

COPY

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
NORTHAMPTON COUNTY BAR ASSOCIATION

MEMORIAL SERVICE

HONOREES:

HONORABLE ISAAC S. GARB
MARK S. REFOWICH, ESQUIRE
JAY A. SCHERLINE, ESQUIRE

BEFORE:

THE HONORABLE COURT OF Northampton
County, Third Judicial District, Easton,
Pennsylvania, Courtroom No. 1 on Tuesday,
September 24, 2013.

HONORABLE STEPHEN G. BARATTA

HONORABLE F.P. KIMBERLY MCFADDEN

HONORABLE EDWARD G. SMITH

HONORABLE EMIL GIORDANO

HONORABLE PAULA A. ROSCIOLI

HONORABLE ANTHONY S. BELTRAMI

HONORABLE LEONARD N. ZITO

HONORABLE MICHAEL J. KOURY

HONORABLE CRAIG A. DALLY

Proceedings stenographically recorded by
Mollie E. Shannon, RPR, Official Court
Reporter.

1 JUDGE SMITH: The Court is called to
2 Order for the Annual Memorial Service. On
3 behalf of the Court, I want to welcome the
4 family, friends, and colleagues of Judge Garb,
5 Mark Refowich, and Jay Scherline. The Court
6 recognizes the President of the Northampton
7 County Bar Association, Stanley Margle,
8 Esquire.

9 MR. MARGLE: Thank you, Judge Smith.
10 May I please the Court, Judges of the Court of
11 Common Pleas of Northampton County, I would
12 also like to recognize the Commonwealth Court
13 Senior Judges Simpson, Hogan, Moran, and Judge
14 Zito's also with us today.

15 Ladies and gentlemen, I would also
16 like to welcome the family and friends of our
17 honorees today. This is a proud tradition at
18 Northampton County, something that we do once
19 per year to honor those members of our bar who
20 have passed away. We, today, need to honor
21 three of those members of our bar; Jay
22 Scherline, Mark Refowich, and Judge Garb.
23 I do not want to take the thunder from our
24 speakers today, so I'll just be very brief with
25 regard to our three honorees.

1 Jay Scherline; I did not know Jay
2 very well, but what I did know about him was
3 his warm smile, his handshake, and his
4 willingness to help our very young members of
5 the bar. He was a member primarily of the
6 Lehigh County Bar, but became very close to
7 members in the Northampton County Bar. He came
8 to our meetings, our outings, and he was
9 welcome. In fact, there was a rumor he even
10 liked Northampton County more than he liked
11 Lehigh County by the end of his practice. We
12 miss him, we are going to miss him. He is gone
13 too soon.

14 Secondly, Mark Refowich. Mark was
15 one of the first members of the Bar that I met
16 when I came to practice in 1983. And quickly I
17 had a divorce case with Mark and had a
18 perfectly wonderful settlement agreement to
19 propose to Mark. So I went up to him, said,
20 Attorney Refowich, I've got this deal for you,
21 it's going to make your client very happy. I
22 proposed the deal, and he looked at me and he
23 said one word: trial. And he meant it. And we
24 went to trial, where he proceeded to prevail,
25 of course.

1 But underneath that very tough
2 exterior is a very, very skilled trial lawyer.
3 And most importantly, a teddy bear. He really
4 was. Even though he gave you that tough
5 exterior and said trial probably to every
6 member of our Bar here today at one point or
7 another, he was very willing to accommodate any
8 requests that you wanted. He was very
9 courteous and very professional in his dealings
10 with members of the Bar. We're going to miss
11 him, too.

12 And finally, Judge Garb. When we
13 had a short bench years ago, we had the
14 distinct honor and pleasure of having Judge
15 Garb join us as a Senior Judge. He really
16 helped out the bench and helped out the Bar.
17 He was preceeded by a very small reputation for
18 integrity, wisdom, and his demeanor on the
19 bench. He was tough but fair. We've heard
20 that a lot about Judges, but he really was.

21 I remember trying a very difficult
22 case with Judge Garb, prevailing -- yes, I did
23 prevail -- and I went to the Superior Court and
24 I stood in front of the Superior Court and the
25 first thing I said to the three-member panel

1 was that this case was tried before one of the
2 most distinguished and most experienced trial
3 Judges in Pennsylvania. And I remember,
4 distinctly, all three members of the Superior
5 Court nodded in unison. They all acknowledged
6 and knew who he was.

7 He also helped Northampton County by
8 establishing what we have now as a pretrial
9 conference procedure. Every case, every
10 custody case that comes before the bench, is
11 preceded by a pretrial conference. We try to
12 settle it, keep it away from our Judges. Judge
13 Garb has now become a verb. Every case must be
14 Garbed before it goes to trial. And we say
15 that affectionately. We miss Judge Garb, and
16 we wish his family well.

17 Thank you for your time. I'd like
18 to turn this program back over to Judge Smith.

19 JUDGE SMITH: Thank you very much.
20 The Court recognizes Stephen G. Baratta,
21 President Judge.

22 JUDGE BARATTA: Good morning. Bear
23 with me, I'm getting over a bit of a cold, but
24 I've been given the honor of memorializing
25 Judge Garb. Let me first start by providing a

1 brief biographical history. Isaac S. Garb was
2 born on June 19th, 1929, in Trenton, New
3 Jersey. He was married for forty-seven years
4 to his wife, Joan. Joan passed away in 2009.
5 The Garbs have three children; Emily, Maggie,
6 and Charles, and a granddaughter, Ava.

7 At the time of his death, December
8 3rd, 2012, Judge Garb resided in Bucks County,
9 Buckingham Township. Now, Judge Garb grew up
10 in Trenton and apparently he was quite a
11 football player, which is hard for me to
12 believe because I remember Judge Garb being
13 about this high and he weighed about a hundred
14 pounds. Still, he must've been pretty tough,
15 because he received a football scholarship to
16 Methodist College.

17 Unfortunately, and probably not
18 surprisingly, his football career did not
19 progress as he expected. He was pretty well
20 beaten up and returned to New Jersey to enroll
21 in Rutgers. He graduated in 1951, and
22 thereafter he enlisted into the United States
23 Army.

24 He was assigned to the County
25 Intelligence Unit in Washington and there,

1 according to his daughter, Maggie, Judge Garb
2 chased spies and Communists within the United
3 States Government. He was honorably discharged
4 in 1953 and began law school at the University
5 of Pennsylvania. He graduated in 1956, and
6 instead of practicing law, he spent almost a
7 year hitchhiking around Europe and the Middle
8 East.

9 When he returned he began the
10 general practice of law in Doylestown,
11 Pennsylvania. In his early years, Judge Garb
12 was an Assistant Public Defender, then he moved
13 on to the United States Attorney's office for
14 the Eastern District of Pennsylvania .

15 He resigned in 1962 because he ran
16 on a democratic ticket for state assembly, but
17 he ran as a democrat in Bucks County. He was
18 on a ticket with the famed novelist James
19 Michener, also a Democrat. True to form, both
20 Judge Garb and Mr. Michener lost, but
21 fortunately, democratic registration did not
22 interfere with his political career, because in
23 1966, at the age of 37, he was appointed by the
24 Republican Governor William Scranton to the
25 Bench in Bucks County.

1 After he survived one election and
2 three retention elections, he served
3 continuously for thirty-three years until the
4 mandatory retirement age of 70. When he
5 reached 70, he began serving as a Senior Judge
6 for another eight years until he sat as a
7 Senior Judge in both Bucks County and
8 Northampton County. Here he presided over
9 criminal trials, civil trials, and he spent a
10 fair amount of time in our Juvenile Court.

11 One of the more impressive aspects
12 of Judge Garb's services to this Court was that
13 he accepted all assignments and, surprisingly,
14 he worked for free. We made quite a lot of
15 profit off of Judge Garb. And when I say he
16 worked for free, literally, he worked for free.
17 After about April, the stipend that we had for
18 Senior Judges ran out for Judge Garb, and from
19 April to December, he worked nearly full-time
20 for no pay, because he loved to work.

21 In 2007, at the age of 78, Judge
22 Garb was forced to step down as a Senior Judge.
23 Thereafter, he continued to work in Northampton
24 and Bucks County, where he sat as a Juvenile
25 Court Master and a Custody Master. Judge Garb

1 gladly accepted other assignments that our
2 President Judge was able to delegate to him.
3 He also remained continuously available to
4 discuss the art of Court Administration. He
5 was a very valuable asset to the Northampton
6 County judiciary, the local Bar Association,
7 and to the citizens of Northampton County.

8 Now, if the Judge were here today he
9 would probably tell you that his work in
10 Juvenile Court was his most important work, and
11 it was really the work that he loved the most.
12 Judge Garb was known to be an advocate for
13 children, especially those in need. Now,
14 besides the law, Judge Garb had other passions
15 including running, and I believe he was running
16 well into his 70's, at least five miles a day.
17 He tended to a vegetable garden, loved the
18 Metropolitan Opera, loved the New York Yankees,
19 and, to a lesser extent, the New York Football
20 Giants.

21 Now, as Judges we often love to
22 discuss our quote, unquote, famous cases. And
23 we all have cases that might have some local
24 notoriety or that we think are important cases.
25 Judge Garb had a number of famous cases with

1 two of the more particular cases that garnered
2 both national and international fame. One was
3 a murder case of 1983, and the other was a
4 civil case involving a very important
5 environmental issue that he rendered a decision
6 on in 1985. Then again in 1987, those two
7 cases were a wholly independent game
8 intertwined when he ran for his retention
9 election.

10 In the first case in 1983, he was
11 appointed by the Chief Justice of the
12 Pennsylvania Supreme Courts to handle a high
13 profile murder case, Commonwealth vs. William
14 Bradfield. Bradfield was accused of killing
15 Susan Reinert and her two children. And you
16 may have remembered this case, because it was
17 christened the Main Line Murders.

18 Both Bradfield and Reinert, the
19 victim, were teachers at Upper Marion High
20 School. They were also lovers. The theory in
21 the case was that Bradfield, after he was named
22 beneficiary to Reinert's insurance policy and
23 her estate, killed her for the money.
24 Allegedly, Bradfield had the help of the
25 Principal of the school, Jay Smith. It was

1 quite a horrific crime. They found Reinert in
2 her parked car in a parking deck in Harrisburg
3 with the trunk open on a weekend. She was
4 badly beaten and strangled. The children were
5 never found.

6 Bradfield at the time was -- he had
7 an airtight alibi, he thought, because he was
8 at the Jersey Shore with friends when she was
9 found. It was quite a case, covered by the
10 press both locally, nationally, and
11 internationally. Judge Garb, after Bradfield
12 was convicted, sentenced him to three
13 consecutive life sentences. But this story was
14 covered by Joseph Wambaugh, and became the
15 subject of a book called Echoes in the
16 Darkness, which was a national best seller, and
17 Judge Garb was prominently discussed in the
18 book.

19 Later in 1985, Judge Garb rendered a
20 decision in a contentious civil case which
21 permitted the construction of what you may have
22 heard before, the Point Pleasant Pumping
23 Station. The Pumping Station was part of
24 twenty years of political, legal, and
25 environmental dispute. The Pumping Station was

1 designed to divert almost a hundred million
2 gallons of water from the Delaware River each
3 day to two separate water companies and also
4 the Cool Nuclear Power Plant.

5 During the time that Judge Garb was
6 handling the dispute, the dispute was brought
7 by the commissioners of Bucks County to stop
8 the construction. There were continuous
9 protests against the plant for fear of its
10 environmental impact. Many protesters were
11 jailed for violating Court Orders or engaging
12 in civil disobedience. It attracted the
13 attention of Abbie Hoffman who, according to
14 folklore, moved into a chicken coop on a Bucks
15 County farm to live and to head the protests.

16 Judge Garb was the center of much
17 animosity as he made it clear throughout the
18 case the turn on narrow principles of contract
19 law and the fact that Bucks County had
20 previously entered into a contract with
21 Philadelphia Ledger to permit the power plant
22 to be conducted.

23 During the case, Abbie Hoffman was
24 holding numerous press conferences. He accused
25 Garb of having a Napoleonic complex and at one

1 point he even called Judge Garb a Nazi, which I
2 can only assume is a very hostile slur, one
3 Jewish man calls another one a Nazi.

4 Judge Garb ruled that, based upon
5 the law, the plant should be built. Likely,
6 this decision was not one that Judge Garb
7 personally believed in, because in his private
8 life, Judge Garb was known to be politically
9 liberal, very concerned about his community.
10 He enjoyed nature and the outdoors and was very
11 socially conscious. I believe his sympathies
12 were with the protesters, and Judge Garb called
13 the case as he saw it. He was a man of
14 principle.

15 That decision jeopardized his
16 future. He was on the ballot the very next
17 ticket. Apparently, Abbie Hoffman made his
18 chicken coop a permanent home and he remained
19 in Bucks County and campaigned vigorously
20 against Judge Garb. Judge Garb won, not by a
21 lot, and there are those that say Joseph
22 Wambaugh's book was instrumental in helping
23 Judge Garb overcome the opposition, because the
24 book was released shortly before the election
25 and Wambaugh Heaped a lot of praise on Judge

1 Garb because, in his opinion, Judge Garb was
2 very competent, fair, and even-headed in that
3 case.

4 I would like to close with just a
5 couple personal observations. If one would
6 talk before those who appeared before Judge
7 Garb in a Courtroom, whether litigant, lawyer,
8 or just observer, the descriptors such as
9 intelligent, organized, hard working, fair,
10 efficient, compassionate would be the words
11 generally used to describe Judge Garb and his
12 abilities. And those words are very accurate.

13 He was also, as I said before, a
14 very principle man. Judge Garb also had a very
15 paternalistic personality, and by that I mean
16 very fatherly. He was very caring and often
17 looked to the redeeming features of a person,
18 especially when he was in Juvenile Court. He
19 never turned an assignment down despite
20 complexity or political risk, and even though
21 he was all business in the Courthouse, I knew
22 him to have a gentle humor. And when I say
23 gentle humor, I mean he could find humor in
24 every day life without depreciating others.

25 He was just an interesting guy and I

1 loved talking to him. We used to talk for
2 hours about Court Administration. He was
3 always concerned about the efficiency of the
4 Court system and how we could possibly make it
5 better. His paternalistic side really
6 resonated with me, because I found myself
7 wanting to do better and be a better Judge
8 after I talked to Judge Garb. And some might
9 say Judge Garb may have been a man of small
10 physical stature, but he was a legal giant in
11 the field of Court here in Pennsylvania.

12 He was a good man, also, and if I
13 may use a term that's fallen out of favor
14 sometimes, I would define Judge Garb also as a
15 man's man. He was just a neat guy to be
16 around.

17 JUDGE SMITH: Thank you, President
18 Judge Baratta. The Court now recognizes
19 Attorney Daniel E. Cohen, who is going to
20 eulogize Mark Refowich.

21 MR. COHEN: Good morning. May I
22 please the Court, the Honorable Judges of the
23 Court of Common Pleas of Northampton County,
24 Judges Moran, Hogan, and Simpson, Elvira,
25 colleagues, and friends of Mark Refowich.

1 Mark Refowich was one of the truly
2 unforgettable characters of our generation. A
3 graduate of Liberty High School, Pennsylvania
4 State University, and the Law School of Temple
5 University, he returned to the Lehigh Valley in
6 1965 and soon became the associate under the
7 firm name of the late Herbert Fishbone,
8 eventually partnering under the firm name of
9 Fishbone and Refowich. They subsequently were
10 joined by Judge William Moran for a period of
11 time, and then Joel Scheer.

12 Mark maintained a broad general
13 practice with emphasis on criminal law and
14 worker's compensation. In the late 80s, Mark
15 struck out on his own and maintained a private
16 practice, first by himself and then with his
17 wife and soulmate, Elvira LaBarre. He served
18 in the United States Army and Reserves,
19 eventually attaining the rank of Captain. He
20 was also an avid pilot. Our offices adjoined
21 each other for almost twenty years. That
22 recitation of these facts reveals very little
23 about the person who was Mark Refowich.

24 The passion of Mark's career was
25 criminal law, and he was passionate. As are

1 many in the practices of criminal law, he was
2 experienced, extremely knowledgeable, and
3 diligent. What was unique about Mark was the
4 fact he was able to be so effective on both
5 sides of the Courtroom.

6 First, at the beginning of his
7 practice, he was the defender of those accused
8 of a crime. Then he joined the District
9 Attorney's office, eventually attaining the
10 rank of First Assistant District Attorney and
11 Senior Trial Counsel, then again in the 1990s
12 as a defender of those accused of crime. He
13 was never a full-time District Attorney or
14 defender, but he probably tried as many cases
15 as anyone who has ever graced this Courtroom.

16 As an advocate, he was passionate,
17 aggressive, and sometimes combative and always
18 prepared. Whether prosecuting or defending,
19 Mark brought to the task intelligence,
20 preparation, and commitment. Some might think
21 that it's cynical that he could cross the
22 aisle. To him it was the most natural thing in
23 the world, because he truly believed everyone,
24 defendant or Commonwealth, deserved the best
25 representation he could get. And that's what

1 Mark gave them, the best representation they
2 could get.

3 He never shied away from the
4 difficult case, handling numerous murder cases
5 as well as other major felonies. And whomever
6 he was up against knew that they were going to
7 be in for a fight. Some would say that Mark
8 took himself too seriously, but I would counter
9 that Mark took himself as seriously as you took
10 him. He possessed an excellent sense of humor
11 but was reluctant to let down the facade of
12 touchiness. When he did so, he could be
13 utterly charming. He would probably be private
14 with that description himself.

15 A mentor from the very beginning of
16 his practice, I came back to the county in 1968
17 to practice and I accompanied Mark to numerous
18 hearings before many District Magistrates, or
19 as they were then know, Justices of the Peace.
20 Particularly involving those hearings
21 surrounding the Pagan Motorcycle Gang. Those
22 guys are some of the toughest people you will
23 ever encounter. They were murderers, burglars,
24 just plain thugs, and Mark handled them with
25 toughness, fairness, and a totally no-nonsense

1 attitude. As a result, he was universally
2 respected by his clients whether they were
3 criminal defendants or victims in the DA's
4 office.

5 Over the next 40 years and more, he
6 mentored many, many young attorneys of law,
7 again on both sides of the aisle. He was
8 always available to answer questions and
9 discuss trial strategies. He was universally
10 respected by members of the Bar and this Court,
11 by the Appellate Courts of Pennsylvania, by the
12 Military Courts where he also practiced very
13 quietly and again very effectively. Elvira
14 received many kind notes from members of the
15 Bar Association, both from Judges and lawyers.
16 From one of our Judges: I have many wonderful
17 memories of Mark from my days as a young
18 prosecutor. He was a wonderful trial attorney
19 and an exceptional man.

20 Another of our Judges: I remembered
21 him at the call of the Arraignment list as the
22 formidable prosecutor, defense lawyer, and a
23 friend. From an attorney: I will always
24 remember him as a good friend, skilled trial
25 lawyer, a gentleman, and a consummate

1 professional. From another attorney: We will
2 always remember Mark's kindness. He was always
3 helpful to young lawyers, always willing to
4 stop and answer questions. Finally, from a
5 fellow attorney: Mark is the one who got me to
6 switch hats from PD to DA in 1980. Despite his
7 purposely gruff exterior, we all knew that he
8 was a marshmallow inside, and I mean that in
9 the nicest way possible. All of us knew he
10 cared about us as people.

11 Some of the Courthouse staff who
12 called him a great man, kind man, a very
13 special person, always a gentleman. One of the
14 clerks from the Prothonotary's office reminded
15 me that Mark would always yell 'service' when
16 he came into that office, always creating
17 smiles with his own smile.

18 He was most famous at the Bar for
19 the way which he answered the call of the trial
20 list. To those who are not familiar with the
21 process, our Court, at the beginning of each
22 trial week and day, in this room, recites the
23 name of each case and asks the responsible
24 attorney to respond as to whether the case is
25 ready for trial or not. invariably, Mark would

1 answer in a very consistent way.

2 I ask the members of the criminal
3 Bar, prosecutors, and Defense lawyers, on the
4 count of three to tell me how Mark answered it
5 and what his tone of voice was in each and
6 every one of his cases: Trial. That's what he
7 did and he meant it. He was always ready to go
8 to trial and he was never intimidated. Mark
9 was truly unforgettable, and he will not be
10 forgotten. Thank you.

11 JUDGE SMITH: Thank you, Attorney
12 Cohen. The Court now recognizes Adam Meshkov,
13 Esquire, who is going to eulogize Jay
14 Scherline, Esquire.

15 MR. MESHKOV: Thank you, Judge
16 Smith. Honorable members of the bench and Bar
17 Association, it is my great and sincere honor
18 to speak about my friend, Jay Scherline. As
19 indicated by Attorney Margle, there are more
20 active and more visible in the Lehigh County
21 Bar Association, and I was going to say some
22 words about that, but my sense is that most of
23 the people in this room have either heard of
24 Jay or met Jay personally, and he was just that
25 kind of guy.

1 when my wife and partner Eleanor
2 Breslin and I started our practice here in the
3 Lehigh Valley about five years ago, there were
4 two people who really stood out and helped us
5 along and essentially contributed and made us
6 into the attorneys that we are and the people
7 that we are. The first was Nick Zanakos, he is
8 a 50 plus year member of this Bar. Nick was
9 our first landlord. He provided us a location.
10 And the second was Jay Scherline, and Jay
11 Scherline provided us the community.

12 He was, himself, like a community, a
13 one-man community. His personality, his
14 enthusiasm, he was like a force of nature as he
15 moved through the room. We met Jay and his
16 wife Lori at a Bench Bar meeting in Washington,
17 DC through the Lehigh County Bar Association.
18 And I think we met them perhaps during the
19 first night's cocktail hour and the connection
20 was sort of immediate. Jay liked to talk and
21 we liked to listen, and so it was a match made
22 in heaven. And I think he gave me a stack of
23 his business cards, perhaps, in the first --
24 maybe the first conversation, second
25 conversation, something like that, and I still

1 have those.

2 In some ways, Jay and my personality
3 couldn't have been more different. He was a
4 very outgoing person, I'm not as much, but, you
5 know, he afforded me respect and we developed
6 immediately a sense of mutual respect. And he
7 was that kind of guy with everyone, no matter
8 what your standing was, no matter what your
9 social background was. He was respectful
10 towards all. So we established a personal -- a
11 business relationship, rather, that carried
12 very quickly into a personal one. One that I
13 very much valued and will miss.

14 He and his wife Lori invited my
15 family to break the fast at Yom Kippur after
16 perhaps only knowing us a year. And that was
17 something that we looked forward to and that we
18 did do every year until his untimely passing.
19 And the people that were in attendance were
20 very telling to me of Jay and Lori's openness
21 to the world, Jews of all backgrounds, all
22 economic and social backgrounds, that he and
23 Lori opened their home to.

24 So Jay was great and everybody that
25 I ever met who he referred me to or he referred

1 to me or we had a mutual connection concerning
2 echoed that same sentiment. And nearly every
3 person, every potential client that he referred
4 to me had had a personal conversation with Jay.
5 And he just had that way about him. He touched
6 everyone and he had the time for everyone, so
7 it seemed.

8 So I would say I came through Jay
9 Scherline or Jay referred, you know, me to you,
10 and I would say Jay's great, and they would
11 always say that's right, Jay's great. They
12 would always echo that exact same sentiment.
13 And you know, thinking about this talk,
14 thinking about what was it that made Jay great,
15 and his personality was obviously very
16 attractive. That's what attracted people to
17 him. But in my view, what really made him
18 great were his actions, and not necessarily his
19 words or his demeanor.

20 Jay was a doer, and like a lot of
21 attorneys, he was constantly around. But I
22 think the reason that he was running around was
23 somewhat different than why other attorneys
24 were running around. He was running around to
25 make some type of contribution to the

1 community. He was overly involved in his
2 community. In fact, he was the most
3 community-oriented person I have ever met. He
4 was a man of the people who gave back, I am
5 certain, not only monetarily, but I know more
6 importantly of his time.

7 He was active in the Miracle League
8 for disabled children, very active, as
9 mentioned, in the Bar Association of Lehigh
10 County and various other community associations
11 and activities. And I know this because he
12 invited me to some of these events. And I know
13 at an organizational level he gave back, but
14 there were people that would come to my office
15 through Jay who would recount to me that he had
16 done some type of substantial legal work for
17 them without any requests for a fee. That, to
18 me, is pretty remarkable.

19 I mean, literally would file this
20 and raise an estate for a widow without the
21 request for a percentage or any type of
22 monetary compensation. That's more pro bono
23 than certainly I have done, but I think serves
24 as a very positive example and resonated in my
25 thinking about what to say today.

1 So he was a very visible attorney
2 who cared deeply about his community and the
3 people in it. He was a credit to this Bar
4 Association, to our neighboring Bar
5 Association, and to our profession. His
6 passing has left a gap in our community and he
7 will not only be personally missed by me, but
8 by those that he represented and helped. I
9 thank you for this opportunity.

10 JUDGE SMITH: Thank you very much,
11 Attorney Meshkov. It's now my opportunity to
12 make a few remarks before we adjourn today, and
13 I will remind you that there is going to be a
14 reception in the jury lounge immediately
15 following the Memorial Service.

16 What amazes me about Judge Garb is
17 how he came later in life to the Northampton
18 County Bench and quickly became one of the most
19 beloved members of this Bench or of this Bar.
20 There's no one that encountered him that did
21 not leave without a great deal of respect. He
22 is properly honored here today.

23 He became a mentor to me almost
24 immediately because he just knew everything
25 there was to know about being a Judge and about

1 being a good human being. As for Mark
2 Refowich, there's one line I can never forget
3 and that's: I need a tune up. No deals, I
4 need a tune up. No matter what you would say
5 to him.

6 And when I became a Judge, he was
7 one of the few lawyers in Northampton County
8 certified to handle capital cases, so I had
9 several capital cases with him, and he had a
10 few lines with respect to those, but most of
11 those I can't say here, but they had to do with
12 his clients and how he can't shine certain
13 things.

14 Mark always took his job very
15 seriously. He would not want anything to be
16 sad today. He would expect us all to be
17 laughing and to remember just what a great
18 impact he left on this Bench and on this Bar
19 and on the criminal justice system, especially
20 here in Northampton County.

21 And Jay Scherline I did not know
22 well other than his commercials, everyone knows
23 Scherline and Associates. He was obviously a
24 very successful not only lawyer and
25 businessman, but obviously as a gentleman and

1 as a member of the community.

2 These are three giants of the law
3 and we do honor them here today. And to the
4 families, just a story the United States
5 Supreme Court once said: The law is a jealous
6 mistress. And we recognize that you had to
7 surrender a lot of your time and sacrifice your
8 time with these three men because we needed
9 them, and they made a great impact here. And
10 as much as you love them, they were also loved
11 by us, and they will be remembered by us, as
12 they are remembered by you.

13 Their names and stellar reputations
14 are known beyond Northampton County, and these
15 friends and colleagues will not be forgotten.
16 They set the standards for others to emulate,
17 and their memories will endure in the hearts of
18 our Bench and our Bar.

19 As we adjourn today, may we go
20 solemnly but also happily, remembering what
21 they have done for us individually but also for
22 the Bench, the Bar, and the citizens of
23 Northampton County. Thank you very much.

24 (Memorial Service concludes.)

25

CERTIFICATION

I.

I HEREBY CERTIFY that the proceedings are contained fully and accurately in the notes taken by me in the above cause, and that this is a correct transcript of the same.

Date: October 23, 2013

/S/-----
Mollie E. Shannon, RPR
Official Court Reporter

II.

The foregoing record of the proceedings in the within matter is directed to be filed.

Date: October 23, 2013

/S/-----
EDWARD G. SMITH, JUDGE