

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA

IN RE: MEMORIAL SERVICES FOR:
E. JEROME BROSE, ESQUIRE
JEFFREY A. GUTH, ESQUIRE
WILLIAM C. RYBAK, ESQUIRE

Held in Courtroom No. 1, Northampton County Government Center,
Easton, Pennsylvania, on Tuesday, October 5, 2004

PRESIDING:
HON. STEPHEN G. BARATTA, J.

ON THE BENCH:
HON. ROBERTA. FREEDBERG, P.J.
HON. WILLIAM F. MORAN, J.
HON. KIMBERLY F.P. McFADDEN, J.
HON. EDWARD G. SMITH, J.
HON. EMIL A. GIORDANO, J.
HON. LEONARD N. ZITO, J.

SPEAKERS:
ALAN B. McFALL, ESQUIRE
JAMES BROSE, ESQUIRE
JOEL KOBERT, ESQUIRE
JOHN W. RYBAK, ESQUIRE

Proceedings stenographically recorded by Sandra M. Borger, RPR,
Official Court Reporter.

MORNING SESSION

PRESIDENT JUDGE FREEDBERG: Good morning.

We are convening this morning to conduct our annual memorial service program and for that purpose I recognize Alan B. McFall, Esquire, President of the Northampton County Bar Association.

MR. McFALL: May it please the court, ladies and gentlemen, I don't think that any of us is ever truly ready to say good-bye to a loved one or to a good friend. Each of us is here today because we've been touched in some way by Jerry Brose, Jeff Guth, or Bill Rybak or perhaps by all of them.

We all share something in common. We know what it means to experience loss; however, rather than mourn the loss of E. Jerome Brose, Jeffrey A. Guth, and William C. Rybak, let us honor their memories and rejoice in their lives. We gather here to celebrate their contributions to the rich traditions of civility and camaraderie between and among the members of the Bar and the Courts of Northampton County.

Having known each of these attorneys personally, I can say that the Bar Association recognizes and values their allegiance and the fidelity they exhibited toward their clients, but, most of all, we are here to recognize that they were a credit to their families; their community, and to the Northampton County Bar.

Following this memorial service, the Bar Association is hosting a reception in the law library to which all of you are invited. The law library, for those not familiar, if you go out that door on that side of the courthouse and straight down the hall, it'll be the first open door on the left and that's where the reception will be held following this service.

At this time I would like to call upon James Brose, Esquire, who will offer remarks in memory of E. Jerome Brose.

MR. BROSE: Excuse me, Your Honor. I thought they were going to do the call of the list first.

THE COURT: Why don't we move on, counsel.

MR. BROSE: I'm actually ready.

THE COURT: Shall we skip this and then move on to you?

MR. BROSE: Maybe that would be best.

PRESIDENT JUDGE FREEDBERG: The Court recognizes James Brose, Esquire.

MR. BROSE: Do you mind if I put this up somewhere?

Good morning, everyone.

First of all, let me thank the Court and Bar Association for having this moment to honor my father.

"Even the worst of us can serve as horrible examples." That was one of my father's favorite sayings. A number of you know he had a lot of favorite sayings like, "Be alert. The world needs more lerts" or at the end of a dinner when he was eating out, the waitress would come up and say, "Are you done?" He'd say, "Honey, I was done 20 years ago."

"Even the worst of us can serve as horrible examples." I can hear him saying that out in the hallway as we sit here, hear him saying it out there with his elbow sort of pitched forward, got the cigarette in the hand, gravelly voice, shuffling his feet a little bit and in a raspy laughter. How much laughter did my father bring to these hallways of this courthouse for so many years? This courthouse was a spiritual home and you were all his family.

In conversations with the people who knew my father best, the word that they used the most often to describe him was that he was a character. Your father's quite a character, they used to say to me, and he was. He lit up a room. He always had a line ready. He was engaging, and he brought out humor in everyone. He brought a levity to the courthouse and a camaraderie. He brought a sense that we as lawyers have a serious job to do, but that we could enjoy ourselves while we did it.

He related to everyone in the courthouse from the Judges to the court reporters, to the clerks, to the cashiers in the cafeteria. Perhaps you will recall, like I do, perhaps you went and had a cup of coffee with him and went through the cafeteria line. He used to go down there, get a cup of coffee during the break, he'd also hand the blind cashier a \$5 bill and say, "out of a hundred" when he went to buy his cup of coffee.

That was my father. Completely irreverent, but with so much integrity that he could get away with something like that because everyone knew

that he would never cheat anybody. Part Woody Allen, part James Bond, he drove around town in that green Jaguar convertible with an air of contentment and confidence, truly enjoyed life. He lived for the moment and the moment usually delivered.

Aside from his sense of humor, the thing that best characterized my father was the willingness to stand up and be counted, whether it was enlisting in the Navy at the age of 17 in World War II or arguing politics at the back room at Oscar's, you always knew where my father stood.

Just as importantly, he gave great thought to the way things were, to the way they should be from the local level to the national level. He was always on the lookout for government encroachment of individual rights. Remember the myriad opinions he shared about government and other things through the years in the local newspapers. Many of those pieces were the best written commentaries published in those papers in the past half a century, in my opinion. My father was known for being quick on his feet in the courtroom, but I believe his flair with the pen was just as effective. Perhaps even more so.

As carefree and self-deprecating as he was, ultimately he was a passionate American citizen who fought in his own way for the ideals and principles this country was founded on and I believe it is important that he's remembered for that.

My father's willingness to be heard and his passion for upholding the Constitution and appreciation for history, his oratorical flair, and his writing acumen all coalesced making him a titan as a lawyer. The fine lawyers who worked with him or came up through his firm, like Tom Elliott, Fred Jacobs, Steve Kreglow, Preston Moritz, all attest that he was never overmatched in a legal battle.

I was fortunate to get to work by his side late in his career and the thing that amazed me most about his ability as a lawyer was the breadth and depth of his understanding of so many areas of the law; property transactions, commercial paper, contracts, criminal defense, municipal law, automobiles, med mal, Constitutional, you name it, he knew it, and if he didn't know it, it didn't take him long to become expert at it because he knew so much other law already.

He was negotiating corporate merger and license agreements for SI Handling Systems in Sweden and Japan in the 1960s. Traveling to those countries in a legal effort perhaps to this day is still unmatched in the area. He was a big time lawyer in a small town.

Of course, he had his share of defeats and he used to joke that he gave up the county's first \$100,000 verdict in the Nazareth Swimming Pool case and that the law of parental immunity stood in the Commonwealth over 200 years until he tried the case in 1971. It was decided against him in the end though. He had a career which we can all aspire to. He earned enough

money to take care of his family, families, he traveled the world, and his clients were never short-changed.

At this time I would especially like to recognize his long-term partners Frank Poswistilo and Karl Labarr for their loyal support and friendship over many years.

I've discussed my father as a person and as a lawyer. I'd like to take some final moments to recognize him as a father. It should be remembered that my father lost his father at a very early age and that he was raised in a school for fatherless boys. As such, he had no role model for fathering which made his accomplishments in that regard even more outstanding. I know that my brother Doug and my sisters Wendy and Robin would say the same thing if they were standing here right now.

Dad, we appreciate the way you looked out for us and we appreciate what you have given to us in terms of an education, a start in life, and we appreciate all the good times. We appreciate your ethics, your faults, and your integrity. You were neither the worst of us, nor a horrible example. You are with us always. Your spirit will be passed down through our children. We love you.

Thanks.

PRESIDENT JUDGE FREEDBERG: Thank you, Attorney Brose, for those excellent remarks.

Judge Baratta will respond for the court.

JUDGE BARATTA: Good morning. Usually we consider these memorial ceremonies to be celebratory rather than somber or solemn. Instead of grieving, we look to reminisce, share humorous stories, acknowledge distinguished and productive careers in the law. Unfortunately, this is not the case with Jeffrey A. Guth, a rather young attorney, who passed away prematurely leaving behind his three daughters and a grieving fiancée.

Mr. Guth was recently admitted to the Northampton County Bar Association although he had been practicing transactional law in New Jersey since 1998. Mr. Guth earned the privilege and was invited this year to become a partner in the firm of Courter, Kobert, and Cohen located in Hackettstown, New Jersey. Among his clients are MIT and PNC Bank.

In his short life, Mr. Guth was a member of various community organizations including the Kiwanis of the Slate Belt and United Cerebral Palsy of Lehigh Valley. He was an organizer of our Bar Association's take your daughters and sons to work day and also the River To River United We Ride Charity Motorcycle Ride and this was from Warren County Hospital to Hackettstown Hospital and the beneficiary of this ride was the United Way.

I did not have the opportunity to meet Mr. Guth, but from his resume, it's clear that we have lost a young man of enormous potential. I would also like to acknowledge a recent achievement by Mr. Guth's daughter, who I

understand was elected to an office in her student government. Obviously his children share in his talents.

The two other honorees were fortunate enough to enjoy long and successful careers here in Northampton County. Although Bill Rybak had a very successful Bethlehem practice, he was probably better known for his political career. As his son John told us, he was a member of the Bethlehem School Board for six years. He ran for District Attorney against his good friend Bernie O'Hare and he held a seat for 16 years in our State House of Representatives.

While in the House, he championed both insurance reform and health care coverage for our workers. Given his legislative priorities, one can guess that he was very active in the Democratic party. Mr. Rybak was also very active in charitable organizations, especially those involving children and the elderly.

I had the pleasure of knowing Mr. Rybak. I was very impressed with his achievements, given the devastating accident that resulted in his physical disability. Mr. Rybak refused to allow this disability to interfere with his enjoyment of life. I was struck when I first saw Mr. Rybak walking briskly through the halls of the courthouse. I was amazed that he was able to walk as quickly as he did holding his briefcase and his crutch in the same hand. It was quite a sight.

I learned from my father that Mr. Rybak drove an automobile, that he also played sports, and he was active with his children. I learned from his resume that he played basketball, that he played baseball, and he played football. In fact, Mr. Rybak's resume bragged that he was a place kicker on his intramural football team in law school. I believe it because I saw a picture of Mr. Rybak in a photo opportunity I think he used for one of his political campaigns where he was holding his crutch and kicking a football. I wish I would have been there to see it because it must have been quite a sight, but Mr. Rybak was a very active man.

When I first came into contact with him, I had the impression that he was a gruff man. My impression was not exactly accurate because at times he could be gruff, but he also had a very good sense of humor. He was very comfortable laughing with his good friend Mr. O'Hare who had a biting sense of humor and at times Mr. O'Hare even made jokes about Mr. Rybak's disability.

Obviously Mr. O'Hare did not have a reputation for being sensitive. For instance, there's a story that for a birthday present for Mr. Rybak, Mr. O'Hare bought him a digital watch after they first came into fashion and, unfortunately, this digital watch required a free hand in order to press the button to light up the display, but Mr. Rybak, undeterred, would wear that watch.

Now, humor's the appropriate way to segue to the remaining honoree Jerry Brose. Mr. Brose's obituary declared that he was known for his color-

ful style, bravado, and wit in the courtroom. Actually, many of us who knew Jerry might say that the reference I just read was an understatement.

We've all heard people described as having one track minds. Anyone who knew Jerry would not describe him that way. Jerry's mind had at least two tracks, one for work and the other for fun. Unfortunately there were times when the fun train jumped its track and ran on the work track. Those times resulted in some very memorable stories, or, rather, I should say legendary stories.

Now, Jerry led a very full life. He was a maverick. He was politically active in the Republican party in Northampton County at the time when registration was overwhelmingly Democratic. He ran for the offices of District Attorney and Pennsylvania Senate. As an attorney he was very intelligent, good on his feet, and by good on his feet, I mean he was very good in the courtroom. He also represented many successful businesses.

He also had no patience for incompetence when it came to the practice of law, and his legal talents were recognized by the American Bar Association when he received the designation as preeminent counsel. Now, as an attorney, Jerry was involved in landmark cases in the area of trademark secrets and wiretaps. Jerry also managed to be a defendant in a landmark case involving wiretaps as well.

He lived a very exciting private life. He loved to golf, he enjoyed cocktails with his friends, and he wasn't afraid to place an occasional wager on a sporting event. I think that Jerry also believed that he was a bit of a ladies' man and I suspect that that belief may have been accurate.

I considered Jerry and his son Jim to be friends of mine. I got to know Jerry fairly well by lunching at Oscar's Deli where Jerry would often hold court. During these lunches Jerry would entertain everyone with stories involving the practice of law, about his escapades, about his escapades with the attorneys he liked and sometimes also escapades of the attorneys he didn't like very well. All his stories were funny, entertaining, and sometimes educational.

Let me share one story that's not really educational, but a great example of his playful side.

One time Jerry was representing a client at trial when he decided that it would be appropriate to call himself as a witness. For those who aren't lawyers, I would preface this story with a comment. It's not often that lawyers become witnesses in the very matter that they're representing the client, but on occasion it can happen.

When it does happen, the typical practice is to allow that attorney to testify by presenting a narrative, telling a story. In Jerry's case, he told the Judge that he would prefer to take the witness stand and to ask himself questions which he would then answer. Well, during one of Jerry's long-winded responses to one of his own questions, he interrupted his own answer and objected, and he complained to the judge that the witness was

not responsive to the question. Now, obviously there are times when Jerry took pleasure in antagonizing judges. I won't tell any other stories though.

Now, Bill Rybak and Jerry Brose comprised the old guard of the Northampton County Bar Association. I think that my father, who was also an attorney, was part of that old guard. These men lived rich lives, full lives, in the law as well as in their personal lives. They possessed a unique combination of qualities which endeared them to many and enriched the lives of family, friends, and colleagues.

I have told Jim and John that our fathers' lives were filled with flavor and that we in comparison are just plain vanilla. Men like Bill Rybak and Jerry Brose will not soon grace our presence again and we will be less diverse, less exciting, and poorer for it.

PRESIDENT JUDGE FREEDBERG: Thank you, Judge.

When we adjourn today, we do so out of respect for the memory of those who we memorialize today, those whom we honor today.

At this point we will take a recess. We will reconvene in this courtroom at 10:00 for the call of the argument list.

There is a reception, as Mr. McFall has noted, to be held in the law library immediately, so at this point we will adjourn to the law library for the reception and reconvene here at 10 a.m. for the call of the argument list.

Thank you.

(The proceedings concluded.)
