

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

SPECIAL SESSION OF THE COURT

FOR A
PORTRAIT UNVEILING AND MEMORIAL SERVICE

OF

THE HONORABLE JAMES KNOLL GARDNER

Friday, the Eleventh Day of May
Two Thousand and Eighteen
Three o'clock in the Afternoon

Courtroom 4B, 4th Floor
Edward N. Cahn Courthouse & Federal Building
504 W. Hamilton Street
Allentown, Pennsylvania 18101

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1 (Ceremony begins at 1:50 p.m.)

2 COURT CLERK: All rise.

3 The Honorable Chief Judge and the Judges of the
4 United States District Court for the Eastern District of
5 Pennsylvania, oyez, oyez, oyez; all persons having business
6 before the Honorable United States District Court for the
7 Eastern District of Pennsylvania are admonished to draw near
8 and give full attention, for the Court is now sitting. God
9 save the United States and this Honorable Court. Please be
10 seated.

11 CHIEF JUDGE STENGEL: Good afternoon; and welcome to
12 this wonderful ceremony on this beautiful day in the Allentown
13 Federal Courthouse.

14 I'm Lawrence Stengel. I am the Chief Judge of the
15 United States District Court for the Eastern District of
16 Pennsylvania, and it is my great privilege to preside this
17 afternoon in this special session of our Court to honor the
18 memory of our colleague and good friend, Jim Gardner.

19 We have a wonderful program this afternoon. I would
20 encourage you, if you haven't, to read the biographical notes
21 about the Honorable James Knoll Gardner. He led an amazing
22 life. He was a valued member of our bench and of the Lehigh
23 Valley community.

24 And the speakers this afternoon will speak to
25 different aspects of Jim's life and the many contributions

1 that he made to our Court, to the Lehigh County Court of
2 Common Pleas and to the Allentown and Lehigh Valley community.

3 I want to acknowledge at the beginning a couple of
4 our special guests. We have speakers who I will introduce
5 individually, but with us this afternoon from the Eastern
6 District is Judge Cynthia Rufe, Judge Bill Yohn, Judge Jay
7 Leeson, Judge Jeff Schmehl, Judge Ed Smith and Judge Mark
8 Kearney, Magistrate Judges Linda Caracappa and Henry Perkin.

9 Also in attendance, and we're so happy to see him
10 and welcome him is former Chief Judge of this Court, Ed Cahn
11 and Alice. Welcome, and wonderful to see you.

12 We also have this afternoon Kate Barkman, our Clerk
13 of Court, Terry Lefkowitz who worked with Judge Gardner, Judy
14 Mack who worked as a Deputy Clerk and worked sometimes in the
15 Allentown Courthouse, and Deana May from the Office of the
16 Clerk of Court.

17 Linda Gardner is here; good afternoon, Linda. And
18 Linda and Jim's daughters Christine, Andrea with her husband
19 Paul, Victoria and husband Kyle, and Stephanie.

20 And then there are grandchildren in case you hadn't
21 noticed --

22 (Laughter)

23 CHIEF JUDGE STENGEL: -- and they're fine by the
24 way, they're just fine, they're not bothering anybody. Alexis
25 and Ainsley, Hanna, Jacob and Parker, and Leo and Peter, and

1 they will have a special role in the event this afternoon
2 toward the end.

3 Jim's sister Audrey Racines and husband Bill, nephew
4 attorney Theodore Racines, and nieces attorney Amanda Racines
5 and Alexandra Racines, and mother and father-in-law Bill and
6 Kay Klenk.

7 There are -- there is a whole host of law clerks.
8 I'm not going to call the clerks by name. You have a
9 representative speaking on your behalf, but thank you very
10 much for taking the time and making the effort to be here.
11 This long list of law clerks is quite a tribute to Jim.

12 Judge Gardner's former civil deputy and criminal
13 deputy Christine Stein is a civil deputy, and Jennifer Fitzko
14 are here, sitting in the lower bench, and Cheryl Sinclair who
15 was Judge Gardner's secretary for 30-plus years.

16 Our portrait artist is here -- where is Barbara?
17 Good afternoon. And more about Barbara in a little bit. But
18 thank you for coming.

19 Our new United States Attorney William McSwain is
20 here -- where is Bill? Good afternoon.

21 And United States Marshal Dave Webb, and with him
22 staff members Gary Hipple, Nick Hannevig and Shawn Eck.

23 Our Chief Probation Officer Matt MacAvoy. And we
24 have with us Lehigh County Judges Melissa Pavlack -- where is
25 Judge Pavlack? Good afternoon. And Robert Steinberg and

1 Douglas Reichley.

2 The Lehigh County District Attorney, James Martin,
3 is here, good afternoon. The Bar Association Executive
4 Director Ray Bridgeman and the Northampton County Bar
5 Association President Dan O'Donnell and Executive Director
6 Mary Beth Leeson.

7 And I'm sure I missed somebody and I'll probably
8 catch up a little bit later.

9 I joined this Court in 2004. Jim Gardner was a
10 judge on the Eastern District. As did every one of my
11 colleagues, which is typical of the collegiality of our Court,
12 Jim welcomed me. I knew him by mostly reputation, some
13 personal contact when he was a State Court Judge. He was not
14 only a State Court Judge, he was the President Judge of his
15 Court and he was the President of the Pennsylvania Conference
16 of Trial Judges, a true honor.

17 He was a true gentleman in every meaning of that
18 word. He was committed to the administration of justice. He
19 loved being a judge. And even toward the end of his life, he
20 remained engaged, committed and full of insight and wisdom
21 about the workings of our Court and the judicial work that we
22 were doing.

23 President Judge Ed Reibman of the Court of Common
24 Pleas was unable to attend because he is attending a meeting
25 of the Committee of the Pennsylvania Conference of State Trial

1 Judges, but he sent a letter and I wanted to just read a few
2 sentences from that letter which certainly is a great tribute.
3 Judge Reibman said,

4 "Jim was not only a colleague, but a friend. My
5 wife and I socialized with Jim and Linda, their daughter
6 babysat my children, and my kids took piano lessons from
7 Linda. Jim gave new meaning to the phrase a scholar and a
8 gentleman. He served in the Court of Common Pleas with
9 distinction. When he joined the Federal bench, it was our
10 loss and your Court's gain. His contributions and our
11 memories of him are indelible. Sincerely, Edward D. Reibman,
12 President Judge."

13 We have a list of distinguished speakers this
14 afternoon, and it is my pleasure to introduce first of all one
15 of my colleagues, the Honorable Cynthia Rufe, who will be our
16 first speaker. Judge Rufe.

17 JUDGE RUFÉ: Thank you, Chief Judge Stengel. May it
18 please the Court, Linda and family, my colleagues.

19 It is my honor to be here today in this memorial
20 tribute and portrait unveiling for James Knoll Gardner. And
21 I'd like to start with a quote, one my favorite.

22 "This above all to thine own self be true."

23 You all know that's from Hamlet and Polonius trying
24 to give his son advice, and he didn't take that advice, I
25 think.

1 Our colleague, Judge James Knoll Gardner was always
2 true. We worked with him since October 2002 when he was
3 confirmed by the U.S. Senate after being nominated earlier
4 that same year, nominated by President George Bush, who also
5 nominated a few others that year.

6 Jim then joined the four others of us who were
7 nominated and confirmed, and we call ourselves, and always
8 will, the Class of 2002; Judges Baylson, Davis, Judge Savage
9 and me, realizing that we were instantly bonded by the
10 circumstances of the timing of our appointments, and by
11 calling to -- and by our calling to the Federal District
12 Bench. We became friends as well as colleagues.

13 And Jim was a dependable colleague. He was well
14 known already as a State Judge for his meticulous attention to
15 both factual detail and legal analysis.

16 My personal example is when he assumed the
17 responsibility of Emergency Judge. That's a duty that we all
18 share, but in weekly portions. And it was a holiday weekend
19 between Christmas and the New Year. At the time I was
20 assigned through the Random Case Assignment Wheel a matter
21 that required immediate attention, which I could not expend
22 from our holiday vacation spot many miles away. The case was
23 a public high profile matter involving the election of a State
24 Appellate Judge. Jim and I agreed that he would take the
25 matter to a hearing since time was emergent and make a

1 decision which then I could take up when I returned. Judge
2 Gardner ruled with such factual detail and precise legal
3 analysis that his decision was soon thereafter affirmed on
4 appeal. There was no realistic hope for the litigants to
5 refute his legal reasoning, and no reason for me to assume the
6 case and do otherwise. The parties and the attorneys knew
7 that. He kept the case and it became final; I could do no
8 better. And thus, justice was served.

9 And you may ask, isn't that a judge's job anyway?
10 Of course it is. But as Emergency Judge, he could have saved
11 the matter for me, but we corresponded as jurists and
12 colleagues, both recognizing the need for immediate attention
13 to the case, and he offered to assume the full responsibility
14 of it, and well he did; true to his word, to me, his
15 colleague, and true to the law and the litigants.

16 James Gardner's long and distinguished career as a
17 judge began in 1981 when he was appointed and then elected to
18 serve in the Court of Common Pleas in Lehigh County. He
19 brought to that position years of litigation experience in
20 both the public and private sectors, having served as
21 prosecutor in Lehigh County and in private practice.

22 His work ethic to stay well into the night in Court
23 or in chambers enabled Jim to complete countless trials,
24 rulings and opinions. He was known to be a technician. And
25 all he worked with, and those with cases before him, needed to

1 understand that. But I always found Jim's rulings to be based
2 on substance over form. He never wavered in wanting to get it
3 right for the parties and for the law. You see, he loved the
4 law.

5 He obtained his Juris Doctor degree from Harvard in
6 1965, after he graduated from Yale *magna cum laude* in 1962.
7 He thereafter served in the United States Navy and in the Jag
8 Corps, remaining in the Naval Reserves until 1993, retiring as
9 a captain.

10 Leadership obviously was Judge Gardner's skill as
11 well; and in the service and on the Court of Common Pleas
12 Bench where he also served as its Lehigh County's President
13 Judge and as the President of the Pennsylvania State Trial
14 Judges Conference, he was true to his Court and his
15 constituent judges. He always led with clarity, consideration
16 for others' views and positions, and at all times with
17 collegiality.

18 Jim Gardner, the man, was devoted to his family. We
19 learned that after meeting his likewise devoted wife, Linda,
20 at the State Trial Judges Conference. Soon we were swapping
21 B&B suggestions and vacation spots, and it was from the
22 Gardners, both of them, that we learned how nice it is to plan
23 an anniversary trip to a different location every year,
24 without fail. They were true to the standard John and I only
25 wished to be.

1 It is well known what a wonderful dad and granddad
2 Jim was as well; the best of mentors, personally and
3 professionally, who with Linda encouraged all of their
4 children in the arts and music, education and their respective
5 professions.

6 As Jim's cruel disease progressed, he continued to
7 attack his judicial responsibilities with a resolve, adding
8 whatever physical assistance he needed to fulfil his judicial
9 commission, to not only stay in this game but to win it.

10 Jim and Linda attended all of our Court conferences
11 and retreats. Retreats are educational and social gatherings
12 to promote learning and collegiality which the Eastern
13 District of Pennsylvania still likes to do.

14 A view years ago at Sky Top where we were on
15 retreat, we were together in a large conference room, seated
16 at long tables in the shape of a large rectangle. As Jim
17 arrived in his, what I call supersonic wheelchair, and took
18 his place at the table, he participated as equally as anyone
19 on this Court, and as he always did, mostly quiet. He
20 reserved his comments and questions that were always
21 thoughtful and exquisitely phrased. He lifted up his head and
22 then began to speak clearly, audibly as ever.

23 Had we not watched him struggle physically, we would
24 not know of any affliction. He continued to participate to
25 his fullest degree, which was considerable and always with a

1 keen mind.

2 Jim's voice at that last retreat was strong, his
3 content substantial and interesting, contributing and reliable
4 and true to the last.

5 Judge Gardner was at all times a Judge of the
6 highest integrity, professionalism and acuity. No matter what
7 he faced physically in his last years, his intellect was never
8 diminished; and to the last month and days of his life, he
9 continued to make the most difficult of decisions and choices
10 that we can all emulate.

11 To Linda, and all of your family, to our Court, we
12 would all rather unveil what I'm sure is a brilliant portrait
13 and dedicate this today with him here, but we will always have
14 his kind face to remember all he did and all he was; a
15 wonderful, true man and Judge.

16 CHIEF JUDGE STENGEL: Thank you, Judge Rufe.

17 Our next speaker is the Honorable Henry S. Perkin,
18 who is well known in the Allentown legal community and
19 community at large, and is one of our outstanding Magistrate
20 Judges. Thank you for addressing the group, Judge Perkin.

21 JUDGE PERKIN: Thank you, Chief Judge. Members of
22 the Court, friends of, and family of Judge Gardner.

23 Judge James Knoll Gardner would have loved this
24 ceremony, but not because it's the presentation of his Court
25 portrait, but because it's an important part of the Court history.

1 Jim served as a Judge of this Court for more than 15
2 years, and prior to that time, he served as a Judge of the
3 Court of Common Pleas of Lehigh County for more than 20 years.

4 While his main focus was the administration of
5 justice, and his desire to correctly decide the cases before
6 him, he also understood the need to preserve and present the
7 history of these two Courts.

8 During his time as the President Judge of the Court
9 of Common Pleas of Lehigh County, he presided over numerous
10 memorial sessions and swearing in ceremonies for lawyers and
11 public officials. He did this with a dignity and grace which
12 preserved the high level of respect due the judicial branch of
13 our government. Judge Gardner felt that these ceremonies and
14 proceedings demonstrated the importance of the judiciary in
15 the lives of our citizens.

16 Jim loved to share his knowledge of the history of
17 the Courts he served. He had a deep understanding of that
18 history because of his family heritage. His father served as
19 a United States Commissioner, having been appointed by this
20 Court in 1931, and then as District Attorney of Lehigh County
21 in 1943, and ultimately as a Judge of the Court of Common
22 Pleas of Lehigh County in 1955. The preservation of that
23 history was very important to Judge Gardner.

24 As President Judge of the Court of Common Pleas, he
25 personally arranged the portraits of his departed and retired

1 colleagues in his main courtroom. He took the light in being
2 able to see his father's portrait as he presided in that
3 courtroom.

4 What many of you may not realize is that each seat
5 on this Court has a lineage. Judge Gardner occupied the fifth
6 seat created on our Court. That seat was created on March
7 3rd, 1927, and its first judge was William Huntington
8 Kirkpatrick from Eastern Pennsylvania. His portrait hangs in
9 this courtroom -- in this courthouse as well.

10 Jim Gardner was the fifth judge to occupy that seat,
11 having succeeded the Honorable January E. DuBois and Knight in
12 2002, and Judge DuBois continues to serve this Court as a
13 Senior Judge.

14 Jim was proud of the part of this lineage, and
15 particularly proud to be appointed to a seat originally
16 occupied by the first Judge from the Lehigh Valley.

17 The ceremonies and celebrated milestones of the U.S.
18 District Court were as important to him as the ceremonies of
19 the Court of Common Pleas. He never missed an investiture of
20 a new judge or a portrait presentation of one of his
21 colleagues. He was proud to be a member of this Court and
22 admired all of his colleagues, and was admired in turn by
23 them.

24 One of his greatest joys as a Judge was to
25 administer the Oath of Office to new lawyers. He felt it was

1 important to impress these lawyers with the high level of
2 practice they owed their clients and the Court.

3 About two years ago, Judge Leeson organized an
4 admission ceremony in this very courtroom for lawyers seeking
5 admission to both the Eastern District of Pennsylvania and the
6 Middle District of Pennsylvania. Judge Gardner presided over
7 that session of Court, along with Judge Leeson, Judge Malachy
8 Mannion of the Middle District of Pennsylvania, and myself.
9 This session of Court was very important to all of us because
10 it was the last opportunity we had to participate in such a
11 ceremony with Judge Gardner.

12 Judge Gardner spent his 15 years as a U.S. District
13 Judge in this very courtroom. He was pleased to be able to
14 occupy the chambers and courtroom first used by the Honorable
15 Edward N. Cahn, former Chief Judge of this Court, and the
16 namesake of this courthouse.

17 Jim's portrait will now be displayed with that of
18 Judge Cahn in this courtroom. While his portrait is a
19 remembrance of the years he presided here, it's more important
20 to remember what he did in this room. He was acutely aware of
21 the impact his rulings and decisions had on the parties who
22 appeared before him. He always remembered that his decisions
23 must be based on an application of law to the facts brought
24 before the Court.

25 As I said on an earlier occasion, it was not

1 important that his decisions be popular, as long as they were
2 correct and in accordance with the established principles of
3 law. He was truly an independent jurist. This is a goal that
4 is of paramount importance, particularly in a day and age when
5 judges are attacked for their decisions. Judge Gardner
6 realized it wasn't his job to be a populist; it was his job to
7 uphold the principles of law that are the bedrock of our
8 democracy.

9 Jim and his wife Linda have been an integral part of
10 this community for several years. They both felt that it was
11 important to give back to this community which provided a home
12 for them and their children. It is well known that Jim served
13 his country in the United States Navy and served as a reserve
14 officer reaching the rank of captain, with more than 20 years
15 of service. He served in the Judge Advocate General's Corps
16 as a military lawyer and as a military judge.

17 Many of those who know him believe that the law was
18 his life, but it was really so much more. He presided as the
19 President of the State Trial Judges, as well as President of
20 the Allentown Symphony. He was a leader in this profession
21 and a leader in the arts community. Linda Gardner felt the
22 same way. She was the first clerk to the Lehigh County Board
23 of County Commissioners under its new home rule charter and
24 she was also an accomplished musician and piano instructor, as
25 we've learned earlier.

1 Thus, Jim and Linda had that inevitable balance
2 between their service to the community and their love of
3 music. At their home I'd often find them in the quote unquote
4 "music room." They shared their love of the arts with their
5 children, all of whom are extremely creative and talented.
6 The balance between their professions and creative pastimes
7 make them a unique and wonderful couple.

8 While Judge Gardner's accomplishments will be
9 remembered for years to come by those in this room, it's
10 further comfort to know that his portraits will be memorials
11 to his accomplishments and contributions in the courtrooms
12 where he served with such distinction. Thank you.

13 CHIEF JUDGE STENGEL: Thank you, Judge Perkin.

14 The first portrait presentation over which I
15 presided as Chief Judge, I was so excited to get to the
16 unveiling of the portrait that I forgot to introduce one of
17 the speakers. And had it not been for Judge Schmehl sitting
18 to my right, pointing to the program and tapping me on the
19 shoulder, we would have missed one of the very good speeches.
20 So Judge Schmehl will be reassured to know that I am making
21 large checkmarks --

22 (Laughter)

23 CHIEF JUDGE STENGEL: -- after each of the speakers,
24 and drawing the necessary pictures to guide my way through the
25 program. So always room for improvement.

1 Our next speaker is a colleague of Judge Gardner's
2 from his days on the Court of Common Pleas of Lehigh County,
3 and I know this speaker, having served with him as a State
4 Court Judge and being involved in the Education Committee of
5 the Pennsylvania Conference. Judge Platt is respected and
6 revered throughout the Commonwealth, and we're so happy to
7 have the Honorable William Platt, a Senior Judge for the
8 Superior Court of Pennsylvania, with us this afternoon. Judge
9 Platt.

10 JUDGE PLATT: Thank you, Chief Judge Stengel. May
11 it please the Court, family, friends and former colleagues of
12 the late and Honorable James Knoll Gardner.

13 It's my honor and privilege to make remarks at this
14 ceremony in this courthouse where my friend, Jim Gardner,
15 served as a Judge with distinction from 2002 until his passing
16 in 2017.

17 From this date forward, Jim will have the unique
18 distinction of having his portrait on the walls of two
19 judicial buildings at Fifth and Hamilton Streets in Allentown,
20 one on the northeast corner and the other on the southwest
21 corner. To my knowledge, he's never had his photograph appear
22 on the walls of the other building on the southeast corner.

23 (Laughter)

24 JUDGE PLATT: For those who don't know what that
25 building is, that's the Federal Post Office.

1 (Laughter)

2 JUDGE PLATT: I've spoken about Jim Gardner on a
3 number of occasions, including his installation as a State
4 Trial Judge, and his installation as a Federal Judge. And
5 most recently, I was honored to speak at his celebration of
6 his 75th birthday.

7 I have known Jim since we were boys growing up in
8 the Borough of Emmaus. Jim and I were both born in 1940. Our
9 families were friendly. We were Boy Scouts, albeit not in the
10 same Boy Scout Troop, but we were among the two best troops in
11 the old Lehigh County Council.

12 We both went to public schools at Emmaus, and we
13 both graduated from Emmaus High School. I graduated a year
14 before Jim did; not because I skipped a grade, because I had
15 the good timing of being born in January.

16 Jim earned his undergraduate degree from Yale
17 University, *magna cum laude*, and his law degree from Harvard.
18 As you know, he then took a tour of duty with the U.S. Navy on
19 active duty, and then he began his legal career in
20 Philadelphia at Duane Morris. Jim then returned home and
21 began his local law practice with the Gardner family firm.

22 At that time, Jim and I were able to renew our
23 friendship and begin our long-lasting professional
24 relationship in Allentown.

25 In 1972, we each took part-time positions with the

1 County of Lehigh; Jim as Assistant D.A., and I as an Assistant
2 Public Defender. During the next four to five years, I came
3 to know from a very, very good perspective, that at the
4 opposing counsel table usually, Jim Gardner the lawyer, and
5 Jim Gardner the man. In every matter, Jim was always
6 thoroughly prepared, he was a skillful courtroom advocate,
7 always a gentleman, and true to his oath as a prosecutor,
8 seeking justice and not merely convictions.

9 In December of 1976, I left the Public Defender's
10 Office where I was then Chief, and became District Attorney.
11 I selected Jim to be my First Assistant. Jim served in that
12 position with distinction. He served me and the office in a
13 manner that I expected and knew would happen. He even became
14 the District Attorney of Lehigh County because I had many
15 conflicts, and we planned for that in advance.

16 He left the D.A.'s Office in 1981 when Governor Dick
17 Thornburgh appointed him a Judge of the Court of Common Pleas
18 -- in 1996. Jim worked in the D.A.'s Office till after
19 midnight the night before he was sworn in however because in
20 his own fashion, Jim had things that he had to get done, and
21 wouldn't want to leave to anybody else to finish.

22 I joined Jim on the Common Pleas Bench in 1996.
23 Later he was my President Judge, and then I was his President
24 Judge.

25 In 19 -- in 2002, President George W. Bush appointed

1 Jim a United States District Court Judge. At that
2 installation, I noted, and the Morning Call picked up, that
3 when Judge Cahn moved into this new Federal Courthouse, it was
4 on the same occasion as the Federal Grill opening in
5 Allentown.

6 (Laughter)

7 JUDGE PLATT: When Jim moved into this building, I
8 pointed out that there was no significance and Jim shouldn't
9 be concerned by the fact that when he came here, another
10 restaurant opened, the Ugly Coyote Saloon.

11 (Laughter)

12 JUDGE PLATT: Well, Jim proved me correct; there was
13 nothing to worry about. He was a hard-working, dedicated and
14 competent Federal Judge I had respected for his abilities and
15 his dedication to duty. Both the Federal Grill and the Ugly
16 Coyote are gone.

17 In addition, Jim had the opportunity in his last few
18 years to participate in and see the renaissance in the City of
19 Allentown and the opening of many, many classy restaurants.

20 Today I am pleased to have played a small part in
21 this ceremony honoring Judge Jim Gardner. I thank Linda
22 Gardner for inviting me to do so; but how could she not? My
23 wife Maureen and I were the ones who introduced Jim and Linda
24 to each other.

25 (Laughter)

1 CHIEF JUDGE STENGEL: Thank you, Judge Platt.

2 Representing the many law clerks in attendance today
3 is Michael S. Daigle, who serves currently as a *pro se* law
4 clerk in our Court, and is a former law clerk to Judge
5 Gardner. Mr. Daigle.

6 MR. DAIGLE: May it please the Court, Chief Judge
7 Stengel, distinguished guests, and most importantly the
8 Gardner family.

9 I am honored this day to be before all of you to
10 speak about my boss, mentor, and friend; James Knoll Gardner.

11 I'd first like to thank Linda Gardner and his
12 daughters Christine, Andrea, Victoria and Stephanie, for the
13 opportunity to speak on behalf of the law clerks, interns, and
14 staff that worked for Judge Gardner through the years. Many
15 of them are here today, and I know that they thank you as well
16 for inviting all of us to this truly special occasion.

17 Judge Gardner served with distinction in not one,
18 but two Trial Courts. He had the most -- I'm sorry -- he had
19 the most probing, subtle, deeply nuance mind of anyone I've
20 ever met.

21 I serve as the bridge between his time as a Judge of
22 the Common Court of Pleas of Lehigh County as his last law
23 clerk there, and as his first law clerk as the United States
24 District Judge.

25 To all that worked for him, Judge Gardner was a

1 mentor with a gentle soul, a warm sense of humor, and the
2 ability to make those around him comfortable. He was the head
3 of, as what has been described by past clerks, as Gardner
4 University. This was a place where young lawyers came to
5 learn what we thought law school had already prepared us for,
6 but we soon realized how little we actually knew. We learned
7 how things worked and how they should work. We learned
8 perspective, insight, respect for the law, for the lawyers
9 before the Court, and most importantly for the litigants
10 themselves. We were trained how to work hard, to always be
11 prepared, to keep an open mind, and to always seek the correct
12 answer based upon application of the facts of the case to the
13 law. Finally, we learned to do everything with the utmost
14 integrity.

15 Former United States Supreme Court Justice Learned
16 Hand once stated that, quote,

17 "The language of the law must not be formed to the
18 ears of those who are to obey it."

19 That sums up the writings of James Knoll Gardner.
20 He always wanted his decisions to be understood, not just by
21 the lawyers, or the Appellate Courts, but by the litigants
22 themselves; because after all, it was their matters before the
23 Court.

24 We are here today to celebrate the legacy of James
25 Knoll Gardner. I believe that Judge Gardner's legacy will

1 survive this day in three ways. First and most obvious aspect
2 of Judge Gardner's legacy is the opinions he authored over
3 nearly a 37-year judicial career. I have no doubt that those
4 well-reasoned opinions will continue to be relevant for years
5 to come. For instance, the guilty plea colloquy that he
6 engaged in with defendants was once described by Third Circuit
7 Court of Appeals Judge D. Michael Fischer as the gold standard
8 for what the Appellate Court expected from a District Judge.

9 Moreover, I recently found out that one of his
10 opinions involving free speech in the school setting and
11 interpreting the United States Supreme Court's decision in
12 Morse v. Frederick is the basis of briefing and oral argument
13 for the first year of legal methods classes at Drexel Law
14 School this semester.

15 The second aspect of Judge Gardner's legacy is the
16 portrait that will be revealed in just a few minutes, and the
17 separate portrait that hangs in the courthouse across the
18 street. We all have people -- excuse me, my allergies are
19 kind of bad today -- we all had people that inspired us to
20 become what we are today. It is my hope that in 10, 50 or
21 even a hundred years from now, some young student or lawyer
22 will see this portrait and be inspired to become a lawyer or a
23 judge.

24 The last part of Judge Gardner's legacy is the part
25 that he had the greatest pride in; the men and women who were

1 the law clerks and interns whose careers he was able to help
2 shape. Their successes and accomplishments were some of his
3 greatest joys. He always enjoyed hearing about how and what
4 they were doing. Judge Gardner always beamed like a proud
5 father when he would hear from or about them.

6 These men and women are the living and breathing
7 legacy of Judge Gardner. They work at law firms big and
8 small. They are in solo practice, government service, they
9 are prosecutors, plaintiffs' and defense counsel, and military
10 lawyers. They practice civil and criminal law, family law and
11 corporate law. They help children in need, refugees in the
12 Middle East, Africa and around the world, and provide legal
13 advice and guidance to the richest and poorest of us all.
14 There are even five of us that still work as law clerks.
15 There's virtually no area of the law that one of Judge
16 Gardner's former clerks and interns do not practice in.

17 Thus, what Judge Gardner taught each of us
18 individually and to all of us collectively, is put into play
19 for the benefit of others each and every day, all over the
20 country and around the world. I can think of no greater
21 legacy than that. Thank you.

22 CHIEF JUDGE STENGEL: Thank you, Mr. Daigle.

23 I neglected to introduce one of our esteemed former
24 colleagues who thought that if he sat in the back I might not
25 see him. Our former Chief Judge Jim Giles is here and was the

1 Chief Judge when Jim became a Federal Judge. Welcome, Judge
2 Giles.

3 Our next speaker is the sister and law partner of
4 our friend Jim Gardner, Audrey Gardner Racines. Welcome.

5 MS. RACINES: May it please the Court and the
6 colleagues of my late brother, family and friends.

7 This is kind of like the position I had in the
8 family, at the end of the line --

9 (Laughter)

10 MS. RACINES: -- and I think that's what I'm here to
11 talk about, since the last four speakers have so eloquently
12 expressed Jim's abilities as a lawyer, his excellence, his
13 achievements. The only thing left for me to talk about is the
14 view from the youngest sister.

15 I will tell you a few stories I know because I am
16 the sister.

17 Whenever Jim and Linda traveled for a week or more,
18 every time I got a postcard from Jim. He was a very busy
19 person, and he took time every single time to send me a
20 postcard. Now, this was not weather is beautiful, wish you
21 were here postcards. This was reciting every aspect of his
22 trip --

23 (Laughter)

24 MS. RACINES: -- up to that time, and what he would
25 be doing the next couple days in great factual detail. It was

1 grammatically correct and covering every point; a lot like one
2 of his legal documents, but it was in a space this big.

3 (Laughter)

4 MS. RACINES: We've heard again today how
5 meticulously proper he was. All four of his daughters would
6 roll his eyes when he obeyed the speed limit every stretch of
7 the way, no matter what it was. I am honestly one of the most
8 law and order people I have ever met in my life, and even I
9 said to him, "Seriously, Jim?"

10 (Laughter)

11 MS. RACINES: And he said, and this was back before
12 he was even a Judge, he said, "If I am ever considered for the
13 Supreme Court, I am gonna have a completely clean record."

14 (Laughter)

15 MS. RACINES: And I'd like to tell you a story that
16 Linda and Jim's oldest daughter Christine told at his 75th
17 birthday party. Christine was 16 years old and ready to get
18 her driver's license. Jim gathered all the necessary
19 documents to take her, and he explained to Christine that it
20 was no longer necessary to take a certain insurance form
21 because the law had been changed.

22 So they went to sign up for the test, and they gave
23 the man behind the desk the papers. He looked through them
24 and he said, "You don't have the insurance paper here to show
25 that she's on the policy." Jim said, "That's no longer

1 necessary." The officer said, "Yes, it is necessary." Jim
2 said, "The law changed just a couple of days ago and it's no
3 longer required." The officer said, "Who the hell do you
4 think you are --

5 (Laughter)

6 MS. RACINES: -- to tell me what the law is?"
7 Christine looked at Jim, anxious as a teenager to hear the
8 retort, and Jim just paused a minute, picked up the papers,
9 turned around and walked out.

10 He brought Christine back downtown. They had to go
11 to the courthouse where his chambers, where he kept the paper,
12 and it was a Saturday so they had to find someone who could
13 leave him into the courthouse because it was locked. He got
14 there, went to his chambers, got this and went back. I don't
15 know if ever, if any of you remember standing in line at the
16 Department of Motor Vehicles or at the Barracks. Well, they
17 went back for the second time, stood in line. They were
18 directed to a desk. They went over, Jim put the papers down.

19 This was another officer. He looked at it, he
20 looked at the papers, and he picked up the insurance paper and
21 he said, "You don't need this anymore."

22 (Laughter)

23 MS. RACINES: "The law was just changed."

24 So on the ride home, clutching her brand new
25 license, Christine said, "Why when that guy asked you who you

1 thought you were to tell him the law, why didn't you tell
2 him?" And he said, "Christine, those men deal with parents
3 every day; often angry, pushing, overbearing parents. I
4 wasn't there as a judge, I was there as a father."

5 When Jim was diagnosed with ALLISON STREET, his
6 family encouraged him to retire. He wasn't interested. He
7 said to me he had heard of too many people who retired and
8 then died. And I said, "But not you, Jim. You have so many
9 interests, so many boards you serve on, so many committees.
10 You'll be able to spend all the time you want on them, or on
11 travel." And he said, "But I love my job. I love what I do."

12 As time went on, Linda kept encouraging him to
13 retire, to relax and enjoy what time he had left. He said to
14 her, "As long as I am able to contribute to the good of the
15 community, that is what I want to do."

16 He couldn't hold up his head, so he got a brace.
17 Then he couldn't walk, so he got a wheelchair. Then a
18 motorized wheelchair. Then his courtroom was modified so he
19 could still get up to the bench.

20 Although his staff assured me that he was still
21 sharp and competent, he started losing the use of his arms,
22 and he needed an aid with him all day in the courthouse.

23 Last spring, Linda spent a whole day and a half in
24 discussions with him about the fact that it was time to
25 retire. On the second day, finally he said okay. That

1 discussion was the last complete coherent give and take
2 conversation he ever had. He died three weeks later.

3 He loved his job. He loved his family. He was
4 kind, loyal, meticulous. He accepted his diagnosis with grace
5 and strength and determination. He had an almost boundless
6 source of energy, and I know that I'm a better person for
7 having had him as a big brother.

8 CHIEF JUDGE STENGEL: Thank you, Audrey.

9 We are here certainly to honor Judge Gardner, but
10 also in a true sense to honor Linda Gardner, who was with him
11 every step of the way. When new judges joined our Court and
12 attended retreats, it was generally Linda who greeted the
13 spouses and contributed so much to the good feeling among our
14 group.

15 And as colleagues, we came to know Jim's love for
16 Linda. He was devoted to her, and so incredibly proud of his
17 family. I think it's so appropriate that we begin the
18 Mother's Day weekend with this wonderful ceremony.

19 So Judge Schmehl, I believe I have checked off all
20 of the speakers --

21 (Laughter)

22 CHIEF JUDGE STENGEL: -- and can now move to the
23 moment we have all been waiting for.

24 I'm going to ask Judge Gardner's grandchildren,
25 Alexis, Ainsley, Jacob, Parker, Leo and Peter to come forward.

1 And they're going to do the honor of unveiling the portrait.
2 I understand an adult will hold the easel.

3 (Laughter)

4 CHIEF JUDGE STENGEL: That's just written right here
5 in my notes.

6 So do you have a grip on the easel? Okay. Guys,
7 you can unveil the portrait.

8 (Unveiling of the Portrait)

9 (Applause)

10 CHIEF JUDGE STENGEL: Thank you, Alexis, Ainsley,
11 Jacob, Parker, Leo and Peter; great job.

12 An thank you, Barbara Lewis for such an outstanding
13 rendering of our friend and colleague.

14 We thank you all for joining us in this memorial
15 session of our Court. It has been our privilege and a great
16 joy to remember Jim and celebrate his distinguished federal
17 judicial career.

18 This marvelous portrait is a great tribute to our
19 friend, and will forever secure his memory in this courthouse
20 and in his community.

21 So thank you all for joining us this afternoon.
22 There is a reception immediately following the program in the
23 first floor lobby. And there being no further business, with
24 that we are adjourned. Thank you.

25 THE CLERK: All rise.

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(Ceremony concluded at 4:00 p.m.)

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C E R T I F I C A T I O N

I, Sandra Carbonaro, court approved transcriber,
certify that the foregoing is a correct transcript from the
official electronic sound recording of the proceedings in the
above-entitled matter.

SANDRA CARBONARO

Diana Doman Transcribing, LLC

AGENCY

DATE