

Response on Behalf of the Court to Resolutions Memorializing
Harold James Kress, Esquire, Deceased — January 28, 1971,
and Judge William Huntington Kirkpatrick, Deceased —
November 28, 1970.

by The Honorable Richard D. Grifo

With permission of the Court, President Judge Palmer, Judge Williams, Judge Franciosa, Members of the Bar, Ladies and Gentlemen: It is an honor, for which I am deeply grateful, to have been asked to speak for the court and pay tribute today to the memory of Harold James Kress, Esquire, and William H. Kirkpatrick, Senior Judge, and later Chief Judge of the U. S. District Court for the Eastern District, both of whom were members of this Bar before their demise. We meet today to record in the minutes of this court not only the resolutions ably presented by Mr. DeRaymond and Mr. Goldsmith, but also the appreciation of this court for the contributions made to the legal system by these deceased members of the Bar.

Although Harold Kress spent the bulk of his life in the field of corporate law, his retirement from corporate work brought to the Bar a fresh and mature approach to the concept of a single practitioner law office. Like the general practitioner in the medical profession, so the single practitioner in the law profession is fast moving from the American scene. In the short time after his retirement until his death, Mr. Kress was able to set up an office and become an active practitioner. He was a familiar figure in the library and about the courthouse carrying out his duties as such. On the day of his death, January 28, 1971, Harold was, in fact, on his way to the courthouse.

It is a tribute to his interest in the law and the research of the law that he was a frequent visitor to our law library. This interest must have impressed itself on his friends in New York as well, for following his death, the Law Library Committee of Northampton County was asked to create a Law Library Book Fund in his name, to be used for the deposit of funds in his memory, for use in the purchase and maintenance of appropriate volumes for the library. We might note that the Law Library Committee, at a meeting held on March 8, 1971, approved the creation of such a fund and implemented the suggestion of those interested by the opening of a special

account, in which monies for memorial book funds might be deposited on his behalf, as well as on behalf of other members of the Bar or their friends in the future.

We will miss Harold's quiet and smiling face at the courthouse and at our many Bar functions and his interest in its activities, which were always attended by him when at all possible.

William Huntington Kirkpatrick — Lawyer,
Jurist, Author and Citizen

It is indeed with a genuine pang of nostalgia that I recall a telephone conversation with Charles P. Maxwell, Esquire, of this Bar, early in the fall of 1943, which led me to two years of service as a law clerk to Judge Kirkpatrick in the District Court for the Eastern District. His friendship and guidance through the years that followed will be cherished and missed.

My last exchange of correspondence with him was last June, when I sent to him the picture that hangs in my chambers for his autograph. His reply was symbolic of his humility: "I know that my signature is a very poor effort on my part, but if you want my scrawl, it is yours."

His service to the legal system started in 1908, when he was admitted to practice law in Northampton County. Thirteen of the thirty-eight volumes of the Northampton County Reporter are a permanent record of his contribution to the legal profession of Northampton County.

His active service as a judge started in 1927 and ended in 1958. Overlooked, however, in all the accounts of his activities is the great contribution that he made to the federal judicial system in the 10 years following his retirement from May of 1959 until he became inactive shortly after his injury in 1969, and although 73 years of age, at retirement he continued to sit by assignment as a judge for 10 years, and spent most of his time serving with the U. S. Court of Customs and Patent Appeals. The only substantial break in that service occurred in 1963 and 1964 when, at the age of 79, the well-known electrical equipment anti-trust cases were assigned to him. What a marvelous contribution to the judicial system.

More than one-half of the 85 years of his life were devoted to the judicial system as a judge. How does one condense that kind of service into a few words? An outstanding legal scholar of our time, an eminent jurist of the Circuit Court immediately above him, and a talented perceptive law clerk

who spent 25 years with him, have said the following:

William A. Schrader, outstanding legal scholar of our time, said: "as a judge he has been capable, diligent and impartial. I tried unsuccessfully to learn how many opinions he has written during his years on the Bench, but a conservative estimate would place them no more than a thousand. His opinions have been clear, concise and legally sound. Notwithstanding the fact that on rare occasions the Appellate Court, unable to comprehend the law as Judge Kirkpatrick pronounced it, has mistakenly reversed his decisions."

Judge John Biggs of the Circuit Court of Appeals for the Eastern District said: "Chief Judge Kirkpatrick is the most consistent performer in the judicial field that I have ever encountered or known. His opinions range from good, to very good, to brilliant, and I have never known him to write a bad one. He has been reversed on very few occasions, and even these few reversals have had a way of boomeranging, and one finds oneself pleasantly reversed in turn."

His law clerk for 25 years, Bertine R. Meade, Esquire, says: "I think he was the most intellectually honest man I have ever met, by intellectually honest, I mean that he never assumed that he understood any matter without being as sure as humanly possible that he not only had all the information he could get, but that he really understood it. He was really a scholar in the old sense of the word, and a legal scholar as well. His colleagues and the Bar recognized this and deferred to his conclusions out of respect of it."

The legal system has profited by his many contributions. His brilliant, patient implementation of the Federal Rules of Civil Procedure into the federal system, when they were first adopted, his efforts to liberalize the practice before the court, his technique of administration as Chief Judge of the District Court, governed by his thorough knowledge of the nitty gritty of the running of the court and the trial of cases, his dedicated efforts to accommodate the Bar and treat it with the courtesy due their profession, these are some of his merits as a judge. But not only was Judge Kirkpatrick respected, honored and admired, as a judge he was genuinely liked as an individual. His personal charm engaged all who came in contact with him. His unflinching courtesy, his complete lack of affectation, his gentle manner, these are the qualities that made him a liked person. The judicial system, the legal profession, and our community, will miss him.

In closing, may I repeat the words Judge Kirkpatrick used on Monday, June 2, 1958, at the memorial services of another great Northampton County Jurist, T. McKeen Chidsey, Justice of the Supreme Court: "The mists of time will rise between us and him, and the vital, living presence will become a memory — but not the ordinary memory which fades until nothing is left — rather a memory that will always be an inspiration, a fine example and an enduring record of high esteem and friendship.

These proceedings shall be made a part of the court minutes, and upon transcription, copies thereof shall be furnished the families of our departed brothers. And when this Court adjourns it shall do so in memory and honor of our departed colleagues.

June 14, 1971