

IN THE COURT OF COMMON PLEAS
OF NORTHAMPTON COUNTY, PA
CIVIL MINUTES

RE: MEMORIAL SERVICES FOR :
RALPH W. BARTHOLD, ESQUIRE, :
ROBERT UNGERLEIDER, ESQUIRE, :
RUSSELL KOWALYSHYN, ESQUIRE, :
DANIEL F. JOELLA, ESQUIRE, :
WAINWRIGHT E. H. DIEHL, ESQUIRE, :
GEORGE J. BLASCO, ESQUIRE. :

Memorial Services held in Courtroom No. 1 in the Northampton County Government Center, Easton, Pennsylvania, on Wednesday, September 7, 1988.

HONORABLE ALFRED T. WILLIAMS, JR., PRESIDENT JUDGE
HONORABLE RICHARD D. GRIFO, JUDGE
HONORABLE MICHAEL V. FRANCIOSA, JUDGE
HONORABLE ROBERT A. FREEDBERG, JUDGE
HONORABLE WILLIAM F. MORAN, JUDGE
HONORABLE F. P. KIMBERLY McFADDEN, JUDGE

JUDGE WILLIAMS: The Court en banc is specially convened this morning to recognize those members of this bar who have passed away during the last year. The Court recognizes the President of the Northampton County Bar Association, Charles Peischl.

MR. PEISCHL: May it please the Court, Your Honors, ladies and gentlemen. We are here this morning to remember, to eulogize and to honor the members of the Northampton County Bar Association who have passed away during the last year.

There are six of our colleagues who have died during that time. Those six are Ralph W. Barthold, who died on October 23, 1987; Wainwright E. H. Diehl, who died on December 22nd, 1987; Robert Ungerleider, who passed away on April 6th, 1988; Russell Kowalyshyn, who died on April 17, 1988; Daniel F. Joella, who died on May 16, 1988; and George J. Blasco, who passed away on May 26, 1988.

The purpose of this morning's memorial service is to remember and to pay a final tribute to our deceased colleagues. In offering this final tribute, we are recalling as a profession what each of these colleagues has contributed to a mutual calling and to the general public it has served. In eulogizing these six individuals, we are paying our respects to their assembled family members and thanking them for the support that they gave to their husband, their father, their son or brother during his years of practice. In a much broader sense, we are recognizing and celebrating the richness of their lives and their unique and varied careers, talents and interests which make our profession and also the individual and collective associations within it so meaningful.

On behalf of the Northampton County Bar Association, I want to thank our judges for setting aside this specially designated time this morning for this memorial service and for your full participation in it. I want to acknowledge, welcome and pay our respects as the Bar Association to the families and the friends who are here today, and I want to thank the six members of our Bar Association who are serving this morning as eulogists. Those six individuals are the Honorable Carleton T. Woodring, Keene Jabbour, Edward G. Ruyak, Frank W. Yandrisevits, Morris Mindlin, and Lorenzo W. Crowe, Jr.

JUDGE WILLIAMS: The Court recognizes Morris Mindlin, Esquire.

MR. MINDLIN: May it please the Court. I present a memorial in honor of our late friend, Daniel F. Joella. Dan Joella and I were close friends for many years. Our friendship was a free and compatible fellowship of thoughts and feelings, values and aspirations. Our friendship embraced our families. Our lives touched closely in so many ways that friendly lives can touch along the days of our years.

It has been said that "greatness . . . lies in a strong will and a good heart." An ancient sage also said, "No monument gives such glory as an unsullied man." My purpose and desire are to salute the unsullied name of a great friend; and in doing so, to bring fresh and enduring solace and appreciation to Dan's family and his and their many friends.

Dan was born in our own Borough of Bangor on January 28, 1918. He died in his home of many years in Bangor on May 16, 1988. A beloved family has survived him: his widow, Ethylle; his son, Edmond, his daughter-in-law, Linda, and their children, Dan's and Ethylle's grandchildren, Sara, Ben, Dane and Jared; his son, Kevin, his daughter-in-law, Joanne, and their son, Dan's and Ethylle's grandson, Daniel; Dan's brother, Tommy; and an extended Joella family. Not tritely do I mark Dan's devotion to family and to family friends.

The psalmist has told us that "the days of our years are but three-score and ten, or by reason of strength four score". Dan's strength gave out at seventy, but the days of his years were full and fruitful. They spanned careers of war and troubled peace, economic depression and expansive prosperity, and sweeping turns of social and political, legal and economic, technological and scientific developments. Through these years, the man who survived the battlefield and came to read law, fashioned an independent, self-reliant, principled and genuinely purposeful life for himself and his family.

In 1938 Dan graduated from Penn State with honors and received a degree of Bachelor of Arts. His early employment was brief. In July 1941 he entered the Army as a member of the First Cavalry Division. His skill as a musician and trumpeter, at first, brought him into the Division Band. Then came Pearl Harbor, and the Winds of War took Dan's division and him to the battlefields of the Pacific Theater. He spent two years in that theater and served in combat as a stretcher-bearer in a series of battles, including New Guinea and the Philippines. He was honorably discharged in September 1945 with the rank of staff sergeant.

His career took a settled turn in August 1950. Dan registered as a law student in the office of the late Ed Turtzo in Bangor. Ed was a classmate of Dan at Bangor High and Penn State. Dan did not go to law school. He read and studied the law in the clerkship of Ed's office. In May 1951 he married Ethylle. Dan studied, clerked, began and sustained a family. Edmond was born in 1952. In July 1954 Dan passed his bar exams. Later that year, he was admitted to our bar. Kevin was born in 1955.

In October 1956 his destiny brought Dan to the law staff of the Pennsylvania Public Utility Commission. He retired in March 1979. He had become Deputy Chief Counsel; indeed, more accurately, a resident professional of the Commission amid a succession of Commissioners and Chief Counsel. Among the accolades Dan garnered was the observation of Commissioner Michael Johnson: "This man, Daniel Joella, in my mind epitomizes the highest admirable levels of professionals". He called Dan, also, "a constant gentleman".

I attest from personal knowledge and observation the highest esteem in which Dan was held by the successive roster of the Public Utility Commissioners, by the Public Utility Bar, by his colleagues, by the members of the public utility industry and by the public, to whose service he dedicated his professional career and life.

As trial lawyer, as appellate lawyer, as public counsellor and as legal administrator, he left his mark with and without attribution on countless cases and matters before the Commission and the state and federal appellate courts. In a complex field of vast economic, social and political import, which encompassed the inception of nuclear generation and computerized communication, he devoted the fullest measure of his imaginative and creative professional energies to, in the language of public utility law, a "just and reasonable application" of the law and administrative procedure.

He avoided the avenues of professional aggrandizement that were amply open to him. Literally and figuratively, he chose, in the words of Voltaire, to "cultivate his garden". He left a garden of achievements and memories for his family, his friends, and his profession to savor. Those of us who knew him personally in degrees of intimacy will also long savor the many private facets of this fine and special human being, Daniel F. Joella.

JUDGE WILLIAMS: The Court appreciates very much the efforts of each of the eulogists as well as the members of the bar who are with us today. Judge Grifo will speak on behalf of the Court.

JUDGE GRIFO: President Judge Williams, my colleagues on the bench, members of the Northampton County Bar Association, and family and friends of Ralph W. Barthold, Wainwright E. H. Diehl, Robert Ungerleider, Russell Kowalyshyn, Daniel F. Joella and George J. Blasco.

Once again, it is my melancholy duty, yet privilege, to represent the bench in paying tribute to the deceased members of our bar. Although I am honored to have been selected by President Judge Williams to speak on behalf of this Court on this, the occasion of memorializing the passing of our deceased members, I must confess humbly and candidly that I do so with diffidence and with a sense of total inadequacy.

How does a Court, as opposed to a Bar Association, do justice to closing the final chapter in the book of the lives of these men? Mere words cannot express the deep sense of loss which we always feel on occasions such as this. The sense of loss has been recorded, and their many achievements have been recounted in the resolutions that have been prepared and offered for adoption by the members of the bar composed of their intimate associates. The Court is grateful for these appropriate and deserved tributes. We concur and join in the sentiments expressed; and we, of course, will not repeat what has been so well said by their associates.

My duty requires me to go beyond the content of the resolutions. I must memorialize with the annals of the history of our County Court, the contributions these men have made as sworn officers of this Court and as advocates in this, our judicial forum.

Ralph W. Barthold took his oath of office in the well of this very room on November the 11, 1935.

Bob Ungerleider took his oath of office in the well of this courtroom on July 1st of 1940.

Russell Kowalyshyn took his oath of office in the well of this courtroom on December 3rd, 1951.

Daniel Joella took his oath of office in the well of this courtroom on the 13th day of December of 1954.

Wainwright Diehl took his oath of office in the well of this room on the 6th of February, 1956.

George Blasco took his oath of office in the well of this courtroom on the 16th day of May of 1980.

That familiar ancient oath that reads as follows: I do solemnly swear that I will support, obey and defend the Constitution of the United States and the

Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity as well as to the Court and as well as to the client, that I will use no falsehood nor delay the cause of any person for lucre or malice.

Each of them fulfilled that oath and did that with distinction, bringing credit and honor not only to the bar of this County but also to this Court; and not to be overlooked, to the credit and honor of the bar associations and courts across this state and nation. What more can any person do than to bring credit and honor to his profession? Especially in this day when all professions are under such close scrutiny by the public and by the world. As a Court, we salute them and memorialize in the annals of our history their accomplishments. I knew each of the deceased members well and was in this very courtroom as a lawyer when four of the six took their oath as lawyers.

The list of those to be honored this morning is a long one. It includes some whose careers were ended early and some whose careers were long and active. It includes trial lawyers who loved the arena and excitement and drama of a jury trial, who were involved in significant civil and criminal litigation, as well as solicitors; in the English sense, who preferred an office practice representing and involved with business, real estate and estates. Their number includes a wide variety of government services as legal advisors, as well as an outstanding record of voluntary service on the boards of a multitude of community agencies and educational institutions, but they shared a common pride and goal, and that was remembering the oath that they took and being a good lawyer.

The Court is proud to record our admiration and deepest respect for each of them. Each had his own special claim to the affection and esteem of the judges of this Court as well as the lawyers of this county as well as the citizens.

The judges of this Court feel a deep sense of sorrow and loss, but there is a measure of consolation in the knowledge that theirs were useful and active lives. Their records stand unblemished and will forever bring honor to them, to their families and to this Court which they served with fidelity and unflinching devotion.

In recognition of the distinguished careers of Ralph W. Barthold, Robert Ungerleider, Russell Kowalshyn, Daniel Joella, Wainwright E. H. Diehl and George Blasco, the resolutions presented by the several committees of the Bar Association are unanimously adopted. The record of these proceedings is ordered transcribed and filed and made a part of the Court Minutes of this Court. Copies thereof shall be sent to the families of each of our deceased brethren.

This Court now stands recessed in honor and out of the deep respect for Ralph W. Barthold, Robert Ungerleider, Russell Kowalshyn, Daniel Joella, Wainwright E. H. Diehl and George Blasco; and when the Court adjourns this day, it will do so in honor of these distinguished members of our bar.

JUDGE WILLIAMS: Thank you, Judge Grifo. Court will stand in recess so we might meet the members of the families who are with us today.

(Memorial service concluded.)