

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

MEMORIAL SERVICE

H O N O R E E S:

**FRANK BARNAKO
GENE ROSCIOLI**

B E F O R E:

THE HONORABLE COURT OF Northampton
County, Third Judicial District, Easton, Pennsylvania,
Courtroom No. 1 on Tuesday, September 25, 2012.

HONORABLE F. P. KIMBERLY MCFADDEN

HONORABLE STEPHEN G. BARATTA

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
Renee Whitehouse, RPR, Official Court Reporter.**

S P E A K E R S :

VICTOR SCOMILLO, ESQUIRE

-- on behalf of Frank Barnako

HONORABLE PAULA A. ROSCIOLI

-- on behalf of Gene F. Roscioli

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JUDGE MCFADDEN: Good morning, ladies and gentlemen. We welcome you today for the Memorial Service for the Bar Association, which we will perform first before entering into the argument court list. At this time, I'm going to turn the service over to Judge Baratta.

JUDGE BARATTA: Well, the first order of business is to recognize Victor Scomillio from the Northampton County Bar Association. He's the president of our Bar Association.

MR. SCOMILLIO: May it please the Court, family, friends, fellow members of the bar. Today we honor the years of service of Frank Barnako and Gene Roscioli. Family and friends continue to mourn their loss. We, today, as members of the Bar, especially the Bar Association, take pause from our schedule, and this Court stops its regular duties to allow us to share our sympathy for the loss of our colleagues.

The quality of our Bar is dictated by the quality of our members. Mr. Barnako and Mr. Roscioli added greatness to the quality of our Bar. Our deceased members served our public on a national, state, and local stage. Mr. Barnako and Mr. Roscioli served their community and their clients with the highest honor and dedication. Their accomplishments are many, and the scope of their service is

wide. We, as an association, mourn the loss of these distinguished gentlemen, it is a loss to our association as a whole. They have left an indelible mark on us, and their loss cannot be filled. We can honor them by following their example as individual members. We all share the memories with these gentlemen and their impact on their clients and us will never be forgotten.

You will hear of their accomplishments as attorneys. However, some of the most memorable impacts may have come from simple and small gestures, a gesture as simple as walking in Courtroom 2 and asking a new law clerk how is he making the transition from law school for no purpose other than the fact that that law clerk had gone to school with that senior's daughter. I was a clerk and Gene was the senior attorney. We all have stories of how these gentlemen impacted us in many ways. The impact on the clients and service to community will last on past their lives. We ask that fellow attorneys share these stories, keep on their legacy, honor their legacy by celebrating their careers and rejoicing in their accomplishments.

Judge Baratta, I would respectfully request that this Court hold in session in honor today of Frank Barnako and Gene Roscioli. I would respectfully move that the transcript be preserved in honor of these distinguished gentlemen.

JUDGE BARATTA: Thank you, Mr. Scomillio.
The first presentation will be by Mr. Scomillio.

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MR. SCOMILLIO: May it please the Court. It is an honor to speak on behalf of Frank Barnako. Frank Barnako was an Easton native who graduated from Lafayette College and the University of Michigan Law School. Frank's tenure as an attorney included more than 30 years of service at Bethlehem Steel.

All too often we forget the location of Bethlehem Steel, the location of affording Northampton County and attorneys with practice extended to a national level. Mr. Barnako passed away in October of 2011 at the age of 99. He was survived by his son, Frank, Jr., and daughter, Andrea Kane. He was blessed with two grandchildren and three great-grandchildren.

During his years of service as an attorney, Mr. Barnako will be most likely remembered for his dedication. He served as a chairman to OSHA from 1975 through 1977 and continued as a commissioner until 1981. He served on the OSHA Review Commission and worked as Bethlehem Steel's Manager of Worker's Compensation and Safety. He's noted for saying that OSHA did not have overzealous employment, rather employers who are not ready to prepare their employees for safety. Mr. Barnako will always be

remembered for his dedication to Bethlehem Steel and the Lehigh Valley. Thank you.

JUDGE BARATTA: Thank you, Mr. Scomillio. The Court now recognizes the Honorable Paula Roscioli.

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JUDGE ROSCIOLI: May it please the Court, my fellow judges on the Court of Common Pleas, members of the Bar Association, and the family and friends of Gene F. Roscioli. Good morning.

It was not long ago that I had the privilege of standing before many of you and speaking on behalf of Gene Roscioli in honor of his 50 years of practice in Northampton County. It was a very proud evening for him, and a special evening for the two of us as we reminisced about our years of practicing together.

This morning is a very different experience. Gene Roscioli passed away on November 30, 2011. The Northampton County Bar lost a truly distinguished member that day, and my family lost the most devoted and loving husband, father, and grandfather.

My father came from humble beginnings. He was the son of Italian immigrants. His father was a cook and his mother a seamstress. He was raised on the south side of Easton and was the first member of his family to graduate college.

Attorney Roscioli graduated Lafayette College a government and law major in 1954. Eager to begin his law career and to earn a living, he took classes year round and received his Jurist Doctor Degree from Georgetown University School of Law just two years later.

Although Washington D.C. had a lot to offer, after graduating Georgetown, he returned home to Easton where he began his private law practice. He became quite successful rather quickly. He had a gift for meeting new clients. He was friendly and talked to everyone from the man at the local steak sandwich shop, to the receptionist at the doctor's office. He spoke fluent Italian, and the Italian community was thrilled to have an attorney who they could understand and could understand them. His clients could reach him day or night. They had his phone number and he always made time for them even if they stopped by without an appointment. He handled all of their legal needs from the purchase of their first home to the preparation of their Will.

Attorney Roscioli became like a member of their family. They invited him to their family weddings and other important events. They affectionately referred to him as Gino. He treated all his clients equally no matter how big or small the case or how much money they had. At Christmas they proudly delivered homemade baked goods and other Italian delicacies they made him to show their

appreciation.

Politics always interested my father. When He was asked to work on the campaign of a candidate for Governor named Milton Shapp back in the '70's, he did so with the same hard work and enthusiasm he did in all aspects of his life. He quickly became a major player and ended up running the campaign for the Eastern half of Pennsylvania. After Governor Shapp took office, Attorney Roscioli was asked to become Chief Counsel to the Pennsylvania Department of Revenue. A few years later he was Chairman of the Liquor Control Board. This experience became structural in Attorney Roscioli's future success. When he left the board, he had attained tremendous knowledge of the liquor law and invaluable contacts. He became an expert in the field and every restaurant and bar wanted him to represent them.

Attorney Roscioli took great pride in his work. He took whatever time was necessary to do the job right. He was a perfectionist and it showed. He was a true student of the law, and up until the very end when he was hospitalized, he was reading advance sheets, doing research on Lexus, and discussed the law with his family full of lawyers.

My father was a patient and zealous advocate for his clients. He never took no for an answer, and to tell him something could not be done was to make him all the more determined.

Attorney Roscioli was committed to assisting young lawyers as they began their careers. He forwarded research projects and overflow work to these young lawyers to help them get started, and was always available and willing to answer their questions.

When my father passed away, so many of you told me stories of how he helped you when you were young lawyers and how you never forgot how kind he was to you or how he treated you with respect.

In 1990, I had the privilege of joining my father in his law practice. My mother and I recently spoke of the efforts my father went through to spruce up the office in anticipation of my joining him. He was so excited and it was an incredible opportunity to work side-by-side with him until I was elected to the bench in 2005. I am sure that I would never have run for judge absent the encouragement and advice of my father.

I think this morning is about Gene Roscioli, the lawyer, but he was so much more than that. For as much as my father loved the law, he always put his family first. He married the love of his life, Dorie, in 1962. They were just about to celebrate their 50th wedding anniversary, and although he didn't like being the center of attention and was really a homebody, we laughed because he made it clear that he wanted to have a party to celebrate his anniversary.

He was a loving, wonderful, and involved father to his three daughters; Dana, Paula, and Tara. Some fathers long for a son, but he made it clear he was perfectly content with three daughters. He was home for dinner every night and would go back to the office afterward. He never missed a field hockey game, a school play, and his favorite event was the annual father/daughter dinner dance when we were in high school. In his later years, he thoroughly enjoyed being a grandfather to his five grandchildren; George, Taylor, Alex, Luke, Nick, and little Ben, who is in the front row over there.

He was a loyal friend. He looked forward to his dinners at his favorite restaurants where he would meet and spend time with his friends. He dined at the restaurants of his clients because he knew the importance of giving back. He loved talking politics with John Morganelli, and, for the right candidate, he would actively campaign and gave his time and money to someone he believed in. He was very generous and contributed faithfully to organizations such as Special Olympics, Operation Smile, the Catholic Church, and many others.

Some things you may not know about him are that he was an accomplished musician and considered seriously a career in music. He was a trained trumpet player, but taught himself to play the guitar, piano and many other

instruments. As kids, he would love to make us stand by the piano and sing while he accompanied us.

He was an incredible storyteller and his grandchildren got the biggest kick out of his stories. My sons came home one day and asked: "Did you know granddad would get out of running laps in gym class at high school by hiding behind the bleachers and smoking a cigarette until all the kids had finished and then joining them for the last lap?" I had to discuss with him then the appropriateness of some of his stories. He loved a good movie, and, surprisingly, watched the Notebook over and over again. He was a handyman and could fix almost anything. If he couldn't, and had to hire someone to do the work, he would watch and ask questions because the next time he was going to do it on his own.

At the time of his dinner celebrating 50 years of practice, I described my father as having a sharp mind, a generous spirit, and a loving heart. He was all of those things and more.

On a personal note, I want to thank my fellow members of the bench for your support and kindness during my father's illness. You covered for me without me having to ask and you allowed me to be by his side during his final days. I cannot tell you how much that meant to me and my family.

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JUDGE BARATTA: Thank you, Mr. Scomillio and Judge Roscioli. Now, on behalf of the Northampton County bench, I want to express our deepest sympathy for the families of Frank Barnako and Gene Roscioli for their loss. I did not have the pleasure of knowing Frank Barnako, but clearly he was a giant in his field. I knew Gene Roscioli, he was a friend, and I can say that he was a lion in the Northampton County Bar. I want to thank the Northampton County Bar Association for sponsoring this annual memorial service.

At this time we're going to eulogize our recently departed members. It's a chance to remember, honor, and grieve, but, more importantly, it's also a chance to celebrate life. Now this is an important tradition and I would like to take a moment to discuss why it is so.

This is an occasion for our younger members to become educated about our history. It provides an important link to our past and gives them an opportunity to view our profession through a different prism or a different frame of reference.

When Attorneys Barnako and Roscioli first became lawyers, the societal view of our profession was much different. The law was referred to as a noble profession. I'm sure they both would have told you, if you asked, the reason

they became a lawyer would be to seek justice, to protect the downtrodden, to vindicate injustice, check governmental oppression, and to help others resolve their disputes.

Back then when men and women became lawyers, they were leaders in the community. They were orators frequently asked to speak in public. They were respected by their neighbors and friends and were sought out for all sorts of advice with regard to life struggles independent of the practice of the law, and, of course, they made money, but it was not the motivator it is today. They often set fees based on one's ability to pay, often doing work for free or for little remuneration. They also bartered or traded for services and goods in return for their own law service.

Back then, lawyers met the classic definition of a public servant, and the practice then included membership in what we would consider to be a socially vibrant community. Lawyers loved being lawyers, and they loved interacting with each other. They met in the courthouse daily, they worked and helped each other in the law library, they often lounged together. They attended frequent bar association meetings and socialized together, perhaps in some cases they socialized too much, but the older and more experienced lawyers always considered themselves to be innovators and mentors to the younger laws. They were always available to give advice.

The community of lawyers is much different today, their differences have a professional isolation. We still are engaged in the pursuit of justice, but we don't do it in the same professional community. We are now in the business of law. We see our profession as a job, we bill by the hour, we work long hours, we are under tremendous stress, and when we finally go home, many of us, if not most of us, are still isolated in our houses.

In the business of law, we lawyers and judges are tools of production. Now, I'm not necessarily suggesting that this is a bad thing, it's just a different philosophical view of our profession and a different way of professional life, so it's events such as this that gives us an opportunity to reconnect with the past, reconnect with the community. The practice of law is more than a job, it's a calling, it's a public service, and I think it's a good thing. So, again, Mr. Scomillio, I want to thank the Northampton County Bar Association.

I understand that we will immediately recess and there will be a reception for everyone in the jury lounge. I hope to see you there. We will resume at 9:45 and begin the call of the argument list. Thank you.

(The proceedings concluded.)

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CERTIFICATION

I.

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

DATE: _____, 2013

Renee Whitehouse, RPR
Official Court Reporter

II.

I HEREBY DIRECT that the foregoing record of the proceedings in the above cause is approved and directed to be filed.

DATE: _____, 2013

STEPHEN G. BARATTA, J.