

4-16-1972

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Anthony Lame

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Recommended Citation

Anthony Lame, *How Judge's Son Found Orphan's Court Plum* (1972).

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\$35,850 in 5 Years

For Young Attorney

Philadelphia Inquirer
PHILADELPHIA, PA.
D. 463,503 SUN. 867,810

APR 16 1972 *Byfaller*

How Judge's Son Found Orphan's Court Plum

By ANTHONY LAME
Of The Inquirer Staff

On Christmas Eve 1964, 25-year-old Richard B. Klein was admitted to the practice of law in a ceremony in the chambers of his father, Charles Klein, administrative judge of Philadelphia's Orphan's Court.

At the conclusion of the ceremony, Richard Klein received—by his own admission—his first fee appointment in Orphan's Court.

From that day until Richard Klein himself became a judge early this year, he received at least 12 appointments from Orphan's Court. These cases brought him \$35,850—for an average of more than \$5,000 a year.

A TWO-MONTH INQUIRER investigation into Orphan's Court appointments reveals that Richard Klein's fees were the highest of any court ap-

pointee between 1965 and 1970.

The Inquirer has also learned that the nephew of Orphan's Court Judge Harold D. Saylor—H. Durston Saylor II—has received at least \$18,000 in fees from Orphan's Court in the past six years.

Other practices uncovered in the investigation are:

—USE OF Orphan's Court appointments as a form of political patronage.



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"Richard grew up with the court and the other judges all helped him out just like I helped Durston Saylor."

—Charles Klein
Orphan's Court Judge

—APPOINTMENTS made on the basis of personal friendships and favoritism.

A RECORD-KEEPING system in the Orphan's Court clerk's office that makes it extremely difficult to find out who gets appointments even though they are a part of the court's public record.

The court appointments in question are known as

guardian and trustee ad litem—legal terms for appointees who are assigned to look after the interests of minors and unborn heirs in regards to trusts and estates.

The fees for the appointments are deducted from the trust or estate and are based on a percentage of the market value of the estate.

The American Bar Association's Canons of Ethics, which

have been adopted by the Pennsylvania Supreme Court and apply to all courts in the state, spell out in detail the guidelines for all court appointments.

CANON 12 STATES, in part, that judicial appointees:

"... should have had the strictest probity and impartiality and should be selected with a view solely to their character and fitness. The power of making such appointments should not be exercised by him (a judge) for personal or partisan advantage... He should also avoid nepotism and undue favoritism in his appointments."

GUIDELINES for ad litem appointments in Orphan's Court were laid down by the state Supreme Court in a case decided in 1943.

In that decision, the court Continued on Page 16, Col. 1



Judge Charles Klein Admits Son to Bar
Young Klein said he got first appointment after ceremony

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Clerk's Record System Obscures Total of Fees Handed to Lawyers

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said the appointments "should be regarded as an honor conferred and selection should be based solely on professional fitness."

HERE IS WHAT The Inquirer found occurred in Orphans Court in the years following Richard Klein's admission to the bar:

His total of \$35,850 in fees in the five year period from 1965 to 1970 included a \$17,000 fee—the highest in recent years—in one case that went to the State Supreme Court.

He received at least one appointment from every judge in the court with the exception of his father, but \$23,900 of his fees came in cases where he was appointed by Judge Saylor.

IN THE CASE of Saylor, nephew of Judge Saylor, some \$11,500 of his \$20,000 in fees came from appointments by Judge Charles Klein.

Court records also reveal that Judge Charles Klein appointed an attorney named Donald S. Cohan as amicus curiae in one estate that netted him over \$23,000 in fees in the six years 1963 to 1969.

Cohan was Richard Klein's preceptor in law school and took the younger Klein into his law firm for several years following Klein's graduation from Harvard Law School.

RECORDS OF AD LITEM appointments and the fees received can only be found by conducting a detailed search of all the court's records.

Nonetheless, The Inquirer determined that young Klein got these appointments:

1965—Three appointments, one each from Judges Harold Saylor, Kendall Shoyer and Robert Bolger for a total in fees of \$3,900.

1966—Five appointments, two from Judge Bolger, one from the late Judge Joseph Burke, and two from Judge Saylor, for a total in fees of \$8,250.

1967—Two appointments, one from Judge Bolger for a \$500 fee and another from Judge Saylor that netted the \$17,000 fee.

1970—Two appointments, one each from Judges Lefener and Bolger for a total of \$6,200 in fees.

Court records reveal that lawyer Saylor's appointments came this way:

1965—Five appointments, two from Judge Shoyer and three from Judge Charles Klein, for a total in fees of \$10,025.

1968—He received at least two appointments from Judge Shoyer with \$2,100 in fees.

1969—At least one from Judge Klein with a \$4,100 fee.

1971—Another appointment from Judge Klein with a \$1,750 fee.

The Inquirer also found a 1955 appointment from Judge Klein that netted Saylor a \$1,750 fee. Because of the record-keeping system it was impossible to determine the total amount of fees he has received.

In an hour-long interview last week, Judge Charles Klein denied that appointments in his court have violated the canons of ethics.

"I think the overall job we have done on appointments is an excellent one," he said.

ASKED ABOUT the appearance of his son's high dollar amount of fees from the court, Klein responded, "You answer that—I have nothing to say."

In a long statement he read from notes, Judge Charles Klein defended his actions in the 38 years he has been a judge in Orphans Court.

"We had a serious problem before I became the president judge in Orphans Court."

"We had a serious problem before I became the president judge here because lawyers were charging fees that were too high. However, I was the one who instituted the schedule we now have that specifies what the fees are to be."

THE INQUIRER did find that the schedule to which Klein referred is strictly adhered to by the court. It sets out fees which are based on a percentage of the market value of the estate in which the ad litem guardians are appointed.

Judge Klein also contended that he has been instrumental in "reducing the number of ad litem appointments in this court."

When asked if he had any figures to support that contention, he said he did not, but

added "I know it's true."

"I am an honorable man," Judge Klein said. "The law library at Temple University is named after me and they are building a new law school which they are also going to name after me."

"IN ADDITION, I have devoted my whole life to getting young men a better legal education and I have honorary degrees from a number of colleges to prove it."

Asked about the appointments to his son and Judge Saylor's nephew, Judge Klein responded:

"I have known Judge Saylor since the 1930s when we worked in the state Banking Department together and our families enjoy a warm friendship."

"Durstion Saylor is a capable, upright conscientious lawyer who specializes in decedent's estates. He has had a great deal of illness in his family—both his wife and himself—and I've tried to help him out."

JUDGE KLEIN added that "if I stay on the bench I intend to help out Durstion in the future."

As for his son Richard's appointment by the court, Judge Klein said:

"Richard is a very bright boy. I prepared him to become an expert in decedent's estates and he is one of the acknowledged experts in the law of apportionment."

"Richard grew up with the court and the other judges all helped him out just like I helped out Durstion Saylor," Klein said.

DESPITE the appearance of a "home and home" arrangement in which Judge Klein appointed Judge Saylor's nephew and Judge Saylor reciprocated by appointing Klein's son. Judge Klein denied he had any such agreement with his fellow jurist:

"Both of them have done creditable work in all the appointments they have received," he said.

When The Inquirer interviewed Richard Klein, he volunteered to make his records available.

Those records show that in addition to the \$35,850 in fees he received from Orphans Court, he got an additional \$6,130 in fees from appointments in Family Court, Federal Court and the Trials Division of Common Pleas Court.

FROM 1967 TO 1971 he also held a patronage job as a special assistant state attorney general which paid slightly more than \$8,000 a year.

Richard Klein received a \$17,000 fee for serving as the ad litem in the Sidney F. Tyler estate, a case that went all the way to the State Supreme Court in a four-year legal process.

Young Klein said he is currently considering asking for an additional fee in that case.

ALL ORPHANS COURT judges interviewed by The Inquirer stated that in complex cases involving large sums of money such as the Tyler estate, they endeavor to appoint only the most highly qualified specialists in the field.

Richard Klein received the appointment in the Tyler case

only three years after graduation from law school.

When asked why he had received the appointment, he replied:

"THERE ARE ONLY about 20 lawyers in Philadelphia who understand the point of law involved in the case and I am one of them. Most of the experts are with large firms who usually have a conflict of interest because they might represent the trust company involved in the estate.

"The judges try to find an expert lawyer from a small firm with no conflicts," he said.

"I was appointed because of my expertise," he added.

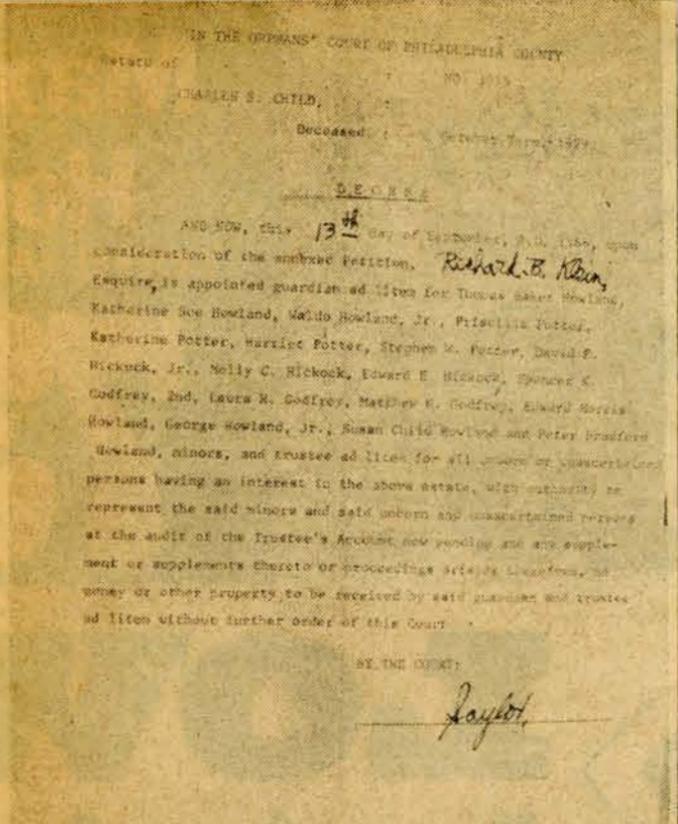
When asked if he knew Durstion Saylor, Klein said: "He's in the same position I was—an expert in the field from a small firm."

ASKED IF HE THOUGHT he would have gotten the appointment if his father was not the court's administrative judge, young Klein replied:

"If my father had dropped dead in 1964 I still would have gotten it."

Asked if he thought he would have received the appointment if his father was not a judge, he replied:

"If my father wasn't a judge in Orphans Court I



Inquirer photo by JOSEPH T. MARTIN
Judge Saylor Filled In Klein's Name
Judge Klein's son got \$5,250 from Child estate

probably would have never gotten into this field. I used to talk about this stuff in high school and college over the dinner table with my father."

WHEN ASKED if he believed his appointments were in violation of the canons of ethics, young Klein at first asserted that there was no canon barring appointments to judge's relatives.

After reading the canon he stated:

"You can make anything in the world look improper but you're really straining here."

"Look, I'm a friend of the court—most of these judges have known me since I was 11 years old—and that's why I got the appointments, but that's the way the world works."

"It's not fair to say that I got these appointments strictly because of my father," he added.