

The Passing of Tom Raup

“Boy Judge” we called him, warmly. Tom Raup was one of us. What we meant was that he went on the bench as part of a new generation of young lawyers who were entering the bar and changing the face of the law throughout the United States, including in Williamsport. I am proud to be one of the members of that generation.

I was sitting in my office one day while I was working for Judge Muir when Jack Humphrey came in and suggested that I sit in the courtroom and watch a trial. Jack was the law clerk on the case for Judge Muir, but he thought that I should see the trial between two great lawyers; the experienced John Youngman, Sr., and the young, up-and-coming Tom Raup. John Youngman had just shown a surveillance tape of Judge Raup’s client helping a horse into the back of a pickup, after Raup’s client had testified that his back was hurt in an accident. Raup, unphased by what otherwise would, for most lawyers, have been devastating testimony, put his client back on the stand in rebuttal. Tom had his client testify that working with the horses was the only love of his life and the only thing he had left to do, given his serious injuries. Raup won the case.

When Tom Raup was appointed to the bench by the governor, to fill a vacancy, Judge Muir could not go to the swearing-in. Judge Muir was just not the type to leave the bench for anything, if a trial was underway. I was sent to the ceremony as Judge Muir’s delegate, since he thought of me as what he liked to call his “PR law clerk.” I went over and found myself standing next to Tom Raup during the swearing in. That picture of Judge Raup, with a long-haired guy in back of him, well, that is me.

On the bench, I immediately found Judge Raup to be incredibly incisive, thoughtful and bright. He was very proud of his Columbia education and the fact that he lived in a trailer in New Jersey in order to save money. The boy from Jersey Shore had found his way to the big city.

Many of the best law schools teach little else other than learning how to identify issues. If a lawyer can figure out what a case is all about and what the issues are, the rest is not so difficult. That is why in some of the best law schools in the world, the students will only study one or two cases per semester. The method of study and the Socratic concept of understanding the development of a factual scenario are more important than substantive content. Raup was absolutely brilliant at that, and to sit in his courtroom as a trial lawyer, especially early in his career, was like being back in law school.

Judge Raup did not care as much about the Rules of Evidence as I might have expected, given his erudition, intelligence and great education. He did not believe that the Rules should get in the way of the truth, and he had little patience for lawyers who objected, just to hear

themselves talk. A trial, in his mind, was supposed to be a legitimate exposition of the facts conducted by well-mannered advocates.

I had many experiences with Judge Raup over the years, much too numerous to mention. In one case, the Harrisburg attorneys on the other side moved to disqualify me as being too “zealous” on behalf of my client. Even Judge Raup seemed a little bit skeptical about my enthusiasm, until he listened to well over 22 days of testimony. After the motion to disqualify me was filed, Judge Raup uttered words which I never forgot and changed the course of my career, “Don’t let the bastards get you down.” I never did after that, and I never worried about it again.

Tom Raup was not only a mentor, but also deeply concerned about civility in the law. He got along well with the County Commissioners, and as President Judge understood that he was not merely a boss but also a team leader. Judge Raup, although a Democrat, defied labels. In many ways he was conservative, such as in evaluating the value of cases, and in other ways he was more liberally inclined.

When you practice law in front of somebody throughout their entire career as a Judge, there are also the inevitable disagreements. Judge Raup and I disagreed over merit selection. He blamed the trial lawyers for the fact that there was not merit selection in the Pennsylvania court system, but rather elections. The Judge thought that there should be merit selection, just as there is in federal court. I remember one particularly angry exchange, where Judge Raup wanted me to carry a clear message from him to the Trial Lawyers, since I was President of that organization. After Judge Raup attempted to secure a federal judgeship, and was rejected for reasons that had nothing to do with merit and were clearly political, his viewpoint changed. He was decent and honest enough to tell me that he now understood my view that merit selection was nothing more than another political process and one which, unlike elections, excluded the people. I do not know if he ever came around completely to my point of view, but he certainly modified his position, at least in our conversations.

I both won and lost cases before Judge Raup. He showed himself to be both courageous and self-confident in his rulings. One time, when I demanded to know how he could justify a ruling that I disagreed with, he simply looked at me with a wry smile and said, “Because I am up here and you are down there.” That ended the conversation, and I got it.

After serving on the bench, Judge Raup went on to become a highly respected mediator. Mediators do not try cases, but rather informally attempt to resolve them. A mediator does not have the power of a judge, and nobody has to listen to a mediator. It was a tribute to Judge Raup’s respect among other judges, lawyers and their clients that Judge Raup developed a tremendous reputation throughout the state as a superb mediator. In the beginning, I remember reminding Judge Raup that he was no longer a judge and could not order anybody to do anything. He understood that, and as a peace offering brought me a picture of our office building as taken during the 1936 flood and fire. It is still proudly hanging in one of our conference rooms.

Throughout his career, Judge Raup was attentive to the needs of other judges, lawyers and their clients. The Judge attended legal events, attempted to create excellence among lawyers, and encouraged judges to do their best. I remember one time Judge Raup talking to me about the need for members of the bar to make sure that qualified candidates ran for judge in our county. He was worried about the right people getting on the bench. By “right people” he meant those with experience, integrity and with judicial skills. As to some candidates, he told me that he did not think they had the right “skillset,” and as to others, he was unabashedly encouraging.

There are many great people who have served as judges at the trial court level, but Judge Raup will go down as a gentleman judge, with extremely high intelligence and a thoughtful disposition. He did not live his life without making mistakes. We all do that, and he was human as well; but for those of us who practiced before him, he was certainly one of the most respected figures and mentors in the lives of our local bar.

Judge Raup will be greatly missed by all of those who knew him and by those whose lives he touched. May the soul of Thomas Raup rest in peace.

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