

1 **IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

2 IN RE: :

3 RESOLUTIONS IN THE DEATH : CV-20249-00003

4 OF HENRY G. HAGER, III, ESQ. :

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11 **TRANSCRIPT OF MEMORIAL SERVICE** held

12 before the Honorable Court of Lycoming County in Courtroom No. 1

13 of the Lycoming County Courthouse, 48 West Third Street,

14 Williamsport, Pennsylvania, on November 14th, 2024, commencing at

15 4:02 p.m. and concluding at 4:55 p.m.

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18 **COMMITTEE MEMBERS:**

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20 Malcolm S. Mussina, Esquire, Chairman

21 Honorable William S. Kieser, Retired

22 Charles F. Greevy, III, Esquire

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P R O C E E D I N G S

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2           **PRESIDENT JUDGE BUTTS:** Good afternoon. We'll now  
3 call to order this Special Session of Court and welcome everyone.  
4 This afternoon we have the privilege of hosting a Memorial  
5 Service for an esteemed member of our bar association, Henry  
6 Hager. We recognize and appreciate the attendance -- I don't  
7 think any members of his family are here. Is that correct?  
8 Okay. We appreciate everyone for being here.

9                           Back on October 16th I appointed a Committee  
10 to prepare a Report in Resolution recognizing the life and  
11 accomplishments of Senator Hager. The Chairman is Mike Mussina  
12 and the members of the Committee are Judge Kieser and Skip  
13 Greevy.

14                           I would now recognize, Mr. Mussina, if you  
15 want to come forward to present your Committee Report and  
16 Resolution and I pulled out the podium for you so you can use  
17 that.

18                           **MR. MUSSINA:** May it please the Court. I just  
19 want -- Cliff, you're not supposed to be here. You're supposed  
20 to be out of town.

21                           **MR. RIEDERS:** I was supposed to be, but I changed  
22 my plans.

23                           **MR. MUSSINA:** Okay. Well, it's a pleasure and an  
24 honor for me to be here to present this Resolution on behalf of  
25 the Committee and to honor my former partner, Henry G. Hager,

1 III, with whom I was a partner for about 20 years, maybe give or  
2 take a few. I don't -- I was trying to recall when he officially  
3 left the firm and I know he was working for the state insurance,  
4 but I don't know if he remained a partner during that time or  
5 not.

6 **MR. RIEDERS:** No, no. When he started the  
7 insurance federation, is what you're thinking of, he at that  
8 point felt he had to leave.

9 **JUDGE KIESER:** That was '84.

10 **MR. MUSSINA:** Okay.

11 **JUDGE KIESER:** '84.

12 **MR. MUSSINA:** So our Resolution, which is the  
13 Board's Resolution, which we're going to present to the Court is  
14 as follows:

15 Henry George Hager, III was born on  
16 April 28th of 1934 in Williamsport. He died June 27th of '24 at  
17 the age of 90. He was the elder of two children born to Eleanor  
18 Watt Hager and Henry G. Hager, MD. In addition to his parents he  
19 was preceded in death by his sister, Gretchen Telek.

20 He graduated from Wesleyan University in 1956  
21 and enrolled at the University of Pennsylvania Law School and  
22 received his law degree in 1959 and was admitted to the  
23 Pennsylvania Bar in January of 1960.

24 In 1959 Henry married Sallie Ann Parish and  
25 together they were the beloved parents of two children, Hannah

1 and Eleanor.

2 Henry became a Special Deputy Attorney  
3 General in 1962 and served in that position until 1963.

4 He was elected as a Lycoming County District  
5 Attorney in 1964 and served until his term ended in 1968.

6 In 1964 Henry joined the firm of Wood, Stuart  
7 & Murphy. In 1966 the firm became known as Stuart, Murphy, Hager  
8 & Smith.

9 Henry G. Hager, III was elected to the  
10 Pennsylvania Senate in 1972 and served until 1984. In 1980 he  
11 was elected President Pro Tempore. During his time in the Senate  
12 Henry was vital in the passing of Pennsylvania's Contributory  
13 Negligence Act and created the Catastrophic Loss Fund.

14 In 1984 Henry left the Pennsylvania Senate to  
15 work for the Insurance Federation of Pennsylvania. In 1998 he  
16 retired.

17 He was a great mentor of many and  
18 affectionately known as "Merc" by most.

19 That's all I ever knew him by was "Merc". It  
20 was never in the office it was never Henry.

21 Now, therefore, be it resolved, that as a  
22 result of the passing of Henry G. Hager, III the Bar of Lycoming  
23 County has lost a respected and conscientious member who upheld  
24 and exemplified the highest traditions of his legal profession.  
25 Williamsport has lost a valued participant in the community, his

1 family has lost a devoted, kind, and loving father and  
2 grandfather and his friends and acquaintances have lost a fine  
3 gentleman.

4 Be it further resolved, that we the  
5 undersigned joined by all the members of the Lycoming County Bar,  
6 do hereby recognize and mourn the passing of Henry G. Hager, III.

7 Be it further resolved, that this Court and  
8 this Bar do hereby extend to Henry G. Hager, III's children and  
9 grandchildren our deep and heartfelt expression of sympathy.

10 And be it resolved finally, that this  
11 Resolution be spread at length upon the records of the Court of  
12 Common Pleas of Lycoming County and that copies be sent to his  
13 children and published in the Lycoming Reporter.

14 Respectfully submitted Malcolm S. Mussina,  
15 the Honorable William S. Kieser and Charles F. Greevy, III.

16 **PRESIDENT JUDGE BUTTS:** Thank you.

17 **MR. MUSSINA:** Just like to say a couple things.

18 **PRESIDENT JUDGE BUTTS:** Absolutely. Please do.

19 **MR. MUSSINA:** When I got out of -- when I  
20 graduated from law school the firm already existed as Stuart,  
21 Murphy, Hager & Smith and I came -- Clint -- can I use first  
22 names?

23 **PRESIDENT JUDGE BUTTS:** Sure.

24 **MR. MUSSINA:** Okay. Clint was my preceptor so I  
25 had three months that I owed him in order to be able to be

1 admitted here and in the state and practice law. So we were  
2 thrown together, not by choice; but by chance because of Clint  
3 being my preceptor. My desire in practicing law was not to stand  
4 up here in front of a jury and do that, I'll leave that stuff to  
5 Cliff; but that was -- I wanted to do the transactional end of  
6 it, the real estate and estates; and so Henry and I did not have  
7 much in the way of common as far as practice was concerned,  
8 although, he was a great partner. He would listen to our sides  
9 of questionable adventures within the firm and often -- my  
10 recollection would guess -- that deciding vote is to pro or con;  
11 but that didn't happen too often. If you can remember back then  
12 when I came that building was a one-story building. Paul's Lunch  
13 was on the corner and Neyhart's was on the other side of the  
14 parking lot. It wasn't too long until we decided we didn't have  
15 enough room. My office was in the hallway in the back, so we put  
16 the second floor on in 1972 and although that didn't benefit him  
17 any, it was something that the firm needed to do in order to  
18 advance and it made room for Cliff and Gary Harris and some other  
19 people down the road and now, although I've never been to the  
20 third or fourth floor, that's quite a building, to start from the  
21 little one-story building that had not enough room for five  
22 attorneys.

23 But anyway, Henry did do something that I  
24 just was mentioning to Bill that -- who went -- who went with us  
25 in addition to being an avid golfer and that caused some problems

1 in the firm, but that's beside the point. He was a pilot. So  
2 when the time came that we could be admitted to the State Supreme  
3 Court he came up with the idea, well, why don't I fly you down to  
4 Philadelphia and we'll get you admitted and to fill the plane, I  
5 guess, or so if he killed one lawyer he was going to kill four,  
6 Bill Kieser was invited to go along and, Bill, who was the other  
7 one?

8 **JUDGE KIESER:** Bud Greevy.

9 **MR. MUSSINA:** Okay. So the three of us, who had  
10 all graduated from high school together, got admitted to the  
11 State Supreme Court the same day in Philadelphia thanks to Henry  
12 "Merc" Hager. He was a good guy. He tried to get me to start  
13 playing golf. I want them to throw a ball to me, I don't want to  
14 hit and walk after it. So that didn't impress me. But he was a  
15 fine fellow. I enjoyed practicing law with him. As long as he  
16 stayed on his floor and wasn't after me to go to court with him  
17 and I wasn't after him to say, hey, can you get your buddy there  
18 to give us the real estate transaction. So we blended fine. We  
19 had a wonderful firm back then, no disagreements, and I don't --  
20 it was fine as long as I was there and as long as I have any  
21 recollection of what the firm was like and then Cliff took over  
22 and it's still in existence so we must have done something right  
23 back then and that's a long time to have a relationship; but it  
24 was all circumstance. Nothing was planned there except to come  
25 back and join Clint, who had been my Sunday school teacher, by

1 the way. When he was in law school he would hitchhike home from  
2 Carlisle so he could -- of course, his mom was still living here  
3 then, still living, and he would come home and see her and teach  
4 Sunday school at Pine Street and I was in the Sunday school  
5 class. So when I needed a preceptor, Clint, would you do that  
6 for me? Sure, I'll do that. I don't know if he knew what he was  
7 getting into or not, but it worked out, I think, fine for  
8 everybody. Okay. That's all that I have to report.

9 **PRESIDENT JUDGE BUTTS:** We need a copy of the  
10 Resolution.

11 **MR. MUSSINA:** I got several copies.

12 **PRESIDENT JUDGE BUTTS:** We just need one.

13 **MR. MUSSINA:** I need a date filled in for the date  
14 that we were appointed. I didn't know when it was.

15 **PRESIDENT JUDGE BUTTS:** Oh, it was October 16th.

16 **MR. MUSSINA:** I don't have a pen.

17 **PRESIDENT JUDGE BUTTS:** That's okay. We can fill  
18 it in for you. Thank you so much.

19 **MR. MUSSINA:** You're welcome. Thank you.

20 **PRESIDENT JUDGE BUTTS:** Yep. You did a great job.

21 **MR. MUSSINA:** I guess I need to move the  
22 Resolution.

23 **PRESIDENT JUDGE BUTTS:** You already did.

24 **MR. MUSSINA:** Okay. There's a letter attached to  
25 that that Cliff wrote, which is a very -- well, from a co-worker



1 point of view.

2 **PRESIDENT JUDGE BUTTS:** Okay.

3 **MR. MUSSINA:** I'd like that to be made part of the  
4 file, too.

5 **PRESIDENT JUDGE BUTTS:** Okay. We can do that.  
6 Mr. Rieders, are you going to read this into the record?

7 **MR. RIEDERS:** I wasn't going to read it. I was  
8 going to summarize it quickly so people can --

9 **PRESIDENT JUDGE BUTTS:** Okay. You can do that,  
10 but let me turn this over. If you want to have a seat you're  
11 welcome to and I'll just ask your colleagues on the Committee if  
12 they want to say a few words.

13 **MR. MUSSINA:** Thank you. I will do that.

14 **PRESIDENT JUDGE BUTTS:** Judge Kieser.

15 **JUDGE KIESER:** Thank you.

16 **PRESIDENT JUDGE BUTTS:** You're welcome.

17 **JUDGE KIESER:** May it please the Court. I think  
18 that if "Merc" can turn over in his grave he's got two Democrats  
19 on the Memorial Committee, that is about as strange as him having  
20 two Democrats in the plane together down to the Supreme Court  
21 admission. Just the one thing that Bud Greevy -- I talked with  
22 Bud and he and I both have a vivid memory of this, we took off  
23 and it was my first time really of any kind of flight except, I  
24 think, I buzzed the Lock Haven Airport in a Piper Cub and that's  
25 essentially what this was that we were going in. We got up and

1 the first thing he heads towards Philly and the first thing you  
2 see before you get past the airport is you see the cooling towers  
3 at Montour Plant and he said we're going to fly right over those  
4 towers guys and the radio came on and said that there were geese  
5 in the area flying at 2000 feet and I'm, you know, I'm looking  
6 around I don't see any geese; but I look and I see what maybe is  
7 the altimeter and it looked to me like it did, I said, "Merc",  
8 how high are we flying and he said we're at 2000 feet. Yeah,  
9 that was a crazy trip, but we had a great admission and it was a  
10 great trip to Philly.

11 My association with "Merc" in the early 70's  
12 came just a little bit because I was Allen Ertel's Assistant DA  
13 and Allen had succeeded "Merc". When "Merc" was DA he had Clint  
14 Smith and Harry Fithian as his assistants and so, you know, I was  
15 an assistant DA; but we were also involved together in the  
16 Masonic Lodge No. 707 and Nate Stuart, one of the partners there  
17 in the firm, he was master and then, I believe it was right after  
18 him, that "Merc" was master of the lodge and I was chaplain at  
19 the time and so that's how we knew each other.

20 We knew each other well enough that he was  
21 invited to our wedding in 1973 and we had kind of a common thing.  
22 "Merc" met his wife, Sallie, in '58 in Florida at spring break,  
23 you know, he was always a party guy, okay, if you know "Merc" he  
24 was always the life of the party, you know. Physically he was  
25 maybe 6'3", I mean, 6'1". He was big, wide athletic shoulders

1 and athletic trim build, you know, 30-inch waist that type of  
2 guy; but he would walk into a room and he was immediately the  
3 life of the party. I mean, you know, he was a great politician  
4 that way. He walked in and, you know, he controlled the room  
5 with dominance; but they only knew each other two months and they  
6 got married, all right. Well, in '73 I met my wife and we got  
7 married in less than four months, but not quite as fast as he  
8 was. So talking about speed, you know, I was naive because I  
9 thought they called him "Merc" because he was so fast, you know.  
10 He just always seemed to be here and gone. That's my  
11 recollection of him. But in any event, they were invited to our  
12 wedding and he and Sallie gave us a set of stainless steel steak  
13 knives and quite an elaborate gift, really, at that point and I'm  
14 thinking, wow, you know, this is something; but what am I going  
15 to do with steak knives, you know, we didn't really eat much  
16 steak at that point because Ginny and I, you know, that was a  
17 rarity; but we're still using those steak knives and the steak  
18 knives they say is a -- given as a gift it's a sign of strength,  
19 courage, and loyalty and "Merc" had that quality about him and he  
20 was loyal to the people of Lycoming County when they elected him  
21 both DA and to the Senate and then in the Senate he really, you  
22 know, did well there. He did so well that he ran for governor in  
23 '78 and he narrowly lost, just by a few votes to Richard  
24 Thornburgh, who became governor, of course, quite popular  
25 governor; but he was quite a force.

1                   My view of that firm was that these guys that  
2 Mike talked about, they did all the work, all "Merc" did was go  
3 out and recruit business for them at the golf course and other  
4 places. He had that -- he had that type of charm about him, but  
5 it was an honor to, you know, have him move my admission and I  
6 still have the -- if I could bring my phone in I could have shown  
7 you my admission certificate that's got his name on it.

8                   But anyways, he was a Republican to the core  
9 and very good at what he did. When I was an assistant DA he  
10 would encourage me. We would see each other at lodge and stuff  
11 and he always had an encouraging word about hanging in there and  
12 he thought we tried too many cases, as everybody else did at that  
13 time, that we should have negotiated more; but that's the way it  
14 was.

15                   He had a lot of legislative accomplishments  
16 and they were noted in the Resolution about the Comparative  
17 Negligence Act and he also did a lot of workers' compensation law  
18 revisions and improvements, but when he got to be head of the  
19 Pennsylvania Insurance Federation in '84, what that was doing,  
20 that was the insurance organization's push to get no-fault  
21 insurance in and really he had a lot to do with that because  
22 Pennsylvania became one of the, I think, still maybe only three  
23 states that have your choice, you know, you can go no fault, you  
24 can go full tort, and part of that was a compromise, really, in  
25 my recollection, not read about anywhere; but just my

1 recollection having lived through it, you know, that "Merc", you  
2 know, he got that compromise in there because the no fault wasn't  
3 going to go through; but "Merc" got that full-tort compromise  
4 into the law. I mean that was the primary thing that he did for  
5 that insurance federation when he headed that up for, I don't  
6 know, about 10 years anyway or so. I think that's about the time  
7 that he left Williamsport.

8                   So if you weren't here before '84 you  
9 probably don't have much of a recollection or knowledge of  
10 "Merc". One of the other things when I say about "Merc" it's not  
11 well known and it's interesting that the biography of him in the  
12 Pennsylvania Senate notes his signature legislation, you know,  
13 the one thing they picked out that he had, he sponsored the  
14 legislation to make the lightning bug the official Pennsylvania  
15 state insect. So that just followed the reputation that I know  
16 of him being, you know, Fast Eddie, you know, the Fast Eddie  
17 joke, you know, I thought that's why they called him Mercury, you  
18 know, that he had that charm and the mythology god of romans,  
19 Mercury/Venus, quite a ladies charmer and "Merc" gave that; but  
20 quite to the contrary he and Sallie had a long marriage, almost  
21 60 years, and she died after a five or six-year period of  
22 disease, she died in 2017, just short of their 60th wedding  
23 anniversary. He was living -- well, whenever he left the  
24 insurance federation I think they moved to Florida and they lived  
25 in Florida continually where he enjoyed the sunshine and things

1 to that nature. I never really knew the two daughters very well,  
2 they were probably maybe 10 years older than me; but it was, you  
3 know, he was well respected as being a good family man and a good  
4 dad, and as I said, he was the kind of guy that, you know, he had  
5 his convictions; but he was the kind of guy that you just had to  
6 like. He had that charm about him. He had -- the one thing his  
7 obituary said about his grandkids playing with his hair and I  
8 don't quite get that because he had, you know, a sprig of real  
9 dark black hair and that added to his complexion and everything;  
10 but he didn't have much more hair than -- I don't think he had as  
11 much hair as maybe as Gary Weber the last I remember seeing him;  
12 but in any event, he was one of a kind guy and was always good  
13 and kind to me. The world lost a really good contributor to  
14 things and Lycoming County has lost an attorney, who was a real  
15 credit to the type of profession and type of attorneys and people  
16 that we know that this bar is famous for and he certainly upheld  
17 its reputation. Thank you.

18 **PRESIDENT JUDGE BUTTS:** Thank you. Mr. Greevy.

19 **MR. GREEVY:** May it please the Court and my  
20 friends and colleagues herein. As noted, "Merc" was admitted to  
21 the Pennsylvania Bar in 1960. I graduated law school in 1969,  
22 came right back and quite directly was introduced to the local  
23 bar in December of 1969. At that point "Merc" was very active  
24 and he remained an active member of the bar here in Lycoming  
25 County. It's been noted the various firms that he was in, stayed

1 in one spot and so on. I knew him as an active colleague and  
2 active member and certainly a very active Republican. He was  
3 elected to the Senate in 1972. I had been approached after just  
4 being here three years to possibly run for the Senate that year,  
5 Z.H. Confair had just retired and I turned that down, even though  
6 Bud Greevy, as noted, was the Democratic chairman at that point.  
7 I remained active and interested in that election. As noted, he  
8 was elected in 1972. I worked with Walter Heim, who was the  
9 Democratic candidate at that point. "Merc" was asked to give the  
10 Lincoln Day Address in February of 1973. There was quite a  
11 controversy over that. Sun-Gazette published the whole relay of  
12 that particular address and I was able to locate that. He argued  
13 that there should be more of an openness in Pennsylvania  
14 governor. He had to involve the public a bit more than they had  
15 been by opening committee meetings and going in that regard. He  
16 suggested measure that their political conduct should be under  
17 the standards set by Lincoln, Abe Lincoln, and he talked about  
18 the fact that he was not going to give the typical Lincoln Day  
19 Address. So he went on suggesting that the colleagues that he  
20 had there in the Senate measure their conduct by the standards  
21 set by Lincoln, that they need to improve the gloomy picture of  
22 the public in Pennsylvania government. They had to risk some  
23 type of political defeat, if necessary, to do something about it.  
24 He was interviewed, obviously, several times. He made -- "Merc"  
25 made the comment that he was jolted by the absence of any kind of

1       applause after he finished his speech, that there was silence.  
2       In fact, there were notations made that several of his colleagues  
3       had felt that his remarks were in poor taste and out of order and  
4       inappropriate. He served in that regard, in fact, he became  
5       President Pro Temp then in the Senate before he finished his  
6       several terms.

7                       I don't recall any specific cases in which I  
8       had been directly involved with with "Merc", but certainly would  
9       run into him at various places. The Ross Club would seem --  
10      although I wasn't a member -- he was a very strong member of the  
11      Williamsport Country Club. He did take the insurance position.  
12      We would see them out at various places. He was active at the  
13      Country Club and, interestingly, I understand he also played the  
14      trumpet or the trombone or something and he was often down at  
15      various places enjoyed doing that. Actually that word came from  
16      Carol Sides, who was, of course, quite active in the Republican  
17      party at that point and still now. He would -- I would see him  
18      at those various places and he would usually greet me. He always  
19      quite often would say, well, there is that damn Democrat; but he  
20      was certainly very interesting and he was a thorough and active  
21      member of the bar as has been noted. He was also active in the  
22      Masonic Lodge 707 that became known as basically the lawyers'  
23      lodge at that point. In his activities he certainly was very  
24      friendly. He loved to chat a little bit when you would be around  
25      him. I, of course, had known him even before I came back and



1 started to practice locally here; but he was a good friend also.  
2 He was certainly a very competent and friendly person, mentor to  
3 many of his firm as has been noted by Mike, and will be talked  
4 about later, I'm sure, in these remarks. As.

5 Judge Butts has noted, he was an esteemed  
6 member of the bar. As I look out over the group of people here  
7 today certainly there were not many of us that even recalled him,  
8 but he continued to be recognized as a very active and a very  
9 definite structure, a very definite advocate for what he was  
10 doing and certainly for what he believed. I appreciated the  
11 opportunity to be one of the senior members of the firm. I guess  
12 I'm the youngest of the Committee here where Bill and certainly  
13 Mike had graduated just before I had, but when we came back,  
14 certainly, we all became known and enjoyed the opportunities we  
15 had to practice here and I'm sure "Merc" certainly did that, too,  
16 before I see that he formally resigned or retired in 1998, I  
17 think. Very good.

18 In any event, it was a -- certainly he was a  
19 person that you could go to and sit down and discuss anything  
20 that you might want to, but he was certainly a very, very  
21 friendly person. Bill and I were wondering what his relationship  
22 might have been with some of the Democrats, but at least he,  
23 again, would recognize me as being from that party and would do  
24 that. So I have appreciated the opportunity to share some  
25 remarks with you.

1                   **PRESIDENT JUDGE BUTTS:** Okay. Thank you,  
2 Mr. Greevy. I will approve the Report and the Resolution that  
3 you provided, Mr. Mussina, and I'll enter the following order.  
4 Now, this 14th day of November, 2024, in consideration of the  
5 Resolutions presented by the Committee appointed to draft  
6 resolutions in the death of Henry G. Hager, III, the said  
7 Resolutions are adopted and it is ORDERED AND DIRECTED that the  
8 Resolutions herewith submitted, including the attachment, be  
9 adopted as an official expression of the Lycoming Law Association  
10 and the Court and that the same be spread upon the records of the  
11 Court and copies of the Resolution be delivered to the family, if  
12 they wish, and it is further ORDERED AND DIRECTED that the  
13 Resolutions be entered at large upon the Record of the Court and  
14 it be printed in the Lycoming Reporter.

15                   So, usually at this time I would defer to my  
16 colleagues if they had anything that they would like to say.  
17 I'll start with you, Judge Carlucci.

18                   **JUDGE CARLUCCI:** Thanks. I think that a couple of  
19 times in these ceremonies I've made reference to a book that was  
20 handed to me as a gift by the then dean of the Dickinson Law  
21 School called the Lost Lawyer and I think I've described the  
22 theme of that book in a few of these ceremonies and I'm not going  
23 to repeat it right now, but the core philosophy of the book was  
24 the failure of lawyers in the modern era to accept a  
25 responsibility for public service, that is, at the time of

1 Lincoln lawyers were expected to be not just practitioners of the  
2 law; but civic and spiritual leaders in their community and I  
3 have made some effort to do that in my life, although, certainly  
4 I could have done a lot better I suppose. Mr. Hager and a few  
5 others, I'm not going to go down the list because I might miss  
6 somebody, really took that responsibility to heart, that is, that  
7 they saw their role as being public citizens and leaders in our  
8 culture and I think that the lawyers of Lycoming County, who have  
9 done that, who have accepted the responsibility of civic  
10 leadership, have done us proud and he was certainly among them  
11 and I regret to a large extent that that element of lawyering has  
12 largely slipped away from us and I hope the day will come when it  
13 returns and that lawyers will look to the legacy of people like  
14 Henry Hager and say that's the proper place for lawyers in our  
15 culture or position of leadership and to accept that  
16 responsibility even at great personal sacrifice. Thank you,  
17 Judge Butts.

18 **PRESIDENT JUDGE BUTTS:** Thank you. Judge Tira.

19 **JUDGE TIRA:** Sure. I did not have the benefit of  
20 ever actually meeting Mr. Hager, but what I've heard today seems  
21 to be quite the dynamic individual bordering on being a force of  
22 nature and obviously it's my loss for not having that opportunity  
23 to have gotten to know him. So I express my condolences and I  
24 will be brief then in my comments.

25 **PRESIDENT JUDGE BUTTS:** Okay. I appreciate that.

1 Thank you. Judge Linhardt.

2 **JUDGE LINHARDT:** Thank you. I did not have the  
3 honor of knowing Senator Hager because we were of a different  
4 generation, but I've enjoyed and am grateful for this opportunity  
5 at this memorial service to have the opportunity to listen to the  
6 stories and the memories that you've shared with us and so I want  
7 to thank you for that.

8 **PRESIDENT JUDGE BUTTS:** Thank you. My connection  
9 to Senator Hager would be through Judge Smith, hearing the  
10 stories of when they practiced together and he always reminded me  
11 of kind of in the way Judge Anderson would that they would tell  
12 the story and they would get all excited about the issues that it  
13 caused, let's just call it that, the turmoil, the ruffles, the  
14 feathers that would be ruffled and he just really appreciated  
15 that. By the time I came to this county I think he was already  
16 gone and perhaps, Gary, you had more experience with him since  
17 you were Judge Smith's law clerk several people before me; but it  
18 just was interesting to hear about the history and how in  
19 reflecting even this morning in anticipation of this hearing just  
20 thinking about all the people that you mentioned, Nate Stuart,  
21 Neafie Mitchell, Henry Fithian, names that I haven't heard in a  
22 very long time; but that were active, robust practitioners in  
23 this county when I first moved here and it is really nice to be  
24 able to have this type of ceremony to remember those individuals  
25 because there are so few of us around that would have had contact

1 with them. So I appreciate all of you coming here today and  
2 sharing your memories and your experiences. So, thank you.

3 Mr. Rieders, did you want to say a few words?

4 **MR. RIEDERS:** May it please the Court. I would  
5 just like to make some short remarks. First, I want to show you  
6 a demonstrative exhibit, that's what I do. I am a trial lawyer.  
7 So this is an alligator in case you cannot see it from there.  
8 Now, when I started working there I thought this was going to be  
9 a real stuffed shirt law firm, this was Stuart, Murphy, Hager &  
10 Smith these were among the leaders of the bar, all of whom were  
11 well known at that point. I walked into his office on the first  
12 day on the job and I saw this alligator and above it said when  
13 you're up to your ass in alligators it's difficult to remember  
14 you came to drain the swamp. I instantly liked him. Well, you  
15 know, I can get along with this guy despite of his reputation and  
16 we got along very well. Actually, I was hired to do a lot of the  
17 work that needed to be done at that point. It was defense work.  
18 He represented, as a result of his position in the Senate, he  
19 represented State Farm, Hartford, Pennsylvania Manufacturers  
20 Association, those were all the clients and none of them at that  
21 point really had counsel because he was -- even though the work  
22 of the legislature was part time it took up so much time he  
23 really could not do it and there was really nobody else there to  
24 do it and that's what I did. So for a young lawyer it was great.  
25 You had more work than you wanted to do, everything was coming to

1 trial at the same time. I remember a stack of State Farm files  
2 like this, none of which had depositions taken in them. In fact,  
3 no depositions had been taken in any of the cases and there were  
4 judges who were not willing to grant continuances like Judge  
5 Myers, my first civil trial, was through State Farm in Columbia  
6 County before Judge Myers. Remember Judge Myers? He wouldn't  
7 grant any continuance and so I tried that case for the defendant  
8 and the case was our client had rear ended another car and State  
9 Farm wouldn't pay a penny. I tried the case, no depositions  
10 having been taken and much to my shock and amazement I got a  
11 defense verdict and Judge Myers called me to the bench when the  
12 verdict came in and he said, Mr. Rieders, you better settle this  
13 case or I'm granting a new trial. Now, judges don't do that  
14 anymore. Now they say, oh, you know, you filed a motion, we'll  
15 take a look at this. I'm a little surprised, you know, there has  
16 been no offer made. But that was a different time and so we did  
17 settle the case. So I got a tremendous amount of experience and  
18 I always say to Ed and other defense lawyers, Gary, don't think I  
19 don't know anything about the defense side. I did it. I did it  
20 for years and I did it, you know, with all of my strength and  
21 power and ability and I learned a lot because you're always in  
22 court, you know, it's like doing criminal work, you're always in  
23 court.

24 So Henry Hager was very kind to me to give me  
25 that opportunity and we got along well, obviously, and the other

1 area in which he really was a giant was in his legislative  
2 achievements. I don't think people appreciate today, probably  
3 the people in this room do, how difficult it is to get anything  
4 done in Harrisburg. I was president of the trial lawyers, I did  
5 some lobbying, it's extremely difficult, excruciatingly difficult  
6 to get the simplest thing done. Henry Hager got things done. I  
7 just made some notes during the time that I was there he had me  
8 help him with the Sovereign Immunity Statute, which is still the  
9 law in Pennsylvania, with the Comparative Negligence Act and with  
10 the CAT Fund, which is the predecessor of the MCARE Fund. Each  
11 one of those I had no idea what I was doing. He thought since I  
12 worked in the federal system, you know, maybe I would -- and I  
13 had worked in D.C. maybe I knew something about how to write  
14 legislation, which I did not, and he said, you know, well,  
15 there's nothing wrong, Cliff, with a little plagiarism when it  
16 comes to this. Other states have done these things. Look at  
17 some other state and sure enough sovereign immunity came from  
18 Indiana, comparative negligence came from Wisconsin and CAT fund  
19 Indiana, I'm not sure, one came from Indiana, one from Wisconsin,  
20 I forget the third state. Basically what I did is found them,  
21 plagiarized them, put them in Pennsylvania format. Bob Wise, who  
22 will also honor at some point, who was head of the Legislative  
23 Reference Borough, I became great friends with him and he would  
24 take this mess that I would write and he would it put in proper  
25 order and he was head of the Legislative Reference Borough and

1 made sure that it was readable and they passed. I thought, wow,  
2 this is really amazing. He's writing this stuff and it passes  
3 right away, no problem, and it was because Hager was able to get  
4 along with people in the legislature and he did not really  
5 approach it as a Republican, Democrat, whatever, he approached it  
6 as getting the job done. These things had to get done. These  
7 were hot issues at the time for whatever reason and they got  
8 done.

9                   Not too long ago I was with one of the young  
10 associates in the office and we were -- he had his first argument  
11 in the Superior Court. So after I said let's take a walk over to  
12 the -- let's take a walk over to the Senate I want to show you  
13 something. So we walked over to the Senate and I'm sure you've  
14 all been there, if you walk down the aisle to the Senate and they  
15 have a picture of every former leader of the Senate on the wall,  
16 big pictures, gigantic pictures. I said there's one in  
17 particular I want to show you and we get to the very end of the  
18 hallway and there is two or three from the end, there is Henry  
19 Hager looking down in the most severe manner you can imagine. I  
20 said to Sean, I said, really he wasn't that bad; but that was his  
21 picture; but that was the guy who was one of my big-time mentors,  
22 there he is, you know, there forever looking down at us. So it  
23 was for me, you know, a very important part of my life, a  
24 tremendous experience that I had.

25                   I want to tell you one other story, the hour



1 is getting late. I want to tell you one very personal story, but  
2 it also shows you the character of the man and I think it's  
3 important to tell the story even though it's a little difficult  
4 for me to tell it. He had tremendous clients, very important  
5 clients in this community and he wanted me to try a contract case  
6 for one of those clients and he came to me as the case came up at  
7 trial and he said and for some reason Nate Stuart was in the  
8 room, I think Nate also had some connection with his client and  
9 the client was there. The client was there, Mr. Hager, Stuart,  
10 and they said to me, the client is uncomfortable with a Jewish  
11 person trying this case because he thinks a jury might be  
12 prejudiced against you and he's uncomfortable with you trying the  
13 case. So, you know, it's the old joke I wouldn't join any club  
14 that would have me as a member, right. So I said, you know, fine  
15 let somebody else try the case. Not too much -- a little bit  
16 later, a couple of weeks later Hager asked if he could talk to me  
17 in his office and I went to his office and he said I owe you an  
18 apology. He said, I did the wrong thing in front of so and so  
19 and he said I didn't even realize it. He said, what made me  
20 realize it is Nate Stuart called me into his office and told me I  
21 was a stupid man -- those were his exacts words -- for saying  
22 that to you. He said and Nate was right. I want to apologize.  
23 So, I said, no apology needed, you know, it's not -- it's not  
24 your problem, it's the client's loss. The case was tried by  
25 another lawyer in the county and he lost it, by the way, and

1 interestingly enough that client 10 years later called up and  
2 apologized also and asked me to represent him in a federal case,  
3 which I did. So it goes to show you how also the county has  
4 changed and how things have changed in this world. But I've told  
5 that story because I've given a lecture in four or five  
6 universities, a life of a Jewish trial lawyer and nobody believes  
7 these stories today, you know; but it's just hard for people to  
8 appreciate how the world was and how it's changed, because I sort  
9 of came into the system as it was changing, but I always thought  
10 well of "Merc" for having the courage to come to me and tell me  
11 that, told me that story. I wouldn't have known. I wouldn't  
12 have known it because Nate Stuart never said anything.

13 So, he was a larger than life person and I  
14 could tell you lots and lots of other stories; but I had the  
15 great pleasure and honor, really, of working with him. When he  
16 started the insurance federation he asked me to come with him and  
17 I said, I really can't, that's not me. God bless and good luck  
18 with it it's not who I am and then he started the insurance  
19 federation and about three or four years before his death  
20 something came up in Harrisburg that his -- that he had -- I know  
21 he had worked on and I called him in Florida and he was doing  
22 great. I mean he was really with it, this was about four years  
23 before his death and the one question I asked him after we talked  
24 about the issue, I said, are you still playing golf because I  
25 know that was a big thing with him. He also tried to teach me

1 how to play golf, but it was a failure and he said, well, I get  
2 out there once in while, I do play nine holes. So he was really  
3 doing pretty well to the end of his life and he was a giant of a  
4 personality. Thank you.

5 **PRESIDENT JUDGE BUTTS:** Thank you. Anyone else?  
6 Mr. Mitchell.

7 **MR. MITCHELL:** May it please the Court and fellow  
8 colleagues. I did have the experience of litigating on the other  
9 side of Henry Hager. I'll tell a -- one story about him. Based  
10 upon what you've heard you know that he was a guy with a lot of  
11 self confidence, possibly arrogant at times. Back in the early  
12 70's we used to have an annual banquet of the medical profession  
13 and the legal profession together and I think the last time we  
14 did it was 1976 and we did it in the dining room at Divine  
15 Providence Hospital and Henry was -- or "Merc" was there as a  
16 member of the bar and also he was the State Senator. So he was  
17 given the opportunity to speak and he began his speech by saying,  
18 when my predecessors were writing the Constitution your  
19 predecessors were putting leeches on George Washington's neck and  
20 that was the last time we had one of those dinners.

21 **PRESIDENT JUDGE BUTTS:** Oh, wow. Mr. Raker.

22 **MR. RAKER:** May it please the Court. I never had  
23 a lot of direct contact with Henry Hager other than a few short  
24 conversations, but he was a presence in my political life,  
25 especially early on. We both ran for a state legislative office

1 in 1980, which, I guess, would have been his last campaign. It  
2 was my first campaign. He was challenged by John Anstadt of  
3 Huntersville for the senate seat and I ran against Joe Grieco for  
4 the 84th district and Gloria Sackman-Reed ran against Tony  
5 Cimini, she was a noted feminist at the time. The Republican  
6 incumbents all won. Henry Hager got a little over 70% of the  
7 vote, I looked it up. I was very fortunate, I got almost 38% of  
8 the vote in a very hard Democratic year. I guess the popular  
9 incumbent, Joe Grieco, was a very nice guy.

10 Speaking of how he got along with colleagues,  
11 I guess, Democratic colleagues, I said, of course, he was elected  
12 in 1963 and he did not run for District Attorney in 1967 and I  
13 said to Allen Ertel once, I said, oh, you were fortunate that,  
14 you know, Henry Hager didn't run for re-election, you didn't have  
15 to run against him and you probably wouldn't run anyway. He  
16 said, oh, no, I was going to run either way and I think in the  
17 typical Allen Ertel fashion he said and I would have beat him,  
18 too. I'm not so sure about that. It's interesting to note and,  
19 of course it was mentioned, that he ran for -- Henry Hager ran  
20 for governor in 1978 and it's interesting to note that four years  
21 later the next gubernatorial race available Allen Ertel ran for  
22 governor and they both ended up getting beat by Dick Thornburgh.  
23 And speaking of that race for governor, I well remember, as we  
24 probably all do, many of us do, Hager's "T" theory of how he was  
25 going to get elected, get the nomination, the Republican

1 nomination, the "T", of course, being that part of the state that  
2 James Carville referred to as Alabama in between Philadelphia on  
3 the east and Pittsburgh on the west. He was going to consolidate  
4 the vote there while the other Republicans divided up the vote in  
5 Pittsburgh and Philadelphia and there were three big candidates  
6 in Philadelphia, Arlen Specter, Bob Butera, I looked this up, who  
7 was the senate majority leader and David Marsden, who was an U.S.  
8 attorney that got fired by the Carter administration and got a  
9 lot of publicity; but it didn't work for Henry Hager. I don't  
10 think he had the time to consolidate the vote in the "T" part and  
11 there were relatively more Republicans in Southeastern  
12 Pennsylvania and relatively fewer Republicans in the "T" than  
13 there are today and Thornburgh really wasn't challenged that much  
14 in the west so Thornburgh did, of course, win the nomination.  
15 But the theory was valid because that -- that "T" is where the  
16 vote came from to give Donald Trump victory in Pennsylvania in  
17 2016 and now in 2024. So I think we should tip our hats to you,  
18 "Merc" Hager, for your political instincts.

19 **PRESIDENT JUDGE BUTTS:** Anyone else? Tammy. Ms.  
20 Taylor.

21 **MS. TAYLOR:** May it please the Court. I just want  
22 to say one thing because I'm looking around and there is four of  
23 us here that were Judge Smith's law clerks in this room today and  
24 so all of us, I'm sure, heard "Merc" stories over and over; but I  
25 want the record to show what "Merc" really stands for. I mean

1 Judge Kieser mentioned he didn't understand it, but I don't know  
2 if in the future people will understand that his initials were  
3 the --

4 **MR. RIEDERS:** HgH.

5 **MS. TAYLOR:** HgH for mercury and so I just want to  
6 make that clear for future generations.

7 **JUDGE KIESER:** Oh, okay.

8 **PRESIDENT JUDGE BUTTS:** Thank you. I mean when  
9 you think about what Judge Carlucci said about lawyers and public  
10 service, I mean, for a small community the way it had been up  
11 until, you know, within probably the last 10 or 15 years to have  
12 both Henry Hager and Allen Ertel run for governor from this area  
13 is quite an accomplishment.

14 Anyone else?

15 **JUDGE KIESER:** I would just add to that comment,  
16 okay, the integrity of both of those people, okay, Hager and  
17 Ertel, were shown in the way they both operated the DA's office;  
18 but also I know much more personally for Allen Ertel than for  
19 "Merc"; but I know "Merc" enough that their integrity probably  
20 cost them an immense number of votes, particularly, in the  
21 western Pittsburgh area and in the Philadelphia area and I know  
22 for sure in the Erie area that, you know, opportunities to, you  
23 know, maybe get votes that were against their principles were  
24 given to them and they stuck with their principles both of them.

25 **PRESIDENT JUDGE BUTTS:** Okay. Well, ladies and

1 gentlemen, it appears that there is no further comments so we'll  
2 conclude this Memorial Service for Henry G. Hager. I'd like to  
3 thank everybody for coming here this afternoon and sharing their  
4 memories of Mr. Hager or Senator Hager, excuse me, and this  
5 Special Session of Court is adjourned. Thank you all.

6 (Whereupon, the Special Session concluded at 4:55 p.m.)  
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