

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. ROBERT A. 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-by 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.

MR. McFALL: Then I would ask Joel Kobert to come forward and offer some remarks in honor of Jeffrey Guth.

MR. KOBERT: Thank you, Alan.

Your Honors, members of the Northampton County Bar Association, first, I want to thank you for letting me spend these few minutes talking about my friend and associate Jeff Guth. Also, I want to thank you for allowing me to come across the river since our firm practices in New Jersey and Jeff was one of those varied individuals that practiced in both planets, as we know they are separated by the river, and did a wonderful, wonderful job in both of them.

By way of background, Jeff had been with our firm for five years. We had 18 lawyers. Before that he had been in the banking area and been a banker for 12 years and came to the law late. As some of you know, it's been almost four or five weeks since we lost Jeff. Jeff was 40 when he was in a motorcycle accident and we all certainly mourn his passing and I want to thank everybody for taking this time, taking time out of your day to mourn Jeff. I'll just spend a few minutes telling you about Jeff and what he meant to our firm in five years and what I think he meant to the Bar.

We all know we live in a cynical world where lawyers are not given the respect due and probably will not. We all go back to the days of Shakespeare,

but Jeff was one who really, in coming to the bar late, wanted that more than anybody could want it and also shared it with individuals.

He was the kind of person that dedicated his time, and when you talk about Bar Associations, he was a member here in the Northampton County Bar Association, he was active in the New Jersey Bar Association in the banking law section, and in the Warren County Bar Association. In the short five years he was with us, he maintained a very active interest because he knew and it was important for him to bring lawyers to that peak to where they could serve not only their clients, but also their community, and in this, Jeff did it very well.

He was a director of the Rising Tide Community Loan Fund in the Lehigh Valley, worked with United Way, was working with the United Way right to the day that he passed away, so the Bar lost, in New Jersey and in Pennsylvania, a person who could and did give wonderful contributions and was going to continue to give those contributions.

What I'd like to do—and, by the way, I also want to recognize a few people here today; Jeff's parents, Donald and Sarah, and his fiancée, Kelly, and his two children who are here today.

What I really wanted to share with you is some of Jeff's own words about being a lawyer and how to treat individuals and let him speak from the words he put in a number of articles because I think it tells more about him, more than anything else. If you bear with me, I'll give a few quotes from some of the articles.

You're talking about an individual only practicing for five years in our firm. We saw him as the guy that was going to tie our firm together over the coming years. We saw him as someone who didn't play the games many lawyers play when you're in a firm of more than two or three people. He wanted to bring the firm together, but let me give you a few comments.

And, by the way, he also looked at people as, he used the word Tootsie Pops. People sometimes are hard on the outside, but when you get right down to it, they're really very soft and nice on the inside. That was Jeff Guth.

He wrote in an article in a commentary titled "Taking Pride in the Art and Craft of Lawyering" and he states: "However, take the extra minute to see yourself beyond the confinement of the daily grind and start thinking and practicing at a higher level. Consider yourself to be a crafts person, artist, or perfectionist and you may begin to recognize there is a next level to your practice. Challenge yourself to maximize your potential."

Jeff did that every day. He did it every day in the way he treated people and the way he treated individuals. We in our firm are not going to forget Jeff, and we are doing numerous things to remember him. I want to thank the Bar Association here for at least giving us the time to just mention to you a little bit about Jeff.

In closing, one of the last comments I'll read to you is this: "It might be that motion for summary judgment is essentially the same as the last three argued in today's frenetic pace of e-commerce, and in the just-in-time mentality of corporate America, it is easy to forget that there is more to practicing law. Take an extra moment to reflect on what you are doing. Take pride in your profession."

Thank you for having me here today and thank you for remembering my friend and lawyer Jeff Guth. Thank you.

PRESIDENT JUDGE FREEDBERG: And, Attorney Kobert, we welcome you and thank you for those excellent remarks.

MR. KOBERT: Thank you.

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.)
