

## MEMORIAL TO CIRCUIT JUDGE WILBUR F. PELL, Jr.

The lawyers of the Seventh Circuit remember Circuit Judge Wilbur F. Pell, Jr., for his intelligence and friendliness. Both qualities were greatly appreciated. Appointed to the United States Court of Appeals for the Seventh Judicial Circuit on April 24, 1970, Judge Pell brought to the court the benefit of almost thirty (30) years of trial bar experience including three (3) years as an agent of the Federal Bureau of Investigation.

Judge Pell was born on December 6, 1916 in Shelbyville, Indiana. He graduated from Indiana University in 1937, where his extensive extra-curricular activities included the editorship of the Arbutus - The University year book. Indiana University again recognized him with its Distinguished Alumni Service Award in 1980. Governors Bowen and Orr rewarded him with the State of Indiana Honorary Citizens award as a "Sagamore of the Wabash."

While attending Harvard Law School, Judge Pell served on the Board of Student Advisors and graduated in 1940 with honors.

In 1972, Judge Pell was awarded an honorary LLD degree from Yon Sei University in South Korea. He also received an honorary LLD degree from John Marshall University in 1973.

Judge Pell was an Agent with the Federal Bureau of Investigation from 1942 to 1945. After which he returned to Shelbyville and resumed the practice of law with his father under the firm name of Pell and Pell. After the death of Mr. Pell, Sr., the name of the firm changed to Pell and Good and later Pell and Matchett.

During the period of 1945 to 1970, Judge Pell had a very successful law practice among his fellow townsmen but his statewide prominence came from his reputation as a litigator. Working under Indiana's Change of Venue Rule, lawyers from surrounding counties, especially

Indianapolis (Marion) sought to venue their complex cases to Shelby County where Judge Pell was always on one side or the other. He had the ability to quickly identify and advise as to the problems involved. He always added the "legal touch" to instructions and briefs when problems would arise before or during trial. Judge Pell was truly a "lawyer's lawyer."

Active in both Shelby County Bar and Indiana State Bar Association activities, he was President of the Indiana State Bar Association in 1962-63 and Chairman of its Board of Managers in 1968-69. He was also a member of the American, Federal and Seventh Circuit Bar Association, the American Bar Foundation and Past President of the Legal Club of Chicago and the Law Club of Chicago. He found time for community service as Chairman of the Shelby National Bank, member of the Board of the Shelby Community Chest, District Chairman of the Boy Scouts of America and Honorary Director of the Korean Legal Center. He was a 60 year member of Rotary International, serving a two (2) year term on its Board of Directors.

Coming as he did, from the practitioner's bar, Judge Pell brought to the Court of Appeals an understanding of the role, the efforts and the practical problems of the lawyers appearing before it. His innate courtesy and practical approach contributed much to the orderly administration of the justice at the Appellate level. Among the several highly-publicized cases on which he sat as a member of the panel of the Court were U.S. v. Seale, 461 F.2d 345 (7<sup>th</sup> Cir. 1972) and U.S. v. Dellinger, 472 F 2d 340 (7<sup>th</sup> Cir. 1972), the latter being the high profile "Chicago Seven" case and the former being a separated proceeding arising out of the same confrontations incident to the 1968 Democratic National Convention in Chicago. He also wrote the opinion in U.S. v. Walus, 616 F.2d 283 (7<sup>th</sup> Cir. 1980), reversing a decision below in which denial of motions for relief on the basis of newly discovered evidence had effectively branded the Defendant a war criminal.

Judge Pell's genuine regard for his fellow jurists on the Court of Appeals was reciprocated in full measure by them. His death on September 25, 2000, removed from the galaxy of the Court of Appeals for the Seventh Circuit one who brought fine ability and great credit to the Court. He served it faithfully and well and will be remembered by the bench and the bar as a dedicated judge whose service was in keeping with the highest traditions of our system of jurisprudence.

Judge Pell's beloved wife, "Chasey", predeceased him in 1996 but she was always the "number one" in his life. He is survived by his sons, Wilbur III and Charles, and three (3) grandchildren.

A studious, kind and "common sense" husband, father, citizen and jurist, his death was not only a loss to the Court and the Bar, but to all who knew and respected him.

Mr. President, on behalf of the Committee on Memorials of the Seventh Circuit Bar Association, the foregoing Memorial to the late Honorable Wilbur F. Pell, Jr., is presented for adoption and recording in the proceedings of the 50<sup>th</sup> Annual Meeting of the Judicial Conference of the Seventh Federal Circuit and the Seventh Circuit Bar Association, with the suggestion that a copy thereof be forwarded to his family.

I move that this Memorial be spread of record in the minutes of this meeting and a copy sent to his sons.

Respectfully,

James E. Rocap, Jr.  
Chair-Indiana Memorial Committee