

## **Allen Ertel: The Passing of a Great Character**

I first remember Allen Ertel when I was a Law Clerk to the Honorable Malcolm Muir. Allen was a well-known trial lawyer in the community at that time with a particular interest in products liability cases. My recollection was that Allen had a degree in engineering from Thayer. He knew a lot about product defect cases. Allen was something of a maverick, and immediately clashed with Judge Muir. Muir, the strict constructionist from Harvard Law School, and Allen, a Yale law graduate, much more loosey-goosey. They were of a different generation and each had their own unique, strong, some would say domineering, perspective.

I recall Allen trying a product defect case. Judge Muir told Allen Ertel that since the trial was bifurcated between liability and damages, Allen could not mention anything about his client's damages while the jury was hearing evidence as to whether the product was defectively designed. Allen nevertheless, in his opening, began to talk about his client's brain damage. Within moments, and probably not more than a couple of paragraphs into his opening statement, Judge Muir granted a mistrial. In some miraculous manner, the case was ultimately settled.

After that, I began working for Henry "Merc" Hager, Republican President Pro Temp of the Pennsylvania Senate, and the law firm of which he was a member. I worked for Republicans, while Allen was a well-known Democrat.

It surprised us all when Ertel won a seat to Congress in a conservative area, although his district went all the way down to Dauphin County at that time. Nevertheless, Allen worked hard at his job, established for himself a great reputation, and knew more about constituent contacts than most elected officials. Throughout his tenure as Congressman, Allen never changed his stripes; he was independent, outspoken, and true to his own convictions.

Allen ran for governor and often bemoaned the fact that because he was unwilling to provide "street money" to garner votes, he could not pull off the big prize. Whether that was true or just sour grapes is something I never knew.

Then there was the time that Allen sued our law firm as a result of a bank foreclosure handled by one of our partners. I knew virtually nothing about the case, but I nevertheless was deposed for hours by Allen Ertel. Eventually Allen lost that case, and a judgment was decided against his client. I was hot to counter-sue Allen for the deductible which we had to pay on our legal malpractice insurance, but my other partners demurred. After that event, which most people would think was very unpleasant, Allen did not hesitate to call me to discuss legal matters, ask for advice, and yes, even to refer work my way. We worked together when it was appropriate, and all was forgotten.

There are many other Allen Ertel stories which members of the Bar would be able to share. Allen was a great supporter of Rick Mirabito, and was instrumental, I believe, in Rick's

election and retention of his seat to the Pennsylvania House of Representatives. I sat in many meetings with Allen, strategizing the election contest. No one could ever argue with the former Congressman's grasp of political issues, leanings of the electorate, soft spots in the campaign, and matters to hit hard on. In those candid strategizing sessions, Allen Ertel showed himself to be the brilliant political talent which helped to define his life.

Ertel was by no means uncontroversial. I remember one time being invited to his house to host Ed Rendell. Within about two minutes, I had words with Rendell, who stormed into another room rather than continue hearing my point of view. Ed Rendell was also not a fellow to be trifled with or dismissed. He did not like what I had to say, and he was not about to hear it. After that, I understood that Allen had a falling out with Rendell, although the reason remains hearsay and speculative to me; but it was no surprise. I am sure that Allen and I shared something in common, and that was a refusal to be pushed around by people of special importance.

Allen was a Democrat, but I would never call him a classic "liberal." His political philosophy was more about an open political system, with diversity. He was about expressiveness rather than any particular strongly held ideological belief. Allen Ertel believed in an open court system where people could air their gripes and grievances and be heard by fair and impartial judges and juries.

Nobody would ever call Allen Ertel a milk toast, and nobody could accuse him of lack of drive and initiative. Over the course of his long career, Allen Ertel rattled establishment lawyers and politicians. He was glorified and vilified, but he always was true to himself.

I came to enjoy Allen, to have an honest relationship with him, and we developed a high measure of rapport. We butted heads and dealt with each other as gentlemen. With Allen's passing, I believe that I could earnestly say we were "friends."

Allen Ertel, together with his verve, fiber, relentless brilliance and unending effervescence will be greatly missed by our community, the political establishment, and our legal institutions. May Allen Ertel rest in peace.

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