

In Re: MEMORIAL SERVICES FOR:
HONORABLE CARLETON T. WOODRING
FRANCIS JOHNS GAFFORD
HARRINGTON ADAMS
WILLIAM C. FULMER, JR.
RICHARD J. GASDASKA
GEORGE M. BERG
GEORGE C. LAUB

Memorial Services held in Courtroom No. 1 in the Northampton County Government Center, Easton, Pennsylvania on October 5, 1993.

HONORABLE ROBERT A. FREEDBERG, PRESIDENT JUDGE
HONORABLE JAMES C. HOGAN
HONORABLE WILLIAM F. MORAN
HONORABLE F. P. KIMBERLY McFADDEN
HONORABLE ROBERT E. SIMPSON, JR.
HONORABLE JACK A. PANELLA

JUDGE FREEDBERG: This morning we convene for the Annual Memorial Service. The Court recognizes Philip M. Hof, President of the Northampton County Bar Association. Mr. Hof.

MR. HOF: Thank you, Your Honor. May it please the Court, members of the Bar of Northampton County, family and friends of our deceased members. This morning is a time to remember. This is a time for family, friends and colleagues to gather and to put aside for a moment the pressing demands of the day, and to recognize that we are travelers through time. Those who have already come and gone have left contributions and deeds that will forever shape and form our lives.

It is fitting and appropriate that Bench and Bar be afforded the opportunity to eulogize their colleagues who have passed away. By no means are such eulogies mandatory or even customary in most trades or occupations. But law is different. However it may be portrayed in the movies or television, it is still an institution of trust. To lawyers, to judges, words such as freedom, rights, and justice still have meaning. Such terms still summon the lawyer into action. For the practitioner, for the jurist, the law is not merely a job or profession, but it's part of that individual's fabric. As the law makes up the fabric of the individual, so the lawyers who have come before us and are now gone together comprise

the cloth that is the history and heritage of the Northampton County Bar. It is a cloth rich in color, resilient from its diversity and one with patterns that vary as the practice and profession changed over the scores of years in this Commonwealth. Each of our colleagues who will be eulogized here today has become another thread in that history and heritage. We, the living, are the stewards of that precious fabric.

This morning is a time to remember, and perhaps the finest memorial that we can give is one by way of commitment—a commitment never subordinates our heritage, our ethics, our honor to the momentary needs of a passing of day. As the demands and pace of our work grows, so should our resolve also quicken, a resolve to treat each other with civility, to recognize the client with loyalty and trust and to recognize that each of us is an ambassador to the entire legal community.

As we hear the eulogies of our colleagues today, let us recognize that our deeds, our words, and our reputations are the offerings that we give in memory of them. We are the threads of the cloth of tomorrow. The quality of that cloth will be measured by the quality of its thread. The quality of the thread will be measured by the quality of our lives. We must keep the thread strong; we owe at least that to our heritage and to those who have come and gone before us and are eulogized here today. Thank you.

JUDGE FREEDBERG: Thank you, Mr. Hof.

JUDGE FREEDBERG: The eulogy for Francis Johns Gafford will be presented by the Honorable Richard D. Grifo. Judge Grifo.

JUDGE GRIFO: May it please the Court, Your Honor, President Judge Robert Freedberg, and the Courts, members of the Northampton County Bar Association, and family and friends of Francis Johns Gafford, Esquire, deceased.

It is my melancholy, yet privileged, duty this morning to eulogize Francis Johns Gafford who left this life on September 24, 1992 in the Polyclinic Medical Center in Harrisburg, Pennsylvania.

The Bars and the Courts of the United States, the Commonwealth of Pennsylvania, and Northampton County have lost a capable and brilliant advocate of the law. His career and his achievements were extraordinary; he was truly a great and dedicated lawyer.

Permit me to review his curriculum vitae.

Francis Johns Gafford was born December 31, 1909, in Phillipsburg, New Jersey and is survived by his wife Dorothy Peters Gafford, a brother T. Harold of Easton and three nephews. His primary education occurred in the public schools of Wilson Boro. He matriculated at Lafayette in 1927, and was elected Phi Beta Kappa in 1930 and he graduated Summa Cum Laude in 1931. He graduated from the University of Pennsylvania School of Law, and received a J.D. in Law in 1934.

Francis Johns Gafford was admitted to the practice of law before the Courts of Northampton County on November 19 of 1934. In that same year, he was admitted to practice before the Superior and Supreme Courts of the Commonwealth of Pennsylvania. He was admitted to practice law in the United States District Court for the Eastern District of Pennsylvania, and the Circuit Court of Appeals for the United States Third Circuit. In 1942, he was admitted to practice before the U.S. Supreme Court, and during World War II, he was admitted to practice before the U.S. Military Court of Appeals.

He practiced law upon his graduation from law school in the firm of Smith and Paff, upon his admission to the Bar of this County. He did that until 1942 and upon his honorable discharge from the United States Army in 1946, he became a member of the law firm of Smith, Paff, VanSickle and Gafford.

During World War II, he entered the Army as a private and was commissioned an officer in the Judge Advocate General's Corps in 1943 and served in Europe as assistant theater judge advocate on the staff of General Dwight D.

Eisenhower and was later honored in that regard. He was awarded the Bronze Star and was discharged in 1946 with the rank of Lieutenant Colonel.

After the war, he resumed private practice in Easton until 1947 as a member of the law firm of Smith, Paff, VanSickle and Gafford. Thereafter, he served as Deputy Attorney General of the Commonwealth of Pennsylvania from 1947 to 1955 under Justice Thomas McKeen Chidsey of the Supreme Court from this County. He also served under the following attorney generals: Charles Margiotti, Robert E. Woodside, Frank F. Truscott and Herbert B. Cohen; having been appointed to the office by Governor James H. Duff, Governor John S. Fine and Governor George M. Leader.

From 1955 to 1961, he served as Assistant to the Secretary of the United States Treasury, and that was during the administration of President Eisenhower. And in 1961, he was appointed as Chief Trial Attorney for the United States Interstate Commerce Commission until 1964. He then returned to Pennsylvania and was appointed by Governor William Scranton and Governor Raymond P. Shafer to serve as Deputy Attorney General of Pennsylvania from 1964 to 1971. He served under then Attorney General Walter E. Allesandrone and Attorney General William C. Sennett. He retired from government service in 1971, and continued to practice law on a part-time basis. He's been listed and named in Who's Who in American Law.

Those of us who have known him as a fellow member of the Bar have enjoyed a great privilege, and in his passing, this Bar suffers a great loss. A lawyer of principle, knowledge, devotion and dedication to his profession has left the scene, not without, however, leaving a permanent consideration to its integrity, not only on a local, but on a national and state level. He served all three branches expertly.

He also has a rich and fruitful existence outside of his chosen profession in the spheres of life so important to the American concept. He served his church, he served his community, he served his government, he served his family, and he served his fellow man.

He was a special kind of a lawyer, most of his career was spent having the government as a client, the Federal Government, and the State Government. He spent a lifetime dealing with the law as it related to governmental control and governmental regulation. He was fascinated by the problem of enforcing laws that dealt with agencies of the government and their affect on people as well as on business. And though this field took him away from Easton and his friends and family, he never left Easton. And his church always was the church in Easton. He remained a member of his church and retained his friends here.

I so enjoyed his letters. In matters of concern not only to Easton but to the whole consent of government in America also, of this concern to me as a judge. His letters discussing all of these things were instructive, supportive, and always gave me a feeling that Francis was interested in me as a judge but more interested in me and the effect that I was having on the government of Northampton County. His encouragement and interest were always so welcomed.

He was a quiet man, but not shy. He was an unassuming man, and he was gentle. And when you spoke with him, you knew, you knew by his demeanor,

you knew by his words, that Francis was a person of the heart. Francis Johns thought deep. He felt deep. Francis cared deeply and one of the ways he expressed his deep caring for others was by engaging them in conversation about their own topic of expertise, challenging himself—whether it be the subject of Egypt, the topic of medicine or the field of theology.

So unassuming was Francis, so humble was his way, that engaged in a relationship with him, you might never know about his distinguished achievements or the extraordinary heights of his career.

These were the words of Pastor Brenda M. Ritterpusch as she spoke during the meditation at the church service held at the Olivet Presbyterian Church in Easton, the church of Francis's mother, that he never left in honor of her.

I feel honored this morning to memorialize in the annals of the history of our County Court the contributions made by Francis Johns Gafford, as a sworn officer of this Court, and as an advocate in this our judicial forum.

JUDGE FREEDBERG: Thank you, Judge Grifo.

JUDGE FREEDBERG: The response of the Court will be offered by Judge Moran and that will be followed with a response by Judge Simpson. Judge Moran.

JUDGE MORAN: In the autumn of each year, our Bench and this Bar gather here for the purpose of paying homage to those members of the Northampton County Bar who have died during the preceding 12 months. Today, we say an official farewell to seven of our deceased colleagues.

This Court joins with the members of the Bar to offer its condolences to the friends and families of these distinguished members of our Bar. We join together with them today to memorialize their passing and to briefly recognize their many professional and community achievements.

Each of those we honor today was a unique individual. Each brought unique talents to the service of this Court, to their community, and most importantly, to their clients.

During the month of September, 1992, we lost three of our most senior members within the span of three days.

Judge Carleton Woodring was both a member of this Bar and of this Bench. Judge Woodring's passing will be specially recognized later in these proceedings in remarks by Judge Simpson.

Three days after Judge Woodring's passing, the Bar lost what I believe to be our most senior member, Harrington Adams of Bethlehem. Mr. Adams died at 98 years of age. As has been noted, the death of Harrington Adams brings to a close a very special era for our Bar. He was, I believe, the last of our colleagues to come to the Bar through training as a clerk in a law office rather than through the more modern, perhaps more formal training, at law school. He is also, I believe, the last member of this Bar to be born in the 19th century. He practiced in Bethlehem with distinction for more than 60 years.

Francis Gafford, also a senior member of our Bar, died in September, 1992. He began his career here in Easton in private practice. However, as Judge Grifo has noted, he spent the bulk of his career in public service, serving with distinction as counsel to a number of agencies and departments, both the Federal Government and the Commonwealth of Pennsylvania. Despite his physical absence from Northampton County, he remained a loyal member of this Bar.

In the spring of last year, this Bar suffered the loss of two relatively young members; William Fulmer and Richard Gasdaska.

Bill Fulmer, a graduate of both Dickinson College and Dickinson Law School, was admitted to practice in 1963. For 30 years, he practiced in the city of Bethlehem with distinction. Like his father before him, he specialized in the field of domestic relations and real estate law.

Dick Gasdaska died in June of this year at age 64. He practiced principally real estate law. From 1959 to 1985, he served this Court as a member of its Board of View. He also served with distinction as an Assistant District Attorney in the 1960's.

George Berg of Northampton died in July, at age 82 having served as a member of this Bar for more than 50 years. He, like Bill Fulmer and Dick Gasdaska, practiced not so much in the Courtroom, but in their office, offering to his clients essential advice and counsel in their everyday affairs.

In the latter part of the summer, the Bar lost one of its most distinguished members, George Laub, also a member of this Bar for over 50 years. George Laub served his community, his clients, and especially his alma mater, Lafayette College, with great distinction. His courtly manner, his quick and decisive mind will be greatly missed.

Finally, we note with sadness the passing of a young member of our Bar, Cregg Mayrosh, who died just last week. Cregg's passing will be officially recognized at our next memorial service.

As the recollections of each of our seven eulogists have made clear, each of our seven departed colleagues was unique. The contributions of each to this Court and to this community were likewise unique.

But while they were unique, each of these seven men had something in common. Each was a professional. Each brought to the legal profession a recognition of the special responsibility that members of the Bar share in the administration of justice. Each recognized that the legal profession, which is now so often maligned, plays a vital role in the preservation and in the enhancement of our social order. Each of our departed colleagues recognized that role by his words and his deeds, throughout his career. Whether they serve their clients as advisors in an office or as advocates here in a Courtroom, each performed that role competently and honestly. Each recognized that the practice of law is not simply a business. It is a profession with the unique responsibility to our society.

Today, this Court says farewell to seven members of the Bar who brought distinction to themselves, to their families, to this Court, and to their profession.

JUDGE SIMPSON: "On July 30, 1963, Darrel L. Cummings, 16 and a half years of age and in excellent health, dived into the swimming pool owned, operated and maintained by the Borough of Nazareth. He failed to surface. A swimming companion started in search and found Darrel lying face downward on the floor of the pool. He helped him to a ladder where a lifeguard lifted him

to the pavement. Darrel was seriously injured. He suffered a subluxation of 4th and 5th vertebrae and a fracture of the 6th which left him a permanent cripple, paralyzed from the chest down, to be imprisoned in a wheel chair for the rest of his life." 233 A. 2nd 874, 876. With this florid prose, Mr. Justice Musmanno began the first opinion of the Supreme Court of Pennsylvania in arguably the most famous piece of civil litigation in this jurisdiction, and one of the most significant pieces of civil litigation anywhere.

Representing the injured boy at trial were Gus Milides and Herb Toff. They were later joined by Norman Seidel. Representing the defendants were E. Jerome Brose and John Hambrook. Presiding was the Honorable Carleton T. Woodring, at that time the primary civil trial judge in Northampton County, who was referenced in Supreme Court opinion as "a highly esteemed jurist with more than 20 years on the bench." 242 A. 2nd 460, 465.

By what path did Carleton Woodring, once an aspiring forester, come to the vortex of Pennsylvania jurisprudence?

He was 21 when he graduated from Penn State in 1923 with a degree in forestry. Soon thereafter, he was employed by the Crossett Lumber Company in Crossett, Arkansas. But after three years, considerations of health persuaded him to return to his hometown of Easton. Here, he worked briefly at his father's hat store before attending the University of Pennsylvania School of Law.

As a footnote at this point, I might add it was during this time that he began a long relationship with the Bach choir of Bethlehem. He sang in the choir, and in doing so, met Margaret Bixler with whom he began a long tenancy by the entireties on December 28, 1932.

Later in life, he was elected to the Board of Managers of the Choir, and he served as its president. However, he never assumed higher authority in his marital tenancy.

In 1930, at age 27, he earned his law degree. Shortly thereafter, a fortuitous encounter changed Carleton Woodring's professional life. He later described the episode in these words:

"On my return to Easton after graduation from the Law School of the University of Pennsylvania, I had no plans, no intentions. I think I was not registered in any law office, and all I had was a diploma and some bad teeth, and I went to the Drake Building to see a dentist. On the way down from that office, the elevator stopped at the second floor, and on the door I saw the name of Francis E. Walter, Attorney-at-Law. I had grown up in the same block with Mr. Walter where we knew him as Tad, but I hadn't seen him for many years. I had been away at school, college, and then some other work for four years, and then law school for three years, so I hadn't seen Mr. Walter for a long time. But when I saw the name, I thought, 'I think I'll go in and say hello to Mr. Walter.' I had nothing else to do. It was depression days, nobody had much to do.

I went in and a secretary announced me. Mr. Walter was the county solicitor. He was working on some very unusual law pertaining to the building

of county roads. The County of Northampton had built some concrete roads, which was an innovation in those days, and in the law, it was rather unique for counties themselves to build the roads.

He was looking up the law of land damages concerning these roads and he came out, when I was announced, and he shook hands with me and he said, come in and sit down. I've got some problems here."

Carleton Woodring's association with Tad Walter, who enjoyed considerable political influence, was beneficial to him. In 1940, after ten years of the association, he ran for and was elected to the Pennsylvania House of Representatives. Two years later, at age 40, he was elected to the Pennsylvania State Senate, and he was re-elected to that office in 1946.

He was a 45-year old State Senator when he decided to run for judge. In those days, jurists were often among the most senior members of the Bar, so much of his campaign was dedicated to convincing voters his age was "just right."

In the primary of 1947, he defeated a former president judge for the Democratic nomination, and in the general election, he defeated the incumbent president judge. His youth and his successes have been an inspiration to associate judges in Northampton County ever since.

He joined Judges Barthold and Frack on the Court of Common Pleas for the Third Judicial District in early 1948. Perhaps the trial bar's initial reaction to Judge Woodring was one of caution. But he soon won the respect of trial lawyers as a jurist who would not interfere with their trying the case to the jury.

In addition, his sense of humor and love of people was evident in the proceedings over which he presided. However, he was not reluctant to use his authority to end litigation or override a verdict which did not meet legal standards.

From the mid 1950's to the mid 1960's, Judge Woodring, together with Judge Barthold and Judge Frack, and later Judge Palmer, kept the watch during a time of upheaval in the Courts unlike anything I have ever experienced. On a superficial level, the Courthouse was totally renovated. Although a cosmetic change, the renovation symbolized the more significant changes occurring in the Courtrooms.

In domestic relations court, an explosion of caseload occurred. Judge Woodring presided over domestic relations court during this time, and his work was the basis for many stories which epitomized his wit and his humanity.

In criminal court, unprecedented transformation occurred. Cases like *Miranda v. Arizona* and *Gideon v. Wainwright* worked changes in criminal procedure, to which the court adapted. In addition, new ideas in rehabilitation of criminals were being tested. Judge Woodring was in the vanguard of this movement, and he was actively involved in establishing Alcoholics Anonymous units in prison.

But there was one other area that was to undergo unparalleled conversion: Civil trials.

Thus, it was this professional path for Carleton Woodring: student; forester; haberdasher; lawyer; politician; choirist; representative; senator; judge; and trial judge.

In 1966, this path led him to the watershed civil trial in what is now Courtroom Number 3. One can imagine the low afternoon sun threw long shadows from the legendary litigators engaged in the trial. The defense contended that the injured boy, a knowledgeable athlete, who along with countless others had used the diving board at Nazareth Boro Park on dozens of prior occasions, knew well the risks of his sport and assumed them. But plaintiff's counsel used a relatively new approach. They offered expert testimony of a latent design defect in the swimming pool.

At 6:05, on May 27, 1966, the jury foreperson rose to announce the verdict. The jury awarded plaintiffs \$215,000, a remarkable sum in those days. The Courtroom stood briefly quiet. Stunned. The case of *Cummings v. Nazareth Borough* is known by every trial lawyer in Northampton County, and it's probably known to every Pennsylvania lawyer who has ever researched issues arising over expert testimony or who has ever sought a new trial.

The case marked the beginning of modern civil trials in this County and the first really large verdict here.

Having stood the watch for 20 years during a time of growth and change, Judge Woodring decided in 1967 not to seek another term. He passed stewardship of the Court to a younger group of professionals. First Judge Williams, at age 37, and later Judges Grifo and Franciosa.

Happily, however, Judge Woodring's retirement from active judicial service was not the end of his public service. In 1968, he served as a delegate to the Pennsylvania Constitutional Convention, where he was elected a co-chairperson of the finance and taxation committees. That same year, he began a long tenure on the Board of Governors of the Lehigh/Northampton Airport Authority, ultimately becoming a vice-chairman. In addition, he served as a director of the Lehigh Valley Plan of Blue Cross, and in 1976, became the president of that body. In addition, he was very active in his church and in civic organizations too numerous to detail at this point.

Beginning at age 66, Judge Woodring served as the first senior judge from this county. He served in that capacity for an incredible 13 years. During his service as senior judge, he continued to preside over trials here, but he also traveled to many other counties in Pennsylvania. His family speaks of the pleasure he derived from his travels and his new professional relationships. The senior judges who followed him have remarked the good will he developed throughout Eastern Pennsylvania.

In 1981, at age 79, after 33 years on the bench and more than 41 years in public service, Carleton T. Woodring retired a second time. He left a legacy of industry, humanity, fidelity and decency.

His death on September 23, 1992 at age 90 does not diminish his professional heritage. Together with his brethren on the Bench and the officers

of the Court who practiced before him, some of whom we remember today, Carleton Woodring brought stability and continuity during a time of tremendous change. For this accomplishment by all of them, a brief moment of reflective silence is due.

JUDGE FREEDBERG: Thank you. I direct that the notes of these proceedings be transcribed, and the copies of the eulogies be forwarded to members of the families of our departed colleagues.

At this point, we will take a recess to permit members of the Bar to greet the families of our colleagues.
