

**Dauphin County Bar Association
Memorial Resolution on the Death of
Hon. G. Thomas Miller**

G. Thomas Miller, a member of the Bar of Dauphin County for over 60 years, died on July 3, 2013, at the age of 90. He was a preeminent trial attorney and a distinguished member of the bar and the community.

He was born in Gettysburg and attended Gettysburg College, where he later became a Trustee. Upon graduation, he served in the U.S. Army in World War II with the Third Army and attained the rank of Captain. Following the War, he entered The Dickinson School of Law, was Editor of the Dickinson Law Review, and graduated in 1948. He served clerkships with Judge Clarence Sheely of Adams County, and Judge Robert E. Woodside, of Dauphin County. In 1950, during the Korean conflict, he was recalled for active duty with the Pennsylvania 28th Division. He attained the rank of Major in that war.

He returned to Dauphin County following the Korean conflict and became an Assistant District Attorney under District Attorney Huetten Dowling. He then joined Judge Paul Rupp and General William Bailey in private practice, and ultimately became a partner in the firm of Bailey, Pearson, Miller and Bolton. He was appointed to fill an unexpired term on the Court of Common Pleas of Dauphin County by Governor David Lawrence, and then returned to private practice.

In 1966, Tom Miller joined the firm of McNeese, Wallace & Nurick, to head a new trial department. His talents were already widely recognized, and he attracted defense work from numerous insurance carriers who wanted him to handle both difficult and routine case work in Central Pennsylvania. Under Tom's leadership, a substantial litigation business developed at the McNeese office.

It was the firm's policy to have all incoming new lawyers to go through a "rotation program," where they would be exposed to the substantive practice of the firm's departments – tax, business, litigation, and utilities. The rotation program was meant to provide a broad substantive foundation for each lawyer, before finally settling in a more specialized practice. And so, for two decades, most new McNeese lawyers served a term in the litigation department, working with or for Tom Miller. Tom was generous in delegation of work and case responsibility. He taught new lawyers effortlessly, by instruction but also by example. His door was always open and he was readily available for consultation and advice on how to proceed. In more serious cases, he would readily shoulder the responsibility; and when things blew up, he would help solve the crisis of the day without blame. The litigation tour of duty was tremendously helpful to the firm's lawyers – it confirmed their commitment to a career as a litigator, or showed them that their practice choice should be elsewhere. It also built internal loyalty and confidence across the firm's practices, as lawyers came to recognize the value and difficulty of each others' work.

Tom Miller's liability insurance defense practice extended quite naturally to professional liability defense work. In medical malpractice defense cases Tom was a go-to lawyer. Tom had an exceptional rapport with physician clients and a zeal for defending them. He also regularly represented lawyers in liability matters, where his counsel was a

great comfort and support to lawyers who found themselves on the wrong side of the "versus" in a lawsuit.

But Tom Miller was a generalist; his trial work was not confined to tort liability cases. He handled a wide array of business and commercial cases, where his skills as a first-rate advocate were sought by clients who wanted him as their lawyer. And like the generalist he was, Tom had a group of loyal clients who looked to him as their counselor in non-litigation matters.

Tom Miller's ability was nowhere more evident than in the courtroom. He had a poise, presence and voice that commanded attention; he could speak with ease and facility on any topic; he had a highly retentive if not photographic memory that gave his keen intellect the ability to marshal facts and to speak with compelling authority. But matched with that formidable talent, Tom Miller had an easy manner, an affability with people that made him eminently likeable. He projected an earnest sincerity that assured the listener of his credibility.

Tom Miller was the consummate professional; he dealt with adversaries with respect and courtesy; he didn't return rancor or incivility; he spoke with candor and without bluster. He was magnanimous in victory and philosophical in defeat. He could realistically assess cases and never tried a case that he could settle. He recognized and respected worthy adversaries. But, if he sensed falsehood or other professional shortcomings in another lawyer, he formed opinions that, though never given voice, would cause him to deal with that person more carefully and with greater reserve. One deservedly either earned his trust, or lost it.

He was innately generous with other lawyers and particularly younger lawyers. He tutored many young lawyers in the arts of trial work. Those who survived the try-out period of "rotation" in the McNees litigation department helped to build capacity and breadth for the firm, and then developed substantive specializations that are a hallmark of the firm today. But Tom's generosity toward younger lawyers extended beyond the firm. He was for many years an adjunct professor of Advocacy at his beloved Dickinson School of Law. In acknowledgment of Tom's abiding interest in enabling new lawyers to become skilled and principled advocates, his family endowed the Honorable G. Thomas and Anne G. Miller Chair in Public Interest Advocacy, along with the Miller Center for Public Interest Law. No finer memorial tribute could exemplify Tom's commitment to the sound training of new lawyer advocates, than these abiding institutions.

In recognition of Tom Miller's devotion to his law school, he was named a life Trustee of The Dickinson School of Law. That service came to an end in 2005, when the merger with Penn State resulted in the formation of a second law school at State College. Tom Miller, with many alumni, believed the actions taken contravened prior commitments, and he, along with two other Board members, sought, albeit unsuccessfully, to alter the outcome.

Tom Miller was appointed by the Dauphin County Court on numerous occasions to serve as its Special Master to supervise complex and difficult cases that needed close and prolonged attention from a judicial officer. In those appointments he demonstrated the skills he displayed in his brief tenure on the bench and that would have been the hallmark of a

longer judicial career: he was a quick study of factual materials; he understood subtlety and complexity and had an incredibly broad grounding in substantive law. He helped parties solve seemingly intractable discovery conflicts and brought to all matters the wisdom of a highly experienced trial lawyer who kept his eye on the objectives in the case. He decided matters promptly, without hesitation; he kept the Court informed of his recommendations. In all of that, he maintained deference to the Court as the judicial authority to whom his service was subordinate.

When Tom reached age 70, he left the firm, and practiced for almost another 20 years; for several years with the firm of Dilworth Paxson in its Harrisburg office, and then with his son, Thomas R. Miller. Together, they practiced as Miller and Miller, until failing health made it physically impossible for Tom to continue. His brilliant mind and his love of the law were scarcely diminished when he died at the age of 90.


Throughout his career Tom was active in professional organizations, often in leadership roles. He served on the Advisory Committee of the Federal District Court for the Middle District and the Court Relations Committee of the Dauphin Bar. He was an active member of the Pennsylvania Defense Institute, and a member and then President of the Pennsylvania Association of Defense Counsel. He was recognized as an eminent trial lawyer through admission to the American College of Trial Lawyers, and served the ACTL in regional leadership positions. Tom also served on the Judicial Inquiry and Review Board, and on the Pennsylvania Crime Commission.

In civic and community affairs, Tom Miller was a supervisor of Monaghan Township, and served as Chair of its Zoning Hearing Board. He also served on the Boards of Goodwill Industries and the American Red Cross. He was a member of St. Stephens Lutheran Church in New Kingston, and of the Harrisburg Civil War Round Table.

Despite advancing age and physical challenges, Tom's interest in productive good work was evident. He continued to serve as mediator in civil cases, and to undertake mastership appointments from the Court for as long as he could do so.

In the passing of G. Thomas Miller, the Bar and the larger community have lost a splendid person. His influences on his professional brethren and his beneficial contributions to a good and vibrant community in and beyond the law have been exceptional. We miss his generous, decent, and reassuring presence among us. We extend our sympathies to his wife Anne and his children Thomas R., Leslie, and Sarah, to whom copies of the resolution shall be provided. The original and a copy of this resolution shall be filed with the Office of the Prothonotary and in the permanent records of the Bar Association.

Respectfully submitted, this 2nd day of October, 2013 by the resolution committee:


Hon. William W. Caldwell, Chair

Warren G. Morgan
Hon. Warren G. Morgan

Lawrence F. Clark, Jr.
Hon. Lawrence F. Clark, Jr.

David E. Lehman
David E. Lehman

Herbert R. Nurick
Herbert R. Nurick

Harvey Freedenberg
Harvey Freedenberg

Victor Stabile
Victor Stabile