

Commonwealth Court of Pennsylvania  
Reminiscences of The Honorable Richard DiSalle

Judge DiSalle was a member of the Commonwealth Court from 1978 to 1980. He was interviewed by the Honorable Jeannine Turgeon of the Dauphin County Court of Common Pleas; she was a law clerk for Judge Genevieve Blatt from 1977 to 1979. The interview was conducted in Pittsburgh on June 11, 2010.

JUDGE TURGEON: Okay. This is Jeannine Turgeon, and we are here interviewing Judge Richard DiSalle for the Commonwealth Court Historical Society.

Now, when did you – you were appointed to the Court originally?

JUDGE DISALLE: Yes.

JUDGE TURGEON: And that was back in 1977?

JUDGE DISALLE: '78.

JUDGE TURGEON: '78. And how did that happen? Did you get a call some late Sunday night pretending to be governor, or how did that happen?

JUDGE DISALLE: Unlike Glenn Mencer, I did not get a call late at night asking me if I wanted to be on the Commonwealth Court. We heard that there were vacancies on the Court. There was a vacancy on the Court because of the death of Judge Kramer.

JUDGE TURGEON: And he was from Pittsburgh. Wasn't Harold Kramer from Pittsburgh?

JUDGE DISALLE: Yes. So I talked to my colleagues on the Commons Pleas bench. I was on the Common Pleas Court at the time in Washington County. They said, We think you ought to apply for it. So I put in my application and waited what I thought was an ungodly length of time until I found that I was one of three that -- there were three candidates on the short list and I was one of them.

JUDGE TURGEON: Were they all from Western Pennsylvania? Did they consider that –

JUDGE DISALLE: Most of them were from Western Pennsylvania.

JUDGE TURGEON: So they thought of that as a Western Pennsylvania slot –

JUDGE DISALLE: Yes.

JUDGE TURGEON: -- so to speak?

JUDGE DISALLE: So – well, maybe I did end up getting a call from the governor, because at the end of the hunt, I got a call from Governor Shapp telling me that I had been appointed.

JUDGE TURGEON: That was exciting.

JUDGE DISALLE: It was exciting. In fact, I think I got it – I think I was on my way home from the office and my wife called me and said, There's a call here from Governor Shapp. And I said, Put him into my car phone. So I was in the car when I got the news that I was appointed to the Commonwealth Court. It was exciting.

JUDGE TURGEON: And you were a trial judge at the time in Washington County –

JUDGE DISALLE: Yes.

JUDGE TURGEON: -- Court of Common Pleas?

JUDGE DISALLE: I had been elected to that in 1969, and I took office in January of 1970.

JUDGE TURGEON: And before that you practiced law?

JUDGE DISALLE: Yes, for some 18, 19 years.

JUDGE TURGEON: In Washington County or in Pittsburgh?

JUDGE DISALLE: Canonsburg and Washington. Mostly in Washington County.

JUDGE TURGEON: What was the name of the firm?

JUDGE DISALLE: The DiSalle Law Office.

JUDGE TURGEON: And you had a general practice, or did you specialize?

JUDGE DISALLE: No, I had a general practice.

JUDGE TURGEON: So those were the days of the solo practice, general practice?

JUDGE DISALLE: Yes. I had a solo office, one secretary. Office hours every night from 7 to 10 and every Saturday from 9 to 2.

JUDGE TURGEON: So then you were on the bench, and you enjoyed that?

JUDGE DISALLE: I did.

JUDGE TURGEON: And when you were appointed to the Commonwealth Court, how did your life change, professionally speaking?

JUDGE DISALLE: Well, it changed a great deal because we sat in Pittsburgh and Harrisburg, sometimes in Philadelphia. And, of course, when I was on the Common Pleas Court, I sat only in Washington County. And so I had to do a lot more travelling than I had anticipated. And the jurisdiction was really interesting because we had both appellate and original jurisdiction. And the original jurisdiction, of course, was more in line with what I did on Common Pleas Court in Washington County.

JUDGE TURGEON: Well, you were probably one of the few on Commonwealth Court at that time that had actual trial judge experience, other than Judge Bowman had trial judge experience. Judge Blatt did not. Judge --

JUDGE DISALLE: Rogers did not.

JUDGE TURGEON: Wilkinson?

JUDGE DISALLE: Wilkinson did not. Mencer did.

JUDGE TURGEON: Crumlish?

JUDGE DISALLE: Crumlish did. No, he was -- was he a common pleas judge? I don't think so.

JUDGE TURGEON: Not that I know of.

JUDGE DISALLE: I don't think so.

JUDGE TURGEON: Rogers? And you came on with another judge, right, MacPhail?

JUDGE DISALLE: Yes.

JUDGE TURGEON: So there was a Democrat and a Republican?

JUDGE DISALLE: Yes.

JUDGE TURGEON: In 1978?

JUDGE DISALLE: Yes.

JUDGE TURGEON: So you had an office at home as well as in Harrisburg?

JUDGE DISALLE: I had an office in Washington County, in Washington, PA, and I had an office in Harrisburg, yes.

JUDGE TURGEON: So did you go to college and law school in the Pittsburgh area?

JUDGE DISALLE: University of Pitt, Pittsburgh.

JUDGE TURGEON: What year did you graduate?

JUDGE DISALLE: 1951.

JUDGE TURGEON: And you said you were on law review when we were talking earlier?

JUDGE DISALLE: Yes. Yes.

JUDGE TURGEON: Do you remember what your article was?

JUDGE DISALLE: I do.

JUDGE TURGEON: What was it?

JUDGE DISALLE: Legislative apportionment in Pennsylvania. It was a long article that another classmate and I worked on. And we were really proud of the article. And it got published, and we were very happy with that.

JUDGE TURGEON: Were you interested in politics and government as a kid?

JUDGE DISALLE: No. I was interested in government but not in politics. In fact, the way I became a judge I think is somewhat interesting. I was a first assistant district attorney for a fellow by the name of Jess Costa.

JUDGE TURGEON: Related to Senator Costa?

JUDGE DISALLE: No. Jess Costa was from Bentleyville, and he was a sole practitioner. And he got elected to the district attorney's office. And everybody assumed – everybody, including myself, assumed that he would be a candidate for judge. As I said, I was his first assistant. And when I – when he asked me to be first assistant, I said, "Jess, I'm not sure I should take this." He said, "Why not?" I said, "First of all, I've never been in politics; I'm not interested in politics." I said, "I have a pretty sizeable law practice, and I can't be in that office every day." And he said, "I just want you to try the major cases." He said, "I hear that you're a good trial lawyer." And I didn't know Jess before that. He said, "I hear that you're a good trial lawyer." He said, "I would like you to handle the major cases that come into the office; you don't have to be there every day. But if you'd do that, you can have the job." He said, "I know you're not in politics; let me worry about the politics." So I became his first assistant district attorney.

And then when the position for judge opened up, as I say, I expected, and everybody expected, including Jess, that he would be the candidate. Well, here he had a heart attack in the latter part of the year before the position opened up or before the filing for the position opened up. And I went to see him in the hospital. I'll never forget this. I said, "Gee, Jess, are you going to run for judge?" He said, "I can't do it, Richard, not with this heart condition." He said, "I can't do it." I said, "I wonder who's going to run." He said, "I can tell you who's going to run." I said, "Who?" He said, "You."

JUDGE TURGEON: How old was he at that time -- it was -- to have a heart attack?

JUDGE DISALLE: He was only – he was relatively young.

JUDGE TURGEON: So you asked him who was going to run for judge, and he said, "You"?

JUDGE DISALLE: “You.” I said, “You expect me to” – I said, “I’ve never been in politics.” And I said, “I know nothing about politics.” He said, “You’re going to run for judge.”

JUDGE TURGEON: How old were you?

JUDGE DISALLE: I was 41, 42.

JUDGE TURGEON: Married with a family?

JUDGE DISALLE: Married with six children.

JUDGE TURGEON: You must be an Italian Catholic.

JUDGE DISALLE: Right on both counts.

JUDGE TURGEON: So you had an active law practice when you were assistant DA?

JUDGE DISALLE: Very active.

JUDGE TURGEON: Were working morning, noon and night and Saturdays. And he tells you, you were running for judge.

Now, did Democrats have a majority in Washington County?

JUDGE DISALLE: Yes.

JUDGE TURGEON: So it was assumed a Democrat would have it?

JUDGE DISALLE: But I had to run against a sitting judge who had been appointed by Governor Scranton.

JUDGE TURGEON: Was he a Republican?

JUDGE DISALLE: Yes. He was a nice guy too.

JUDGE TURGEON: Do you remember his name?

JUDGE DISALLE: Yes. Harold Fergus. He was a good judge, a nice guy. He had been district attorney, and his sons were good friends of mine. I really did not want to run against him.

JUDGE TURGEON: Well, the interim appointment is made by the governor, usually of the governor’s party.

JUDGE DISALLE: I think it was Governor Scranton that appointed him.

JUDGE TURGEON: So having you run made a lot of sense and you ran?

JUDGE DISALLE: I became the candidate and got the endorsement of the county commissioners who were both -- two of them were Democrats.

JUDGE TURGEON: So you had no opposition in the primary?

JUDGE DISALLE: You were allowed to cross-file. So the sitting judge cross-filed, and two other candidates ran. Two Democrats ran.

JUDGE TURGEON: In addition to you?

JUDGE DISALLE: Yes.

JUDGE TURGEON: So what was your campaign slogan? Do you remember it?

JUDGE DISALLE: No.

JUDGE TURGEON: But you won?

JUDGE DISALLE: I won.

JUDGE TURGEON: And that was what year?

JUDGE DISALLE: '69. And then I had to face Judge Fergus in the general, and I won again.

JUDGE TURGEON: Did he handle it like a gentleman?

JUDGE DISALLE: He did. And especially his sons did. I have to give them a lot of credit. They not only were gentlemen about the fact that I had defeated their father in the general election, but they actively supported me and my candidacy for the Commonwealth Court and Superior Court.

JUDGE TURGEON: When you ran later?

JUDGE DISALLE: Yes.

JUDGE TURGEON: Well, let's get to that. You were appointed -- basically it was a merit selection for the Commonwealth Court.

JUDGE DISALLE: Yes.

JUDGE TURGEON: And we have the governor just two days ago I think put on a press conference to support new legislation that would have to get passed in two years consecutively and then be on the ballot for merit selection.

Do you really believe that the judges that were appointed to Commonwealth Court were based on merit selection, or do you think it was political or half of each, when you reflect upon that?

When you reflect upon that, everyone thought that the Commonwealth Court with the original judges appointed was really one of the best, most high quality courts in the country because everyone on that court really was an excellent, excellent judge. And I think those appointed soon thereafter, such as Judge Blatt and yourself, were really quality judges. And there's been some concern that because of the way politics has gone, that now those who raise the most millions of dollars are the people who are going to be elected to the appellate courts. Have you reflected upon that at all?

JUDGE DISALLE: Yes, I have.

JUDGE TURGEON: And what is your wisdom?

JUDGE DISALLE: As I went along, I always thought – and I said this publicly, and I think I've said it in front of the Legislature, that I think merit selection is really the way to go but with modification so that the public is not removed from the selection process. That system has never been adopted. But if I were to have my way, I would have the judges appointed – or the judges named -- the judges who were qualified to run for the office named by a merit selection committee and then have – take three or four or five persons named by that committee and then have the public vote on it. I think it's important to have the public interested in the selection process.

JUDGE TURGEON: But the public doesn't really know who's running for judge locally, let alone statewide. Otherwise you would have been elected to the Commonwealth and the Superior Courts.

JUDGE DISALLE: Thank you for saying that. I'm not so sure. But probably so.

JUDGE TURGEON: So your term ended in 1980. And then you had to run in a contested election as opposed to retention, right?

JUDGE DISALLE: Right. I lost that election by around 7,000 votes.

JUDGE TURGEON: Statewide.

JUDGE DISALLE: Statewide.

JUDGE TURGEON: But wasn't that a year where Republicans had a pretty strong candidate running for another office?

JUDGE DISALLE: Yes.

JUDGE TURGEON: Do you remember who that was? I can't remember who it was, but I remember it was a bad year for Democrats --

JUDGE DISALLE: It was.



JUDGE TURGEON: – that you ran. So it was basically – and that’s the problem with judges. It’s whatever party has the strong candidate for whatever office is hot that year for the voters. And then the judges just are sort of trailing based upon that.

JUDGE DISALLE: Right.

JUDGE TURGEON: But your son ran for judge.

JUDGE DISALLE: Yes.

JUDGE TURGEON: And when was that?

JUDGE DISALLE: Three years ago.

JUDGE TURGEON: And he won. And he loves it, too.

JUDGE DISALLE: He loves it. I knew he would love it. And the bar association has almost – well, I shouldn’t say “almost;” unanimously endorsed him as a great judge. He’s getting all kinds of compliments for the work – he works hard at it. He makes decisions quickly, objectively. And as I said, he’s getting kudos from the bar, the litigants.

JUDGE TURGEON: And how about his dad and mom?

JUDGE DISALLE: And also from us.

JUDGE TURGEON: So tell me some fond memories that you have of the Court when you were on the Commonwealth Court.

JUDGE DISALLE: I really do have fond memories of that Court. Of the three courts I sat on, the Common Pleas Court and the Commonwealth Court and the Superior Court, Commonwealth Court is the one that I’m the fondest of. The judges were great. It was a great camaraderie among us, even when we violently disagreed on some of the issues that came before us. But there was a great camaraderie. And just to give you an example, whenever we sat in Harrisburg, Judge Wilson --

JUDGE TURGEON: Wilkinson.

JUDGE DISALLE: Wilkinson, I’m sorry. How could I forget him? He was such a good friend.

He set up a meeting, a lunch – a dinner, I’m sorry, every Monday of our first week in Harrisburg. And he and Judge Rogers and I would have dinner together in Judge Wilkinson’s apartment, in the – what is that, the Executive House?

JUDGE TURGEON: The Executive – there is an Executive House, right. Every Monday night, you’d have dinner together?

JUDGE DISALLE: The first Monday of each time in Harrisburg. And the dinner was composed of what the judge and his wife had prepared over the weekend up in State College where his home was. And it was always very elegant, very proper. I'll never forget Judge Wilkinson would show up in his dinner jacket, red and black. Yes, black with red piping. Very formal.

JUDGE TURGEON: Silk probably. Silk and wool?

JUDGE DISALLE: Probably silk. As I say, it was always a fantastic dinner prepared by him and his wife.

JUDGE TURGEON: With an ascot? Did he have an ascot on too?

JUDGE DISALLE: Yes.

JUDGE TURGEON: Did you take a picture of it ever?

JUDGE DISALLE: Never did.

JUDGE TURGEON: Don't you wish you had a picture of that?

JUDGE DISALLE: I do.

JUDGE TURGEON: Well, we'll take a picture of you and me later.

So that was a fond memory of the Monday night dinners at Judge Wilkinson's apartment. And that helped build camaraderie –

JUDGE DISALLE: Oh, yes.

JUDGE TURGEON: – even though you were different politically and philosophically.

JUDGE DISALLE: Yes. And Both Wilkinson and Rogers, we were of different political persuasions.

JUDGE TURGEON: And backgrounds.

JUDGE DISALLE: And backgrounds.

JUDGE TURGEON: What kind of a background did you come from?

JUDGE DISALLE: Steel – my father was a steel worker who got me interested in the law. His hero was Clarence Darrow.

JUDGE TURGEON: And how many brothers and sisters did you have?

JUDGE DISALLE: One. One brother. And Sacco and Vanzetti were household names in our family. But my father always used to sing the praises of Clarence Darrow. I would read books about him and biographies.

JUDGE TURGEON: Now wasn't Judge Wilkinson or his brother very close to President Eisenhower?

JUDGE DISALLE: Yes.

JUDGE TURGEON: So they were big Republicans?

JUDGE DISALLE: Bowman was a big Republican. Rogers, Mencer, Wilkinson.

JUDGE TURGEON: So many of the judges came from different backgrounds, yet the camaraderie on the Commonwealth Court that I remember when I was there was really unparalleled.

What are some other fond memories you have of the Commonwealth Court? What is your fondest memory of Genevieve Blatt? It's hard to just have one.

JUDGE DISALLE: It is hard. But when the -- when I was up for reelection -- or for election I should say, not reelection -- I had been appointed the first time -- she very fastidiously took me to meet every senator that she knew and requested that they support me. And she really worked very diligently at it. She'd say, "Okay, meet me at 3:00 and we're going to go see Senator So-and-So."

JUDGE TURGEON: Tell me about a fond memory you might have of Judge Mencer or Judge MacPhail or some of the other judges.

JUDGE DISALLE: I have a fond one of Judge Bowman.

JUDGE TURGEON: And he was president judge at the time.

JUDGE DISALLE: Yes.

JUDGE TURGEON: This was before Judge Crumlish became PJ.

JUDGE DISALLE: Yes. He -- I was down there on duty week. We had duty week every -- well, we rotated duty week, so we would get it every 7<sup>th</sup> or 8<sup>th</sup> week. And I was assigned a case one time, and I had the lawyers in the courtroom. And I saw Judge Bowman walking past. He stopped into my chambers afterwards to ask me how the case went. And I said, "I settled it." He said, "You what?" I said, "I settled it." He said, "We don't settle cases." I said, "We do now." He said, "How did you do that?" I said, "Well, I heard a little bit of the case. And I called the attorneys into my chambers, and I said, 'Why shouldn't this be settled?' And I got it settled."

JUDGE TURGEON: But that's what trial judges do all the time.

JUDGE DISALLE: Yes.

JUDGE TURGEON: Well, that's funny.

JUDGE DISALLE: And then I was assigned a case out of Beaver County where a school district was on strike. The judge had ordered both sides to bargain, to continue working.

JUDGE TURGEON: Under Act 195 they had to, I think.

JUDGE DISALLE: Yes. And the school district appealed the order saying that they could not force them to bargain.

JUDGE TURGEON: The trial judge had ordered them to bargain?

JUDGE DISALLE: Yes. They said – they questioned his authority to do that, so they appealed it to the Commonwealth Court. And I heard the case, and I affirmed it. Then they went to the Supreme Court. And Justice Pomeroy called me and said, "What did you do here, Richard?" I said, "I affirmed the trial judge." He said, "Well, he ordered them to bargain." He said, "Well, where is the authority for that?" I said, "I don't know where it is." I said, "All I know is in Washington County, we'd lock them in a room and tell them they wouldn't get out until they settled." He said, "That's good enough for me." And I was affirmed.

Then another case that I had, which I thought was interesting, had to do with a condemnation case. And the condemnee, as I remember it, took an appeal from the award in the Common Pleas Court. And while the appeal was pending, the condemnee withdrew the appeal. And the condemnor objected; the Commonwealth of Pennsylvania objected to the withdrawal of the appeal.

JUDGE TURGEON: Was this PennDOT? At the time, was it PennDOT?

JUDGE DISALLE: Yes.

JUDGE TURGEON: So the Commonwealth objected. So that issue was before you as to whether or not they could withdraw their appeal.

JUDGE DISALLE: I held that they could.

JUDGE TURGEON: Appropriately so.

JUDGE DISALLE: But there had been a line of Supreme Court cases that ruled the other way.

JUDGE TURGEON: So your term expired in 1980 from the Commonwealth Court, and you had to run a contested election as opposed to retention, which happens today for trial court judges. Do Superior Court judges run just for retention; I think?

JUDGE DISALLE: Yes.

JUDGE TURGEON: And Commonwealth Court?

JUDGE DISALLE: For retention.

JUDGE TURGEON: But in the day you ran, because you were appointed, you had to run in a contested election?

JUDGE DISALLE: Right.

JUDGE TURGEON: So in 1980 after you lost the election by the skin of your teeth -- I mean very, very, very few votes -- after you lost the election, then what happened?

JUDGE DISALLE: I was appointed to the Superior Court by Governor Thornburgh.

JUDGE TURGEON: And you sat on the Superior Court then for how many years?

JUDGE DISALLE: For a year. I had to run, of course, at the end of that.

JUDGE TURGEON: And was the camaraderie different on the Superior Court than on the Commonwealth Court?

JUDGE DISALLE: A little bit. It was a good court, and I enjoyed the judges I sat with; Judge Johnson, Justin Johnson.

JUDGE TURGEON: How did you get a Republican appointment under a Republican governor?

JUDGE DISALLE: The Superior Court was expanded by eight judges, and the legislation which expanded it required the governor to appoint four Democrats and four Republicans. So I was the beneficiary of that appointment.

JUDGE TURGEON: And you sat for a year?

JUDGE DISALLE: Yes.

JUDGE TURGEON: And then what happened?

JUDGE DISALLE: I ran for election to the Superior Court.

JUDGE TURGEON: And again, that was a statewide election and a Republican year?

JUDGE DISALLE: Yes. I lost by you can't imagine.

JUDGE TURGEON: 7,000.

JUDGE DISALLE: 1700 votes, out of 2 million cast.

JUDGE TURGEON: Well, that's tough to take, but it may have been a blessing because then what happened?

JUDGE DISALLE: Well, I got picked up by the Rose, Schmidt, Dixon and Hasley firm.

JUDGE TURGEON: One of the top firms in the country, and certainly one of the five top firms in the state.

JUDGE DISALLE: Yes.

JUDGE TURGEON: Rose was very close to Dick Thornburgh, being a Republican. But obviously you being a very strong Democrat. And you went with the firm.

JUDGE DISALLE: When I went with the firm, he said, "You're going to head up the Democratic contingent," of which there were very few. He said, "I'm going to head up the Republicans." We got along very well together and became good friends. He was a good lawyer, a great rainmaker.

JUDGE TURGEON: And so what type of work did you do for the law firm, and how long were you with that firm?

JUDGE DISALLE: I did trial work, appellate work; mostly appellate work because I had been on the appellate courts. And until the firm dissolved. In 2002 or 3, it dissolved.

JUDGE TURGEON: And you're still practicing law.

JUDGE DISALLE: We formed a new firm, Rose, Schmidt, Hasley and DiSalle, LLC. Before that, it was a P.C. And after it dissolved, we formed a new firm of Rose, Schmidt, Hasley and DiSalle, LLC. And in the meantime, my defamation case against the Post-Gazette came to trial.

JUDGE TURGEON: You were successful in that trial.

JUDGE DISALLE: Very successful. The Post-Gazette argued that the trial shouldn't be handled in Washington County where we filed suit and suggested it ought to be handled in Allegheny County. And after reading their papers, I concluded that they were saying that it was further from Washington to Pittsburgh than it was from Pittsburgh to Washington. Uphill both ways.

And on the strength of that, we had the trial moved to Westmoreland County. Or the Supreme Court moved it to Westmoreland County. We got a very substantial verdict against the Post-Gazette.

JUDGE TURGEON: Which you deserved.

JUDGE DISALLE: I thought I deserved it. I thought it was a very shabby piece of reporting on the part of the newspaper.

JUDGE TURGEON: But you're still practicing, and this is 2010.

JUDGE DISALLE: I've had some very exciting and interesting cases. One against E.F. Hutton involving millions of dollars.

JUDGE TURGEON: Well, you practiced law before being a judge, and now you're practicing law after being a judge. Is it a different world today practicing law from when you did before going on the trial bench back in the '70s?

JUDGE DISALLE: It is different.

JUDGE TURGEON: But there's a lot of similarities, too?

JUDGE DISALLE: Yes, there's a lot of similarities. And there's a lot of the things that are the same. And the – the caliber of attorneys is a little bit lower, not much but a little bit lower than the attorneys I dealt with before. There doesn't seem to be that attention to detail that we were used to seeing and doing.

JUDGE TURGEON: I know I hear a lot today about the billable hours, that there's more pressure on attorneys to bill more and bill more hours. Yet on the other hand, we hear today about attorneys closing their offices at 12:00 on Fridays. You had a pretty hard work ethic when you worked before you went on the bench because you told us what those hours are. Do you think attorneys are working harder today or – I guess the issue is if they're working longer hours but maybe doing less quality work.

JUDGE DISALLE: I think they're working just as many hours. I don't know if the work is the same quality as it was earlier.

JUDGE TURGEON: Did you notice that the attorneys that practiced in front of Commonwealth Court were particularly good or bad, or did you notice a difference in the work, legal work?

JUDGE DISALLE: I was always impressed with the attorneys that appeared before the Commonwealth Court. They were exceptionally well prepared. The cases were well argued. There was always appropriate decorum in the courtroom.

The case against E.F. Hutton was an interesting one. I represented Rockwood Insurance Company. As the story goes, the president of Rockwood was having breakfast with his wife and she was reading to him this article about E.F. Hutton losing millions of dollars on mortgages that they had guaranteed payment of. And they were both chuckling about E.F. Hutton losing that kind of money until she got to the end of the article which said E.F. Hutton's CEO said he wasn't concerned because the mortgages were all insured by Rockwood Insurance Company.

And I think Rockwood was advised by their counsel to pay up on the surety bonds they had issued. And they called me to look at the situation. Apparently what happened was Rockwood had an agent in Buffalo, New York, who was issuing the surety bonds, and his attitude was if E.F. Hutton is willing to guarantee these mortgages, why should we be afraid to insure them, because obviously they had done their due diligence.

JUDGE TURGEON: They assumed they did their due diligence?

JUDGE DISALLE: Very perceptive observation.

And E.F. Hutton was saying, why should we worry about guaranteeing these mortgages when we have a surety bond by Rockwood?

JUDGE TURGEON: Doesn't sound good. So you sued. Or you refused to pay?

JUDGE DISALLE: We refused to pay, and they sued us. They were represented by Cadwalader, Wickersham and Taft out of New York City.

JUDGE TURGEON: Did they sue you in New York or in Pittsburgh?

JUDGE DISALLE: Pittsburgh, in the Western District. And they were almost literally sneering at us, at our, what they said, feeble attempts to oppose their lawsuit. And they got so blatant that they were telling us directly that they didn't think much of our legal efforts. So I was talking with the general counsel, and he again began belittling our efforts over the phone. I said, "I'm getting tired of hearing that, that diatribe. Let me propose this to you. Let's you and I prepare a stipulation saying that your firm is one of the best firms in the country and it's certainly much better than ours. I said, You sign the stipulation and I'll sign it; we'll file it with the Court."

JUDGE TURGEON: And that took care of that?

JUDGE DISALLE: He never again mentioned the issue.

JUDGE TURGEON: Oh, that's beautiful.

JUDGE DISALLE: And I had a case against U.S. News and World Report for defamation. I really enjoyed that case. We tried it for about ten days.

JUDGE TURGEON: Who had they defamed?

JUDGE DISALLE: They had defamed a client of mine who was involved in Indian gaming. And two weeks before his organization was going to come out with an IPO -- which was backed by the Bank of Boston and by a major law firm in Rochester. And two weeks before his IPO came out, this front page article was published. On the cover it read "Gambling with the Mob." It showed a picture of him with Indians in the background at the gaming tables. You opened it up, and they mentioned his name, that he dealt with known members of the mafia. And as it turned out, what happened was, he had rented one of his warehouses in New Castle to a person who was looking to set up a macaroni or pasta shop. And it turned out that the guy he was dealing with had been convicted of writing numbers. So U.S. News jumped on that, said he must have been a member of the mafia.

JUDGE TURGEON: So you sued them.

JUDGE DISALLE: I sued them. We tried the case in New Castle for eight or nine days. And at the end of that, the call came in that they were interested in settling. We had an expert who I think



– a professor of journalism at Columbia University testify that the article was defamatory. So the case settled. The settlement was confidential, so I can't talk about it.

JUDGE TURGEON: So you've had a good life since the Commonwealth Court?

JUDGE DISALLE: I have.

JUDGE TURGEON: Well, are there any closing comments you would like to make for the benefit of the history of the Commonwealth Court?

JUDGE DISALLE: I was very honored to have been a member of that Court. I was very honored to have been associated with the likes of Judge Bowman, Judge Crumlish, Wilkinson, Rogers, Mencer.

JUDGE TURGEON: Blatt.

JUDGE DISALLE: Blatt. As I say, I really had the feeling that this kid from Washington County was in high society. But they were such good people, good persons, good lawyers, good judges, took their work seriously, especially Judge Bowman. He took his work very seriously. I remember walking in – that's another experience on the Commonwealth Court. I walked into his office one day in Harrisburg, and he was busy writing an opinion and sitting at his desk, writing away. And I walked in on him. And he had these pamphlet laws on his desk. I said, "What are you doing with pamphlet laws on your desk?" He said, "You don't think I'd trust Purdon's, do you?" He said, "You have to go to the pamphlet laws."

JUDGE TURGEON: Well, now today the law clerks who work only use LexisNexis or Westlaw.

JUDGE DISALLE: I know.

JUDGE TURGEON: They don't even pick up Purdon's.

JUDGE DISALLE: I know.

JUDGE TURGEON: And I would imagine the paralegals and associates in your office --

JUDGE DISALLE: Exactly.

JUDGE TURGEON: -- most of the research is on computer.

JUDGE DISALLE: On computer.

JUDGE TURGEON: Now, when you were on the Commonwealth Court --

JUDGE DISALLE: Judge Bowman would have turned over in his grave.

JUDGE TURGEON: -- I was at the Commonwealth Court as a law clerk for Judge Blatt and we did not have computerized research. It was all books. And we opened the books. And we had those books on our desk all the time, and that's basically what we worked off of. There was no e-mail.

JUDGE DISALLE: Right.

JUDGE TURGEON: There was no computerized legal research.

JUDGE DISALLE: Right. Judge Bowman was a unique person. He and his wife had Joan and me over to their place a couple of weekends. And they were very personable.

JUDGE TURGEON: He didn't marry until later in life. I think he married when he was in his 50s.

JUDGE DISALLE: Right. Lovely wife. She used to love to run the tractor around the farm, she said. And as I say, we were their guests a couple of weekends.

JUDGE TURGEON: Now, remember Judge Rogers always had a bowtie.

JUDGE DISALLE: Yes. I liked him. Ted was a good guy.

JUDGE TURGEON: And Judge Wilkinson was always rooting for Penn State.

JUDGE DISALLE: I heard once that he -- he was a fastidious dresser and expected everyone else to dress properly. And this is hearsay on my part. I heard that he criticized a law clerk for walking around in the Commonwealth Court offices with only a vest on.

JUDGE TURGEON: Without having his jacket.

JUDGE DISALLE: Without having his jacket over it.

JUDGE TURGEON: I find that believable.

JUDGE DISALLE: I'm sure it was. I can still see him opening that door at his apartment with that smoking jacket on.

JUDGE TURGEON: Ascot.

JUDGE DISALLE: Ascot.

JUDGE TURGEON: I would -- I would love to have seen that too.

JUDGE DISALLE: It was a beautiful meal. And we'd sit around and gab until 10, 11:00.

JUDGE TURGEON: And remember Judge Crumlish was always in Philadelphia because he just was very fond of his hometown. He didn't want to spend a lot of time in Harrisburg. But he had a beautiful apartment in Philadelphia. It was glass on all sides. Were you ever in that?

JUDGE DISALLE: Yes. He and his wife were very lovely people. I always enjoyed our friendship.

JUDGE TURGEON: And Judge Mencer was just a really special sort of a gentleman.

JUDGE DISALLE: Yes. He was far to the right politically of all of us. He was to the right of Bowman, Wilkinson and Rogers.

JUDGE TURGEON: But yet he was the sweetest --

JUDGE DISALLE: He was.

JUDGE TURGEON: Next to Judge Blatt.

JUDGE DISALLE: I have to tell you this story.

JUDGE TURGEON: Next to Judge Blatt.

JUDGE DISALLE: I have to tell you this story. We were -- we owned a hunting camp up in Tidioute, in Warren County near Tionesta. And my family and I went scouting around one day. And I think we ended up I'm pretty sure it's in Smethport. I walk in; who's sitting at the counter eating a grilled cheese sandwich but Judge Mencer. "What are you doing up here?" he said. I said, "We have a cabin nearby." It wasn't nearby. It was a pretty good distance away. He said, "Where is it? I'm going to come and see you." I said, "It's pretty far, Glenn." He said, "No, no, I'm coming down." Sure enough, a couple weeks later, he called me, drove all the way down to spend the evening with us. That was really delightful. It was so good of him to do that.

JUDGE TURGEON: He was such a dear person. I was a mere, lowly law clerk, but he always took time to talk to me and ask how I was doing. He was a real personable, genuine guy.

JUDGE DISALLE: He was. "Genuine" is the right word.

JUDGE TURGEON: Some of the other judges were more -- "aloof" isn't the right word, but they separated themselves from the law clerks. But you, Judge Blatt, Judge Mencer, Judge MacPhail always were really interested in befriending the law clerks.

JUDGE DISALLE: I tried to be. And maybe that was because I was the first law clerk that Washington County ever had.

JUDGE TURGEON: Today law clerks draft opinions on a computer. There's no dictating machines anymore.

JUDGE DISALLE: The computer has spoiled lawyers, I say.

JUDGE TURGEON: Some lawyers don't even have secretaries. They just do all their own drafting right on the computer.

JUDGE DISALLE: When you consider the number of changes you can make on the computer without having to go through the copies, between the computer and the copy machine, I've maintained that lawyers have become spoiled because they can write any number of drafts and the secretaries don't get upset with them because all they have to do is change a word or two on the computer and it automatically changes the copies. And I say that before the computer and the copier, if you'd tell a secretary, "Change these words on this page," where she had to change ten carbon copies, she would have cut your throat.

JUDGE TURGEON: I was a secretary for Grace Sloan. Well, plus we all did papers for college where you had to correct all the carbon copies.

JUDGE DISALLE: Sure.

JUDGE TURGEON: And you wouldn't want to present anything like that really as an original. So basically you ended up retyping the entire page.

JUDGE DISALLE: The entire page. And today the computer is so fascinating that you can change, correct words.

JUDGE TURGEON: And you can copy and paste. You can go on LexisNexis.

JUDGE DISALLE: Yes.

JUDGE TURGEON: -- cut and paste a quote from an opinion, insert it in your draft opinion --

JUDGE DISALLE: Yes.

JUDGE TURGEON: -- all in a millisecond. That used to take an hour.

JUDGE DISALLE: Yes.

JUDGE TURGEON: So we've come a long way.  
And how old are you today as we do this interview?

JUDGE DISALLE: 83 and one-half. On July 16<sup>th</sup>, I will be 83 and a half.

JUDGE TURGEON: And you're still working full time?

JUDGE DISALLE: Yes.

JUDGE TURGEON: And still sharp as a tack.

JUDGE DISALLE: I don't know about that.

JUDGE TURGEON: Still one of your fondest memories of your life is the Commonwealth Court.

JUDGE DISALLE: Yes.

JUDGE TURGEON: And mine too. I understand that. So thank you so much for sharing your remembrances with us.

JUDGE DISALLE: You're very welcome, Jeannine. I was happy to do it.

JUDGE TURGEON: Okay.

We have an addendum to fit somewhere in this interview before we end it.  
Go ahead.

JUDGE DISALLE: In my experience on the Commonwealth Court, I went back in preparation for this interview by the charming Judge Turgeon; I discovered that in three months, May, June, and July of 1978, I filed 30 opinions. And I was telling my wife this last night. She said, "That's why you lost the race." She said, "You were too busy working and not campaigning."

JUDGE TURGEON: Well, you were a hard worker, and you're still a hard worker.

(This concludes the interview.)