



Stewart R. Dalzell

Born: September 18, 1943, in Hackensack, New Jersey

Died: February 18, 2019, in Philadelphia, Pennsylvania

**Federal Judicial Service:**

Judge, U.S. District Court for the Eastern District of Pennsylvania

Nominated by George H.W. Bush on July 24, 1991, to a new seat authorized by 104 Stat. 5089.

Confirmed by the Senate on September 12, 1991, and received commission on September 16, 1991. Assumed senior status on October 31, 2013.

Service terminated on December 31, 2016, due to retirement.

**Education:**

University of Pennsylvania, Wharton School, B.S., 1965

University of Pennsylvania Law School (now Carey Law School), J.D., 1969

**Professional Career:**

Financial Analyst, National Broadcasting Co., New York City: 1965-1966

Visiting Lecturer in Law, Wharton School, University of Pennsylvania: 1969-1970

Private Practice, Philadelphia, Pennsylvania: 1970-1991

\* \* \*

Judicial Biography

Judge Dalzell graduated from the University of Pennsylvania's Wharton School of Business in 1965 with a degree in economics. He worked at the National Broadcasting Company in New York City before returning to the University of Pennsylvania to pursue a law degree, which he received in 1969. He was a visiting lecturer in law at Wharton for a year before entering private practice.

While at Wharton, he majored in economics. He had a considerable interest in learning, he told an oral history interviewer for the court in 1999. "I took lots of literature courses, history courses, philosophy courses – I loved it. I couldn't take enough," he said.

After teaching law at Wharton for a year, Judge Dalzell joined the Philadelphia law firm of Drinker Biddle & Reath on June 22, 1970. The previous day, the Penn Central Transportation Co. had declared bankruptcy.

"For my first 4½ years at the firm, 90 percent of what I did was the Penn Central securities litigation," the judge said. "And a very rich experience it was, because I was exposed to some of the best lawyers you could ever want to see as a young lawyer in action."

Judge Dalzell had become interested in politics after law school. He approached U.S. Rep. John Heinz in 1974, and when Heinz ran in the 1975 Republican primary for a U.S. Senate seat, Heinz hired Dalzell as general counsel and campaign treasurer. Heinz won the seat in the general election.

In 1990, Heinz sponsored Dalzell when there was an opening on the federal court bench. After being vetted, Judge Dalzell was appointed to the federal bench by President George H.W. Bush in September 1991.

One of the notable cases he handled involved a petty officer who was charged with disorderly conduct after swearing at military police who roused him from sleeping in his car outside the noncommissioned officers' club at the Willow Grove Naval Air Station.

The officer was convicted of the charge and fined \$50. Because the incident occurred on federal property, the matter was appealed to a three-judge panel headed by Judge Dalzell. "So, we look at the case. And, lo and behold, there's a very interesting First Amendment issue here that the Pennsylvania courts, and the federal courts, had never addressed," the judge said.

"Could this be disorderly conduct? He didn't resist arrest, there was no physical resistance; he just used the F-word. So, I reversed his conviction," the judge said. He later learned from a public defender that the petty officer hoped to apply to another branch of the armed services and feared the misdemeanor would ruin his chances.

Another case he handled that received national attention was that of Lisa Michelle Lambert, a Lancaster County woman convicted of stalking and killing teenager Laurie Show in 1991. Lambert was serving a life sentence for first-degree murder when Judge Dalzell held hearings to investigate her claims of prosecutorial misconduct.

Later, the judge ordered Lambert set free and ruled that the state could not retry her. The outcry over the decision was so strong that Judge Dalzell stepped aside in 2002 out of concern that personal attacks on him would delay further adjudication. Judge Dalzell's decision was overturned on appeal. Lambert was sent back to prison.

He served as President of the standing committee for the Episcopal Diocese of Pennsylvania. He was a member of St. Mark's Church in Philadelphia, where he served on the vestry and sang bass in the choir.

A movie fan, he often mentioned films in his opinions.

Judge Dalzell assumed senior status on October 31, 2013 and continued in that capacity until his retirement on December 31, 2016. He passed away on February 18, 2019 in Philadelphia, at the age of 75.