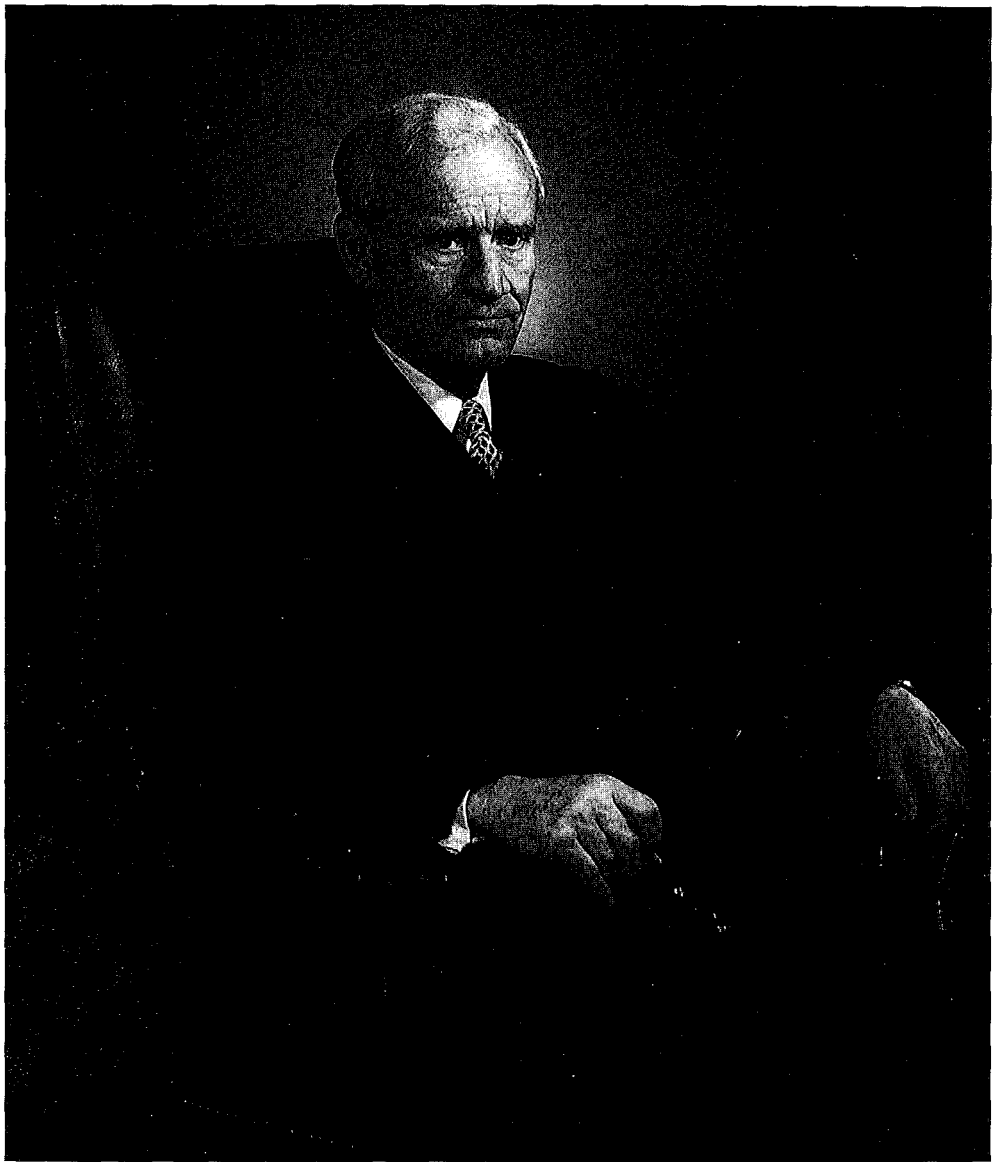


In the Supreme Court of Pennsylvania  
in Session in Philadelphia, Pennsylvania

## Memorial Service

HONORABLE ROY WILKINSON, JR.

Tuesday, December 5, 1995  
Room 468 City Hall  
Philadelphia, Pennsylvania



HONORABLE ROY WILKINSON, JR.

# Proceedings

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CHIEF JUSTICE ROBERT N.C. NIX, JR.: Good afternoon ladies and gentlemen. We'll now commence with the memorial service for a former colleague, the Honorable Roy Wilkinson, Jr. Justice Wilkinson's career as a member of the bar and the bench spanned the period of four decades. His career also included service in the United States Army during World War II. He enlisted the day after the takeover at Pearl Harbor. He rose from the rank of private to the rank of major. This recognition of Roy's ability to serve and his leadership in the legal profession in the judiciary, and his energy in the practice of law in the firm of Love and Wilkinson, gave him statewide recognition. He was among the select group of charter members appointed to the Commonwealth Court. His dedication and judicial insight while serving on the Commonwealth Court was not only a major factor in his election to that court, but also a basis for his appointment to the Supreme Court in 1981. Although he served a short time on the Supreme Court, his contribution to the deliberations of this body, coupled with his compassion, has made a lasting mark on the jurisprudence of this Commonwealth.

At this point, I will now introduce some of the special people assembled here today to pay tribute to Roy Wilkinson, Jr. Our first speaker will be John W. Blasko, Esquire.

JOHN W. BLASKO, ESQ.: May it please the court, justices, friends, judges and colleagues: as the program points out, Justice Wilkinson did a 360 degree turn around. He started out as a law clerk to Justice Horace Stern of the Pennsylvania Supreme Court; and then came back and was a member of the court. Fortunately for us, he invited three young men to Pennsylvania to practice law with him and I was one of them. The Justice had a direction at that time. He wanted to build a firm; and, when he hired the three of us with John Love, we were the largest firm in Centre County as well as the first firm in the county of five. Justice Wilkinson had a lot of firsts in his life. As indicated, he was one of the first members of the Commonwealth Court. He was the first chairman of the commission in Centre County; and, he was the first Eagle Scout of Centre County. In addition, he was the first member of our Little Oak Country Club and he never played golf in his life.

He taught us a lot of lessons over the years. One of the things that he taught us was to never get into an argument unless you know the facts; and, the other thing he said was, "Do not solve anything through expediency." The country club was out in the boondocks and it was a nine-hole golf course and he was president. The country club had the rights to the stream of water there and everybody in the valley and the farmers needed water for their farms; and, they could not come up with a solution and we didn't want to give our water up. The Justice said, "Water is not a conclusion; that's the expediency." He said that we'll give the farmers all of the water that they need. He said that we'll put our pipe six inches below the country club and their pipe six inches above the country club. He said that we'll

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have our water and the farmers will have their water. He indicated that there's time to do whatever you want and it's never too late to do it.

He was dedicated in every aspect of his life, as a student, as a soldier, as a lawyer, as a judge, as a gardener, and as a hunter. He played croquet; and, of course, he was our mentor. He was a man of deeds and not words. He was an inspiration to all of us and still is today. He once told us, "In order to have a fulfilled life, you really have to have three things: number one, something to do; number two, something to look forward to; and, number three, something or someone to love."

We were sad that he passed this life. However, fortunately, we were glad to be part of his fulfilled life. In 1970 or thereafter, when he left the law firm and was on the Commonwealth Court, he then wrote us this letter and I'll quote just a little bit from it. We sent him his final check, so to speak. He said, "To observe the true margin that a good leader has is how well the organization functions after he's gone. The better it goes without him, the better leader he was, and only on that basis do I continue to claim credit. Sincerely yours, Roy."

Thank you.

CHIEF JUSTICE ROBERT N.C. NIX, JR.: Thank you very much. The second speaker will be Judge Justin M. Johnson.

HON. JUSTIN M. JOHNSON: Thank you.

Chief Justice Robert N.C. Nix and justices of the supreme court and distinguished guests, may it please the court: twenty-six years ago when I was notified by the late Justice John C. Bell, Jr., of my appointment to the Pennsylvania Board of Law Examiners, I could not have known that this enlistment would afford me the opportunity to learn and be inspired by the teachings, example and conduct of Roy Wilkinson, Jr. From my vantage point as a younger practitioner, just seven years out of law school, the men on the Board were older, experienced lawyers who were extremely well-regarded both within and beyond the profession and who seemed to be content in maintaining the status quo.

The chairman of the Board in 1969 was, in my view, a very conservative Philadelphia lawyer who enjoyed recalling "the good old days," and who saw no need for the profession to broaden its appeal to the wide range of persons seeking admission to the bar. In that year, Roy Wilkinson had been a member of the Board for ten years and vice chairman since 1961. His influence on the Board was obvious to me from my first meeting. Although I was privileged to serve with him for only five years, his leadership and wise counsel continued to influence the work of the Board for many years thereafter.

Permit me to try and capture some of the impressions that remain with me even after the passage of so many years. But, to avoid misleading the court, I would first say that I was happy to have Roy as a friend and a person who continued to inspire and teach me as recently as this past winter. I recall he called me last November to inquire what I knew, or had heard, about the proposed change in the scoring and evaluation of bar exams. As always, Roy was right on top of things and he shared his concerns about the changes which have since been implemented. What I found exciting was that he still had a clear recollection of the study and work which the Board had undertaken in the early '70s, when the multistate bar examination was still little more than an idea.

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Roy Wilkinson must be credited as the one person in the United States who did the most to bring about the adoption of the multistate bar exam. After his ascendancy to chairman of the state board in 1970, he utilized his skills of advocacy and persuasion to move around the country, talking with the chief justices of many of the states, encouraging them to consider and adopt the multistate bar exam within their jurisdictions. I recall that Pennsylvania, by adopting the exam in 1972, provided the first, major impetus for the general acceptance of the exam across the country. Without Roy's unmatched skills and enthusiasm, this would not have been possible.

None of the present members of this court were sitting in 1970 when Roy assumed the chairmanship of the Board. I have always believed that my appointment as the first black member of the Board was, at least in substantial part, in recognition of the growing awareness of the plight of minorities generally, and African Americans in particular, within the legal profession. I recall the energy with which Roy, as chair, undertook a review of the procedures and policies of the board of law examiners, not for the purpose of publicity or avoiding litigation, but because Roy believed wholeheartedly that equal opportunity and access to the practice of law was a right to be shared by all individuals.

Roy was not one to get lost in the musings to be found in the ivory tower. When Roy chaired a meeting, the participants always knew exactly what the agenda was and that he did not abide fools. It is sometimes little things that give a best impression of exactly how large, or how small a person might be. I recall that after Roy had assumed the chairmanship of the Board, we were having lunch at the Union League here in Philadelphia. I suppose that for years, it was understood that the Board took its lunch at the League. I had occasion to remark that it seemed unusual that the Board would be regularly having lunch at a club where membership was not (certainly at that time) open to all without regard to race or religion. Roy did not comment at that time. I knew he was a member of the League and stayed there when in Philadelphia on business. But that was the last time that the Board gathered at the League for lunch while I remained a member. In his own way, Roy made a point without making a commotion.

Roy deserves credit for initiating the move to opening up the office of the Board to the public. When I first arrived on the Board, we had a staff which seemed to pride itself on making applicants feel guilty over any request they might make of the Board. An applicant was expected to know everything, ask no questions, and afford the members of the board staff the deference to which they had become accustomed. This changed under Roy's leadership. Roy helped all of us to better understand that the Board of Law Examiners was a public agency, admittedly under the supervision of the Supreme Court, but with an independent obligation to insure that the interests of our customers—the law students—were served.

Roy was the first chairman to travel around the state, speaking to groups of law students at the various law schools, explaining the new multistate bar exam, and answering questions concerning the evaluation and grading process of the board. This journey to the law schools was continued by Roy's successor, Desmond J. McTighe, and by this member, when I assumed the chairmanship after Mr. McTighe. The value of these trips in improving the image of the Board and the admission process cannot be overestimated.

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Roy was the leader in challenging the Board to undergo an exhaustive evaluation of the correlation between the essay exam and the objective, multiple choice exam which Pennsylvania has been using since 1972. His intellect and his incisive probing led us to secure the services of Professor Bern Reuter at the Pennsylvania State University to examine and correlate the test results of five different exams in the early '70s. It was only after the Board had considered this matter over many months, with Roy leading and guiding the inquiry, that we felt comfortable establishing a multistate score which we were satisfied constituted a passing score. While some may argue that the research and inquiry of the '70s has become outdated, it remains beyond question that, but for Roy's leadership and guidance in those early days of the dual exam, we could not have made the strides which kept Pennsylvania in the leadership of bar examination policies.

Some of the distinguished members of this court would not be aware of the attacks which were directed against the Board of Law Examiners by well-meaning advocates who believed that the Pennsylvania bar examination did not comport with due process and was discriminatory in its application. It was Judge Wilkinson who welcomed interchange with the opponents of the system. I recall how we examined and re-examined our office policies in our desire to insure that discriminatory practices were removed from the Pennsylvania experience. Suffice it to say that, without admitting to improper practices, the Board moved rapidly under Roy's leadership to infuse a new philosophy within the staff and to identify new employees who would be sensitive to the concerns and needs of the citizens whom we were charged to serve.

Judge Wilkinson taught me so many things, often by his example, sometimes by his memorable stories. I recall sitting in the lounge at the Hershey Hotel during the early days of the Watergate investigation. The members of the Board were relaxing following a long session on board business. Roy indicated his strong belief that the then-attorney general of the United States was going to jail. I remember being incredulous at this flat assertion of Roy's. But, of course, as was most often the case, Roy had seen the whole, big picture better than many of us, and he was right.

Roy knew everyone and could tell a story as well, if not better, than anyone I have had the pleasure of working beside. His stories about his experiences at Penn State, and at the White House, and across this Commonwealth would always charm me. But the stories would not have been meaningful had I not known, by observing the man, that Roy Wilkinson was truly a man for all seasons. He was a lawyer's lawyer. He was a judge's judge. When I learned of his death in June of this year, I felt a deep sense of personal loss, for he had kept tabs with me even after he had retired from the Board of Law Examiners.

Roy was a person whose word was his bond and whose life exhibited the high moral principles to which he adhered. Though he was often hobnobbing with the elite, he never made this poor boy from Wilkinsburg feel anything but special. I think it was because he was such a great presence on the legal scene here in this Commonwealth that each of us, in varying degrees, will miss his guidance and his inspiration, and all-abiding love and respect for all those women and men around him.

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To have had Justice Roy Wilkinson as a friend is a gift that cannot be taken from me, and a gift that I will always cherish.

CHIEF JUSTICE ROBERT N.C. NIX, JR.: Our next speaker will be Lewis H. Van Dusen, Jr., Esquire.

You may proceed.

LEWIS H. VAN DUSEN, JR., ESQ.: Chief justice and justices of the Supreme Court of Pennsylvania: I stand here very humbly at the thought that I can contribute anything other than what the last speaker has already given us. I thought his words were absolutely terrific; and, I knew Roy Wilkinson very, very well. Roy Wilkinson once told me the same things that the last speaker just mentioned; and, it's my feeling from knowing him very well for as many years that this man, a justice of this court, had more to do with helping people that needed help in the legal professional than anybody else that I know.

CHIEF JUSTICE ROBERT N.C. NIX, JR.: Let me just interrupt you to say that in the many private conversations he had with me, he expressed his deepest affection and respect for you.

LEWIS H. VAN DUSEN, JR., ESQ.: Thank you.

CHIEF JUSTICE ROBERT N.C. NIX, JR.: You may proceed.

LEWIS H. VAN DUSEN, JR., ESQ.: Thank you.

Well, I got to know Roy during World War II just after the Normandy Landing. He was in the 75th division when he was up there. When he was appointed to this court, I had the honor to introduce him to the court; and, at that time I told the court about the time when he was trying to get some artillery across the line that was going north and south of the road. It was about the 16th of December in 1944; and, the Germans had just cracked the lines; and, the weather was absolutely terrible. It was twenty feet of snow and he couldn't get the vehicle up the hills there. They had to be pulled up there. The roads were terrible and it was really a mess. Of course, our big asset in World War II was the Air Force because they were able to destroy the supply lines of the Germans, and that enabled our fighting men to get a jump on them. The weather was so bad that you couldn't see the sky or the sea or the ground and no airplane could possibly be used for the purpose of defense or attack. However, Roy had a purpose in his mind. We left the Jeep we were in and tried to go forward to get his artillery there before dark. He saw a soldier there going west from the east with this equipment; and, he saw many troops, mostly British, going north and south on the crossroad and this fellow who was acting as a policeman was allowing that to continue longer than he thought his orders permitted. So Roy got up there and put his arm around this man and he said, which took a great deal of courage, "Soldier, I think you're losing the war right now for us. We have to do something better than you're doing." The gentleman who had a cap over his head moved the cap off of his head to disclose the fact that he was a three-star general. Roy smiled and said, "I apologize and I hope you will forgive my insolence; but, I have orders to get these tanks and heavy .155 mm guns to the men before dark." He said, "It's growing close to dark and I can't move until you let me." The general immediately said to him, "Thank you, soldier, for speaking up. I know I can improve my performance; You showed me how to do it," and let him go through. That took a lot of courage, a lot of courage. It seems to me that democracy in our country has a lot to be said for it when people react as Roy did.

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That's about the highest bit of credit you can give anybody. He wanted to do the best he could with the brains he had; and, that's the type of person that makes democracy work. I know that nobody could help make a democracy work better than Roy Wilkinson.

My exposure to him was also fun. We went to the lush coast of Antigua in the winter to get away from the bad weather, and otherwise to do no good. But we went down there and we had fun day after day. I played croquet with Roy. He was always fair and still he wanted very badly to win and he usually succeeded without cutting any corners. He was the best entertainer I have ever seen in my life. But I don't know how many people had seen him at work entertaining others, but he had a great sense of humor. He was able to tell stories and put his personality, his voice into it as well as acrobatics into it. He made a show of all of the stories that he told. Unfortunately, nobody could ever dare to repeat any of these stories or jokes because they couldn't put their personality in it the way he did; and, they couldn't put their gestures into it the way he did it. Other than seeing him have fun and rather than working, he would tell me various things that happened in his life; and I would talk to him daily between the time that we got back to the United States after World War II and up until the time he died. He was an extremely fine, christian man. He believed in some greater being up in the sky; and, he tried very hard to influence those he talked to to believe that there was some greater being and they ought to follow the advice given by the greater being.

I think that his contribution to the legal profession, as seen by me when he was president of the Pennsylvania Bar Association, was outstanding. He was always supporting me in some good effort and pushing me to get on with it. I thought he was a great asset to Pennsylvania and at that time, of course, running the State Board of Law Examiners. As Judge Johnson said, he did a superb job and really turned around a lot of people's thinking in those days and thereafter. I had the privilege of knowing him as a friend and having fun with him, playing croquet with him, talking with him, and hunting with him. I think I got a pretty good insight and I never saw him do anything or heard him say anything that I thought was contrary to his objective of being all things to everybody and still having a high standard of ethics. As a past chairman of the Committee on Ethics and Professional Responsibility of the ABA, I appreciated that because I think there are a numerous number of ethical problems that the legal profession and other professions face these days; and, having somebody like Roy Wilkinson do that and take that point of view and push it all of the time was a great asset.

I thank you for the opportunity of talking about this great man.

CHIEF JUSTICE ROBERT N.C. NIX, JR.: Thank you.

Let me say that before we close this proceeding, the court really appreciated the insight that we received as a result of having him with us although it was a short period of time. We gained a great deal because of his input; and, we say to his wife and family that you have our deepest sympathy and we are very pleased to have had the opportunity to have this memorial service.

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