

**Dauphin County Bar Association
Memorial Resolution
Upon the Death of
James Henry Booser - November 13, 2007**

Our friend and colleague, James Henry Booser, a 70 year member of the Dauphin County Bar Association, passed to eternal rest November 13, 2007, at age 97 years, 8 months, and 23 days. He was born in Harrisburg, Pennsylvania, February 21, 1910, the son of Charles and Etta Booser; and he died peacefully at home in Middletown, Pennsylvania.

The essayist, Henry David Thoreau, opined in his famous musing, *Walden Pond*, that “the majority of men lead lives of quiet desperation.” Such was not true of Jim Booser. Jim’s life can be described as a life of quiet dignity and boundless love. A faithful and loving husband and father, and a true friend of all who knew him well, he marched triumphantly to the drumbeat of integrity, hard work, a passion for learning, and a quest for excellence.

Jim was the fourth partner of the Harrisburg law firm, McNees, Wallace & Nurick, joining the firm in 1936 as an associate and becoming a partner in 1942. In the quaint identification system long employed by that firm, Sterling McNees was 1, Dave Wallace was 2, Gilbert Nurick was 3, and Jim Booser was 4. He retired from the firm, but not from the practice of law, in 1973.

Jim was a brilliant scholar. He was Valedictorian and President of Harrisburg’s John Harris High School Class of 1927, the first graduating class of that high school. He also graduated with highest honors from Swarthmore College in 1931, and *cum laude* from Harvard Law School in 1935. Jim was admitted to practice in Dauphin County Courts in May of 1936, thus beginning a 71 year membership before the Bar.

In 1939, Jim married Edith M. Metzger, the daughter of a well-known Dauphin County lawyer, Maurice Metzger. They set up house keeping in Middletown, PA, where they lived for 68 years until his death. Jim and Edith were blessed with five children: Daniel, Mary, John, Joanna, and Martha, all of whom are accomplished in their own right. In addition to Edith and their children, at the time of death Jim was also survived by a brother, Richard, four nieces and nephews, nine grandchildren and eight great grandchildren. Jim’s devotion to his family were second only to his devotion to his Lord. He and Edith drew enormous joy and satisfaction from the successes and love of their children and their numerous progeny. What wonderful family

gatherings they had.

This brief recitation of facts does not begin to do justice to the measure of the man. In a written reminiscence by Francis B. Haas, Jr., on the first 25 years of the McNees firm, Frank noted: "Jim Booser is the stuff of legend. His research capability was prodigious.... He left his mark all over the firm, and particularly in the library." As any attorney who spent any time doing research in the firm's law library knew, Jim's penciled marginal notes appear in almost every volume which antedated his retirement. Unfortunately, as Mr. McNees used to complain, Jim's "chicken scratches" were legible to nearly no one but himself.

It was the practice of the Utilities Department of the firm to circulate all mail and documents to other attorneys in the department, and Jim would conscientiously review and comment on almost every piece of correspondence, pleading and brief which crossed his desk. Young associates found it necessary to meet with him to figure out what he had written. Those experiences were both educational and supportive. Almost without fail, Jim would find something to compliment and often to improve. He was generous in his praise and thoughtful in his suggestions.

One former colleague recalls being encouraged to attend an oral argument before the Pennsylvania Public Utility Commission in which Jim and almost all of the other prominent motor carrier lawyers through out the state were to argue. It was a record of over 7000 pages and hundreds of exhibits, and the young associate suspected that his primary reason for being told to attend was to help transport the several large suitcases that passed for brief cases. Jim loaded them up and set out at his normal pace which was a trot and almost resulted in the exhaustion of his associate 30 years his younger. (Parenthetically, Jim ran the two mile races in college and had a life-long love of running. He hardly ever just walked).

The presentation was eye opening. Jim was the last to speak, but it quickly became evident that he commanded the great respect of the Commissioners and the other attorneys which one had to see to realize. He knew the law and the record better than anyone in the courtroom. His careful and succinct oral argument and direct and responsive answers to questions was not only impressive, but interesting and persuasive. It was a testimony to his meticulously preparation and intellect.

Jim was a lawyer's lawyer. His powers of analysis and incredible research capability formed the bulwark for many of the victories of other attorneys in the firm on a multitude of

different areas of the law. He was instrumental in helping develop the legal theory and product which underpinned the development of the Milton Hershey Medical School for the Hershey Trust in the early 1960s. One would never learn this from Jim. He was content to support and encourage others. While it would be an exaggeration to claim that Jim Booser authored the Magna Charta, it is not an exaggeration to note that he had read it, and probably in the original script! If there was a case on point almost anywhere in the western world, Jim would find it.

Jim was an expert on Constitutional law both with respect to interstate commerce and, later, regarding church law and polity. In 1953, Jim argued the case of Thomas v. Hempt Bros., before the United States Supreme Court. Coincidentally, Samuel A. Schreckengaust, Jr., whose memory we also celebrate today, argued a companion case that same day. Both lost, and the long arm of the Federal government through the commerce clause of the Constitution was extended much deeper into the everyday lives of our citizens.

Some of Jim's colleagues never really knew what to make of him. He was too gentle and nice. He never had an unkind word for anybody. He gently chided one young associate who was railing against the actions and activities of someone who had clearly done wrong, saying, "Surely there must be some good in the person." Another colleague recalled how Jim, when acting as a Master in an uncontested divorce proceeding before the days of no fault divorces, could be moved to tears by the piteous testimony of the allegedly aggrieved party. It never would have crossed his mind that there might have been some exaggeration.

Jim had a lively mind with which he was blessed to the day he died. One colleague recalled running into Jim at an Elder Law Seminar course and asking what he was doing there, to which Jim replied: "At 95 I thought it time to learn something about elder law." His interests were universal, and his inquisitive spirit danced across theology, science, human development, law, history and genealogy. Jim was fascinated by genealogy and his Swiss heritage, using down time on business trips to county seats to track down ancestral roots. He learned enough German to explore canton records on several trips to Switzerland. His powers of concentration were enormous, as was his memory.

A lifelong member of the Churches of God of North America at First Church in Harrisburg and First Church in Middletown, Jim lived his commitment to his Lord and Savior, Jesus Christ. He served in numerous and varied capacities as teacher, choir member, deacon and elder. He also served as General Counsel to the denomination, and served on various boards and

councils of the Eastern Regional Conference and the denomination's Administrative Council for over 50 years. At the glorious worship service to celebrate his life, attended by several hundred friends and colleagues, four former or present pastors each spoke with gratitude, love and respect about the influences that Jim had had on their ministries.

Jim and Edith's loving partnership of over 68 years jointly helped nurture a variety of community and church projects, including the Interfaith Apartments, Adult Daycare Center and Thrift Shop, Care-a-Van transportation, the swimming pool at Penn State Harrisburg, and construction of the new Church of God on High Street in Middletown. Jim was solicitor for the Borough of Middletown for many years, and was much loved by the community. Toward the end of his life, Swarthmore College presented him with the Arabella Carter Community Service Award.

Jim was a Bible scholar, and one of his Pastors expressed the belief that Jim had committed the entire New Testament to memory. His brother in law, Dr. Bruce M. Metzger, was the George L. Collard Professor of New Testament Language and Literature at Princeton Theological Seminary in New Jersey and served as Chair of Translators for the New Revised Standard Version of the Bible. It must have been an interesting time of discussion at family reunions, and would have been fascinating to ease drop on the scholarly discourse. Jim not only knew the teachings of Scripture, he lived them.

So friend Jim, we bid thee a fond farewell. We miss your constant smile, your lilting, sing-song greetings, and your unassuming wisdom. You served your family with love and devotion; you served your clients with diligence and dignity; you served your colleagues with kindness and thoughtfulness; you served your God with abiding love and faith – never losing your hope and purpose. We salute you and wish you God's peace.

Respectfully submitted by the Memorial Committee upon the death of James Henry Booser.

Hon. G. Thomas Miller

Herbert R. Nurick

C. Granger Bowman

David E. Lehman

Francis B. Haas, Jr.

David M. Kleppinger

Delano M. Lantz

S. Berne Smith, Chair

Dated November 5, 2008.

NOW, THEREFORE, BE IT RESOLVED, that we the members of the Dauphin County Bar Association, extend our sympathy to the family of James Henry Booser, his wife, Edith, his children,

Daniel, Mary, John, Joanna, and Martha, and his grandchildren and great grandchildren; and

BE IT FURTHER RESOLVED, that this Memorial Resolution be spread upon the records of the Dauphin County Courts and Dauphin County Bar Association.

I move the adoption of the foregoing Resolution.