

Dauphin County Bar Association
Memorial Resolution upon the Passing of Edgar R Casper, Esquire

To the Honorables, the Justices and Judges of the Pennsylvania Supreme Court, the Commonwealth Court, the Superior Court and the Dauphin County Court of Common Pleas, and to the family of the late Edgar R. Casper, Esquire;

Whereas, Edgar R. Casper was born September 1, 1927, of Dr. _____ and Mrs. Ella Casper, in Berlin, Germany, his father a prominent member of the German Bar and the Jewish community throughout Berlin; and

Whereas, the Casper family fled from Berlin to London in November of 1938, only days after the infamous Kristallnacht (Night of Broken Glass), November 9-10, 1938, Dr. Casper being arrested by the Gestapo, and young Edgar, being eleven years old, was able to obtain access to telephones and telegraph to alert his two uncles already residing in London as to Dr. Casper's arrest and detention at the Sachsenhausen concentration camp, the family being able to exploit loopholes to obtain transit visas to the United Kingdom by contenting eventual immigration to the United States, and on November 22, 1938 the Casper family boarded the Flying Hamburger speed rail train for Hamburg, Germany, constrained to take only one luggage of personal things, the balance of their personal property sold or crated for storage, limited in cash solely to cover transportation; and

Whereas, while in London, Attorney Casper obtained his LLB in 1947 and the first of two LLMs in 1948 at the University of London Law School, today the Queen Mary University of London Law School, and upon graduation, was admitted to the Honourable Society of Lincoln's Inn, and thereafter upon finally immigrating to the United States, obtained his second LLM while serving as an instructor at Harvard University School of Law in 1954, and thereupon after a year as an instructor at the University of Pennsylvania Law School, served first as professor, faculty advisor to the law review and eventually associate dean at Dickinson Law School, from 1955 through 1959, successfully reversed several years of declining student bar admission rates;

Whereas, while at Dickinson, Attorney Casper authored *Judicial Regulation of Discordant Land Use Interests*, published in 61 DICKINSON LAW REVIEW 163 (1956-1957) comparing English land use jurisprudence to American land use jurisprudence, later cited by Chief Judge Alfred P. Murrah of the United States Court of Appeals for the Tenth Circuit in *Tidewater Oil Company v. Jackson*, 320 F.2d 157, 163 n. 4 (10th Cir. 1963) for the contention that although a water flood project be carried on under color of law, as a legalized nuisance or trespass, the water flooder remains liable for operations which give rise to substantial injury to property of a non-assenting lessee-producer in the common reservoir; and

Whereas, Edgar Casper while still at Dickinson, simultaneously joined the Office of Attorney General, appointed by Attorney General Herbert B. Cohen, under Governor George Leader in 1955, and remained a Deputy Attorney General for 13 successive gubernatorial appointments for a total 24 years, departing the Justice Department in 1979 when Gov. Richard Thornburgh took office, and of which for most of his career at Justice, there being only approximately seventeen deputy attorney generals, thus each deputy was constrained to be a generalist in Pennsylvania law, moreover it being ironic, that Attorney Casper was not admitted to the Pennsylvania Bar, until January 1, 1961; and

Whereas, While serving the Commonwealth of Pennsylvania, Edgar Casper was the principal draftsman of the Act of Aug. 27, 1963, P.L. 1257, No. 520, amending the Civil Service Act (71 P.S. § 741.1 *et seq.*) which substantially modernized the State's Civil Service Code, including bringing within the coverage of legislative civil service thousands of state employees who theretofore had enjoyed either no civil service protection at all or only executive civil service protection, thus cementing Attorney Casper's expertise in civil service, to which many of his cases argued before the Commonwealth Court, were in defense of the Pennsylvania Civil Service Commission; and

Whereas, while serving as Deputy Attorney General, Attorney Casper was on brief in *Shapiro v. Thompson*, 394 U.S. 618 (1969) and its companion case, *Waggoner v. Rosenn*, 394 U.S. 846 (1969), the Attorney General joining his counterparts for the State of Connecticut and the District of Columbia, successfully arguing the states' imposition of residency deadlines to qualify for public assistance, the Supreme Court, speaking through Mr. Justice Brennan, upholding such residency restrictions, Attorney Casper's adversary in the two cases was renown Harvard University Law Professor Archibald Cox, later of national fame being fired as Special Prosecutor by President Nixon in the infamous Watergate Saturday Night Massacre; and

Whereas, while at the Justice Department, and later in private practice, Attorney Casper first appeared before the Commonwealth Court, in the court's inaugural year, 1970 with *Williamsport v. PA Dept. of Agriculture*, 1 Pa.Cmwlth 332, __ A.2d __ (1971), by which the city's petition for writ of mandamus to prevent the Commonwealth from fluoridating the public water supply was denied in an opinion by the Honorable James C. Crumlish, Jr.; and

Whereas, overall Attorney Casper's appearance resulted in 39 published cases, including the two aforementioned cases before the U.S. Supreme Court, eleven (11) before the Pennsylvania Supreme Court, two before the U.S. Court of Appeals for the Third Circuit, two before Federal District courts, twelve before the Pennsylvania Commonwealth Court, and six before the Pennsylvania Superior Court; and

Whereas, among these cases include *Kelly v. Jones*, 419 Pa. 305, 214 A.2d 345 (1965), a case of first impression regarding the amendments authored by Attorney Casper, whereupon the court, speaking through Justice Michael Mansmanno, in affirming the Civil Service Commission's dismissal of an employee who formerly was at will until the 1963 Civil Service Act amendments, adopted Attorney Casper's argument that employment with the government is not a matter to which one has a per se right; and *Silverman v. Department of Education*, 70 Pa. Cmwnth, 444, 454 A.2d 185 (1982), whereupon Attorney Casper obtained reversal of a Civil Service Commission's upholding of a 20-year State Department of Education employee, by showing that a procedural error constituted discrimination; and

Whereas, in addition to his professional accomplishments, Attorney Casper was also an avid bridge player, achieving of Gold Life Master, the eleventh of sixteen ranks established by the American Contract Bridge, as first a member for many years at the Harrisburg Bridge Club, in Camp Hill, Pennsylvania and most recently, at the Tallahassee Bridge Club, in Florida; and

Whereas, he was a member of the Pennsylvania and Dauphin County Bar Associations, solicitor to the Hon. Peter J. Wirs, Constable (4th Ward, City of Harrisburg) and of counsel to the

Germantown Conservancy in *In re Germantown Conservancy*, 995 A.2d 451 (2010) in which Judge Bernard McGinley overturned in part Philadelphia Common Pleas Court rules that superceded state law; and

Whereas, Attorney Casper was admitted to the higher Bar on Saturday, July 2nd, preceded in death by his first wife, Elizabeth Casper and his second wife, MaryAnn Casper, and his sister, Helga, and is succeeded by his stepdaughters, Patricia (“Pixie”) Boscaccy of Mechanicsburg, Pa; Deborah (“Debbie”) Ferguson of Tallahassee, FL; Virginia (“Ginna”) Plott, also of Tallahassee; and his stepson John A. (“Jack”) Sadden of Dallas, Texas, and by five grandchildren: Christina (45), and Johanna (42), Katie (30), Meagan (27), James (21); and

Therefore, Be It Resolved, that in the passing of Edgar R. Casper, Esquire, we have all lost a very good lawyer, citizen and friend; and

Further, Be It Resolved, that the members of the Dauphin County Bar Association, in meeting assembled, mourn the death of our esteemed colleague, Edgar R. Casper, and tender our sympathy and condolences to his family, his former colleagues and clients and all other friends in the community; and

Further, Be It Resolved, that copies of this Memorial Resolution be spread upon the records of the Dauphin County Courts and Dauphin County Bar Association, that the original copy be filed in the Office of the Dauphin County Prothonotary, and that copies be transmitted to his widow and family.

August 1, 2016

Respectfully submitted,