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As Shakespeare is the poet's poet, as Oliver Wendell Holmes is the judge's judge, Bernard G. Segal is surely the lawyer's lawyer. His eminent position at the bar results not from any place in an official hierarchy, but rather from a pattern of respect and authority commanded by the insightful and compassionate leadership of lawyers. In an age when power is all too frequently the fruit of publicity, manipulation, and material grandeur, Bernie Segal has proven to be an exemplary exception: his hold on the profession demonstrates that one of the most abiding influences is a life dedicated to serving enduring ideals and the public good.

I first met Bernie when, in 1947, I left a judicial clerkship and joined the firm which soon became known as Schnader, Harrison, Segal & Lewis. Fortunately for me, I was assigned to be one of his young assistants. I say fortunately because the opportunity to learn the craft of the law from one of its foremost practitioners was an experience that has unquestionably enriched my own legal career. I can assure you, however, that assisting this remarkable lawyer was no simple task. Whether Bernie was undertaking a trial, an appeal, a labor negotiation, or a business transaction, painstaking preparation was always essential. Getting ready for trial, for example, entailed a minute examination and an indexing of all pretrial materials, the preparation of alternative lines of questions, an extensive investigation of all potential witnesses, and a compilation of a file on all probable opposition witnesses. In addition, Bernie required us to prepare far in advance legal memoranda on any

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points that might conceivably arise—nothing was left to chance. Throughout this process he always insisted on fastidious standards of excellence. There truly could not have been any better indoctrination for the practice of law than assisting him in these endeavors.

But Bernie has not confined his extensive skills solely to representing private clients; he has been multi-faceted in his contributions to the profession. Aside from being a consummate trial lawyer, an able advocate, and a skilled counselor to business concerns, he has brought equal dedication, thoroughness, and perception to the pursuit of representing the disadvantaged, protecting civil liberties, improving judicial administration, and serving the organized bar. It is this latter area that perhaps best highlights the reason why, among the many civic-minded individuals who have served the legal community, Bernie stands on the highest plateau. Many have contributed greatly to the profession, but I do not believe that anyone has devoted so much of himself to improving the bar by serving local, national, and international associations.

While he was building what was soon to become one of the most extensive law practices in Philadelphia, Bernie continually devoted a generous amount of effort to the city's bar association. Although by 1953 he had assumed many responsibilities at the Philadelphia bar, it was his election that year to the position of Chancellor, the youngest person until then to fill the position, that propelled him deeply into the workings of the Philadelphia Bar Association. The Association was organized in 1804 and is the oldest group of its kind in the United States. It was the good fortune of the city that Bernie was to serve as Chancellor when the Association was observing its 150th anniversary. Prior to his leadership, the Philadelphia Bar Association was a relatively small group, with few lawyers participating in its activities. Bernie quickly changed this. He made arrangements with the various courts to suspend all activities during the time that bar meetings were conducted and, with the cooperation of the judges, hundreds of lawyers were brought into active participation. For the annual meeting, elementary schools were closed so that all the students might attend the proceedings at the Academy of Music to hear Justice Robert Jackson deliver a major address.

During his term as Chancellor, Bernie poignantly exhibited one of the qualities that have made him such an embodiment of the highest ideals of the profession—that of unusual courage. This occurred in 1954, when the fear of Communist infiltration had cre-

ated a certain amount of hysteria throughout the country. Nine persons were charged with participating in a conspiracy to overthrow the government. As one might expect, volunteers to represent these defendants and their unpopular cause were not readily forthcoming. Despite the hostile atmosphere, Bernie realized how important it was to the principle of freedom of belief that these defendants not only be represented by counsel, but also by the best attorneys the bar could provide. Notwithstanding enormous opposition, he convinced the bar of the correctness of that position and then went one step further and succeeded in personally persuading a group of the finest lawyers in the city to take on the representation as a public service.<sup>1</sup> The result constitutes one of the legends in the history of law in Philadelphia.<sup>2</sup>

Bernie firmly believed that one of the most compelling ways to maintain the integrity and public spirit of the profession was to ensure an independent judiciary of high quality. This aim was reflected in his next major bar activity: the Chairmanship of the Standing Committee on the Federal Judiciary of the American Bar Association. Until Bernie's service as the Chairman of this Committee, the ABA had been consulted only in an informal fashion by the various Attorneys General when federal judicial appointments were to be made. Bernie, however, soon persuaded Attorney General Brownell that all appointments should first be screened by the Federal Judiciary Committee, and none made unless the candidate was rated, at a minimum, as qualified. Thus began a process that still continues. There have been a number of improvements, of course, but the procedure is essentially the same today as the one set in motion by Bernie. Much credit for the high caliber of the federal bench, which the *New York Times* recently described as the "jewel of the federal government," may be attributed to this sensible and ingenious arrangement and to the foresight and dedication of the person who initiated it. During his chairmanship of this committee, which extended from 1956 to 1962, Bernie devoted thousands of hours to the chores of interviewing judicial candidates, traveling to distant sections of the country to speak with community

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<sup>1</sup> This group included Joseph Lord, now Chief Judge of the United States District Court for the Eastern District of Pennsylvania; Ben Reed, until recently Under-Secretary of State; Edmund Spaeth of the Pennsylvania Superior Court; Charles Hileman; Joseph DuBarry; Henry Sawyer, and Tom McBride.

<sup>2</sup> All the defendants were convicted. On appeal to the court of appeals, five were acquitted and new trials were ordered for the remainder. Then, shortly after the remand, charges against the latter group were nolle prossed based primarily on the opinions in *Yates v. United States*, 354 U.S. 298 (1957), and *Scales v. United States*, 367 U.S. 2031 (1961).

leaders regarding prospective judges, and then conducting extensive discussions with the Department of Justice and members of Congress regarding this very important subject.

Another example of Bernie's courage and his willingness to stand by his principles occurred during his service with this committee. On at least two occasions that I can recall, powerful senators had persuaded the President to nominate for judicial positions persons clearly unqualified. In one instance, the senator in question was a close friend of Bernie. Despite this relationship, Bernie insisted on publicly opposing the nomination and proceeded to marshal the support of the bar before the Senate, urging that the nomination not be confirmed. In the first situation, the nomination was eventually withdrawn. In the other, the nomination was confirmed despite the opposition, but then the person selected proved, in a short period of time, to be completely unworthy of the position entrusted to him, and eventually resigned.

Bernie's efforts on behalf of the bar culminated in his election as the President of the American Bar Association in 1969. Reflecting his unbending concern for judicial administration, during his tenure as leader of the organized bar he inaugurated the practice whereby a State of the Judiciary address is delivered annually by the Chief Justice of the United States. He also provided the impetus for the creation of an ethics committee that reviewed the entire area of legal and judicial proprieties—a task that was then long overdue. Another highlight of his presidency involved raising the funds for and supervising the work of the prestigious Commission on Correctional Facilities and Services.

In 1976, his contributions on behalf of the ABA were officially recognized when he was the recipient of the ABA Gold Medal, the highest honor that the organized bar can confer. The citation reads in part: "For conspicuous and unsurpassed service to the cause of American jurisprudence, to the maintenance of freedom, to the protection of the poor and friendless, and to the search for peace and justice."

Closely associated with his activities for the organized bar were his appointments by three Presidents to the Quadrennial Salary Commissions. These commissions were organized to conduct hearings and to make recommendations for compensation for members of the executive, legislative, and judicial branches of the federal government. Bernie was chosen Chairman of the Commission when President Eisenhower established it in 1953. In addition, he has rendered special services as a member of similar commissions ap-

pointed during the terms of Presidents Nixon and Carter. No one familiar with this work will deny his overwhelming contribution. It is no simple task to persuade the public of the importance of properly compensating government officials. Yet, if this is not done, able persons cannot be recruited, and the nation suffers as a consequence.

In addition to his tireless efforts to guard the quality of the people who shape our law and our governmental institutions, Bernie has always been dedicated to the goal of providing equal justice to all segments of society. Thus, one of the assignments that was particularly meaningful to him was his role in creating the Lawyers' Committee for Civil Rights Under Law. This group was first suggested by Bernie to his friend Robert Kennedy, then the Attorney General, and came into existence in 1963, under the aegis of President John Kennedy. Its formation was motivated by the violent backlash visited on the civil rights movement and opposition to civil rights legislation by a number of leading members of the bar. As during the "McCarthy era," too few well-established lawyers seemed willing to make the uncertain sacrifice of representing an emotion-laden cause. The President and the Attorney General were most desirous that leaders of the bar extend their skill, services, and prestige in support of the struggle to ensure civil rights for all our citizens. Bernie impressed upon his colleagues the momentous need to come to the defense of precious constitutional rights and, as a result of his importuning, the Committee sent scores of talented lawyers into courts throughout the country to ensure the protection of those critical rights. Most significantly, it succeeded in stirring the bar from its apathy by issuing a clarion call to informed responsibility in this all-important area, at a most crucial time. The Lawyers' Committee remains a vigorous force today in the continuing campaign to make equal justice a reality, providing the vehicle through which bright and able lawyers from eminent law firms contribute their talents to public service work.

While these activities that I have summarily described were under way, Bernie also served as Chairman of the American Judicature Society in 1958, as President of the American College of Trial Lawyers in 1964, as President of the American Bar Foundation in 1976, and for twenty-five years as an officer and currently First Vice-President of the American Law Institute. In none of these organizations was his participation merely nominal. Bernie's attendance at meetings was almost perfect, his contributions substantial, and his responsibility always of the highest order. What is

even more remarkable is that after his official tours of duty were completed with these groups, he continued, and still continues, to make himself available for any critical assignments that arise.

Because of the limited space allotted to me, I cannot begin to set forth all of his activities on behalf of the organized bar, government, academia, and the poor or under-represented. Accordingly, I have listed them in an appendix, so that the full range of Bernie's contributions in these areas may be fully appreciated. His selfless devotion to these endeavors is but a reflection of his view of the role that the legal profession should assume in our society. In 1970, when he was the outgoing President of the ABA, Bernie spoke to that body on "The Tasks of Law in a Troubled Time." The preservation of our institutions, he counseled, depends on the public spirit of the legal profession. Not only must the profession take the lead in giving contemporary vitality to the venerable democratic freedoms and rights, he observed, but it must also

assist in the critical process of curing those afflictions which the gathering of time, population, technology, and social movement have visited upon American society. By the uses of the law, we must assault poverty and racism and crime. . . . Th[is] process of cure—the assault upon the deficiencies in our social order, the endeavor to assure that the law is just—is not something we may embark upon at some indeterminate time in the future; it is not something which lies in the middle distance, a dedication waiting to come into being. The legal profession is already deep in the process.

It has been the lasting fortune of the bar that Bernie's own career is the paramount embodiment of this noble philosophy.

Aside from his manifold professional activities, Bernie has never overlooked the human aspects that enrich life, and he still finds time for hundreds of friends and scores of worthy social causes. Indeed, one of his most impressive characteristics is his ability to establish friendships, and then to nurture them with continued interest and considerable attention. In his office is a picture of his own beloved mentor, William A. Schnader, also an ABA Gold Medal recipient, on which is inscribed a message that sums up this quality succinctly: "To Bernie Segal, who put more friendship into a two year period of association than I ever thought possible." The short stretch of that early experience expanded into thirty-five years of as close and devoted a relationship as I have ever known at the bar.

Today, as brilliant young students come forth from the law schools of our country, I am sure that each has a halting doubt whether the law, as a profession, can fill the need of what is highest in the yearnings of the human spirit. In certain hours of discouragement, to which not even my own experience is a stranger, I often feel much the same doubt. But fortunately the questioners can be pointed to an example. Frequently, my own disquietude has been allayed by looking at the vision created so forcefully by a just colleague and warm friend.

In closing his farewell speech as President of the ABA, Bernie declared, "I am convinced that Justice Holmes was right when he said that man can live greatly in the law." The unbelievable career of Bernie Segal as a lawyer, and as one devoted completely to the support of the profession, demonstrates to all of us that Holmes was most certainly correct.