Association, for which the firm had a 17-year record of no meetings missed. “If one practicing in Harrisburg can stand well with the members of the Pennsylvania Bar he has a valuable asset,” McNees wrote.

In addition, McNees’ contacts with members of the Pennsylvania Legislature, his work with the Department of Public Instruction and the partners’ business with all the departments of state government kept the fledgling firm in constant contact with every corner of Pennsylvania. “No matter where a client came from we knew something of his hometown, the people and business in it,” McNees wrote. “And so many of our important cases have come from being in the mind of a client just when he needed a lawyer ... We might cover our list of clients ... and get almost the same answer for all of them. They either knew some of us or knew our reputation as reflected by those who did know us.”

In 1935 McNees was elected president of the Dauphin County Bar Association and, a year later, president of the State Bar Association. He spent most of 1936 devoted to Pennsylvania Bar Association affairs, including much travel throughout the state. Nurick needed help with the firm’s growing client base back home, so Jim Booser was hired as an associate in 1936.

Booser, a Harrisburg native, is the stuff of



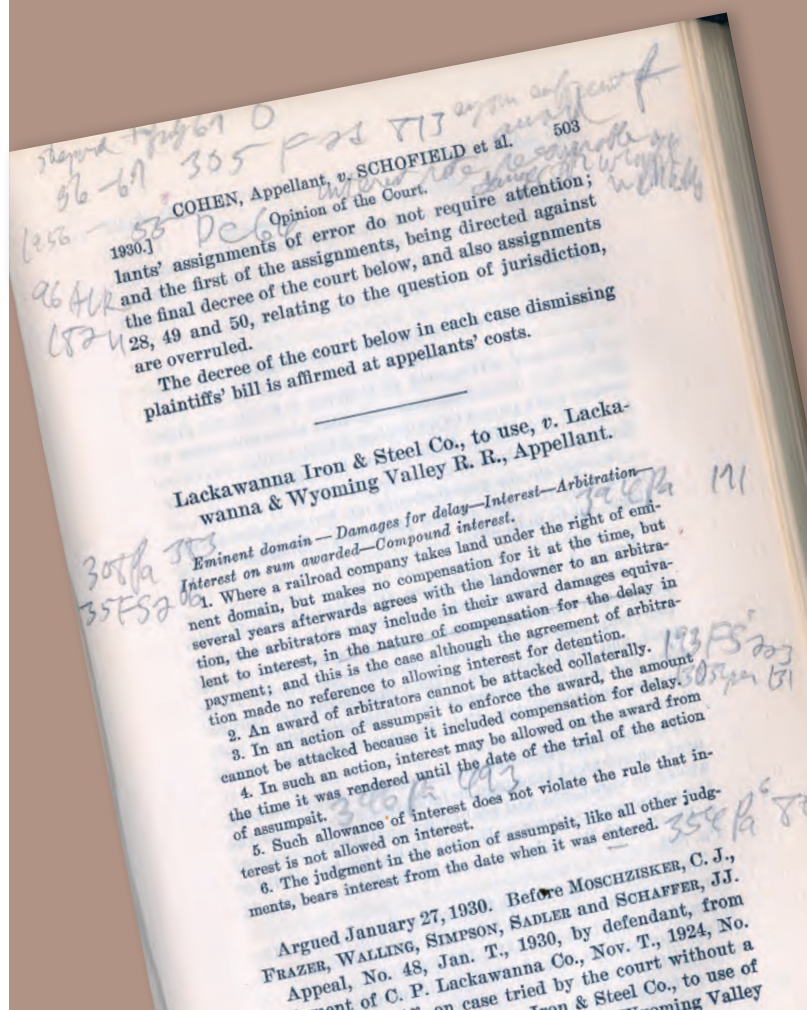
James H. Booser:
Harrisburg native James H. “Jim” Booser was valedictorian of John Harris High School’s first graduating class, in 1927. He graduated from Swarthmore College with highest honors in 1931, and was a *cum laude* graduate of Harvard

Law School in 1935. Booser was engaged as an associate in late 1936 or 1937 and became a partner in 1942.

He married Edith Metzger, the daughter of a well-known Dauphin County lawyer, Maurice Metzger, and they established their home in Middletown.

Nearly every lawyer who spent any appreciable amount of time in the firm owes Booser some debt. His analytical ability and prodigious research capability produced many victories for other lawyers in the firm for which he was primarily responsible. The quality of Booser’s work made a substantial contribution to the reputation of the firm.

He was a skilled and effective appellate advocate. He prepared meticulously. He knew the law, the cases and the record better than anyone in the courtroom. He recognized the key issues in the case, and his careful and structured oral arguments riveted the attention of the court. When questioned, his answers were direct, responsive and to the point. Then he moved right back to his main themes. Booser retired in 1973.



Pictured: *Jim Booser's penciled marginal notes in the law books.*

Pictured: *State Street Building at Third and State Street where McNees, Hollinger & Nurick rented space on the 9th floor.*



legend. His research capability was and is prodigious and perhaps unparalleled. He left his mark all over the firm, particularly in the library. Few of the volumes in the library that antedate his retirement fail to bear the traces of his research. His penciled marginal notes in the law books are everywhere. McNees used to complain about Booser's "chicken scratches," legible to nearly no one but himself.

In this regard, Booser may have established a "first" and a "last." When he took the Pennsylvania Bar Examination his handwriting was so illegible that the bar examiners refused to grade his paper. He had to take the bar exam a second time, but this time they allowed him to use a typewriter. He passed with flying colors and was admitted to practice in the Dauphin County Courts in May 1936.

With the advent of motor truck regulation in the 1930s, McNees, Nurick and Booser were constantly on the road at Public Utility Commission or Interstate Commerce Commission hearings, either representing applicants for certificates of public convenience and necessity for route authority, or protesting applications of others. Among the most active applicants in those days were the motor truck subsidiaries of the Pennsylvania Railroad, Pennsylvania Truck Lines and Scott Bros. Incorporated. The railroad subsidiaries persistently sought authority to move freight from the railhead to the location of the consignee, and to prevent others from obtaining this authority.

For years McNees lawyers found themselves opposing the railroad subsidiaries, successfully with amazing regularity. Finally, the railroad people familiar with the situation decided

their best course of action was to hire the enemy. Thus these railroad trucking companies became some of the firm's most reliable and prolific fee producers for many years. One of the interesting sidelights of this representation was the fact that the lawyers regularly involved in this business were holders of the very valued "railroad passes," which entitled them to travel anywhere on the country's passenger railroads for "free."

Sometime in the late 1930s, after the tumultuous and violent labor disputes that occurred at Hershey Chocolate Corporation in that turbulent era of industrial labor organization, Milton Hershey decided that he needed outside counsel. He asked his friends at the Hershey National Bank and Hershey Trust Company, George Reily, Sr. and George R. Bailey, to recommend some local lawyers for him to interview. Hershey visited several area law offices, and it's said that at least one kept him waiting a half-hour. That was about a half-hour longer than Milton Hershey was used to waiting for anyone or anything. Sterling McNees was smart enough to not neglect any prospective client, let alone one of Hershey's caliber, and before long Hershey engaged McNees and his new firm.

One need not practice law long to understand the feeling of satisfaction, indeed the thrill, that comes when a potential client of this stature seeks you out. It was the beginning of a relationship between McNees and the Hershey interests that has lasted to this day. Work for Hershey interests eventually became the single largest source of firm income.

One of its first orders of business came in 1937, when the firm assisted a host of separate corporations merging into the newly created

Hershey Estates, which many years later changed to the Hershey Entertainment and Resorts Company, or HERCO. Because of his expertise and experience in Pennsylvania corporate practice and procedure, Hollinger dictated all of the merger documents and procedures without reference to a note or a book, accomplishing this intricate task quickly and efficiently. Sadly, Hollinger died that year, just two years after the firm was founded. He was 63.

Despite Hollinger's death, the firm kept its original name of McNees, Hollinger & Nurick. The same year, 1937, McNees moved from the Payne-Shoemaker Building into the new State Street Building at Third and State streets, where it rented the entire ninth floor, subleasing space until needed.

As the world slowly recovered from the depths of the Depression and the gathering clouds of war cast their pall, the impact of federal income and estate taxation began to intrude deeply into every aspect of economic and legal life. In response, the firm formed a consulting relationship with Sanford Beecher, a tax lawyer with the Philadelphia firm of Duane, Morris & Heckscher. In the late 1930s and through the early 1940s, "Beech," as he was affectionately known, came to Harrisburg once a week for tax consultations. This consulting relationship lasted until Arthur Berger was brought on board in the early '50s to provide expertise in federal income and estate taxation.

As the decade came to a close, the firm was beginning to position itself for a more aggressive move into Harrisburg's legal business. But in September 1939 Hitler invaded Poland, and soon every path and plan shifted under the weight of a global war.

Milton S. Hershey's longstanding business relationship with the firm began in 1937 and has lasted to this day. Work for Hershey interests eventually became the single largest source of firm income.

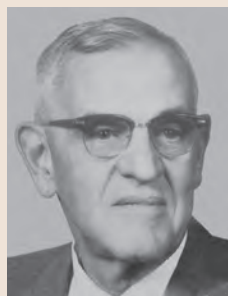
1937: The firm was hired to assist a host of separate corporations merge into the newly created Hershey Estates, which many years later changed to the Hershey Entertainment and Resorts Company, or HERCO.

1962: Sam Schreckengaust represented the Reese family when they sold out to Hershey Chocolate Corporation. This transaction produced the firm's largest single fee to that date, and was the first to exceed five figures. In that transaction Schreckengaust and Arthur Berger crafted a complex stock exchange in a tax-free reorganization.

1960s: McNees was involved during the early 1960s with the *cy pres* proceeding, which resulted in the Milton Hershey School Trust donating \$50 million for the initial establishment of the Hershey Medical Center of Pennsylvania State University.

1960s and '70s: McNees, under Nurick's leadership, was the legal architect of successful petitions by the Milton Hershey School Trust to the Dauphin County Court requesting court-ordered changes to the language of the Trust, removing the "white male" only, and "biological orphan" only, provisions for admission as a student to Milton Hershey School.

Principal Players



Sterling Glenn McNeese:

Sterling Glenn McNeese was born in 1887 in Girty, PA, in rural Armstrong County, about 35 miles northeast of Pittsburgh. He was the second of five children to George Washington and Anne Rachel McNeese. His father, who became a state representative and then a senator from Armstrong County at the turn of the century, was then the

county sheriff, and as such was entitled to house his family in the county jail.

There, at the age of 3, McNeese was afflicted with polio, which left him with one badly crippled leg. He increasingly used a cane in his later years. His chest and arms were needfully developed because of the affliction to his leg, and as he got older he could not move around at all without the cane. He lived with this handicap all of his life, but never complained of his fate. A former colleague recalls this memory of the man:

“At one of our early morning partnership meetings we were in his office. When the meeting broke up people went back to their offices but a few of us were still there engaged in a side bar conference. Mr. McNeese lifted himself from his desk and, with the use of his cane, began shuffling across the room, probably on his way to the men’s room. Perhaps it was age or just early morning stiffness but the going was not easy. Suddenly he stopped and turned and said to no one in particular, “You know, there are advantages to being crippled. I have been to meetings where people remember me because of my limp. People have said, ‘I know the fellow you are talking about. The one who walks with a cane.’” And with that he was on his painful way. Sweet are the uses of adversity.”

One of McNeese’s sisters, Helen, describes her brother, and his early fondness for the law, with affection. “When Hazel and I were engaged in our favorite sport, wrangling, he would emerge from his book, look up from the floor and say, ‘Now one of you must be wrong.’ He would then proceed to try the case.

“He loved to argue in any subject -- either side,” she said. “He could run rings around his brother Cliff. When he ran out of arguments Cliff would end it all by announcing ‘You’re crazy!’ and stalk out of the room.”

McNeese completed his college prep work at Kittanning Academy, then spent four years at Allegheny College. After graduation he taught at the high school in Franklin, PA, then used that income to attend law school at the University of Pittsburgh. In 1912, he started to practice law in Apollo, PA, a small town about 20 miles east of Pittsburgh.

There he met his future wife, Emily Louise Jackson, the youngest daughter of Gen. Samuel Jackson, who had distinguished himself at the Battle of Gettysburg. They were married in Apollo on July 7, 1914. A son, George (later killed by an automobile), was born in 1915, and a daughter, Marianna, in 1916. A third child, Sterling, Jr., was born in Harrisburg after the family moved there.

Though McNeese was kept from military service by his physical infirmity, he enlisted for war work during World War I with the Red Cross, working first in Atlanta, Ga., and then in London as area director for England. Before his overseas service with the Red Cross, he had been Chairman of the local War Bond Drive.

McNeese’s career was long and varied. He was the solicitor of the tiny Borough of Apollo in Armstrong County from 1913 to 1918. But Armstrong County did not hold challenges big enough for McNeese. In 1920 he came to Harrisburg to work in the Department of Public Instruction under Gov. William Sproul. As his father before him, and most rural Pennsylvanians, he was a Republican, and active in Republican party politics all of his life. Within a year of coming to Harrisburg McNeese became one of five Deputy Attorneys General of the Commonwealth of Pennsylvania, a very prestigious post at the time.

After three years in state government, he opened his own law office in Harrisburg in 1923. He had a wide acquaintanceship and since his office was located in the capital city, he received many referrals from lawyers around the state. In 1931, McNeese hired Gilbert Nurick to be his associate. It was the first time a lawyer or law firm in Harrisburg had ever hired a Jew.

In 1934 McNeese reentered the political arena, this time as the campaign manager of Attorney General William Schnader’s bid to become the Republican Party’s nominee for governor. McNeese’s efforts were crowned with overwhelming success. Although 16 men were on the ballot on primary election day, Schnader won by a wide margin. But then, as sometimes happens in politics, McNeese was denied, or

turned down, the management of Schnader's campaign in the General Election. Interestingly, Schnader lost the General Election.

McNees enjoyed a long tenure with the Pennsylvania Bar Association — “We remember a 17-year record -- no meetings missed,” he wrote in 1956 — and the firm enjoyed a long list of clients gained from that association. He served in many important posts in the Pennsylvania Bar Association. He was founder and chairman of its Statutory Law Committee, founder and chairman of its Public Relations Committee, founder and chairman of its Administrative Law Committee and founder of the Special Advisory Committee on Legislation. For many years, as chairman of the Special Advisory Committee on Legislation, he gave generously of his time in representing the association before the Legislature. Members of the General Assembly constantly sought his views with respect to proposed legislation.

It was during his term as chairman of the Committee on Administrative Law that an epochal report on the status of administrative procedure in Pennsylvania was filed and became the inspiration and basis for the corrective legislation culminating in the enactment of Pennsylvania's first Administrative Agency Law. For his significant services throughout the years, he was elected president of the Pennsylvania Bar Association in 1936.

All of this Bar Association activity consumed a lot of time and produced no revenue. But these nonbillable hours were not wasted. “If one practicing in Harrisburg can stand well with the members of the Pennsylvania Bar he has a valuable asset,” McNees said. And he was right: Within a dozen years of opening his one-man office in Harrisburg, McNees was elected president of the Dauphin County Bar Association and, a year later, president of the Pennsylvania State Bar Association.

During World War II he served as Government Appeal Agent under the Selective Service System and then, after the war, accepted appointment to the Renegotiation Board, at considerable financial sacrifice. For years a yachtsman, he also organized and commanded a squadron of the U.S. Coast Guard Reserve, which patrolled assigned waters.

Although an “outsider,” McNees had a natural inclination to be involved in the community, and he was an active participant and a

leader in professional, community, civic and religious organizations. For his entire stay in Harrisburg he was an active leader in the Pine Street Presbyterian Church, serving for many years as an elder, and a long tenure as president of the Board of Trustees.

He became involved in the activities of the Harrisburg Polyclinic Hospital, now the Polyclinic Medical Center, and was a member of its Board of Trustees for more than 30 years. For the last 15 years of his life he was president of the Board of Trustees of the Polyclinic, its champion and its guiding spirit. He also was a director at the Harrisburg Chamber of Commerce, of Capital Hospital Service [Blue Cross], and participated as a worker, usually a leader, in countless civic and community projects.

McNees was the author of Pennsylvania's first Securities Act in the mid-1930s, and in the mid-'50s he taught constitutional law at the University of Florida. He retained an office at the firm after he retired at age 70 in 1957. He was an early advocate of mandatory retirement, then at age 70. He died in 1959.

Pictured: *Oil painting of Sterling McNees done by former member Jeff Barnhart.*



**Gilbert Nurick:**

Gilbert Nurick was born on Nov. 23, 1906, in the tiny Northumberland County hamlet of Hickory Corners, near the east bank of the Susquehanna River between Harrisburg and Sunbury. His parents, Charles and Anna Nurick, had arrived separately in this country from Russia around the turn of the century. They met and married in Harrisburg in 1904, then moved to Hickory Corners, where they had perceived a need for a grocery and general merchandise store.

The family operated grocery stores in Carlisle, where Gilbert attended elementary school, and later on Fulton Street in Harrisburg, a few blocks north of the Capitol. It was a neighborhood of poor but hardworking people, many of whom worked in nearby mills or on the railroad. Nurick had a brother and three sisters, and to help support the family he worked at the family grocery store on nights, weekends and most of his waking hours when he was not in high school, college or law school. As one person reminisced, “No one in the neighborhood ever went hungry while the Nuricks had their store on Fulton Street.” Nurick attended Harrisburg Technical High School but quit school at age 16 to look for work and to help out in the family store. But the high school principal went to Nurick’s father and insisted he return to school, which he did, graduating in 1924. The principal then personally intervened to see that Nurick attended Penn State, from which he graduated in 1928. He was offered a scholarship to Harvard Law School but could not afford to accept it, as he couldn’t leave the family without his help since his father had died the previous year. Instead he commuted to Dickinson School of Law in Carlisle for three years, returning to Harrisburg every day to work in the family store at night and on weekends. In 1932 he married Sylvia Krouse of Harrisburg. They had two sons, Carl and Herbert.

After graduating from law school in 1931, he was hired by Sterling McNees and began to practice law in Harrisburg. He worked as an employee of McNees until Jan. 1, 1935, when they joined with Charles H. Hollinger to form the new Harrisburg firm of McNees, Hollinger & Nurick. Nurick practiced law in his firm until his retirement at the end of 1977, and continued an “of counsel” relationship with the firm until his death in October 1993.

From 1943 to 1945, during World War II, he served as a lieutenant

commander in the United States Navy as director of the Navy’s Transportation Service. For this service to his country he received a Presidential Citation and the Distinguished Service Medal.

For the 45 years of his active practice of law, Nurick’s career was extraordinary. He handled just about every kind of legal matter imaginable. He was an advocate of extraordinary skill and experience before the Pennsylvania Public Utility Commission and the Interstate Commerce Commission. He tried and argued cases in all of the state and federal courts in Pennsylvania, and in the United States Supreme Court.

Nurick also served as chairman of the section of Administrative Law, chairman of the Civil Law Committee, chairman of the section on Judicial Administration and a member of the Board of Governors. He authored a seminal “survey of administrative tribunals in Pennsylvania,” and was a leader in the efforts for administrative reform, which culminated in the enactment of Pennsylvania’s first administrative agency law in 1945, the same law McNees had promoted as the first chairman of the Administrative Law Committee of the Pennsylvania Bar Association. The one-two punch of McNees and Nurick led to the most significant advance in the field of administrative law in Pennsylvania.

Nurick served for many years in the House of Delegates of the Pennsylvania Bar Association. His foresight and leadership led to revamping the association’s organizational structure, and for that effort he became known as the father of the House of Delegates.

He became president of the Dauphin County Bar Association in 1949, and was a member of the House of Delegates of the American Bar Association in 1966 and 1967. He also was a life member of the American Law Institute and a life fellow of the American Bar Foundation. In 1967 he was elected president of the Pennsylvania Bar Association.

From 1969 until 1972 Nurick was chairman of a special committee of the PBA on disciplinary procedures, which recommended a complete overhaul of the archaic and ineffective county-based system of lawyer discipline in Pennsylvania. His work led to the establishment of the Disciplinary Board of the Supreme Court of Pennsylvania, a forerunner for reform of lawyer discipline procedures throughout the country. He

was the first chairman of the new Disciplinary Board, serving from 1972 until 1975, during the new board's formative years.

Nurick also was chairman of the Pennsylvania Bar Center Committee, which was responsible for the acquisition and restoration of the PBA headquarters in the old McClay Mansion on North Front Street, and he was instrumental in the creation of the PBA's Young Lawyers Division.

In the later years of his practice, Nurick concentrated on legal work and counseling for all of the Hershey interests: Hershey Chocolate Corporation (later Hershey Foods Corporation), Hershey Estates (now Hershey Entertainment and Resorts Company), the Milton Hershey School, the Hershey Trust Company and Hershey National Bank. Because the Hershey people recognized the value of his advice, beyond purely legal advice, he was elected a member of the Board of Directors of the Hershey Chocolate Corporation, Hershey Entertainment and Resorts Company, the Milton Hershey Trust Company and the Board of Managers of the Milton Hershey School, all of which he served until he reached the mandatory retirement age in those positions in 1971.

He was an adjunct professor of law at his alma mater, Dickinson School of Law, where he taught courses in legal ethics from 1975 to 1980. In 1978, Nurick was the first recipient of the Pennsylvania Bar Medal for Distinguished Service, and it was said of him at that time that he "exemplifies those standards of service to his profession, his community and to his God that will become the measure of all future recipients." He also was a founding member of the Conference of County Bar Leaders, which honored him in 1991 as the first recipient of the Gilbert Nurick Award.

From 1952 until 1991, he served with and then followed McNees as a member of the Board of Trustees of the Harrisburg Polyclinic Hospital, now the Polyclinic Medical Center of Harrisburg, a division of Pinnacle Health System. He had been the president of the Tri-County United Fund, now the United Way of the Capital Region; president of the United Jewish Community of Harrisburg; president of the Salem Lodge of B'nai B'rith; a director of the Harrisburg Chamber of Commerce; a director of the Harrisburg Chapter of the American Red Cross; and a director of the Family and Children Service of Harrisburg. And he was a longtime member of the Rotary Club of Harrisburg.

Nurick was an honorary director for life of the Pennsylvania Chamber of Business and Industry. In 1968 he was the recipient of the Distinguished Alumnus Award from the Pennsylvania State University and, in 1981, its Alumni Fellow Award. In 1967, Dickinson School of Law conferred upon Nurick the honorary degree of Doctor of Laws, and in 1975 its Outstanding Alumnus Award. In 1980 he received the Distinguished Pennsylvanian Award from the William Penn Society, and in 1982 he was the first recipient of the prestigious John Baum Humanitarian Award.

Nurick believed that law, the courts and lawyers have a common purpose, to serve the public interest. He was a traditionalist, but he never stopped striving for constructive change. He brought honor to lawyers and the law at a time when both sorely needed it. Nurick's lifelong hero was Abraham Lincoln. Indeed, he looked like Lincoln — tall, a little gaunt and angular, with a faint trace of melancholy, but like Lincoln, he had a subtle and delicious sense of humor. Lincoln's portrait always hung on the wall of his office, inviting the visitor to make a comparison.

He died in October 1993.

Pictured:
*Gilbert
 Nurick (left),
 Governor
 Dick
 Thornburgh
 (middle), and
 Pennsylvania
 Bar
 Association
 president
 Louis
 Goffman
 (right)*



Significant Cases and Clients of the '30s

MAURER AND MYERS AUTO CONVOY V. WILLIAM J. HAMILTON, SEC'Y OF REVENUE, ETC., ET AL.:

One of the firm's early memorable cases was *Maurer and Myers Auto Convoy v. William J. Hamilton, Sec'y of Revenue, etc., et al.*, in which McNees and Nurick sought an injunction on behalf of the plaintiff to prevent enforcement of a recently enacted Pennsylvania statute prohibiting the operation over its highways of any motor vehicle carrying another motor vehicle over the head of the driver, on the ground that the statute infringed on the commerce clause of the federal constitution and denied the plaintiff due process of law under the Fourteenth Amendment. The Pennsylvania Supreme Court denied the injunction and held the statute valid.

The interesting twist to the case lay in the proceedings and disposition of the case on appeal to the United States Supreme Court.

When the case was first argued late in 1939 by McNees, the court consisted of Chief Justice Hughes and Justices McReynolds, Stone, Roberts, Black, Reed, Frankfurter and Douglas. Justice Butler died on Nov. 19, 1939. The court was divided 4 to 4, thus resulting in affirmance. However, on Jan. 18, 1940, Frank Murphy was appointed to the court and on Feb. 12, 1940, by per curiam order, the case was set down for reargument. It was re-argued before a full court on March 27-28, 1940, and this time McNees sent Nurick to Washington to argue the case. On reargument by Nurick the full court affirmed the Pennsylvania Supreme Court unanimously! Nurick often stated, after the pain had subsided, that McNees must have regretted sending a boy to do a man's job.

STATE BUSINESS ASSOCIATIONS:

From the early 1920s when Sterling McNees moved to Harrisburg he recognized that the state capital was a natural magnet for certain kinds of legal business, particularly business related to the legal affairs of statewide associations. Increasingly these associations were involved in state legislation and state governmental actions affecting their members, and the state capital was a natural situs for their activities.

Between 1935 and 1960 the firm served as general counsel for, or performed significant legal and legislative services for, the following associations:

- Pennsylvania Bar Association
- Pennsylvania Aeronautics Association
- Pennsylvania Association of Milk Dealers
- Pennsylvania Chiefs of Police Association
- Pennsylvania Hotels Association
- Pennsylvania State Nurses Association
- Pennsylvania Restaurant Association
- Pennsylvania Society of Public Accountants
- Associated Pennsylvania Constructors
- Pennsylvania Broadcasters Association
- American Association of Fund Raising Counsel
- Building Employers Association
- Pennsylvania Amusement Parks Association
- Pennsylvania Retailers' Association
- Keystone Building Contractors Association
- Pennsylvania Interscholastic Athletic Association

PRENTICE-HALL CORPORATION SYSTEM:

The firm's representation of the Prentice-Hall corporation system in Pennsylvania brought a significant amount of business. The firm provided both legal advice and served as the registered office in Pennsylvania for corporations using the national corporation service it offered. For more than 20 years this resulted in McNees dominating the corporation legal advertisements in the local newspapers and in the Dauphin County Reporter. This business was the domain of Jim King for most of his years with the firm and resulted in many referrals of legal work from throughout the country. It also resulted in almost annual forays to New York to discuss the "Prentice-Hall Retainer."

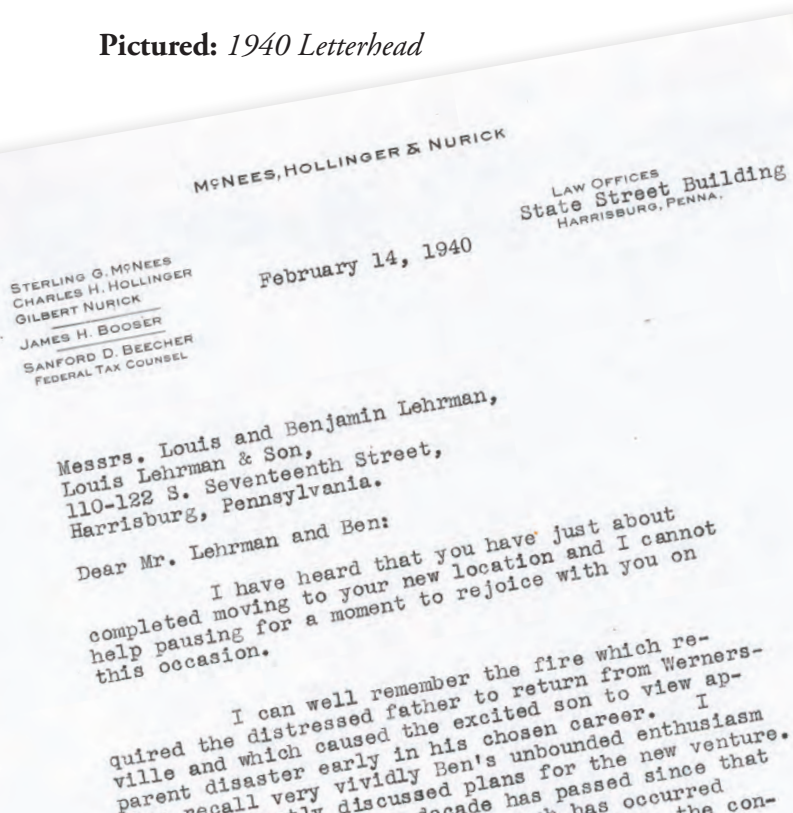


Pictured: Market Street to the subway. On the right side is the Cut Rate Store, Dauphin Deposit, Colonial Theatre, Victoria Theatre, Fellers, Wm Penn Hotel, and Shenk & Tittle. On the left corner is Caplan's Drug Store. In the far background is the hill section above Cameron Street, 1935.

Chapter Two 1940-1949

"In every land, civilized or not, in the crucible of experience, we are fusing new rules of conduct to be poured into molds best suited for the time and place. To each succeeding generation we strive to give a better torch to light its way, better laws, better procedure, better lawyers, and better courts. These we pass on to the new generations, confident that they will carry high the torch with new vigor of action, new loyalty to tradition, and new devotion to progress."
— Sterling G. McNees

Pictured: 1940 Letterhead



McNees, Hollinger & Nurick entered the 1940s with a growing client base and a necessity to add to its ranks. In 1941 the firm hired Ralph E. Evans, a native of Luzerne County, who had been counsel to the Pennsylvania Board of Finance and Revenue. Evans was outgoing and personable and quickly established himself as an outstanding practitioner in the field of Pennsylvania corporation taxes. He soon became one of the firm's principal "rainmakers," attracting clients in the Harrisburg area and beyond.

The firm's letterhead continued to feature the name of founding partner Charles Hollinger, but it soon became clear a successor was needed to fill the shoes he'd left behind. Sterling McNees and Gilbert Nurick had been well acquainted with David M. Wallace, of Middletown, for many years. Wallace had graduated from Dickinson School of Law in 1917 and had been practicing in Harrisburg and Middletown since 1920. He had done his clerkship with the firm of Fox & Geyer in Harrisburg and then practiced with John Jacobs until 1942, when he was invited to become a partner with McNees, Nurick and Jim Booser, who also had become a partner that year.

In addition to the areas of law traditionally encompassed in general practice, Wallace had considerable litigation experience, which made him an attractive addition to the firm. He was Solicitor of the Borough of Middletown from 1944 through 1948. He was perfectly at ease trying a jury case, and in the days when juries tended to be heavily populated with older, retired citizens, Wallace had a certain folksy way of talking to a jury.

Wallace brought to the firm his longtime client, the Middletown Savings and Loan Association, and all of its considerable real estate business. While this additional business was welcome, it was very time-consuming. Before long, the firm was faced with the challenge of how to free up the new senior partner from such laborious real estate matters to make him available for more productive and profitable business. Luckily a budding young lawyer named Jim Quigley fell at Nurick's feet at just that moment, in a classic story of how sometimes the stars align in mutually beneficial ways.

Quigley had attended Dickinson School of Law, where he'd met a Dickinson College coed, Genevieve Morgan. They were married in September 1941, just before the start of Quigley's senior year. Three months later Pearl Harbor was bombed by the Japanese, and the world changed in countless ways. For one, the rules of admission to the Pennsylvania Bar were dramatically revised. Any law student who successfully completed five semesters and then entered the Armed Forces could be admitted to the Bar on motion.



Pictured Above: *David M. Wallace*

Pictured Below: *James M. Quigley*



Under this new rule, Quigley assumed that as soon as he finished law school he would be a buck private in the Army and a member of the Bar. When he graduated, Quigley's Draft Board did change his status — though not to "1 A", as he had anticipated, but to "married man."

Quigley's options were to enlist or take the Bar Exam. To complicate his decision, his bride was expecting their first child, and it was too late to enroll in any of the bar review cram courses. So for the next six weeks he studied his law school notes and anything else he could find. In July 1942 he took the Bar Exam, then headed back to Mt. Carmel to complete his clerkship in his preceptor's office. In September he was notified that he passed the Bar and in short order he finished his clerkship and was admitted to practice in Northumberland County.

Immediately following his swearing in, Quigley left the courthouse in Sunbury and took a train to Harrisburg. There the newly minted lawyer and his young expecting wife had a family conference about their future. His wife was not very enthusiastic about leaving her native Harrisburg and even less excited about living the rest of her life in the Coal Regions.

At this point Quigley took his problem to the priest who had married them, the Rev. Lawrence Schott. As always, Father Schott had the answer: "Practice law in Harrisburg." This theoretically perfect solution had just one obvious drawback: Quigley didn't know many people in Harrisburg and few, if any, lawyers. Undaunted, Father Schott called Albert

Schmidt, Sr., one of the principal owners of Capitol Bakers. In their conversation, Schmidt indicated that McNees Wallace & Nurick handled their legal matters and he was willing to call Nurick to ask if they could use a young lawyer. Within two hours from the time Quigley poured out his problems to Father Schott, he was in Nurick's office talking about a solution.

Quigley came to work for McNees Wallace & Nurick in November 1942, the week his first child was born, and the question of moving back to the Coal Regions never came up again. In the interest of historical accuracy it should be noted that however much help Quigley may have been to Wallace's real estate practice, neither he nor anyone who followed him in the assignment ever fully succeeded in getting Wallace out from under it. This was true for two reasons. First, it was a phase of the law Wallace knew and enjoyed. Second, he had a fierce loyalty to his client. When he came home a casualty from World War I, Middletown Savings and Loan had been one of Wallace's first clients. He was deeply grateful for that business and was determined that, no matter how successful he became, he would never be too busy to respond to their needs.

The addition of Evans, Wallace and Quigley bolstered the firm's numbers, but World War II soon thinned the ranks. In 1943 Nurick was commissioned a lieutenant (J.G.) in the Navy and went to Washington to head the Navy's transportation service. In December of that year, Quigley was commissioned in the Navy, and he left for service as well.

The Story of McNees Wallace & Nurick LLC

As with all businesses in the days of war, the firm's civilian partners and associates held the fort until their colleagues returned from war. When Nurick left in 1943, the firm extended an invitation to Harry Frank, who was then practicing law in Philadelphia, but had served in the office of counsel for the Pennsylvania Public Utility Commission in Harrisburg in the 1930s. He readily accepted and moved back to Harrisburg to join the firm. Booser and Evans became partners in 1944.

By the end of 1945 the war was over and Nurick returned from military service. At that time the firm consisted of six partners: McNees, Nurick, Wallace, Booser, Evans and Frank. In 1946, Quigley rejoined the firm, and with that, McNees Wallace &

Nurick had survived the vagaries of early childhood through a difficult and turbulent era and the disruption of history's greatest war.

Before a deep breath could be drawn, the reordering of the post-war world was under way. With the rapidly expanding post-war economy, labor relations was a fast growing field. Nurick had become deeply enmeshed in labor matters for the Hershey interests, and the firm's other business clients were increasingly involved in labor problems as well. Both Quigley and Sam Schreckengaust, who joined the firm in 1946, became involved in all facets of labor relations, collective bargaining, unfair labor practices and wage and hour cases, as well as occasional forays into court-seeking injunctions against mass picketing or picket line violence. The firm handled several important cases in the labor field that ended up in the United States Supreme Court.

Motor carriers provided another important client base as they replaced railroads as

the principal carriers of freight in the nation. Major clients were Motor Freight Express, the Pennsylvania Railroad truck subsidiaries, and literally dozens of other trucking companies serving Pennsylvania and the nation.

Despite the increasing business from motor carriers, the firm's work with the railways was far from over. Frank was a tenacious battler in the arena of public utility rate regulation concerning Pittsburgh Railways.

When Pittsburgh Railways remained a private intra-city passenger transportation system, it had nearly annual battles before the Public Utility Commission concerning its rates. The City of Pittsburgh was the chief antagonist, led by the City Solicitor, Anne X. Alpern. At the time David S. Lawrence was mayor of Pittsburgh. The PUC and courtroom battles waged between Frank and Alpern made Pittsburgh newspaper headlines for nearly a decade. They also were the stuff of substantial legal fees for the firm. While they fought

Pictured: *Gilbert Nurick in Navy Uniform.*



tenaciously, Frank and Alpern retained great respect for each other. Eventually, the demise of private intra-city transportation systems saw the end of these wars.

Frank's reputation as a "rate" lawyer extended far beyond Pennsylvania. He and the firm were engaged by the Honolulu Transit Company in connection with its rate struggles with the city of Honolulu. Intra-firm jealousy reached a new peak, as Frank flew off to Honolulu regularly for many months of hearings, all at the client's expense.

In 1947 the firm hired Bob Griswold immediately following his graduation from Dickinson School of Law. He was a native of Canton, PA, a small town north of Williamsport. He immediately became a member of the public utility group, specializing in both motor carrier and fixed utility work.

In 1948 Jeff Barnhart, a native of Cleona in Lebanon County, came on board to

help with Wallace's utility practice, which included truck, bus and fixed utilities. And in 1949, McNees hired James W. Hagar, of Camp Hill, to handle more of its motor carrier regulatory work.

With so many working on transportation issues, it was important to stay up-to-date on what everyone was working on and where they were headed. Once a week the transportation lawyers met to coordinate their schedules for the week, for they were regularly attending Public Utility Commission or Interstate Commerce Commission hearings throughout the state and beyond. These conferences enabled them to avoid duplication, and not a few times uncovered potential conflicts of interest, where two of them were scheduled to attend the same hearing for parties having different interests.

Even this didn't always work. On a few occasions, in Clearfield or Uniontown or Scranton, McNees lawyers met each other in the hearing room only to find,

In 1947, Sam Schreckengaust represented the driver of a tractor-trailer who was injured when the rig he was operating collided with another tractor-trailer that had jackknifed across the highway in a bank of fog. The jury in the Cumberland County case returned a verdict of \$25,000 for the plaintiff, Schreckengaust's client. At the time this was the highest jury verdict ever returned in Cumberland County.

The victory was short-lived, however, since the trial court entered judgment n.o.v. for the defendant, citing the "assured clear distance ahead" rule, and the Supreme Court of Pennsylvania affirmed the lower court. It was a bitter pill.

embarrassingly, that they represented clients with conflicting interests. In motor carrier application proceedings there might be dozens of protestants, some of whom engaged lawyers only at the last minute.

These schedule check meetings took place after the morning mail conference, a long-standing McNees tradition whereby each morning at 8 a.m. every lawyer in the firm who was in town met in McNees' corner office overlooking the Capitol, and the senior lawyer present, usually McNees himself, read through all of that morning's

Pictured Left:
Pennsylvania Railroad Train on the Rockville bridge in the 1940s.

Pictured Right:
Harrisburg Railways Co. bus #320 for 19th Street and trolley #807 for Steelton in the 1940s.





Pictured: *Early 1940's picture of Second Street. At the time Second Street supported two way traffic.*

incoming mail. Some of the good stuff was screened out before the conference started, but it wasn't much.

These mail conferences enabled all of the lawyers to have some idea of what the others were doing, and they were a good opportunity for the exchange of ideas and information. They also gave all the lawyers overall knowledge of the activities of clients, knowledge that was helpful when meeting them socially or if later they were assigned to handle some matter for them.

Representation of many of the firm's interests at this time was beginning to produce the inevitable offshoots of personal work for the principals of these businesses, including: more involvement in the fields of both federal and state taxes, both business and personal; wills; trusts; estate administration; and, inevitably, some domestic relations work.

Domestic relations work was hardly new to the firm. Indeed, one of the regular features of the practice of law in Dauphin County from 1935 to 1960 was the divorce mastership. It was the practice in Dauphin County to appoint Masters in Divorce from rotating lists of all Dauphin County attorneys, except those who opted out. Most McNees lawyers stayed on the Master's list and were appointed two or three times a year as a Master in Divorce. Nearly all of these cases were uncontested, though in these days before "no fault" divorces most involved a hearing of about half an hour in the Master's office, at which the uncontested plaintiff testified to the indignities to which he or she, the "innocent and injured spouse," had been subjected by the defendant. The testimony usually had a very familiar ring to it, and it is rumored that sometimes the plaintiff's attorney would simply send to the Master's office a written transcript of the plaintiff's testimony, which would then magically appear as the transcript of testimony filed with the Master's Report, which routinely recommended the divorce be granted. Then the report was approved by the court. All of this took place after the property settlement had been agreed upon.

For this exercise, the Master received a check for \$75, then \$100, until the system was changed following the adoption of the new Divorce Code in 1980, when the law finally caught up with reality. These fees, of course, went to the firm. It wasn't much money, but then it wasn't much work either, and in those days \$75 or \$100 was not to be ignored.

Occasionally the appointment wheel locked the Master into a contested divorce, when the Master had to conduct adversary hearings, sometimes for many days. Then the indignities had to be proved for real. In these cases the Master petitioned the court for additional compensation, which the court tailored to the economic circumstances of the parties involved.

Seldom did a Master recommend against a divorce in an uncontested case in Dauphin County, although sometimes the Master would ask plaintiff's counsel to come back another day and strengthen the record. In one notable uncontested case, Quigley was appointed the Master and the plaintiff's case was presented by one of the county's leading domestic relations lawyers. The testimony had its familiar ring, but to the horror of the plaintiff's lawyer, Quigley didn't buy it and recommended that the divorce be denied. The indignant plaintiff's lawyer appealed the Master's recommendation and, not surprisingly, the court promptly rejected the Master's recommendation and granted the divorce.

The aggregate military service of the McNees lawyers who comprised the firm at the end of the '40s was remarkable.

Including McNees' year of Red Cross service in London during World War I and Wallace's World War I service, at the end of World War II they had devoted nearly 40 years to the service of the nation. That's a lot of billable hours! As the decade came to a close, the firm looked forward to growing times of peace and prosperity.

Principal Players



David M. Wallace:

David Wallace of Middletown, PA, graduated from Dickinson School of Law in 1917 and volunteered even before graduation to join the American Expeditionary Force. He was sent to Fort Niagara for officer training and was commissioned a second lieutenant in August 1917. He then married his childhood sweetheart and the next day proceeded to Fort Meade, MD., for special training.

While a first lieutenant in the 315 Infantry Machine Gun Company of the 79th Division, he sustained serious wounds in the Battle of the Argonne Forest and was a patient in an army hospital in France when the Armistice was signed on Nov. 11, 1918. He returned to the United States in May 1919, was discharged on June 6, 1919, and returned to Dauphin County to his new wife and to establish a law practice.

In 1920 he began practicing law in Dauphin County, first completing his clerkship with the firm of Fox & Geyer in Harrisburg and then practicing with John Jacobs until 1942, when he was invited to become a name partner with Sterling McNees and Gilbert Nurick in the renamed firm of McNees Wallace & Nurick.

Wallace was the founder of American Legion Post 594 in Middletown, was the first president of the Kiwanis Club of Middletown, and was deeply involved in church, Masonic and community organizations. He was invited to join the firm to add strength in the areas of law

traditionally encompassed in general practice, including real estate, wills and trusts, decedents' estates, and banking and building and loan law. As with many of the lawyers with general practice experience going back for decades, he was very adept at searching real estate titles, drafting real estate instruments, wills and trust documents, and administering estates.

But he also had considerable litigation experience. He was Solicitor of the Borough of Middletown from 1944 through 1948. He was perfectly at ease trying a jury case. In one memorable case, Wallace represented the uninsured owner of a roller skating rink. A patron had fallen in a hole in the wooden floor of the rink and broken his leg. Plaintiff's attorneys believed they had a sure winner. In those days before expensive pre-trial discovery, it was always fascinating to find out what the case was really about for the first time after the jury was sworn.

Wallace defended the case in his low-key style with his rather forlorn-looking client seated next to him. When he addressed the jury, you would have thought he was talking to a group of his oldest friends — which may have been the case. The jury was out for about an hour before returning a verdict for the defendant. Everyone in the courtroom was startled, most of all the plaintiff's lawyers. Wallace merely looked slightly bored as he shuffled his papers into his weather-beaten briefcase and left the courtroom with his pleased but somewhat confused client.

Though seemingly gruff and forbidding to some, Wallace was a delightful and convivial companion, and the firm benefited from his knowledge, experience and wise counsel until his death in 1967.



Pictured: Aerial view of the Capitol Complex and the surrounding area in the 1940s.



James M. Quigley:

James M. “Jim” Quigley married Genevieve Morgan in September 1940 and graduated from Dickinson School of Law in June 1941. In July 1942 he took the Bar Exam and was notified in September that he passed the Bar. In short order he finished his clerkship in Mt. Carmel and was admitted to practice in Northumberland County, and he was hired at McNees Wallace & Nurick in November 1942.

After having sought a Navy commission unsuccessfully in 1942, Quigley was finally commissioned in December 1943. After one month of very basic indoctrination at Princeton and three months of training at Harvard, he was commissioned a communications officer and was placed in a destroyer pool in Norfolk in April 1944. In August 1944 he was assigned to a destroyer. He was sent to Treasure Island in San Francisco Bay, then Bremerton, Wash., followed by a tour at San Diego, back to Bremerton, and finally to sea.

His ship went first to Pearl Harbor, then to Guam and finally to a ship rendezvous at Ulithi, a Pacific atoll. The rendezvous was for the assembly of the armada to undertake the invasion of Okinawa in April 1945, one of the pivotal actions in the Pacific War. His destroyer was first assigned to join a “picket” brigade, to encircle the island during the invasion in order to lure Japanese “kamikaze” pilots into attacking the destroyers rather than the troop ships.

After about three weeks, during which some of the targets “successfully” fulfilled their missions, Quigley’s ship was replaced by newer model destroyers that had greater defensive fire power. The “targets” were greatly relieved. Following V-J Day in August 1945, Quigley’s ship cruised the Pacific rim of Asia. He was back in the States and discharged in April 1946, when he returned to Harrisburg and resumed practice with McNees.

Quigley always had one specific political ambition, to serve in the Congress of the United States. Although a registered Republican, when he moved to Highland Park on the West Shore in 1949 he decided his best chances lay in being a Democrat, and he was not particularly in tune with organization Republicanism in the area at the time anyway. No one else even wanted the nomination, and he got it for the asking in

1950, but he lost the race for Congress. He lost again in 1952, the year of Eisenhower’s first election as President.

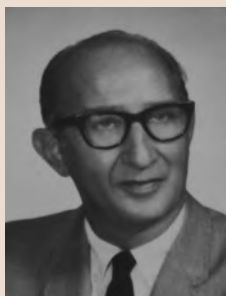
However, 1954 was a Democratic year in Pennsylvania, when George Leader was elected governor, and Quigley “road his coattails” into Congress. He never returned to the firm to practice law following his swearing in as a member of Congress in January 1955. In 1956, another Eisenhower year, he lost again, but won again in 1958. In between, from 1956 to 1958, he served for a year as administrative assistant to newly elected U.S. Sen. Joseph S. Clark of Philadelphia, then came to Harrisburg as a Deputy Attorney General under Attorney General Tom McBride.

Quigley made another unsuccessful run for Congress in 1960, the year of John F. Kennedy’s election to the presidency. Despite his defeat, Kennedy rewarded Quigley’s efforts by making him a Deputy Secretary of the Department of Health, Education and Welfare. While there, during the early to mid- ‘60s, Quigley was a helpful governmental contact. Those were the days when the federal government was supplying substantial capital support to higher education through the Department of Health, Education and Welfare. When Harrisburg Area Community College had some problems at the department during those days, Quigley opened a few doors.

Following his stint at the Department of Health, Education and Welfare, Quigley went into private industry, serving as vice president for government relations of Champion Paper Company.

Pictured:
*Congressman James
Quigley “grills”
a witness at a
committee hearing.*





Harry H. Frank:

Harry H. Frank, a native of New Castle in Lawrence County, came to Harrisburg with the Earle Administration in 1935 and served in the office of counsel of the Pennsylvania Public Utility Commission, where the firm's lawyers had frequent contact with him. He had practiced law in New Castle and served as an assistant district attorney

for Lawrence County. With another change of administration, and another of Harrisburg's periodic games of musical chairs, he left state employment in the early '40s and joined a Philadelphia law firm.

In 1943, when Gilbert Nurick left for war service, Frank was extended an invitation to come back to Harrisburg and join the firm, which he readily accepted, as he liked Harrisburg. While there he had met and married Blanche Taussig of an old Harrisburg family. Frank joined Sterling McNees and Jim Booser in representing the firm's public utility clients, became a partner in 1945, and remained with the firm until his retirement at the end of 1975.

Frank took on the job of modernizing and streamlining the firm's business practices, as the "science" of law office management was in its infancy. He also was a tenacious battler in the arena of public utility rate regulation. Pittsburgh Railways was a regular client, and his nearly annual battles before the Public Utility Commission on behalf of his client were the stuff of Pittsburgh newspaper headlines for nearly a decade.

On one memorable day Frank argued two cases in Pennsylvania's Superior Court, which then heard appeals from the Public Utility Commission. President Judge Rhodes was generally considered the court's public utility expert. One case was argued in the morning session, and one in the afternoon. Halfway through Frank's argument in the afternoon session, Judge Rhodes interrupted to ask, "Mr. Frank, didn't you argue exactly the opposite proposition in your case this morning?" Prepared for this possibility, Frank responded promptly, "That's true, Your Honor. I think I have to win one of them!" Incidentally, this occurred before the proscription of representing different clients where there was an issue conflict between them.



Samuel A. Schreckengaust Jr.:

Samuel A. "Sam" Schreckengaust Jr. was a Harrisburg native whose father had been a grocer in uptown Harrisburg and then a candy wholesaler. Following graduation from law school in 1938, Schreckengaust clerked briefly with Paul Rhoads, then practiced with well-known lawyer William Dunbar until he entered military service in 1943.

Schreckengaust served in induction stations in Pittsburgh, Erie and Baltimore, then attended the Army Judge Advocate General's School at the University of Michigan, remaining thereafter as an instructor with the rank of major. There, during the war, he met and married Barbara Starr, whose father was a Justice of the Supreme Court of Michigan and later a U.S. District Judge for the Western District of Michigan.

When Schreckengaust returned from military service in 1946, Dunbar did not have enough work to offer him employment. He ran into Paul Rhoads on the street and asked him if he knew of anyone who might be hiring, and Rhoads sent him to Nurick. In 1946 he joined McNees Wallace & Nurick. He was hired as the firm was looking to expand its horizons beyond the truck and bus industries and Hershey work, and to make greater inroads into general business and corporate work.

Schreckengaust was a major player at McNees Wallace & Nurick almost from the time he joined the firm. He was hired as a "generalist" with a solid Harrisburg family base and an outstanding academic record. He was active in civic and community affairs. He tried cases in state and federal courts. Early on he became active in the labor field, and in the 1950s began assisting Nurick with some of the Hershey work, which in later years would be his principal and, eventually, almost his sole professional involvement. Later, he moved from McNees Wallace & Nurick to become Hershey Foods' first full-time, in-house general counsel. Schreckengaust replaced Nurick on his Hershey board posts when Nurick retired in 1971. That same year, he was named the first designated managing partner in the firm, a title he held until 1976. He also was the originator of the "department" system in the office.

Schreckengaust then spent three years as a vice president and general counsel of Hershey Foods until his retirement as an officer, but he remained thereafter as a consultant and "Of Counsel" to the Law Department. He officially retired from McNees in 1984.

**Robert H. Griswold:**

Robert H. “Bob” Griswold was a native of Canton, PA, a small town north of Williamsport. He spent four years in the Navy, from 1941 to 1945, with sea duty on a submarine chaser in the South Atlantic between Trinidad and Recife, Brazil, then transferred to duty as a navigator on an attack transport in the Pacific. He was discharged with the rank of lieutenant commander in 1945.

He returned to Dickinson School of Law, graduating in 1947, and the firm hired him right after graduation. Griswold immediately became a member of the public utility group, specializing in both motor carrier and fixed utility work for his entire distinguished career with the firm. He was thorough and meticulous, and a tenacious advocate. He was general counsel to the Pennsylvania Nurses Association during very busy, growing years for that association. Griswold’s able counsel saw them through many difficult problems.



Pictured: *Lt. Jefferson Barnhart, cavalry officer, ready to go overseas.*

**Jefferson C. Barnhart:**

Jefferson C. “Jeff” Barnhart was a native of Cleona in Lebanon County, PA. He attended Lebanon Valley College, then spent five years in the United States Army from 1941 until 1946. As a platoon leader and then a troop commander, with the rank of captain, he led a reconnaissance unit of an infantry division through central France, from Marseilles north shortly after D Day, and then, as Barnhart put it, “We turned to the right” and went through Germany to Austria and on into Czechoslovakia. Barnhart was awarded a Bronze Star and two Purple Hearts.

Upon returning from the war, he attended Columbia Law School, then joined McNees Wallace & Nurick as an associate in 1948. He was hired to provide assistance to Dave Wallace, then assisted Harry Frank, whose utility practice, including truck, bus and fixed utilities, was growing.

Barnhart was recalled to service during the Korean Conflict from 1950 until 1952. This time he served his time stateside.

For many years, Barnhart did public utility work of all kinds, but he also was a skilled real estate lawyer, handling a substantial volume of real estate abstracting work and closings, along with a volume of general work.

Barnhart was quiet and unassuming but could be doggedly persistent. He was the kind of still water that runs very deep. He published a couple of philosophical treatises, including one, titled “Aleph-Nought,” that was written in part to explain and clarify his earlier book, “The Alephs, The Class of All Transfinite Cardinals.” The market for Barnhart’s books was small, but his efforts were great.

Barnhart retired in 1981 at age 63.



James W. Hagar:

James W. “Jim” Hagar was a lifelong Camp Hill resident. His father, Bill Hagar, had been a deputy secretary of the Pennsylvania Department of Agriculture for more years than anyone could remember, and was well known to most of the members of the firm.

In September 1941, Hagar joined the Naval ROTC at the University of Pennsylvania, where he was an undergraduate. In July 1943 he was placed on active duty and commissioned in early 1944. He was immediately assigned to a Destroyer Escort, convoying merchant ships to England in the North Atlantic. He was in Liverpool, England, on V-E Day, a wild one as he describes it, and was then sent immediately to the Pacific, where again he was assigned to destroyer escort vessels.

Back in the states after V-J Day, he was discharged in July 1946, returned to the University of Pennsylvania Law School, and joined McNees Wallace & Nurick in 1949. Hagar did motor carrier regulatory work during his entire tenure with the firm. He became a partner in 1957.

He was always active in professional, civic and community affairs. For many years Hagar was president of the West Shore School Board. He was active in the local and state bars and the national Motor Carrier Lawyers Association, of which he served a term as president.

Hagar eventually played a leading role in firm administration, as McNees Wallace & Nurick groped along the way toward modernizing its management. He led the way in mechanizing systems, adapting new equipment and preparing the firm for the growth of the ‘60s and ‘70s. He was a loyal McNees Wallace & Nurick partisan and advocate all of his professional life, and in the ‘70s and ‘80s played a major role in firm policy making and administration.

For many years Hagar was the president of the Pennsylvania National Horse Show and he was instrumental in its promotion and development into one of the nation’s biggest and most prestigious horse shows, held annually at the Farm Show Complex in Harrisburg. In an unfortunate accident, Hagar fell from a horse at his home in Conewago Township, lower Dauphin County, and suffered a severe blow to his head, from which his recovery was slow and painful. He never returned to full-time practice with the firm, and retired early in the spring of 1988.



James H. King:

James H. “Jim” King was a native of Harrisburg, where his father was a well-known lawyer specializing in Pennsylvania corporate taxes. His boyhood home was the Front Street mansion in the 2200 block that has long been occupied by Merchants & Businessmen’s Mutual Insurance Company.

King spent five years in the Army Field Artillery Service. He was in the European Theater as a battalion commander in the Third, Eighth and Eleventh Army Corps with the rank of major, and ended the war re-nationalizing displaced persons on the border between Germany and Czechoslovakia.

King was hired by the firm in 1947. He specialized in Pennsylvania corporate tax work during all of his years with McNees. The firm’s representation of the Prentice-Hall corporation system in Pennsylvania was King’s domain for most of his years at McNees and resulted in many referrals of legal work from all over the country.

King was president of the Dauphin County Bar Association in 1948, the same year he took on the Republican establishment in county and city primary elections as part of the “Fighting Five.” It was an interesting group that embarked on a quest to unseat the powerful Republican establishment. Walter M. Mumma, a wealthy and powerful businessman, ran for the state Senate seat against the head of the Republican organization in the city and county, M. Harvey Taylor. There were also two House seats open in 1948 from the Dauphin County District, and the “Fighting Five” candidates for these seats were William S. Lenker and Robert E. Knupp, the latter a well-known Harrisburg lawyer. Finally, two open seats in the city district were up for grabs, and King and O. B. Lank were the “Fighting Five” candidates for those two seats. The “Fighting Five” made a gallant run but ultimately lost. Later Mumma mended his fences and was elected to the United States Congress.

King retired at age 65, in 1981.

Chapter Three

1950-1959

“We are at the threshold of bigger business if we can promptly handle it. It will take courage and vision to be ready, it will take patience and perseverance to win. We have no interest in mediocrity. We make large plans. Nor do we trust entirely in ourselves. We all have a firm belief in God and his insistence that we use to the fullest the talents he has given us. And so we look ahead to the years that are to come with confidence and dedication. ‘Where there is no vision the people perish.’”
— Sterling G. McNees

Pictured: *Commerce Building at Second and Pine Streets where the firm occupied the ninth floor.*



Since that promising day in 1935 when Sterling McNees, Gilbert Nurick and Charles Hollinger hung their shingle outside the Payne-Shoemaker Building, it had become routine for the firm to move into a new office building whenever a new one was built in Harrisburg. This happened again in 1950 when the firm moved into the new Commerce Building on the northwest corner of Second and Pine streets, where it occupied, initially, the entire ninth floor. The rooftop “penthouse,” the tenth floor, was added to the firm’s space a few years later.

Though technically the biggest law firm in Pennsylvania between Philadelphia and Pittsburgh, McNees was still a small firm, with six partners and five associates. It was a relatively tight-knit group, and each person knew much about the others, not only their professional strengths but also their weaknesses, their families and their interests. It was common for all available attorneys in the firm to lunch together in the little tea room in the old frame building at Second and South streets, now the location of the Presbyterian Apartments.

This intimacy made it even harder when the firm lost one of its own. One fateful morning in the spring of 1950, Ralph Evans was involved in an automobile accident while driving alone on a business trip between West Chester and Downingtown. He died instantly, and his death sent a wave of shock and sadness through the firm and the community. He was only 37, leaving behind a wife and two young children.

Evans had been brought into the firm primarily to do tax work, and the year after his death the partners decided it would be prudent to engage a new young lawyer trained in federal tax law on a full-time basis. They hired a young Harvard Law School graduate, Arthur L. Berger, who had been employed at the Research Institute of America in New York City doing research and writing on federal tax matters. Berger was a Wharton School graduate, and he presented impressive credentials as a new lawyer in the areas needed. Also in 1951 Francis B. Haas, Jr. came aboard, having graduated from Bucknell and the University of Pennsylvania Law School. Berger and Haas became fast friends and were admitted to the Pennsylvania Bar together in early 1952.

When the firm moved to the Commerce Building the decision was made to engage an office manager, and for many years that efficient professional was H. Thomas Harris, who became somewhat of a legend in his own right. Harris paid all the bills, received and accounted for receipts and prepared management reports. He also picked up the mail in the morning and opened and stacked it for the mail conferences.

Mail conferences were held in the library and lasted until the number of lawyers and the daily volume of mail made them impractical. At these conferences one often learned a lot. If a particular letter contained a complaint by a client that his case was being mishandled, there might be a direct impact on the offending lawyer, or at the very least a brainstorming session for a way to rectify a misunderstanding or get a relationship back on track.

The morning mail conferences often involved discussions of how to attract new business and how to expand professional and civic contacts and participation. In those days, direct solicitation of potential clients was not just frowned upon, it was punishable, though not often punished. Rainmaking then consisted mostly of participation in professional and civic affairs, personal and social contacts, and solicitation of professional referrals. As today, though, much business came by way of recommendations of clients or others. One jovial diversion that took place occasionally at the morning mail conferences was the awarding of the captain's hat. At some point one of the partners had returned from a Chamber of Commerce cruise with a white captain's hat, and the practice developed of awarding the hat to any attorney who achieved an important victory — a favorable verdict or court decision, a major “fee-producing” settlement, the landing of an important new client, or some significant community or professional achievement.

At one point, Harry Frank got the hat for having established a new record when a piece of litigation in which he was involved for a client passed its 20th year. The case involved resistance by the firm's client, the Sayre Land Company, to the assertion of jurisdiction over its affairs by the state regulatory agency PUC, and, both being fearful of the result, neither party was much interested in pressing for a final judicial resolution.

The passing of these 8 a.m. conferences was lamented by some and celebrated by others. There can be no doubt, though, that

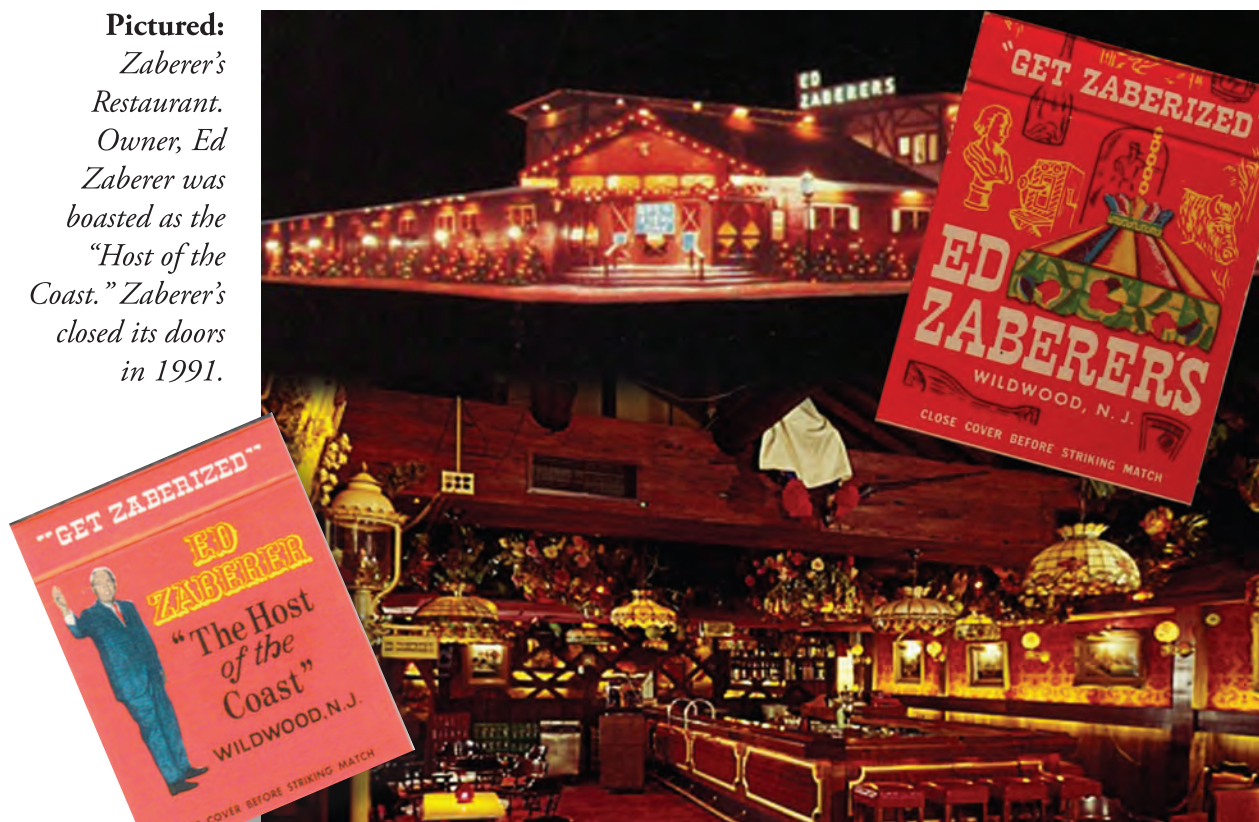
the end of the morning mail conferences resulted in less firm-wide discussion and knowledge of what others were up to.

Unlike the morning mail conferences, there was one firm-wide meeting that nearly everyone looked forward to: the annual meeting, held “retreat” style in Stone Harbor, N.J., where both Sam Schreckengast and his brother had summer homes. These homes provided ample accommodations for all 10 or 11 guests. The Stone Harbor meetings usually lasted from late Friday until Sunday afternoon and were held in the late fall when the shore resorts were sparsely inhabited. They provided plenty of time for relaxed consideration of firm business, and even a little monkey business. Some of the dinners at Zaberer's in North Wildwood were the stuff of discussion for years. McNees was a teetotaler. He was not unpleasant or demanding on the

subject, but the high regard in which he was held resulted in some moderation in the exuberance that might have otherwise characterized firm social events. But when there were social events in the office it was a relief to know one could slip away to Dave Wallace's office, where a bottle of bourbon and a few glasses could be found sitting on the corner of his desk.

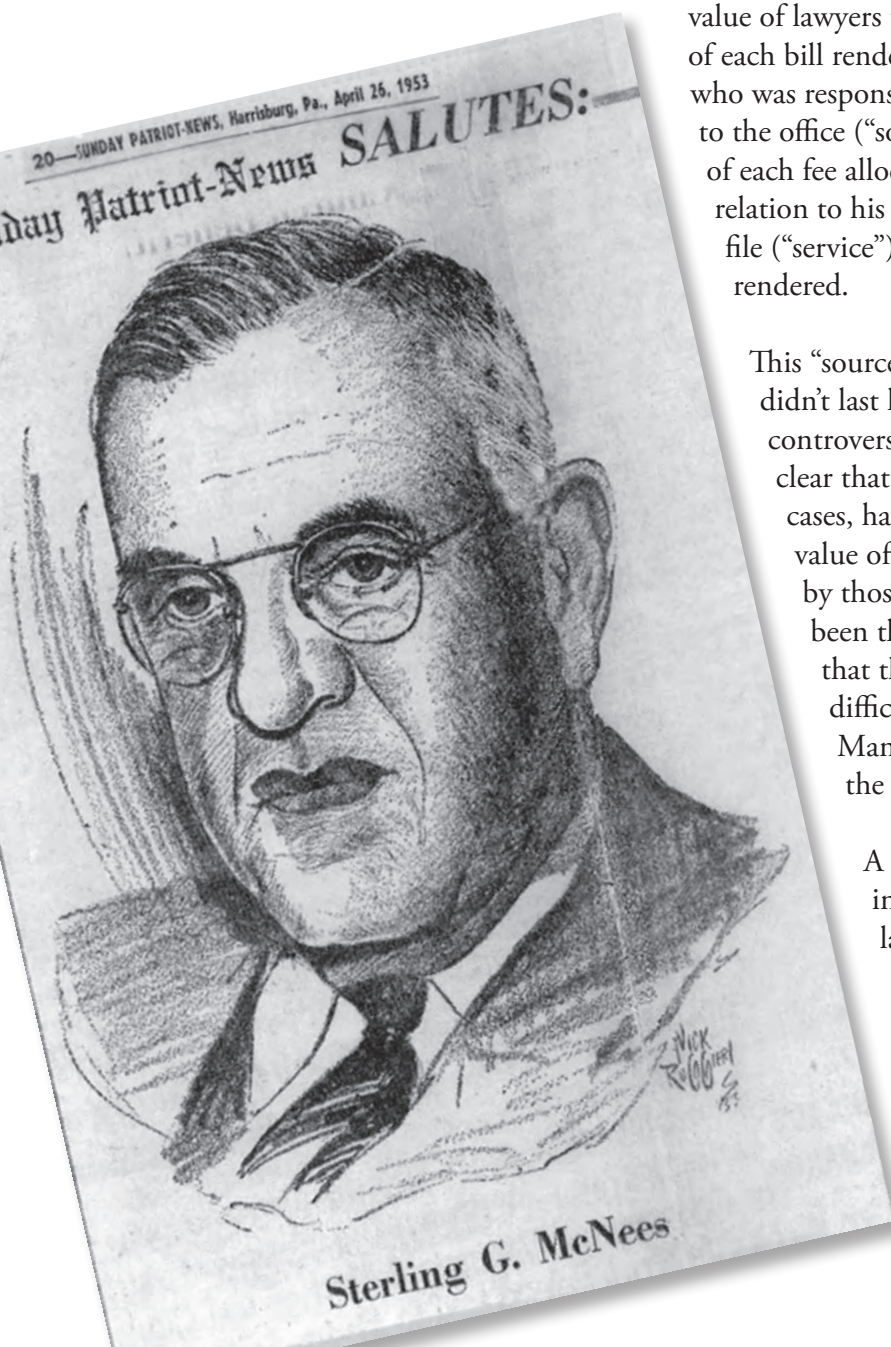
Through the 1950s the subject of partnership compensation was handled discreetly and more or less collegially, though with some tension. Seniority was the principal criteria for compensation, and remained so throughout the firm's early years. Neither McNees nor Nurick was personally acquisitive; both had an institutional approach that led them to underplay their own roles and their personal compensation demands. This resulted in others being less aggressive in pursuing financial rewards.

Pictured:
*Zaberer's
Restaurant.
Owner, Ed
Zaberer was
boasted as the
“Host of the
Coast.” Zaberer's
closed its doors
in 1991.*



The Story of McNees Wallace & Nurick LLC

Pictured: *The Patriot-News* from April 26, 1953. Each Sunday *The Patriot-News* saluted a man or woman who had contributed in an outstanding way to community progress. The drawing is by *Patriot-News* artist, Nick Ruggieri.



In the early 1950s associates at McNees were paid a base salary and they received half of any fees received by the firm from clients they were responsible for bringing to the firm. This system inevitably produced some disagreements as to why a client really came to the firm, and eventually this “share of fees” system was abandoned in favor of a new system, called “source and service,” which attempted to measure the relative value of lawyers to the firm. Office copies of each bill rendered to clients reflected who was responsible for bringing the client to the office (“source”) and the amount of each fee allocable to each attorney in relation to his professional time on the file (“service”) for which the bill was rendered.

This “source and service” system didn’t last long. Uncertainty and controversies ensued, and it became clear that hours alone were, in many cases, hardly a fair measure of the value of the service represented by those hours. It has now long been the philosophy of the firm that the “source” of business is difficult or impossible to trace. Many clients simply come to the firm.

A truly remarkable event in the annals of American law and in Pennsylvania civil legislation came in October 1953 when the Pennsylvania General Assembly unanimously adopted the Uniform Commercial Code.

We were the first

state in the country to do so. Pennsylvania had never been known for innovation in legislation, at least since the Constitutional Convention of 1787, so being first to adopt revolutionary commercial legislation was truly remarkable.

The principal architect of this miracle was former Attorney General William A. Schnader, senior partner in the Philadelphia firm Schnader, Harrison, Segal and Lewis, whose nomination for governor McNees had managed two decades before. Schnader accomplished what few thought possible — unanimous passage of the code by the Pennsylvania House and Senate.

While the code was enacted in October 1953, it was given an effective date of July 1, 1954. Haas was selected by the firm to study this new legislation and to be the firm’s designated expert on it. For many years he concentrated on learning the intricacies of the new law, drafting forms, instructing clients how to operate under it, and participating in seminars for lawyers, bankers, credit people and others throughout the state.

It is difficult now to realize what a radical change the Uniform Commercial Code made in the practices of lawyers operating in the commercial field, particularly in the vitally important area of secured transactions where most of the concepts and terms — “security interest,” “attachment,” “secured party,” “account debtor,” “financing statement,” “lapse,” “continuation statement” — were brand new to many lawyers.

The Uniform Commercial Code was of

particular importance to the firm because of its increasing involvement in commercial law. While McNees Wallace & Nurick considered itself a general practice firm for its first 25 years, it aspired to move more aggressively into representation of business, corporate and commercial interests, including financial institutions. This involved greater immersion in the increasingly complex specialties essential to serve these interests: corporation and securities law, labor law, federal and state taxation, banking law and then environmental law and the law of intellectual property. Also, a fairly broad range of administrative practice was an integral part of law practice in the state capital.

McNees Wallace & Nurick remained heavily engaged in motor truck and bus regulatory work, most of it before the Pennsylvania Public Utility Commission and the Interstate Commerce Commission, and related court appearances. Representation of statewide business, trade and professional associations also brought in some lobbying and governmental contact work. As these fields of law became more complex and specialized, the firm began to engage specialists and train lawyers to be specialists.

These hiring changes started as people came and went in the mid-'50s. Jim Quigley resigned in 1954 to run for Congress.

Robert H. Maurer of Harrisburg joined the firm in 1955 and remained until 1961. Harry B. Roth of Middletown was added in 1956 and left in 1961. And Ed First joined the firm in 1957 with a commitment

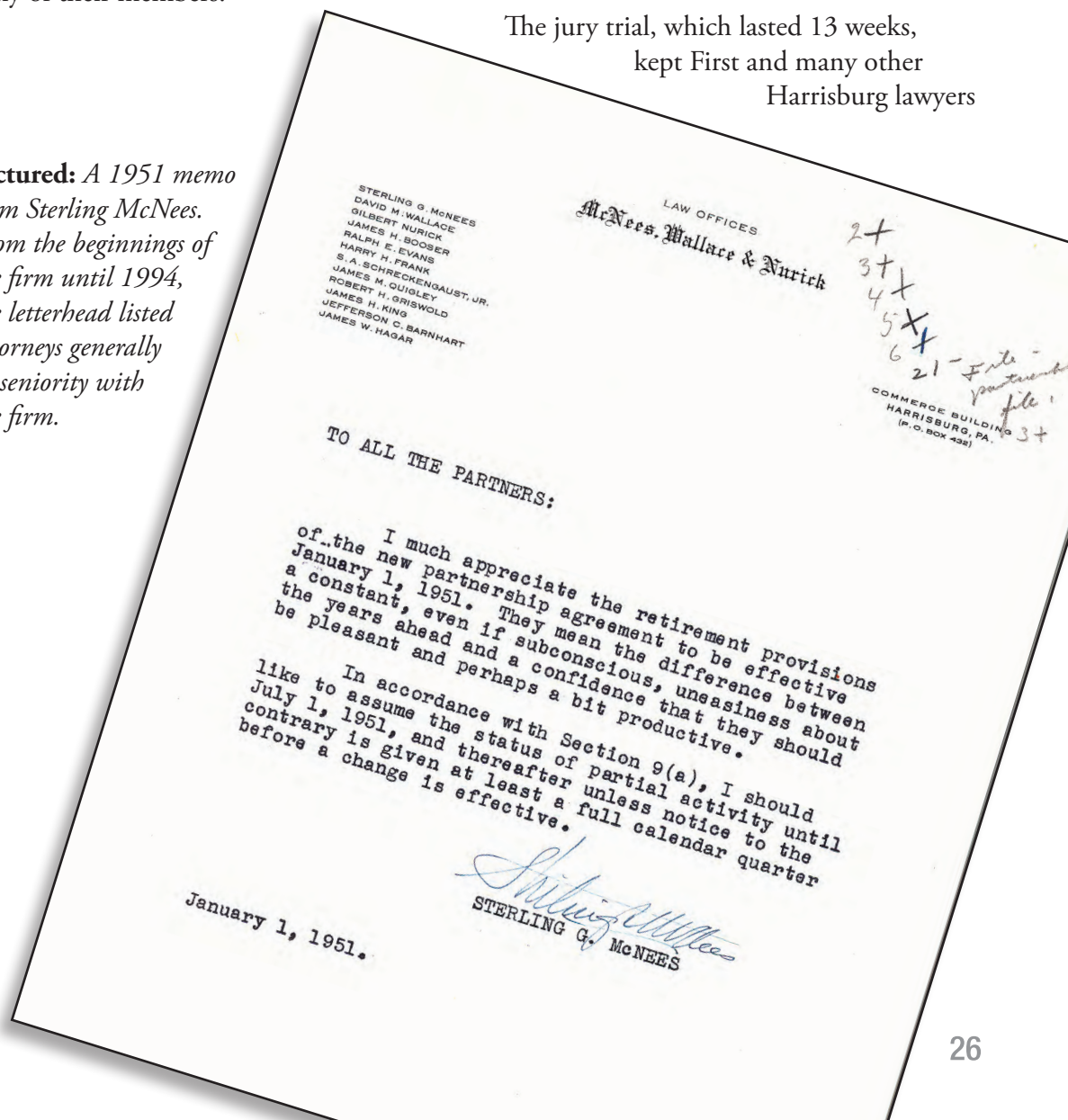
for partnership. First, a lifelong friend and classmate of Sam Schreckengaust, was one of a kind. He was indefatigable, restless, fearless and supportive; a loyal team player, constantly seeking ways to advance the cause of McNees and McNees people.

First soon became the principal construction industry lawyer in central Pennsylvania and a leading area labor lawyer, bringing to the firm the major construction industry associations and many of their members.

But almost immediately after joining the firm, First became involved in the most notable criminal case and the longest jury trial ever in Dauphin County. He represented Commission Chief Engineer John D. Paul, who was one of nine defendants charged as a group with conspiracy to defraud the Turnpike Commission out of about \$19 million by contracting to fill non-existent mine voids under the route of the new Northeast Extension of the Turnpike.

The jury trial, which lasted 13 weeks, kept First and many other Harrisburg lawyers

Pictured: A 1951 memo from Sterling McNees. From the beginnings of the firm until 1994, the letterhead listed attorneys generally by seniority with the firm.





Pictured Left: *Sterling McNees breaking ground in the expansion of the Harrisburg Polyclinic Hospital.*

Pictured Below: *Sterling McNees with Sterling, Jr. (Junie), Emily McNees and Marianna McNees (standing), on the roof of the Grayco Building.*



very busy that hot summer in 1957. Paul was acquitted along with three other defendants. It has been said that one of the truly satisfying moments in the practice of law is an acquittal by a jury in a criminal case. Paul's acquittal was a wonderful moment for First and the firm.

A year later, McNees added three more associates: John G. Williams, Donald R. Waisel, and Jack Riggs. Riggs had graduated from Antioch College in Ohio, and Columbia Law School. When he was first hired, he did a broad range of general work, trying some cases and handling administrative proceedings. He followed Griswold as the firm's principal attorney

assigned to the legal representation of the Pennsylvania Nurses Association. When Nurick spearheaded the effort to *cy pres* \$50 million from the Milton Hershey School Trust to establish the Milton S. Hershey Medical Center, Riggs assisted him in this monumental effort.

Riggs had an incisive and practical approach to legal problems and was an adept and scholarly lawyer. His untimely death in 1971 at age 38 was a severe blow to the firm, and a grievous loss to his many friends.

Waisel also came to the firm via Columbia Law School. He was hired to strengthen

the firm's growing federal income, estate and gift tax practice headed up by Berger. Waisel was meticulous and comprehensive. He came up with imaginative solutions to many complex federal tax and estate planning and other business problems.

The decade came to a close with perhaps the saddest day in the firm's history — the death of Sterling McNees in 1959. He had retired at age 70 in 1957 but retained an office at the firm. His death left a hole in the firm's center, yet Nurick had slowly acceded to overall firm leadership before McNees' death, and he carried the reins ably forward.

Principal Players



Francis B. Haas, Jr.:

Francis B. “Frank” Haas, Jr., was first connected with McNees Wallace & Nurick in the fall of 1947 when Sterling G. McNees became his preceptor. Haas’ father, Dr. Francis B. Haas, was an old friend of McNees’, as they had worked together in the early 1920s when Haas Sr. was the Director of the Bureau of Teacher Education and Certification in the Department of Public Instruction, and McNees was a Deputy Attorney General charged with representing the Department of Public Instruction.

The younger Haas graduated from William Penn High School, Bucknell and the University of Pennsylvania Law School. He graduated from law school in 1951 and was hired by McNees the same year.

Haas was something near a “generalist,” doing some criminal and domestic relations work, including a court-appointed murder case, and then some bankruptcy cases. In the mid-’50s he testified on behalf of the ACLU before a State Senate Committee in favor of the enactment of Pennsylvania’s first housing discrimination law.

Beginning in 1964, when Harrisburg Area Community College was founded, he began to spend a considerable amount of time on work for the college. It was Pennsylvania’s first community college, and Haas served as its solicitor for 31 years.

In 1968 he was active in Harrisburg’s charter change to the “strong mayor” form of municipal government, having been elected to the Charter Commission that recommended this change. He then served as the first city solicitor under the new form of government, which was not then a full-time job.

Haas became managing partner of McNees in 1976 and served in that capacity until January 1984.

Haas’ service to the Pennsylvania Bar Association was extensive. His most significant work involved serving on the Bar Association’s committees for merit selection and the Governor’s Judicial Reform Commission. In the ’80s he chaired the association’s Judiciary

Committee, which was the first to evaluate and rate judicial candidates, a very controversial action at the time.

His work in the community mirrored his service to his colleagues. He was a charter board member and General Counsel of Harristown Development Corporation, which McNees incorporated in May 1974 and which constructed Strawberry Square and other downtown developments in the ’70s and beyond. He also had a passion for regional planning and served on the Board of Directors of the South Central Pennsylvania Assembly for Effective Governance.

Haas retired from McNees in 1995. At the spring commencement in 2009, Harrisburg Area Community College conferred on Haas the honorary degree of Doctor of Public Service in recognition of his longstanding professional relationship with the college.



Pictured: Frank Haas introducing Duke Ellington at the never-to-be-forgotten concert by the Ellington orchestra in the Forum in 1970.



Arthur L. Berger:

Arthur L. Berger graduated from the Wharton School of the University of Pennsylvania and Harvard Law School. He was employed at the Research Institute of America in New York City doing research and writing on federal tax matters before joining McNees in August 1951. He was admitted to the Pennsylvania Bar in

early 1952.

Berger was a leader of the local chapter of the ACLU for many years. He represented ACLU clients in a number of court proceedings, including the defense of a person charged with flag desecration.

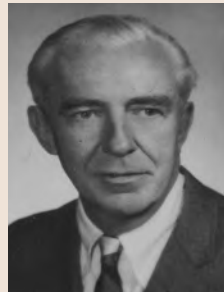
He also held important posts in the state organization. During the volatile days of the '60s, he made several excursions into the South to assist in voter registration efforts for black citizens.

In 1970 Berger made a run for Congress from the West Shore district. High in his campaign arsenal was the memorable slogan, "One Berger to Go." But two terms of Jim Quigley in the '50s was all the Democrats the West Shore wanted, and Berger lost after a gallant run.

Berger retired in 1988 at the age of 65.



Pictured: Arthur Berger, center left, chosen for the 19th District Congressional seat in 1970.



Edward C. First, Jr.:

Native Harrisburger Edward C. First, Jr., graduated from John Harris High School, then attended Dickinson College and Dickinson School of Law, from which he graduated with Sam Schreckengaust in 1938. He was employed in the legal department of the DuPont Company in Wilmington, DE, from

1940 until 1945, served in the Army in 1945 and 1946, practiced law in Washington, D.C., from 1946 until 1950, then returned to Harrisburg in 1950, where he became associated with Willis Daniels and Harold Swope. In 1951, First served a short time as an assistant district attorney of Dauphin County when Carl Shelley was district attorney.

First joined McNees in 1957 with a commitment for partnership. He was one of a kind — indefatigable, restless, fearless and supportive, a loyal team player. He was constantly seeking ways to advance the cause of McNees and McNees people. He was at times a hip-shooter, but he usually knew where he was going and why. First soon became the principal construction industry lawyer in Central Pennsylvania, and a leading area labor lawyer, bringing to the firm the major construction industry associations and many of their members.

First's community leadership helped bring the area rebound after the closing of the Olmsted Air Force Base in 1964, a potential regional economic disaster. He also was instrumental in the formation of Harristown Development Corporation, which brought Strawberry Square, a new City Hall and other landmarks to Harrisburg. Also, in the mid '60s, First represented Lambert & Intreri, the general contractor that had constructed the Holiday Inn Town at Second and Chestnut streets in Harrisburg (now the Crowne Plaza Hotel), under a cost plus contract, in the inevitable litigation that followed completion of the hotel. First secured a jury verdict for more than \$200,000 — the client's entire claim, debt, interest and costs — one of the biggest jury verdicts awarded in Dauphin County to that date.

He retired at the end of 1984 and died in 1994.

Significant Cases and Clients of the '50s

COMMONWEALTH VS. EVANS, ET AL.:

In 1954 George Leader was elected governor of Pennsylvania, the first Democrat since George Earle. The Leader administration promptly began a thorough investigation, culminating in a special grand jury, into the rumored fraudulent practices involved in construction of the then-new Northeast Extension of the Pennsylvania Turnpike. The result was a trial in Dauphin County Court of Quarter Sessions of nine defendants, including the chairman of the Turnpike Commission, and several other Turnpike officials, its chief engineer and McNees' client, John D. Paul; its chief counsel; and the engineers serving as the Turnpike's outside consulting engineers. They were charged as a group with conspiracy to defraud the Turnpike Commission out of about \$19 million by contracting to fill non-existent mine voids under the route of the new Northeast Extension of the Turnpike.

The jury trial, which lasted 13 weeks, nearly filled Court Room No. 1 daily. There were nine defendants, each with several lawyers, dozen of witnesses, experts, the press, and crowds of curious people. It was the most notable criminal case and the longest jury trial ever in Dauphin County.

The firm's client, Commission Chief Engineer John D. Paul, was acquitted along with three other defendants. Five were convicted, including Thomas (Tommy) John Evans, the chairman of the Commission, the secretary and treasurer of the Commission, the Commission's finance director, the president of the Manu-Mine Research and Development Company, and the general manager of Manu-Mine. Manu-Mine was the construction company engaged by the Commission to fill the allegedly non-existent mine voids. First and many other Harrisburg lawyers were kept very busy that hot summer of 1957. It has been said that one of the truly satisfying moments in the practice of law is an acquittal by a jury in a criminal case. Paul's acquittal was a wonderful moment for First and the firm.



Pictured: 1950 PA Turnpike Packet of the extended 160 mile Turnpike.

Chapter Four

1960-1969

“If there’s something I’m proud of, it was when I was a lawyer for the Hershey interests and was able to do the legal work so it could put \$50 million from the Milton S. Hershey School Trust toward the establishment of the Hershey Medical Center. I think there’s nothing finer than doing something to alleviate pain and suffering. There is nothing finer.”
— Gilbert Nurick

Pictured: Harrisburg in 1967.



The '60s presaged great changes in Harrisburg, the nation and the world. The decade began with the firm established, now for 10 years, in the Commerce Building at Second and Pine streets. Sterling McNeese had died in 1959 and Gilbert Nurick was clearly first among equals, although from an administrative and management standpoint Sam Schreckengaust, Ed First, and Jim Hagar were becoming more prominent both as lawyers and leaders in the firm and in the community.

The decade saw the beginnings of major changes in the economy, the population and the practice of law. John F. Kennedy was elected president in 1960, just as the effects of *Brown v. The Board of Education* (1954) were beginning to be felt throughout America, as mandatory public school desegregation led to school district reorganization across the country and “white flight” to the suburbs. The number of Pennsylvania school districts was reduced from 2,000 to 501, but urban areas were left virtually untouched and alone, requiring cross-town busing of schoolchildren. Public school reorganization produced much litigation and McNeese lawyers were involved in many of these cases, favoring or opposing the reorganization plans for particular counties.

Other trends in transportation and communication as well as the nationalization — and, eventually, the globalization — of the economy were compelling everyone to look beyond

traditional social patterns and markets. Yet for most of the '60s, law was practiced in Harrisburg in much the same way as it had been practiced for most of the century. Copies were still made on carbon paper. Dictating equipment only gradually replaced face-to-face dictation. Electronic communication was still only the telephone, and UPS was just getting up a head of steam.

The firm was still small enough to where everyone knew each other’s families and often socialized after business hours. Saturday morning still meant business as usual for McNeese and for most businesses and professional offices in Harrisburg. Even the Register of Wills, the Clerk of Courts, and the Prothonotary were open on Saturdays.

The elevators in the Commerce Building were manned by building personnel, and the receptionist at McNeese handled all incoming telephone calls, as direct dial was a long way off. Thus, the receptionist and the elevator operators were at the fulcrum of nearly everything that happened. It was of some importance to be on good terms with all of them.

Morning mail conferences, presided over by Nurick after McNeese’s death, lasted until the early '60s, when a new practice was instituted whereby at the end of each day a copy of all of the paper produced in the firm that day was reviewed by a single attorney. This chore could be quite burdensome but was frequently enlightening. Because it was so time-consuming the job was rotated among all of the attorneys, even the relative

newcomers. While it lasted it provided a systematic check on what was going on at McNees, and occasionally resulted in an error caught or a useful suggestion made. But as the firm's numbers grew, it became an impossible task for one person to do. The practice was abandoned in favor of assigning departmental responsibility for ongoing review of each attorney's work.

As McNees was growing and changing, so too was the rest of the country. Kennedy was assassinated in 1963, and the 24th Amendment to the U.S. Constitution, abolishing the poll tax, was ratified in 1964. Under the leadership of President Lyndon Baines Johnson the Civil Rights Act was passed in 1964. There were race riots in '65 in Los Angeles and elsewhere, including in Harrisburg in 1969. The assassination of Martin Luther King, Jr. in '68 presaged more racial tension in America and in Harrisburg.

McNees people were involved in many of the significant events of the decade. The Harrisburg Area Community College — Pennsylvania's first community college — began on North Second Street in

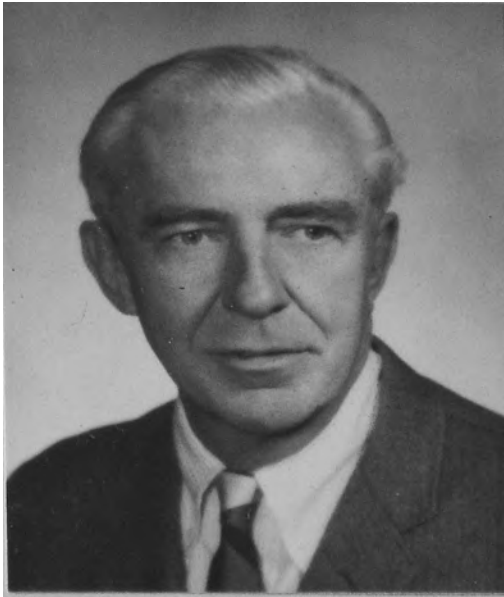


Pictured: *HACC main campus under construction, 1967.*

Harrisburg in the fall of 1964 with about 400 students. Frank Haas was its first solicitor and Haas and McNees lawyers provided legal services to the college for the next 35 years as it grew into one of the most significant institutions in the midstate.

While McNees assisted the opening of one midstate establishment, it helped alleviate the repercussions of another one's closing. The announced closing of Olmsted Air Force Base in Middletown, a few miles south of Harrisburg, made the entire area shudder at the thought of losing such an important employer and customer. It





Pictured: *Edward First*

had been a major Air Force supply depot during World War II, employing as many as 11,000 people from the metropolitan area and the midstate.

Luckily, up stepped firm partner First, who already was active in civic matters. Years of effort by First and his colleagues resulted in the base being recycled in several beneficial ways. Part of the land was turned into the Harrisburg International Airport, part was conveyed to the Pennsylvania State University for its Harrisburg area branch campus, and the remainder was conveyed to the industrial development agency for occupancy by a number of significant private employers. First was a leader of these efforts and much of the legal work was done by McNeese lawyers. Some of the new industrial occupants, including The Fruehauf Corporation, also became firm clients.

First wasn't the only McNeese partner active

In the mid '60s, Ed First represented general contractor Lambert & Intreri under a cost plus contract in the litigation that followed completion of the Holiday Inn Town (now the Harrisburg Hotel) at Second and Chestnut streets in Harrisburg. The principal owner of the hotel was Eugene Zimmerman, a volatile entrepreneur, represented by Jack Bream of Harrisburg. The trial was presided over by Judge James S. Bowman. The courtroom still echoes with the squabbles between First and Bream.

First secured a jury verdict for more than \$200,000 — the client's entire claim, debt, interest and costs — one of the biggest jury verdicts awarded in Dauphin County to that date and, at three weeks, one of the longest civil jury trials at the time. With that case, First and McNeese held the record in civil trials in Dauphin County for a long time.

in the community. Nurick's influence and efforts were keeping him extremely busy as well. He was the president of the Pennsylvania Bar Association in 1967, and in the House of Delegates of the American Bar Association in 1966 and 1967 as a Pennsylvania delegate. He was chairman of the PBA Administrative Law Section and its Judicial Administration Section, and was a member of its Board of Governors.

As chairman of the PBA's Committee on Lawyer Discipline, Nurick doggedly pursued reform of lawyer discipline practices, which had been haphazardly run by individual counties. His efforts resulted in the establishment of a statewide system of professional discipline for unethical conduct. It was the first of its kind in the nation, and for years a model for the rest of the country. He then became the first chairman of the new Disciplinary Board, which was a fitting culmination to years of painstaking, controversial effort.

Nurick also helped to shape and promote the Judicial Article in Pennsylvania's new Constitution before and during its adoption and ratification in 1969. Then, when the new Commonwealth Court was organized he was instrumental in the behind-the-scenes maneuvering that took place to appoint judges to the new court, including its first president judge, James Bowman, a Dauphin County Common Pleas judge. Judge Bowman is renowned for getting the court started efficiently and professionally. For many years it was thought of as the best appellate court in the Commonwealth. Haas, meanwhile, promoted the adoption of a provision in the new Judicial Article of the Pennsylvania Constitution for the appointment of all Pennsylvania judges by the governor to be from lists provided by "merit selection" panels, thus eliminating the partisan, political election of judges.

This provision, as provided in the new Constitution in 1968, was the subject of a separate referendum in May 1969, which

lost statewide by only a few thousand votes. At least six McNees lawyers remained heavily engaged in motor carrier regulatory work for the entire decade, and others in the firm did other legal work for transportation clients, truck and bus companies. In particular, Harry Frank, Jim Booser and Jim Hagar spent most of their professional time on motor carrier regulatory work.

In other business, the firm's lawyers, principally Nurick, became even more active in representing various Hershey interests, including some momentous events for the firm and for central Pennsylvania.

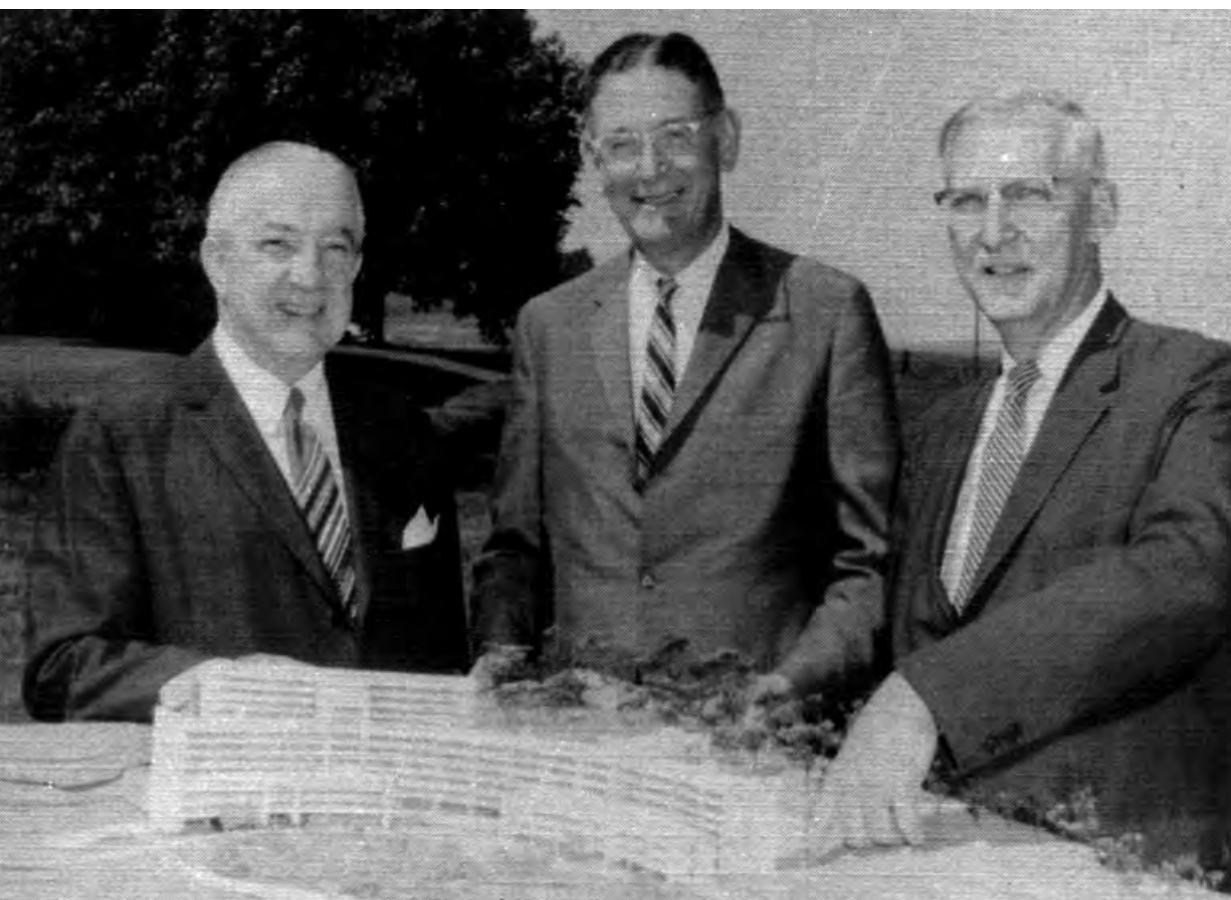
The first involved the other major business enterprise in Hershey in the '30s and '40s — the H. B. Reese Candy Co., represented for many years by Schreckengaust. Schreckengaust represented the Reeses when they sold out to Hershey Chocolate Corporation in 1962, a transaction that produced the firm's largest single fee to that date and the first to exceed five figures. In that transaction Schreckengaust and Arthur Berger crafted a complex stock exchange in a tax-free reorganization.

Another landmark action involving Hershey came in part as a result of Nurick and Sam Hinkle, president of Hershey Chocolate Corporation, being both good friends and loyal alumni of the Pennsylvania State

University. In the early '60s the firm assisted with the *cy pres* proceeding that resulted in the Milton Hershey School Trust donating \$50 million for the establishment of the Hershey Medical Center of Pennsylvania State University.

A petition to the Dauphin County Court, and an elaborate memorandum in support thereof, were prepared by Nurick, with substantial assistance from Jack Riggs and footwork by new firm associate Dick Lefever. Nurick carefully involved the Pennsylvania Attorney General, as *parens patriae*, with the entire proceeding. Dauphin County Orphans' Court President Judge Lee Swope finally issued an order approving the donation. After his retirement, Judge Swope remarked that the case was the most significant and important of his 30-year judgeship.

Pictured: Sam Hinkle, left, (President of Hershey Chocolate Corporation), Gilbert Nurick, center, Dr. George Harrell, right, (founding dean and CEO of Hershey Medical Center), with a model of the Hershey Medical Center, 1964.



McNees, under Nurick's leadership, also was the legal architect in the '60s and '70s of successful petitions by the Milton Hershey School Trust requesting court-ordered changes to the language of the Trust, removing the "white male" only and "biological orphan" only provisions for admission as a student to Milton Hershey School. These changes greatly expanded the school's pool of potential applicants.

Though Nurick and Schreckengaust were the principal Hershey players in the firm, many McNees lawyers did work for the candy company. Among them, Rod Pera, a Hershey native, was hired by McNees in 1966 following a stint as a law clerk to Justice Samuel Roberts of the Pennsylvania Supreme Court. Roberts recommended Pera to Nurick, his longtime friend, and

The Story of McNees Wallace & Nurick LLC

Pera was groomed to do Hershey work from the beginning of his tenure with McNees. Another of McNees' longtime clients also impacted the firm's business in the '60s, this time geographically. Longtime client Capital Hospital Service, later Capital Blue Cross, decided a new building could be mutually beneficial to both its growing business and the firm's need for more space. Thus, Pennsylvania's first commercial condominium was built at 100 Pine Street.

Though initially designed as a co-owned building, Blue Cross decided to buy the entire building as construction was nearing completion. The insurance company moved into the first six floors and signed McNees as its lead tenant, giving the law firm the eighth and the rear half of the ninth floors.

So in 1967 — the same year Dave Wallace died — McNees moved one block from Second and Pine to Front and Pine, as a tenant of Blue Cross. There were 25 lawyers in the firm. Thirteen lawyers were with the firm for the entire decade: Nurick, Booser, Frank, Schreckengaust, Hagar, Berger, Haas, First, Riggs, Griswold, King, Barnhart and Waisel. Several more signed on in the '60s and were still there when the decade ended: Bob Mills, Jeff Jamouneau, Rod Pera, Tom Miller, Herb Nurick, Tom Roberts, Clyde McIntyre, Tom Menaker, Dave Lehman, Jim Randolph, Norm White, Bill Robinson, Rich Stevenson, Murray Bryan and Berne Smith.

Of this group a few were brought on board specifically to add strength to particular areas of the practice. Miller had been an assistant district attorney, a busy general practitioner with other Harrisburg firms and had served an interim term as a Dauphin

County judge. He was becoming one of the best trial lawyers in the area and was engaged to beef up McNees' litigation capability, which had not been among its strong points. Then at Miller's urging, McIntyre was hired to further strengthen McNees' litigation capability. Lehman, who became one of the firm's principal litigators, was hired in September 1968. He wasn't hired to be a litigator but over time he gravitated toward commercial litigation, at which he excelled.

Finally, through First's labor work he became acquainted with Norman White, a young lawyer in the Philadelphia office of the National Labor Relations Board. At First's urging McNees hired White, who developed and headed for many years the Labor and Employment Law Group, and for many years he was recognized as one of the leading management labor lawyers in Pennsylvania.

Jamouneau was hired in 1967, fresh from law school, and gravitated into corporation and securities law; he was McNees' principal lawyer in these fields for many years. Mills, also hired in 1967, moved into association and legislative work and Stevenson, hired in 1969, became one of the area's leading trust and estate lawyers and the personal adviser to many area business leaders.

In addition, another 10 lawyers were with the firm anywhere from six months to eight years over the course of the decade. By the end of 1969 there were still only 28 lawyers in the firm, but McNees' prediction to Hagar in 1949 that he was probably the last attorney to be hired was a distant memory.



Pictured Above: 100 Pine Street in 1967.

Pictured Below: Sam Schreckengaust and Jack Riggs moving into 100 Pine Street in 1967.



Significant Cases and Clients of the '60s

H. B. REESE CANDY CO.:

The H. B. Reese Candy Co., represented by Sam Schreckengaust, was bought out by Hershey Chocolate Corporation in 1962. The story of the acquisition of Reese by Hershey is told succinctly in a book by Joel Glenn Brenner about Milton Hershey and Frank Mars, the founder and leader of Mars Candy Co., one of Hershey's leading customers. An excerpt from the book, entitled "The Emperors of Chocolate," sets the stage:

"There was a long-standing relationship between Hershey and the H. B. Reese Candy Co. Harry Burnett Reese came to Hershey in 1917 to work as a dairyman for the Hershey farms, and in 1921 he went to work in the factory. But Reese was inspired by Milton Hershey's success, and was determined not to remain a factory worker for long.

"I remember one time he said that Mr. Hershey could sell seven carloads (of chocolate) a week...He said he saw no reason why he couldn't sell a couple hundred pounds," recalls his son, Ralph. Reese tried various confections in his kitchen, just as Frank Mars and Milton Hershey had. He made a coconut caramel bar, chocolate-covered dates, various crèmes and caramels and hard sugar candies.

"I remember he'd cook it on the stove till it was like taffy, then cool it on a marble slab, about three-by-three [feet], I guess. Then he'd take it off [the slab] and had a hook hanging on the wall in the dining room. [He'd] throw it over the hook and pull it like you would taffy, then roll it out and cut little after-dinner mint size."

Reese struggled initially, supporting his family of six sons and seven daughters. But by 1925 he had developed a successful candy assortment that he sold to department stores in Lancaster. He capitalized on his association with the burgeoning chocolate company, advertising his candy as "Made in Hershey." In 1926 he built his own factory just down the street from the Hershey plant, and it seemed his operation would double in size every few years.

When the Great Depression came, the Reese company suffered big losses. But Milton Hershey helped his competitor survive, giving Reese free sugar and cutting the cost of chocolate. When the smaller company ran into production problems, Hershey also sent engineers to

help Reese out. But Reese's big break came in 1941, with the wartime rationing of sugar. While the shortage meant crisis for most of the nation's confectioners, it forced Reese to refocus his business on peanut butter cups - which required less added sugar than anything else in his lineup. Reese began full-time production of peanut butter cups, offering them singly for a penny a piece.

The candy became enormously popular, and Reese discontinued all of his other products. By the 1950s, the company ranked as one of the largest candy companies on the East Coast, with sales of \$10 million annually. Reese was the second-largest buyer of Hershey's chocolate, behind Mars. The Company began construction on a brand-new factory on the outskirts of town, designed with the latest in candy-making machinery. But in 1956, just as the factory was completed, H. B. Reese died, leaving his business in the hands of his six sons.

Without a clear successor, the company languished. The sons disagreed over how to run the business, fighting over management decisions and haggling over control. They soon found themselves in over their heads.

"The business ... had outgrown the abilities of those who were attempting to run it, and I think they all recognized that in the early sixties," said Samuel Schreckengaust, Jr., counsel to the company.

Word went out that Reese was struggling and in the spring of 1963, several tobacco companies approached the family to discuss a buyout or merger. But Hinkle realized that Reese would be a much better fit for Hershey. Hinkle called Schreckengaust, and in June 1963, Hershey acquired Reese for \$23.3 million. At the time, Reese boasted sales of \$14 million.

The acquisition was one of the most positive steps Hershey management had taken since Milton's death.

In this transaction Hershey was represented by New York counsel. With Hershey's consent, Schreckengaust and McNees represented Reese. Working for Schreckengaust, Arthur Berger was involved in structuring the deal as a stock-for-stock tax-free reorganization and successfully shepherding through the Internal Revenue Service a request for a ruling that the transaction be tax-free. The transaction produced the largest single legal fee McNees had ever received.

Pictured: *Tribute to Gilbert Nurick, given by the partners and associates at Nurick's retirement party.*

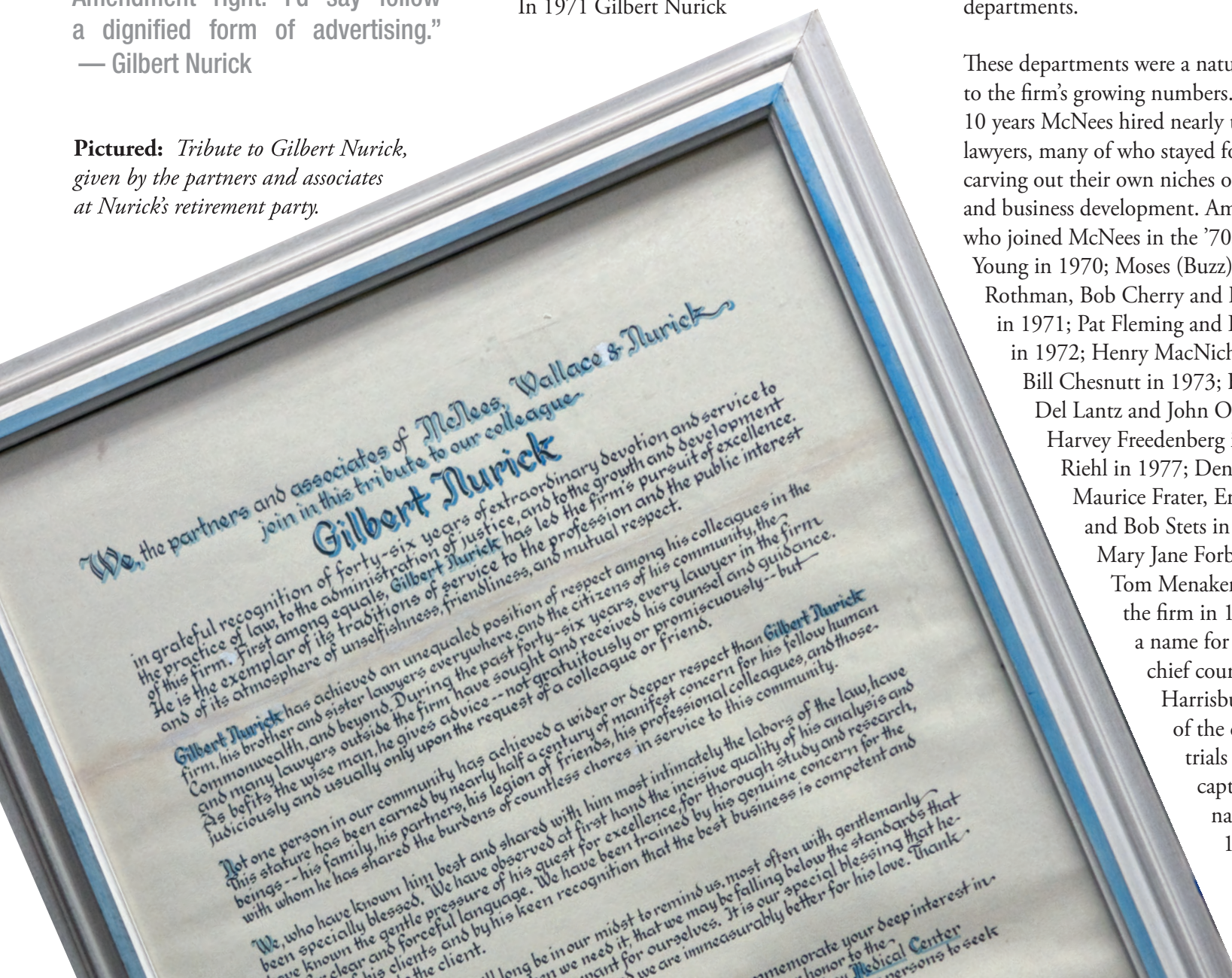
The early '70s were a time of unrest across the country and around the world. The Cold War continued unabated, Watergate forced the resignation of a president and the Vietnam War dominated the news. Significant changes were happening at McNeese, too.

In 1971 Gilbert Nurick

retired, though he kept an office on the premises for another 15 years and was always available for counsel and encouragement. In Nurick's absence, Sam Schreckengaust stepped up to take the reins as the firm's first managing partner, a position that was and still is decided by the partnership. (Schreckengaust also replaced Nurick on his Hershey board posts.) During his five-year tenure as managing partner he was instrumental in establishing the first formal legal practice departments.

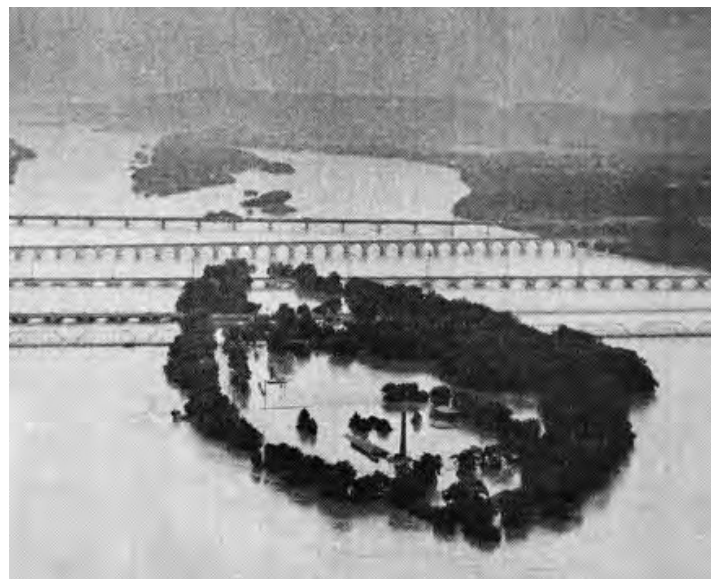
These departments were a natural response to the firm's growing numbers. In a span of 10 years McNees hired nearly two dozen lawyers, many of who stayed for several years, carving out their own niches of legal specialty and business development. Among those who joined McNees in the '70s were: Bill Young in 1970; Moses (Buzz) Rosenberg, Ed Rothman, Bob Cherry and Dave Disney in 1971; Pat Fleming and Lee Roussel in 1972; Henry MacNicholas and Bill Chesnutt in 1973; Burt Snyder, Del Lantz and John Oyler in 1975; Harvey Freedenberg in 1976; Ed Riehl in 1977; Dennis Harnish, Maurice Frater, Eric Brossman and Bob Stets in 1978; and Mary Jane Forbes in 1979.

Tom Menaker, who joined the firm in 1963, made a name for himself as chief counsel for the Harrisburg Seven, one of the decade's biggest trials that held captive the entire nation in early 1972.





Pictured:
*Market
 Street Bridge,
 left, City
 Island, right,
 in the flood
 of 1972.*



Other than family firms, McNees would have been the first Harrisburg law firm with a female partner if Pat Fleming Kemp, who began with McNees in 1972, had not left the area for personal reasons. She also was the first black woman hired by a Harrisburg law firm.

To help keep track of individual and firm accomplishments, the Bulletin was born. The Bulletin was a daily schedule of firm events and a potpourri of news that began on Oct. 19, 1972, announcing the birth of Jeff Jamouneau's first child at Harrisburg Hospital. (It has since been replaced with the ubiquitous electronic communication.)

Earlier that year Harrisburg was ravaged by the most severe flood ever recorded in the Susquehanna Valley. Spawned by Hurricane Agnes in June 1972, the water so badly damaged the Walnut Street Bridge that it was closed for many years, and when re-opened, limited to foot traffic.

Most of downtown Harrisburg, including 100 Pine Street, remained high and dry, but City

Island, South Harrisburg, Shipoke and much of the Cameron Street corridor, including HACC's Wildwood Campus, were under water for many weeks. Frank Haas was the city solicitor at the time and was summoned back to Harrisburg by the mayor from a family vacation in California to deal with flood-related legal issues. Only with federal financial assistance did the flooded areas slowly revive.

While the flood damaged the city, the Harristown Project helped to revive it. The project was a result of work done by The Greater Harrisburg Movement, a group of area civic leaders, including Haas and Ed First, who were concerned about the economic and social health of the region and, in particular, the City of Harrisburg. The group's work culminated in the formation of Harristown Development Corporation in 1974 and the subsequent construction of Strawberry Square, 333 Market Street, three parking garages, a new City Hall, and the rebuilding of Market Square and Market Street.

It all began with leases signed by the Commonwealth and then-Bell Telephone Company of Pennsylvania for about 650,000 square feet of office space in the center of the city, at Strawberry Square and 333 Market Street, financed with the proceeds of a \$105 million bond issue. Those were parlous and nervous days, as the bond issue was sold and construction began in the face of five lawsuits challenging the legality of the bond issue and the entire project. It was a long, contentious and litigious project and McNees lawyers Haas and others, including Neal West, were in the middle of it from the beginning.

Another project of growth for the city — and for McNees' business — came shortly after Milton Shapp was elected governor of Pennsylvania in 1970. One of Gov. Shapp's earliest initiatives involved industrial development, and he convinced Volkswagen to build a huge plant in Pennsylvania. The project involved legal work of all kinds, including corporate, planning, zoning and municipal law; road and railroad construction; easements and rights-of-way;

Since 1970 McNees has represented the following associations in addition to those listed in the 1930s:

- Pa Recreational Vehicle and Camping Association
- Pa Chamber of Commerce
- Pa Coin Dealers Association
- American Meat Processors Association (called “Freezer Provisioners”)
- Pa Land Title Association
- Pa Association of Tobacco and Candy Distributors
- Pa Coin Dealers Association
- Pa Cable Television Association
- Pa Society of Association Executives
- Pa Rural Electric Association
- Pa Credit Union League
- Bowling Proprietors Association of Pa
- Pa Association of Physicians Assistants
- Independent Oil and Gas Association
- National Furniture Rental Association
- Pa Association of County Fairs
- Weight Watchers Association
- Pa Automotive Association
- Pa Independent Automobile Association
- Pa Association of Music and Machines Association (PAMMA)
- Pa Association of Ophthalmology

municipal finance and legislation. Because of his relationship with some of the governor’s principal advisers, Rosenberg and the firm were engaged to provide the full range of legal assistance to the Commonwealth for the entire transaction.

A few years of intensive effort by Commonwealth agencies and McNees lawyers resulted in the construction and opening of the impressive plant in Westmoreland County, which employed more than 3,000 people. The project exceeded \$250 million and produced the biggest fees received by McNees from any single client. McNees’ legal team was headed by Rod Pera. Disney worked on municipal financing matters and Jeff Jamouneau handled some corporate details. Several other McNees lawyers worked on different aspects of the project.

As McNees dealt with various changes to its local landscape, the firm also adjusted to changes in the legal landscape. In 1972 the Pennsylvania Supreme Court shook the legal profession by abolishing time-honored local practice rules, which had prohibited a lawyer from practicing in a county other than the one in which he maintained his primary

office. Local practice laws also had required outsiders to associate with a local lawyer to file papers or appear in the county’s courts. In many Pennsylvania counties, particularly the smaller, rural counties, these rules had been rigorously enforced. This change has enabled McNees lawyers to handle cases throughout the Commonwealth, often without any local association or even physical presence. Conversely, though, the invasion of Dauphin County by out-of-town lawyers has not had much impact on McNees’ business or its growth.

A more far-reaching change in the practice of law came with the decision of the United States Supreme Court in *Bates v. The State Bar of Arizona* in 1977, which struck down most ethical rules against lawyer advertising or solicitation. The rule for the future was simple: “Just tell the truth.”

When the ruling was made, it didn’t affect the way the firm attracted business, as neither advertising nor direct client solicitation played important roles in new clients coming to McNees. Instead McNees lawyers were encouraged to use traditional means for becoming known — that is, to get involved in

community, civic and charitable organizations and causes. But the impact of practically unrestrained advertising has been dramatic, and shows a revolutionary change in lawyer culture.

On the business side of things, McNees was most affected by the deregulation of the public utility business. The country’s thirst for energy and telecommunications in the 1960s had driven the growth of the firm’s utility practice. As electric utilities had embarked upon aggressive construction programs, McNees had represented large commercial and industrial customer interests by advocating the reliable production and delivery of electricity at just and reasonable prices to permit those commercial and industrial operations to remain competitive. Beginning with Bob Griswold and subsequently expanded by Henry MacNicholas, lawyers in the group had practiced before more than 20 state utility commissions in the United States; regulatory agencies in Canada; the Federal Energy Regulatory Commission; and various state and federal appellate courts. Comparable commercial and industrial groups also were developed by McNees to challenge rate

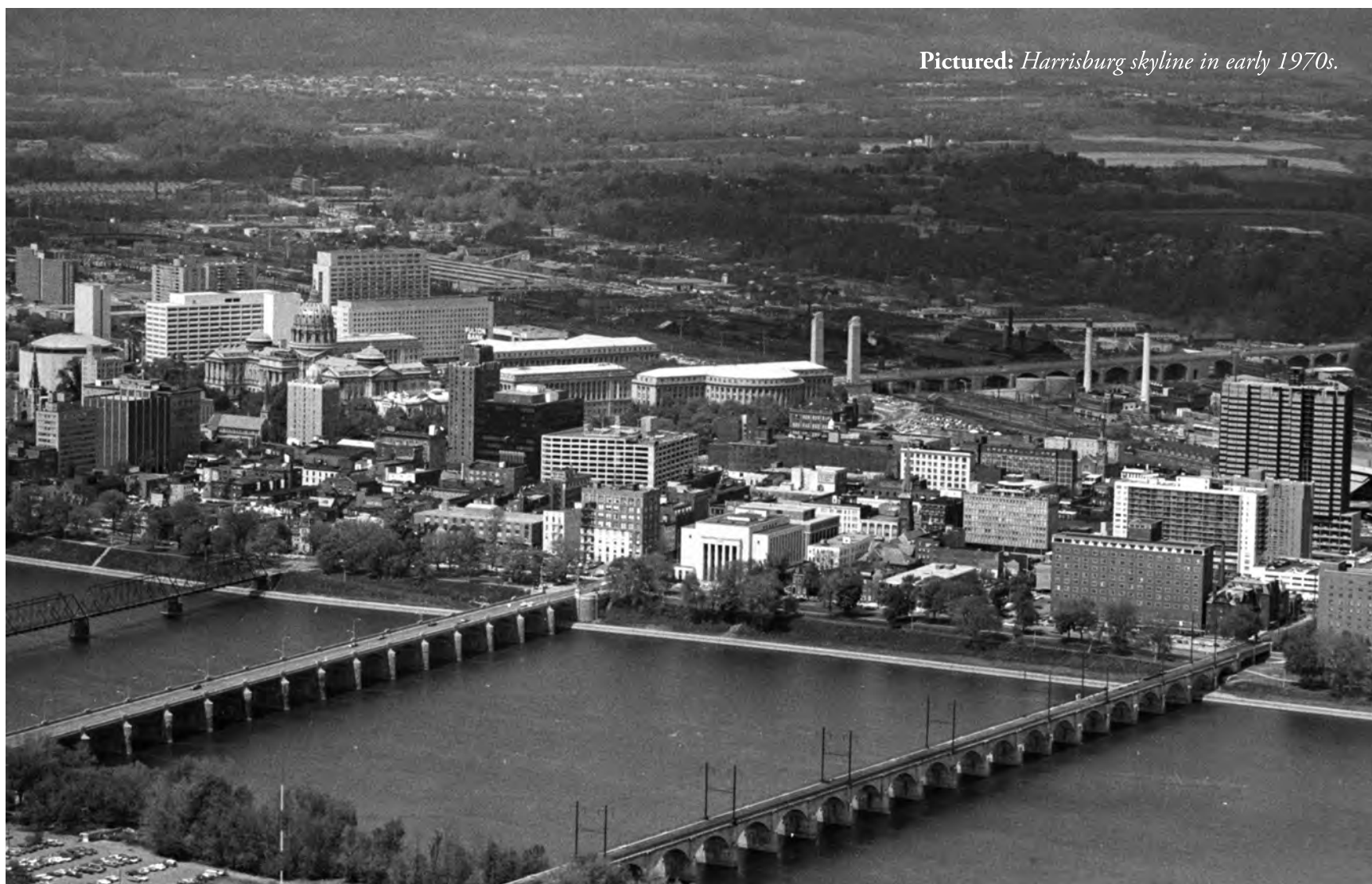
increases proposed by natural gas utilities, water and sewer utilities, and the AT&T/Bell monopoly companies.

Throughout the '70s and '80s the electric, natural gas, and telecommunications industries underwent substantial restructuring and deregulation. The firm's utility/energy attorneys were key players in drafting legislative initiatives in several states that led

to the restructuring. McNees was an industry leader in advocating for large commercial and industrial consumers of fixed utility services. "Lateral" hiring was particularly important in the development of McNees' energy practice, though it was not always from other law firms. MacNicholas came from the U.S. Steel Corporation in 1973, and Frater was enticed away from Jones & Laughlin Steel Corporation. Both had gotten to

know the firm's energy lawyers from their participation in rate proceedings involving the Duquesne Light Company, in which McNees represented other energy users. Another lateral hire was Jim Dougherty, who responded to a McNees ad while working for Potomac Edison Company.

The firm's work also was increasing for a growing array of trade and professional



Pictured: Harrisburg skyline in early 1970s.



Pictured: *President Jimmy Carter leaving Three Mile Island in 1979.*

associations and societies either headquartered in Harrisburg or having business with state government. Bob Mills settled into trade association work with clients represented by First, Tom Miller, Jim Hagar and others, leading the firm's trade association "practice group" for many years.

Trade association work usually involved some lobbying as well as more routine legal matters. When lobbyists were first required to register with the state, Hagar, First, Mills

and Jack Riggs were McNees' first registered lobbyists. Association business was not only good business on its own, it also often led to representation of members of that association. Haas, who in the early '70s had represented the City of Harrisburg in its first-ever bargaining with municipal employees, became managing partner of the firm in 1976. Schreckengaust left McNees in 1977 to become the first in-house general counsel of Hershey Foods Corporation. That same year, the partnership passed a proposal to begin

maintaining individual lawyer productivity records. A similar proposal had been rejected by a majority in 1972.

About this time, law firms across the state began to establish substantial offices in Harrisburg to capitalize on the growing state government contact work and the beginnings of the merger and acquisition fever that was nationalizing commerce, finance and industry.

To stay ahead of the curve, there was talk at

McNees of creating a Central Pennsylvania law firm that would join forces with Lancaster's Barley Snyder; Reading's Stevens and Lee; and the York firm of Markowitz and Liverant. The concept was to create a mega-firm for Central Pennsylvania with a breadth of specialties and ties to the communities of each region. The idea sparked considerable interest but was scrapped because of the concerns of some McNees partners that the obstacles to combining these partnerships were too formidable.

Though a mega-firm wasn't in the cards, McNees did venture outside its home turf for awhile. From 1977 until the mid-'80s, the firm kept a Washington, D.C. office. With its bus and truck regulatory practice and increasing contact with federal agencies, consensus was that an office in Washington would enhance the firm's ability to serve its clients, and attract Washington-based business or business needing Washington contacts and presence. McNees' first Washington office was on 19th Street in the Northeast, staffed by Stuart Law and Bill Chesnutt, and later Dick Siegel and John Fudesco. Chesnutt had been in a motor carrier law firm in Washington and had come into contact with Hagar through national trucking company contacts.

After a few years the office was moved to 1776 M Street near the White House. Because it was a larger space than was needed, McNees' Washington lawyers shared the office with the Pittsburgh firm of Buchanan Ingersoll. The Washington venture was short-lived, but some memorable power lunches at Washington's classiest, and most expensive, eateries were enjoyed by some firm partners while it had a presence in the nation's capital.

Back home in Harrisburg, business was brisk. Time spent on the lucrative public utility business was being re-focused to the energy and telecommunications fields, and the pace of business was quickening in every other area of the firm's practice, including litigation of all kinds. In particular, there was significant litigation relating to the participation of girls in interscholastic athletics, and Bill Young guided the Pennsylvania Interscholastic Athletic Association, a longstanding client, through this legal and constitutional thicket from beginning to end.

In 1979, an event of transcendent local and international interest and concern occurred virtually within the shadow of the capitol and 100 Pine Street associates and partners were frightened, indeed some panicked, at the announcement that the nuclear power plant on Three Mile Island, about 10 miles south of Harrisburg, had experienced a nuclear accident. The tension was palpable. Thousands left the area hurriedly, many never to return.

The "TMI" nuclear accident spurred decades of litigation, the principal claims finally dismissed by federal Judge Sylvia Rambo who found, essentially, that no one ever proved that anyone suffered any injury from nuclear radiation from the plant.

Everyone in the area was involved to some extent in TMI-related activities, including lawyers at McNees, who helped many clients prepare claims for damages involving relocation of people, business losses and related injuries.

Ed First, Frank Haas and some others in the firm were among those enlisted by Gov. Thornburgh and his aides to calm the fears and

concerns of area residents and businesses and, from a political standpoint, convince the public that the new governor and his administration had responded effectively and appropriately to the event.

As the decade drew to a close, McNees was still enjoying its view of the river from its offices at 100 Pine Street, but the internal view had changed quite a bit. What had been a team of 28 lawyers in 1970 grew to 42 by the end of 1979. And the buildup wasn't about to slow down.

The position of managing partner first belonged to Sterling McNees and then to Gilbert Nurick. It was officially assigned in 1971 and was and still is decided by the membership.

1971-1976 - Sam Schreckengast

1976-1984 - Frank Haas

1984-1992 - Rod Pera

1992-2002 - John Oyler

2002-2006 - Steve Weingarten

2006-present - David Kleppinger

Significant Cases and Clients of the '70s

HARRISBURG SEVEN:

One of the decade's momentous events for McNees, Harrisburg and the nation was the indictment, arrest and trial of the so-called "Harrisburg Seven." Tom Menaker summarized that case and its background:

"In 1970, as public opposition to the Vietnam War was mounting, the United States Department of Justice indicted some leading anti-war protestors for alleged criminal acts of resistance. The defendants were mostly Catholic priests and nuns, including Philip and Daniel Berrigan, and a Pakistani intellectual teaching at an American university. The charges ranged from raiding draft boards to a conspiracy to kidnap Secretary of Defense Henry Kissinger. Since several of the alleged acts in furtherance of the conspiracy had occurred in Central Pennsylvania, the US Attorney had the indictment issued by a federal grand jury sitting in Harrisburg.

The nature of the charges and the popularity of the defendants generated great national, even worldwide, interest. The court proceedings, including extensive pretrial maneuvering, went on for two years, and the national television networks, magazines, and wire services covered them thoroughly. Tom Menaker, a young McNees partner who had long been active in the anti-war movement, was retained as local counsel to represent all seven of the defendants who went to trial. Several of the defendants also retained nationally prominent attorneys, including former US Attorney General Ramsey Clark, New York City Council President Paul O'Dwyer, and Harvard law professor Leonard Boudin, all of whom tried the case with Menaker in early 1972.

The trial was before US District Judge R. Dixon Herman, a Nixon appointee who had previously served on the Dauphin County Court of Common Pleas. Because of the extensive pretrial publicity, jury selection took nearly a month and the entire trial lasted four months. The jury was sequestered throughout the trial and Saturday sessions were common. Menaker and the entire defense legal team made their headquarters in the McNees offices, so the firm was frequently featured in the national news, and many of our attorneys and staff developed working relationships and even friendships with them and some of the defendants.

The government rested its case after calling over 70 witnesses, mostly FBI agents, and introducing over 500 documents into evidence. The defense team stunned the judge, prosecution, and press, when they announced at the conclusion of the government's case that they were "resting" without calling a single witness or defendant to the stand. The defense believed, correctly, that it had introduced sufficient facts, documents, and doubt through its extensive cross-examination of the prosecution witnesses. Though the jury deliberated for two full weeks, the verdict justified the defense strategy and no defendant was convicted on any substantive count of the indictment. Father Philip Berrigan and his friend (later wife) Sister Elizabeth McCallister were convicted of the misdemeanor of sending letters into and out of Lewisburg Federal Penitentiary, but that was quickly set aside by the Third Circuit Court of Appeals. Though this case was often labeled at the time "the trial of the century", it preceded cable television news coverage and was eventually eclipsed by others such as the O.J. Simpson murder trial."



Pictured: Anti-war demonstrators marching in support of the Harrisburg Seven. Harrisburg, 1971.

PENNSYLVANIA INTERSCHOLASTIC ATHLETIC ASSOCIATION (PIAA):

Sterling McNees always saw associations as fertile fields for legal work, and the Pennsylvania Interscholastic Athletic Association (PIAA) is a prime example. The PIAA was founded in 1913, and for many years it was operated by public school people, mostly superintendents and principals, without any independent staff. It was an organization of public schools, and its policies reflected the desires of those schools and school districts. By the early '30s it had grown to the point that it needed an independent headquarters and staff. It established an office in Harrisburg in the old Pennsylvania State Chamber of Commerce Building, where Sterling McNees was doing business.

Before long McNees and his new partner, Gilbert Nurick, had moved to the new Payne-Shoemaker building, a block to the north, but they were doing such legal work as the PIAA had, which wasn't much in the beginning.

But by the mid-1960s there was a substantial increase in the number of girls interested in participating in high school sports, but there were relatively few girls' teams. To increase the number, the PIAA Board of Directors adopted the recommendation of its girls' sports advisers to prohibit boys and girls from practicing and playing on the same team.

While this tripled the number of girls' teams in public schools over the next four years, it also overwhelmed the courts with federal and state

litigation alleging sex discrimination under the Equal Protection Clause of the United States Constitution and the Pennsylvania Equal Rights Amendment. Bill Young guided it through the legal and constitutional thicket from beginning to end.

It was defense of this PIAA rule that laid the groundwork for the explosion of girls' teams in the 1980s.

Over more than 70 years, several McNees lawyers have represented PIAA. The work has passed from McNees and Nurick to, successively, Ralph Evans, Sam Schreckengaust, Frank Haas, Rod Pera, Bill Young, and Alan Boynton. During that time PIAA has had six different executive directors.

Besides the expansion of interscholastic athletics for girls, major cases involving PIAA over the years have involved its response to riots amid racial tension in the '60s and '70s, and many cases involving the athletic eligibility of student athletes. In the meantime nearly all private secondary schools, and now Philadelphia public schools, have become members of PIAA. Boynton estimates that he spends approximately one-third of his professional time on PIAA matters, including the never-ending controversy over a student's athletic eligibility when he or she transfers from one school district to another.

Chapter Six 1980-1989

“The practice of law is an art like the practice of medicine, the development of music, the creation of architectural wonders. One of the distinguishing characteristics of a profession is that it deals with everlasting principles, and not revolutionary inventions. There can be no such change in the law as resulted in industry when the automobile was invented, when mechanical refrigeration was developed, when the telephone came into use. These were new in principle, revolutionary in effect. The law, on the other hand, is old in principle, and new only in its effort to accomplish for the present generation that full protection of life and property guaranteed to our fathers. It does not change the rule as to property rights because now an airplane instead of a wandering cow may usurp them.”
— Sterling G. McNees

By 1980, change and growth had become the norm at McNees. The decade that brought us Reaganomics, the War on Drugs and the first female Justice of the U.S. Supreme Court brought the firm a shift in its business model, a renovation in its office space, and another significant increase in its staff.

It had been 45 years since Sterling McNees and Gilbert Nurick had partnered, reporting a gross income of just over \$37,000.

In 1980, gross income at McNees was about \$5 million. The firm had evolved into a significant business operation. In July 1980 McNees' Executive Committee consisted of Managing Partner Frank Haas, Bob Griswold, Buzz Rosenberg, Arthur Berger, Tom Miller, Rod Pera, Norm White, Dave Disney and office administrator Dorothy “Dot” Bland.

McNees started the decade with 43 lawyers and added another crop of very good, young associates to its ranks. New lawyers brought on board in the '80s included: Alan Boynton, Mike Doctrow, Jim Fritz, Mike Jarman, Gary Yenkowski, Don Kaufman, Dana Scaduto, Dave Kleppinger, Abby Tierney, Liz Dougherty, Jeff Clay, Steve Moore, Frank

Miles, Jay Feaster, Jonathan Rudd, Terry Bossert, Carmen Santa Maria, Donna Long, Steve Weingarten, Carol Steinour, Bernie Labuskes, Diane Tokarsky, Jessie Smith, Mark Van Blargan and Dave Watts.

At the same time, the firm bid farewell to some of its biggest and brightest: Sam Schreckengast retired in 1980, Jim King and Jeff Barnhart in '81, Jim Hagar in '83, Ed First in '84, Griswold in '85, Rosenberg in '87 and Berger in '88.

With the old guard fading, the new lawyers led McNees in a more focused, business-oriented direction. Individual lawyer productivity was being monitored and rewarded accordingly. This emphasis was a sea change from decades of a culture that had discouraged internal lawyer-to-lawyer competitiveness.

Another result of firm growth and advancing technology was the move to a more structured administration. In July 1980, Dot Bland was named the firm's first administrative manager, reorganizing and expanding the increasingly important role she was playing in day-to-day operations. At the time, McNees lawyers and staff occupied all of the eighth floor, most of the seventh floor and part of the ninth floor at 100 Pine Street.

Pictured left to right: *The McNees Executive Committee in 1980: Frank Haas, Bob Griswold, Buzz Rosenberg, Arthur Berger, Tom Miller, Rod Pera, Norman White and Dave Disney.*





Pictured left to right:

Department Chairs of 1980: Public Utilities, Jim Hagar; Tax, Dick Lefever; Litigation, Dave Lehman; General Business, Tom Menaker.

In February 1981, McNees further strengthened its business structure shift by exacting a monthly penalty on lawyers who failed to submit their timesheets by the deadline. It recognized the need for more concentrated effort on marketing and created a Business Development Committee. And an effort was made to strengthen ties within the ranks as well, with \$750 spent on 30 T-shirts for the McNees volleyball team!

Besides the way business was done, McNees saw a shift in the types of business coming through its doors. In 1980 firm lawyers were operating in just four departments: Public Utilities, chaired by Jim Hagar; Tax, headed up by Dick Lefever; Litigation, chaired by Dave Lehman; and General Business, led by Tom Menaker. Thanks to the federal Motor Carrier Act of 1980, motor carrier business — a longtime business mainstay for McNees — was slowing down. Deregulation of major segments of the public utility business, which had begun with the deregulation of the airlines in 1978, shifted the firm's focus for future business, even though it was kept busy in the short-term.

The impact of the deregulation of the motor carrier business was laid out in a memo to the

firm's partners from Hagar on Dec. 4, 1981. It said, in part:

"While the past year has been traumatic from the standpoint of motor carrier representation and continues to be so, despite any rumors to the contrary, the Public Utility Department is not either dead or dying. ...

The workload of the personnel of the department devoted to the general utility field and ratemaking in particular, continues to be extremely heavy and is growing. The trauma has been related to the motor carrier field where with the "deregulation", which is somewhat of a misnomer, of trucking companies by the Interstate Commerce Commission, this field of practice has been undergoing and is undergoing a tremendous change. As of this date, it is virtually impossible to forecast precisely the nature and extent of the motor carrier practice before the

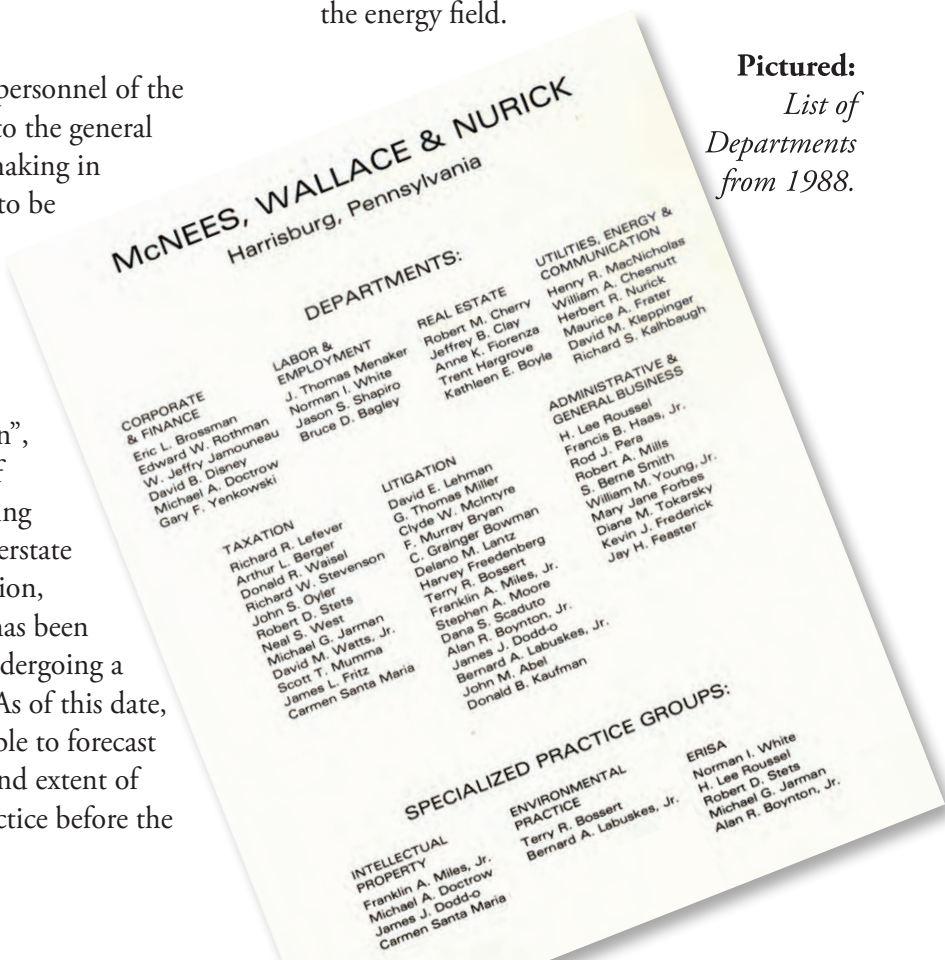
Interstate Commerce Commission although at the moment the members engaged in that practice are busy, and some of the largest cases ever tried before the Pennsylvania Public Utility Commission on behalf of trucking companies are about to get underway.

Given deregulation we may have individual problems of sufficient productive hours in the motor carrier field. On the whole, we perceive that the department is and will be busy, gainfully employed and its economic return, I believe, is and will be in satisfactory condition."

By December 1981 much of the work done by the Public Utilities Department had shifted from motor carrier regulatory work to the energy field.

Pictured:

List of Departments from 1988.



Also, the diversification of the firm's general business, highlighted by growing involvement in all of the different Hershey interests, picked up the slack created by motor carrier deregulation. Dick Lefever and other McNees lawyers were busy with work for Hershey's Chocolate Corporation, for HERCO, and for the Milton Hershey School and the School Trust. Norman White had succeeded Nurick and Schreckengast with the labor work.

Rod Pera, who succeeded Haas as managing partner in January 1984, also became heavily involved in Hershey work and was elected to the boards of the Hershey Trust Company and the Milton Hershey School in 1984, and of Hershey Entertainment and Resort Company in 1985.

Menaker was involved from time to time in Hershey labor work, but his principal labor client in the '80s was UGI (the former United Gas Improvement Company), for whom he did work throughout the system in Pennsylvania and neighboring states until his retirement in 1989.

In other business developments, in 1981 McNees began to provide general legal service to WITF, the region's public broadcasting company, although White had been doing their labor work for several years. And in the early '80s the firm added a Real Estate Department, chaired by Rosenberg.

Through most of the decade the Harristown project and Harristown Development Corporation provided McNees with a full plate of legal work, including a major action in the '80s that was settled in December 1993, for which McNees earned the largest single fee ever received by the firm, before or since.

While McNees' strong local ties kept clients like Harristown seeking its legal services, outsiders were honing in on the local legal market. The demise of local practice rules and the reorganization of the economy along regional, national, even global lines, were changing the legal landscape in Harrisburg and beyond. The floodgates were opening, with law firms from across the state staking a claim to some of the capital's increasing law business. In turn, McNees began doing some spreading of its own, establishing a presence in Hazleton, Lancaster, State College, Philadelphia, Pittsburgh and Columbus, Ohio, over the next two decades.

And it continued to expand its offices at home. In 1983 the firm took over all of the sixth, seventh and eighth floors and the entire front half of the ninth floor at 100 Pine Street, and began major renovations to all these floors with the blessing of its landlord, Capital Blue Cross.

The west half of the ninth floor was converted to a conference center and the spectacular west conference room was constructed. Two unique spiral staircases were built connecting the sixth and seventh floors, and the seventh and eighth floors. With McNees' main reception area on the seventh floor, those connecting stairways provided a convenient, impressive entrance to the firm's offices.

The renovation project was a major event in 1983 and 1984. Cutting through the 5-inch reinforced concrete floors to install the spiral staircases between floors was a fascinating scene, though very dusty and dirty. Everything was covered and the cutting had to be cooled with water as it was happening. When the

stairways arrived, they were hoisted up in sections by a huge crane and the windows were removed so the sections could be moved onto the seventh floor reception area.

David Disney was appointed chairman of the project, dubbed the Space Committee, and he supervised it until its completion. So much of his time was taken up with the project that for its duration he was excused from meeting his billable hour requirement. In April 1984 Disney submitted his final report on the project's completion, which cost nearly \$700,000.

Once he was finished supervising the home office improvements, Disney got busy improving the community. In 1986 he helped start Leadership Harrisburg, in which a class of budding area leaders go through an intensive nine-month program, observing and studying nearly all of the area's public and charitable institutions that have an impact on the life of the community. Disney headed its board for several of its early years. He also served as chairman of the board of The United Way and of many other civic organizations.



While McNees was spending money at the Pine Street office, it also was reining in spending elsewhere — namely, at its less profitable venture in Washington. In 1985 Bill Chesnutt, the firm's Washington lawyer, moved to the Harrisburg office and the Washington office was closed. Chesnutt transitioned to the firm's energy and telecommunications business with Bob Griswold, Henry MacNicholas and David Kleppinger.

In the mid-'80s Tom Miller referred an automobile dealer client to John Oyler for some business work related to the dealership. About the same time, Menaker had been doing some labor work for the Pennsylvania Automotive Association and he referred its executive director, Paul McMillan, to Oyler for some automobile dealer-related business work.

Oyler had been born with an entrepreneurial gene. He began attending PAA conventions and reading about automobile dealerships and their legal and business problems. He also read some stories about how major accounting firms were beginning to establish industry-oriented practice groups within their firms. A light dawned. The connection with PAA and its executive director led to McNees' first industry-oriented practice group — a thriving automotive industry legal practice — and paved the way for the establishment of other industry-oriented practice groups.

On July 31, 1989, when Blue Cross moved to its Elmerton Avenue headquarters, McNees bought the building — and 137 condominium parking spaces in the building being built immediately to the north — for \$5,697,100. No longer just a tenant, McNees

Pine Street for \$5.6 million

Capital Blue Cross bought it from Saligman. Saligman built the structure in 1965, hoping to reap benefits from the state's 2-year-old condominium laws by selling or leasing individual floors to businesses.

When Blue Cross offered to buy five of the nine floors, Saligman abandoned his plan, said Robert L. Richey, an architect who worked on the building. Saligman didn't want to control only less than half of the structure, so he sold the whole building to Blue Cross, Richey said.

See BUILDING — Page B2

...ance at making real estate histo-
...h the structure's not legendary, it
...Harrisburg law firm of McNees,
...nd Nurick. The city's oldest and
...w firm announced yesterday that it
...at the modest brick and stone build-
...5.6 million.
...is prime office space," said Rod
...e firm's managing partner, in a pre-
...atement. "We are located right on the
...the heart of the city."
...firm has rented floors in the building
...1967, approximately two years after



Pictured:

Building dedication party (Top: Gilbert Nurick and sons Carl, left, and Herbert. Middle: Lois Lehrman Grass and Norman White. Bottom: Neal West, left, Jack Jaroh, middle, and Frank Haas, right).

was thereafter an owner and a landlord with an ever-increasing need for space. The firm had jumped from 43 to 62 lawyers by decade's end.

In November 1989 McNees threw a big party in its newly acquired offices, dedicating the building to Gilbert Nurick. The Patriot-News'

story of that party featured then-83-year-old Nurick, who had retained an office at the firm after his retirement in 1977.

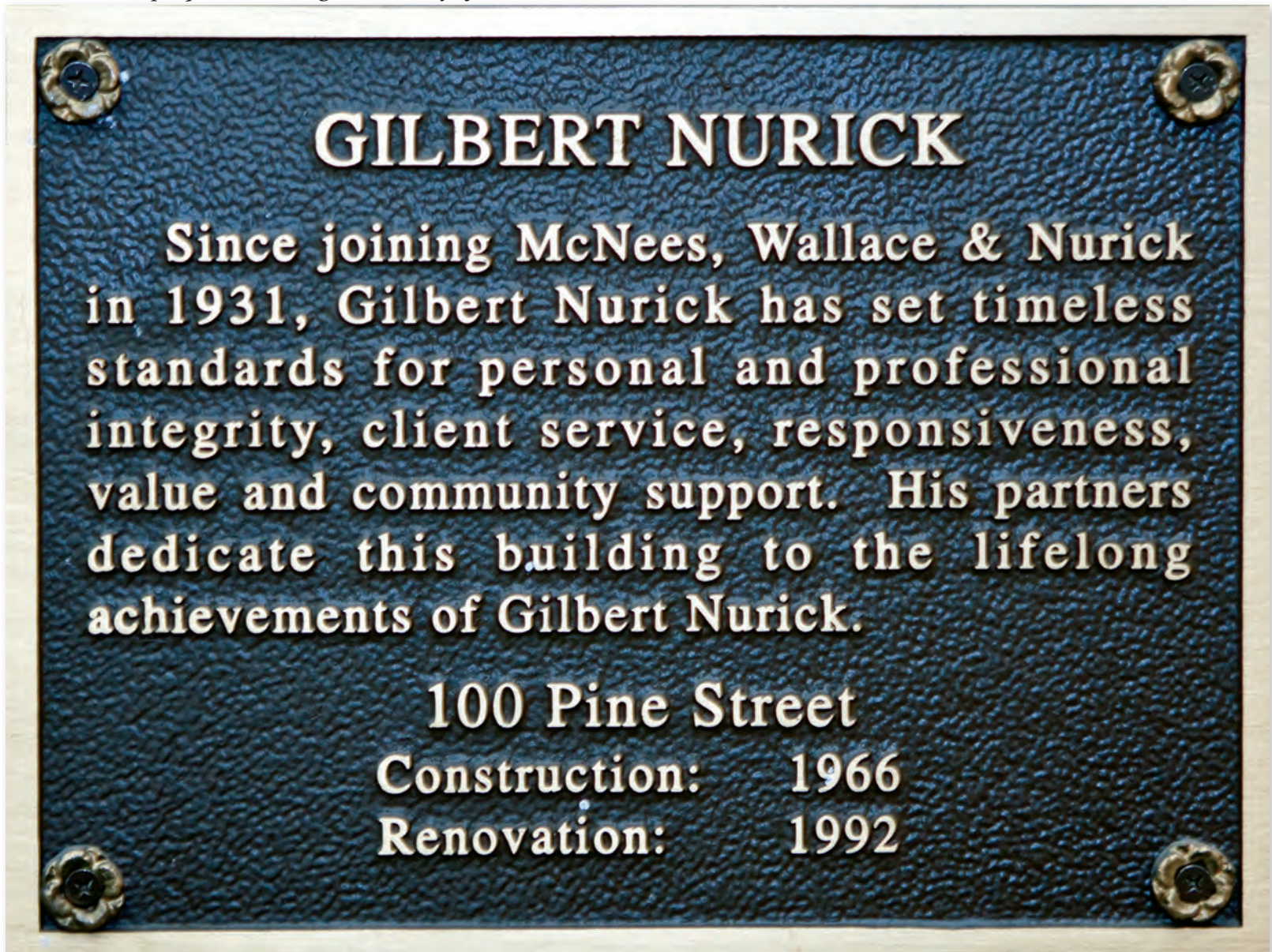
The dedication plaque remains in the first floor lobby of 100 Pine Street.

So it is McNees' building but, as the plaque in the lobby heralds, it is the Nurick Building.

Sterling McNees would heartily approve.

Pictured:

Gilbert Nurick plaque which hangs in the lobby of 100 Pine Street.



Significant Cases and Clients of the '80s

HARRISTOWN PROJECT AND HARRISTOWN DEVELOPMENT CORPORATION:

Harristown Development Corporation had been created in 1974 to oversee projects that would improve the City of Harrisburg. The Harristown Project, as it was called, culminated with the construction of Strawberry Square, 333 Market Street, three parking garages, a new City Hall, and the rebuilding of Market Square and Market Street.

Through most of the '80s the Harristown Project and Harristown Development Corporation provided McNees with a full plate of legal work, including the Vartan cases, in which developer John Vartan sued Harristown, the City of Harrisburg and the Harrisburg Redevelopment Authority, both to stop them from acquiring his property on Chestnut Street. Then, in a civil anti-trust action in federal court, Vartan claimed \$30 million in damages for seeking to take his property and impede his development plans. Both actions eventually were won by Harristown Development Corporation, but not before much anguish and expense, and the need to revise the downtown urban renewal plan.

Another significant case McNees handled for Harristown was over the construction of Strawberry Square, which had opened in 1978. Its facade was comprised of huge 30-ton pre-cast concrete panels faced with red tiles. In April 1983 someone picked up a piece of mortar on the sidewalk near the corner of Third and Walnut streets, and an inspection revealed that it had fallen from one of the facade panels. Many months of investigation and testing found that moisture within the panels was rusting the steel reinforcement bars, causing expansion and deterioration. Years of testing, litigation and planning resulted in the examination of all of the panels and eventually replacing all of the facades with the present grey facing panels, at a cost of several million dollars.

McNees represented Harristown Development Corporation in litigation against all of the contractors, architects and engineers on the project and the fabricators of the panels. All were represented by counsel for their insurance carriers. The litigation lasted for many years and ended when a settlement was paid to Harristown through the principal insurance company involved.

The settlement enabled Harristown to re-clad the entire surface of the exterior of Strawberry Square and add the glass panels running up above the main entrance on Walnut Street. In December 1993, more than 10 years after that little piece of mortar was discovered on the sidewalk, it produced the largest single fee ever received by McNees, before or since.

McNees had agreed to take the so-called "tile case" on a contingent fee basis, and in the many years of that litigation McNees attorneys had logged more than 14,000 hours of time to the cases. The cases consumed so much time of so many attorneys that the Management Committee eventually required monthly reports on the status of the cases, nervous that so much time was going into a contingent fee case. The case became known, with more or less affection, as the "tile pile."

McNees' principal attorney in the "tile" case was Clyde McIntyre, backed up by Jonathan Rudd. They were the first to recognize the potential of these cases. McIntyre was principally responsible for formulating the legal theories and the strategy for pursuing the claims. It was painstaking, arduous and complex work. McIntyre's dogged determination and persistence paid off in the end for the client and for McNees. Throughout the entire case one paralegal, Betsy Ruth, worked with McIntyre and Rudd, almost to the exclusion of other work.

The risk that the firm took in accepting the case on a contingent fee basis was considerable. Few "contingent fee" cases have guaranteed results. It was McIntyre's dogged belief in a theory of the case that convinced the firm to take it. The client would have been hard-pressed to proceed on a straight fee-for-time basis, but the implications for Harristown Development Corporation and the city were enormous. The cost of the entire refit of the façade was many millions of dollars. Luckily the recovery from the defendants, principally an insurance company, covered most of that cost.

Chapter Seven

1990-1999

“But all of the business which has come this way would have been a boomerang if someone here had not had the integrity, the industry and the intelligence to give the right advice, take the right action and generally succeed in the undertaking We may well ask ‘what doeth it profit a man though he gain the whole world if he lose his case.’”

— Sterling G. McNees

Pictured: *Harrisburg Hilton and Towers at Market Square.*

McNees welcomed the 1990s with a newly acquired building and the ambition to fill it. The decade began with 67 lawyers on board and by 2000 the ranks had swelled to 91 — and 61 of them had been with the firm for just part of the decade.

The firm’s gross income for 1990 was \$12 million. It had taken 55 years for McNees’ gross income to climb from \$35,000 in 1935 to \$5 million in 1980. Then in the span of a single decade it had more than doubled. Even factoring for inflation, that kind of growth was remarkable — and it wasn’t about to slow down.

Effectively managing such a changing scene was a major chore. Rod Pera remained managing partner until 1992, when he was succeeded by John Oyler, who used his entrepreneurial spirit and business-oriented approach to lead the firm through its biggest metamorphosis yet.

Oyler believed that success required an effective internal business organization and an emphasis on individual lawyer productivity.

When Tom Herwig resigned as chief financial officer in mid-1992, Oyler engaged Rick Burtnett, also a CPA, as its chief operating officer. From a business and operating standpoint, he has served the firm well during its significant growth. About the same time, the firm hired its first full-time building superintendent, Don Bradnick.

Another group of fine young lawyers joined the firm in the ’90s, including: Amy

Capobianco, Jeff Champagne, Charles Courtney, Clayton Davidson, Jim DeAngelo, Tim Deckert, Jim Dougherty, Deb Fourlas, Helen Gemmill, Scott Gould, Bob Haas, Louise Hutchinson, Mike Kelley, Peter Kriete, Jim Kutz, Andrew Levy, Nedric Nissly, Sharon Paxton, Pam Polacek, Larry Wieder, Laura Williams and Charles Young.

Carmen Santa Maria returned to the firm in 1998, after completing training as a patent lawyer at General Electric and gaining admission to the patent bar. He had first come to McNees in 1987, but stayed then for just about a year.

Jeff Champagne, who joined the firm in 1995, was a lateral hire, having been chief counsel of the Pennsylvania Department of Education from 1990 until 1995. Before that he had been division director in the Office of Special Education Programs in the U.S. Department of Education. He had broad experience in public education law, particularly the very active field of special education, and he significantly strengthened the Education Law Group, then chaired by Liz Dougherty Maguschak.

Several other lawyers said goodbye to McNees in the ’90s, including Frank Haas, who retired in 1995, and Clyde McIntyre and Ed Rothman, who retired in 1996. Others who left the firm during this decade, for a variety of reasons, included: Jeff Clay, Trent Hargrove and Tim Clawges in 1990; Abby Tierney and Donna Long in 1991; Henry MacNicholas in 1992; Burt Snyder and Tom Miller in 1993; Glen Heisey, Berne Smith, Don Waisel and Lee Roussel in 1994; Terry Bossert, Bill Chesnutt, Nick Guarneschelli and Herb Nurick in 1995; Dick Lefever, Ed Riehl and

Bob Stets in 1996; Bernie Labuskes in 1998; and Eric Brossman, Catherine Walters, Bob Goduto, Frank Miles, Gary Ritter and Neal West in 1999.

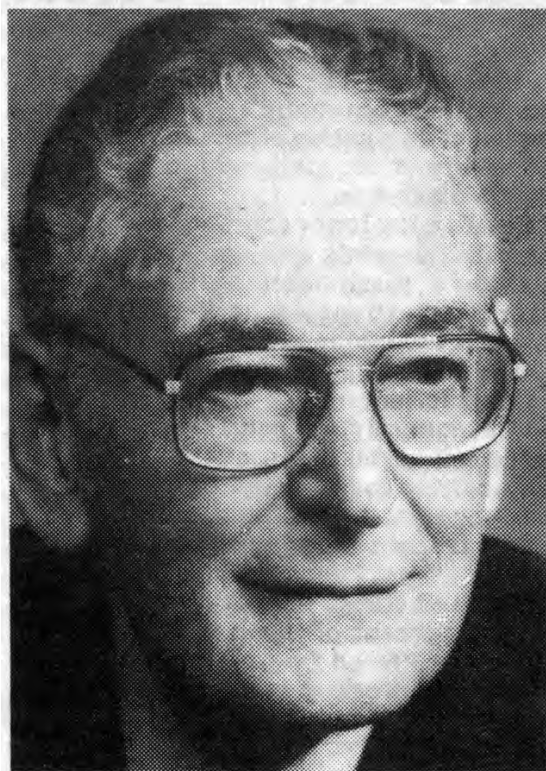
With so many lawyers and such a vast volume of work, only a few significant events and important trends affecting McNees in the '90s and beyond can be recounted. Among them was the opening of The Harrisburg Hilton and Towers on Harrisburg's Market Square in November 1990. McNees lawyers Haas and Dave Disney had been busy working

with Harristown Development Corporation, the City of Harrisburg and a local hotel development group to plan, finance and build the hotel. It had a special liquor license tailored to its needs — including the right to serve on the Market Square Plaza — that was secured under the guidance of Bill Young, McNees' liquor law guru. The Harrisburg Hilton and Towers quickly became one of the region's finest hotels and another bright spot in the city that McNees lawyers had a hand in illuminating.

One bright spot in the city and the firm was extinguished in 1993 when Gilbert Nurick died. He left a legacy — and a building — that would stand the test of time.

Just as Nurick rose to greatness in the field and in the firm, so too have others in his absence. In the early '90s Grainger Bowman was doing a significant amount of construction contractor work and Diane Tokarsky began assisting him, handling both construction contracting and construction litigation. By the time Grainger left the

Pictured: March 18, 1991 article from the *Pennsylvania Law Journal*. Gilbert Nurick passed away two years later.



Gilbert Nurick
60 years of service

Nurick is honored with namesake award

By **GEOFFREY YUDA**
PBA Staff

Harrisburg lawyer Gilbert Nurick was honored for his many contributions to the bar with the presentation of a special award that bears his name during the Pennsylvania Bar Association's Conference of County Bar Leaders annual seminar March 15-16 in Reading.

Nurick received the first Gilbert Nurick Award during the CCBL annual dinner March 15 in recognition of his "dedication and service to leadership and promotion of the organized bar."

The 84-year-old Nurick's efforts on behalf of the bar include a term as PBA president in 1967, when he played a key role in implementing the CCBL seminar series and organizing the PBA House of Delegates.

He is a past president of the Dauphin County Bar Association (1949) and a former member of the ABA House of Delegates (1966-1967). He also is a life member of both the Pennsylvania Bar Foundation and the American Bar Institute and a Life Fellow of the American Bar Foundation.

Nurick was the first chairman of the Disciplinary Board of the Supreme Court of Pennsylvania (1972-1975) and the first recipient of the PBA's Pennsylvania Bar Medal for Distinguished Service (1978).

A graduate of the Dickinson School of Law, Nurick has received the school's Outstanding Alumnus Award (1975) and taught there for five years as an adjunct professor (1975-1980).

Currently of counsel to the firm of McNees Wallace & Nurick, which is headquartered in "The Gilbert Nurick Building" in Harrisburg, Nurick this year marks 60 years in the practice of law.



Pictured: *Diane Tokarsky with Jim Kutz at the Hershey Lodge and Convention Center construction site.*

partnership in 1993 Tokarsky had become immersed in contractor representation; she has since become one of the most prominent construction industry lawyers in Central Pennsylvania.

As she was replacing Grainger in the construction field she recruited Jim Kutz, a former law school classmate, to come to McNees to work with her on the

construction-related work. They became a formidable team.

Pera began serving as acting president of The Milton Hershey School in 1992, and left the firm in 1994 to become the school's president.

In 1995 McNees management made the momentous decision to remove the comma from the firm name. The comma reacted angrily with a Petition for Reinstatement, naming as defendants Francis B. Haas, *et al* (as required in suing a partnership), demanding that it be restored to its position of honor. The respondents then, just as annoyed, reacted with his/its omnibus motions. This hilarious exchange produced sustained mirth at the firm, but the comma was gone forever. *Sic transit gloria!*

By the mid-'90s McNees was operating in eight busy Practice Groups: the Automotive Industry Group, headed by John Oyler; the Construction Law Group, chaired by Diane Tokarsky; the Energy and Utilities Law Group, headed by Dave Kleppinger; the Labor and Employment Group, headed by Brian Jackson; the Real Estate Law Group, headed by Bob Cherry; the Technology and Intellectual Property Group, chaired by Mike Doctrow; the Litigation Group, chaired by Jim DeAngelo; and the Business Group, co-chaired by Jerry Morrison and Steve Moore.

The Business Group was broken into six sub-groups: Asset Planning and Federal Taxation (Dave Watts, chair); Business Counseling Group (Rich Stevenson, chair); Employee Benefits (ERISA) Group (Steve Kern, chair); Financial Services Group (Dave Disney, chair); Healthcare Group (Mark Van Blargan, chair); and State & Local Tax Group (Jim Fritz, chair).

The Technology and Intellectual Property Group (TIPG) was formally established in the early '90s, but its roots could be traced back to 1982 when Frank Miles, then a litigation associate, was asked to handle a problem with a trademark registration. Miles plunged in, liked the work, and decided to make it a side practice. By 1984 he was looking for help with the transactional side of the trademark business, including licensing, maintenance and transfer. Doctrow, then an associate in the General Business Department, was "volunteered" to assist him, and their subsequent trademark practice developed quickly.

As Miles promoted the trademark practice, he found himself working closely with HERCO on trademark clearance and licensing matters. Through the efforts of many attorneys the volume of work rapidly increased. This influx of work required the firm to engage several very good associates in the '90s. Within the Technology and Intellectual Property Group, Miles focused on trademark and copyright litigation and Doctrow on trademark maintenance, transfer and licensing.

In his report to the partnership on Dec. 4, 1981, Jim Hagar had recalled that in 1949 Sterling McNees told him that he "was probably going to be the last attorney hired by this law firm." Predictions, like comparisons, can be odious. At the annual firm partnership meeting in January 1995, with more than 70 lawyers in the firm, Oyler distributed a compilation of partners' responses to a questionnaire he had circulated seeking the views of all partners on the future of the firm.

Here is an excerpt from the minutes of that meeting:

BEFORE THE GRAMMATICAL HEARING BOARD

A SINGLE COMMA, Petitioner :

100 B.S. 1995

v. :

FRANCIS B. HAAS, et al. Respondents :

PETITION FOR REINSTATEMENT

1. Petitioner, a comma, is a punctuation mark which formerly did business at 100 Pine Street, Harrisburg, Pennsylvania.

2. Respondents are a group of individuals doing business as a partnership by the name of McNees, Wallace & Nurick.

DUE PROCESS CLAIM

3. On or about January 16, 1995, Respondents unceremoniously, without notice and with obviously little of importance to do, removed Petitioner from its name after sixty years of loyal and valuable service.

4. The removal was initiated without proper notice to the Petitioner, which includes at least five "confidential" envelopes and a dozen e-mail messages.

EQUAL PROTECTION CLAIM

5. Petitioner is entitled to equal protection under the laws as guaranteed by the United States Constitution and Strunk and White's Elements of Style.

6. An ampersand (hereinafter "&") is considered a punctuation mark for purposes of raising an equal protection claim.

7. Despite the removal of Petitioner from Respondents' trade name, the & has been left intact and unmolested.

COLLATERAL ESTOPPEL

8. Since the founding of the firm, the Petitioner has spent time and considerable effort in appearing on behalf of Respondents.

9. Within the past five years, Petitioner has served Respondents in the following capacities:

- a. colored napkins
- b. tacky watches
- c. expensive lucite blocks
- d. an even more expensive and gaudy banner (cost unknown)
- e. a truckload of mugs
- f. fine quality sweatshirts & t-shirts
- g. television appearances
- h. numerous agricultural ads

10. As a result of the efforts as outlined above, Petitioner has so inundated the day-to-day operations of Respondents, that Respondents are collaterally estopped from removal of Petitioner.

DAMAGES

11. As a result of the above, Petitioner has suffered emotional distress, loss of consortium (with the &), pain and suffering, treble and punitive damages.

WHEREFORE, Petitioner respectfully requests reinstatement in the firm's name and an order enjoining Respondents from further useless acts.

Respectfully submitted,

9

"John stated there was interest in the idea of 'grow or shrink.' Del Lantz opined that we must use technology to grow. If there is no change in our workload and we use technology then we must shrink. David Watts stated that there are too many conflicts in Harrisburg for us to grow. John stated that bigger is only better if we are at least as profitable as we are now.

The cost of adding 12-15 attorneys is

minimal. The additional costs are for salaries and malpractice insurance. We have seven or eight empty offices. A certain number of attorneys could be added without adding secretaries. McNees could grow to 100 attorneys with no more management expense. We lack depth; John pointed to environmental law as an example.

When certain attorneys are out of the office there is no coverage in his/her

area. If we shrink we will become a boutique or a smaller firm of general practitioners that would offer the same services as a 10 or 20 attorney firm. John added that branches would cause unknown management problems. During strategic planning the idea of branches was discussed and rejected. Rich Stevenson offered that conflicts limit our growth; therefore, we must grow geographically." And so, we did!

As the scope of McNees' energy practice expanded it merged in 1997 with a group of energy and utility lawyers in Columbus, Ohio, headed by Sam Randazzo. That office quickly began to thrive. The original move to Columbus was an outgrowth of the regionalization of the electric utility industry and the recognition by Kleppinger and Randazzo that their respective clients' interests were best served by a union of two leading practitioners in the field.

One attraction drawing Randazzo to McNees was the presence of a Washington, DC office, which had been (re)opened several years earlier, again in recognition that the electric utility industry in particular was becoming more regionalized and that our clients' interests were best served by having a constant presence in the nation's capital before the Federal Energy Regulatory Commission. McNees' first Washington office had closed in 1985, but the firm opened another office in Washington in the '90s.

Then in 1998 McNees expanded again, this time to Hazleton. Liz Dougherty Maguschak had started at McNees in 1985 after having clerked for the firm in 1982 and '83. She lived in the Harrisburg area until 1998, when she married a man from Hazleton and moved there. Despite her move, she wanted to continue as a partner at McNees, and the feeling was mutual. Thus, Maguschak opened the firm's Hazleton office. She maintains a busy practice there and throughout Central Pennsylvania.

She was the chair of the Education Law Group and is a member of the Litigation and Labor & Employment Groups.

Heights Home property, completed in 1998, was a bold and hugely successful endeavor, and Maguschak was in the middle of it from the beginning.

Also, for most of the decade Alan Boynton was active at the state and national levels sponsoring High School Mock Trial Championships. In 1996 he chaired the Committee of the PBA Young Lawyer's Division, which sponsored the National Championship, held in Pittsburgh that year. His efforts were rewarded with the PBA President's Award in 1996 "for outstanding efforts in chairing the 1996 National High School Mock Trial Championships."

For several years McNees had been referring patent work to other firms. Finally, in 1997, it was decided to do patent work in-house and two patent attorneys were hired. Coincidentally Miles had run into Carmen Santa Maria (who had been at McNees for a short time in 1987) at a patent conference in California in 1997. By then Santa Maria had been admitted to the patent bar and he expressed an interest in returning to Harrisburg. One thing led to another and in 1998 he did return. In 1999 the patent practice took off when the firm began doing patent work for General Electric. It is now doing a significant volume of patent work for many national and international corporations.

With the end of the '90s came the turmoil surrounding Y2K (Year Two Thousand), and a focus on this and other technology matters.

The infamous Y2K frenzy began when someone realized that computers had not been programmed to account for the change of millennia. This impending technology glitch

McNEES, WALLACE & NURICK

ATTORNEYS AT LAW

TAKES PLEASURE IN ANNOUNCING

A NEW OFFICE OPENING IN COLUMBUS, OHIO

with

Samuel C. Randazzo

and

Richard P. Rosenberry

AS PARTNERS IN THE FIRM

and

Jeffrey D. Van Niel

DESIGNATED OF COUNSEL TO THE FIRM

Concentrating in Energy, Telecommunications and Public Utility Law

with

Denise M. Larr

Government Relations

Kevin Murray

Technical Specialist



McNEES, WALLACE & NURICK
ATTORNEYS AT LAW

Fifth Third Center
21 East State Street, Suite 910
Columbus, OH 43215
(614) 469-8000
Fax: (614) 469-4653

Harrisburg, PA

Washington, DC

As with every other era, McNees lawyers were busy working for the community as well as for the firm. Maguschak was board chairwoman of the Harrisburg YWCA when it planned, acquired and renovated the former Sylvan Heights Home property, the white porticoed edifice overlooking the intersection of Market and Cameron streets in Harrisburg. The acquisition and renovation of the old Sylvan

McNees associate Jay Feaster had done much work for Hershey interests and the Hershey Bears during his time at McNees. He left the firm in 1989 to work for Hershey Entertainment and became General Manager of the Hershey Bears. He led the team to a division title (1993-94) and a Calder Cup Championship (1997). He was named the AHL's Executive of the Year in 1997.

Nine years later, Feaster resigned his position as President of the Hershey Bears and Vice President of Hershey Entertainment to become General Manager of the Tampa Bay Lightning. Feaster led his team to back-to-back Southeast Division titles in 2002-03 and 2003-04, as well as winning a Stanley Cup Championship in 2004. In 2010, Feaster was named Assistant General Manager of the Calgary Flames.

kept McNees' intellectual property people very busy for a couple of years, first learning what the problem was, or might be, and then counseling clients (and ourselves) on how to get everyone's computers ready. Miles, who led the technology area, handled a very large project for Tyco relating to Y2K.

Alas, to the great relief of many people, businesses and governments, whatever planning took place seemed to work and the Y2K disaster never occurred. The world — and McNees — rolled merrily on.

In late 1999 Miles left to become a vice president and general counsel of HERCO, for whom he had been doing a significant volume of trademark and related work. Doctrow was named chair of the department after Miles' departure.

By the end of the decade there were 91 lawyers in the Harrisburg office. The firm's gross income had risen from \$12 million in 1990 to \$23 million in 2000. Oyler's stewardship as managing partner had been very productive, and we looked forward to the challenges of the new millennium.

Pictured (left to right): Bill Chesnutt, Terry Bossert and John Oyler.



Chapter Eight

2000-2010

“Change is inescapable, inexorable. From the first dawn until tonight, change in thought, in feeling, in mind, and in manner, change in life, change in all save death. And so there must be change in law, and procedure and practice, and new generations will create improvements, but to them as to us will finally come the firm conviction that the great principles of the law, the eternal truths upon which we rest for the protection of human rights and the redress of human wrongs, are as permanent and unchangeable as the brightness of the sun and the twinkle of the stars, as constant as the tide, as resistless as the sea, enduring forever.”
— Sterling G. McNees



McNees moved into the new millennium with a thriving business and a plan for continued growth. Gross income was a little more than \$23 million for 2000, and jumped to \$45 million by 2009, continuing the impressive trend started in the 1980s for the firm's gross income to double every decade.

On Jan. 1, 2000, there were 91 lawyers at 100 Pine Street, and those numbers kept climbing. As tenants left the building, McNees spilled into the available space. By 2009 McNees occupied most of the 97,000 square feet of office space, plus on-site parking in the rear of the ground floor and the upper and lower basements. When McNees purchased the building in 1989 it also bought 137 condominium parking spaces in the adjacent building to the north of 100 Pine Street. Others park in the River Street Garage or on the street.

As in previous decades, McNees added much skill and experience to its ranks. In early 2000 Dave Disney had a chance conversation with Jerry Morrison, who was then a partner in Buchanan Ingersoll's Harrisburg office. Morrison, a prominent business and tax lawyer, had previously been at Rhoads & Sinon and had become quite active in professional and community activities. He had been on the Law Review at Dickinson School of Law, and earned a master's degree in taxation from the NYU School of Law, where he served on the Tax Law Review.

The conversation between Morrison and

Disney led to further discussions between Morrison and Oyler, who shared an entrepreneurial approach to business. Before long McNees was on the receiving end of some significant lateral moves. On March 1, 2001, Morrison came to McNees, along with Rick Friedman, an environmental specialist; Elizabeth (Bebe) Mullaugh, in the fields of wills, trusts and estates; and Eric Morrison, now working on business planning and finance.. Then in 2005, Dan Malpezzi came to McNees, also from Buchanan. Malpezzi was a specialist in banking, financial institutions and municipal finance. These fine lawyers added significant strength to McNees.

Another important lateral move occurred in March 2004 when Shaun Eisenhower joined McNees after Duane Morris closed its Harrisburg office. Eisenhower brought his business and finance experience to McNees, along with a significant client base. He had several other opportunities but elected to stay in Harrisburg and join McNees as a partner-shareholder. In 2009, well-known corporate attorneys Bradley Gunnison and Michael Hund added to the expanding members of the firm's Business Group. The two had been shareholders at the Harrisburg office of Buchanan Ingersoll & Rooney.

The title of managing partner evolved from managing member to managing attorney to chairman because of a merger of the partnership into a limited liability company in 2001, completed for tax and liability purposes. John Oyler, who had become managing partner in 1992, was succeeded by Steve Weingarten in 2002. Weingarten had made a lateral move to McNees in 1989 from the Washington, D.C. office of Skadden, Arps, Slate, Meagher & Flom. For McNees it was a very fortuitous move. David Kleppinger became Chairman in 2006 and continues to serve in that role. In 2010, the management committee includes Kleppinger, Brian Jackson and Mark Van Blargan.



Pictured (left to right): 2010 Management Committee: David Kleppinger (Chairman), Brian Jackson, Rick Burtnett (Chief Operating Officer) and Mark Van Blargan.

The firm's unending commitment to client service evolved in the early 2000s into a business objective that would be demonstrated from the top down. Weingarten

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launched a client feedback program called Clients First in which the managing attorney takes the time to personally visit clients of the firm and ask tough questions on their satisfaction with the firm's services. Kleppinger continues conducting these Clients First interviews and has enhanced the initiative to integrate a Clients First mentality throughout the firm, including the institution of a staff training program. What began as an innovative feedback program that would appropriately and affirmatively respond to client needs and concerns, has evolved into a source of growth for the firm.

Understanding the firm needed to grow geographically, McNees opened additional offices during this decade, as it was deemed important to have offices located in major centers of business and legal activity throughout central Pennsylvania.

Centre County is home to several McNees clients and presents numerous opportunities for growth. The firm began occupying a small office in State College for Harrisburg attorneys to meet with existing clients and further assess the market potential. Observing that many businesses in the market were outsourcing their legal work to large firms in Philadelphia and Pittsburgh, in 2004 resident attorneys Robert Martin and John Baker left a small local law office to join McNees. The move would provide clients access to the same quality and services as the large metropolitan firms, but with an honest commitment to State College and central Pennsylvania. The firm now occupies space in the recently expanded Innovation Park complex in a nearly 6,000 square foot suite set to accommodate up to nine attorneys and their staff. The strategically selected location



Pictured left to right: *State College Office: Cynthia Naspinski, John Baker, Kathleen Weaver and Corey Reeder.*

provides the firm with the opportunity to continue growing to meet the needs of an expanding client base.

In 2004, McNees attracted two well-known Lancaster-based attorneys, Richard Solove and Jamie Noel, starting a resident presence in this market as well. The office grew again in 2008 with the addition of four attorneys and their staff from the Lancaster-based law firm of Chesters & Miller LLP, bringing about a move into larger office space to accommodate

Pictured: *Lancaster Office:*
Front: *Barbara Graham, Cynthia Claxton, Lynda Hurst, Linda Harnish*
Middle: *Bruce Wolstoncroft, Susan Metcalfe, Katherine Granbois, Heather Showers, Vance Antonacci, James Noel.*
Back: *Frank Chesters, Richard Solove, Michele Keiper, and Andrew Oltmans.*
Not Photographed: *Eric Athey, Donna Kreiser and Diana McSherry.*



the growth. As of the summer of 2010, the Lancaster office has grown to be the third largest for McNees. The firm occupies the entire second floor of the Union National Bank Building at 570 Lausch Lane with nine attorneys and two paralegals.

Throughout the decade, the firm enjoyed great public recognition by both legal industry organizations as well as business publications. Among the distinguished honors, McNees attorneys are consistently recognized by Best Lawyers in America, Super Lawyers, Rising Stars, Lawyers on the Fast Track, Forty Under 40, and many others. These awards represent a demonstration of leadership and dedication to the betterment of the profession and the community. In 2009, firm chairman David Kleppinger was named Executive of the Year by the Central Penn Business Journal as part of the publication's Business of the Year awards.

The firm also received awards for four consecutive years as one of the Best Places to Work in Pennsylvania in 2006, 2007, 2008 and 2009, gradually improving its position and achieving the number 9 rank in 2009.



Pictured: *Many McNeese Harrisburg staff and secretaries posed together for a special 75th anniversary photo in Spring 2010.*

The firm's Columbus, Ohio office also earned number five status in the 2010 Best Employers in Ohio standings.

Despite the strategic growth and continued success of the firm, the decade would not be without its challenges. At the turn of the century, law firms were working to stay ahead of the rapid evolution of technology, increasing complexities and specialization of the law, and the globalization of the economy. Just a few years later, a national recession introduced different impediments and forced a shift in focus for all law firms. For McNeese, the collapse of real estate values and the evaporation of credit markets had a residual effect on otherwise stable and consistent sources of revenue within the firm.

As an industry, many law firms continued to feel the pressure to belt-tighten in order to compensate for residual losses. The legal industry would endure widely publicized announcements of law firm closures, layoffs, forced delays in new associate start dates,

suspension of summer associate programs, salary freezes, and dramatic increases in hourly rates.

McNeese was able to remain profitable without the necessity of implementing any of these difficult measures. Diversity in the firm's services was always a core strength for McNeese. In fact, the firm's diversified practice lent itself to strength in the difficult times of the economic downturn.

Continuing to closely monitor changing market conditions and market trends, the firm began to develop deeper proficiency in services such as public-private partnerships, public finance, procurement, and natural gas exploration.

As in previous decades, McNeese's utility/energy attorneys again adjusted to changes. Today McNeese is leading regional efforts due to the creation of regional transmission organizations and competitive electric markets. The firm continues to represent large regional groups

of commercial and industrial customers in the New England Independent System Operator region, the PJM Interconnection, L.L.C. region, the Midwest Independent System Operator region, and the Southeast and Southwest regions of the country. What began as a two-person practice in the early 1970s, limited to the Commonwealth of Pennsylvania, is now national and international in scope.

Also, few law firms outside major metropolitan areas offer the range of intellectual property legal services available at McNeese. In the summer of 2010 Mike Doctrow still was leading the Intellectual Property Group, which had more than 20 attorneys including 11 attorneys licensed to practice before the USPTO.

Other McNeese offices also continued to thrive. In 2009, there were two lawyers in McNeese's Washington office, one of whom was a second generation McNeese lawyer, Dennis Jamouneau, son of Jeff Jamouneau. And the Columbus office was on its way to becoming a

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full-service business practice comparable to the Harrisburg office. Since its opening in 1997, the Columbus office had grown to a complement of nine attorneys, a government affairs specialist, and two energy management specialists. The practice areas had expanded beyond energy and utility law into intellectual property, patent and labor and employment law.

By the summer of 2010, McNees was leasing only a few thousand square feet of space to tenants at 100 Pine Street. There were 103 lawyers in McNees' Harrisburg offices and another 26 in regional offices in Columbus, Hazleton, Washington, D.C., Lancaster, and State College.

Several retired McNees attorneys also continue to occupy office space at the firm including, Frank Haas, Jeffry Jamouneau, Dave Lehman, Bob Mills, Bill Young and Norman White.

Having survived through economic recessions, global conflicts, and natural disasters, McNees Wallace & Nurick approached the future with confidence, knowing that it was serving its clients and the community with hope and vision. As Sterling McNees said in 1956, "Where there is no vision, the people perish."



Pictured: Retired Members Bob Mills and Jeff Jamouneau.

Pictured: David Kleppinger named "Executive of the Year," published in the *Central Pennsylvania Business Journal*, November 2009.

McNees Logos Throughout The Years



BEST PLACES to work in **PA** 2006 2007 2008 2009



75th Anniversary McNees in the Community

While the founders of this great law firm have since passed away, the firm's 75th anniversary celebration activities would no doubt please them. From its inception, community involvement has been deeply woven into the cultural fabric at McNees. This tradition of public service is evident through the hundreds of organizations in which McNees attorneys and staff regularly participate through board membership, volunteerism, and support. So important is community service to the firm that it seemed natural for the firm leadership to approve a plan to dedicate its 75th anniversary year to activities that will profoundly and positively impact the community for years to come.

Beginning January 2010, McNees attorneys and staff embarked on monthly charitable and civic activities to mark the firm's continuing contribution to the communities in which it operates. Some projects focus on financial support, while many require active volunteer participation. To launch the community activities in January, the firm committed to and kicked off a year-long effort of having at least 75 attorneys and 75 legal support personnel take on a pro bono project.

The other organizations selected to benefit from the firm's 75th anniversary charitable activities include:

Dress for Success South Central PA	Caitlin's Smiles
Habitat for Humanity	United Way
Boy Scouts and Girl Scouts	Friends of Wildwood Lake
Tour de Cure	Feeding America
Water Street Ministries	Nativity School
Christmas in July (military)	

Beyond the 75th anniversary projects, McNees continues its fundraising efforts for The United Way. This year, McNees was honored with a Campaign Excellence Award and a Pillar Society Award by The United Way of the Capital Region for generous support of United Way and the local community, having donated a combined corporate and employee gifts of \$100,000 or more to the 2009 annual campaign. From championing the United Way of the Capital Region campaign to coaching little league sports, McNees makes a difference in the Central Pennsylvania region.



In February, more than 25 McNees attorneys and staff came together to assist Dress for Success South Central Pennsylvania, Inc. (DFSSCPA). Proudly, the firm far exceeded its 75 hour goal by volunteering approximately 132 hours to the organization. The group assisted in unpacking, sorting and pairing close to 400 donated suits; setting up a new inventory system and using it to tag scrubs; cleaning the basement; and installing locks and shelving. Additionally the firm collected donations of clothing and accessories and participated in DFSSCPA's 2010 "Party For A Cause" Fundraising Campaign where in exchange for a minimum \$5 donation, McNees attorneys and staff could "dress down" for a day.



In March, McNees exceeded their target again by volunteering 117 hours to Habitat for Humanity of the Greater Harrisburg Area and to Lancaster Habitat for Humanity. More than 25 McNees volunteers completed various activities to assist. Activities included stuffing and labeling more than 7,000 newsletters; cleaning and organizing the Habitat headquarters; sorting and organizing donated materials such as kitchen cabinetry, bathroom vanities, and storm windows for use in future Habitat builds or for sale at the Habitat "re"-stores; constructing

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shelving units for the storage of building materials; reinstalling weatherizing materials at Habitat headquarters; teaching a financial workshop for Habitat families; and participating in an onsite build in Lancaster alongside Habitat families.



During April, more than 20 McNees employees volunteered their time to help preserve local camp sites for Girl Scouts in the Heart of Pennsylvania and Keystone York-Adams Council Boy Scouts. For the Girl Scouts, volunteers helped in a landscaping beautification project at Camp Small Valley in Halifax, PA; for the Boy Scouts, volunteers worked to clear large brush from the lake embankment at Camp Tuckahoe in Dillsburg, PA.



For the May activity, 24 riders and five volunteers from McNees participated in the annual Tour de Cure bike ride, raising more than double their original fundraising goal of \$7,500 for the American Diabetes Association. The firm had one rider complete the 100k course, 18 riders tackle the 50k, four riders sprint through the 16 mile loop and one team member competed on the spin bike. In addition to the riders, five volunteers from the firm set up and manned the McNees-sponsored rest stop on the 100k course.



In June, attorneys and staff volunteered a total of 100 hours in a day-long effort to benefit Water Street Ministries (Lancaster). The firm also held food drives for the organization that month, collecting and donating more than a half-ton of food. From 6:30 a.m. to 6:30 p.m., more than 25 volunteers, including the entire Lancaster office of McNees along with several volunteers from the firm's Harrisburg office, worked in shifts at Water Street's location on Prince Street in Lancaster. They served breakfast, lunch and dinner to the Ministries' residents, sorted donations and assembled hygiene packets. ...And the firm's charitable activities through the second half of the year are sure to be just as successful.

Significant Cases and Clients of the 2000's

TRIPLE CROWN CONTENDERS

In 2004, Mike Doctrow and his Intellectual Property Group began to get involved in the horse racing business in a high profile way. Merchandising would be a fairly new concept in horseracing but began to catch on as owners began to seek alternative revenue sources. Seeking to handle the trademark, licensing and branding issues, Doctrow led the effort to market the firm's intellectual property capabilities to the owners of Triple Crown contenders.

The firm began its representation of thoroughbred race horses when Smarty Jones won the 2004 Kentucky Derby and Preakness Stakes. In their search for representation, the owners of Smarty Jones, who were automobile dealers in the Philadelphia area, were led to McNees because of its representation of automobile dealers. Thus, Doctrow, McNees's principal trademark lawyer, became the legal leader in the field of combating exploitation and in arranging licensing arrangements.

In 2005, the owners of Afleet Alex engaged McNees to handle the licensing of their Preakness and Belmont Stakes winner. Afleet Alex's owners subsequently pledged a certain percentage of the colt's earnings to be donated to Alex's Lemonade Stand, after the name connection.

The following year, Barbaro would become one of the best known names in horse racing when he won the 2006 Kentucky Derby, but shattered his leg two weeks later in the Preakness Stakes. The injury ended his racing career and eventually led to his death. Working with Doctrow, the owners of Barbaro declared that any money they received would be donated to charity.

The horses easily became household names during the highs – and Barbaro's low – in their careers.

Several other thoroughbred horse owners have since sought to translate their fame into financial gain by using their names and images on T-shirts, hats, toys and whatever else would sell. Among them, the 2008 Kentucky Derby and Preakness Stakes winner, Big Brown, and 2010 Kentucky Derby winner, Super Saver.



Grooming General Counsel

McNees Wallace & Nurick has produced many fine lawyers who took the experience they gained at the firm and went on to assume the role of general counsel at some of the largest organizations and corporations in the state and beyond. The most notable McNees alumni who “graduated” to general counsel are:



Pictured left to right: *Bob Rice, Sam Schreckengaust, Pat Fleming, Buzz Rosenberg, Mary Jane Forbes, Burt Snyder, Terry Bossert, Bill Chesnutt, Bob Stets, Neal West, Frank Miles, Dana Scaduto, Louise Hutchinson and Laura Williams.*



Bob Rice (1968), who became general counsel of the federal General Services Administration.

Sam Schreckengaust (1976), who became vice president and general counsel of Hershey Foods Corporation.

Pat Fleming (1976), who became vice president and general counsel of Airco Corporation in Allentown.

Buzz Rosenberg (1987), who became chief counsel of The Pennsylvania Housing Finance Agency.

Mary Jane Forbes (1991), who became general counsel of Capital Blue Cross, later to become assistant general counsel of Pennsylvania Blue Shield, then Highmark.

Burt Snyder (1993), who became assistant general counsel of Hershey Foods Corporation.

Terry Bossert (1995), who became general counsel of the Pennsylvania Department of Environmental Protection.

Bill Chesnutt (1995), who became chief counsel of The Pennsylvania Turnpike Commission.

Bob Stets (1996), who became general counsel of The Milton Hershey School. He later became associate vice president for Operations and Finance of California Polytechnic State University (Cal-Poly).

Neal West (1999), who became vice president and general counsel of Harristown Development Corporation.

Frank Miles (1999), who became vice president and general counsel of HERCO, formerly Hershey Estates.

Dana Scaduto (2001), who became general counsel of Dickinson College and Gettysburg College, at the same time!

Louise Hutchinson (2002), who became general counsel of Intercon Systems, Inc.

Laura Williams (2005), who became vice president and general counsel of Giant Foods.

A Note From 2010 Chairman, David M. Kleppinger



Since being elected Chairman of McNees Wallace & Nurick LLC in 2006, I have had the profound privilege of speaking personally with CEOs and General Counsel of many of the firm's most significant clients. Invariably, they provided incredibly positive feedback about McNees' attorneys and staff. Such praise is not only humbling and uplifting, but also a credit to the 260 people who work hard every day to maintain McNees' place as one of the most successful and highly regarded law firms in the country.

When Sterling McNees, Gilbert Nurick, Charles Hollinger, and David Wallace established this firm, they sought to build a firm rich in legal skill, strong in business acumen, generous in character, emblematic of leadership, and abundant in client, community, and professional service. As we complete our first 75 years and embark on the future, these fundamental tenets established by our founding partners continue to define our reputation. Generations of attorneys through the years have solidified our commitment to superior service to our clients, our community, and our profession.

Our clients repeatedly compliment this longstanding reputation, and that reputation will propel us into the next 75 years: our community requires it, the profession reveres it, and moreover, our clients depend on it.

Certainly, as this text aptly highlights, the firm has grown through decades of alternating periods of highs and lows. In 2008-2009, McNees not only survived, but thrived in, the deepest economic recession since the Great Depression. As many other firms began to contract and regress, McNees focused on the lessons that our history had taught us: By attracting and retaining the best and brightest people and assisting our clients succeed, even in difficult economic times, through the diversity of our practices, we would, and did, continue to grow and prosper as a firm.

What do the next 75 years have in store for McNees Wallace & Nurick LLC? It would be bold to say that the firm could simply stay the course, relying on client loyalty and organizational stability in hopes of further longevity and success. However, to ensure a bright future, the firm must continue to honor and implement the fundamental core values upon which it was founded while allowing its operating strategies and culture to evolve with an ever-changing world. We will surely maintain our position as a dominant legal force in Central Pennsylvania and will continue our growth and expansion in the Lancaster, State College, and Columbus marketplaces.

Our firm values of mutual respect and collegiality make McNees the "one firm-law firm" that breeds outstanding client service. Our management formula, based upon inclusion, communication, and collaboration is not complicated, and we strive to improve upon it every day. This recipe for success has served us well for 75 years as we continue to listen to what our clients say we are doing right, and then do more of it.

Routing Numbers

Jim Booser, who had been the fourth person to join McNees, died in 2007 at age 97. With his death came the “retirement” of the No. 4 routing number — a distinct characteristic, or an idiosyncrasy, of McNees. Sterling McNees had been No. 1, Charles Hollinger No. 2, then succeeded by Dave Wallace, and Gilbert Nurick No. 3. Booser, hired in 1936 as the first associate, had been No. 4, and the rest had added on from there.

Although McNees died in 1959, Wallace in 1967, and Nurick in 1993, those routing numbers, along with Booser’s No. 4, have never been reassigned. In fact the only numbers that ever were reassigned were Ralph Evans’ No. 5, reassigned to Harry Frank, and a vacant No. 7, reassigned to Ed First when he joined the firm in 1957.

From the beginnings of the firm until 1994, the letterhead listed attorneys generally by seniority with the firm, with a few exceptions. When First joined the firm in 1957 he was assigned routing No. 7 and was placed in that position on the letterhead, recognizing his age and prior years of practice. In the cases of a few other lateral hires, many years of practice prior to joining the firm were recognized by routing number assignments and position on the letterhead, as occurred with Tom Miller, Clyde McIntyre and a few others.

Often when two or more lawyers were hired at the same time, routing numbers and letterhead position were determined by coin tosses. Because Arthur Berger was older and had a couple of years of work experience when he and Frank Haas started together, he got Routing No. 12, and Haas was assigned No. 13. Berger thought it was decided by a coin-toss, but he would want it believed that his status was determined in an appropriately egalitarian way. In fairness, Haas was offered the opportunity to take No. 14 in case he was superstitious and uncomfortable with the “unlucky” number, but he decided to take his chances with 13.

In later years Bob Cherry and Dave Disney flipped a coin when they started with McNees at the same time, and thus Cherry became No. 40 and Disney No. 41. In 1966, when Elaine Kalenevitch, Bob Spitzer, Bob Mills and Jeff Jamouneau joined the firm at the same time, the gentlemen yielded the top number to Kalenevitch and drew lots for the other three numbers. The really significant impact of this process was that poor Jamouneau was low man on the parking totem pole and

had to endure nearly a full year of very cold and very hot walks across the Market Street and Walnut Street bridges from City Island where he parked.

Many firms route intraoffice materials by initials, or even full names or abbreviations, but routing numbers still seem to make sense at McNees, even though three-and four-digit numbers can be puzzling!

To our knowledge, the following list represents all of the attorneys, and their respective routing numbers who have been part of McNees Wallace & Nurick through these 75 years.

1	McNees, Sterling	40	Cherry, Robert M.
2	Wallace, David (Hollinger, Charles H.)	41	Disney, David B.
3	Nurick, Gilbert E.	42	Fleming, Patricia E.
4	Booser, James	43	Roussel, H. Lee
5	Frank, Harry	44	MacNicholas, Henry
6	Schreckengaust, Samuel (Evans, Ralph)	45	Van Brunt, William A.
7	First, Edward W. (Quigley, James M.)	46	Bowman, C. Grainger
8	Griswold, Robert	47	Alston, Robert A.
9	King, James	48	Milspaw, Luther E., Jr.(Chip)
10	Barnhart, Jefferson	49	Snyder, Burton H.
11	Hagar, James	50	Oyler, John S.
12	Berger, Arthur L.	51	Lantz, Delano M.
13	Haas, Francis B., Jr.	52	Freedenberg, Harvey
14	Waisel, Donald R.	53	Fanone, Joseph A.
15	Riggs, Jack	54	Riper, Joseph G.
16	Fox, Richard (Williams, John G.)	55	Riehl, Edward J.
17	Lefever, Richard R.	56	Savitsky, Daniel
18	Rice, Robert R. (Rea, Richard H.)	57	Harnish, Dennis J.
19	Friedman, Dana M. (Shralow, M. Melvin)	58	Frater, Maurice A.
20	Miller, G. Thomas (La France, Arthur B.)	59	Brossman, Eric L.
21	Menaker, J. Thomas	60	Stets, Robert D.
22	McIntyre, Clyde W. (Robertson, James)	61	Shapiro, Jason S.
23	Smith, S. Berne	62	Forbes, Mary Jane
24	Pera, Rod J.	63	Gurevitz, Mark S.
25	Rosenberg, Moses (Kalenevitch, Elaine)	64	Bossert, Terry R.
26	Randolph, James K. (Spitzer, Robert C.)	65	Clay, Jeffrey B.
27	Mills, Robert A.	66	Kleppinger, David M.
28	Jamouneau, W. Jeffry	67	West, Neal S.
29	Roberts, G. Thomas	68	Smith, Jessie L.
30	Nurick, Herbert R.	69	Feldman, Bruce A.
31	Lehman, David E.	70	(Alternate billing no. for 55)
32	White, Norman I.	71	Yu, Kyung-Don
33	Bryan, F. Murray	72	Baker, Randolph M.
34	Stevenson, Richard W.	73	Beckman, Jill M.
35	Rothman, Edward W. (Robinson, William)	74	Miles, Franklin A., Jr.
36	Donaghy, John W.	75	Doctrow, Michael A.
37	Young, William M., Jr.	76	Latta, Peter A.
38	Stone, Richard M.	77	Chesnutt, William A.
39	Brown, W. Douglas	78	Jarman, Michael G.

79	Moore, Stephen A.	132	Brossman, William F., Jr.	185	Rosenberry, Richard P. (OH)	238	Morrison, Eric M.
80	Scaduto, Dana S.	133	Berry, Jonathan C.	186	Van Niel, Jeffrey D. – (OH)	239	Mullagh, Elizabeth P.
81	(Stratton) Kahoe, Barbara H.	134	DeAngelo, James P.	187	Farrell, Marc J.	240	Cieri, Anthony J.
82	Maguschak (Dougherty), Liz E. (H)	135	Horn, Nancy P.	188	Letchford, John F.	241	Greenleaf, John W., III
83	Boynton, Alan R., Jr.	136	Stuski, Margaret M.	189	Stamm, Earl T.	242	Fisher, Erika B.
84	Yenkowski, Gary F.	137	Davis, Brett E.	190	Roman, Michael A.	243	Penrod, John A.
85	Tokarsky, Diane M.	138	Dunst, Kathleen A.	191	McDonnell, Ellen K.	244	Purdy, Pamela L.
86	Dodd-o, James J.	139	Haas, Robert	192	Laub, Linda J.	245	Giurintano (Kerwin), Kandice J.
87	Bagley, Bruce D.	140	Martin, Harold H.	193	Yahn, Neil W.	246	Chiaruttini, Alexandra C.
88	Fiorenza, Anne K.	141	Kutz, James W.	194	Bojko (Wile), Kimberly (OH)	247	O'Brian, K. Scott
89	Abel, John M.	142	Goduto, Robert J.	195	Landesman, Jonathan	248	Shupp, Lee Ann C.
90	Kahlbaugh, Richard S.	143	Marion, Camille C.	196	Deckert, Timothy R.	249	McAlister (Gatchell), Lisa G. (OH)
91	Frederick, Kevin J.	144	Pham, Chuong H.	197	Bein, Robert J.	250	Long, Adam R.
92	Watts, David M., Jr.	145	Kriete, P. Fritz	198	Weaver, Rhonda M.	251	Karandrikas, Vicki
93	Lauver, John R., Jr.	146	Williamson, Derrick P.	199	Stambaugh, Curtis M.	252	Leigh, Richard D.
94	Hargrove, Trent	147	Pfister, Timothy J.	200	Mincavage, Charis	253	Rothman, Garrett H.
95	Labuskes, Bernard A., JR.	148	Jackson, Brian F.	201	Grossman, Samuel W.	254	Ehresman, Kurt L.
96	Boyle, Kathleen E.	149	Murphy, Patrick J.	202	Royer, Matthew B.	255	Rankin, Michael R. (OH)
97	Santa Maria, Carmen	150	Spicer, Bruce R.	203	Hagenbarth-Murray, Lee Ann H.	256	Delaney, Sean P.
98	Mumma, Scott T.	151	Addison, Brian M.	204	Courtney, Charles M.	257	Lupin, Benjamin S.
99	Feaster, Jay H.	152	Baker, David M.	205	Young, Charles T., Jr.	258	Neilson, Daniel (OH)
100	Kaufman, Donald B.	153	Champagne, Jeffery F.	206	Williams, Laura H.	259	Crain, Brian E.
101	Fritz, James L.	154	Fourlas, Deb	207	Berger, James R.	260	Chwastyk, Devin J.
102	McAllister (Johns) Lawana N.	155	Buxbaum, Amy M.	208	Collins, Thomas G.	261	Finkenbinder, Rebecca A.
103	Armour, Robert B.	156	Houston, Randolph B., Jr.	209	Sawyer, Donald A.	262	Cooper (Behney), Maryfrances T.
104	Tierney, Abigail A.	157	Stup, Robert D.	210	Parthemer, Mark R.	263	Will, Jennifer E.
105	Long, Donna J.	158	Teplitz, Robert F.	211	Parr, Ross H.	264	Jarrell, Kenneth W.
106	Clawges, Timothy I.	159	Fourlas, Debra P.	212	Thomas, Anthony N.	265	Barasch, David M.
107	Cochmour, Charles G.	160	Weishaar, Robert A., Jr. (W)	213	Porter, Jeffrey A.	266	Martin, Robert L. (SC)
108	Guarneschelli, P. Nicholas	161	Hutchinson (Mara), Louise	214	Capobianco Marsar, Amy A.	267	Baker, John U. (SC)
109	Nickens, Robert J.	162	Biel, Richard J.	215	Colonna, Kimberly M.	268	Froehle, Thomas L. (OH)
110	Prins, William G.	163	Dejoie, Louis A.	216	Smolow, Mitchell A. (H)	269	Eisenhauer, Shaun E.
111	Herweg, Thomas	164	Gemmill, Helen L.	217	Nissly, Nedric L.	270	Urvan, Sean J.
112	Johnson, Leslie Lewis	165	Kern, Stephen R.	218	Hudson, Kevin E.	271	Etter, Richard L.
113	Van Blargen, Mark M.	166	Matthes, F. Stephenson	219	Hummel, Gretchen J. (OH)	272	Oltmans, Andrew L.
114	Rudd, Jonathan H.	167	Mooney, Jon R.	220	Sattizahn, Brian T.	273	Velencia, Jennifer
115	Young, Robert F.	168	Kamoie, Brian E.	221	McClure-Demers, Marilyn T.	274	Detar, Corey A.
116	Steinour Young, Carol A.	169	Phipps, Chad F.	222	Finnerty, Timothy M.	275	Reeder, J. Corey (SC)
117	Kodroff, Robert L.	170	Withrow, John A.	223	Miller, Jonathan P.	276	Selemba, Kimberly A.
118	Slobodian, Markian R.	171	Wolowski, Kathleen A.	224	Darkes, Barbara A.	277	Solove, Richard S. (L)
119	Weingarten, Steven J.	172	Polacek, Pamela C.	225	Davidson, Clayton W.	278	Noel, James K., IV (L)
120	Sheehan, Louis J.	173	Yun, Samuel S.	226	Rushton, Paul T.	279	Kaplan, Ellen
121	Geduldig, Stephen E.	174	Stewart, Susan V.	227	Orner, Karen M. (Miller)	280	Leppo, Shawn K.
122	Wieder, Larry R.	175	Baker, Jennifer L.	228	Johnson, Angela E.	281	Grossman, Jonathan I.
123	Heisey, Glenn P.	176	Levy, Andrew L.	229	Metcalfe, Susan V. (L)	282	Kranich, Ashley H. (SC)
124	Kelley, Michael R.	177	Kleinfelter, Stephanie	230	Lieberman (Toomey), Colleen	283	Helvy, J. Paul
125	Paxton, Sharon R.	178	Schmidt, R. Randall	231	Weader, David J.	284	Smith, William P.
126	Dougherty, James P.	179	Lemon, Marcus J.	232	Doyle, William J., Jr.	285	Cantor, Debra D.
127	Ritter, Gary A.	180	Wright, William D.	233	Singh, Bobby (OH)	286	Malpezzi, Daniel J.
128	Athey, Eric W. (L)	181	Henry, Schaun D.	234	Fazio, Roy C.	287	McCarthy (Galloro), Giuseppina M.
129	Gould, Scott A.	182	Neblett, John P.	235	Morrison, Gerald K.	288	Benshoff, Adam L.
130	Walters, Catherine E.	183	Bruce, Susan E.	236	Harris, Evelyn S.	289	Rollins, La Toyin R.
131	Kariss, Richard C.	184	Randazzo, Samuel C. (OH)	237	Friedman, Richard H.	290	Endler, Beth A.

The Story of McNees Wallace & Nurick LLC

291 Dreisbach, Megan N.	2017 Krentzman, Cheryl B. (SC)
292 Notturmo, Kenneth C.	2018 Clark, Joseph (OH)
293 Hume, Erik M.	2019 Lillard, Samuel N. (OH)
294 Miller, Courtney J. (OH)	2020 Birch, Elizabeth A. (OH)
295 Shuff, Geoffrey S.	2021 van Bastelaar, Jeffrey J.
296 O'Connor, Thomas E. (OH)	2022 Bauer, Peter K.
297 Losey, Mark A. (OH)	2023 Powell, Tyrone A.
298 Seufert, Scott C.	2024 Kaplan, Gretchen M.
299 Sentz, Jessica L.	2025 Buglione, Audrey L.
2010 Jenkins, Daniel J.	2026 Horstmann, Timothy J.
2011 Smith, Douglas A.	2027 Hyder, Naureen F.
2012 Andrews, Jonathan D.	2028 Linton-Keddie, Shelby A.
2013 Caron, Noel A.	2029 Strong, James M.
2014 McCullough, Marcy L.	2030 Brooks, Guy (Chip)
2015 McGovern, Sean M.	2031 Bauccio, Salvatore J.
2016 Naum, Barry A.	2032 Chesters, Frank C. (L)

(L) Lancaster (H) Hazleton
 (SC) State College (W) Washington D.C.
 (OH) Ohio

2033 Miller, John H., Jr. (L)	2049 Jamouneau, Dennis P. (W)
2034 Granbois, Katherine P. (L)	2050 Kraus, David R.
2035 Antonacci, Vance E. (L)	2051 Coelho, Julia P.
2036 Anthopolos, Peter	2052 Seaton, Lynnore K.
2037 White, Geoffrey K.	2053 Gunnison, Bradley J.
2038 Younkin, Brett E.	2054 Hund, Michael L.
2039 Moore, Michael A. (L)	2055 Clapp, Andrew D.
2040 Wolstoncroft, Bruce J. (L).	2056 Franklin, James J.
2041 Winters, Douglas E. (L)	2057 Hull, Tucker R.
2042 Kostiew, Michael A.	2058 Kaufman, Kelley E.
2043 Varner, Randy L.	2059 Syed, Saad A.
2044 Kreiser, Donna L. (L)	2060 Zwick, Carl J.
2045 Parsons, Christina	2061 Dick, Anthony D. (OH)
2046 Gregg, Brian P.	2062 Santucci, Adam L.
2047 Chilson (Windisch), Dana M.	2063 Isenberg, Thomas L., Jr.
2048 Maag, Elizabeth M. (OH)	2064 Bertram, K. Robert

The original Washington D.C. office attorneys used routing numbers in the 500 series:
 Fudesco, John C., Law, Stuart C., and Siegel, Richard M.



McNees Staff



McNees Secretaries



2010 United Way Campaign, McNees Attorney Participants



McNees Paralegals