

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

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Held in Courtroom No. 1, Northampton County Government Center,  
Easton, Pennsylvania, on Tuesday, October 5, 2004

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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.

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MORNING SESSION

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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-bye 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.

We'll now recognize John W. Rybak who will speak about his father, William C. Rybak.

MR. RYBAK: May it please the Court, members of the Bar, ladies and gentlemen, my father, William Rybak, was born March 2, 1921, in New York City. His parents were coming from Europe to the United States and eventually the family came to settle in the Northampton Heights area of the City of Bethlehem.

He was the second son of five children who survived into adulthood and I'm told that growing up he was a handful for his parents and that they had some trouble getting him to attend school at first. Eventually they succeeded.

I've heard several stories about the loss of his left arm and leg, but the official version is that on a hot summer day in August 1932 when he was 11, he was returning from swimming with a group of friends. The boys decided to take a shortcut through the Reading Railroad tracks in south Bethlehem. A moving train blocked their way. He jumped the train, but somehow lost his grip and fell. He was transported to St. Luke's Hospital on the cow catcher and he was told he was given transfusions along the way by prisoners. As a result of the accident, his arm and leg were amputated.

He recovered and returned to his old neighborhood and the accident didn't change him. He was active and enjoyed participating in sports. He completed school and graduated from Bethlehem High School in 1942. He entered Temple University and graduated in 1945 with a BS in pre-law. He

then entered the University of Pennsylvania School of Law, but had to leave due to an illness.

He then applied to the University of Mississippi School of Law, but they told him that they had no accommodations for him because of his disability. They told him not to come down. Being the man my father was, he packed his belongings, put the money he had earned from things such as selling Christmas trees into his shoe, and hitchhiked to Mississippi. When he arrived, he obtained a room in a boarding house and went to see the dean. The dean, learning of his trip and that he had a room already, admitted him to the university.

He graduated in January of 1949, returned to Pennsylvania, and took the bar exam. My father practiced law for over 50 years in south Bethlehem, opening his first office in 1950 at 107 East 3rd Street, second floor. He later moved to 12 East 4th Street and finally 48 Adams Street. He built a general practice and the only partner he ever had was my uncle Peter.

I never had the opportunity to observe my father as a trial lawyer. I'm told that he was skillful. He began his practice at a time when you were appointed to defend an indigent person and went to trial about an hour later. He was a successful criminal defense lawyer and I'm told his clients were satisfied with his services.

He told me that one time when he ran for District Attorney, following the election he met his opponent and they both wondered how my father had received every vote in the election from one particular district in the Slate Belt. He later found that a client that he had successfully defended had gone to the house of every registered voter in that district and made them all go vote for the one-legged lawyer that had helped him.

I, and I think my siblings, best remember his political life. His first office was Director on the Bethlehem Area School Board. He won with a large majority of the vote in 1952. He served for six years, the latter two years as president. As we grew, one or more of us would help him going door-to-door, at the poles, making signs, generally anything he needed done.

And I wanted to say that he did go door to door when he first ran for office. He went to the home of every voter in the City of Bethlehem. He even went to places such as the Wyandotte Street hill and if you go up 378 in south Bethlehem, look up that hill at the steps. He walked up every one of those steps. He used to measure his campaigns by the amount of suits, shoes, and crutches he wore out.

He ran for office before the time of our highly paid campaign consultants and ran all of his own campaigns. He sought the offices of Northampton County District Attorney, the United States Congress, and State Senator. He was unsuccessful for all of them.

Finally in 1966 he was elected to the Pennsylvania General Assembly from the 135th Legislative District. He served 16 years between 1966 and

1990. During the time out of the legislature, he had run unsuccessfully for Northampton County Commissioner, and I'd like to note that had he won, we wouldn't have had any trouble parking this morning because the courthouse probably would be in Nazareth.

He was very proud of his time in the legislature. He constantly fought against special interests and this caused him to lose his seat in 1972. He regained it in 1981.

At the end of his tenure, he worked for insurance reform in Pennsylvania as chairman of the House Insurance Committee. He helped secure changes to the Pennsylvania liquor codes so that events such as Music Fest could exist. He secured funding for the new Minsi Trail Bridge, renovation of the hill-to-hill bridge, and countless other local projects. He championed the construction of I-78 in the Lehigh Valley. Whenever proposed legislation would affect our Courts and Bar, he was available. He worked tirelessly for senior citizens and the disabled.

I heard him quote Franklin Roosevelt when he spoke at several Democratic rallies. He would say we need to take care of those among us in the spring of life, our children; in the winter of life, our senior citizens, and in the shadow of life, our disabled, and he didn't just pay lip service to these words.

He was an original member and secured the charter for the Bethlehem Senior Citizens' Council. He served on the Bethlehem School Board. He fought for the rights of disabled both in and out of the legislature, and he received awards for his service.

In 1966 he was named "Handicapped Pennsylvanian of the Year" by the Governor's Committee on Employment of the Handicapped recognizing his work for the Greater Bethlehem Area Committee for Employment of the Handicapped. In 1967 he received the Benjamin Rush award from the Pennsylvania medical society, and in 1983 the Golden Chariot Award from Operation Overcome as a local group helping disabled citizens, and in 2002 he received the Pennsylvanians With Disabilities Day award in commemoration of the birthday of Franklin Roosevelt.

In 1968 with the proceeds he received from a testimonial dinner, he established the William C. Rybak Handicapped Children's Fund. This fund, part of Bethlehem Area Foundation now the Lehigh Valley Foundation, has grown through investment and 11 subsequent biennial dinner-dances to the present sum of over \$115,000.

The interest from the fund each year is awarded to various entities in the greater Bethlehem area such as VIA, United Cerebral Palsy, Easter Seals, and the Good Shepherd Home. The grants are made for assistive equipment, prosthesis, training, and life skills programs. Last May \$7,087 was awarded. From 1968 to the present over \$250,000 was awarded. This fund will exist in perpetuity as a continuing reminder of my father's work and his slogan "Happiness is helping others."

My father was once described in a newspaper editorial as abrasive and aloof. The editor got it wrong. He was tenacious. He did not accept the words no, can't, and won't, and I can attest to that. He was a very caring person. He raised six children and sacrificed to put them all through college.

I can recall when he did the grocery shopping at Schoenen's Market in Bethlehem on a Friday evening with one or more of us pushing the shopping cart, and a small child would walk under where his left leg should have been, and the child's parents were embarrassed. He always took time to explain to the child not to play on the railroad tracks. He visited people who had amputations following their surgery to show them that life goes on and that they could still be productive.

If he seemed aloof to the newspapers, perhaps it was that an issue or position was of no benefit to his constituents. He always favored the common man and the underdog. He had no use for those in or wanting to be in control for personal reasons. He will be remembered not only because of his physical limitations and how he overcame them, but how he treated and cared for others.

I respectfully request when the record is closed today that it be in the memory of my father and the other attorneys; my father, State Representative and Attorney William Rybak.

PRESIDENT JUDGE FREEDBERG: Thank you, Attorney Rybak, well done.

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.)

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