

COPY

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

IN RE: MEMORIAL SERVICE
Tuesday, September 23, 2014

Proceedings stenographically recorded by
Mollie E. Shannon, RPR, Official Court
Reporter.

1 THE COURT: On behalf of the Bench
2 of Northampton County, I would like to welcome
3 all of you to today's memorial service. In
4 particular, I would like to welcome the family
5 and friends of Jacob Kolb and Charles Smith and
6 express our sympathy for their loss.

7 When we think of the memorial
8 service, we think of grief and sorrow and loss.
9 That is not our purpose here today. We gather
10 for the purpose of celebrating the careers of
11 those members of the Northampton County Bar who
12 passed away this past year.

13 It is appropriate that we gather
14 here in Courtroom number one, a room so rich
15 with tradition. I suspect that each of our
16 colleagues who are being honored here today
17 once stood before this Bench and took their
18 Oath of Admission to practice before this
19 Court. Each of them spent countless hours in
20 this room performing work for the public good.
21 They had in common a commitment to the
22 community and a sense that the practice of law
23 was an honor and a profession and not simply a
24 job.

25 Their reputations were impeccable.

1 Today we express our sympathy for their loss
2 and our gratitude for the contribution that our
3 departed colleagues gave to this community. At
4 this time, the Court recognizes Attorney Paul
5 Florenz to speak on behalf of Jacob Kolb.

6 MR. FLORENZ: If I may please the
7 Court, Judge Roscioli, President Judge Baratta,
8 members of the Bench, Judge Freedberg, members
9 of the Northampton County Bar, honored guests.
10 We are here this morning to remember and to
11 memorialize, among others, Jacob S. Kolb, who
12 practiced law in Northampton County for over 60
13 years.

14 Jake died in January of this year,
15 two months shy of his 95th birthday. He never
16 lost the control of his mental faculties and
17 was really only sick for the last week of his
18 life. Jake lived to be 95 in relatively good
19 health and was sick for one week. Ladies and
20 gentlemen, he won the game. But the down side
21 of winning the game is that he outlived all of
22 his contemporaries.

23 Standing before you here today
24 should be Al Williams or Dick Grifo or Tom
25 Kubelius or Bob Holland or Al Antonelli or Earl

1 Heffner or Robertson Taylor, but they're all
2 gone. So you're stuck with me.

3 Like any good biography, I suggest
4 that we start at the beginning. Jake was born
5 at a very early age in Sandhausen, Germany.
6 His family immigrated to the United States when
7 Jake was about six years old and they settled
8 in Philadelphia. Jake was educated in the
9 Philadelphia public school system and after
10 that he attended the Wharton School of the
11 University of Pennsylvania, from which he
12 graduated in 1941 with a degree in Accounting.

13 while at the Wharton School, Jake
14 participated in the Army ROTC program and if
15 you'll remember your history, 1941 was an
16 interesting year in which to be a duly
17 commissioned second lieutenant in the army.
18 Shortly after graduation, Jake was called to
19 active duty and he served throughout World War
20 II with valor in the Pacific Theater.

21 After the war, Jake decided to go to
22 law school. He applied to the Harvard Law
23 School, the University of Pennsylvania Law
24 School and the University of Michigan Law
25 School and he was accepted at all three.

1 Because of his roots in Philadelphia, he
2 decided to go to Penn. He told me at one point
3 that one of the most satisfying things he ever
4 did was call the Harvard Law School and tell
5 them thanks, but no thanks.

6 After graduation from law school,
7 Jake was offered a job as in-house counsel with
8 Pennsylvania Railroad and he was also offered a
9 position with the Bethlehem firm of Taylor and
10 Taylor. He chose the latter. He told me once
11 that after the bankruptcy of the Pennsylvania
12 Railroad, it appears that he had made the right
13 decision.

14 Now, Jake was not a trial lawyer and
15 I think I know why. Early on in his tenure
16 with the Taylor firm, Jake was assigned to
17 represent a defendant in a paternity case. A
18 married woman had sued to establish that a man
19 other than her husband was the father of her
20 child and that man was Jake's client. This
21 case was tried before an old Pennsylvania Dutch
22 Magistrate in Bethlehem and there was a rule of
23 law or rule of evidence in those days that
24 rendered a married woman incompetent to testify
25 as to anything that would tend to

1 illegitimatize her child.

2 Now, Jake was a recent graduate of
3 the Pennsylvania Law School. He knew this rule
4 of law. Now, Jake's client was a big burly
5 kind of guy with a huge shock of bright red
6 hair. And the child, who was the subject of
7 this case, was a cute little guy with a huge
8 shock of bright red hair. Well, the case
9 proceeded and the woman took the witness stand
10 and began to testify that Jake's client was the
11 father of her child.

12 Jake stood up and says, Squire --
13 which is what you call a Magistrate in those
14 days -- I object to this testimony in that it
15 tends to illegitimatize this woman's child.
16 Well, the Magistrate looked at Jake's client,
17 he looked at the child, and he looked at Jake
18 and he said, sit down and shut up, I got eyes.

19 Well, Jake lost that case and to the
20 best of my knowledge, that's the last case he
21 ever tried in his 60 year career, but he did
22 other things. He did other things, he did a
23 lot of real estate work and back in those days,
24 lawyers did their own title searches and Monday
25 each week was title searching day and the

1 lawyers, Jake and Al Williams and those guys
2 would assemble on Monday morning at the
3 Recorder of Deeds office and search titles
4 interspersed with telling each other jokes.
5 Judge Williams told me at one point that Jake
6 was pretty much acknowledged as the best joke
7 teller because he could do the best effective
8 Jewish accent.

9 The area of law for which Jake is
10 probably most well known is the probate area;
11 estate planning, tax planning, wills and
12 trusts, estate administration, trust
13 administration, probate things. Jake was
14 elected fellow of the American College of Trust
15 and Estate Counsel, which is pretty much
16 acknowledged as the premier organization of
17 lawyers who do that kind of work.

18 And then, in 1971, Jake's beautiful
19 daughter, Jane, agreed to marry me. We
20 tub-dubbed around for a while and then in 1979,
21 I graduated from law school. As graduation
22 approached, I had the usual series of job
23 interviews. Somewhere in this process, Jake
24 approached me and he said, you know, you should
25 come to work with me, I think we could have

1 some fun. Well, I had had a lot of interviews,
2 but the one word that had not come up in any of
3 them was fun. So I accepted Jake's offer and
4 he and I practiced together from 1979 until his
5 retirement in 2011.

6 We did a lot of interesting stuff in
7 those years. Probably our favorite client over
8 the years was Lehigh University. We did pretty
9 much all of Lehigh's local work from about the
10 time I started with Jake until the late 1990's,
11 including representing Lehigh in its
12 acquisition from Bethlehem Steel of the former
13 home research lab, which is now Lehigh's
14 Mountain Top campus; hundreds of acres of land,
15 big buildings, and lots of money changed hands.
16 That project was fun.

17 Jake also served the Northampton
18 County Bar. He was the President of the Bar
19 Association sometime in the mid 1960s. Norm
20 Seidel would tell me pretty much every time I
21 saw him that, you know, your father was the
22 President of the Bar Association the year after
23 I was, so I guess if we wanted to determine
24 with precision exactly when Jake was the
25 President of the Bar Association, it would be

1 the year after Norm.

2 Jake also served his community. He
3 was one of the founders of Muhlenberg Hospital
4 and I have it on good authority that in the
5 early days of Muhlenberg's existence, had it
6 not been for Jake's leadership, Muhlenberg
7 probably would not have survived. Today,
8 Muhlenberg is a part of the Lehigh Valley
9 Health Network and a tremendous asset to
10 Bethlehem and the Lehigh Valley community at
11 large.

12 Jake taught me to practice law and
13 how to do so with honesty and integrity. As
14 Jane's brother Mark has so eloquently stated,
15 he was our moral compass. In Jake's mind, a
16 thing was either right or it wasn't. And if it
17 wasn't, you didn't do it. It was just that
18 simple. Jake could never understand why
19 lawyers were required to take courses in
20 ethics. He would say, how many times do you
21 have to be told not to steal from your clients?

22 Jake is gone, but his legacy is not.
23 We miss him every single day. Thank you for
24 joining us this morning to remember and to
25 honor Jake Kolb. Thank you.

1 THE COURT: Thank you, Attorney
2 Florenz. The Court now welcomes Attorney Craig
3 Smith to say a few words on behalf of his
4 father, Charles Smith.

5 MR. SMITH: May I please the Court,
6 members of the Bar, friends and family; I'm
7 Craig Smith and I have the honor of
8 memorializing my father, with whom I was
9 fortunate enough to practice law from 1979 to
10 2001. My father came from very humble
11 beginnings and as a result, he was extremely
12 proud of being a lawyer and extremely proud of
13 practicing with this Bar before this Bench.

14 He was born in 1924 and his father
15 died when my dad was three. Because he was
16 fatherless and because his mother was very
17 poor, she sent my dad and his brother to Girard
18 College in Philadelphia, which, despite its
19 name, was really a boarding school for young,
20 poor, fatherless boys and he was raised
21 certainly by the people at Girard College
22 through his graduation from high school there.

23 At Girard College, one of their
24 precepts was that every child should learn a
25 trade, so my father learned to be a machinist

1 and when he graduated, went to work at Sheridan
2 Machine. Then the World War II came along and
3 my dad was drafted and for a period of time
4 that was too long for his liking, he served as
5 a cadreman, basically a drill instructor
6 training other young men to go overseas and
7 fight and he got tired of that and put in for a
8 transfer to the Paratroopers so that he could
9 get to Europe quicker.

10 But before that transfer came
11 through, his Orders came to report to the First
12 Infantry Division and he did see action. He
13 fought at Normandy, the Battle of Hürtgen
14 Forest, he got a Bronze Star, Purple Heart in
15 the Battle of the Bulge.

16 And it's interesting that, to me,
17 I'm very pleased, some years ago, the history
18 of Northampton County was put together and
19 there is a volume that deals specifically with
20 the war history of Northampton County and in
21 that volume, there is a chapter that deals with
22 Bernie O'Hare and with my dad.

23 My father, at the age of 18 or 17,
24 whatever he was when he started, began writing
25 very eloquent letters home to his mother about

1 what he was seeing and experiencing in the war.
2 She saved those letters and they were excerpted
3 into virtually an entire chapter in this book.
4 So it's very interesting to read what my father
5 was seeing through his young eyes in this war,
6 at least what he was telling my grandmother
7 about.

8 He talks about the surreal
9 experience of Christmas morning, after having
10 been in the snow and the cold for so long and
11 seeing the Germans advancing on them several
12 hundred yards away, what a strange and surreal
13 experience that was. I assume that it was the
14 bloodshed and the horrors that my father went
15 through in World War II that led him to think
16 about a career practicing law and helping
17 people.

18 So when he came home from the war,
19 with the help of the GI bill, he went to
20 Lafayette College. And after Lafayette
21 College, he went to law school at Duke
22 University, where he met my mom who was in the
23 graduate nursing program there. They were
24 married at Lafayette College, but the Chaplet
25 of Duke came up here to marry them so they kept

1 strong ties with the University.

2 My dad started practicing law in
3 Nazareth with Charlie Schreiber. I know that
4 David Skillman was also one of his mentors
5 because my dad took me to meet him when I was a
6 very little boy and used to speak very highly
7 of him. My father and Jim Hemstreet formed a
8 partnership and they had an office right here
9 with -- I'm trying to think of his first name
10 -- Walter Sandercock right here on 7th Street.
11 Franklin Van Antwerpen eventually joined them
12 and they practiced law together for a long
13 time.

14 I have a recollection -- my father
15 didn't try too many cases. He was mostly a
16 transactional lawyer, but I do have a
17 recollection of one celebrated case that
18 involved a couple. They were displaced persons
19 from Czechoslovakia, if I remember correctly,
20 and they had lived through their own horrors in
21 the war and had settled in Bushkill Township.
22 I believe this case took place perhaps in the
23 mid to late 60s, if I'm remembering correctly,
24 and one Halloween night some teenage boys from
25 the Bushkill Township area, I guess wanted to

1 play pranks.

2 And this couple, you know, they
3 spoke with a very thick accent, their ways were
4 strange to young American teenage boys, so the
5 boys painted swastikas on the house on
6 Halloween night, which brought back horrible
7 memories to these people and in the darkness
8 there was a thickly accented voice that
9 shouted, a shotgun went off, one of the boys
10 was hit in the back with pellets, they
11 penetrated -- as I remember -- through his
12 clothing and into his skin, but that was it,
13 thank God.

14 The police arrested the man and my
15 dad -- my dad defended him. It's amazing to me
16 because I didn't know of my father as a
17 criminal defense lawyer and I remember going up
18 to the mountains with my father and with a
19 ballistics expert and they were shooting
20 shotguns and trying to determine how far away
21 the man was from the boy, whether he was really
22 trying to kill him or whether he was trying to
23 frighten him, because that was really the only
24 defense my father had.

25 He tried the case in front of

1 Carlton Woodring and the man was found guilty,
2 but Judge Woodring -- and you may remember
3 this, the Bench may remember this, this was a
4 celebrated decision -- Judge Woodring felt that
5 it was wrong to incarcerate this man who had
6 suffered so much already, so his sentence was,
7 he sentenced the man to Northampton County
8 prison for a term that -- I don't know what it
9 was -- on the condition that the boys who had
10 been shot and who were responsible for his
11 incarceration, on the condition that they came
12 to the prison every day and prayed with this
13 man for forgiveness.

14 This was written up in one of the
15 religious journals my father showed me. They
16 consulted with their Pastor and on the first
17 day they advised the Court they were not
18 coming. The man was set free. So that was one
19 of the more interesting matters that my father
20 was involved with.

21 He was President of the Bar
22 Association in 1972, which was the year I
23 graduated from high school. My father was a
24 man who had very strong integrity, very strong
25 ethics. When something was right, it was right

1 and it didn't matter whether it was popular or
2 unpopular.

3 An example of that that some of you
4 may remember, when my father was delegate to
5 the Pennsylvania Bar Association, he fought and
6 was one of the few people, I think, in
7 Pennsylvania to do so, he fought against the
8 whole concept of IOLTA, not because he thought
9 it was wrong to fund legal services, but
10 because he felt it was wrong to take a client's
11 money and earn interest on that money for some
12 purpose that the client was never consulted
13 about, and he felt very strongly about that.

14 Of course, it was a losing battle
15 but he went throughout the state giving
16 speeches and urging that the state find another
17 way to fund legal services. My father was a
18 long-time solicitor for the Palmer and Forks
19 Sewer Authorities and in his way, I think
20 played a major role in the development of those
21 two communities because of that.

22 He was also involved with the
23 Industrial Development Authority, but one of
24 the things that I think made him proudest and
25 happiest was the opportunity he had to go to

1 New York City with Tony Mitman and Lee Grifo
2 and, I think it was for \$12,000, they bought
3 the State Theater and they formed the friends
4 of the State Theater and saved it and turned it
5 into the magnificent place it is today.

6 My dad practiced law in a way and a
7 time when you could enjoy and gain reward
8 helping people. He enjoyed helping people
9 adopt a child or start a business or buy a home
10 or settle an estate and help people through
11 their grievances. I was very, very fortunate
12 to be able to practice here with this Bar in
13 front of this Bench with my father for over 20
14 years. It was the best part of my career and I
15 know how proud and happy my father was that I
16 could be with him and that we could both
17 practice here. Thank you.

18 THE COURT: Thank you, Attorney
19 Smith. Finally, the Court recognizes Abraham
20 Kassis, President Elect of the Northampton
21 County Bar Association.

22 MR. KASSIS: Good morning, everyone.
23 May I please the Court, Judge Freedberg,
24 members of the Bar, friends and family of Jacob
25 Kolb and Charles Smith. What we have done for

1 ourselves alone dies with us, what we have done
2 for others in the world remains and is
3 immortal. It is not a standard to speak on
4 behalf of the Northampton County Bar
5 Association about these two men who have just
6 been honored and eulogized. As much as I would
7 not presume to speak on their personal lives,
8 especially after hearing from Attorney Florenz
9 and Attorney Smith, I would still like to say a
10 few words about Mr. Kolb and Mr. Smith and
11 their contributions to their profession and to
12 our communities.

13 After hearing from our speakers, we
14 see they lived their lives in service of
15 others. Both men served in world war II in the
16 Infantry, they returned to raise their families
17 in the Lehigh Valley and they continued to
18 serve their communities and you've heard the
19 examples and the illustrations of that.

20 Sitting here today, I'm amazed at
21 just what men can accomplish when they're given
22 the opportunity to do good. But the quote that
23 I opened up with speaks of service to others
24 and good lawyers spend their lives serving
25 others. They take on burdens, they smooth out

1 difficulties, they try to correct the mistake
2 of their clients. To be successful as a
3 lawyer, one must be able to do such things and
4 we've heard that they practice their profession
5 for over 50 years. Over 50 years. And they
6 were successful in all of those years.

7 So if we know one thing about them,
8 we know that they did what was expected of
9 them. They served and they cared for their
10 clients and they brought peacefulness to their
11 lives. And they couldn't have done it that
12 long with that much success if they weren't
13 doing it right. And that, ladies and
14 gentlemen, is what remains. They served their
15 peers. They served among all of us attorneys
16 working in Northampton County.

17 As we've heard, they were both
18 Presidents of the Bar Association. The Bar
19 Association benefitted from their leadership
20 and the organization that exists today would
21 not be what it is without the contribution of
22 these men, as well as all past Presidents that
23 have come before them, after them. For that,
24 the Northampton County Bar Association is
25 grateful.

1 Ralph Waldo Emerson said that the
2 purpose of life is not to be happy, it is to be
3 useful, to be honorable, to be compassionate,
4 to have it make some difference that you have
5 lived and lived well. Well, we know that
6 Mr. Kolb and Mr. Smith lived well. May they
7 forever live in the hearts of their loved ones
8 and may their souls rest in peace. Thank you.

9 THE COURT: Thank you, Attorney
10 Kassis, and thank you to everyone for joining
11 us here this morning for this tradition that is
12 an important one. Let us leave here not with
13 the sense of loss, but with a sense of
14 gratitude for the services to society which
15 Jacob Kolb and Charles Smith rendered.

16 A reception will be held in the jury
17 lounge immediately following today's memorial
18 service. Please join us. We will then
19 reconvene for the call of the Argument Court
20 list.

21 (Memorial service concluded.)
22
23
24
25

CERTIFICATION

I.

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

Date: September 29, 2014

/S/-----

Mollie E. Shannon, RPR
Official Court Reporter

II.

The foregoing record of the proceedings in the within matter is directed to be filed.

Date: October 1, 2014

/S/-----

PAULA A. ROSCIOLI, JUDGE