COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY COMMONWEALTH OF PENNSYLVANIA



MEMORIAL SERVICE

Tuesday, November 6, 2018

Courtroom 1

9:00 a.m.

Before: Craig A. Dally,

Judge of the Court of Common

Pleas of Northampton County

Frank J. Danyi, Jr., Esquire HONOREES:

Edward H. Feege, Esquire Richard S. Luse, Esquire Daniel C. Mills, Esquire

Margaret H. Poswistilo, Esquire

Daniel M. O'Donnell, Esquire SPEAKERS:

Jeffery M. Zimskind, Esquire Paul J. Harak, Esquire John T. Hand, Jr., Esquire Ellen M. Kraft, Esquire

Proceedings stenographically recorded by Shannon E. Quaile, Official Court Reporter. THE COURT: Good morning. It is with deep sadness that this Court convenes today to reflect upon the lives and work of our esteemed members who have passed away within the last year. As a Court, we are honored to have the families and friends of our deceased members with us for this memorial service. This year, we celebrate the lives and distinguished careers of Attorneys
Margaret H. Poswistilo, Frank J. Danyi, Jr., Edward H. Feege, Richard S. Luse, and Daniel C. Mills.

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Each of our colleagues who are being honored here today once stood before this bench and took their oath of admission to practice before the Court of Common Pleas of Northampton County. Each of them fulfilled that oath and did that with distinction, great 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 or her 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

them in the annals of our history their accomplishments. It was within this very courtroom as a lawyer that four of the five took their oath as lawyers.

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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 the drama of the jury trial or 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 Their number includes a wide estate, and estates. variety of government services as legal advisors as well as an outstanding record of volunteer 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 in being a good lawyer.

These attorneys came from various locations within our county and practiced in different areas of the law. What they each had in common was a commitment to the community. In a sense, the practice of law was an honor and a

profession and not simply a job. We offer our condolences to their families. We want you to know that in addition to the memories you have of them, we have our memories as well.

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Through their representation of clients and their mentorship of young lawyers, they impacted the lives of many. We express our gratitude for the contribution that our departed colleagues gave to the community and their clients.

brethren, we express our deep sense of sorrow and loss. There is a measure of consolation in the knowledge that theirs were useful and active lives. Their records remain unblemished and will continue to bring honor to them and to you, their families, and to the courts they serve with fidelity and devotion.

The Court now recognizes Daniel M.
O'Donnell, Esquire, who will provide remarks on the
life and career of Frank J. Danyi, Jr.

MR. O'DONNELL: Thank you, Your Honor. May it please the Court?

Frank Danyi was truly a blessed man, a gifted attorney. He had a wonderful family. He married his high school sweetheart. They were

together 59 years, Lillian.

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She was also his secretary and paralegal. And it was a wonderful thing every day to come into the office and see them right across the hall from me and how closely they worked together. I try to think about how working all of our lives, working with our spouse, how difficult that might be, but they made it work.

They had three wonderful children:
Kevin, Gary, and Georgine. Six grandchildren that
adored Frank.

Professionally, it goes without saying, having a long successful career, which I'll come back to, but unfortunately, in the years that I knew Frank, he didn't enjoy the best of health, but you'd never know that by talking to him and meeting with him. He constantly had a smile on his face. Every time he came into the office, he'd stick his head in the door and he'd have a joke, he'd have advice. He'd be there to listen. He'd be there to share what he had learned throughout his years, not just in the profession, but just about life in general.

Frank demonstrated that you can do this job and develop a rapport with clients that

becomes more than an attorney/client relationship. It becomes almost a friendship, almost a family relationship. Every week, at least several times a week, clients come into the office that worked with Frank, and still to this day, they do -- they break down and cry. It's like they lost someone who was dear to them.

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I don't know that we see that a lot in our profession, that type of relationship. It's an amazing thing that they can develop that. It comes from Frank's devotion and hard work in truly caring about the people that he represented. He was loyal to them; he built a loyalty with them.

Frank passed away July 21, 2017. He was born in Bethlehem Township, attended Moravian College. After college, he was in the U.S. Army, where he obtained the rank of first lieutenant. He went to Catholic University School of Law, then came back to the Lehigh Valley. And early in his career, formed a partnership, Maloney, Danyi, Goodman, Hetzel, in 1969.

Tom and Frank -- Tom Maloney and Frank always used to tell me the way they picked the names for the firm is they had developed a contest. Tom always said, we had the contest; I came in

first. And Frank as an aside would always tell me that as a good, loyal partner and as a good friend, Frank let Tom win. I'm sure Tom would appreciate that.

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Frank and Tom remained partners for 40 plus years. Again, an accomplishment that we just don't see that much anymore in our profession. And they both took great pride and talked about how in those 40 plus years, they never had to cross words with each other. Always very close, always very trusting, always able to work things out. They built that level of confidence and trust in each other. It's truly amazing.

Frank was deeply religious. He was ordained a deacon in 1995 in the Diocese of Allentown. He wrote wonderful homilies that always included a good element of humor. He performed the marriage of his son, baptized his grandchildren. I even had the privilege of having him as a deacon at our own wedding. I still have the picture with him on our fireplace mantle, and I swear his smile and happiness to be there, I think, is better than mine and my wife's. It was really amazing how he took pride in being a deep part of people's relationships and family.

Frank's passing is obviously still felt in the office, our office, with his family and friends, with his church, and with his clients. We were all truly blessed to have had him, and we miss him deeply. Thank you.

THE COURT: Thank you, Attorney O'Donnell.

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The Court now recognizes Jeffrey M. Zimskind, Esquire, who will provide remarks on the life and career of Edward H. Feege.

MR. ZIMSKIND: Your Honor, colleagues, and guests, I'm profoundly honored that Ed Feege's wife, who is here with us today, asked me to speak about Ed today.

Ed Feege hired me as a third-year associate back when kids did not have cell phones and back when their parents didn't even have -- didn't have cell phones. Back then, when he hired me, I had a full head of hair. The loss of that hair, I don't attribute to him.

I was in my late 20s, and Ed was roughly the same age as my father. That age difference probably had something to do with the fact that Ed became my professional father. He taught me everything I know about being a good

lawyer and an honorable lawyer.

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What did Ed teach me? He taught me to lawyer creatively. We would sit in his office, and he would outline the road map for a brief. If there were four key points, I generally had a good handle on three of them and knew where I wanted to go. There was always a fourth point. It seemed to be a little ridiculous or inconsistent with precedent based on an obscure and overcited case or on the dormant provision of the Pennsylvania Constitution or otherwise. I was far out there, and I had absolutely no idea to come up with something that makes sense.

So with me in the role of a stubborn know-it-all son, we would go round and round. He'd tell me his argument, get laughed at, take away from the strong decisions. Ed insisted there was a critical point in trying to explain the argument to the simpleton son, me.

Without quite understanding where we were trying to go, because he was my boss and I had a direct order, I would do the best I could. He would tell me to go back to the drawing board, sometimes two or three times back to the drawing board, and eventually, after thinking everything

through, I would finally understand where he was getting at. And yes, very frequently, that fourth point was what ultimately won the case or resolved the matter.

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A cliché term as posed is thinking outside the box, and from Ed, I learned how critical that is. And learning from Ed, I learned from the best. To whatever extent I become a good lawyer is Ed's doing.

It wasn't just me who had held Ed in the highest regard. Every one of his clients knew at the conclusion of the case, he left everything on the field fighting on their behalf. And beyond that, many of them truly loved him. From him, I learned that leaving everything on the field for your clients is the only acceptable way to practice law.

Just as a court may in our increasingly pretentious world where a partnership of 40 years is something to be cherished and respected, Ed's opponents, opposing lawyers and opposing clients respected him, and many of them also truly loved him. Almost inevitably, when I bumped into a union official -- he was a labor lawyer -- or a lawyer who may have tangoed over the

years, they would ask about Ed. They'd smile and tell me Ed's story and ask them to send their best wishes. And a lawyer can't have a better legacy than that.

From my perspective, judges, union officials, and other lawyers gave me the respect that I didn't deserve as a young pup that they wouldn't have given otherwise but for my association with Ed. Whether it was in a courtroom or union negotiations or a bar association meeting, Ed was — it was pretty cool to say that I was associated with Ed Feege and worked for Ed. I was always proud that he was my boss and later my partner. An old school is about the best compliment you can give someone, and Ed was a very valuable old school.

In addition to being my professional father, Ed became my friend as well as my most important mentor. I'm profoundly fortunate to have had all those years with Ed, and his passing is a very profound loss. Thank you.

THE COURT: Thank you, Attorney Zimskind.

The Court now recognizes Paul J.

Harak, Esquire, who will offer remarks on the life

and career of Richard S. Luse.

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MR. HARAK: Thank you, Your Honor.

I'm reading these remarks. They're written by Richard Boyer.

Richard Shaw Luse died on December 2, 2017 at age 70, survived by his wife of 48 years, Penny Kern Luse, three sons and their wives, and five grandchildren. He was a resident of Bethlehem, Northampton County, Pennsylvania and a member of this Bar.

I first met Dick in high school, where we played flag football, Little League baseball, and in the band together. We both attended and graduated from Lehigh University as our fathers before us.

Dick went on to earn his Juris

Doctorate from Duquesne University in 1974.

Following graduation, he was employed by an asbestos litigation firm in Pittsburgh. After several years with that firm, he and his family relocated to Bethlehem.

Dick's early passion was an inventor and entrepreneur. He invented the NFL licensed sport scope, a tire manufacturing endorsed automobile front-end traction device, college

catalog and cross-stitch logo kits, business training manuals for AT&T, and even a mobile conference room. His last endeavor in the business world was Datacap, a company that produced tax payment coupons for governmental entities.

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In 2004, the passion subsided, and he returned to the practice of law as a sole practitioner concentrating on real estate transactions. In 2007, he acquired the practice of the late Chester Reybitz and conducted business as Reybitz & Luse with offices most recently on West Broad Street in Bethlehem. Until his death, he devoted the bulk of his efforts to estate planning and administration.

In addition to his entrepreneurial and legal activities, and although he kept a pretty low professional profile, he found time to devote to community service. He was a leader in the congregation of the First Presbyterian Church of Bethlehem, serving as an elder, trustee, committee chair, and legal counsel. His public service also included president of Bethlehem Area Soccer League, director of Victory House in the Lehigh Valley, commissioner of the Northeast Little League, member of the JCs and master mason.

In 2014, Dick was diagnosed with 1 glioblastoma multiform, a rare form of brain tumor. 2. It significantly diminished his memory, motor 3 activity, stamina, and ability to work. As a 4 consequence, the scope of his practice steadily

6 declined until his passing.

> Richard Luse possessed the engaging personality, the gift of persuasion, and enthusiastic approach to life. Through his understanding, patience, and compassion, he not only earned the respect and loyalty of his clients, but also their friendship. He consistently exhibited a professional attitude and demeanor. Dick was a good lawyer.

Although not widely familiar to the members of our Bar, Richard Shaw Luse was well-known and liked throughout the Bethlehem community and recognized as an ambassador to our profession. We shall remember him accordingly. Gloss bless and protect his soul.

I respectfully request that this memorial recognition be entered into the officialment of today's proceedings. Respectfully submitted, Richard F. Boyer.

THE COURT: Thank you, Attorney Harak.

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1 MR. HARAK: Thank you.

THE COURT: The Court now recognizes

John T. Hand, Jr., Esquire, who will offer remarks

on the life and career of Daniel C. Mills.

MR. HAND: Thank you, Your Honor. May it please the Court?

A few years ago, this county bar association recognized Dan and several others for their 50th anniversary of admission to the bar. I was honored and pleased that they had asked me to speak for him, and I'm please -- and I'm equally pleased to speak for him on this sad occasion.

I first met Dan in 1962 with my first assignment as a lucrative and lifelong member of Bethlehem Steel. Dan had worked there earlier or was there as a lawyer doing safety work as a compensation lawyer.

A little bio for Dan. He was born in Baltimore, Maryland as part of a, quote, steel family. His father, at that time, was a senior executive of the plant. The family eventually moved to Bethlehem.

Dan went to Liberty High School, then went to Lehigh, and graduated in 1952. After Lehigh, he spent four years in the Navy as an

intelligence officer. He used to kid sometimes about that being a (indiscernible), but so be it. He took it well because that was Dan.

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After leaving the service, he continued in the reserve capacity with the Navy, and he also enrolled in Michigan Law School, one of the top law schools in the country. Then and still is. Then he joined Bethlehem Steel after graduating with his law degree in 1959.

He worked for Bethlehem Steel until 1990. His assignments would vary. They were mostly legally-related. They extended into union relations and in the coal fields, which was probably hazardous duty at that time. He eventually came back to the home office, I believe, in 1980, 1979, where he worked in the workers' compensation department primarily doing just workers' comp, but also doing some other litigation.

I'm really not going to talk too much about Dan's legal activity because I didn't meet him -- I didn't get my own law degree until 1976. And probably most of you, very few of you, may know Dan from a legal profession because he only went into private practice here in 1990. At that time

he joined as-of counsel to Maloney, which is now called Maloney, Danyi & O'Donnell, And he worked there until about 2014 when he retired to North Carolina.

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Retirement for Dan was not retirement. He was one of the most active people I've ever seen. But I do want to focus about him as a person.

If you knew Dan, the first thing that attracted you to him was his personality. He was the most low key, kind individual, considerate that I think I have ever met. I never heard him utter a derogatory comment about anyone, complain about anything. He was just a joy to be around.

The two most prominent activities was based around his love of golf; and second, only his love of poker. As a golfer, he was average at best, but you never would find a more optimistic person. He read every golf digest magazine published. He would bore us endlessly with new stances, swing height, how you take them, the golf club back, and all those things. He bought every new gadget, every new putter, every new driver. The one thing I remember about him was how optimistic he was.

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This is a short story. We were playing Saucon Valleys -- I think it was the (indiscernible) one time. It was a very long hole. Nothing in front of the green. Dan had one of the best drives of his life. He was about 150 yards from the green. Way far ahead he was, takes out a -- I don't know, seven iron, eight iron, something like that. He hits it spot on 150 yards. Beautiful shot, except it was also 50 yards to the left of the green.

We said, Dan, you just missed the opportunity for your first birdie. He said, yeah, but he said, it was pin high. And he took about a six on the hole. It didn't bother him at all.

In poker, there was a Wednesday night game, and there still is, at Saucon Valley. A penny ante game we started in probably about 1940, 1950, and as people die or leave, they recruit new people. Dan was one of the leaders of that game. Again, it was his optimism that showed through.

He was also a very poor poker player, but because of his optimism, he was a great person to have in the game. And on one or two occasions, we attempted to cancel a game. If Dan could win, he wouldn't show up because the opportunity to win

fell through, missed.

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So when I think of Dan, I really always say this Mr. Rogers type person who always had such a sunny disposition. And if you knew him, you had to like him. And his personal life was his own. I don't know much about that. I know golf, from tennis -- not tennis, poker, and also some legal experience.

When I think of him, you know, it brings a smile to my face, as I said before. I miss him a great deal. I think those people who knew him will always miss him. And as I said back a few years ago at the anniversary dinner, if you're only allowed one or two friends, and you're lucky to have Dan as one of those friends, you really hit a home run. You struck gold. Thank you very much.

THE COURT: Thank you, Attorney Hand.

The Court now recognizes Ellen M.

Kraft, Esquire, who will offer remarks on the life and career of Margaret H. Poswistilo.

MS. KRAFT: I'm supposed to talk right into the microphone. May it please the Court?

Frank, colleagues, and guests, it is my absolutely honor to be here today. When Frank

asked me to present the memorial for Peg, my first instinct was to print out the obituary from the newspaper and just go from there.

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After all that, I'm providing all of you with a long list of Peg's scholarly and personal accomplishments, like attending college as a woman in the 1940s, much like my own mother. That alone was quite a feat. Or earning her master's degree at the U of P and subsequently her law degree from Temple while teaching English and Latin in the Philadelphia public school system or waiting nearly 15 years until her five children were of school age to really begin practicing law. And then to practice not only civil law but criminal law as an assistant public defender for Northampton County at a time when most women wouldn't even set foot inside the prison unless they were incarcerated. But those statistics wouldn't do justice to Peg Poswistilo.

I met Peg one summer after I decided that being a lawyer might be part of my future. And what I received from Peg Poswistilo was so much more valuable than any money. When I met her, Peg had already made her indelible mark as the first female public defender in Northampton County and as

one of the best, most conscientious public defenders.

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Peg visited her clients regularly in prison and did not just meet them for the first time at their preliminary hearing. She treated her clients, court witnesses, and colleagues exactly the same. Regardless of their station in life or their race, religion, or gender, she treated everyone she met with dignity and respect, and she served her clients well with competent and persuasive legal representation. Peg Poswistilo was a class act.

When I graduated from law school and completed my clerkship with Judge Williams, I opened up my own law office, and I also became a Northampton County assistance public defender, largely because of the inspiration and tutelage of Peg Poswistilo. I could only hope that I made her proud.

Those of us who knew Peg remember her as being well spoken, intelligent, elegant, and a poised woman. Always impeccably dressed and always personable, whether attending a social event or visiting clients in prison. And she had a great sense of humor.

Frank recalls a time when Peg decided to bring a doggie lineup into the courtroom to prove the fact that none of the eyewitnesses could identify which canine was the culprit. Our colleague, Larry Fox, memorialized his version of that trial in chapter 3 of his book, No Noose is Good Noose. I don't have the time to read Larry's version here aloud today, but check it out. It is really funny.

One of my favorite Peg Poswistilo's stories is that as a young intern in my early 20s, wet behind the ears and only one or two interviews to my name, I was hardly a mirror image of Peg.

But I was so impressed by her that I did my best to at least emulate her demeanor: cool, calm, unrufferable, meticulous, always prepared to the nth degree. Early one morning in August I stopped at Peg and Frank's house to pick up Peg. If I recall correctly, she had a very nice office in her home on the first floor. I can't remember whether she and Frank shared that office.

Anyway, we went to the Easton courthouse in my 1974 Plymouth with no air-conditioning and vinyl seats. It wasn't too bad on the way to the courthouse, but by the time

we got out of the trial, it was really hot, and the inside of my duster was absolutely sweltering. We opened the windows, but it was still terribly hot, especially while sitting on those vinyl seats.

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I don't know if any of you are familiar with the older cars that had box vents on the floor that you could open a small door to get some circulation. Well, picture Peg Poswistilo impeccably dressed in a suit with full-faced makeup sweltering in the passenger seat of my car and reaching down to open the box at her feet. And before I could warn her not to, she opened the vent, and an avalanche of twigs and leaves flew up into her face and stuck to her softened makeup like she was a pin cushion.

I was absolutely mortified. But Peg being the dignified lady that she was, very calmly took a tissue out of her purse, began to dab the forest from her neck and her face, and then calmly turned to me and said, perhaps when you pass the bar you can buy a car with air-conditioning.

I'm personally saddened by the death of Peg Poswistilo. She was a mentor, advisor, an inspiration, and idol of sorts, particularly for professional women in the Lehigh Valley. A mentor

is a wise and trusted counselor. Peg certainly was that. For many lawyers and for many judges, male and female, and for many friends and colleagues outside of the legal profession, she instilled a desire and commitment to mentor younger attorneys whenever the occasion arises.

She was a valued member of the varied community boards in which she served, boards ranging from the AAEW and the Lady's Auxiliary of the Knights of Columbus, Project Hope of Easton, and the Easton Suburban Water Authority. A trustee in the truest sense of the word, Peg was admired by both her clients and by the judges and jurors before which she appeared. Her scholastic abilities and calm temperament were well known and widely respected throughout the Lehigh Valley. She never broke a sweat, unless, of course, she was sitting in my 1974 duster.

But Peg also had a softer side, a fun, loving, kind, and gentle side. That was best known by her family and her close friends. She will indeed be missed.

I ask the Court to close court today in honor of our colleagues.

THE COURT: Thank you, Attorney Kraft.

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In closing, the Court will now 1 recognize Daniel M. O'Donnell, Esquire, president 2 of the Northampton County Bar Association to offer 3 4 final remarks. Thank you, Your Honor. MR. O'DONNELL: 5 6 Thank you to the Court for 7 accommodating this event. Thank you to our speakers for helping us hear these wonderful 8 memories about attorneys from our association. 9 10 It's not often enough that we think about the positive influence, the benefits that we bring to 11 each other's lives in this profession. And events 12 like this are so important to honor that tradition 13 to recognize the difference we make in each other's 14 lives and the differences we continue to make in 15 each other's lives and bring a little bit of 16 17 humanity to the practice of law. So I thank you all again, and we offer 18 our most sincere condolences to the friends and 19 families of our departed attorney. Thank you. 20 THE COURT: Thank you, Attorney 2.1 O'Donnell. 22 23

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We recess today in honor and recognition of our fallen colleagues. We will take a brief recess at this time to greet family and

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friends in our jury lounge, and this Court will
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      resume in 15 minutes, at which time President Judge
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      Koury will call the Argument list. This Court
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      stands in recess.
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