



William H. Kirkpatrick

Born: October 2, 1885, in Easton, Pennsylvania
Died: November 28, 1970, in Cumberstone, Maryland

Federal Judicial Service:

Judge, U.S. District Court for the Eastern District of Pennsylvania
Nominated by Calvin Coolidge on March 3, 1927, to a new seat authorized by 44 Stat. 1347.
Confirmed by the Senate on March 3, 1927, and received commission on March 3, 1927. Served
as chief judge, 1948-1958. Assumed senior status on May 1, 1958.
Service terminated on November 28, 1970, due to death.

Education:

University of Pennsylvania Law School (now Carey Law School)
Lafayette College, A.B., 1905

Professional Career:

Private Practice, Easton, Pennsylvania: 1908-1918; 1923-1927
U.S. Army Lieutenant Colonel, World War I
U.S. Representative from Pennsylvania: 1921-1923

* * *

Judicial Biography

*In 1926, William Vare put into action his late brother's warning to Senator George Wharton Pepper (see Judicial Biography of Charles L. McKeehan). Vare ran against the defeated Pepper and Governor Gifford Pinchot in the three-way Republican primary for the United States Senate by carrying only two of Pennsylvania's sixty-seven counties, Philadelphia and Dauphin. Vare went on to win the general election against his Democratic opponent.

In the last days of his term which was scheduled to end on March 4, 1927, Pepper succeeded in having Congress add a new permanent judgeship for the Eastern District of Pennsylvania. He sought to have William Huntington Kirkpatrick named to fill the seat before Vare, who had a different candidate in mind, took office. At Pepper's request, President Calvin Coolidge nominated Kirkpatrick but did not do so until March 3, when the Act creating the new judgeship took effect. It was the day before Pepper's term was to expire. Since the Judiciary Committee was not scheduled to meet on the eve of adjournment, Pepper persuaded the Chairman of the Committee, Senator George Norris, to poll the members, all of whom gave their approval of the nominee. Norris, in a closed Executive Session of the Senate, then asked the Vice-President for immediate consideration, which was granted. A unanimous affirmative vote was obtained, and Kirkpatrick was confirmed, literally at the eleventh hour as the fourteenth judge to serve on the court. Such a speedy confirmation process would be impossible today.

Kirkpatrick was born in 1885 and grew up in Easton in Northampton County. His father had served as a state court judge, the Attorney General of Pennsylvania in the late 1880's, and later as a Congressman. After being graduated from Lafayette College, Kirkpatrick attended the University of Pennsylvania Law School for a year where he impressed one of his professors, George Wharton Pepper. He served as a Judge Advocate in the Army during World War I with the rank of Lieutenant Colonel. He then returned to private practice in Easton. Following in his father's footsteps, he was elected to Congress on the Republican ticket for one term (1921-1923) representing Carbon, Monroe, and Northampton Counties. He was defeated for re-election in the Republican primary and resumed his law practice until sworn in as a federal judge. In the 1940's, Kirkpatrick was president of the Board of Trustees of his alma mater Lafayette College. Finding golf too slow a sport, he turned to hiking, a swifter form of recreation.

Kirkpatrick's tenure on the Court lasted for many years and during that time he was invariably seen on the bench wearing his trademark green eyeshade and heard speaking in a casual "country boy style." Unlike many judges, he enjoyed patent cases and frequently sat by designation on the Court of Customs and Patent Appeals (now known as the U.S. Court of Appeals for the Federal Circuit) in Washington.

He was a member of the Scotch-Irish Society, St. Andrew's Society, Union League and the Annapolitan Club of Annapolis, Maryland.

* The following material is excerpted from JUDGE HARVEY BARTLE, III, MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

Judge Kirkpatrick died at age eighty-five on November 28, 1970, at his summer home in Cumberstone, Maryland. He had two sons, the late Miles W. Kirkpatrick, a Philadelphia and Washington lawyer and former Chairman of the Federal Trade Commission, and William S. Kirkpatrick, II of Cumberstone, four grandchildren, and two great grandchildren. His wife, Mary Stewart Wells Kirkpatrick, to whom he was married in 1913, predeceased him in 1968.

His tenure on the federal bench lasted a total of forty-three years, one of the longest in the court's history.

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Biographical Materials

1. Transcript of Panel Discussion Concerning Honorable William H. Kirkpatrick held in a session of the United States District Court for the Eastern District of Pennsylvania on April 27, 2001 in Easton, Pennsylvania.
2. Memorial Remarks presented before a session of the Court of Common Pleas of Northampton County concerning Honorable William H. Kirkpatrick by John Francis Goldsmith, Esq. on June 14, 1971.
3. Response on behalf of the Court of Common Pleas of Northampton County concerning Honorable William H. Kirkpatrick by Honorable Richard D. Grifo, on June 14, 1971.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE)
)
)
HONORABLE CHIEF JUDGE) Easton, PA
) April 27, 2001
WILLIAM H. KIRKPATRICK,)
)

TRANSCRIPT OF PANEL DISCUSSION
BEFORE THE HONORABLE FRANKLIN S. VAN ANTWERPEN
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by electronic sound recording; transcript
produced by transcription service.

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Please note: Very poor audio; difficult to hear speakers.

1 CLERK: All rise. Court is now in session. The
2 Honorable Franklin S. Van Antwerpen presiding. Please be
3 seated.

4 JUDGE VAN ANTWERPEN: I would like to welcome you to
5 this special session of the United States District Court. We
6 are here today for the purpose of honoring Judge Kirkpatrick
7 who served for many years with great distinction on this court.

8 The gentleman I am talking about is the person who is
9 depicted in that portrait which is immediately behind you and
10 who is the person on the left immediately behind you. And, I
11 have had the privilege of looking at that portrait up here for
12 the past twelve years.

13 We note at this time the presence of the Chief Judge
14 of this court, Chief Judge Giles, along with Dr. Rothkopf, the
15 President of Lafayette College, and Judge Grifo from the County
16 Court of Common Pleas, and Magistrate Judge Rappaport from
17 Allentown. We also have here today the person that played a
18 singular role in bringing this about, attorney Steve Ditman,
19 Esquire.

20 We have Carol Wright with the Free Legal Studies
21 Group at Lafayette College. And, we also have, I'm told,
22 members of the family of Judge Kirkpatrick. And, I believe we
23 have representatives of the bar here today.

24 So, without any further ado, I'm going to turn this
25 matter over to Mr. Ditman. But, before I do, I'd just recall

1 one thing. You know, Judge Kirkpatrick was appointed by Calvin
2 Coolidge, and he was appointed in 1927. And, Calvin Coolidge
3 is known for being a man of very, very few words. In fact, he
4 was so taciturn that the press called him "Silent Cal". When
5 it was announced that he was dead, Dorothy Parker said, "How
6 can they tell?"

7 On one occasion in 1928, Coolidge was roused at about
8 2:00 in the morning from a deep sleep and told that there was a
9 urgent phone call waiting for him in the West Wing. Now, in
10 those years, Coolidge would not permit any telephones in the
11 family quarters. So, Coolidge got dressed, put on his carpet
12 slippers and his robe, and he went downstairs and worked his
13 way all the way over to the West Wing and picked up the phone
14 at 2:00 in the morning.

15 And, the caller announced that he was the Deputy
16 Collector of Customs of the Port of New York. And, he
17 regretted to inform the President that the Collector of Customs
18 of the Port of New York had died and was at the Vander Platt
19 Funeral Home. Well, Coolidge said he was sorry to hear that,
20 but couldn't the news have waited for a more reasonable hour?
21 And, the caller said, you don't understand, Mr. President, I'm
22 the Deputy Collector, and I would like to take his place. And,
23 Coolidge said, well, it's all right with me if it's all right
24 with the Vander Platt Funeral Home. (Laughter).

25 There will be a reception following this special

1 session of court in my chambers, and everyone here is invited
2 to attend. It will give the Lafayette students in particular
3 an opportunity to talk with my law clerks who are present in
4 the courtroom and find out what it's like to go into law school
5 nowadays rather than many years ago. With all due respect,
6 Arthur, and the other Judges here, I think we're a little out
7 of date.

8 So, getting back to what I was about to say to you --
9 and I apologize for the false start -- without any further ado,
10 we'll turn the program over to you.

11 MR. DITMAN: Thank you, Your Honor. May it please
12 the Court and counsel, Chief Judge Giles, Judge -- other
13 distinguished jurists, members of the Lafayette College
14 community, and friends of the late Judge William Huntington
15 Kirkpatrick. My name is Steve Ditman. I'm an attorney at the
16 bar of this court. And, by family history, I have an interest
17 in the late Judge William H. Kirkpatrick and my remarks
18 following.

19 William H. Kirkpatrick was born in Easton on October
20 2nd, 1885. His family lived on College Hill. The house at 123
21 Reader Street is around the corner from the McKelvey House
22 where the Lafayette Honors Program has its residence.

23 The Judge's father, William Sebring Kirkpatrick was a
24 prominent lawyer in the lawyer in the late 1800s in this
25 community who founded the firm of Maxwell and Kirkpatrick in

1 Easton. His father also found time to serve in Congress, to be
2 appointed to an Orphans Court Judge position, and to serve as
3 Attorney General of the Commonwealth of Pennsylvania.

4 Bill -- or Kirkie, as he was known to some --
5 graduated from Lafayette College in 1905. My grandfather,
6 Walter Packett, was a Lafayette graduate in 1902. Our family
7 records reflect that the late Judge was the best man at my
8 grandfather's wedding in Philadelphia in 1915. And, so, with
9 that as a starting point, I researched the Judge's legal
10 career.

11 Penn Law School records indicated Kirkpatrick
12 enrolled at the Penn Law School in the fall of 1905, but spent
13 only one year there before deciding a clerkship back here in
14 Easton at his father's law office was more desirable. During
15 that time, however, he did become acquainted with the great
16 legal education reformer George Wharton Pepper, then a
17 Professor at Penn Law School.

18 Back in Easton, the late Judge became a member of the
19 bar in the fall of 1908. So, his professional progress was not
20 impaired by this approach to legal education. Thus,
21 Kirkpatrick never actually graduated from Penn Law School.
22 But, his class reunion reports dated 1928, 1938, and 1948
23 chronicle both his career as a Judge and his loyalty to that
24 institution which awarded him an honorary degree of law in
25 1937.

1 After several years in private practice in Easton,
2 Kirkpatrick ran for Congress in 1921 and won. By now he was
3 married with two children, William and Miles. We are
4 privileged to have with us today the widow of the late Miles
5 Kirkpatrick, Anne Kirkpatrick, as well as members of the
6 family, Will Kirkpatrick the second, who you'll hear from
7 later, and Will's wife Susan and Margaret, their daughter, who
8 are seated all in the front row.

9 Kirkpatrick's career as a Republican Congressman
10 elected from a Democratic district was short lived, one term.
11 He returned to his law firm in the 1920s to practice law. He
12 was nominated by now Senator George Wharton Pepper for a
13 vacancy on the Eastern District Court. As Judge Van Antwerpen
14 has said, he was appointed by President Coolidge in 1927 and
15 approved by a vote of the Senate.

16 The newspaper account of the appointment in 1927
17 referred to the position as being created by special
18 legislation. That is, as his law reunion report says, "It took
19 an act of Congress to make Judge Kirkpatrick a Federal Judge."
20 However, my review of the Congressional records suggests a more
21 traditional route was followed.

22 The population per Judge in the Eastern District
23 Court in that time period had reached a level where a fourth
24 Judge was needed. The enabling legislation of 1927, the year
25 of his appointment, co-sponsored by Senator Pepper, became the

1 permanent allotment of an additional Judge. And, that is the
2 seat that Judge Kirkpatrick took. Interestingly, by contrast
3 today, the Eastern District has not four, but rather twenty-
4 three Judges, with an additional fifteen designated as senior
5 status.

6 In any event, Kirkpatrick served for over forty years
7 as a Federal Judge in the Eastern District. He originally sat
8 in Easton in a courtroom over the post office. The divisional
9 courthouse in Easton, where our host today Judge Van Antwerpen
10 now sits, is joined by other divisional courts in Allentown and
11 Reading.

12 After Kirkpatrick was elected Chief Judge in 1948, he
13 sat more often in Philadelphia where he lived at the Bellevue
14 Stratford Hotel and ate occasional meals at the Union League
15 Club. His family, however, continued to reside in Easton at
16 123 Reader Street during this time.

17 In 1958, Judge Kirkpatrick arranged for an
18 appointment down in Washington, D.C. to the court of patent and
19 copyright appeals. And, that put him closer to his second
20 family home known as Parkhurst down below Anapolis in the area
21 of Maryland known as the Western Shore.

22 The Judge's recreational activities included playing
23 cards, especially bridge and canasta. And, he also enjoyed
24 spending time on the family farm in Maryland and conducted his
25 work in a office or chambers in that location, particularly

1 during the summer months.

2 His relationship to his alma mater, Lafayette,
3 flourished during this period. He was elected to his father's
4 seat on the Board of Trustees in 1933, when his father died.
5 He served on that board until 1956, having been elected also to
6 the role of Chair in 1940. During that period of time,
7 Lafayette College was a men's college of 1,000 students. And,
8 later, after World War II, expanded to nearly 1500. Kirkpatrick
9 was awarded an honorary degree during this period of time in
10 1944.

11 The Judge died in 1970 at 85 after a year of illness.
12 His oil portrait painted from life in 1958 hangs in the
13 Ceremonial Court -- Philadelphia Courthouse. And, this
14 portrait, as Judge Van Antwerpen had indicated, is -- was
15 painted from the portrait down in Philadelphia. Both are
16 excellent oil paintings of a remarkable man. Other artifacts
17 from the Judge's political and judicial life have been brought
18 and are on display on the table in front of me and include
19 material from Lafayette College and the family and Penn Law
20 School.

21 I believe the legacy of Judge Kirkpatrick was that he
22 paid attention to all those he met at different stages through
23 his professional career, from his fellow Easton citizens,
24 including my grandfather, his teachers, such as Senator Pepper,
25 and professional colleagues, some of whom are here today.

1 Kirkpatrick's achievements of elective office and judicial
2 appointment are a tribute to growing up in Easton and being
3 educated at Lafayette. Thank you, Your Honor.

4 JUDGE VAN ANTWERPEN: Thank you very much. Before we
5 move on, I should explain that we are particularly happy to
6 have Judge Grifo here today. Judge Grifo has had a
7 distinguished career in the Northampton County Court of Common
8 Pleas. For many years before that, Judge Grifo served as a law
9 clerk to Judge Kirkpatrick. Judge Grifo, would you like to say
10 a few words to everyone? If you want to, we'd be happy to have
11 you -- (applause).

12 JUDGE GRIFO: I had just come home from law school
13 and was serving my six-month clerkship when Charlie Maxwell, a
14 local lawyer and connected with the Kirkpatrick family a long
15 time, called me and said Judge Kirkpatrick needs a law clerk.
16 This was in 1943. I was then serving my clerkship with Levine
17 and O'Brien. John O'Brien had been his TIP staff and law clerk
18 before Lou Loritz, who was before me. But, I grac -- I happily
19 accepted the appointment.

20 And, to tell you, the salary in those days for a law
21 clerk in Philadelphia, -- and, you had to find your own way to
22 live in Philadelphia if you weren't a resident -- was \$6,000 a
23 year. But, I -- the experience that I had with Judge
24 Kirkpatrick -- because I was never able to call him Bill or
25 never able -- allowed to call him anything but Judge

1 Kirkpatrick -- was wonderful.

2 In particular was the time that we spent on his farm
3 in Maryland because he always left the Philadelphia and Easton
4 area around April or May, went to the farm, and stayed there
5 until September or October. And, as his law clerk, -- in those
6 days I had an old Oldsmobile two-door thing that hardly went.
7 I used to drive him back and forth to Philadelphia. But, back
8 to the farm to spend the weekend.

9 And, that was a wonderful experience, because Judge
10 Kirkpatrick was not only a Judge, was not only a lawyer, he was
11 not only a legislator, but he was a man who knew how to give of
12 his time. And, I think, if I had any different training for
13 about two years, I would not have been the kind of a lawyer --
14 and eventually wound up as a Judge -- that I became. But, Bill
15 Kirkpatrick -- I can call him that now -- Bill Kirkpatrick was
16 interested not only in what he was doing, but what you were
17 doing and what you were getting out of it.

18 One other incident I have to talk about, his
19 opinions. I was never permitted to write an opinion. I wrote
20 a memorandum, handed him the memorandum. He read it and talked
21 about it. He'd mull over it, he'd think about it, call me
22 back, talk some more, and then write and then hand it to me.
23 And, then I'd edit it, make my ideas known to him. And, then
24 he would say, now, put that opinion in the file.

25 And, it stayed there for 30 days. And, I had the log

1 earmarked 30 days due finished. He would reread that opinion
2 and, more often than not, he would rewrite and go through the
3 whole process again and come up with an opinion.

4 But, writing an opinion in those days was such a
5 wonderful experience because you had the time, you had the
6 facilities, and you had everything to do with it. So, I must
7 say that Bill Kirkpatrick's opinions -- all of them -- and I
8 challenge anybody to read them because they're still in the
9 books -- were wonderful things to have.

10 I cherish his long friendship, and I cherish the
11 friendship of the family, because his wife and his two sons --
12 Miles was a classmate of mine at Penn -- we were friends
13 afterwards and before that -- and his other friends in Easton
14 became my friends. But, I thank you, Judge, for the
15 opportunity to say these words on behalf of Bill Kirkpatrick.

16 JUDGE VAN ANTWERPEN: Thank you. (Applause). Judge
17 Grifo alluded to the decisions that have been handed down over
18 the years by Judge Kirkpatrick. And, a synopsis of those has
19 been prepared by attorney Joe Faye of Morgan, Lewis, and
20 Bockius. It is available on the end of the table over there.

21 And, I should tell you that, on that table, we also
22 have various artifacts from the service and years of Judge
23 Kirkpatrick on this court. And, we invite you, when this is
24 over, to look over those artifacts.

25 Mr. Faye could not be with us today to present his

1 paper, and I informed my law clerks that they had volunteered
2 to take his place, as if they didn't have enough to do already.
3 And, both of my law clerks, Lou Borrilli and Heather Daily, --
4 my third law clerk couldn't be here today because of a prior
5 commitment.

6 But, my two law clerks have agreed to present the
7 high points of that research of his decisional law. And,
8 they've worked this out, so I'll turn it over to the two of
9 them at this point.

10 MR. BORRILLI: Thank you, Judge. Good afternoon to
11 our distinguished Judges, speakers, and guests. Thank you all
12 for being here today. My name is Lou Borrilli. And, as the
13 Judge explained, I'm one of his law clerks and have the
14 distinguished honor, along with my co-clerk, Heather Daily, to
15 discuss some of Judge Kirkpatrick's decisions.

16 I thought that was something that was going to be
17 easy to do until Judge Grifo's remarks. And, I realized
18 there's no possible way for me to know anything about Judge
19 Kirkpatrick's decisions in relation to Judge Grifo.
20 Nonetheless, we press on.

21 As we have heard from Mr. Ditman, Judge Kirkpatrick
22 served as a Federal Judge for over four decades. Throughout
23 that considerable period, he remained model of precision, legal
24 acumen, and fairness. Whereas our common law system permits
25 all Judges the opportunity to make important contributions,

1 both to the legal community and the society at large, few have
2 seized that opportunity so fully as Judge Kirkpatrick.

3 As you can imagine, from what we've heard of his long
4 and distinguished career so far today, it's virtually
5 impossible to recount Judge Kirkpatrick's vast contribution to
6 the law in one presentation. However, despite the daunting
7 breadth of his contribution and notwithstanding the informative
8 discussion of three of his most groundbreaking opinions
9 generously provided by Mr. Faye, we nonetheless press on in our
10 attempt to provide our own depiction of the remarkable weight
11 of Judge Kirkpatrick's work.

12 What strikes us most about all three of the
13 aforementioned decisions is the combination of judicial quality
14 represented in each. It goes without saying that each of these
15 three opinions clearly represents the work of a well developed
16 and astute legal mind. What is not necessarily so obvious
17 however is the commitment to social responsibility and equity
18 represented in each.

19 Judge Kirkpatrick took great pains to consider the
20 personal concerns of both the individual litigants in each
21 case, as well as the pool of prospective litigants, whose
22 rights and future decisions depended on the precedent his
23 decisions created. This is a mark for model jurists and should
24 inspire gratitude for Judge Kirkpatrick's legacy for years to
25 come.

1 Unfortunately, because further description of the
2 substance of these opinions requires an understanding of the
3 law and other complicated topics, I must, in the interest of
4 accuracy and incredible sharing of information, now assert the
5 podium to my co-clerk, Heather Daily.

6 MS. DAILY: I have to confess too that I'm a little
7 nervous now to be discussing these in front of such a fine
8 group. The probably even Judge's known opinion is Hickman v.
9 Taylor, which is pretty much standard reading for any first
10 year law student and comes up regularly in the life of both a
11 litigation attorney and a Judge.

12 The case really gets to the heart of an attorney's
13 relationship with their client and the adversarial nature of
14 litigation. The facts in Hickman really aren't all that
15 exotic. Essentially a tugboat by the name of the J.M. Taylor
16 sunk killing Norman Hickman and about five other seamen.

17 Following this incident, perhaps sensing trouble on
18 the horizon, the tugboat owners promptly hired a lawyer to
19 defend them should the somewhat inevitable litigation arise.
20 And, one of these lawyers from the firm went out and he
21 obtained some statements of the survivors of the tugboat
22 sinking.

23 Eventually the Hickman estate did file suit. And,
24 when it was time for them to bring their case, they wanted to
25 see these statements. Now, Judge Kirkpatrick, keeping in mind

1 his fairness and sense of equality, felt that the plaintiffs
2 should be able to see these statements. They were recent eye
3 witness accounts. They were probably not the best, you know,
4 but a very good source of information about what actually
5 happened.

6 And, it was his thinking that, by allowing these
7 statements to be turned over, maybe we can get to the truth of
8 what happened on the fateful day of the tugboat sinking. And,
9 he allowed -- well, he permitted that the witness statements
10 could be turned over, even though they had been prepared by the
11 defendant's attorneys.

12 Now, the Supreme Court eventually reversed in the
13 hopes of placing some greater protection around the attorney
14 client relationship. They felt that sort of lessening
15 discovery would permit free flow communication between an
16 attorney and his client. And, this decision provides the basis
17 of what is now Federal Rule 26(B)(3).

18 This rule, for better or worse, has restricted a
19 party's ability to find out what the other side has prepared in
20 anticipation of litigation, one of the sort of standard buzz
21 words in the discovery process. And, as I'm sure especially
22 our Judges here recognize and myself as a recent law student,
23 debates over what is and is not work product and the nature of
24 what should be disclosed continues to be a really vibrant issue
25 in the law today.

1 And, two other noteworthy cases that were brought to
2 light were the Goldman Theaters v. Loew's case, an antitrust
3 case, and Karden v. National Gypsum. Goldman Theaters
4 concerned damages for antitrust violations. Judge Kirkpatrick
5 recognized that sometimes when a loss is sustained, your actual
6 out of pocket expenses don't really represent your losses.

7 And, he wanted to allow parties to recover lost
8 profits, which is now fairly commonplace. But, at the time, it
9 was really a new area of the law. And, I think that goes along
10 with what my co-clerk was saying about a sense of fairness and
11 equality, that he really wanted to make sure that people who
12 were harmed kind of got their day in court and got what was
13 coming to them.

14 The third decision, Karden v. National Gypsum, is a
15 particularly hot topic of the law today. Karden concerned the
16 ability of individuals to file suit to enforce federal law.
17 Judge Kirkpatrick permitted individuals to enforce federal
18 securities law. He saw that the plaintiffs were harmed, that
19 there was a federal law precluding the kind of conduct which
20 harmed them, and he felt that they should have an ability to
21 sue.

22 It's kind of known as private rights of action. And,
23 about three days ago, the Supreme Court just handed down a new
24 decision concluding the opposite, that individuals couldn't sue
25 to enforce the provisions of Title 6. But, this whole debate

1 about individuals' ability is really of key concern today.
2 And, Judge Kirkpatrick's work continues to remain very vibrant
3 and very influential on the field of law today. That's it.
4 (Applause).

5 JUDGE VAN ANTWERPEN: I believe we do have the
6 archivist of Lafayette College, Diane Shaw here, who has some
7 contributory to say.

8 MS. SHAW: Judge Van Antwerpen, Judge Giles, and
9 other distinguished visitors today, I'm delighted to be here as
10 representative of Lafayette College to take part in this
11 afternoon's program honoring the distinguished legacy of
12 William Huntington Kirkpatrick.

13 My role is to provide Lafayette College's perspective
14 on the Kirkpatrick legacy. And, to do that, we must go all the
15 way back to the founding of Lafayette College when Judge
16 Kirkpatrick's maternal great uncle, Joel Jones, was appointed a
17 member of the committee of three to draft the petition to the
18 Pennsylvania Legislature for the college's incorporating
19 charter.

20 When the charter was granted in 1826, exactly 170
21 years ago this year, Joel Jones was elected Secretary of the
22 Board of Trustees serving until 1835 when he moved to
23 Philadelphia to become successively Judge in the Court of
24 Common Pleas, the first President of Girard College, and Mayor
25 of Philadelphia.

1 In 1852, Judge Kirkpatrick's maternal grandfather,
2 Matthew Hale Jones, was elected to the Lafayette Board where he
3 continued until his death in 1879. It was during his 27 year
4 service that his future son-in-law, William Sebring
5 Kirkpatrick, the father of Judge Kirkpatrick, graduated from
6 Lafayette.

7 After graduating in 1863, William S. Kirkpatrick
8 began a law practice in Easton. And, when Lafayette
9 established a school of law in 1875, Kirkpatrick was named
10 Dean. He was elected to the college Board of Trustees in 1890
11 and served until his death in 1932. During this time, he was
12 Board Vice President for 16 years, Honorary Vice President for
13 7, and Acting President of the college twice in 1902-03, and in
14 1914-15.

15 In the fall of 1901, young William H. Kirkpatrick
16 entered Lafayette College. A busy and talented student, he was
17 a member of the Franklin Literary Society, the Zeta Psi
18 fraternity, and the Knights of the Round Table Honor Society.
19 And, he received the Coleman Bible prize and the Park prize in
20 Latin.

21 Here is a glimpse of him as he was delineated by his
22 peers in the class of 1905 yearbook which you can look at
23 actually after the proceedings today. Here's what its says.
24 "You are looking now on the purely classical features of
25 William Huntington Kirkpatrick whose massive intellect and

1 remarkable literary talent have secured for him the position of
2 Assistant Editor-in-Chief of this office.

3 "Bill, like most young things, is rather limply put
4 together. And, when he gets a hustle on, which is but seldom,
5 one is always afraid of his flying apart. But, he'll improve
6 in this respect as he grows older. He is one of the brightest
7 luminaries in the constellation of which 1905 is a part of and
8 will certainly make a winner as a lawyer." Prophetic words.

9 In true family tradition, Judge Kirkpatrick continued
10 to serve his alma mater, first as an instructor in municipal
11 law from 1908 to 1918, and then as a member of the board,
12 beginning with his election as a life trustee in 1933 to
13 replace his father. He became Vice President of the board in
14 1938 and then President in 1940.

15 As the 13th President of the Lafayette Board of
16 Trustees, Judge Kirkpatrick guided the institution through the
17 tumultuous days of World War II and the unprecedented post-war
18 period of expansion. After the war, enrollment skyrocketed as
19 Lafayette began to absorb a generation of returning veterans.

20 College Historian Al Genbee has described the college
21 admissions office during this period as looking "more like the
22 general admissions gate at a major sporting event." Student
23 enrollment went from a low of 600 in 1946 to 2000 by 1949
24 before leveling off at about 1500 for most of the 1950s.

25 Two back to back capital campaigns, the new era, and

1 greater Lafayette fund drives were highly successful, raising
2 nearly \$8M and doubling the college's endowment. New buildings
3 were a tangible results of these new financial resources;
4 Watson and Soles Halls in 1949, Kirby House in 1950, Alumni
5 Hall of Engineering in 1953, new McKeen Hall in 1955, and Olen
6 Hall dedicated just after Judge Kirkpatrick's retirement in
7 1957.

8 Upon the Judge's decision to step down as Trustee
9 President in 1956, a grateful board passed a resolution summing
10 up his achievements with these closing words. "Through it all,
11 Judge Kirkpatrick has presided over this board with equanimity,
12 justice, and a high degree of common sense, in every way worthy
13 of his illustrious heritage." Most assuredly, Judge
14 Kirkpatrick added his own chapter to this illustrious heritage,
15 and I thank you for letting me help celebrate it here today.

16 JUDGE VAN ANTWERPEN: Thank you. (Applause). And,
17 now we do have family members of Judge Kirkpatrick here today.
18 And, I would like to invite them to participate if there's
19 anything they would like to say at this time.

20 MR. KIRKPATRICK: Thank you, Your Honor. I'm William
21 Huntington Kirkpatrick the second, being my grandfather. And,
22 of course, being his grandson, I knew him in a different
23 capacity than some of the -- some of you that knew him as the
24 Judge. For me, he was grandfather, and he allowed me to call
25 him that. And, my recollection of him is that he was both

1 strong, but warm. He was very friendly to me, although our
2 dinners were formal occasions. And, he would -- he would like
3 to -- he liked to kind of ask me legal questions. And, I, at
4 that point, was a -- kind of a teenager. I really didn't have
5 much understanding of the practice of law.

6 I'm now an attorney. I guess I'm a fourth generation
7 attorney. And, interesting enough, I applied to Lafayette
8 College to go to college. And, at that time in my life, I was
9 not a very diligent student, and Lafayette probably made the
10 right decision in not accepting me. But, it did upset my
11 grandfather somewhat that his grandson was not admitted.

12 But, he would -- two things that I do remember -- and
13 this was mostly at the farm down in South Annapolis, although,
14 before the house in Easton was sold, we did visit there. My
15 memories of that are not that strong. But, the farm was a very
16 idyllic life, although we -- as I said, we had formal dinners.
17 But, he used to -- he used to ask me legal questions. And, he
18 would pose legal conundrums for any problems that, in fact, he
19 might be facing at that time.

20 One I remember was a jurisdictional question
21 involving an auto accident in, say, Maryland with a driver from
22 New York and the other driver from Pennsylvania and involving
23 perhaps the car owned by somebody -- one of the cars owned by
24 somebody in Virginia. And, his question to me was, you know,
25 where should this case be heard, what jurisdiction should this

1 be?

2 And, being sort of a teenager, I guess, at that
3 point, I muddled through it, I guess, and gave him an answer.
4 But, he was, I guess, in some ways trying to guide me into the
5 practice of law perhaps obliquely.

6 The other thing that I remember very distinctly is
7 his law clerk at that time who was Burton Mead. And, Burton
8 Mead was blind. And, I wouldn't be surprised -- and I don't
9 know this, but I've always figured that perhaps he was, if not
10 the first, one of the first blind law clerks to be within the
11 federal system.

12 But, he was blind. And, the office there was a -- a
13 room -- a very small room. And, there was a big partners desk
14 which, in fact, I now have at -- in one of my law offices in --
15 down in southern York County. And, this desk would be there,
16 and Burt would be on one side, he'd be on the other. And, the
17 whole room was just a panel of law books. It was law books
18 from floor to ceiling all the way around, except for the
19 entrances.

20 And, Mr. Mead's wife was there. And, Mr. Mead must
21 have been fairly -- a fairly brilliant gentleman because his
22 wife would read -- read the law articles, read the cases, read
23 memorandums, everything to him, and then he would discuss these
24 with -- with the Judge. And, I -- you know, every so often I
25 kind of tiptoed through there.

1 But, this always -- it didn't -- at the time, it
2 didn't really -- I didn't really kind of understand or I didn't
3 really realize that -- you know, sort of the significance and
4 what, in fact, this man was capable of doing. But, now having
5 studied the law and realizing the difficulties even when you
6 can read, I -- I find now that that was a remarkable situation.
7 So, that was another thing that I will always remember.

8 And, I thank you all for being here. I know my
9 mother knew the Judge much better than I did and is very happy
10 and, I think, very honored to have this -- this affair. And,
11 if my father was still alive, I know he would appreciate it
12 also. I thank you all. (Applause).

13 JUDGE VAN ANTWERPEN: I would now like to call upon
14 President Rothkopf of Lafayette College for some remarks.

15 DR. ROTHKOPF: Judge Van Artsdalen (sic) and
16 distinguished guests, ladies and gentlemen, I would
17 (indiscernible) the dean of enrollment services at Lafayette,
18 and Mr. Kirkpatrick and we want to try again. We might do a
19 lot better this time.

20 I had some prepared remarks which I've been able to
21 put aside because it had me speaking first rather than towards
22 the end. And, it was going to be describing many of the things
23 which we've been hearing about Judge Kirkpatrick's career on
24 the bench, the Congress, as well as connected to the college.
25 So, I'll shift gears a bit and just talk a little bit.

1 I did not know him personally. But, interestingly, I
2 was a student at the college from 1951 to 1955 when he was the
3 Chairman of the Board -- I think they called it President of
4 the Board. And, they were quite interesting times because you
5 had this huge number of returning servicemen -- all men, of
6 course, in those days -- we had Quonset huts on the quad to --
7 for on March Field to house them.

8 It was a particularly difficult time to absorb these
9 servicemen -- former servicemen who had gone through battle in
10 Europe, Asia, the Pacific, and, in some cases, were going to
11 class with 18 and 19 year-olds who hadn't done a whole lot
12 other than getting through high school. But, it was a
13 challenging and difficult time. It was a period of enormous
14 growth at the college, as Diane has indicated.

15 And, Judge Kirkpatrick was, I know, a very steady
16 hand through all of that period and played a very important
17 role in his period as Board Chair or Board President, as it was
18 then called. It was a long one and quite a distinguished one.
19 And, so, on behalf of the college, I'm delighted to be able to
20 participate in this event.

21 Interestingly, I -- when I graduated in -- from
22 Lafayette in 1955, that was exactly 50 years after he had
23 graduated from the college. And, I also went directly on to
24 law school and to a career in the law in Philadelphia and
25 Easton, but generally almost exclusively in the Washington,

1 D.C. area.

2 But, what I would want to say is that sort of
3 interestingly this continuity occurred, my going 50 years
4 later. We're now beginning the class of 2005. It's hard to
5 believe. And, in that group, there will be students of ours
6 who will go on to law school hopefully having the kind of
7 career in the law, going on to be Judges as Judge Grifo did,
8 who's an alumnus of the college. And, I think it's this
9 continuity of the tradition of the college which so strikes me
10 in an event like this.

11 I was also particularly interested to hear Judge
12 Grifo talk about the way in which Judge Kirkpatrick wrote his
13 opinions, rewrote them, and rewrote them again, and then pulled
14 it out 30 days later. I think it's a very great strength of
15 ours to -- at the college to focus on writing. We have a
16 program in writing across the curriculum now.

17 Some of us -- some alums in the audience here --
18 studied under a man named Bill Wild who was a distinguished
19 faculty member who was the most rigorous of individuals when it
20 came to writing. And, the fact that Judge Kirkpatrick was so
21 focused on that is, I think, very much again a tradition that
22 we continue.

23 It's -- as you listen to all these strands, it's a
24 career of great distinction and of public service which is a
25 theme that each year I try to bring home to our graduating

1 seniors. I get a little bit like a broken record. But, every
2 year I do urge those who are graduating at commencement to --
3 at some point in their lives to look to public service. I
4 think it is -- for me, it's been, indeed, a -- probably the
5 most rewarding part of my legal career. And, indeed I consider
6 what I do at the college now a form of public service.

7 And, here you have an individual who came from that
8 tradition, was a member of Congress, served on the bench for so
9 many years, and served his alma mater with such distinction for
10 so many years. It's not easy in an era where public service is
11 not as highly respected today as it may have been in prior
12 years. We struggle to -- you know, the media doesn't help very
13 much.

14 But, I think those of us who are dedicated to it need
15 to keep stressing the importance of service to others, and it
16 doesn't have to be in the form of -- on the federal bench and
17 to serve in Congress. But, it could be on school boards and
18 other local matters where -- which are not pursuing personal
19 gain.

20 And, so, it's my privilege today to speak on behalf
21 of Lafayette, my alma mater and Judge Kirkpatrick's alma mater,
22 to reaffirm the importance of that message and to reaffirm the
23 importance of a very distinguished career. Thank you very
24 much. (Applause).

25 JUDGE VAN ANTWERPEN: At this time, I would like to

1 call upon the President of the Northampton County Bar
2 Association, attorney Michael Listen, with some closing
3 remarks.

4 MR. LISTEN: May it please the Court and may it
5 please everybody else here, whether you're an honorable,
6 distinguished, or otherwise. Unlike my -- the two speakers
7 before me, I prepared extensive notes. And, I'd like to thank
8 the program organizers for allowing me the 45 minutes for
9 closing remarks. I'm just kidding, as you all realize. I can
10 pare it down to under 30 minutes, and I will.

11 I have nothing to say about Judge William
12 Kirkpatrick. A lot of it has been said. But, I would like to,
13 on behalf of the Northampton County Bar Association, say how
14 proud we are that we have such a distinguished member of our
15 bar association. And, as I understand it, he was one of the
16 first -- may have been the first Federal Judge appointed from
17 our bar association.

18 I'd like to point out that the association between
19 Judge Kirkpatrick and our bar association extends back to his
20 father who was President of the Northampton County Bar
21 Association from 1985 to 19 -- 1885 to 1898, and he served
22 another term, 1917 to 1920. I only served one year, but he
23 served three year terms. So, I don't know if that says -- I
24 don't know what that says. I'd also like to point out that
25 Judge Grifo was a President -- past President of the

1 Northampton County Bar Association.

2 I'm assuming that closing remarks are closing
3 remarks. But, I'm also assuming that you're going to have the
4 last word?

5 JUDGE VAN ANTWERPEN: That's generally the way it
6 works. You would have to know something.

7 MR. LISTEN: So, with that --

8 JUDGE VAN ANTWERPEN: Every lawyer comes to a point
9 where he has to try his first case. We tried our first cases
10 against each other many years ago. But, I'm going to get the
11 last word this time. (Laughter).

12 MR. LISTEN: Then I'm done. (Applause).

13 JUDGE VAN ANTWERPEN: Judge Kirkpatrick truly had a
14 distinguished career. And, I never glance upon this portrait
15 here -- and I see it every time I'm in the courtroom -- that
16 I'm not honored to be a part of the tradition that he started
17 in this county. And, I believe that President Rothkopf alluded
18 to public service. Public service is so very important to our
19 government. It is, after all, the only government that we
20 have.

21 And, Judge Kirkpatrick gave his life to public
22 service and to his country. And, it's the federal courts
23 really that are our final line of defense when the other
24 branches of the government make mistakes. And, sometimes they
25 make big ones.

1 You know, the ink was hardly dry on the Constitution
2 when one of the founding fathers, President Adams'
3 administration, passed a law restricting Freedom of Speech. I
4 think most people would think of Woodrow Wilson as a -- an
5 outstanding President. It was President Woodrow Wilson who
6 segregated the Army and the public buildings in Washington,
7 D.C.

8 And, I think most of us -- myself included, even
9 though I'm a Republican -- would regard President Roosevelt as
10 the greatest President in the last century. Yet, he was the
11 one that signed the order for the deportation of the Japanese
12 American citizens.

13 It is the Federal Courts that have safeguarded our
14 Freedom of Speech from administrations like President Adams.
15 And, it is the Federal Courts which, in Brown v. The Board of
16 Education, started the process of desegregation. And, sadly,
17 it is the Federal Courts that have yet to say that the
18 deportation of the Japanese American citizens during World War
19 II was unconstitutional. I know we have some students here
20 today. You may be the future lawyer or Judge who will correct
21 that wrong.

22 I want to thank everyone for taking part in this
23 proceeding. I want to invite you to a reception in my
24 chambers. The door is going to be open over there. I invite
25 you to come in and have some coffee and donuts and tea with us,

1 and I invite you to inspect the artifacts that we have on the
2 table. That concludes these proceedings. Thank you very much.
3 This Court is in recess.
4

5
6 * * * * *

7 C E R T I F I C A T I O N
8

9 I, Frances L. Maristch, court approved transcriber,
10 certify that the foregoing is a correct transcript from the
11 official electronic sound recording of the proceedings in the
12 above-entitled matter.
13

14 _____
15 DATE

16 _____
17 FRANCES L. MARISTCH
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HONORABLE WILLIAM H. KIRKPATRICK

by

John Francis Goldsmith

I have the sad duty to notify the Court that the Grim Reaper has again moved into our midst, and has cut down our most distinguished member, William Huntington Kirkpatrick.

His death occurred November 28, 1970 at his Cumberstone, Maryland home at the age of 85.

Our late brother at the bar was indeed a learned and distinguished member of a learned and distinguished family. His father, William S. Kirkpatrick, a graduate of Lafayette College, Class of 1863, and a talented member of our bar, was at various times a Judge of this Court, Attorney General of Pennsylvania, President of the Board of Trustees of Lafayette College, and twice acting president of the College. He died in 1932, likewise attaining an age in the high eighties.

Donald M. Kirkpatrick, brother of William H., was a distinguished architect, winning at an early point in his career an international prize in architecture at Paris. Miles W. Kirkpatrick, son of William H., has recently been commissioned Chairman of the Federal Trade Commission by President Nixon.

William H. Kirkpatrick was born October 2, 1885. His mother was Elizabeth Huntington Jones, a daughter of Matthew Hale Jones, one of Easton's prominent citizens. He was graduated from Lafayette College, Class of 1905, with the degree of Bachelor of Arts, studied law at the University of Pennsylvania Law School, and was admitted to the Bar in 1908, whereupon he joined his father's law firm of Kirkpatrick and Maxwell. His career at the bar was marked by honor, courtesy, and competence.

In 1913, he married Mary Stewart Wells, and they became the parents of two sons, William S., II, and Miles.

During World War I he served in the Judge Advocate Generals' Department of the Army with the rank of lieutenant colonel. In 1920 he defeated the late George Geiser, also a member of this bar, in the Congressional election, and served

in the Sixty-seventh Congress from 1921 to 1923.

It was here that he met and was befriended by Pennsylvania's illustrious Senior Senator, George Wharton Pepper. His high qualities of mind and character gained the confidence of Senator Pepper, a relationship that led to his appointment in 1927 by President Coolidge to the District Court of the United States for the Eastern District of Pennsylvania, of which court he ultimately became Chief Judge.

Upon receiving this appointment Judge Kirkpatrick called upon the President to thank him and to assure him that he would give the best service of which he was capable to the high office. With his characteristic laconic Yankee twang the President merely said, "I know you will."

I have long regarded it as one of the privileges of my life that my family and the Kirkpatrick family were closely associated. My father studied law in the office of the elder Judge Kirkpatrick. Our families were next-door neighbors. I spent many hours and covered many miles in long walks through the country with the younger Judge. His mind was keen and retentive, his interests were catholic, and his enthusiasm, although tempered with the wisdom of age, was the enthusiasm of youth.

On these walks we discussed not only the law, but every other conceivable subject—history, politics, astronomy, the universe, and sometimes just plain human gossip.

In the 1930's I wrote a book called "Quiz Yourself", which was an examination in general cultural knowledge covering 222 questions in some 30 subjects. The book was published by Harcourt, Brace and Company in New York City. Before publication the publishers sent the book to some nationally prominent authorities for test scores to print on the jacket. Among these were Dr. Harlow Shapley, America's leading astronomer, Lewis Mumford, the well-known author, and Judge Kirkpatrick. Under the grading plan a grade of 50 was above average and good. The results were published with the book. And lo! Judge Kirkpatrick's name led all the rest—with a grade of 70.

On one of our walks we were discussing the Witnesses Act of 1887. I commented that it was vague, its meaning was obscure, and that it was very poorly drafted. The Judge re-

plied, "I know it is; father wrote it."

Succeeding his father who had been a trustee of Lafayette College for thirty-six years, Judge Kirkpatrick was elected a life trustee in 1933, serving in his turn in that capacity and as emeritus trustee for thirty-seven years. And again, like his father, he served as president of the Board of Trustees, from 1940 to 1956. And so distinguished father and distinguished son served their Alma Mater as trustee for a combined period of seventy-three years, a consumation rare indeed in the annals of any college.

In recognition of his services Dr. K. Roald Bergethon, President of Lafayette, conferred a citation including these words: "In public and private roles, you earned respect and affection through an equitable temperament and generous regard for others. Leadership responsibility sought you out, not for aggressive ambition but for intelligent discernment—and conscientiously you exercised it, selfless in obligation and careless of recognition."

Judge Kirkpatrick retired from active duty in 1958 after 31 years service on the Federal bench, but continued thereafter to sit in cases in the District Court, the U. S. Circuit Court of Appeals, and the U. S. Customs Court when called upon.

His career on the bench was studded with decisions and opinions reflecting learning and discernment, sound law, sound judgment, and good sense. No dabbler in legal sophisms he; nor one to hold that the law really means exactly the reverse of what it plainly says.

Judge Kirkpatrick was highly regarded by the Philadelphia bar, as indeed by the profession everywhere. Knowledgeable persons in the profession had long been of the opinion that had the political winds blown otherwise, he might well have been appointed to the United States Supreme Court, a tribunal which he would have graced.

On September 21, 1966, the Northampton County Bar Association gave a dinner in honor of Judge Kirkpatrick and Judge J. Cullen Ganey of the United States Circuit Court of Appeals, citing them as the only two members of the Northampton bar to have served on the Federal bench in the history

of the Nation. Our bar may have been short in the number of its Federal judges, but we have made up for it in quality.

The very menu on that memorable occasion was the quintessence of legal erudition: hors d' oeuvres à la Code Napoleon; Cruditées Solon; Soupe Justinian; Filet de Boeuf Blackstone; Pommes John Jay; Légumes Moses; Salade Marshall; Petit fours Cicero; and Demi-tasse Holmes.

The departing of William Huntington Kirkpatrick brings to mind the immortal lines from *The Tempest*:

Our revels now are ended: these our actors,
As I foretold you, were all spirits, and
Are melted into air, into thin air:
And, like the baseless fabric of this vision,
The cloud-capp'd towers, the gorgeous palaces,
The solemn temples, the great globe itself,
Yea, all which it inherit, shall dissolve;
And, like this insubstantial pageant faded,
Leave not a rack behind: We are such stuff
As dreams are made on, and our little life
Is rounded with a sleep.

June 14, 1971

Response on Behalf of the Court to Resolutions Memorializing
Harold James Kress, Esquire, Deceased — January 28, 1971,
and Judge William Huntington Kirkpatrick, Deceased —
November 28, 1970.

by The Honorable Richard D. Grifo

With permission of the Court, President Judge Palmer, Judge Williams, Judge Franciosa, Members of the Bar, Ladies and Gentlemen: It is an honor, for which I am deeply grateful, to have been asked to speak for the court and pay tribute today to the memory of Harold James Kress, Esquire, and William H. Kirkpatrick, Senior Judge, and later Chief Judge of the U. S. District Court for the Eastern District, both of whom were members of this Bar before their demise. We meet today to record in the minutes of this court not only the resolutions ably presented by Mr. DeRaymond and Mr. Goldsmith, but also the appreciation of this court for the contributions made to the legal system by these deceased members of the Bar.

Although Harold Kress spent the bulk of his life in the field of corporate law, his retirement from corporate work brought to the Bar a fresh and mature approach to the concept of a single practitioner law office. Like the general practitioner in the medical profession, so the single practitioner in the law profession is fast moving from the American scene. In the short time after his retirement until his death, Mr. Kress was able to set up an office and become an active practitioner. He was a familiar figure in the library and about the courthouse carrying out his duties as such. On the day of his death, January 28, 1971, Harold was, in fact, on his way to the courthouse.

It is a tribute to his interest in the law and the research of the law that he was a frequent visitor to our law library. This interest must have impressed itself on his friends in New York as well, for following his death, the Law Library Committee of Northampton County was asked to create a Law Library Book Fund in his name, to be used for the deposit of funds in his memory, for use in the purchase and maintenance of appropriate volumes for the library. We might note that the Law Library Committee, at a meeting held on March 8, 1971, approved the creation of such a fund and implemented the suggestion of those interested by the opening of a special

account, in which monies for memorial book funds might be deposited on his behalf, as well as on behalf of other members of the Bar or their friends in the future.

We will miss Harold's quiet and smiling face at the courthouse and at our many Bar functions and his interest in its activities, which were always attended by him when at all possible.

William Huntington Kirkpatrick — Lawyer,
Jurist, Author and Citizen

It is indeed with a genuine pang of nostalgia that I recall a telephone conversation with Charles P. Maxwell, Esquire, of this Bar, early in the fall of 1943, which led me to two years of service as a law clerk to Judge Kirkpatrick in the District Court for the Eastern District. His friendship and guidance through the years that followed will be cherished and missed.

My last exchange of correspondence with him was last June, when I sent to him the picture that hangs in my chambers for his autograph. His reply was symbolic of his humility: "I know that my signature is a very poor effort on my part, but if you want my scrawl, it is yours."

His service to the legal system started in 1908, when he was admitted to practice law in Northampton County. Thirteen of the thirty-eight volumes of the Northampton County Reporter are a permanent record of his contribution to the legal profession of Northampton County.

His active service as a judge started in 1927 and ended in 1958. Overlooked, however, in all the accounts of his activities is the great contribution that he made to the federal judicial system in the 10 years following his retirement from May of 1959 until he became inactive shortly after his injury in 1969, and although 73 years of age, at retirement he continued to sit by assignment as a judge for 10 years, and spent most of his time serving with the U. S. Court of Customs and Patent Appeals. The only substantial break in that service occurred in 1963 and 1964 when, at the age of 79, the well-known electrical equipment anti-trust cases were assigned to him. What a marvelous contribution to the judicial system.

More than one-half of the 85 years of his life were devoted to the judicial system as a judge. How does one condense that kind of service into a few words? An outstanding legal scholar of our time, an eminent jurist of the Circuit Court immediately above him, and a talented perceptive law clerk

who spent 25 years with him, have said the following:

William A. Schrader, outstanding legal scholar of our time, said: "as a judge he has been capable, diligent and impartial. I tried unsuccessfully to learn how many opinions he has written during his years on the Bench, but a conservative estimate would place them no more than a thousand. His opinions have been clear, concise and legally sound. Notwithstanding the fact that on rare occasions the Appellate Court, unable to comprehend the law as Judge Kirkpatrick pronounced it, has mistakenly reversed his decisions."

Judge John Biggs of the Circuit Court of Appeals for the Eastern District said: "Chief Judge Kirkpatrick is the most consistent performer in the judicial field that I have ever encountered or known. His opinions range from good, to very good, to brilliant, and I have never known him to write a bad one. He has been reversed on very few occasions, and even these few reversals have had a way of boomeranging, and one finds oneself pleasantly reversed in turn."

His law clerk for 25 years, Bertine R. Meade, Esquire, says: "I think he was the most intellectually honest man I have ever met, by intellectually honest, I mean that he never assumed that he understood any matter without being as sure as humanly possible that he not only had all the information he could get, but that he really understood it. He was really a scholar in the old sense of the word, and a legal scholar as well. His colleagues and the Bar recognized this and deferred to his conclusions out of respect of it."

The legal system has profited by his many contributions. His brilliant, patient implementation of the Federal Rules of Civil Procedure into the federal system, when they were first adopted, his efforts to liberalize the practice before the court, his technique of administration as Chief Judge of the District Court, governed by his thorough knowledge of the nitty gritty of the running of the court and the trial of cases, his dedicated efforts to accommodate the Bar and treat it with the courtesy due their profession, these are some of his merits as a judge. But not only was Judge Kirkpatrick respected, honored and admired, as a judge he was genuinely liked as an individual. His personal charm engaged all who came in contact with him. His unfailing courtesy, his complete lack of affectation, his gentle manner, these are the qualities that made him a liked person. The judicial system, the legal profession, and our community, will miss him.

In closing, may I repeat the words Judge Kirkpatrick used on Monday, June 2, 1958, at the memorial services of another great Northampton County Jurist, T. McKeen Chidsey, Justice of the Supreme Court: "The mists of time will rise between us and him, and the vital, living presence will become a memory — but not the ordinary memory which fades until nothing is left — rather a memory that will always be an inspiration, a fine example and an enduring record of high esteem and friendship.

These proceedings shall be made a part of the court minutes, and upon transcription, copies thereof shall be furnished the families of our departed brothers. And when this Court adjourns it shall do so in memory and honor of our departed colleagues.

June 14, 1971