



HAROLD H. FISHER & BERNARD M. SHANLEY

## BERNARD M. SHANLEY: A REMEMBRANCE

*Thomas F. Campion\**

During the six decades Bern Shanley practiced law and participated in matters of government and politics, he left a lasting record of achievement. The people who worked with him are better people for having known him. The institutions whose affairs he managed are better places because he was there. That is about as fine a legacy as any of us can ever achieve.

Here are a few reflections on the occasion of the death of this great man in February of this year.

A son of New Jersey, Bern Shanley was born in 1903 in Newark. He earned his undergraduate degree at Columbia. His law degree was from Fordham. He graduated from law school in 1928 and returned to New Jersey to practice law. By the early 1930's, he was in the Young & Shanley partnership on Broad Street in Newark. After service in the European theater in World War II, he returned to New Jersey. Harold Fisher then joined the firm. In time, it took the name of Shanley & Fisher.

By the mid-1950's, when the firm was quite small, Bern with the able assistance of Harold had assembled a superb group of partners who helped them guide the firm for many years. They were Earl Walter, Frank Bate, Bud Barba and Fred Lacey. This was the group who helped build the firm into the large organization it is today.

Bern occasionally would remind some of us that, in and about 1961 and 1962, when the firm hired four of us who later became his partners, the firm's original intention had been to hire but three of us. He said he saw the need for all four and insisted that Shanley & Fisher hire all four. And so it did. As all four of us are still with the firm, having become partners at the same time, it has always been a matter of some interest which one of us was the fourth. Bern never told. I never asked. I suspect the other three, John Kandravay, Ray Tierney and Art Schmauder, did not ask either.

In his early years, Bern was active in trial practice. In his later years, he was particularly keen on learning how the young men and women in the firm were doing in the trial arena.

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I particularly recall a case he tried in the 1960's. The firm represented the interests of a well-known philanthropist who was deeply interested in the environment. He wanted to preserve the natural skyline of a section of the Palisades to which his family had made substantial contributions of land, time and money. Action by a local municipality was going to destroy part of that uninterrupted skyline. The case presented an immense challenge. Several members of the firm were involved in the effort to find and present a viable cause of action. Eventually the matter went to trial before then Chancery Division Judge Morris Pashman, a man Bern always held in very high regard. Bern tried the case for the firm insistent that the most complete record possible be presented because the nature of the case may have only permitted relief at the appellate level. I recall he used persuasive demonstrative evidence during the trial. Bern understood the value of that approach even before books began to be written about the subject. Relief did not come at the trial level but was eventually achieved in the supreme court. Harold argued the appeal for the firm. It may have been the last case in which the two of them divided the trial and appellate functions. The case was *Palisades Properties, Inc. v. Brunetti*, 44 N.J. 117 (1965), reversing 79 N.J. Super. 327 (Ch. Div. 1963). The principle established by that case still stands: governmental bodies are bound by the implied covenant of good faith in contractual undertakings.

Bern's work in government and politics played a major part in his life. After activity in the Eisenhower 1952 Presidential campaign, he was offered the position of Secretary of the Army which he declined. Instead he accepted positions on the White House staff, serving as Deputy Chief of Staff, Appointments Secretary and Special Counsel to the President. Bern served with great distinction in all these jobs. He had unlimited respect for the President. To the end of his days, he almost always referred to him as "The Boss." Only rarely would he call him "Ike."

Of all the things he ever wrote or said about government and citizenship, one of the finest was a 1988 essay he wrote for a newspaper. (It may be called op-ed today but it still remains an essay). Its primary theme was the citizen's privilege and duty to vote and to participate in the political process. In praising the two-party system and in speaking of the pride he had in being a member of one of those parties, he wrote in words which will last: "I don't believe politics is a dirty word — and if it is, you had best enter and clean it up."

Bern received many awards and honors during his career. While he thought well of them, I believe what he really valued was the admiration and good feeling he inspired among those whose lives touched his and whose lives he touched. He was a generous, understanding and compassionate man with a friendly word for everyone. Bern was religious, but in a quiet way. His dedication to his family was legendary among many of his partners. As time passed and we all grew older together, we became a part of his extended family. We were fortunate to have had that opportunity. Everyone whose life was touched by Bern's was a better person for the experience. The law has lost a great lawyer. Those whose lives he influenced have lost one of the best friends they will ever have. And so passes a good man.