

COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

2017 BAR MEMORIALS

MONDAY, FEBRUARY 12, 2018
9:00 o'clock a.m.
Courtroom No. 1 A
Old Lehigh County Courthouse
Allentown, Pennsylvania

JOHN HAYES
BRUCE DAVIS
HONORABLE JAMES KNOLL GARDNER
DAVID LIEBHABER
KARL FRIEND
JAMES WATT
EDWARD ZAMBORSKY
HONORABLE JOHN LAVELLE
JAMES CHRISTIE
LEE ROTHMAN

HONORABLE EDWARD D. REIBMAN, P.J.
HONORABLE J. BRIAN JOHNSON, J.
HONORABLE ROBERT L. STEINBERG, J.
HONORABLE KELLY L. BANACH, J.
HONORABLE JAMES T. ANTHONY, J.
HONORABLE MARIA L. DANTOS, J.
HONORABLE MICHELE A. VARRICCHIO, J.
HONORABLE DOUGLAS G. REICHLEY, J.
HONORABLE MELISSA T. PAVLACK, J.

Matthew Giovannini, Jr. RPR
Official Court Reporter

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1 Monday, February 12, 2018
2 9:00 o'clock a.m.
3 Courtroom No. 1 A
4 Old Lehigh County Courthouse

5 PRESIDENT JUDGE REIBMAN: Good morning.

6 AUDIENCE RESPONSE: Good Morning, Your
7 Honor.

8 PRESIDENT JUDGE REIBMAN: On behalf of my
9 colleagues on the Court of Common Pleas of Lehigh
10 County, and personally, I welcome you to the annual Bar
11 Memorials that are sponsored jointly by the Bar
12 Association of Lehigh County, and this Court.

13 Joining me on the Bench in the order of
14 seniority are the Honorables Robert L. Steinberg, J.
15 Brian Johnson, Kelly L. Banach, James D. Anthony, Maria
16 L. Dantos, Michele A. Varricchio, Douglas G. Reichley,
17 and Melissa T. Pavlack.

18 I would like to also recognize some other
19 individuals who are with us today, our former President
20 Judge and Senior Superior Court Judge William Platt,
21 retired Judges, Bob Young, and Lawrence Brenner,
22 Attorney and former Judge William Ford, the District
23 Attorney of Lehigh County, James Martin, the Chief
24 Public Defender of Lehigh County, Kimberly Makoul,
25 United States District Judge from the Eastern District

1 of Pennsylvania, Joseph Leeson, and United States
2 Magistrate for the Eastern District of Pennsylvania,
3 Henry Perkin.

4 This year we decided to hold this ceremony in
5 this courtroom, because it's the largest of any of the
6 other courtrooms. It's also the oldest; and in fact,
7 the Hamilton Street entrance is that of the original
8 courthouse when the county was founded in 1812.

9 And in the Fall of 1863, a few months after
10 the Union Army of the Potomac, turned back the
11 Confederate Army of Northern Virginia at Gettysburg,
12 the County Commissioners put out a call for an
13 expansion of the courthouse. This courtroom was
14 constructed at that time, and I have to add that it has
15 all the amenities that you would expect of an 1863
16 facility, inadequate heating, and inadequate restrooms.

17 In this special session of the Court, we
18 pause to remember and pay respect to those members of
19 our Bar Association, our colleagues, who have passed
20 away during the previous year. Those of us in the
21 legal profession and those who live or work among us,
22 know that our days in this profession are often long.
23 It is at this time; however, that we are reminded that
24 our years are short.

25 A little more than a week ago we admitted new

1 members to our Bar with great joy, as they commenced
2 their professional lives, and with great hope that they
3 will do well for themselves and their clients, and do
4 good for our community and our profession.

5 Now we have a more somber, but no less
6 important duty, of paying respect to our departed
7 colleagues. In remembering them, we will also remind
8 ourselves of our own mortality, and the kind of life we
9 live, and the legacy we will leave behind.

10 The Court now recognizes the President of the
11 Bar Association of Lehigh County, Attorney Sarah
12 Murray.

13 Miss Murray?

14 MS. MURRAY: Thank you, Judge Reibman.

15 May it please the Court, it is my Honor on
16 behalf of the Bar Association of Lehigh County to
17 welcome each of you to one of our most time honored
18 traditions. And a special welcome and thank you to the
19 family members and friends who are in attendance this
20 morning.

21 As President Judge Reibman just mentioned, it
22 was not long ago that we were welcoming our new
23 attorney members at the Bar Admission Ceremony, and now
24 we have the honor to reflect on those colleagues who
25 came before, and unfortunately passed away in 2017.

1 So today we have the opportunity to learn
2 more about what they each contributed to our legal
3 community, but maybe more important, about the person
4 each of them was. To quote Scottish Poet, Thomas
5 Campbell, "to live in hearts we leave behind, is not to
6 die."

7 We will first Honor Attorney John Hayes who
8 will be remembered by Attorney Joseph Fitzpatrick.

9 MR. FITZPATRICK: Thank you, Sarah.

10 Good morning to our Honorable Bench, the
11 Judges of Lehigh County, all of our Judges, my
12 colleagues here today, members of the Lehigh County
13 Bar, to all the assembled guests and friends, and for
14 me, most of all to the family of Jack Hayes who are
15 with us today.

16 And it's an understatement to say that I am
17 honored and flattered to be here today, having been
18 asked by the Hayes family to speak this morning in
19 commemoration of their dad, Jack.

20 Jack Hayes is someone I can truly call a
21 friend. To put it in perspective, when I was a little
22 kid, I knew Jack and his wife Marianne, and their
23 growing family, four kids, all several years younger
24 than me. I was a regular in their yard, in their
25 family room, and to put it in perspective, I cut their

1 grass when I was in 8th and 9th grade. So I know from
2 where I speak.

3 Jack was a depression baby, born in the early
4 1930's in Philadelphia. He attended Seton Hall Prep,
5 Villanova University, and Penn Law School. He also
6 served our country in the U.S. Navy and the Naval
7 Reserves for 23 years. He worked as corporate counsel
8 for Lehigh Portland Cement for a number of years, but
9 then entered private practice with his own firm of
10 Hayes & Feege. And as fate has it, Ed Feege, his long
11 time partner passed just last month.

12 Jack's career took him to a lot of positions
13 in government and government relations. He was a
14 member of the SERRA Club, past president for the
15 Diocese of Allentown Board of Education, President's
16 Council at DeSales University, Executive Committee for
17 a long time for the Lehigh Valley Chapter of the
18 American Red Cross, and he was past president of the
19 Industrial Relations Research Association of
20 Northeastern Pennsylvania.

21 But these factoids don't even begin to tell
22 the story about the kind of man and strength of
23 character which embodied Jack Hayes and his life. Jack
24 spent most of his career in a small practice, always
25 focused in employment and labor law. Jack was

1 excellent at his craft. He was the go to guy in tough
2 labor situations in this part of the state.

3 As a teenager and a college student, I heard
4 him many times, often both of us hoisting frosty
5 beverages, and he enthusiastically and passionately
6 went into tremendous detail about a union negotiation,
7 or a picket situation, or work stoppage, or an unfair
8 labor practice case that he was involved in. And long
9 before the days of cell phones I saw and heard him on
10 the phone in the Hayes family room, the old curly
11 landline wrapped around the corner going into the
12 kitchen, counseling his clients, making impassioned
13 arguments with adversaries, or recounting the day's
14 proceeding before the NLRB. Jack loved what he did,
15 but his legal successes, and there were many, hardly
16 defined the man, the guy he was throughout his life.

17 My parents, although they were a few years
18 older, were neighbors and close friends of Jack and his
19 wife, Marianne, hence my grass cutting job, hence the
20 frosty beverages just a few years later. My dad's own
21 career path, in part, led to my interest in
22 construction, and development, zoning and land use, but
23 Jack undoubtedly influenced my decision to consider law
24 as a profession.

25 Aside from being a very successful guy, Jack

1 was bright inside and outside the law. Jack had fun
2 when he was doing what he did, embracing the
3 relationships he developed with clients, adversaries,
4 labor and community leaders, and most everyone along
5 the way. Reflecting at this later stage of my own
6 career, I think this "embracing relationships" part of
7 our profession might be what I now cherish most, and I
8 know it's something I shared with Jack.

9 For many years Jack maintained his law office
10 at Emmaus Avenue and Route 309. He was in the car all
11 the time, going to all the various proceedings that he
12 led. And through college and law school, I was always
13 welcome in his office. I could study, use Purdon's,
14 and law libraries at exam time, and sometimes simply
15 hang out. It was an enviable situation for any law
16 student looking for a place to quietly prepare for
17 exams.

18 But as successful, and capable, and
19 passionate a lawyer that Jack might have been, the
20 other dimension to his life -- and by far the biggest
21 -- is his embrace of the relationship of his own
22 family, who are here today.

23 As I knew Jack, I knew Marianne and the Hayes
24 kids. That's who they were. They were the Hayes kids,
25 and we were the Fitz kids. But Kathy, Teresa, John and

1 Anne, and I don't want to mess up the names, but I know
2 Lou and Rich are here, and Leanne, the granddaughter.
3 And if I missed somebody, I'm sorry. But they were all
4 beloved by Jack, and that family is what mattered most
5 to Jack and Marianne.

6 And I have to say, it's been a tough year for
7 the Hayes kids, losing Jack in January, and again, late
8 Fall of 2017, losing their mom, Marianne. Nonetheless,
9 Jack's spirit was evident even on the day of Marianne's
10 funeral, with the smiles and embraces that came from
11 the Hayes kids to me. And even though they are now all
12 captives of middle age, they are still the Hayes kids.
13 They loved their dad, and that love was returned in
14 spades. His three daughters and son knew he liked to
15 laugh. And I'm not one to portray every deceased
16 friend I knew as a saint. They saw his occasional
17 temper, and his righteous indignation, and it was a
18 beautiful blend.

19 I believe one of the real tributes a person
20 can pay to another who has passed on to the next life,
21 is when you remember her or him as a vital younger
22 person. In other words, not the person defined by or
23 pictured in debilitating old age or illness. And
24 that's how I remember Jack, passionate, energized,
25 laughing, staking out a position, holding to it firmly

1 in a family room conversation or doing his job, smiling
2 broadly in his big powder blue Ford convertible,
3 admitting that cold beer and cards were one of the
4 great features of belonging to the Knights of Columbus.

5 But seriously, Jack lived his life as a man
6 of great faith. He was always active in his faith. In
7 some ways he was an old school Catholic, and in many
8 other ways, he was a progressive man of reason and
9 kindness, and he understood the need to balance all of
10 those qualities.

11 I have probably taken up enough time for this
12 group, and I know there are others to be commemorated.
13 But to Kathi, Teresa, John, and Anne, I say thank you,
14 thank you. It's been my honor to be here today and to
15 speak about the man who was Jack Hayes, and even more
16 so, to stand here and be able to say he was truly my
17 friend. Thank you.

18 MS. MURRAY: Thank you, Attorney Fitzpatrick.

19 We now honor Attorney Bruce Davis. I will
20 share a few brief remarks on behalf of the family.

21 Bruce E. Davis, age 85 of West Chester,
22 formerly of Lower Macungie Township, passed away on
23 March 16, 2017, he was the husband of Barbara Schrader.
24 Born in Fairmont, West Virginia, Bruce graduated from
25 West Virginia University in 1953, with a B.S., and in

1 1959 with a J.D. He served in the U.S. Army during the
2 Korean War, with a rank of Captain. After the war he
3 attended the University of Virginia Law School for post
4 graduate study. He attended an Executive Program at
5 Harvard Business School in 1974.

6 After law school, Bruce worked in the office
7 of the Secretary of the Army at the Pentagon, from 1959
8 to 1962. He moved to Chicago to work as an associate
9 in the firm of Chadwell, Keck, Kaiser and McLaren.

10 After working in Chicago for two years, he
11 moved to the Lehigh Valley to become an officer with
12 Bethlehem Steel Corporation. In 1964, as attorney for
13 the sales department at Bethlehem Steel Corporation,
14 Bruce began his involvement with the Route 33
15 extension.

16 In 1985, Bruce left Bethlehem Steel to join
17 the firm Maloney, Danyi, Davis, and Danyi in Bethlehem.
18 He served as a member and Chairman of the Northampton
19 County Industrial Development Authority. From 1996 to
20 2012, Bruce hosted a weekly radio program entitled "The
21 Lehigh Valley Means Business," on Bethlehem radio
22 station WGPA 1100.

23 He proudly served as counselor to non-union
24 Bethlehem Steel retirees, through the Retired Employees
25 Benefits Coalition, to preserve and maximize their

1 benefits. Bruce was involved with United Way, St.
2 Luke's Hospital Allentown, Senior Citizens of
3 Bethlehem, Chairman of the Route 33 Coalition,
4 Northampton County College Foundation, Secretary of
5 Saucon Valley Country Club, and was the General
6 Chairman of the 1992 and 2002 U.S. Golf Association
7 Senior Open at Saucon Valley Country Club.

8 Bruce loved the game of golf, West Virginia
9 football, and reading numerous newspapers each day.
10 His family described him as always dignified, always
11 engaging, and having a gift for spontaneous humor,
12 Bruce was devoted to his family, friends, and
13 colleagues. That is the memory of Bruce Davis.

14 Our next honoree this morning is the
15 Honorable James Knoll Gardner, who will be remembered
16 by Attorney Michael Daigle.

17 MR. DAIGLE: May it please the Court, Judge
18 Reibman, ladies and gentlemen, on April 26th, 2017, the
19 people of the Lehigh Valley lost one of the areas most
20 dedicated public servants. Today I have the distinct
21 honor and pleasure to tell you a little bit about the
22 Honorable James Knoll Gardner.

23 An officer, gentleman, lawyer, Judge,
24 scholar, husband, father, son, brother, and mentor,
25 with a gentle soul, a warm sense of humor, and the

1 ability to make those round him comfortable.

2 Jim Gardner was born September 14th, 1940, to
3 the Honorable Theodore Roosevelt Gardner, and Margaret
4 Schaeffer Knoll Gardner. He was one of three children.
5 He was raised in Emmaus, the town he lived in most of
6 his life.

7 As a boy and young man, he was described by
8 many as serious minded, a label he would never separate
9 himself from. He was a Boy Scout, obtaining the rank
10 of Eagle Scout. And ultimately later in life being
11 honored as a Distinguished Eagle Scout, the highest
12 honor given by the Boy Scouts of America.

13 He played a Clarinet, even once playing for
14 the Queen of England as a member of the Boy Scout's
15 band. He was the American Legion boy of the year. In
16 1958 he graduated from Emmaus High School, and left the
17 Lehigh Valley to attend Yale University. There he
18 studied hard, but took time to do other things. He
19 played intramural football his freshman year. He
20 played a Clarinet and saxophone in concerts and
21 marching bands. He was the president and Drum Major of
22 the Yale University Band.

23 In 1962 he graduated from Yale Magna Cum
24 Laude with a Bachelor of Arts Degree in the American
25 Studies Honors Program. He was not at his college

1 graduation because he was playing with the band in
2 Europe, and missed the opportunity to receive his
3 diploma from the President of the United States.

4 After college he went on to study at Harvard
5 Law School. He commented to me often that there were
6 only five women in his law school class, not too many
7 dating opportunities. However, two of them, Judge Jane
8 Roth of the United States Court of Appeals of the Third
9 Circuit, and former United States Senator Elizabeth
10 Dole, certainly helped advance the cause of women in
11 those seemingly prehistoric times.

12 Whether Jim Gardner graduated from Harvard in
13 1965, he spent a year in private practice as an
14 associate of the Philadelphia law firm of Duane Morris
15 and Heckscher. From 1966 until 1969, Judge Gardner
16 served on active duty in the United States Navy. Judge
17 Advocate General's Corps. From 1969 until 1993 he
18 served as a reservist where he advanced to the rank of
19 Captain. During those years he served as a JAG officer
20 while prosecuting and defending sailors, became a
21 military trial judge presiding over 77 active duty
22 military courts-martial, and ultimately rising to
23 become an appellate Military Judge on the United States
24 Navy-Marine Corps Court of Military Review.

25 Captain Gardner won numerous accolades and

1 awards, including Meritorious Service Medal from the
2 President of the United States for outstanding
3 meritorious service as a military judge while serving
4 with the Naval Reserve trial judiciary from
5 October 1985 to October 1991, and won a Navy
6 commendation medal for heroism.

7 In 1969 he left active service and returned
8 to private practice in Philadelphia. However, it did
9 not take long for him to return to his Lehigh Valley
10 roots. In 1970, at the urging of his father, Jim came
11 back to the Lehigh Valley to form the firm of Gardner,
12 Gardner and Racines, the first father, son, daughter
13 law firm in the Commonwealth of Pennsylvania. That
14 firm still exists today as Gardner, Racines and Sheetz,
15 with Attorney Ed Sheetz leading the way.

16 Upon return to the Lehigh Valley he began
17 representing such companies as Rodale and Air Products.
18 In 1972 he joined the District Attorney's Office as an
19 Assistant District Attorney, eventually rising to First
20 Assistant District Attorney under then District
21 Attorney and now Senior Superior Court Judge William
22 Platt.

23 In 1980 Judge Gardner was appointed by then
24 Governor Richard Thornburgh to the Court of Common
25 Pleas of Lehigh County. He was sworn in, in this

1 courtroom. It was a big day for Judge Gardner. He
2 began his own judicial career right here. His father
3 was a former Common Pleas Judge and former District
4 Attorney, and his sister Audrey Racines, a Magisterial
5 District Judge in Emmaus for many years. Judge Gardner
6 was very proud to join his family's judicial heritage.

7 Judge Gardner spent 22 years as a Common
8 Pleas Judge. He worked tirelessly on behalf of the
9 people of Lehigh County and the Commonwealth of
10 Pennsylvania. He was president of the Pennsylvania
11 Conference of State Trial Judges from 1996 through
12 1997. He served a five-year term as President Judge of
13 this Court, ending in 2001.

14 In 2002 Judge Gardner was nominated by
15 President George W. Bush to the United States District
16 Court for the Eastern District of Pennsylvania where he
17 served until his death. He was so proud that he was
18 able to dispense justice in the building named for his
19 friend, Edward N. Cahn, and to do it from the courtroom
20 that Judge Cahn had presided in at the end of his
21 judicial career. Jim took great pride in being a
22 Federal Judge, and considered it the greatest
23 achievement of his life.

24 As a Judge, Jim Gardner never pre-judged a
25 case. He didn't worry whether his decisions were

1 popular. He was only concerned that his decisions were
2 correct, based upon application of the facts to the
3 law. He was truly the embodiment of an independent
4 judiciary. He was, in the words of one current judge:
5 "A judge's judge".

6 To those that only knew Judge Gardner as a
7 Judge, they missed the best part of Jim Gardner. He
8 was a man of diverse interests, including music,
9 especially Jazz and classical music. He enjoyed
10 listening and playing. For many years at the Gardner
11 house you might have heard live music. It could be Jim
12 and Linda performing together, Linda on piano, and Jim
13 playing his Clarinet. Some days it might be his
14 daughter Andrea on piano, or his daughter Victoria
15 singing. The whole family enjoyed sharing their
16 musical talents together.

17 Some days you might just see him tooling down
18 the road in his red BMW, with the top down, grooving to
19 the stylings of Miles Davis. Judge Gardner was a long
20 time supporter of the Allentown Symphony Association.
21 He was a member of the Board of Directors for 29 years,
22 carrying on the legacy of his parents, who were
23 founding members of the ASA.

24 Sports were also a big part of Jim's life.
25 He was a huge fan of the Phillies, Eagles and Penn

1 State football. The jewel in the crown for him, was
2 his annual trip to the Harvard-Yale football game. He
3 told me more than once that up until the last two years
4 of his life, he had been to each and every game for
5 over 50 years, except the infamous tie in 1968, when
6 the Harvard newspaper printed the headline, Harvard
7 beats Yale 29-29. He was unable to attend that year
8 because he was on active duty in the Navy. However,
9 that served as a warning why he could miss no other.

10 He and I shared a yearly football lunch
11 wager, he the avid Eagles fan; me a Giants fan. They
12 played twice a year. So there would always be two days
13 where we would have lunch, and it didn't involve work.
14 I lost most of those, but did have two Super Bowl wins
15 to ease the pain of paying for so many lunches.
16 Wherever he is, Judge Gardner is happy after last
17 week's Eagles Super Bowl win. It would have been great
18 to see the smile on his face, after that epic Eagles
19 win.

20 Judge Gardner loved being a mentor to young
21 lawyers, whether it be his law clerk, a new lawyer at
22 the Bar Association, or someone in their first trial.
23 He always tried to impart his years of experience and
24 wisdom in a way that was thoughtful, respectful, and
25 practical.

1 Jim Gardner was old school, and I think that
2 played out in his mentoring. He would take moments in
3 Court to remind attorneys that form was as important as
4 substance. There are actually rules, after all. Also,
5 the traditions of this Court were very important to
6 him. He upheld some of those traditions, such as
7 recognizing the death of a local attorney in Court at
8 the time he heard of someone's passing. He would
9 remind lawyers that arguments in their briefs were not
10 evidence and would often, if asked, privately critique
11 young lawyers performances after the conclusion of
12 their cases.

13 The learning experience that his law clerks
14 and interns received, as the Mastercard saying goes,
15 "priceless". Whether it was playing devil's advocate
16 to test the strength of a law clerk's conviction on
17 what was being discussed, telling stories of cases from
18 the past and lessons he learned from them, or using his
19 quick, dry wit to lighten the mood, we all learned more
20 from him than any law school class or legal treatise
21 could ever teach.

22 Despite a job that had Judge Gardner in Court
23 late in the evening, working at home into the wee hours
24 of the morning to prepare for the next day, or juggling
25 the many duties as a Judge, he always had time for the

1 community.

2 Public service and community involvement were
3 his hallmark. Whether it be the Boys and Girls Club,
4 the Allentown Symphony Association, the Boy Scouts, the
5 police Athletic League just to mention a few, or
6 speaking before some civic organization or other
7 community gathering, Judge Gardner gave his time, heart
8 and soul to the people of this area and Commonwealth.

9 The most impressive thing about Judge
10 Gardner, notwithstanding all he did at work and in the
11 community, was that family always came first. He was
12 always at dinner, even if that was a late one, with
13 take out from the Brass Rail or Yocco's. He was at his
14 children's plays, concerts, and athletic events. He
15 was so very proud of all of his children and their many
16 impressive accomplishments. Moreover, he was very
17 proud of his parents, Theodore Gardner and Margaret
18 Schaeffer Knoll Gardner, and their contributions to
19 this community. The "Knoll" in James Knoll Gardner
20 came from his mother's family, and was not to be left
21 out when referring to his name.

22 There is a room named after his mother at the
23 Emmaus Public Library. He would always mention it as
24 he passed by with whoever he was with. His father's
25 portrait, as well as his own hangs in the ceremonial

1 courtroom next door.

2 If you saw Judge Gardner out at some event,
3 he probably had his beloved wife Linda on his arm.
4 Occasions with friends, a night out at the symphony, a
5 Bar Association event, or just the two of them at a
6 quiet dinner, she was with him. They shared interest
7 in many of the same things; and of course, each other.
8 With them it was the little things, a look, a soft
9 touch on the arm, or the constant I love you's. They
10 were "in love" as much as any couple I have ever been
11 around.

12 Then there was his court family. The most
13 important of those people was his long time secretary,
14 Cheryl Sinclair. She was like the extra wife at the
15 office. She spent 38 years, starting when he was still
16 a lawyer, and ending three years ago in Federal Court.
17 When I asked her to tell me about him, she said that he
18 was the most caring man she knew. He never wavered in
19 who he was, and had the utmost integrity in everything
20 he did.

21 They shared not only a professional
22 relationship, but were also the closest of personal
23 friends. He had that kind of relationship with the
24 rest of his staff. He was always interested in not
25 only the work that needed to be done, but also the

1 human beings that worked for and with him. He was
2 always there if you needed him.

3 Finally, I just want to say a few words of a
4 personal nature about the man that I worked for and
5 with for nearly 18 years. My relationship with him
6 started the same way as any law clerk both before and
7 after me, with the two to three-hour interview. For me
8 this occurred in late April, 1999. I thought I would
9 never get through it, the questioning was pointed and
10 exacting. However, he did not only want to know about
11 my prospective legal skills, but really wanted to learn
12 about me as a person. When it was over, I thought it
13 went well. However, I didn't hear back from him after
14 the interview and figured I didn't get the job.

15 One Friday evening in June around 10:00 p.m.,
16 I was watching television and a commercial came on for
17 Action News at 11:00 with Jim Gardner. Just as it
18 ended, the phone rang. On the other end I heard, is
19 this Mike? I responded, yes. He said, this is Jim
20 Gardner. My response was, the guy on T.V.? He said,
21 no, the real Jim Gardner, the Judge. He offered me the
22 job as his law clerk, and I accepted.

23 I fast forward to my first day of work.
24 After filling out all of the paperwork that the County
25 requires of a new employee, I went to court and I sat

1 down to the left of the Bench in the seat reserved for
2 the law clerk. It was my first day, and I was; of
3 course, very nervous of what the first day as a lawyer
4 and law clerk would bring. Just a minute or two later,
5 counsel in the trial he was picking the jury in asked
6 to come to sidebar. As they approached the Bench, one
7 of the lawyers stopped right in front of me and said,
8 run, don't walk. You have no idea what you have gotten
9 yourself into. Well, I am really glad that sometimes I
10 don't listen very well, because what I got myself into
11 was the best personal and professional experience of my
12 life.

13 Fast forward again to the day of Judge
14 Gardner's funeral. That morning I woke to the alarm
15 playing 99.9 The Hawk, as I usually do. This morning
16 was different in that what I woke to was not the music
17 of Mick Jagger, Jon Bon Jovi, or Billy Joel, it was
18 "Tonight on Action News at 6:00 with Jim Gardner".
19 Life has an interesting way of repeating itself
20 sometimes.

21 There is no way to really explain all that
22 Jim Gardner meant to me. He was my boss, mentor,
23 father figure, Pennsylvania Dutch uncle, client, and
24 adversary. The years of working together fostered a
25 relationship where when I would write, it was with his

1 voice mouthing the words in my head, just the way he
2 would dictate an opinion in Court.

3 The thing that I will miss most about the
4 Honorable James Knoll Gardner is his friendship. Of
5 all of his skills, talents, and accomplishments, what
6 he was really best at, was being a great friend. Thank
7 you.

8 MS. MURRAY: Thank you, Attorney Daigle.

9 We will now honor Attorney David Liebhaber,
10 who will be remembered by Attorney Andrea Olsovsky.

11 MS. OLSOVSKY: May it please the Court, Judge
12 Reibman, other distinguished members of this Court,
13 ladies and gentlemen, I am honored to have been asked
14 to speak today on behalf of my very best friend and
15 colleague, David Yale Liebhaber, who was born on
16 November 23rd, 1982, in Livingston, New Jersey, where
17 he and his older sister Sarah grew up.

18 On June 15th, 2017, David left this world
19 unexpectedly at the age of 33 years. One moment we
20 were laughing about Christopher Hayes' blazer rotation,
21 and less than 12 hours later he wasn't here. But what
22 I mourn the most is his absence from my life, and I
23 think that's what people mourn the most about him, not
24 so much his death, because of course you mourn his
25 death, but just someone's absence. But I have learned

1 that absence can be a presence. His presence can still
2 be felt. As we gather here today, we acknowledge the
3 great importance of David's life, of David's presence.

4 Albert Einstein said, "the value of man
5 should be seen in what he gives, and not what he is
6 able to receive." In one word, David was a man who
7 gave. He gave much to his family, to his friends, and
8 to his work. His was a life that demands notice, a
9 life that inspired emulation, and a life that burned,
10 so that other's paths were lit.

11 David came from a very storied past. As
12 a child he was challenged by and overcame a hearing
13 impairment that would have rendered other children
14 isolated. He wasn't stymied by this handicap, clearly.
15 For anyone who knew him, he was probably the most
16 loquacious person I have ever met, and friendly and
17 kind. He excelled throughout his school age years, and
18 at Parkland High School he wasn't just popular within
19 one group of people, he was well liked across the
20 entire student population.

21 David was always kind, caring and extremely
22 sensitive, looking always to do the right thing to make
23 others happy. Growing up he played a variety of
24 sports, but excelled most on the debate team. Imagine
25 that.

1 From a young age he had a penchant for words
2 and a photographic memory. He could recite anything he
3 read, and remember every detail of everything he saw,
4 David was a stickler for grammar. He would correct
5 anyone, anywhere, and tell them why, politely; of
6 course. Even from a young age, he took school
7 extremely seriously, and was in all AP classes in high
8 school, graduating very high in his class at Parkland.
9 He went on to attend the University of Pennsylvania
10 graduating Magna Cum Laude in 2006.

11 David was especially sensitive to those less
12 fortunate, and the injustices occasioned upon them just
13 by accident of birth. He pursued his hope of
14 alleviating this burden by graduating from Widener Law
15 School in 2009, and securing a clerkship in Carbon
16 County with Judge Roger Nanovic and the late Judge
17 Richard Webb.

18 David recognized the value of a clerkship, I
19 am sure, but he appreciated the kismet of meeting his
20 beloved wife, Katie Von Badins, who unfortunately could
21 not be here today. David and Katie became a couple,
22 and eventually they became Mr. and Mrs. Liebhaber on
23 August 13th, 2013. It was a beautiful wedding,
24 probably one of the most beautiful weddings I ever
25 attended. And the one thing I remember about his

1 wedding, as he walked up the aisle with his parents at
2 his side, he looked like he was going to just fall
3 over. At one point he was very stone-faced. He was
4 very, very nervous. But once he got up front with
5 Katie, it was just like all the stress went way, and he
6 was so happy.

7 What a beautiful relationship they shared.
8 This was his chosen relationship. They were best
9 friends and soul mates. With Katie, Dave could be
10 himself. Her love for him was unconditional. He
11 didn't need her approval. He already had it.

12 In 2010, David joined the Public Defender's
13 Office. He was a respected attorney. For seven years
14 we worked alongside each other in Juvenile Court
15 sharing the same vision of transforming juvenile
16 representation into a specialty. Dave connected with
17 these kids. He spoke their language. He had this
18 awesome ability to assess psychological factors in his
19 very young clients. He was empathic.

20 Because he felt so deeply, he advocated very
21 strongly for his clients. While he didn't have any
22 children of his own, our juvenile clients were like his
23 children. He would say he liked children you could
24 spoil, and then give back. With juvenile clients, that
25 translated into listening to them when no one else was

1 willing to, giving them a voice when no one else would
2 speak for them, and fighting a battle for them when it
3 was time to fight. Nothing stopped David from being
4 the ally everyone else needed.

5 He also channeled energy and passion into his
6 martial arts training at Keystone Karate. He didn't
7 just focus on his personal training, but helped the
8 organization in a big way during training sessions and
9 at all the tournaments. He would go there. He would
10 go from Breinigsville up to Lehighton in the snow and
11 get wood for their tournaments, and load up the van.
12 He was such a help there. He was like a big brother to
13 all the kids who trained there. His impact on his
14 brothers and sisters at Keystone could be felt at his
15 memorial service in June. The entire school was
16 present wearing red in honor of Dave.

17 It's clear, David loved, but David was so
18 loved. He was loved by Katie, by members of his
19 family, by countless friends, he was loved by his
20 Public Defender family and beyond, by the Judges and
21 Masters, Juvenile Probation officers, sheriffs,
22 District Attorneys, and especially our juvenile
23 clients.

24 The Dave I remember was a happy Dave, one who
25 was not only cheerful in himself, but who gave much

1 cheerfulness to others. He made people laugh with
2 greetings and phrases that were unique to him. He
3 would say, "strike that" during routine conversations
4 all the time. And he would greet you with his phrase,
5 "Howdy," or "Good day, fine sir."

6 He had a disarming and radiant smile, and
7 infectious laugh, a sharp wit, and a great sense of
8 humor, and he had a gentle demeanor. He brought so
9 much happiness to life. He was a loving husband to
10 Katie. He was the most fun and loved uncle to two
11 nieces and one nephew, who his sister told me closely
12 resembled Dave in every way.

13 What I will remember most about David
14 Liebhaber, as I am sure others will as well, is the way
15 I felt when I was around him. By his death, all the
16 people who knew him will miss a highly intelligent,
17 vibrant person, with a rare friendliness and charm, or
18 personality. He lived his life to serve others,
19 really, and his legacy will be in the way we show
20 kindness and compassion to all who we encounter.

21 Katie Liebhaber, even though she is not here,
22 I want to say, our hearts and prayers are with you
23 always.

24 And I just want to end by reading a quote
25 from novelist Julian Barnes, from "Levels of Life". It

1 was an extended essay he wrote on grief, following the
2 death of his wife. He said, "The thing is -- nature is
3 so exact, it hurts exactly as much as it is worth, so
4 in a way, one relishes the pain."

5 It's not overtly a consoling line, but it is
6 true. The grieving we feel is commensurate with the
7 loving we feel for this person, a testament to what is
8 really missing. David was a genuinely warm and
9 wonderful individual -- one we will miss greatly.

10 Thank you.

11 MS. MURRAY: Thank you, Attorney Olsovsky.

12 We will now honor Attorney Karl Friend, will
13 be remembered by Attorney Stephen Palopoli.

14 MR. PALOPOLI: May it please the Court,
15 President Judge, members of the Court, distinguished
16 guests, colleagues and friends.

17 Karl friend passed away on August 26th, 2017.
18 I would like to begin with the center of Karl's life,
19 that was his family. Karl was married to his wife,
20 Lee, who joins us here. For the past 29 years,
21 although in total, they spent the better part of four
22 decades together. They were an engaging, active
23 couple, who shared many mutual interests. They were a
24 perfect complement to each other, and they were a joy
25 to be around.

1 Karl is also survived by his brother Rick,
2 his three children, Judy, who is also with us, Michael,
3 and Karen, and through Lee, his two step-daughters, Kim
4 and Dana. And Dana also joins us. Karl and Lee also
5 celebrated the accomplishments and diverse talents of
6 their eight grandchildren. Karl would want a shout out
7 to you so, Steven, Chad, Brandon, Justin, Ben, Sam,
8 Jesse and Samantha. And of course, his beloved dog,
9 Sayna.

10 Karl was a highly regarded attorney, and a
11 brilliant, gentle personality who graced the Bar for
12 over 40 years. However, his path to the practice of
13 law was a bit unusual. Karl was born on December 24th,
14 1937, in Clifton, New Jersey. He graduated from
15 Cornell University in 1959 with a B.S. in chemistry.
16 He then went on to Lehigh University and attained a
17 Ph.D. in chemistry in 1966. He worked for seven years
18 as a research chemist at ESSO, a predecessor to Exxon
19 Mobil, but then he returned to school and earned his
20 J.D. from Seton Hall University School of Law in 1975.

21 Karl worked for Lehigh Valley Legal Services,
22 and then established his own firm specializing in
23 bankruptcy law. He served as a U.S. Bankruptcy Trustee
24 from 1979 to 1983. He earned certifications in
25 Consumer and Business Bankruptcy Law from the American

1 Bankruptcy Board of Certification, and was a member of
2 the Bankruptcy and Insolvency Section of the Commercial
3 Law League of America. I had the incredible good
4 fortune, dumb luck, actually, of working with Karl,
5 sharing office space, and otherwise being part of his
6 professional life starting in 1994.

7 Karl loved working on complex difficult cases,
8 on business cases, cases involving professions, but
9 perhaps his greatest personal satisfaction came from
10 cases involving the most vulnerable of his clients.
11 The individual cases involving the elderly. I've
12 watched Karl exhaustively examine reverse mortgages,
13 together with prepaid elder care expenses, together
14 with other recommendations, to try to provide elderly
15 clients with some sort of comfort, and dignity, in the
16 last few years of their lives. It was then I realized
17 that Karl had a depth of commitment, and a scope to his
18 imagination that was unbearable.

19 Karl was a skilled negotiator, who always saw
20 a case from all sides. I often wondered how he did
21 this. He didn't just play devil's advocate. I think
22 in some ways it was his scientific training, because in
23 the scientific method you're not out trying to prove
24 your experimentation, your hypothesis, you're trying to
25 both prove and disprove at the same time. I have

1 always tried to do what Karl could do. It is very
2 difficult. I am sure the members of our Bench are much
3 better at it.

4 But anyway, he would use those skills in a
5 number of ways both on behalf of his clients as a
6 mediator through the bankruptcy court's mediation
7 program, and also, here in Lehigh County, working under
8 the direction of President Judge Reibman, Karl worked
9 in the foreclosure system as a conciliator. He loved
10 this work.

11 Karl was a true gentleman in the practice of
12 law. He always maintained his respect and admiration
13 for opposing counsel, regardless of how contentious the
14 hearing was, he would come back and say nice things.
15 He would tell someone he was a fly fisherman, even
16 though he had just had a very rough hearing. Karl had
17 opponents, but he never had enemies.

18 Karl never forgot his promises. He always
19 honored his commitments. Two hours after I first met
20 Karl, and had only been practicing in this County for
21 two years and had very little knowledge of Karl, we had
22 agreed verbally to a relationship going forward. I had
23 taken the Bar exam six years earlier, and remembered
24 something about putting things in writing, so I went
25 back and wrote it up, showed it to Karl, gave him a

1 copy, and it was a complete waste of time. Karl and I
2 never had to look at that document in the ensuing
3 years. Karl simply kept his word.

4 Karl became a lawyer, but he remained a
5 technical genius. When I met him, he had created the
6 computer network in his office. He didn't buy it, he
7 created it. He did everything.

8 If you came in on a weekend, it was a 50/50
9 proposition. Karl was either at the desk helping
10 clients, or under the desk tearing apart a computer.
11 Whatever he did, he did it successfully. I often
12 wanted to give him Bill Gates' phone number if I had
13 it, to try to fix windows.

14 But in any event, he also had at that time, a
15 timekeeping and billing system on his computer. Now,
16 if think back, we all have that. The difference is we
17 purchased our software. Karl made his. He had
18 computer books all over, and it always worked.

19 Karl brought the same focus and intensity to
20 everything he did in his life. He became a runner. He
21 completed several marathons, including the Boston
22 Marathon. When he and Lee took up cycling, Karl went
23 beyond a simple bicycle, and his research ultimately
24 led him to a recumbent tricycle. And I remember
25 fondly, believe it or not, an hour listening to Karl

1 explain the difference between two wheels in the back
2 and one in the front, or two in the front and one in
3 the back, which sounds trivial, but from an
4 engineering, and ergonomic, and transportation,
5 stability, and whatever standpoint, it went on, it was
6 interesting. It makes an enormous difference, and the
7 two of them enjoyed cycling for many years.

8 Karl at home spent years -- And maybe this
9 was the crown achievement of his technological
10 interest -- creating the ultimate home theatre. This
11 started as an audio system. It was an audio file which
12 means you buy components, and you keep swapping them
13 out indefinitely, until you think it's perfect or you
14 run out of money, or your wife grows impatient, but she
15 was very patient.

16 Then by the early 90's when those big rear
17 projection TV's hit the market, Karl went in for a full
18 blown home theatre. From that point on the living room
19 that once existed in the Friend household was something
20 all together different. And again, his patience was
21 remarkable. But it was a great system.

22 And Karl; of course, did it for more than the
23 technical value. He loved to share. He loved movies.
24 He loved concerts. He loved science fiction. Let me
25 correct myself. He loved good science fiction. He

1 hated, and would not tolerate bad science fiction. I
2 spent a long time trying to convince Karl that in Star
3 Wars I, it's okay to like Jar Jar Binks. He would not
4 accept that. He was totally inflexible.

5 But he was also willing to share not only his
6 equipment, but his knowledge. So there are actually
7 several members of the Bar, including me, who received
8 a lot of lessons, and a lot of teaching from Karl when
9 we started on the path that Karl went on. I hope our
10 spouses will forgive me for that.

11 In the course of doing that, though Karl as
12 I stated, became an expert in everything. And it was
13 on talking to Karl, I would say ten percent of the time
14 we discussed law, and 90 percent everything else. And
15 with Karl it could be anything else.

16 Karl had a great sense of humor, and promised
17 myself I wouldn't get into that, because I could be
18 here all day, but one story keeps bubbling up, so I
19 have to tell this. We used to buy gag gifts for one
20 another. Karl one day got me a can. It looked like a
21 big tuna can. And it was dehydrated water. It had a
22 label on it, it said dehydrated water. It was an empty
23 sealed can. Obviously, that's pretty funny, because
24 the water is the hydration. And it had directions on
25 it, open can, add water, stir and enjoy.

1 We even talked about recipes with water, I
2 guess, dehydrated water. So I thought that was funny,
3 but Karl's humor operated on a different level. And
4 sometimes it was totally goofy, like the water, and
5 other times it was a lot deeper and more subtle. It
6 took me a while, and I could tell it was a problem,
7 because Karl looked at me like, you're not fully
8 getting it. Then I realized after a while, I had been
9 given a can of dehydrated water, by a highly educated
10 chemist. That's when I realized how silly this was. I
11 am probably the only person in North America who can
12 make that claim.

13 Now that can of water came with me to my new
14 office where it sits on the shelf. It's never been
15 opened, because Karl told me, if you open it you have
16 to use it right away or it spoils. Maybe for a special
17 occasion, maybe on Karl's next birthday we can open it.

18 All kidding aside, I tried to understand what
19 Karl was like. I tried to understand what it was to be
20 Karl, and how to be more like Karl. I tried to
21 understand how one man could be so proficient at so
22 many things, so respected, so admired, and so
23 passionate towards others. I also wonder, why would a
24 talented scientist leave the research facilities of the
25 largest, most powerful oil corporation in the entire

1 world, to work with people who were often desperate,
2 and powerless. Actually the answer is really simple,
3 Karl valued everyone, because he believed that he could
4 learn something from every person he encountered in
5 life, whether it was a struggling client, a member of
6 the Bar, one of our Judges, even a grandchild who was
7 so young that she couldn't even speak yet. That was
8 Karl.

9 As much as he was a teacher, a mentor, and an
10 incredible example for all of us here in the Bar, Karl
11 his genius, really, lay in his eagerness to listen.
12 Hundreds of times -- And many of you who know Karl
13 probably heard this, he would ask questions, and they
14 always start -- They could be about any subject, but
15 they would start with the same five words, and I can
16 hear his voice, "What do you know about..." then it
17 would go on from there. It could be law, could be
18 anything.

19 I'm afraid my responses weren't always
20 helpful, ranging from a blank stare, to maybe a little
21 bit of information, but in the end it didn't matter.

22 Karl never lost faith in people. He never
23 lost faith in all of us, and he never ever stopped
24 asking the question. I will always remember him. He
25 was special and wonderful man, and again, my deepest

1 condolences to the family, to Lee, Judy, Dana, and the
2 rest of Karl's family. And I thank you.

3 MS. MURRAY: Thank you, Attorney Palopoli.

4 Our next honoree is Attorney James Watt. May
5 it please the Court, I will share a few brief remarks
6 on behalf of the family.

7 James G. Watt, Esquire, 83, died Tuesday,
8 September 12th, 2017, at Lehigh Valley Hospital Cedar
9 Crest. He was the husband of Beatrix "Bibi" Watt.
10 They were married for 53 years. Born in Pittsburgh,
11 Pennsylvania, he was the son of the late Charles and
12 Elizabeth Watt.

13 James was raised in Greenburg, Pennsylvania.
14 He was a member of the Mercersburg Academy, Class of
15 1952, and graduating from Yale University in 1956,
16 before attending Temple Law School at night, he served
17 as an officer in the U.S. Navy on a Naval base in
18 Turkey, and aboard the aircraft carrier, USS Essex.

19 He received his law degree in 1965, and was
20 admitted to the Lehigh County Bar in 1966. In 1975, he
21 became a sole practitioner of law, eventually
22 specializing in individual and small business
23 bankruptcies, appearing on behalf of debtors before the
24 US Bankruptcy Court in the Eastern and Middle Districts
25 of Pennsylvania.

1 He had previously been employed by General
2 Acceptance Corporation and Butz, Hudders and Tallman.
3 At various times between 1975 and 1986 he served as an
4 Assistant Solicitor for Lehigh County, as Administrator
5 of the Magisterial District Justices, and as a trustee
6 of the U.S. Bankruptcy Court.

7 He was a lifelong avid reader, and keenly
8 interested in politics and news both national and
9 international. In retirement he continued reading, and
10 began writing novels and volunteering with Daybreak of
11 the Lehigh County Conference of Churches in the
12 Catholic Charities Soup Kitchen.

13 He enjoyed sailing on the Chesapeake Bay and
14 Intra Coastal Waterway, riding his bicycle around town,
15 and baking bread. Jim was a member of the Cathedral of
16 St. Catharine of Siena. That is the memory of James G.
17 Watt.

18 We will next honor Attorney Edward Zamborsky,
19 who will be remembered by Attorney James Huber.

20 MR. HUBER: May it please the Court, I had
21 the honor of speaking at Ed's funeral service, and at
22 that time I spoke about the impact of Ed, the person,
23 and the impact of Ed, the person, on my life, and the
24 things he did for me that set me off on the trajectory
25 that my professional career took.

1 In the context of today, and the context of
2 the Bar Memorials, I would like to speak for just a few
3 minutes about my memories of Ed as Ed, the lawyer.

4 When Steve, his son, asked me to speak, Steve
5 told me that he and Ed had spoken a number of times
6 last year, and that Steve had recorded those
7 conversations. And last week I had the opportunity to
8 hear one of those recordings where Ed talked about the
9 law, and at that intensely personal level, I had the
10 opportunity to hear Ed's voice again, and hear him talk
11 about how he started in the law, and where his career
12 took him.

13 Ed started in the day -- And it's hard to
14 even imagine this now, given where the law now is. But
15 back in the day, the ten youngest lawyers in the Bar
16 Association would be brought into the court, and would
17 be sat down, and there would then be people who
18 couldn't afford lawyers -- this is before the Public
19 Defender days -- and who would be assigned a lawyer
20 that morning, with the Judge then telling them, come on
21 back at 1:30, we are going to start your trial.

22 And while Ed doesn't mention the Judge in
23 that recording, I suspect that that was former
24 President Judge Koch, back in the day. And what Ed
25 referred to was, thinking about, and being driven by

1 not wanting to look foolish. And he said, when you did
2 that, you had to be, as he put it, quick and nimble.
3 And that you had to learn how to be -- you had to learn
4 quickly on your feet, and you had to be effective very
5 quickly on not too much information.

6 And he started his practice, which I think
7 many of us know was dominated by matrimonial law, by
8 Domestic Relations law, and he started it in
9 combination with his brother, Don. And he didn't start
10 off to be a Domestic Relations lawyer. He -- It simply
11 happened to be the work that came in the door. And
12 obviously through the many, many, many years Ed had
13 tremendous success as a Domestic Relations lawyer.

14 And I mean this with no disrespect to any
15 other lawyer past or present, but in my opinion, Ed
16 became the preeminent Domestic Relations lawyer in
17 Lehigh County of the last 50 years. And when I say
18 that, and when I thought about that, I thought about
19 the qualities that go into somebody who reaches that
20 level of achievement in the area that they practice.
21 And Ed brought; obviously, all of those qualities to
22 his practice.

23 I think it sort of starts with his innate
24 qualities. I think it starts with Ed's intelligence,
25 his breadth of knowledge, his physical attributes, his

1 stature; of course, many of us knew him as Big Ed. It
2 was his voice, it was his presence. If you walked into
3 a courtroom, and you could walk into this courtroom,
4 and if you just walked in, and didn't even know who Ed
5 Zamborsky was, his presence would immediately grab your
6 attention, would immediately be the person that you
7 would be drawn to, focus of your attention when you
8 would hear him in Court, but he brought much more than
9 that to his practice.

10 Practicing matrimonial law is hard. People
11 are emotional. They are often times volatile. The
12 horrible situations they are going through is a
13 situation that often involved children. And what Ed
14 did, and what I think people maybe didn't appreciate as
15 much as -- because they think of him as being course,
16 his primary focus was to try to solve problems. He
17 would try to bring the people who were in the midst of
18 this emotional difficult situation, and have them reach
19 a solution that would allow these broken families to
20 maintain respect for each other; to move forward
21 respectfully, and to move forward and try to work
22 through things into the future. He was tremendously
23 effective with people.

24 Ed -- I can remember being involved with
25 cases where he was on the other side, and he would

1 bring us in a room, and he would say, well, let's try
2 to reach a resolution. And of course, as it came to
3 his own clients, I think they felt protected by his
4 representation, but even the other client, the opposing
5 client, Ed would speak to. He developed a rapport with
6 that person. I can recall Ed talking to my client.
7 And by the end of the conference, they were ready to go
8 have a beer together. And I'm not sure I was welcome.

9 But he was tremendously effective in finding
10 solutions. And he also had the quality of wanting to
11 help other lawyers. Ed believed being a lawyer was
12 being a professional, that being a lawyer meant that
13 you had to practice at a certain standard. And he
14 wanted to share his knowledge of how to practice with
15 any others that wanted to get his advice.

16 As many of you may recall, he used to give
17 seminars that would talk about Domestic Relations
18 practice in Lehigh County, Northampton County, and he
19 would talk about how you would actually practice, and
20 how you would actually accomplish things, how you would
21 relate to the Court, and how you would communicate with
22 Judges.

23 He shared all of that with other lawyers.
24 If you listened to Ed, and if you were with Ed in
25 Court, if you paid attention, you learned something.

1 As I said, when I had the honor of speaking at his
2 funeral service, and I am going to say the same thing
3 at the end of my remarks about him as a lawyer, Ed for
4 me, and for many of us, Ed was larger than life, and he
5 will always be larger than life, and I will never think
6 about Ed, either as Ed the person, or as Ed the lawyer,
7 without thinking about life.

8 Thank you. Thank you.

9 MS. MURRAY: Thank you, Attorney Huber.

10 Our next honoree is the Honorable John
11 Lavelle, who will be remembered by Attorney Malcolm
12 Gross.

13 MR. GROSS: Good morning. May it please the
14 Court, and may I welcome the Lavelle family who are
15 here today.

16 Today we memorialize and honor my good
17 friend, John P. Lavelle. Judge Lavelle had a difficult
18 childhood, losing his mother at an early age, and being
19 raised as essentially a foster child. However, his
20 high intelligence was obvious to the Vincentian Fathers
21 when he entered St. Joseph's Seminary in Princeton, New
22 Jersey. When he decided against Holy Orders, the
23 Vincentians were so impressed by him that he received a
24 scholarship to Niagara University in New York. There
25 he excelled in speech, drama, history, and just before

1 graduation he was offered a scholarship to a new law
2 school, Villanova, which he accepted.

3 He then served honorably in the United States
4 Army, returned to Villanova, and completed his legal
5 education. More important perhaps, it was at Villanova
6 that he met his wife, Marianne, who is here today.
7 They were separated only by his death 59 years later.

8 Jack Lavelle practiced for about two years in
9 Philadelphia at Bennett & Brinkhead, and then moved to
10 his lifelong home in Carbon County, Leighton, to set
11 up a practice with his father-in-law George Shutack and
12 his wife Marianne. Marianne was then and for the next
13 20 years, the only woman practicing in Carbon County.

14 In 1959 he was elected to the Carbon County
15 Bench, Carbon was then a one-Judge County. Those of
16 you who have never practiced in a one-Judge County
17 perhaps don't even realize the different culture and
18 environment where there is one judge who rules the
19 entire County Judicial System. You have missed
20 something.

21 Judge Lavelle had virtually complete
22 authority over the entire courthouse, court system, and
23 actually the legal system in the county. He never
24 abused that control, but he did use it to advance
25 numerous court and legal reforms in the County system,

1 including Carbon being made the first or nearly the
2 first County in the entire state to computerized its
3 Court records.

4 Judge Lavelle was then retained
5 overwhelmingly twice, and left the Bench in 2001 after
6 which he took retired status for five more productive
7 years. Judge Lavelle handled many cases, large and
8 small, from murder by motorcycle gangs to the legality
9 of a homeowner keeping a thousand pound pig.

10 There was a strict correctness in his
11 courtroom, but he also always recognized that one of
12 the qualities of justice is mercy. As a result, he was
13 creative in his sentencing, and tried to structure a
14 way out of the criminal life for those who appeared
15 before him.

16 I had the honor of appearing before him many
17 times, and never felt that I was treated unjustly, but
18 I always knew that I had better be prepared, because
19 Judge Lavelle always was.

20 Among the famous cases which he handled was
21 McDermott versus the Philadelphia Inquirer. This was
22 one of the most sensational libel cases of its time,
23 because it involved not only the State's largest
24 newspaper, but also a Supreme Court Justice who claimed
25 he had been defamed by a series of articles questioning

1 his ethics.

2 During that long time in Philadelphia, Judge
3 Lavelle did not neglect his duties in Carbon County,
4 commuting constantly and working nights and weekends
5 there so as to keep his docket clear, while handling an
6 extremely contentious trial with some of the biggest
7 legal names in the Pennsylvania Bar jousting against
8 each other.

9 His opinions on defamation in that case and
10 others, showed he had a rare understanding of the
11 intersection between the First Amendment right of free
12 press, and the individuals' right to that reputation.
13 They have been cited often, and they have been cited
14 with respect and praise.

15 In taking retired status, Judge Lavelle
16 remained active in law, and actually spent a year with
17 our Lehigh County Court, filling temporary vacancies
18 created by the absence of one of our Judges. There, I
19 think all of us respected his ability, but also his
20 determination to work his way through difficult cases
21 to get a fair result. He was proud of the fact that he
22 left no open cases when he finished his term here.

23 Finally, I must mention his work as a legal
24 scholar, particularly resurrecting the memories of the
25 "Molly Maquires" and their struggle against the coal

1 Barons. Then there is also his wonderfully
2 entertaining book, "The Hard Coal Docket" on life and
3 the law in Carbon County in the past Century.

4 Judge Lavelle leaves behind his wife,
5 Attorney Marianne Lavelle, two sons, both law school
6 graduates, and two daughters, both of whom are pursuing
7 successful professional careers.

8 We offer our sympathies to them on the great
9 loss of a great Judge and a great friend. Thank you.

10 MS. MURRAY: Thank you, Attorney Gross. We
11 will now Honor Attorney James Christie who will be
12 remembered by the Honorable Henry Perkin.

13 MR. PERKIN: President Judge Reibman, Judges
14 of the Court of Common Pleas at the Bar, friends and
15 family of James D. Christie.

16 Journalist Tom Brokaw wrote about the men and
17 women who served in World War II and became the leaders
18 of their generation. He coined the phrase, the
19 "greatest generation". Presumably he never met James
20 D. Christie, but if he had, I am certain that he would
21 have included him in his essays about that "Greatest
22 Generation."

23 Jim was born in Allentown on December 4th,
24 1921, and passed away on November 28th, 2017. Between
25 those almost 96 years, he had both seen history, and he

1 had been a part of that history. He was a product of
2 the Allentown School District, and what many of you may
3 not know is that for some time, all 9th graders in the
4 Allentown School District were given the task of
5 writing their autobiography. I actually still have my
6 father's autobiography from about that same time.

7 One day long after he retired, Jim brought
8 his autobiography into the office, and he showed it to
9 us. One of the things I learned was that Jim's father,
10 John J. Christie, died in 1924. His father served in
11 the First World War, and had been gassed, which
12 affected his health and led to his early passing.

13 Notwithstanding the fact that Jim lost his
14 father at that tender age of three years as the result
15 of a war injury, he was not dissuaded from volunteering
16 to serve in the United States Army shortly after this
17 Country entered World War II. He was commissioned 2nd
18 Lieutenant and was trained in a new technology at that
19 time -- radar. Its use was classified, and he utilized
20 that technology while serving in North Africa, Sicily,
21 Corsica, Sardinia, Italy, France, and Germany. He
22 received four battle stars for his service, an amazing
23 accomplishment.

24 He was scheduled to be part of the invasion
25 of Japan, but thankfully that war ended, and he

1 returned to the United States. Upon his release from
2 active duty he was promoted to the rank of Captain, and
3 promptly joined the Pennsylvania National Guard in
4 Allentown. By the time of the outbreak of the Korean
5 War he was promoted to the rank of Major, and called to
6 active service in the National Guard. During his
7 National Guard service he was an observer of two
8 classified atomic bomb blasts in Nevada. He retired
9 after 31 years of service in 1973, with the rank of
10 Brigadier General. Now why do I begin my remarks with
11 this brief reference to his national service? Because
12 next to his wife Betty and his family, he was most
13 proud of the contribution he made to his Country during
14 a trying time.

15 On August 15th, 1950, Jim married the love of
16 his life, Betty Jane Jenkins, and they spent the next
17 67 years together raising their family in Allentown.
18 Much of his family is here today, including his
19 daughters, Dr. Carol Pulham and Jane Gibson.
20 Unfortunately his son, John Christie is not here today.
21 He is also survived by his sister, Betty Ehrets, as
22 well as ten grandchildren and four great grandchildren.
23 These accomplishments themselves would constitute a
24 life well lived, but there was much more.

25 When he returned from World War II, he enrolled

1 at the University of Pennsylvania followed by Temple
2 Law School, receiving his law degree in 1954. While at
3 Temple, he served as Editor-in-Chief of the Law Review.
4 Upon graduation he served as law clerk to the Honorable
5 John W. Lord, Jr., Chief Judge of the United States
6 District Court for the Eastern District of
7 Pennsylvania. Jim then entered the private practice of
8 law joining my cousin, the late Morris Perkin, with the
9 law firm of Perkin, Twining, Webster & Christie. For
10 the next 20 years, Jim not only practiced law, but
11 others as a United States commissioner and ultimately
12 as one of the first United States Magistrate Judges in
13 this Country.

14 In 1975, Lehigh County was fortunate to have
15 its first U.S. District Court Judge, Edward N. Cahn,
16 and Judge Cahn was fortunate to have Jim Christie serve
17 as his first law clerk for the next eight years. Judge
18 Cahn told me that Jim was a great help to him, not only
19 as a law clerk, but in establishing the Allentown
20 Station of the U.S. District Court, which by the way
21 had its home in this building, and he often sat in this
22 courtroom with Jim. During his tenure Judge Cahn's law
23 clerk, Jim assisted the handling of the Eastern Sugar
24 Antitrust case, which took him to San Francisco on
25 several occasions which involved planning and discovery

1 proceedings with more than 200 lawyers present from all
2 over the country, in one courtroom, by the way. On a
3 few of those trips Betty would accompany him, and they
4 found a lovely combination -- and get this combination
5 -- florist shop and restaurant, which became a favorite
6 dinner spot.

7 In 1983 he went back to the practice of law
8 and joined me and my partners, Judge Arnold Rapoport
9 and David Schattenstein as our "of counsel." How
10 fortunate we were to have the counsel and friendship of
11 James D. Christie. He was not merely a passive member
12 of the Bar and his community. In 1976 he served as
13 President of the Bar Association of Lehigh County. He
14 was a co-trustee of the Sylvia Perkin Charitable
15 Trust, he served on the Board of Directors of the
16 Lehigh County Historical Society, and taught paralegal
17 and writing courses at Cedar Crest College.

18 Because of Jim Christie's age at the time of
19 his passing, many of you in this room probably never
20 got to know him. At the time of his passing he was the
21 senior most member of the Lehigh County Bar. It's my
22 hope this morning that through this thumbnail of Jim's
23 life that you will realize that there was a man of
24 extraordinary accomplishments and character among us.
25 Betty, Carol, Jane, and John, thank you for letting me

1 share a little of Jim's life. It's my hope that I have
2 demonstrated that James D. Christie was part of that
3 "Greatest Generation". Thank you.

4 MS. MURRAY: Thank you, Judge Perkin.

5 And finally, we will Honor Attorney Lee
6 Rothman, who will be remembered by the Honorable Maria
7 Dantos.

8 JUDGE DANTOS: Good morning. Can a man live
9 a happy, complete, and fulfilled life by choosing to
10 surround himself with everlasting friendships? That is
11 answered by the life of Lee Rothman. Life was a ride
12 for him, a free spirit living life on his own terms.
13 Born in 1948, he believed he grew up in the most ideal
14 time that ever was presented to a child, but sometimes
15 people can only see with their eyes, and Lee often felt
16 he was underestimated by what people saw when looking
17 at him.

18 He found his place in humor and his
19 lightening fast wit. He went with the flow of whatever
20 life brought to him. When he went off to Penn State to
21 begin his adult life, the commitment and priority of
22 enduring friendships was cemented as the foundation for
23 his life. He pledged a fraternity when he was at Penn
24 State. And they're first reaction was, come on, this
25 guy? But he had a friend, John, who said, no, I'm

1 telling you, give this guy a chance, he is great. And
2 of course they all came to love him. Now he had
3 brothers of a different kind. Lifelong friends who
4 50 years later were all at the hospital, or checking in
5 from far away places. Sometimes they snuck him in food
6 that he loved, contrary to his dietary restrictions,
7 but their intentions were so pure, and so clear.

8 When they later learned that Lee was going to
9 law school after college, they said, no way. Lee said
10 it was three more years of not having to work. He went
11 on to Pitt Law, and he met more forever friends, like
12 his roommate, Hal. There just was always room for
13 more. His professional choices were driven by where
14 his friends would be. After law school, Lee and Hal
15 went to work for legal services where there were more
16 friends, Jeff, Rosetta, Mark, and so many more. Can
17 you just imagine these times? It was the 70's, and
18 these young liberal spirits with their long hair were
19 fighting the good fight, and believing in their cause.
20 They loved and found humor in being hated by "the man,"
21 and they were young and restless. They tell the
22 greatest stories of the lousy apartments they lived in,
23 and the many parties and poker games they had with
24 Mark, Jeff, Big Jeff, Bob, Richard, and all the many
25 others.

1 I learned many new things about my dear
2 friend that made me laugh in very difficult times. Lee
3 had long told me the story of when he broke his back
4 while road tripping across the country. It was a
5 one-car crash, and they were lucky to walk away from
6 it. I recently learned a different part of that story
7 that Lee conveniently left out, that it was; in fact,
8 Lee who was driving and fell asleep, with Hal in the
9 back seat. This group was especially fond of the
10 paradise that was Negril where they played, relaxed,
11 and marveled at the sunsets, and a little place they
12 loved called Teawater Cottages.

13 Lee soon became the managing director of the
14 Allentown Office of Legal Services, and in the early
15 80's he went into practice with Hal, forming Funt,
16 Rothman & Weinstein. Lee also proudly became a
17 part-time Public Defender. He was a teacher at his
18 core. He taught for many years down in Philly and
19 locally, and was exceptional.

20 He taught me a great deal. I came later to
21 the party, by about a decade. But we met on my first
22 day on the job in the P.D.'s Office. I was taken to
23 T.A.S.C. in those earlier days for choosing to sit next
24 to Lee while we waited for our cases to be called. In
25 about two seconds I would be laughing out loud, and in

1 trouble. We were all amused that Lee's attributes were
2 the antithesis of those attributes ascribed to most
3 lawyers by the public, and by ourselves as well. Every
4 part of his character screamed against it. Lee was a
5 philosopher, a lover of life and freedom. Fighting was
6 never Lee's first choice. Resolution was. But when
7 called upon, he was a trained, skilled and passionate
8 advocate. He believed in the traditions of what we do,
9 the history, and integrity of it. He had great insight
10 into himself and everyone around him, because he paid
11 attention. Things we talked about like truth, justice,
12 kindness, equality, tolerance, meant more to him than
13 just words. They were his ethos.

14 Lee was mostly interested in people. He
15 remembered everyone's name and everyone's story. Can
16 you ever even think of a time that you were not greeted
17 warmly by Lee with his twinkling eyes and mischievous
18 smile? Ever had a conversation with him where you
19 didn't laugh? He never said a bad word about anyone.
20 Okay, there was one lawyer, one time, and she remains
21 nameless.

22 He loved all sports, and knew everything
23 there was to know about them. He loved going to Iron
24 Pigs games, watching Sydney the Penguins; of course,
25 the Dodgers, and the ponies. A diehard Penn State fan,

1 it was the only time visits and chatting were
2 forbidden. I was so glad he was able to go to concerts
3 with Jeff and Cheryl, and Saratoga with Hal and Rosetta
4 this past fall. He was weak, and it was the beginning
5 of the end, but he was just beyond determined and
6 excited to go and get his racing forms from The Downs
7 and start handicapping those races.

8 He was forever grateful to be able to
9 experience family through our families, and his step
10 grandchildren, whom he loved deeply. He watched our
11 children grow up, and for my kids, was their very young
12 surrogate grandfather. He loved all the children in
13 his life, truly interested and invested in their lives
14 and their perspectives on all things. I remember how
15 he would silently cry when Leo would play the piano
16 just for him. He had love.

17 Lee lived his life for, and surrounded by,
18 his friends. He was not alone. I once called Lee a
19 tumbleweed. We often spoke about life and how we got
20 here, and in one such discussion I realized that every
21 decision he made in his life and career revolved around
22 being near to those whom he loved. He thought about
23 it, and said he supposed I was right.

24 After the firm, and one too many child
25 abusing defendants, he became a sole practitioner so he

1 could do the work he wanted to do. But he hated it.
2 He hated the business of law, and he hated the things
3 people fought about. For years he spoke of getting
4 out, but he didn't. Instead, he added being a child
5 advocate for the County, and filled that void of
6 needing to serve those less fortunate, because it
7 mattered.

8 He could have done anything he wanted. He
9 could have picked up, started a whole new life for
10 himself, because there were no familial ties to keep
11 him here, but he chose to stay, and when he retired it
12 was because he was about to begin the treatment that
13 would ultimately kill him, but in that too short a
14 time, he was loving life. I smiled every time I walked
15 up to his front door where the music would be pumping.
16 There was no good music according to Lee, after the
17 70's. We would laugh and howl as I retold the events
18 of whatever. He laughed often and freely, and with
19 real joy. He listened. He was the devil's advocate to
20 all my certainties.

21 I noticed, however that when we would go
22 to his medical appointments and they asked the question
23 about employment, he couldn't get the words, "I am
24 retired" out of his mouth. He would fall back to,
25 "self employed. Attorney." When I asked him why he

1 did this, he said, "you never know when I might take
2 another case." I realized then, that for all of the
3 complaints, he was proud to be a lawyer. He loved the
4 things that were the best our community has to offer,
5 the people, the camaraderie. It showed in how he
6 conducted himself. Always respectful, always on time,
7 always finely dressed, suit and tie, shoes polished,
8 always prepared, deadlines met, homework done. Ready.
9 He was proud of this profession, and proud of what he
10 had accomplished. He felt the honor in the doing of
11 it.

12 Lee fought harder than I ever thought
13 possible. He wanted to live. He rarely felt sorry for
14 himself, and his body kept fighting beyond what you
15 would think humanly possible, probably on will alone.
16 He wasn't ready to go. Those times were hard and easy,
17 sad and funny, and so poignant all at once, all at the
18 same time. On the rare occasion when he would feel
19 sorry for himself, he would say, all my friends are
20 doing all these things like running half marathons, and
21 climbing mountains. I remember Rosetta being there and
22 she said, "Lee, when the hell have you ever wanted to
23 climb a mountain or run a half marathon?" And Lee
24 said, "Never. I just want to be to able to do it in
25 case I ever want to."

1 Lessons we learned from Lee Rothman. Assume
2 nothing, and never underestimate the will of an
3 individual. Don't just see with your eyes, see with
4 your heart. Being a tumbleweed is not always a bad
5 thing. Following your heart and your friendships can
6 bring peace, joy, and comfort, and a life enveloped by
7 love. You don't have to be a saint, but be the best
8 kind of sinner. Don't sweat the small stuff, life is
9 too short.

10 It was Jeff, Hal and I caring for Lee, and I
11 did not know them well, but I knew they were Lee's
12 friends. Good, honorable, kind and fierce in their own
13 right. We were there, present, and singular of
14 purpose, to help our friend walk the torturous path.
15 Lee called us his soulmates. I guess we were.

16 He told me he wanted to write his own
17 obituary, and he didn't get the chance to, but I know
18 what he wanted the last line to be. He wanted it to
19 say, "He died peacefully at home, surrounded by his
20 friends, getting wasted." I would like to tell you
21 that was true, but it was not to be. But there was a
22 night the three of us were together at his home, and we
23 sat with him and played his favorite albums, and shared
24 good stories of a life lived in kindness and laughter.
25 I know he heard us.

1 There were things Lee made me promise. One
2 of his last requests was that a year or so from his
3 death, we have a huge blowout party with great food,
4 great music, and great friends. And he was clear,
5 gentlemen, that we are paying. So we will share more
6 stories and laugh with our friend, when some time has
7 passed. In the words of Lee Rothman, it will be time
8 to "party."

9 I wish for everyone to be so fortunate to
10 find such pure love in a friendship. It is rare and
11 special, and can make for a very fulfilling and happy
12 life. The lessons I took from Lee were many, but this
13 one was special. It's the expectations we assume and
14 attribute to others that cause us heartache. Don't
15 waste time defending your life, just live it. He was a
16 gentleman and a gentle man. So yes, Lee lived a most
17 special life with all of the many souls he collected
18 along the way, each carefully selected and then woven
19 into the tapestry of his life. We carry him with us
20 and will miss him forever.

21 MS. MURRAY: Thank you, Judge Dantos.

22 Before I turn the program back over to the
23 Court, I would like to take a moment to thank all of
24 our speakers who provided us with the opportunities to
25 learn more about our departed colleagues. Thank you

1 all for telling their stories.

2 Also, a very special thank you to Attorney
3 Jenna Fliszar for working tirelessly behind the scenes
4 to put this program together. Your Bar Association is
5 extremely grateful for your dedication. For those of
6 you who can stay after, the Bar Association is
7 providing light refreshments downstairs. And also we
8 ask that the families of those being honored this
9 morning, feel free to take the flower arrangements that
10 are in front of you.

11 Thank you, President Judge Reibman.

12 PRESIDENT JUDGE REIBMAN: Thank you, Attorney
13 Murray.

14 Each of us has treasured memories of rich,
15 and complex, and interesting lives of those we have
16 memorialized here this morning. The Court expresses
17 our appreciation to the Bar Association for continuing
18 this wonderful tradition, to the Bar Memorials
19 committee for their hard work in seeing that this event
20 was scripted properly, put together, and successful.

21 Also, we appreciate very much the speakers
22 who have so beautifully memorialized our departed
23 colleagues. They have helped to continue this great
24 tradition, allowed us to share in the lives of our
25 departed members, and to be reminded of, or learn some

1 of the qualities we wish to emulate. We are grateful
2 for the lives of those we have honored here today, and
3 for their commitment to the principles of justice we
4 all share.

5 We thank you for joining us today in
6 remembrance and thought, and we especially thank the
7 family members, friends, and associates of your
8 departed colleagues for sharing them with us over the
9 years. They have enriched our lives, as well as yours.

10 The official court reporter is directed to
11 transcribe the notes of testimony of these proceedings,
12 and to make a copy of it available to the Bar
13 Association of Lehigh County. As I understand it the
14 Bar Association will publish the transcript on its home
15 page, which one may read, or download it from that
16 site.

17 Following the conclusion of this ceremony the
18 Bar Association has arranged for coffee in the lobby
19 downstairs in the main hallway, which is just beneath
20 us as you exit the courtroom. Those of you who choose
21 to walk down the beautiful staircase, be careful, the
22 steps are steep. Use the hand rail. Those of you who
23 would like the safer route of exit, there is a 20th
24 century exhibit behind me, a staircase that is a little
25 safer, and also an elevator.

1 At this time, we will adjourn this ceremony
2 out of respect for our departed colleagues in honor of
3 the profession of law to that which they served, and
4 its honorable traditions in Lehigh County.

5 Miss Person, you may adjourn court.

6 (Whereupon the Bar Memorial Ceremony was
7 concluded.)

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