

Memories of Clinton Smith

Clint Smith is at least one of the big reasons why I am still in Williamsport. When I finished clerking for Judge Muir, I interviewed with Smith's law firm. Clint was the only one who could not be present at the interview. He asked me to come by after the formal interview and talk with him. We sat in a large conference room, just the two of us. He was a direct, no nonsense type of guy: "You're from New York City. If we hire you here, how do we know you will stay?" I shot right back, "You treat me right, and I will stay." Well they did, and I did. Clint knew what was best for the firm, and he encouraged me to work in the area that I loved, federal practice. Starting out as an insurance defense lawyer, and doing some federal criminal work, I never thought that I would wind up as a plaintiff's lawyer. It was Clint who gave me my first case against a well-known orthopedic surgeon who had missed a diagnosis of cancer in one of his patients.

Clint was a busy and active lawyer. He had one of the best practices of anyone I knew. Were it not for the many cases Clint gave to me, I certainly would not have survived those early years.

Clint Smith was a man of principle. I remember one particular incident when Clint demanded that the firm uphold the highest ethical and legal principles. Reputation, honor and integrity were important to Clint. He was old-fashioned about believing that reputation and a good name were the most important things a lawyer could bring to the Bench and Bar.

When the firm had an opportunity to utilize state money to buy new equipment, Clint absolutely protested that approach and would not allow it. He refused to accept equipment purchased with taxpayer money for private purposes.

On another occasion, there was an attempt by a Washington, D.C. firm to have me disqualified in an antitrust case because Clint had done a small real estate transaction for a related party. Smith stood on his principles, and the attack on the firm was dismissed by the trial court and later by the United States Court of Appeals for the Third Circuit. Once again, integrity prevailed.

Clint knew how to get clients and keep them. He gave me a street-opening case to handle in South Williamsport. I had no idea about that area of the law at all, but nevertheless I litigated it locally and to the Superior Court. The clients received their half of the alleyway, and Clint was the hero for assuring them that I could do the job.

When Clint decided to run for the Bench, he organized the office as a well-oiled machine. The woman who later became the business manager, and my wife, ran the operation for Clint. He won on both sides of the aisle, and always showed great appreciation for Kim's efforts.

Once on the Bench, I had to deal with the Judge who, like Judge Muir, expected absolutely the best lawyering possible because of the prior relationship with me. Clint Smith was a demanding, scrupulous, and a challenging Judge. We had our battles. In particular, Judge Smith was not a fan of cases claiming punitive damages; damages given as punishment above and beyond actual damages. At one point, he referred to an argument of mine as being puffed up like the Pillsbury Doughboy. I was greatly insulted, and walked over to the courthouse to confront Clint. He just laughed about it and said that he would reconsider using such analogies in the future. "How can a skinny guy like me ever be called the doughboy?", I said. Clint just glared at me for a moment, laughed and said, "I didn't say it was you that was full of fluff, only your argument." We both had a good laugh.

On another occasion, I was trying a case for my in-laws concerning a barn roof collapse. The case could not be settled and dragged on through trial over all kinds of arcane issues. Several days into the trial, a high school class came in to observe. Judge Smith stopped the trial right in the middle and ordered each attorney to summarize for the students in 5 minutes or less what the case was all about. It turned out to be a brilliant exercise, since prior to that request we had all become very lost in the details. That 5 minute explanation by each attorney to the high school students convinced us that we should go out in the hall and settle the case. We did just that.

Clint was legendary for his use of silence. I still think about that often. There were many times in pretrial conferences or during arguments when Clint would just sit, look and think. Lawyers would become very uncomfortable with that. Lawyers are not used to people actually thinking, especially judges. We are taught to talk. I found with the passage of time that listening to other lawyers, judges and witnesses can be the most powerful weapon in the preparation and trial of a case. Clint Smith's manners taught me that.

Clint was the kind of Judge who was not angry when lawyers determined to try their cases. Some judges believe that their job is not to try cases, but rather to see them settle. Naturally, settlement of cases is a good thing for clients and the system; but some cases need to have their day in court. Clint never forced anybody to try to settle, but rather provided a fair forum where disputes could be heard.

When scandal hit the court system in Luzerne County, Clint was already a Senior Judge. He was called upon to hear cases in Luzerne County and to help resurrect the reputation of that tattered system. Clint and I talked about that challenge on several occasions. He was delighted to bring his legendary integrity to the Luzerne County Court of Common Pleas.

Clint Smith's battle against lymphoma was like everything else about him; a quiet solitude and a strong countenance. We talked a few times about his struggle, which he was very open about. His resolve and work ethic saw him through many years of pain and suffering from the disease.

When we decided to name our 3 conference rooms after distinguished judges, I nervously asked Judge Smith if he would be okay with our naming the largest one after him. I also wanted a picture of him when he was invested as a Judge. He was all too eager to agree, and the honor was ours. Judge Smith will be missed on the Bench and in the lives of those whom he touched.

The passing of my ex-partner, colleague in the Bar and respected mentor on the Bench, Clinton Smith, is profound.

Clint Smith, you were one of a kind who can now rest in peace and with the self-satisfaction of a life well lived.

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