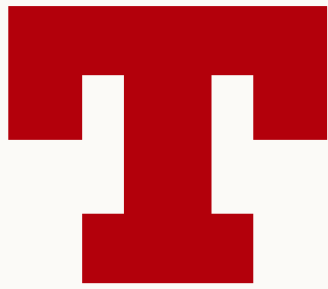


Frank B. Murdoch: A Reminiscence

BY GERARD J. ST. JOHN



Frank B. Murdoch shares a story with the author's wife, Cathy, on September 23, 1980 at the Philadelphia Country Club.



he Schnader offices at 1719 Packard Building were pretty much what one might expect of a Philadelphia law firm in the 1960s. The dark walnut wood trim and doors, together with the green carpeting, the interior location and dim lighting, reminiscent of the Depression era, gave the office a funereal appearance.

The setting was accentuated by framed prints, evenly spaced on the hallway walls, depicting scenes from nineteenth-century courts in England, and long-forgotten, portly jurists with enormous jowls and powdered wigs, wearing expressions of smug self-importance.

The stodgy atmosphere of the decor was quickly swept aside by the vigor of the lawyers who occupied the suite of offices. But there is always the exception to the rule. In this case, the exception was older than the other lawyers, heavy-set, bald, with a round face, bulbous nose and enormous jowls. He shuffled slightly as he walked. Except for his dark blue suit and tie, he looked just like the English jurists in the framed prints hanging on the walls. He was not identified with any particular department or specialty. He had no position of management or authority. He seemed to be a man who did not fit in. His name was Frank B. Murdoch.

The workload for a new lawyer at that firm was staggering. Often it required travel to distant cities for weeks at a time. Even when travel was not required, the work consumed virtually every minute of the available time. One's attention was constantly focused on files and deadlines. It was like *One Day in the Life of Ivan Denisovich* but set in a law firm. I was surprised one morning when I answered the phone and heard a voice say, "This is Frank Murdoch." Why would he be calling me? He was not involved in any of the cases on which I was working.

Murdoch said he and his wife would like to invite my wife, Cathy, and me, along with several other lawyers, to dinner and then to hear the orchestra at Robin Hood Dell. It was a nice invitation but I was scheduled to be out of town on that date so the invitation was declined. Nonetheless, I wondered what the evening would have been like and whether we would have had anything in common. I need not have wondered.

A few months later, Ed Mullinix called and asked me to help Frank Murdoch with a new matter that was coming into the firm later that day. At precisely 4:30 p.m. that afternoon, three men

arrived at the office. One was the president and another the vice president of a California business school. The third was their lawyer, a sole practitioner who also happened to be the brother-in-law of the president. He had no litigation experience. They were in town for an arbitration in which the school was accused of securities fraud, involving a claim for \$2.2 million. Apparently, they arrived at the hearing with the expectation that it would be a discussion session and nothing more. Their expectation was incorrect. The arbitrators expected the parties to go forward with the presentation of testimony. The chairman of the arbitration panel, a prominent Philadelphia lawyer, strongly suggested they retain competent local counsel. He then postponed the hearing for forty-five days but required that the business school file with the arbitrators the next day a detailed statement of its legal position.

We escorted the visitors to a conference room where we discussed the general nature of the representation. I was impressed by Murdoch's comfortable manner of speaking to three strangers. I had not previously noticed his facial expression of mixed curiosity and amusement, like a child looking at a new toy. He took a yellow legal pad and elaborately recorded the name, address and telephone number of each of the people at the table and the name and address of the business school. He also said we would take care of the filing the next day and inquired as to the details of the claim and the availability of the school's files. The president reached into his briefcase and produced a substantial set of files. He said he could explain them. At that point, Frank B. Murdoch looked at his watch, apologized for having to leave for a previous appointment, but he reassured the new clients that "Mr.

St. John will take care of everything." Without the slightest hesitation, he turned and walked out the door. The image of Frank Murdoch walking out that door is indelibly impressed in my memory.

We worked on that case for about six months. By the time it ended, I had a completely different view of Frank Murdoch. Frank Murdoch was an upbeat person who could find something interesting in almost any circumstance, and who could laugh at himself in the face of adversity. At the drop of a hat, he would regale anyone who would listen with tales of his past experiences.

Frank was raised in the rowhouse neighborhoods of West Philadelphia. Like many youngsters, he had a paper route. But Frank did not stop with just one. When another route became available, he signed up for that one, too. Recognizing that he did not

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have the time to serve two routes, he recruited one of his friends to handle the second route with the understanding that Frank would do all of the collections and would receive twenty-five percent of the income. Pretty soon he had four or five routes that were served by four or five boys who, in effect, worked for Frank, who worked only one day each week collecting from the customers. In the meanwhile, he would use his wagon to collect wood that was placed out for trash collection. Murdoch's father would boast to his neighbors that he rarely had to purchase coal to heat the house because the basement was usually stocked from floor to ceiling with the firewood that young Frank had collected.

The street-smart Murdoch put himself through the University of Pennsylvania and its law school. His graduation from law school in 1929 coincided almost exactly with the onset of the Great Depression. The graduates who were at the very top of their class found jobs. The rest, including Frank Murdoch, had to shift for themselves. It was tough for a young lawyer to scratch out a living when so many businesses were shutting down.

TAKING ON TAX ASSESSMENTS

One afternoon, Frank was commiserating with the landlord of the building in which he rented an office. The landlord complained about the Depression having caused a sharp decrease in rental income but no decrease in expenses, including real estate taxes. Frank had an idea! He would represent the landlord in an action to reduce the tax assessment, and his fee would be a small percentage of any saving that was achieved. The landlord agreed. Frank then went to the library to determine how to go about getting a tax assessment reduced. He filed the appropriate papers and was successful. The landlord was ecstatic.

Pretty soon many of the center city banks were asking their lawyers about reducing their real estate assessments. The major law firms in those days considered municipal tax assessments to be a grubby sort of work that was done by less-prestigious lawyers. They were not inclined to lower themselves into that type of work for what they thought would be a single case for a single client. Thus, the big law firms referred their clients to that nice young fellow who specialized in reducing tax assessments. In no time at all, Frank Murdoch's list of clients included most of Philadelphia's major banks and insurance companies. Three years into the Depression, Murdoch was able to afford a chauffeur and lived in a mansion that he rented in Andalusia.

Murdoch's star was in the ascendant. He joined with several powerful lawyers to start a major law firm, Bell, Murdoch & Paxson, with offices in the prestigious Fidelity Building on South Broad Street, across from The Union League. Frank was also a significant force in the Republican Party, which controlled both the Philadelphia and Pennsylvania governments. But things were about to change. Frank's ability to deal with adversity was about to be tested to an almost unprecedented extent.

It began with his law firm, then known as Bell, Murdoch, Paxson & Dilworth. After World War II, name partner Richardson Dilworth returned from service with the Marine Corps and took a leadership

role in the firm. Dilworth was becoming a leader in the Democratic Party and was intent on wresting political control of Philadelphia from the Republicans. The conflict between the patrician Dilworth and the earthy Murdoch was irreconcilable. The firm was not big enough for the both of them, and Murdoch was forced out in 1948.

REPUBLICAN PARTY AFFILIATION

Murdoch's Republican Party connections came to the rescue. William A. Schnader, long a stalwart of the Republican Party in Pennsylvania, offered Murdoch a place in the Schnader firm.

Although Schnader's hard-driving, workaholic dedication to the law was in sharp contrast to the gregarious lifestyle of Frank Murdoch, the expectation was that this would not be a long-term relationship. It was a presidential year, and the polls showed that the Republican Party's candidate was a virtual certainty to be elected in November.

Murdoch was the Pennsylvania chairman for the Republican presidential candidate. A reliable rumor was that a pre-election meeting of the party's leaders had been held to discuss presidential appointments and that the competition was most heated for the posts of attorney general and secretary of state. At one point, someone turned to Murdoch and said, "How about you, Frank, what do you want?" Frank smiled and looked slowly around the room at the politicians who were now competing against each other for the choice appointments. With an

amused expression he said, "What about solicitor general?" It is probable that no one in that room had any idea what a solicitor general did but they knew instinctively that Frank was not competing with them for the most desirable assignments. They unanimously agreed that Frank B. Murdoch would be solicitor general in the cabinet of President Thomas E. Dewey.

Of course, the 1948 presidential election is now history, ancient history to most. It was, perhaps, the greatest upset in any United States presidential election and is best portrayed by the photograph of a grinning President Harry S. Truman holding aloft a newspaper that had been published early in the post-election day morning with a premature headline boldly proclaiming, "DEWEY WINS!" That photograph captures the irony and the joy of victory. But it is not hard to imagine the shock and the heartbreak of defeat, particularly for those who had worked hard on the election campaign and who were looking forward to positions of high office. But Frank Murdoch did not sulk. He reveled in telling the story to anyone who would listen.

The Republicans had planned an elaborate victory party at the Bellevue Stratford Hotel. It would begin late in the evening after the polls had closed and while the returns were being counted. Frank was in his hotel room trying to fix the studs on his formal dress shirt. He turned on a radio to catch the early election returns. "I heard the announcer's voice droning in the background and stopped fooling with the shirt studs. I went closer to the radio and listened for a few minutes. Then I went and knocked on

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Marguerite's door and said, 'No need to rush dear. Take your time.'" By this point, Frank's body would be shaking with laughter at the memory of the fading dream.

COPING WITH ADVERSITY

The disappointments of depressions, politics and law practices were just a part of the total experience. Frank and his wife, Marguerite, had three sons. Graeme Murdoch was the only son to become a lawyer. For a time, Graeme was an assistant U.S. attorney. One evening in the 1960s, after dropping off his date in town, Graeme was driving home when he became confused as he passed a highway construction site. He swung his sports car into an access lane that was barricaded by a cyclone fence and other construction material. There was a terrible accident. A fence pole went into Graeme's head, destroying part of his brain. The brain damage was permanent. Graeme survived but it was expected that he would be non-responsive—as most people put it, "a vegetable."

It took a few years, but the financial burden of Graeme's medical care was resolved when Gerry Litvin, whom Frank had retained to bring a negligence action on behalf of Graeme, obtained a \$3 million verdict against the City of Philadelphia, the highest award of its kind at that time. But Frank Murdoch was not satisfied simply to make the financial arrangements for Graeme and to defer to the medical personnel. As soon as Graeme's condition became more stable, Murdoch began to include Graeme in his social events.

Murdoch had excellent taste in entertaining. He hosted dinner parties at The Union League, particularly when there was musical entertainment such as one of the military service academy choruses or the Wiffenpoofs. The Philadelphia Country Club was a regular stop when it was elaborately decorated for Christmas and Easter.

On most occasions, Frank Murdoch consciously invited a number of men and women who were close to the same age as Graeme. He thought that Graeme would benefit by being in the company of his contemporaries.

It is hard to say whether Graeme Murdoch's well-being was materially advanced by being in close proximity to people his own age. But it is beyond any doubt that his progress was amazing. When I first met Graeme, a medical attendant was always at his side, ready to assist if he stumbled or fell. Graeme would look at you but was unable to speak, much like the victim of a severe stroke. Gradually, the medical attendant was not needed. Still later, Graeme began to speak in a low, halting voice. He spoke short sentences or, sometimes, just basic thoughts. But this was a man who was supposed to be a vegetable, unable to walk, talk or even think. The medical explanation was that a normally dormant lobe of the brain became activated and replaced some of the functions that had been destroyed.

I last saw Graeme at a dinner party at the Philadelphia Country Club. After dinner, we were seated in the lounge area and an exuberant Frank Murdoch announced that he was going to take some of his guests on a short tour of the club. I was sitting next to Graeme. As Frank Murdoch led the group across the lounge, Graeme watched and then turned to me and said, "He's quite a guy." Indeed he was.

Frank B. Murdoch died July 19, 1982 at the age of 79. His son Graeme died in 1998, at the age of 68, thirty-five years after his terrible accident. ■

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