

MEMORIAL RESOLUTION OF THE ALLEN COUNTY BAR ASSOCIATION

WILLIAM F. McNAGNY

William F. McNagny was born January 21, 1922, in Fort Wayne, Indiana, and he died at age 98 in Naples, Florida, his winter home, on January 27, 2020. Bill was the son of Phil M. McNagny, himself a prominent Fort Wayne attorney, and Lucy C. McNagny, and the grandson of noted trial lawyer and Congressman William F. McNagny of Columbia City, Indiana. He attended Forest Park School in Fort Wayne, high school at Culver Military Academy, where he graduated first in his class, and then attended Swarthmore College for two years on a scholarship, until he enlisted in the U.S. Army in 1942, where he served in a reconnaissance, surveillance and security unit (formerly known as the U.S. Cavalry). It was during this time that he contracted Polio, requiring extensive hospitalization and rehabilitation, leaving him with residual dependence on the use of a cane. Upon discharge from the Army, he was accepted, without completion of his undergraduate degree, into Indiana University's School of Law at Bloomington, graduating in 1947 Magna Cum Laude, Order of the Coif, and first in his class. He was also a Charter Member of the Barrister's Club at Indiana University and a member of Phi Delta Phi.

Following Law School graduation, Bill returned to Fort Wayne and joined his father's law firm, then known as Barrett, Barrett & McNagny, where Bill began his 47-year long and storied career as a trial lawyer. He was a member of the Allen County Bar Association, the Indiana State Bar Association, and the American Bar Association, and was a Fellow of the American Bar Foundation, a member of the Indiana Board of Law Examiners, a board member of the American Judicature Society, and a Diplomat of the Indiana Defense Lawyers Association. He was also inducted as a Fellow of the American College of Trial Lawyers, as well as the International Academy of Trial Lawyers, in a ceremony held in London, England. In 2009, the Indiana State Bar Association accorded him its Legendary Lawyer Award in 2009.

But Bill McNagny the person was much more than a "Legendary Lawyer." This was because he was in a unique, multi-faceted category all by himself:

As a brilliant and accomplished trial lawyer, Bill was without peer, possessed of a razor-sharp mind, an uncanny ability to identify – and exploit – an adversary's weaknesses, a bottomless memory bank into which he could virtually deposit an entire case and then, seamlessly, withdraw the appropriate bits and pieces as needed during the course of a hearing or trial. He was one of the best cross examiners in Indiana, which he often conducted without notes. And more by way of instinct than by meticulous preparation, he knew how to size up and play to a jury, modulating his demeanor, as necessary, from soft and empathetic to high-decibel attack mode. I still remember my first encounter with Bill in a courtroom, which occurred during my 1967 federal court clerkship with Judge Jesse E. Eschbach in Fort Wayne. Bill was defending a union official in a civil fraud trial brought by the government (which Bill seemed to enjoy taking to task from time to time), and in a particularly heated exchange during Bill's cross examination of the government's rather off-putting and obviously lying star witness, Bill ratcheted up the volume, turned menacingly toward the witness and, raising and flourishing his cane at the now cowering man, as if the cane were a shillelagh ready for battle, confronted the witness with the lie, thereby eliciting an admission. It also earned Bill a judicial scolding, suggesting that he best refrain from further theatrics.

Bill was a wonderful teacher and mentor to many young lawyers who joined the law firm, especially those whose practices involved trial work. All of them were subjected in one form or another to Bill's concept of the best way to learn – via baptism by fire – most often consisting of a late Friday afternoon assignment, with instructions to prepare for and handle a Monday morning deposition or hearing, in a case that might have been either entirely new to that associate or one with respect to which he or she had only been peripherally involved. There was always a teaching point, of course, with Bill hovering nearby to avoid a potential disaster, but, more importantly, to observe and comment about how the newbie handled the assignment, as well as the related stress. But he was also known to have occasionally offered similar post-hearing or post-trial advice to an opposing young lawyer, outside of our firm, with suggestions regarding how he or she might have handled something better.

And Bill's door was always open to anyone in the firm, regardless of the person's practice area, who wanted to get Bill's advice involving a transaction, or how to handle a difficult opposing lawyer, or even about a personal matter. And it was not at all uncommon for Bill to stop by a young lawyer's office just to say hello and ask how things are going. I, for one, was the beneficiary of many such chats. He was a genuine role model, who helped me become a better lawyer, including the right way to practice law, with emphasis on ethics and client service.

But most importantly, Bill McNagny was also a citizen of the world, with an intellectual curiosity that knew no bounds. He had an encyclopedic knowledge and love of world culture, including poetry, literature, philosophy, the great books, fine arts, world geography, politics, and history, about which he had an almost unfathomable command, especially the history of the British Empire. He was a voracious reader and lifelong learner, and, when presented with an opportunity to engage on any of these subjects, as I would often do with him, would do so in such incredible depth, without the slightest intention of making me feel self-conscious of my own inadequacy to contribute much of real substance to the conversation. I would nonetheless find myself repeatedly nodding in confirmation, hoping that he wouldn't discover the truth that I didn't know a third of what I'm sure he thought I knew. And, at the end of the conversation, I would retreat to my office, marveling at the sheer breadth and depth of this Renaissance man's intellectual capacity to learn, store and retrieve all that information.

Bill was also committed to inculcating his love of learning to his three children, Charles, Joyce, and Sally. From infancy on and during their formative years, Bill would tempt his kids with cash rewards by giving them "assignments," which might include such things as learning and memorizing poetry; learning and reciting geographic facts, like names of all the countries of South America, or Europe, or their rivers; learning and reciting the names of the planets; learning and reciting the names of all the Kings and Queens of England, from William the Conqueror to Queen Elizabeth II; or reading and reporting on various Great Books. The harder the assignment, the greater the reward. And Bill would also constantly read to his children.

Because of this immense capacity to assimilate facts and knowledge, I always wondered whether Bill McNagny's brain was wired differently than the rest of ours, perhaps suggested by the meticulously crafted, highly intricate and perfectly symmetrical hand-drawn floral doodles Bill would build, section-by-section, in a corner of his yellow legal pad, while in trial, at a deposition or simply engaged in a challenging conversation. They seemed to be a cross between an M.C. Escher drawing and a Rorschach test, certainly beyond the capability of an ordinary mortal's brain. My only regret is that I never asked him for one or pilfered a few from some of his dead files.

Bill's office, as well as his and Joan's beautiful home, were veritable museums, filled with art, sculpture, antiques, African tribal masks (Bill even had a shrunken head in his office at one time), rare gemstones, jewelry, silver, and interesting collectibles, purchased from dealers and auction houses around the world. Bill would constantly receive estate and auction sale catalogues, which, together with magazines, fought Bill's case files for space on his desk.

Once, when my wife and I were invited for dinner at the McNagny's, I noticed a small glass vitrine with several shelves of inch-and-a-half or so carved ivory figures of tiny Japanese men, which Bill explained were called netsuke. These were used as sash weights, through which a silk cord tied to a Japanese man's traditional dress kimono, which had no pockets, would be passed, functioning as a kind of anti-slip toggle, permitting objects such as a purse or tobacco pouch to be hung from the waist. Why, I thought, would someone want to collect these, for Bill said he had paid several hundred dollars each on average. Many years later, I got my answer, when Bill disclosed that he had sold his entire collection at Sotheby-Parke Bernet Galleries in New York for a healthy six figure amount.

But Bill's office also served another and more clandestine purpose – as a way station in which to temporarily park his most recent fine art acquisitions, to keep them safely away from Joan's sight until he could find an opportunity to sneak them into the attic of his home, without her knowledge, she having forbidden him to buying more things. He would then further scheme to liberate his treasures from the attic and park them somewhere in the house. Joan knew all along, of course, what Bill was doing.

Bill was married for 65 years to Joan, the love of his life, who predeceased him in 2013. As a couple, the McNagnys were Barrett McNagny royalty, both ever cognizant of the law firm's traditions of excellence and service since 1876, as one of Indiana's oldest law firms.

Both Bill and Joan were also tireless volunteers, who understood the importance of giving back to the community. Joan's interest in adult literacy and her appointment to the first Board of Trustees of the Indiana Vocational Technical College and its first woman chairperson, her service on many community and statewide boards, and her service as President of the Indiana State and American Bar Associations' Law Auxiliary were well documented in her 2013 obituary.

Bill's lifelong community not for profit involvement included serving as President of the Fort Wayne Urban League, the Fort Wayne Art Institute, Vice President of the Culver Legion, Chairman of the Board of the Johnny Appleseed National Memorial Foundation, and a Board Member of the Y.M.C.A, Visiting Nurse Service, Fort Wayne Fine Arts Foundation, Civic Theater, Museum of Art, Nature Conservancy, the Wawasee Area Conservancy Foundation, and the Fort Wayne Historical Society. Bill was a member of the Character and Fitness Committee of the Supreme Court of Indiana, a member of the First Presbyterian Church, the President's Club at Indiana University, a Scottish Rite 33rd Degree Mason, a member of the Summit City Lodge and member of the David Parrish Post of the American Legion. In April 2013, Bill received an Award for Lifetime Achievement in the Arts from the School of Creative Arts of the University of Saint Francis. But Bill was also a savvy investor and business person, who served on the Board, the Executive Committee and Trust Committee of the former Lincoln National Bank & Trust Company and for many years was its primary legal counsel.

The McNagnys were also world travelers, aspiring to visit as many continents and countries as they could. As a family, they took month-long vacations to Europe with their children, but Bill's travel interests extended all over the world, including Asia, South America, and India.

Bill retired from the practice of law in 1994, but out of respect to Bill and his immense contribution to the law firm, he was provided his own private ground floor office, which he regularly utilized for the next twenty-five years to receive and answer mail, read his newspapers, magazines and journals, interact with the firm's lawyers, and, of course, from which to continue to buy and receive art and artifacts. But even though Bill's physical strength waned during his last several years, his mind remained fully sharp and engaged.

Bill McNagny was indeed a *Legendary Lawyer*, but he was so much more than that. For so many years, he was the personification of the law firm that will continue to bear his name. His love of learning and his professional and personal accomplishments were inspirational. But above all, he was a kind, decent, generous and caring man.

WHEREAS, we shall miss him.

NOW, THEREFORE, BE IT RESOLVED that the Allen County Bar Association gives public expression of sorrow upon this, the occasion of the remembrance of the life of William F. McNagny.

BE IT FURTHER RESOLVED, that this Resolution be unanimously adopted by those present at this assembly upon this occasion; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted by the Office of the Allen County Bar Association to the members of the McNagny family; and


BE IT FURTHER RESOLVED, that this Resolution be spread of record in the permanent records of the federal and state courts of Allen County, Indiana to evidence the respect and admiration of the members of the Bench and Bar for their departed friend, William F. McNagny.

Dated this 2nd day of November, 2020 at Fort Wayne, Indiana




THE ALLEN COUNTY BAR ASSOCIATION

By:


Douglas Dormire Powers, President

By:



The Honorable Andrea Renee Trevino
Judge, Allen Superior Court

Resolution prepared and presented by Robert S. Walters