

1 IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

2

3 PRINCE GEORGE'S COUNTY BAR ASSOCIATION

4

MEMORIAL SERVICE

5

FOR

6

HENRY "HAL" C. B. CLAGETT

7

JOSEPH ALFRED DEPAUL

8

R. RONALD SINCLAIR

9

10

11 Thursday, November 18, 2010

12 4:00 P.M.

13 COURTROOM 3400

14 COURTHOUSE

15 UPPER MARLBORO, MARYLAND

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17 ROBIN E. WATSON

18 Official Court Reporter

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## 1                   M E M O R I A L    T R I B U T E S

2                   P A G E

3                   R. Ronald Sinclair

4                    (By Lester Prosser)                   5

5                   Joseph A. DePaul

6                    (By Ron Willoner)                   8

7                   Henry "Hal" C. B. Clagett

8                    (By Honorable James P. Salmon)    24

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## 1 P R O C E E D I N G S

2 JUDGE ADAMS: Good afternoon.

3 AUDIENCE: Good afternoon.

4 JUDGE ADAMS: And welcome on behalf of the  
5 Circuit Court for Prince George's County and welcome to  
6 the Prince George's County Bar Memorial Service. It gives  
7 me pleasure today to introduce our colleagues and  
8 distinguished guests and the families that are here today.  
9 I would like to start by acknowledging Judge Hotten from  
10 the Court of Special Appeals, my colleagues on the Circuit  
11 Court, Judge Martin, Judge Rattal, and other colleagues  
12 that will be in here shortly.

13 I'd also like to acknowledge the judges of the  
14 District Court that are here today. Judge Lewis just came  
15 into the courtroom. Hello. I'd also like to acknowledge  
16 the judges of the Orphans Court that will be in here  
17 shortly. So, that's Judge Cartwright. I would like to  
18 thank our so far retired judges that are all so supportive  
19 and here today, Judge Ahalt, Nolan, Judge Sothoron, thank  
20 you for being here. Judge Salmon and Judge Femia, who are  
21 also speakers today that we will acknowledge further, so  
22 thank you for being here on behalf of the Court.

23 Now, today we gather as we have for many years to  
24 honor our colleagues and friends who have passed on.  
25 The Court is honored to welcome the family, friends and

1 guests that are here to remember our colleagues today. We  
2 pay tribute to Henry "Hal" C.B. Clagett, Joseph A. DePaul,  
3 and R. Ronald Sinclair. I would like to acknowledge the  
4 families that are here today. We welcome you.

5 At this time the Court recognizes the Honorable  
6 Nicholas E. Rattal, associate judge for the Circuit Court,  
7 but also president of the Bar -- Prince George's County  
8 Bar Association. Judge Rattal.

9 JUDGE RATTAL: May it please the Court, judges  
10 of the Circuit Court of Appeals, Special Appeals, and the  
11 District Court. Welcome family, friends, and colleagues  
12 of the Bar, welcome to the Prince George's County Memorial  
13 Service.

14 The memorial service is a chance for the Bar  
15 Association to acknowledge the contributions of its  
16 members who have passed away in the last year. I welcome  
17 everybody here and family and friends. I would like to  
18 thank Judge Adams for her support in arranging this  
19 program and thank the colleagues that are here in support  
20 of their family, members of the Bar. I want to thank  
21 sincerely Judge Femia, who is invaluable to the Bar  
22 Association for stepping in. Mary Crawford was the  
23 chairman of this event and she became sick.

24 Judge Femia, colleagues, the lawyers, ladies and  
25 gentlemen, some of you may recall I stood up here two

1 years ago and said I'm not doing memorial services any  
2 more. I've done them for 12 years, and you still are  
3 memorializing people that you trained in law and it is  
4 time for you to get down the road, but Ms. Crawford, Mary,  
5 apparently has problems that made her unavailable and I  
6 wouldn't do anything but step in, so I don't need to get  
7 any kudos for that. But, I will say this, if you have  
8 anything that you would like to say positively, please  
9 address your comments to me, any negative comments may be  
10 received by Ms. Crawford at her office.

11 I am going to call Mr. Lester Prosser, who is  
12 Ron Sinclair's son-in-law. Ron Sinclair, it takes a lot  
13 of gray hair to remember Ron, those of us who do, but he  
14 practiced primarily in Anne Arundel County, and being as  
15 he's out of county, I thought it would be best to call on  
16 Mr. Prosser first.

17 MR. PROSSER: Hi. I'm not accustom to speaking  
18 in front of groups, so if I stumble, just bear with me a  
19 minute. So, it is bitter sweet being here today.

20 Ron was really, really a great guy; and I'm  
21 stumbling already. My colleague was going to speak today,  
22 but it's been -- it's still a little rough for her, so she  
23 asked me to do the honors.

24 Ron was a man of great intelligence. At his  
25 funeral service several people remarked that he was a

1 great man and that is really very true. He had a great  
2 love of the arts and music and theater and opera,  
3 politics, you know, at one point.

4 He put a dark room in his home and taught all  
5 his kids how to develop film and print pictures; and he  
6 was actively engaged in taking them, you know, to various  
7 things. You know, he was just a really very smart man.  
8 But, at the same time he might put a plastic spider on  
9 your chair or a whoopee cushion under your chair. He had  
10 a great sense of humor; and he kept us rolling for a long  
11 time.

12 Let me see. Let me just refer to my notes a  
13 minute here. Oh, the story that I really like was he told  
14 us that him and his brother used to steal their father's  
15 car, which they would push out of the driveway and down  
16 the alleyway and get it started and then go for a nice  
17 little joy ride and then when they kind of came back, they  
18 would sneak it back in. And his father was quite a  
19 disciplinarian, so I'm sure that just added to the  
20 excitement and they never got caught.

21 Another time, he took my wife sailing and they  
22 went down to near the South River Bridge to rent a sail  
23 boat. The guy who was renting the sail boat said you need  
24 some lessons before you go out; and Ron says oh, no, no,  
25 we know how to sail. So, when they started off, a big

1 wind gust took and threw them right into the South River  
2 Bridge and they had to get towed back in. Yeah, it was  
3 just always one thing after another. You know, he always  
4 kept us in stitches.

5 I'd like to introduce his family. Let's see.  
6 Let me start with Mary. Can you just raise your hand,  
7 Mary? That was Ron's wife, still is, I guess, but, you  
8 know. To the left is Judy, his sister, Judy Sinclair, his  
9 sister, his son, Ronnie, on the far left, and then there's  
10 Molly and Reenie and Jack, Ronnie, and boy I'm having a  
11 rough time here. Reenie and Molly were his daughters.  
12 And Jack is his son or son-in-law, and then Jake is my  
13 son, and Colleen is his wife -- I mean my wife, yeah,  
14 still, yeah, still. Maybe not after this. And then Steve  
15 is behind him. Let's see, brother, Maurico, Reese,  
16 Reese's son and then Charlie Kenney, a dear friend.

17 I think that's it. Anybody else have anything  
18 to add? All right. Thank you.

19 JUDGE RATTAL: Thank you, Lester. Next I am  
20 going to introduce one of the older members of the Bar,  
21 Ron Willoner. Of course he and I go back far, not further  
22 than either of us will admit and he's going to, with Pat  
23 -- they're going to share the eulogy for Joe DePaul, who  
24 was very close to all of us as we know, so I ask Ron, you  
25 want to talk about Joe?

1                   MR. WILLONER: If it please the Court, members  
2 of the Bar, ladies and gentlemen, Joseph Alfred DePaul was  
3 born to Italian immigrants in Swissvale, Pennsylvania.  
4 His father, a veteran of World War I, earned his  
5 citizenship as a result of his service. Nevertheless, his  
6 father returned with his family to Italy. That family  
7 ultimately consisted of five boys and one girl, and  
8 returned to the United States in 1933 and moved to the  
9 Foggy Bottom area of Washington, D.C.

10                  Joe graduated from Eastern High School in 1942  
11 and was immediately drafted into the V-12 Program, a  
12 program that chose America's brightest high school  
13 graduates to attend college and become officers. His  
14 oldest brother served in the Army Air Corps and was shot  
15 down over Denmark by the Nazis and became a prisoner of  
16 war, while his other older brother served in the Navy.

17                  After his military service, Joe went to G. W.  
18 Law School and graduated in 1950. Joe began practice as a  
19 solo practitioner, then went into practice with Bill  
20 Ermentrout, then with Iggy Keane, then solo, back with  
21 Keane, then with the great firm of Keane, DePaul and  
22 Willoner, then solo, then with an even greater firm of  
23 DePaul and Willoner, then with DePaul, Willoner and  
24 Kenkel, then DePaul and Brennan, and finally with the  
25 greatest firm of all DePaul and Lewis. So much for

1 history and let us not morn in his passing, but celebrate  
2 his life.

3 Joe DePaul was my mentor, and my friend. I was  
4 really lucky, because my office was in the kitchen and  
5 Joe's office was in the dining room. So, when I had a  
6 question, all I had to do was turn to the right and ask a  
7 question. He turned to the left and answered it. Joe  
8 always had the open door policy.

9 In the 50s and 60s there was no Public Defender;  
10 and every lawyer was appointed in serious misdemeanor  
11 cases and felonies whether you had experience or not.  
12 Remember, that was before Gideon; and defendants did not  
13 have a right to counsel. However, if the Court thought it  
14 was a serious misdemeanor or a serious felony, they might  
15 appoint a lawyer. It was \$75 for misdemeanors and \$150  
16 for felonies, including murder and rape. And when a young  
17 lawyer was assigned, Joe was there to help.

18 I was trying to think the other night of the  
19 lawyers who tried their first serious criminal case with  
20 Joe. I guess Howard Chasnow was one, Bud Marshall, Bill  
21 Dunn, Jack Tracy, me, Steve Rosen, Bill Brennan, and Patty  
22 Lewis. And they learned that no matter how bad the  
23 defendant was, he was entitled to the best defense; and  
24 with Joe in the case, the defendant got it.

25 In the early 60s, Joe was assigned to the

1 defense of Thomas Asbury Hadder, a young Navy veteran who  
2 had shot a Prince George's County police officer by Priest  
3 Bridge near Bowie. In the 60s, it was a rare thing for a  
4 policeman to be shot. I believe the last time a policeman  
5 was shot in Prince George's County was in the late 30s.  
6 Hadder was ultimately placed on the FBI's ten most wanted  
7 list.

8 Joe was friends with most of the detectives, but  
9 those detectives who claimed the police officer had been  
10 executed were outraged that Joe would accept the  
11 appointment and told him that they would get him in the  
12 future. Joe could have cared less. This was a death  
13 case. Joe had never had a client given the death penalty.  
14 His goal was to save Hadder's life, and he did.

15 J. Dudley Digges was the trial judge. The best  
16 trial judge I ever appeared before. Bud Marshall, and  
17 Howard Chasnow were for the prosecution, Joe and I for the  
18 defense. Bud, Howard, and I had no idea what was going  
19 on. Only Joe and Judge Digges did. Bud couldn't even get  
20 in the name of his witnesses, but Judge Digges helped Bud  
21 enough to make a very weak *prima facie* case. Bud, Howard,  
22 and I learned more about evidence in that trial than we  
23 ever had in law school. I know that case made Bud and I  
24 good trial lawyers.

25 Bill Brennan was one of Joe's best pupils; and

1 Bill and Joe had this thing for Sherlock Holmes. They  
2 would be discussing some mundane murder case, and all of a  
3 sudden one of them would bring up a Sherlock Holmes case.  
4 I could never figure out the relevance of these Sherlock  
5 Holmes stories. So, I read the complete Conan Doyle. I  
6 still didn't and don't get it.

7 Joe was really tough on police witnesses; and  
8 they hated to be cross-examined by him. I had just  
9 recently left the State's Attorney's Office and Joe asked  
10 me to cover for him in the District Court while he handled  
11 a sentencing in the Circuit Court. I asked him what the  
12 case was. Oh, just a drunk driving case. Our client blew  
13 a 22 and drove up in this lady's front yard on East-West  
14 Highway and hit her porch while she was sitting in a  
15 rocking chair. I asked him if he had any instructions.  
16 Oh, you can work something out.

17 Well, I went down to Hyattsville, sought out the  
18 police officer, who I knew quite well from working with  
19 him when I was an Assistant State's Attorney. I asked him  
20 if I could plead reckless. After some hemming and hawing,  
21 he agreed if our client paid a \$500 fine. Boy, what a  
22 deal. I proudly went back to the client and told him what  
23 I had worked out. He said, I've got no money. I said,  
24 what you mean you don't have any money? I am sure Joe  
25 told you to bring some. No, he said, he didn't mention

1 anything about money. Well, let me go back to the police  
2 officer and see if I can work something out. After some  
3 begging, the police officer agreed to \$150 fine paid in  
4 ten days. Wow, was I proud of myself. I told the client;  
5 he accepted; and we waited for the case to be called.

6 Joe showed up. I proudly told him the deal I  
7 had worked out. No way he said. He walked away. When he  
8 came back, he said the State will stet the case. I told  
9 Joe if I were the State's Attorney, I'd never make this  
10 deal. He said you are not a State's Attorney anymore. I  
11 then talked to the police officer. I said why did you  
12 agree to a stet? He said I don't want to be beaten up on  
13 the stand by Joe.

14 Joe and Judge Ralph Powers often went to war,  
15 and Ralph was suspicious that Joe was always trying to  
16 create some reversible error. Ralph would bring Joe into  
17 chambers to discuss instructions (this was before pattern  
18 jury instructions). And after he worked out those  
19 instructions in chambers, he would return to the courtroom  
20 and instruct the jury. Then stating I believe I've given  
21 all the instruction you requested and implying that the  
22 instructions were agreed upon, of course Joe would always  
23 object to one or more of the instructions. Ralph would  
24 blow his stack.

25 Well, in this particularly onerous case

1 involving a sexual assault and murder of a child, the jury  
2 after deliberating a while sent in a note to the judge.

3 The judge had the jury brought into the courtroom and  
4 began to open the note. Joe mildly suggested to the Court  
5 that it could be wise to have the defendant in the  
6 courtroom while he read the note and discussed it with the  
7 jury. The Court said, "I'll have no more of your tricks  
8 today, Mr. DePaul. The jury found the defendant guilty,  
9 but of course the Court of Appeals reversed.

10 Joe had an uncanny ability to object to  
11 instructions even he didn't understand. After a case was  
12 over, I would ask Joe to explain his objections to the  
13 instructions. He couldn't. But, when I went to write the  
14 brief, damn if there wasn't a case on point supporting his  
15 objections to the instructions.

16 Joe and Stanley Bowers were Republicans and  
17 Ignatius Keane and Blair Smith were Democrats. But, they  
18 were real close friends and loved to play practical jokes  
19 on one another, things like Stanley registering at a motel  
20 using Joe's name and sending the bill to Joe's house. For  
21 those of you who do not know these people, Stanley Bowers  
22 was a Republican businessman who had acted as Ignatius'  
23 secretary while they were single and Iggy was beginning  
24 his practice. Blair Smith, Monte Ahalt's father-in-law,  
25 was elected State's Attorney for Prince George's County

1 and was considered a likely candidate for Attorney General  
2 on the Tawes ticket.

3 I gave this eulogy before. I'm not going to  
4 tell this story because you said nobody understood it.  
5 Or, should I tell it? I'm trying to protect him.

6 Well, anyway, I had been married a little over a  
7 year, and my wife just had a baby. I was just beginning  
8 my practice and these practical jokes did not seem all  
9 that funny to me. When I was told these stories, I went  
10 home and told my wife, Pat, that no matter what happens,  
11 please give me a chance to explain. I'm sure it will be  
12 just one of Joe's, Stanley's, Blair's or Iggy's practical  
13 jokes.

14 What I didn't know or realize was that Joe had  
15 gotten married about 11 months before I came to work for  
16 him and Corrine had tamed him. He was now a husband and  
17 soon to become a father. He was a good husband and a good  
18 father. He liked to take his son, Greg, fishing. That  
19 little boy is now a famous playwright. He has at least  
20 two movies out, Saving Silverman, and Brides War. But, I  
21 digress, I wanted to tell a fish story about Joe.

22 I had a 16 foot Boston Whaler. It was September  
23 of 1967 and I liked to fish as did Jerry Stanberry. Jerry  
24 and I were going fishing, because the blues were running  
25 and I asked Joe if he would like to go along because he

1 truly liked to eat fish. He said sure. So about 5:00 in  
2 the morning, Jerry came by my house. We hooked up the  
3 trailer to my car; and drove to Joe's house and picked him  
4 up. Joe got in the back seat and promptly fell asleep.  
5 We got down to Rod and Reel. When Joe woke up, I told him  
6 to stay in the car. We will get it launched. Jerry and I  
7 launched the boat, parked the car and got Joe in the boat  
8 and off we went.

9           We set up a folding chair for Joe in the back of  
10 the boat, went down to Parkers Creek. As soon as we  
11 hooked a fish, we would hand the rod to Joe and he would  
12 pull the fish in. After he caught about 30 or 40 fish, we  
13 called it a day and returned to Rod and Reel. We hauled  
14 the boat. Joe got back in the back seat of the car and  
15 fell asleep. Jerry and I cleaned the fish and returned  
16 Joe home with cleaned ready-to-cook blue fish.

17           We then brought the boat back to my house and  
18 cleaned the boat. Joe thought this trip was so much fun  
19 that he would buy a boat so he could fish on his own. He  
20 bought a twin-engine 31 Chris-Craft, named it Corky after  
21 his wife, had the boat five years and never put a fish on  
22 the boat.

23           Joe was not a good lawyer. He was a great  
24 lawyer. I would tell Joe that we had no case. He would  
25 say, if you can get me to the jury, we will win and we

1 did. He probably defended more murderers than any other  
2 lawyer in the State of Maryland during his time at the  
3 Bar, but it was his civil cases that amazed me. We were  
4 retained to defend a driver for manslaughter who had  
5 killed four people on US-1. In those days US-1 was called  
6 bloody one.

7           In any event, our client was drunk, driving in  
8 excess of 100 miles an hour, returned from Baltimore at  
9 3:00 a.m. in the morning. A car pulled out of a bar on  
10 US-1 in front of our client and his car was going so fast  
11 that it went through the other car leaving only a trunk  
12 and the front end. Unfortunately, there were four nude  
13 persons in the car who were all killed.

14           After getting our client off on the manslaughter  
15 charge, Joe immediately filed suit against the driver of  
16 the other car. Bob Heaney, the attorney for the four  
17 decedents, had waited for the outcome of the manslaughter  
18 case before filing suit. He filed a few days after Joe  
19 had filed. All Joe was trying to do was to keep our  
20 client out of bankruptcy. Since we filed first, we got to  
21 go first. Judge Powers was about to grant a directed  
22 verdict against our client, but Joe convinced the Court to  
23 let it go to the jury. Joe only asked the jury for the  
24 payment of some \$10,000 in medical bills. The jury gave a  
25 verdict in that amount to our client. The judge did not

1 grant an NOV. Not only did our client avoid bankruptcy,  
2 he now had enough money to pay us.

3           But, despite being one of the finest trial  
4 lawyers in the country, what he was most proud of was his  
5 service to his country. He was a war hero as so many of  
6 his generation were. As I said before, Joe was selected  
7 for the V-12 Program.

8           Unfortunately, Eisenhower needed bodies, not  
9 officers during the Battle of Bulge and Joe was yanked out  
10 of school and sent to the front lines without training  
11 because it was such a desperate time. He was used as a  
12 wireman and forward artillery observer. The life  
13 expectancy of these guys were about three days. The job  
14 was to run wires in front of the front lines, hook those  
15 wires to a telephone, observe the enemy, call in the  
16 enemy's position to the artillery. The artillery would  
17 fire, and then the observer would adjust the coordinates  
18 so that the artillery, which was firing blind and miles  
19 away, would hit the target.

20           Often when discussing a case, he would refer  
21 back to his military service to make a point. I claimed  
22 Joe had an iron stomach. He thrived on tough cases.  
23 Perhaps, if you went through what he went through during  
24 the Battle of Bulge nothing would bother you either.

25           Joe served his country and profession with

1 distinction. For those of us who knew and worked with  
2 Joe, we celebrate his life. He will be sorely missed.

3 Joe was buried in a national cemetery in Florida.

4 JUDGE FEMIA: And he was here for me, how cool  
5 was that? Actually, I asked to be here for rebuttal. I  
6 saw Ron's first act. I saw that down at Florida. Then I  
7 saw the second act and I thought oh, my God. Yesterday  
8 afternoon I had a wonderful speech and I thought I would  
9 just call Ron to make sure I had a few details correct and  
10 then I found out Ron was going to be here today and I said  
11 I, of course, would yield to Ron. But, I wanted to speak  
12 on behalf of all of the drivers, the law clerks, he called  
13 us law clerks, but we knew we were drivers.

14 We were there to carry his bag, get him to  
15 places. It was sort of like being players on the bench  
16 with Gary Williams, you know, get chewed out on the way  
17 back, but he wasn't chewing on you. He was chewing on the  
18 law. He was chewing on the facts. He was running it by,  
19 I guess, trying to test because he was going to get to the  
20 jury no matter what that judge did and no matter who that  
21 other lawyer was.

22 Many times Joe would say to you, just get that  
23 law. You get me the law. And I said, well, Joe, that's  
24 actually not the law. I don't care, it should be. Then  
25 he would be like, okay, I'll go and look again. I, as a

1 new law clerk in '79, had the misfortune of trying to  
2 brief him in an area and citing him to a case. And he  
3 goes that's not exactly the facts of this case; and I was  
4 taken aback. I said, well, the case said -- I don't care  
5 what they wrote about on the top floor down there, that's  
6 not the actual facts of the trial. Then he said, I was a  
7 trial lawyer in that case. I went excuse me. And I  
8 looked down and sure enough I was citing him to one of his  
9 cases where he was the lawyer on the brief. And, of  
10 course, he knew more facts than I was ever going to find.  
11 I learned that that's how you read a case. You had to  
12 read a case to make sure you knew who the lawyers were  
13 because there were always those extra, extra facts.

14 Some of us were so taken by the goodness of  
15 Joe's heart that we actually have already had a wonderful  
16 conversation in remembrance of Joe. I've got to tell you,  
17 to hear Bill Brennan and Dick Sothoron talk publically  
18 about how many times they were fired and rehired, it was  
19 kind of nice. I don't know what kept happening, but Dick,  
20 of course, told the great story where the mom yells out  
21 from the back and the judge says who's that.

22 I kept saying let's let it all go because there  
23 will be a day when there's a memorial service and people  
24 will be far more respectful and the day that I dread has  
25 come. So, I will simply say that Joe taught me that no

1 good lawyer ever works with his script and he was right.  
2 So, when I realized that I wasn't going to be able to say  
3 too much, I did what any Joe DePaul the lawyer would do, I  
4 woke up in the middle of the night and I said I better get  
5 a handle on the situation and I got to say something.

6 I think Joe was trying to give me guidance  
7 because I thought, you know, that's the problem with the  
8 practice of law. Joe DePaul was the kind of lawyer that  
9 any lawyer that knew Joe knows one thing, if he was an  
10 athlete, his number would have been retired. I mean he  
11 was that big to most of us. I just thought, you know,  
12 maybe we should have iron advocate lawyers whose metal has  
13 been tested. They've gone to trial over and over again  
14 and they have proved to deliver honorably and zealously  
15 for their clients. They were technically correct.

16 In the old days we used to actually call them  
17 red book lawyers because they would come to court with  
18 that red rule book and it would be well worn and torn  
19 because it was a paperback not looking well. They were  
20 lawyers who not only knew the law, but were willing to  
21 take those extra steps to make the law. Joe was a  
22 generous mentor. He was tenacious in his advocacy; and he  
23 was undaunted by whatever his client was alleged to have  
24 said or done.

25 Many times I was sitting there and afterwards we

1 would meet with our client and look at the screen or go to  
2 take some photographs. We would get back in the car and  
3 he would say, so, kid, how are you doing? I said, I think  
4 my father is rotating in his grave right now based on what  
5 I just saw, but you know what, when you are a good defense  
6 lawyer, things happen and you had to do your job because  
7 Joe believed in the system. He believed that in that  
8 tightened clash of facts, adversaries somehow it made it  
9 easier for the judges to do their job and for the system  
10 to work.

11 There are some days when I wish I could see a  
12 tightened clash, but those days were common when you were  
13 with Joe, so respected and fresh on all aspects of his  
14 profession. He had outstanding skills. He was an  
15 excellent cross-examiner. Bill Brennan actually got ahold  
16 of the November 5th, 1976, article where there was a  
17 sketch of Joe DePaul. He was then representing Ernie Cory  
18 and Governor Marvin Mandel.

19 The son talked about Joe's outstanding  
20 cross-examination skills. He had put together something  
21 and given it to Greg so Greg could hang that in his new  
22 law office. Joe was always generous to his fellow  
23 lawyers; and I can look out and I see; and I know many  
24 lawyers who benefited from Joe's good will.

25 I wanted to tell one story that I hadn't told

1 before because we get tired of hearing all of the same  
2 ones, you know what I'm saying, and I'm sorry Greg Wells  
3 wasn't here, because I don't know whether it would be  
4 young lawyers who would be here today, but I wanted to  
5 tell a story.

6 Marjorie Clagett McDonald might have been the  
7 Assistant State's Attorney trying the case -- Judge Levin  
8 was trying the case in the older front end of the new  
9 building. I don't know how it is now. I haven't tried a  
10 civil case in a long time. But, when you used to go to  
11 the criminal cases, it was like a bad wedding. The  
12 State's Attorney would have all of their people and then  
13 our side would be empty, because young men came into the  
14 room and sat down on our side and all of a sudden they got  
15 out notebooks and started writing.

16 Joe never missed an opportunity to get a press  
17 release. He was a smart man and as soon as the first  
18 break came, he went to the rail, but so did everyone else,  
19 the young man still in law school. Joe said, young man.  
20 The young man said, sir. I have some questions for you.  
21 And he said, oh, sure, son, sure. Just tell me one thing,  
22 what brings you here today. And he goes my name is Greg  
23 Wells; and I'm in my first year of law school at the  
24 University of Maryland. I was told to come and watch a  
25 trial. And everybody told me to come in here. I have a

1 few questions about what just happened.

2                   Well, Joe was in hog heaven. He was like well,  
3 what you just saw was -- and he started and every break,  
4 every time he would go to the rail, then he would say  
5 Patty, you make sure they have copies of all of those  
6 pleadings because, oh, my goodness, we had trial and  
7 motion in limine and they had to research it during the  
8 course of trial and he was explaining how you do that so  
9 that record is correct and make sure they have all of the  
10 pleadings and all of this good stuff and you can see how  
11 Greg was just sapping that up and how Joe was uplifted by  
12 the moment. I think I took a lot from his teachings and  
13 learned at the ripe age of 19.

14                   Joe was a wire man in World War II. He was 19  
15 years old doing a job where the life expectancy during  
16 then was three days during the Battle of Bulge, so he had  
17 an uncanny ability to believe that young people not well  
18 trained, but well intended with a good solid heart and the  
19 courage to go through could accomplish great things. And  
20 that's why I guess I always thought it was an honor to  
21 second chair Joe or to have Joe second chair you because  
22 he would let you just go because I guess after you've been  
23 through the Battle of Bulge, what could happen to you that  
24 was going to be a bad day? But, he was so generous about  
25 that; and that never ended.

1                   Dick Sothoron said it was an honor to carry his  
2 brief case, to do the work, and tell Mr. DePaul thank you  
3 very much for what just happened that day. Joe was just  
4 generous with everything that he had. I just want to say  
5 it was an honor to practice law with him. Femia, Ron,  
6 Patty, thank you very much. My memories of Joe are from  
7 the other side of the fence.

8                   1964 I got out of People's Court and went  
9 upstairs to start trying heavy duty stuff and between '64  
10 and my very last case as a prosecutor, which was in '72,  
11 which was the goal, nobody knows the gangs against Joe  
12 DePaul. I tried about 32 murder cases; and of those 32  
13 about 23 of them were against Joe. I can tell you funny,  
14 funny stories and pointed stories, but I'll tell you from  
15 Joe DePaul you learned everything.

16                   I won't tell you the dirty tricks we used to do  
17 to each other, not without a couple of beers anyway.

18                   JUDGE RATTAL: Oh, well, next I'm going to call  
19 on James Salmon to eulogize Mr. Clagett. You notice I  
20 call him Mr. Clagett. Thank you, Vince.

21                   JUDGE SALMON: I practiced law with Hal Clagett  
22 and was his partner for about 18 years; and he would be  
23 one of those lawyers that you would call a red book  
24 lawyer. No offense Young Hal. He pretty much was the  
25 type of lawyer that liked to argue; and he would just

1 argue with anybody. If you recall Powers, his name has  
2 been mentioned, Judge Powers, as tough a guy as he was, he  
3 hated people that weren't briefing.

4 Hal, he could talk forever. Monty was just  
5 telling me a few minutes ago when he was a law clerk for  
6 Judge Powers. After a long, long closing argument, Judge  
7 Powers interrupted to say you've got ten more minutes and,  
8 of course, ten minutes went by. Hal wasn't finished.  
9 Powers said your ten minutes is up; and he started arguing  
10 with the timekeeping. So, he would argue anyway.

11 He practiced law for 51 years about 300 yards  
12 from here at a law firm; and he was the most distinguished  
13 lawyer. Most people would call him, as Vince said,  
14 Mr. Clagett. This is a eulogy, but I will say this, he  
15 was no slave to fashion. When you would see him, you  
16 might say he was a man that looked good in a cheap suit.  
17 Usually, I think, he was kind of like Matlock. I guess he  
18 wore a seersucker suit and corduroy pants around the  
19 office, but he looked very, very distinguished; and he  
20 actually was distinguished.

21 He came from, as you can see, one of Maryland's  
22 most distinguished families, but he never, ever -- I never  
23 knew him to ever talk about it. He had two governors of  
24 Maryland that were direct descendants; and he had a sense  
25 of humor about it.

1           When I was preparing for this, it was several  
2 Washington Post articles about Hal; and he described one  
3 of his ancestors as looking like a, quote, damn chipmunk,  
4 so I got to look at that picture and see which one it was  
5 he described. Okay.

6           He lived almost all of his life at Weston, a 480  
7 acre farm about a mile from here. Since 1670 when his  
8 ancestors, Thomas Clagett obtained a land grant from the  
9 King of England until today. Clagetts exclusively have  
10 lived at Weston except for a period of about 18 years in  
11 the early 1800's when Napoleon's grand nephew, Jerome  
12 Bonaparte, lived there. Hal was the ninth generation of  
13 Clagetts to live at Weston.

14           Hal loved to talk. Other than Richard Sothorn,  
15 I have never known anyone who could talk longer. Whether  
16 before a jury or at a Bar function, he never showed any  
17 indication that he believed that brevity was a virtue.

18           Some of you may remember Hal's remarks at a Bar  
19 Association Memorial Service where he spoke about his  
20 friend, Ernie Cory. His talk lasted about an hour, which  
21 Judge Femia will agree is unlikely to be equated lengthy.  
22 A Washington Post article summed up Hal's speaking style  
23 with these words:

24           Words don't slip out of Clagett's mouth, they gush, a  
25 cascade of war stories, political and legal, horse

1 breeding theories, all delivered in a leisurely, measured  
2 style with impeccable diction and grammar. Clagett had a  
3 habit of leading his listener to the edge of what appeared  
4 to be the end of a sentence only to pause before laying on  
5 another clause, another thought, another observation.

6                   To be fair, however, Hal had a lot to talk  
7 about. By the time he graduated high school in 1934, he  
8 was galloping horses at 50 cents a head at Marlboro Race  
9 Track. In high school he was the president of the Debate  
10 Club. He was, one year, Maryland's jousting champion.

11                   He graduated from Princeton University in 1938.  
12 Hal entered Georgetown Law School, but left after his  
13 second year when the U.S. was about to enter World War II.

14                   Hal had a very distinguished war record. He was  
15 the youngest ever full Colonel in the New Army Air Corp.  
16 He served in the South Pacific flying numerous missions.  
17 He was shot down, but survived, along with several other  
18 airmen in Japanese infested territory until rescued after  
19 about two weeks.

20                   He flew fighter planes and later flew five B-29  
21 missions over Tokyo shortly before the war ended. Hal won  
22 the Legion of Merit. After the war, he was the commander  
23 of a wing at Andrew's Air Force Base.

24                   Hal went back to Georgetown Law School and  
25 graduated in 1948. He joined the law firm of Congressman

1 Lansdale Clagett and J. Duddly Digges. The firm later  
2 became known as Sasscer, Clagett and Powers and is now  
3 known as Sasscer, Clagett and Bucher.

4 As a lawyer Hal was tenacious. He's the only  
5 lawyer I know that won the same case three times, but all  
6 three times lost at the Court of Appeals. See *Plank v.*  
7 *Summers*, that was the case that established the collateral  
8 source rule in Maryland. Over time he convinced the trial  
9 judge to commit the same reversible error that resulted in  
10 the earlier reversal. Another illustration of Hal's  
11 tenacity is *S & S Building Corp. v. Fidelity Storage*  
12 *Corp.*, 270 Md. 184 (1973). Judge McCullough was the trial  
13 judge and Tom Yewell was the opposing counsel. Hal asked  
14 essentially the same question about eight times. Every  
15 time Tom Yewell's objection was sustained. But, finally  
16 Hal asked the same question one last time and the witness  
17 got in his answer without objection. Hal won that case  
18 and \$152,000 cross-claim as well. On appeal the Court of  
19 Appeals enforced Maryland's strict contemporaneous  
20 objection rule and Hal won.

21 His legal career, like his career in the  
22 military was distinguished. He was treasurer of the  
23 Maryland Bar Association for 15 years (1958-1973),  
24 president elect in 1974 and president in 1975.

25 In 1967 he was elected as a member of the

1 Maryland Constitutional Convention. In that capacity he  
2 served with many distinguished Marylanders, including the  
3 Honorable Ralph Powers and Ron Willoner.

4 Hal had many cases in the Circuit Court,  
5 People's Court, and the District Court, mostly  
6 representing people who worked for him at Weston. Up  
7 until about 1975 he was an active trial lawyer. Later he  
8 was more of an office practitioner except for representing  
9 his employees.

10 In the 1970's Hal visited England as a tourist,  
11 but somehow he talked himself into an invitation to go fox  
12 hunting with Prince Charles and to have dinner with him.  
13 Hal talked to the future monarch about British history.  
14 When he came back to the firm and told us what he had  
15 said, Tom Farrington listened, then said that a lot of  
16 Hal's historical facts were wrong. But, Hal never let  
17 facts interfere with a good story.

18 Hal loved horses. He was the president of the  
19 Maryland Horse Breeder's Association, and in 1990 was  
20 voted Maryland's Horseman of the year. In his lifetime he  
21 bred over 500 thoroughbreds, the most famous of who was  
22 Little Bold John. He sold that horse in 1984, but the  
23 gelding went on to win \$2,000,000.

24 One of his proudest accomplishments as a  
25 thoroughbred breeder was he was the principle author of

1 the Maryland Standardbred Race Fund law which gave one  
2 cent of every dollar bet as cash prize to every Maryland  
3 born racers and stallions and as an incentive to Maryland  
4 breeders.

5 About the time Hal graduated from law school, he  
6 married Dolly Sasscer, Congressman Sasscer's daughter.  
7 They had two children, "Young Hal, now 60, and Elizabeth,  
8 Sissy, Clagett who is living in Arnold, Maryland.

9 Hal married again in 1986 to Julie Clagett.  
10 From that marriage Hal had one stepson, Whip, Hubley, and  
11 three stepdaughters, the most famous of whom is Season  
12 Hubley, who was once married to Kurk Russell. After Julie  
13 died, he married Jeanne Begg, whose background was as  
14 interesting as Hal's.

15 Thank goodness we only had to do three memorials  
16 this year. I've had years when we had to do eight and  
17 nine, and three is plenty. So, I don't intend to be on  
18 the Memorial Committee next year. If I am invited, you  
19 stay healthy, or I will be writing your memorials. So, it  
20 behooves you to stay well. Thank you very much, very  
21 kindly. Thank you, Judge Adams.

22 JUDGE ADAMS: Thank you. Thank you, Judge  
23 Femia. Thank you all for the eulogies that were shared,  
24 our wonderful eulogies of our brethren today. I want to  
25 thank some of the judges that came in after we started.

1 Judge Whalen was here. He had to leave. Judge Love, the  
2 District Court, thank you for being here. Judge Duley, I  
3 do see you here. Thank you for being here. Judge Stephen  
4 Clagett of Calvert County, District Court. Thank you for  
5 being here. So, I do want to acknowledge everyone for  
6 participating in this service.

7 So, Judge Rattal, President of the Prince  
8 George's County Bar Association, judges from all the  
9 benches, retired and sitting, ladies and gentlemen, family  
10 of our departing brethren, we thank you for being here  
11 today. Circuit Court judges of Prince George's County,  
12 Maryland and the Prince George's County Bar Association  
13 and members of this committee, thank you. Judge Femia,  
14 thank you for your presence to these memorials and making  
15 the arrangements for the service. It is a very fine  
16 tradition that we have maintained in Prince George's  
17 County for many, many years. We honor our departed  
18 brethren and pay tribute to them, and we hope you have  
19 enjoyed a very pleasant and warm personal relationship  
20 with those who we memorialized today.

21 The Court will direct that the memorials  
22 presented be spread among the permanent records of the  
23 Court and that copies be sent to the respective families  
24 and those colleagues that we honor here today.

25 In conclusion, Mr. Bailiff, in honor of our

1 departed brethren, you may now announce the adjournment of  
2 this Court.

3 (Thereupon, the proceedings were concluded at  
4 4:08 p.m.)

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REPORTER'S CERTIFICATE

I, Robin E. Watson, an Official Court Reporter  
of the Circuit Court for Prince George's County, do hereby  
certify that I stenographically recorded the proceedings  
in the matter of Prince George's County Bar Association  
Memorial Service, on November 18, 2010.

8 I further certify that the page numbers one  
9 through 32 constitute the official transcript of the  
10 proceedings as transcribed by me from my stenographic  
11 notes to the within typewritten matter in a complete and  
12 accurate manner.

Robin E. Watson,  
Official Reporter