Looking back at 231 years of legal work

Rawle & Henderson in Phila. is considered the oldest U.S. law firm.

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So this is what history looks like in real time. For nearly 231 years, lawyers for Rawle & Henderson L.L.P. have been plying courthouses in Philadelphia for clients with urgent legal needs, and that would make it the oldest law firm in the United States.

Fittingly, its offices at 13th and Chestnut Streets are redolent of its deep ties to the past. An oil portrait of name partner Joseph Henderson, a onetime president of the American Bar Association, hangs prominently. On display nearby is a letter from Secretary of the Treasury Alexander Hamilton to firm founder William Rawle, delicately inquiring about progress in a case.

Rawle and Hamilton worked closely together to suppress the notorious Whiskey Rebellion in Western Pennsylvania in 1794, when Rawle, then the U.S. attorney in Philadelphia, subpoenaed leaders of the rebellion to appear in court here.

See RAWLE on A10

A handwritten ledger of William Rawle, in front of his portrait, is in the library at Temple's law school. In his day, Rawle was one of America's most prominent lawyers.

Charles Fox / Staff Photographer

RAWLE from A1

Despite its august lineage and links to the nation's founding, the surprising fact of Rawle's longevity has escaped widespread notice, even in the firm's hometown.

"The firm historically has been focused on its law practice and hasn't necessarily touted the idea of its being the oldest firm, although in recent years we have tried to focus more attention on this fact," said Rawle partner Timothy Abeel, a member of the firm's executive committee.

In his day, Rawle, a Quaker, was one of America's most prominent lawyers, a friend of Benjamin Franklin, a leading constitutional scholar, and a fervent abolitionist. But he also was a hands-on practitioner who guided clients through inheritance disputes and commercial transactions.

Maritime law was important in Philadelphia's bustling port then, and Rawle advised shipping companies — whose boats had been seized by foreign governments and sometimes pirates — on whether their insurance policies would cover the losses.

And yet, in some ways, things haven't changed so much.

It is true that the firm is much larger, with more than 120 lawyers in multiple offices linked by technology. But insurance-related disputes remain at the core of the firm's business, and maritime law still plays a role. The firm handled the defense, in a lawsuit in 2012, for the owners of the Philadelphia Ride the Ducks company after one of its boats was rammed by a barge in the Delaware River in 2010, claiming the lives of two Hungarian tourists.

Little dispute

But the title of oldest law firm in the United States apparently is a coveted trademark, and lay-
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ing claim to it has been the subject of genteel, if sporadic, competition. For a time, the old-line firm of Cadwalader, Wickersham & Taft L.L.P. in New York described itself as the law firm’s oldest. But it pulled back from that after Rawle lawyers pointed out their firm had been founded a few years earlier.

Now, a small Connecticut firm, Howard, Kahn, Sprague & Fitzgerald L.L.P., which says it was founded in 1786, three years after Rawle, claims to be the nation’s oldest continuously operating firm, arguing Rawle & Henderson ceased operations while its lawyers served in the military. But it offers no substantiation.

Thomas Kuzmick, a senior partner at the Rawle firm, disputes the claim, and the American Bar Association Journal backs him up, describing Rawle as the nation’s oldest firm in its February issue.

“Think about any business being around for 230 years,” said Kuzmick, one of the firm’s managers. “There is something here that nobody else in the country can claim. You have to be able to adapt to change in economics.”

“If we were the same thing as in 1783, we wouldn’t be here. If we were the same thing as 1993, we wouldn’t be here.”

Now one of the city’s most profitable firms — it had profits of 38 percent in 2013 on $44 million in revenue — Rawle & Henderson had a near-death experience in the mid-1990s. Then, after a decision to branch out from its core business of defending clients against liability lawsuits and into tax and transactional work, the firm tripled in size to about 70 lawyers.

But those business lines were unprofitable and the firm began to hemorrhage cash, forcing it to dip into its bank line of credit for about $1 million.

When the loan was called, firm leaders briefly considered disbanding. But a core group of partners decided to carry on, finding another lender and new financing, as equity partners pledged personal assets like their homes as collateral. They refocused their practice on insurance defense work, and aggressively recruited partners from other firms.

There were similarly tight circumstances for founder William Rawle when he opened the firm on Sept. 15, 1783. Rawle had studied law in London as the Revolutionary War raged, but he

Joseph Henderson’s portrait. He was the first member of the law firm not from the Rawle family.

learned to come back to America. One reason was that the London legal market, like the U.S. today, was saturated with lawyers, and he despaired of finding work.

“I should never expect to rise in this country,” Rawle wrote to his mother, Rebecca Rawle Shoemaker, in 1782, from London. “The many hundreds of competitors that are to be met with in almost every line, render it almost impossible for a stranger to succeed — and in the law particularly, they are too numerous to leave a shadow of hope, to one so unknown and unsupported as me.”

Rawle’s mother and stepfather, Samuel Shoemaker — Rawle’s biological father had died in a hunting accident — were among Philadelphia’s many British sympathizers during the Revolution. Shoemaker, in fact, had served as mayor of the city during the British occupation — and that loyalist background made returning to the city a sensitive matter.

But Rawle also had powerful friends. In 1782, he made a pilgrimage from London to Paris to visit with Franklin, then serving as the American ambassador, who issued Rawle a handwritten passport — and a ticket to a new life.

Of his visit to Paris and meetings with Franklin, Rawle wrote that his time there was “infinitely too short to gratify curiosity in a place too abundantly supplied with everything wonderful in art, but I had the pleasure of meeting or making friends. Dr. Franklin and his grandson are in perfect health.”

Careful records

Once back in Philadelphia, Rawle kept meticulous logs, now stored along with many of his books and other records in the Rawle Reading Room, a replica of a law firm library from the mid-19th century at the Temple University law school library. Many clients came to him to sort out disputes over inheritances, as was the case in the will of Dan Pegg, whose disputed estate involved pasture land in the Northern Liberties section of the city, now a hipster haven of course, but farmland back then.

A March 10, 1794, entry is an eight-page resolution for the Pennsylvania Society for Promoting the Abolition of Slavery.

“Slavery is not a natural but a political institution,” Rawle wrote. “It is the effect of avarice, supported by force or fraud. If the government which authorized slavery or permits slavery is dissolved, slavery is dissolved with it.”

A log entry in 1800 discusses an insurance claim for damages resulting from the seizure by “French loyalists” of the Philadelphia-based schooner Little Tom Butler in the Caribbean.

A View of the Constitution of the United States of America, authored by Rawle, was regarded as the most authoritative legal text on the Constitution through the middle of the 19th century. In an odd twist, given his strong support for the abolition of slavery, Rawles’ book posited that the Constitution gave states the right to secede.

A wild ride

Rawle also argued cases before the U.S. Supreme Court, traveling to Washington by stagecoach once the capital was moved from Philadelphia. A remembrance, written by his friend Peter S. Du Ponceau, a noted linguist, lawyer, and first president of the American Philosophical Society in Philadelphia, describes a journey to Washington by Rawle and other lawyers with scheduled arguments before the court.

On the return trip, the horses panicked, running wild as the passengers threw themselves from the coach, fearing it might topple over the side of a bridge.

The horses were quickly brought under control, and no one was seriously hurt. But Du Ponceau writes that each of the passengers, apart from himself, allowed themselves to be “bled” by a Baltimore physician that evening to ward off any effects of ill health.

“Feeling perfectly well, I did not choose to submit to the operation,” Rawle wrote.

William Rawle died April 12, 1836, just shy of his 77th birthday. Several generations of Rawles succeeded him at the firm, with the last, Francis Rawle, a founder of the American Bar Association, passing away in 1930. It was Francis Rawle who brought Joseph Henderson to the firm in 1913, as the first non-Rawle partner.

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