

In Re: MEMORIAL SERVICES FOR:
J. DOUGLAS FACKENTHAL, ESQ.
CLAYTON T. HYMAN, ESQ.
GEORGE A. MOORE, JR., ESQ.
BERNARD V. O'HARE, JR., ESQ.
THOMAS E. BUTTERFIELD, JR., ESQ.

Memorial Services held in Courtroom No. 1 in the Northampton County Government Center, Easton, Pennsylvania, on Wednesday, September 5, 1990.

HONORABLE ALFRED T. WILLIAMS, JR., PRESIDENT JUDGE
HONORABLE ROBERT A. FREEDBERG, JUDGE
HONORABLE JAMES C. HOGAN, JUDGE
HONORABLE F. P. KIMBERLY McFADDEN, JUDGE
HONORABLE ROBERT E. SIMPSON, JR., JUDGE

JUDGE WILLIAMS: This day is annually set aside to permit the members of the Bar and the Bench to note on the records of this Court and to recall some of the accomplishments of those of our members who have died during the past year. For that purpose, the Court recognizes the President of the Northampton County Bar Association, Donald F. Spry, Esquire.

MR. SPRY: May it please the court.

JUDGE WILLIAMS: Mr. Spry.

MR. SPRY: Your Honors, ladies and gentlemen:

It is a melancholy, yet privileged, annual duty as President of the Northampton County Bar Association to participate in the honoring of the members of the Association who have passed away during the last year. We are here this morning to remember and eulogize five of our colleagues who have died during that time. Those five are Attorneys J. Douglas Fackenthal, who died on September 1, 1989; Clayton T. Hyman, who died on September 28, 1989; George A. Moore, Jr., who died on March 9, 1990; Bernard V. O'Hare, Jr., who died on June 8, 1990; and Thomas E. Butterfield, Jr., who died on July 28, 1990.

The purpose of this morning's memorial service is to remember and to pay final tribute to our deceased colleagues. Our profession pauses and takes this time to recall the contribution of all of these lawyers to their profession, the law, the courts and the public. This service to eulogize each of them is a way of paying our respects to their assembled family members and to thank the families for the support given to each of them and to further recognize the richness of their lives and the way they have touched us all with their unique and varied careers, interests and talents.

On behalf of the Northampton County Bar Association, I wish to thank the judges for setting aside this specially designated time this morning for this memorial service and for the Court's participation in it. On behalf of the Association, I want to acknowledge and welcome and pay our respects to the families and friends of those being eulogized here today. Finally, I want to thank the eulogists. Those individuals are Attorneys Stanley E. Stettz, Sandor Engel, Thomas P. Stitt, George A. Heitzman and Jonathan Butterfield.

JUDGE WILLIAMS: The Court recognizes Sandor Engel, Esquire.

MR. ENGEL: May it please the Court.

JUDGE WILLIAMS: Mr. Engel.

MR. ENGEL: Ladies and gentlemen: Clayton T. Hyman passed away almost one year ago—12 days after his 53rd birthday.

Clayton celebrated every moment of his life and it is only fitting that we pause today to celebrate that life and express our appreciation of how he enriched us and our profession.

He enjoyed a reputation as a highly skilled attorney, a formidable adversary, and a person of the utmost integrity. Personally, he had a zest for life which was expressed in his wit and his sense of humor. Perhaps his personality can best be described as dynamic. All of these qualities resulted in Clayton being held in the highest regard by his clients, the Bar and by the Bench.

Clayton was born September 17, 1936, in Hudson, Pennsylvania, near Wilkes-Barre. He was the youngest of three and the baby in the family. He and his parents remained very close throughout his life. They spoke at least every Friday night and enjoyed hearing Clayt tell about his successes in the courtroom, in negotiations or in collecting a sizable fee. More importantly, his parents were his advisors and confidants. Although his father died in 1982, his mother, at age 89, is in good health, and we are happy that she is here with us today. Although not educated in legal matters, she is wise in the ways of the world. Clayton very often sought her opinion and relied on her wisdom in his business and legal dealings.

From his earliest years, Clayt was a competitor—a quality that would later serve him well as a lawyer. He loved sports, and in high school he played basketball and baseball. As a baseball player, he translated his size into being a power hitter; in basketball, his size belied a quickness that fooled many opponents.

Even when he gave up these sports and turned to tennis, he did so with a passion. Members of this Bar and some members of the Court know personally how he worked at and enjoyed this game. The degree of his competitiveness was such that from what he told me, he never displayed the good sense to let any Judge beat him.

The most striking example of Clayt's competitive nature could be found in his efforts to regain the use of his legs. Clayt never thought of his paralysis as a permanent condition. He fought a daily battle with pain, with infection and with his cancer to improve the function of his legs. He spoke as proudly of his progress at Good Shepherd as he had about his accomplishments in basketball, baseball or tennis. By the time his cancer prevented him from continuing his physical therapy, he had indeed started walking with the aid of braces. None of us doubt that had he been given more time, he would have freed himself from the use of a wheelchair.

After high school, Clayt attended the University of Pennsylvania. He graduated from the Wharton School in 1958. After his first year of Temple Law School, he married Gale, whom he had dated since she was a 14-year-old

sophomore and he was a senior in high school. An immediate improvement in his grades resulted, and Clayton soon made Law Review.

Rarely is there an opportunity anymore to observe a relationship of high school sweethearts mature into an enduring union of such deep mutual love, affection and true compatibility. Their 30-year marriage was best described by their daughters at a party celebrating Clayton and Gale's 25th wedding anniversary in 1984. Jill and Debbie were called upon to toast their parents, and I remember them saying that the secret to the success of the marriage was that although Clayt and Gale might fight over the small things, they could always laugh about the important things.

When Clayt finished law school, he started his legal career in Philadelphia, but after a few years and through the intervention of his brother, Herb, he came to the Lehigh Valley and began a 14-year association with Irving Coleman in the Borough of Northampton.

It is not telling tales out of school to note that Mr. Coleman had a reputation for being a tough taskmaster. Numerous associates had preceded Clayt, but none lasted as this relationship did. In 1967, the law office of Irving Coleman became Coleman and Hyman, and as they practiced together, a mutual respect developed. Mr. Coleman was an excellent teacher and Clayt was an apt pupil.

Like any young lawyer, he was often thrown into the courtroom to gain the necessary experience that one can only get by doing it oneself.

Clayt soon developed a well-deserved reputation for his successful defenses of many Damon Runyon-esque gamblers. As his advocacy skills grew, he became more and more popular in defending gambling cases. So much so that Judge Wieand, while on the Bench in Lehigh County, once asked him if he would be willing to speak at a public debate in favor of legalized gambling. Clayt responded: "But Judge, I'm not in favor of legalized gambling." When Judge Wieand gave Clayt a quizzical look, Clayt explained that he wouldn't make nearly as good a living if gambling were legal.

However, Clayt's reputation grew not solely as a criminal lawyer. He excelled in all aspects of the law. He was at home in any courtroom—in state or federal court—in civil or criminal matters. He was also accomplished as an office lawyer. He had many clients, both businessmen and friends, who relied upon him for financial as well as legal advice.

In recent years, Clayt developed a regional reputation in the Domestic Relations field. With the passage of Pennsylvania's new Divorce Code in 1980, Clayt was in the forefront of establishing state-wide precedent.

Clayt's victory before the Supreme Court of Pennsylvania in one particular case resulted in the Legislature amending the Divorce Code to ensure the same result would not occur!

Clayt never saw his paralysis as an impediment to the practice of law. He truly loved his profession—he refused to let his illness keep him from work. After a morning of exhausting physical therapy, Clayt could be found meeting with clients at the office. He was even able to return to the courtroom, and when his health deteriorated, he scheduled appointments at his home.

Those of us who knew Clayton well had occasion every so often to hear him remark that "life is not fair." These words were never uttered as a complaint, merely as a statement of fact. Perhaps Clayton, deep in his subconscious, knew that his time would be cut short, but he was not one to bemoan the unfairness of life. Instead, he took advantage of the time he had.

Just months before he was stricken, he achieved one of the dreams of his lifetime by going to Africa on a safari to observe and photograph wild animals in their natural habitat. He was extremely proud of the photographs he took; he had them enlarged, framed, and they hung prominently in his office.

Clayt also lived to see his two daughters complete their education and find their own careers in Philadelphia: Jill as an attorney with Wolf, Bloch, Schorr and Solis-Cohen; Debbie as a pension and benefits consultant.

As I wrote this eulogy, I began thinking of the impact Clayt had on me in the 15 years we practiced together. Clayt taught mostly by example. Of the many things I admired about him, I found the most impressive to be the way in which he could battle so hard with an opposing lawyer in the courtroom, and yet walk into the hall and laugh with that lawyer about what had just transpired. He recognized that his relationships with his colleagues would last throughout his career, and he never took a heated disagreement as a personal attack. He had an uncanny ability to resolve a dispute on the terms he sought and, at the same time, to make his opposing counsel feel he or she had also done a good job. Yet, in maintaining his professional associations and winning the respect and friendship of his colleagues, he never compromised his client's position.

Clayton's career sets an example not just for me, but for all members of this Bar who knew him. Clayton was truly a lawyer's lawyer. No compliment would have pleased him more, and never was a person more deserving of that accolade.

JUDGE WILLIAMS: Thank you, Mr. Engel.

JUDGE WILLIAMS: Judge Freedberg will speak for the Court this morning.

JUDGE FREEDBERG: Thank you.

My colleagues, members of the Bar, honored guests, ladies and gentlemen:

Today's memorial service allows us to reflect on the achievements of deceased members of the Bar of this Court and to express gratitude for their contributions to the law and the community. While their law practices varied, each was a lawyer worthy of emulation. Their careers call to mind the words of Justice Oliver Wendell Holmes, "Every calling is great when greatly pursued." Bernard V. O'Hare, Jr., was one of the premier trial lawyers in the history of the Northampton County Bar. His superb trial skills and his delightful wit assured that he will have the status of legend as years go by. Douglas Fackenthal was a leading member of the Bar in his day, an accomplished civil trial lawyer. Most importantly, he was a gentleman respected by his clients, his colleagues and this court.

Clayton Hyman combined the intellect of the scholar with the persuasiveness and forcefulness of the advocate. George Moore was highly regarded and respected in corporate law and labor law. His decisions impacted on the welfare and prosperity of those who relied on his judgment.

Thomas Butterfield was a practitioner trusted by his clients to order their affairs and resolve their disputes. His colleagues so respected him that they chose him to serve as President of the Northampton County Bar Association.

Among this group were public servants who held important public offices, there were advisors to municipal governments, and there were volunteers for worthwhile religious, charitable and community organizations. These men touched the lives of others, and from their careers we learn what a good lawyer is.

It has been said that a lawyer has many roles. He must be "a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice." Those we recall today ably fulfilled those obligations.

They were trusted advisors relied on for their knowledge and good sense.

They were zealous advocates under the rules of the adversary system.

They were skilled negotiators resolving disputes in the best interests of their clients and consistent with honest dealing.

Each placed his client's interest above his own, as it is the lawyer's obligation to do.

They used the legal system for legitimate ends rather than to harass or intimidate.

They showed respect for this Court by always being well prepared and acting ethically.

They treated adversaries in a dignified manner.

And above all, they understood that the law is a profession entailing special responsibilities, rather than a business driven solely by the profit motive.

These men have been ably eulogized today, and the Court joins in the tributes that have been paid to them.

We respected and valued our contacts with them, and they have brought honor to themselves, their families and the law.

The resolutions of the Bar Association are unanimously adopted by the Court En Banc. It is ordered that a transcript of these proceedings shall be filed and copies sent to the families of our deceased members.

The Court now stands adjourned in honor of and out of deep respect for our deceased members.

JUDGE WILLIAMS: We will be in recess to permit the members of the Bench and Bar an opportunity to meet with the families of our brethren.