

**IN THE COURT OF COMMON PLEAS
OF NORTHAMPTON COUNTY, PENNSYLVANIA**

RE: BERNARD D. BROEKER, ESQ.)
 ELIAS W. SPENGLER, ESQ.) Court Minutes
 JOHN F. GOLDSMITH, ESQ.)
 MICHAEL C. SCHRADER, ESQ.)

Memorial Services held in Court Room No. 1, Northampton County
Courthouse, Easton, Pennsylvania, on Wednesday, September 6, 1989.

BEFORE: HONORABLE ALFRED T. WILLIAMS, JR.
 President Judge, Presiding.

HONORABLE MICHAEL V. FRANCIOSA, Judge.

HONORABLE ROBERT A. FREEDBERG, Judge.

HONORABLE WILLIAM F. MORAN, Judge.

HONORABLE F. P. KIMBERLY McFADDEN, Judge.

HONORABLE ROBERT E. SIMPSON, JR., Judge.

JUDGE WILLIAMS: This court en banc is specially convened at the
suggestion and request of the Northampton County Bar Association for the
purpose of memorializing deceased members of this Bar. For that purpose, the
Court recognizes the President of the Northampton County Bar Association, J.
Stephen Kreglow, Esquire.

J. STEPHEN KREGLOW: May it please the Court.

Family members and friends of our deceased brethren, members of the Bar,
ladies and gentlemen:

Good morning and welcome to a very special occasion in the history of our
Association. This morning we will pay respect to four of our former
colleagues. The words that are spoken this day become a permanent part of the
records of our Bar and our County. This tribute is but a small gesture compared
to the contributions given to the people of this County by the four men we
honor today.

Those we honor are Bernard D. Broeker, eulogy to be given by Jacob S.
Kolb; Elias W. Spengler, eulogy to be given by the Honorable William C.
Rybak; John F. Goldsmith, eulogy to be given by James A. Hemstreet; and
Michael C. Schrader, eulogy to be given by the Honorable Carleton T.
Woodring.

Your Honor, I would ask that the Court recognize Jacob S. Kolb.

JUDGE WILLIAMS: Mr. Kolb.

JACOB S. KOLB: May it please the Court.

JUDGE WILLIAMS: Mr. Kolb.

MR. KOLB: Fellow members of the Bar of Northampton County, Mrs. Broeker, members of the family and friends of the late Bernard D. Broeker, it is my sad duty to officially notify this Honorable Court and the Bar of this County of the death of our colleague, counsel and friend, Bernard D. Broeker, on December 8, 1988. Mr. Broeker, a member of the Bar of New York and Pennsylvania, and a member of the Northampton County Bar, passed away on that date after 55 years of continuous and distinguished service to his profession.

Bernard D. Broeker was born in Natoma, Kansas, on May 30, 1909. He received his undergraduate education at the University of Notre Dame, from which he was graduated with a Bachelor of Arts Degree in Economics in 1930, and his legal education from Harvard University, where he received his L.L.B., Cum Laude, in 1933.

He then went to work for Cravath, Swain and Moore in New York City and while a member of that firm he did considerable work for the Bethlehem Steel Corporation here in Bethlehem. In 1940 he went to work for Bethlehem Steel as an attorney in the Corporate Secretary's Office. From that time on his rise in the company was spectacular:

In 1943 he became Assistant to the Secretary;

In 1952 he became Assistant to the Vice President;

In 1953 he became Assistant Secretary, and in 1957 he was named Secretary and a director of the Corporation;

In 1963 he was named General Counsel and Assistant Vice President, Finance and Law;

In 1965 he was named Vice Chairman of the Finance Committee;

In 1967 he became Chairman of the Finance Committee and General Counsel;

In 1970 he became Executive Vice President of the Corporation. He retired in that capacity on May 31, 1974, having served the Corporation for 34 years.

Not content with his role as a corporation lawyer, Mr. Broeker found time to become a member of the American Law Institute in the 1950's, where he was instrumental in the drafting of the Uniform Commercial Code, particularly Article 2, the Sales Article. I met him initially as a lecturer at the seminars given in Philadelphia to familiarize lawyers with that monumental change in the commercial law and subsequently was able to persuade him to give a number of lectures to our Bar on that subject. It was also during those years that Mr. Broeker became interested in the local Bar Association and, after joining himself, he was able to persuade a number of other members of the Corporate legal staff to join. It goes without saying that the contribution of these additional members to our Bar was significant both professionally and socially.

At some time during this period, Mr. Broeker also became a Governor of the Federal Reserve Bank in Philadelphia, and he served both the ALI and the Federal Reserve Bank diligently until well after his retirement and until failing eyesight and failing health made it impossible for him to continue.

Upon retirement, along with the late H. P. McFadden and Kenneth L. Houck, he became of counsel to the firm of Kolb, Holland and Taylor; and when I disassociated myself from that firm, he became of counsel to the firm of Kolb and Florenz, where he served until his passing.

He was not content to rest on his laurels in retirement. At my instance, he became Chairman of the Lehigh County General Purpose Authority, where he lent his experience in financial matters to dozens of Bond Issues by that Authority for the benefit of various charitable and public organizations in Lehigh County. He also served and was active on the President's Council of Allentown College of St. Francis de Sales.

So much for his accomplishments. I want to talk about the man himself.

To his friends, Mr. Broecker was affectionately known as "Bun." Bun was a nice guy. He had all the qualities which made him not only an outstanding member of his chosen profession, but also an outstanding member of the human race. He was kind. It was not within him to be rude or curt with anyone; he was not a snob in any sense of the word, and he treated his yard man with the same respect as the Judges of this Court. He was a "soft touch" for anyone needing money. I often remonstrated with him about being such a "softy," but I now know that there was nothing else he could do, and his innate kindness manifested itself in that way.

President Bush would be happy to know that he was gentle. He deplored violence in its every manifestation, and he was deeply troubled about the violence in Northern Ireland, the Middle East and in Central and South America. As with most of us, he was also frustrated about our lack of ability to do anything about it.

He was a student. For all his years he was an avid reader — not only of the law, but of newspapers and periodicals, so that he was well informed on most current topics. Even in his last years, when failing eyesight and illness beset him, he somehow managed to get through the publications he subscribed to with the aid of a strong light and a magnifying glass.

He was a comfortable person to be with. A hearty sense of humor and an easy wit, coupled with a goodly repertoire of stories from bygone days, made him a charming companion both in and out of the office. As far as legal knowledge is concerned, he was a fountain of information on a multitude of subjects, and he was extremely generous in sharing that knowledge with all of his associates.

He was generous. I knew he was generous all along, of course, but not until after his death did I find out the breadth and depth of his interest in charity. He was always generous with his two alma maters. In addition, he was generous with church organizations, hospitals, missionary organizations, child welfare organizations and community organizations. He was not only generous with his funds. He was also generous of his time and could always be counted upon to help if it were possible and the cause was right.

Summing this all up, we have lost a friend and colleague, an outstanding member of our profession, an outstanding citizen of our community, and a kind, gentle, generous human being. The Germans have an expression for it, which has also found its way into Yiddish and is shared by our Jewish friends. Such a person is simply called "Ein Mench," which is translated as a kind, generous, wonderful human being. We have all lost "Ein Mench."

JUDGE WILLIAMS: Thank you, Mr. Kolb. Mr. Rybak.

JUDGE FRANCIOSA: President Judge Williams, my colleagues on the Bench, members of the Northampton County Bar Association, family and friends of Bernard Broeker, Elias Spengler, John Goldsmith, Michael Schrader, and to the ladies and gentlemen who are in Court this morning:

The certainty of death has once again brought us together to reflect and consider the lives and work of four of our esteemed members who have passed away since we last met a year ago in this same courtroom. We are honored to have the family and intimate friends of our deceased members with us for this memorial service.

The occasion of memorializing the passing of our deceased members necessarily reawakens feelings of sadness, and the Judges of this Court share the deep sense of sorrow and loss felt by the bereaved families. However, the time for mourning and condolences has passed and we are gathered here to pay tribute to our departed brethren and to draw consolation from the fullness of their lives.

Their many achievements have been recounted in the resolutions which have been prepared and offered by their close associates. The Court is grateful for these appropriate and deserved eulogies. We concur and join in the sentiments expressed; and we, of course, will not repeat what has been so well said by their eulogists.

But, the response of this Court cannot be limited to the mere record acceptance of the content of the resolutions. The contributions made by the four men whose memory we honor deserve recognition by the Court as well as the tributes received from their associates at the Bar.

A year ago, the list of those honored included some whose careers were ended early and some whose careers were long and active. The four lawyers from whom we seek to gain inspiration through today's service practiced law for a combined total in excess of 200 years.

Bernard D. Broeker, Elias W. Spengler, John Goldsmith and Michael Schrader were all fifty-year veterans at the practice of the law.

Many of the members of the Bar now met for the memorial tribute to these deceased members did not have the privilege of knowing them. For that reason, the credits and honor each of them brought to this Bar, their county and this Court should be made known to all who seek to call themselves lawyers. The importance of this event in the life of our Bar is that it perpetuates the belief among the living members of our Association that the acts and deeds of our deceased members are worthy of emulation. Perhaps, the justification for maintaining our tradition of memorializing deceased members can be found in this quotation from the writings of the late Oliver Wendell Holmes, Justice of the United States Supreme Court:

"The law, wherein, as in a magic mirror, we see reflected not only our lives, but the lives of all men that have been."

The Court is proud to record our admiration and deepest respect for each of the deceased members. Each had his own special claim for the affection and esteem of the Judges of this Court, the lawyers of this county and its citizens.

Bernard Broeker was the embodiment of the corporate lawyer from head to foot. Yet, he never allowed the plush conference rooms, offices and corridors of the elite corporate law firms to erode the down-to-earth values of his Kansas birthplace.

Elias W. Spengler came from that colorful subspecies known as the up-county or country lawyer. He was by nature independent in mind and spirit; although he made room for his son, Dan, he went mainly his own way as a "solo practitioner."

Michael Schrader was a lawyer by profession but a historian by avocation. In the introduction to his work entitled "200 Years of Life in Northampton County," he wrote the following:

"Since the future is built on the past, surely we of the generation of the Bicentennial can face the new day — and the future — in the firm conviction that we and our posterity will continue to enjoy the fruits of the system of justice, domestic tranquility, participate in the general welfare and appreciate the blessings of liberty as our fore-fathers with their uncanny foresight planned. The rule of law persists and with the help of God it will continue to persist. To that end and to the common law so laboriously built about the mythical figure of 'The Reasonable Man,' we dedicate this historical review."

John Goldsmith was at his best one winter's night on February 5, 1982, when he spoke at ceremonies commemorating the 50th anniversary of his admission to the Bar. He expressed his sentiments as follows:

"I want to say just a word or two about this feeling of the flight of years. I have always been impressed by the mystery of time and perhaps many of you have. Fifty years is a certain measurement in the span of time in our lives. It seems like

only yesterday that I took the oath to support the Constitution of the United States and to refrain from practice for filthy lucre. . . . I question whether I've kept the latter part of that oath; but, I have kept the first part of it. That is why they call me a conservative."

Yes, the members who passed away in this past year were very different personalities and engaged in different types of practices. Nonetheless, they shared a common pride in their profession and a common goal to honorably discharge their obligations to their clients without violating their responsibilities to perform such duties as creditable officers of this Court.

In recognition of the distinguished careers of Bernard Broeker, Elias Spengler, John Goldsmith and Michael Schrader, the resolutions presented by the several committees of the Bar Association are unanimously adopted. A record of these proceedings shall be transcribed, filed and made part of the minutes of this Court. Copies thereof shall be sent to the families of each of our distinguished brethren.

This Court now stands recessed in honor of and with deep respect for the accomplishments of Bernard Broeker, Elias Spengler, John Goldsmith and Michael Schrader. When the Court adjourns this day, it will do so in honor of these distinguished past members of our Bar.
