

## ***Death of a Mentor***

Henry Hager, one of my original mentors in this law firm, then known as Stuart, Murphey, Hager & Smith, died on my birthday, June 27, 2024. When I completed my clerkship in federal court with the Honorable Malcolm Muir, I was hired by the law firm and immediately absorbed into Senator Hager's orbit. He represented a number of insurance companies, and I was thrown into the fray immediately. I was given a bunch of files where no discovery had been done yet, and I was told that the trials were coming up. My first one was a case where our State Farm client rear ended another car and we were defending the suit. I tried that case, successfully, before Judge Jay Myers of Columbia County and prevailed.

They sent me all over the place defending these cases. I came to know the quickest route to Coudersport (and there really is only one) and made myself car sick driving along the Sinnemahoning Creek on the way to Potato City. In order to thoroughly entertain myself, I started taking Criminal Justice Act defense cases as well. So there I was, thanks to Senator Hager and Judge Muir, an insurance company defense lawyer doing criminal defense work. That was the beginning of my career.

The good Senator gave me a number of other opportunities as well. The legislature was brimming with ideas. Ultimately, Pennsylvania's sovereign immunity was struck down by the Supreme Court and the legislature was in the position of having to write a sovereign immunity bill, with a number of exceptions. After all of the dealing making was completed, the bill had to be written, submitted, and passed by the legislature. During his tenure, Senator Hager had the opportunity of assuring the passage of Pennsylvania's Contributory Negligence Act. Prior to that law, a person who was even 1% negligent would recover zero if somebody else caused catastrophic injuries and was 99% responsible. Finally, the insurance market for medical malpractice insurance was becoming expensive because of the interest rate environment. Senator Hager was the most involved, his father having been a doctor, in creating a legislative solution which was the CAT Fund. The Catastrophic Loss Fund was in essence an excess insurance fund for claims which were above a level of coverage that could be obtained through private insurance.

Whenever I had an idea about how legislation should be written or a new piece of legislation, Senator Hager was eager to listen, provided an open ear, and was gracious to me.

One Sunday I came into the office to work and there was Hager sprawled out on my extraordinarily ugly orange and beige couch. He was a tall guy and his feet hung over one end. I sat down at my desk and asked him what was up. He responded, "I am thinking about whether I am an Atheist." Here we were, a nice upstate blue blood Protestant successful politician and his religious Jewish employee from New York discussing on a Sunday afternoon what it means to be an atheist. It was a good and interesting discussion and I learned yet another dimension about the thoughtful Senator.

Senator Hager considered, and perhaps even did, make some efforts to run for Governor. He was a consensus builder. While Hager was a Republican, and I was not a member of his party, we never discussed politics. We did discuss legislation, the

political environment, and how he was going to accomplish his agenda in Harrisburg. The focus was always on “getting things done” and not pillorying one’s opponent or degrading another for differing political points of view.

I enjoyed immensely working for Senator Hager and considered going with him when he left to start the Insurance Federation. Sam Marshall followed Henry Hager, becoming one of the most influential lobbyists in Harrisburg. I crossed swords with Mr. Marshall when I became President of the Trial Lawyers, but respected the lineage of the Insurance Federation.

There is a hallway on the Senate side of the Capitol in Harrisburg. On that hallway hangs the pictures of past leaders of the Senate. I remember the first time I walked down that hallway with Lobbyist Mark Phenicie, of the Pennsylvania Trial Lawyers Association. When we got to the third or fourth picture from the end, there was a handsome young guy looking down with a very severe appearance. It was Henry Hager! The lobbyist said to me, “I think you know that guy.” My response was “yes, but he never looked at me that way.” Only recently I took one of our associates down the same hallway. Sean Gingerich had just argued his first case in the Superior Court and I could not leave the building without taking him down the hallway of former Senate leaders. I pointed out Senator Hager to Sean and said: “He may look severe in that picture, but he was a guy who knew how to get things done in Harrisburg and that meant smiling a lot.”

After Senator Hager left, we were all terrified as to how we would make a living. Things worked out. I morphed over to the plaintiff’s side and began doing a lot of other work which led to a happy and successful career. However, I will never forget the days of working with Senator Hager and the kindness which he showed to me. He was encouraging, and knew a hard worker when he saw one.

Mike Mussina, whom I recently talked to about Senator Hager’s passing, noted that my own political experiences no doubt benefited from knowing Henry Hager. I readily admitted that was true and then Mike added: “However, he didn’t do much for your golf game.” That was also true. Senator Hager was alleged to have been a class golfer, and absolutely loved the game. Unfortunately, that was a skill that I tried to develop, unsuccessfully. However, I can rest assured that my son Joshua has picked up the mantel of the lawyer-golfer both successfully and usefully. I understand he has already been offered a few jobs playing golf in a foursome in Chicago.

I was saddened to hear of Senator Hager’s recent passing. I remember talking with him in what seemed like the relatively recent past. It was probably longer ago than I am remembering, but at the time Hager was chipper, friendly, and doing well in Florida.

Henry Hager’s memory can serve as a beacon to all those interested in the confluence of politics and law. The two can coexist or be mortal enemies, depending upon how the lawyer politician views their role in society. Those who use politics to advance their legal career, or vice versa, will inevitably cause trouble for themselves, their clients, and probably their family as well. It is possible, and many have shown the way, to launch a successful political career from an eager and perhaps meager legal beginning.

I respected the good Senator and appreciate all he did for me and the other young people that he mentored in the political and legal sphere. May his soul rest in internal peace and hopefully he has found the answer to that question about Atheism.

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