

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: APPOINTMENT OF A COMMITTEE :
TO DRAFT RESOLUTIONS IN THE : NO. 17-0081
DEATH OF JUDGE CLINTON W. SMITH :

MEMORIAL SERVICE FOR THE HONORABLE CLINTON W. SMITH

APRIL 7TH, 2017

SPECIAL SESSION OF COURT

1
2 **JUDGE BUTTS:** Good afternoon and thank you all
3 very much for coming today for the celebration, essentially, of
4 the life of Former President Judge, but Judge Clinton W. Smith.
5 Judge Smith had passed away in December and today is the day that
6 we set aside for the memorial service. As usual we've appointed
7 a Resolutions Committee and they will do the presentation of the
8 resolutions, but because I have an unique connection to the
9 subject of this hearing today I just wanted to welcome the family
10 and friends of Judge Smith. Mary, his wife, is here; Chris, his
11 son, and Clifford, his brother, and they're the individuals that
12 I see. I don't know if anyone else was able to join. Thank you
13 all very much for coming. So without yammering on, why don't I
14 just turn it over to the Resolutions Committee. Mr. Weber.

15 **MR. WEBER:** Thank you, Your Honor. May it please
16 the Court, members of Judge Smith's family, member of the bar,
17 Honored Judges from local courts and our guests from Luzerne
18 County. To the Honorable Judges of said Court on the 24th day of
19 January, 2017, the Honorable Nancy L. Butts, President Judge of
20 the 29th Judicial District of the Commonwealth of Pennsylvania
21 appointed the undersigned committee to draft resolutions
22 memorializing the life of Judge Clinton W. Smith and to submit
23 the same to the Court on Friday, April 7th, 2017 at 3:30 p.m.
24 The undersigned committee submits the following resolutions for
25 the Court's consideration:

1 Clinton Wilcox Smith died at his home in
2 Williamsport, Pennsylvania on December 30, 2016, after more than
3 a 20-year battle with cancer. He was 83 at the time of his
4 death.

5 Judge Smith was born on December 15, 1933, to
6 Edward Bryan and Dollie Wilcox Smith. He was born and raised in
7 Lycoming County and spent his entire life residing in Lycoming
8 County.

9 Judge Smith was survived by his wife of 20
10 years, Mary Gibbs Smith; his son, Christopher P. Smith of
11 Brooklyn, New York; his brother, Dr. Clifford O. Smith, who with
12 his wife, Janice, resides in Wilmington, Delaware; a step-son,
13 Matthew T. Gibbs, II of Monterey, California; a step-daughter,
14 Margaret Gibbs Richardson of Massachusetts; and by two
15 granddaughters, Maura Smith and Katrin Smith and four
16 step-grandchildren, Kiley and Matthew Gibbs and Eleanor and
17 Zachary Richardson.

18 Judge Smith's parents were originally from
19 Tioga County, they moved to the Williamsport Area in 1928. The
20 Judge's father was employed by Swift & Company.

21 Judge Smith attended the South Williamsport
22 Area Schools and graduated from the South Williamsport
23 Junior/Senior High School with high academic honors in 1951
24 ranking first in his class. Upon graduation he received the
25 American Legion School Award for outstanding academic and service

1 achievement.

2 During his junior and senior high school
3 years Judge Smith developed a close relationship with Lycoming
4 County attorney Don L. Larrabee. Larrabee influenced Judge
5 Smith's choice of profession more than any other individual.
6 Larrabee served as his scout master during high school, employer
7 such as in cutting lawns and gardening during the summers,
8 instructor at Lycoming College, preceptor during and after law
9 school, law associate upon admission to the bar and at all times
10 a friend, advisor, and mentor.

11 Judge Smith attended Lycoming College. He
12 graduated summa cum laude in 1955. In college he was an active
13 member of Sigma Phi Fraternity.

14 During his school years Judge Smith was
15 industrious earning most of the funds necessary for his college
16 and law school tuition by working approximately 30 hours a week
17 in the circulation department of the Williamsport Sun-Gazette
18 newspaper. In addition, for a little over two years of this time
19 he had a morning gazette and bulletin paper route, which included
20 the Avco plant. He would arise at 5 a.m., deliver the newspapers
21 and sell an average of 500 newspapers a day at Avco. The profit
22 on each paper was two cents and the income generated from this
23 occupation was significant for those days and was the source of
24 funds from which most of his law school expenses were paid.

25 He graduated from Dickinson Law School in

1 1958. After taking and passing the bar examination in July of
2 that year, he served a six-month clerkship with his preceptor,
3 Don L. Larrabee. In September of 1958 he joined the Pennsylvania
4 National Guard and started a six-month tour of duty, active duty,
5 in November of 1958. Upon completing his active service he
6 served the balance of his six years active reserve obligation
7 with the guard and with the United States Army Reserve.

8 At the end of his six month clerkship and
9 upon motion of Don L. Larrabee, he was admitted to the bar of the
10 several courts of Lycoming County on June 11th, 1959. He
11 immediately became associated with Larrabee and practiced law
12 with him until September of 1966 when he, Nathan W. Stuart,
13 Bertram S. Murphy and Henry Hager, III formed a partnership under
14 the name of Stuart, Murphy, Hager & Smith, succeeding the firm of
15 Wood & Stuart after Judge Wood was elevated to the bench. In
16 later years Malcolm S. Mussina, Gary T. Harris, John Humphrey and
17 Clifford Reiders joined the firm.

18 Judge Smith had a successful general practice
19 with emphasis in the areas of commercial law, family law, real
20 estate, estates, and municipal law. He represented several
21 municipalities. He represented his home borough of Duboistown
22 for over 15 years. His passionate attention to his clients and
23 the details of their legal issues was noted among his peers.

24 He served as an assistant district attorney
25 under Henry G. Hager, III from 1964 through 1968.

1 On July 10, 1980, the Pennsylvania
2 legislature established a third judgeship in Lycoming County and
3 a merit selection committee was appointed by Governor Dick
4 Thornburgh. There were eight applicants for the position, three
5 names were submitted to the governor by the committee and in
6 December of 1980 Clinton W. Smith was nominated for the judicial
7 position and his name sent to the senate for confirmation. Judge
8 Smith was confirmed in May of 1981.

9 The newly established judicial position was
10 opened for election in 1981 and a second position opened as
11 President Judge Charles Greevy, Jr. chose not to seek a new term.
12 In the primary election Judge Smith was nominated by both
13 parties, likewise, Judge Robert J. Wollet received the
14 nominations of both parties negating the necessity for a fall
15 election campaign.

16 Judge Smith was sworn in on May 27th of 1981.
17 He began his first ten-year term in January of 1982. On
18 November 5, 1991, he was retained by the voters for a second
19 ten-year term and on November 6th, 2001, he was retained by the
20 voters for a third term.

21 Clinton W. Smith became President Judge in
22 January of 1996 upon the retirement of Judge Thomas Raup. He
23 served as President Judge until December 31, 2003.

24 During Judge Smith's service on the Lycoming
25 County Bench, the number of commissioned judges increased from

1 three to five. He was responsible for initiating a committee
2 that recommended a fifth judge judicial position to the
3 legislature. Judge Smith was also instrumental in formulating
4 and implementing the Family Court Division, development and
5 implementation of the Drug Court, and initiation of the one
6 day-one trial jury selection system for jurors and day certain
7 criminal trial scheduling.

8 Judge Smith recognized the importance of the
9 Bench Bar Committee and maintaining the good relationship between
10 the Court and the Lycoming County Bar. He created subsections of
11 the committee that focused on the various practice areas in the
12 Court of Common Pleas.

13 After retiring from the active bench Judge
14 Smith served as a Senior Judge until 2011. He served as Judge in
15 many counties in North Central Pennsylvania, but was particularly
16 well known in Luzerne County. He served extensive stints in
17 Wilkes-Barre after the Luzerne County Bench was decimated by
18 scandal and retirement. He was highly respected by Luzerne
19 County practitioners for his ability to step into the difficult
20 situations faced by that county's court.

21 Judge Smith was very active in civil, social,
22 and charitable activities. He served as a trustee and vice
23 president of the Lycoming Foundation on the board of trustees of
24 the Lycoming College, as a member of the Williamsport Lycoming
25 Chamber of Commerce Board of Directors, as a member of the Board

1 of Directors of the United Methodist Home for Children in
2 Mechanicsburg, as a member of the Lycoming County DUI Advisory
3 Council, and as a member of the Board of Directors of the
4 Lycoming County Association for the Blind. He served as a
5 director of the former Friends of the Court Program and Lycoming
6 County Child Day Care Center. He was past president of the Ross
7 Club and was very active in the Ross Club until it closed.
8 Masonic affiliations included Lodge 106 F & AM and the
9 Williamsport Consistory.

10 Judge Smith was a former member of the
11 Loyalsock Little League and former coach of a Little League
12 baseball team with his son, Chris. He was a long-time member of
13 the Pine Street United Methodist Church. He served as a Sunday
14 school teacher for the high school class for ten years and was a
15 member of the Building Committee after the church was destroyed
16 in 1977. He served as Chairman of the Administrative Board,
17 Chairman of the Counsel of ministries, Chairman of the
18 Pastor/Parish Relations Committee and Chairman of the Board of
19 Trustees.

20 Judge Smith was knowledgeable about the
21 Bible. Indeed, he had made a study of the trial of Jesus and had
22 spoken on the subject of whether those responsible for conducting
23 the trial followed the law applicable to the proceeding.

24 Judge Smith was an avid baseball and football
25 fan. He attended most of the home Penn State football games for

1 a period of time, he followed the Phillie's baseball team and
2 attended many games, including World Series games.

3 When pitcher Mike Mussina signed with the
4 Yankees, Judge Smith became a Yankees fan and began attending the
5 Yankees games out of loyalty to his former law partner, Mike
6 Mussina.

7 During his judicial service Judge Smith
8 employed a number of law clerks. It is significant to note that
9 with the exception of Thomas Peeler, who is deceased, all of his
10 former law clerks reside and work in Lycoming County. Those
11 clerks include John Pietrovito, myself, Mary Schemery, Vanessa
12 Daniele, President Judge Nancy Butts, David Wilk, Karen Disalvo,
13 and Tammy Taylor and Dana Jacques.

14 Judge Smith was a mentor to the younger
15 partners in his law firm and to the law clerks who served him.
16 He enjoyed working with the younger lawyers and was freely
17 willing to give them serious responsibility.

18 He was a lover of nature and was an avid
19 hunter. He was proud to say that he always got his deer.

20 Judge Smith was a devoted family man. While
21 his son was growing up he and his wife would travel to the
22 western United States for summer vacations where they would ride
23 and hike at a dude ranch.

24 Judge Smith was originally married to Mary
25 Coan Johnson Smith on October 21, 1961. Christopher Patrick

1 Smith was born November 11, 1968.

2 Judge Smith married Mary Gibbs Smith on May
3 25, 1996. They enjoyed a loving and close relationship. During
4 his later years the Smiths divided their time between their home
5 on Four Mile Drive in Loyalsock Township and their home in Eagles
6 Mere.

7 NOW, THEREFORE, BE IT RESOLVED that we the
8 undersigned joined in by the Lycoming County Bar do hereby
9 recognize and mourn the passing of the Honorable Clinton W. Smith
10 and remember him as an exemplary member of the judiciary, a man
11 of high professional confidence, a friend, a mentor, and a
12 servant of the community and honor his contributions to this
13 community; and be it RESOLVED FURTHER, that these resolutions and
14 statements be spread at length upon the minutes of the Court with
15 copies to the Judge's family and his descendents and be published
16 in the Lycoming Reporter; and, be it RESOLVED FINALLY that this
17 Court and the Lycoming County Bar extend to Judge Clinton W.
18 Smith's surviving wife, child, grandchildren and step
19 grandchildren as well as his brother and other family members,
20 our deep and heartfelt expression of sympathy and respect for
21 Clinton W. Smith.

22 Signed by the Committee, myself, Judge
23 Kenneth Brown, Joseph Rider, Gary Harris and Clifford Rieders.

24 **JUDGE BUTTS:** Thank you. Did you want to make
25 any --

1 **MR. WEBER:** Yes, Your Honor. I would like to make
2 some comments. May I say that as to Gary Harris, he was unable
3 to be present today because he had surgery on his eyes this week;
4 but he did give me some remarks and I will read his remarks at
5 this time.

6 I apologize to Mary and Chris for not being
7 present for this special service to honor Clinton Smith.
8 Unfortunately I have waited for months for an operation that was
9 performed yesterday, which prevents me from being present today.
10 My experience and friendship with Clint began in January of 1973
11 when I started working at the law firm of Stuart, Murphy, Hager &
12 Smith. On April 20, 1973 I was admitted to the Pennsylvania
13 Supreme Court and all subordinate courts and became an associate
14 of the firm. Although I was originally hired to work on
15 litigation matters under Henry Hager, I soon became busy working
16 for Clint and his clients as well. Within a year or so I was
17 fortunate to obtain part-time employment at the Public Defender's
18 Office and soon thereafter Clint began to give me certain cases
19 to prepare and handle on my own. Although he was always
20 extremely busy working full-time days and many evenings, he
21 nonetheless always found time to answer any of my questions and
22 point me in the right direction. As time passed he became my
23 mentor and friend and I leaned on him often for guidance and
24 encouragement. He told me in order to be successful at
25 practicing law as a general practitioner, one had to have the

1 capacity to handle a large volume of work. He certainly was an
2 outstanding example of that premise.

3 After I had been working seven or eight years
4 with Clint he saw an opportunity to attempt to become judge. I
5 begged him not to pursue the judgeship as I selfishly wanted the
6 steady flow of litigation cases that he had been giving to me,
7 but once it became apparent that he was steadfast in his plan to
8 try for judgeship, I did everything I could to help him achieve
9 his goals. Although I do not have the statistics, I do recall
10 and believe that he had a landslide of votes on both the
11 Republican and Democrat tickets, that was one the largest
12 majorities ever seen in Lycoming County. I took this as a
13 tribute to his tremendously extensive number of clients and
14 friends and his fine reputation. I came to the conclusion that
15 if there was a person from Duboistown who didn't have Clint as
16 their attorney, it was because that person had just recently
17 moved there and didn't get to know him. He had clients and
18 friends from all walks of life. Once you got to know Clint and
19 became his friend you had a friend for life. His outstanding
20 integrity, moral principles and understanding of human beings
21 carried over into his personal life and everything he did in the
22 legal arena. There are athletes that not only perform in an
23 outstanding way, but also make the teammates around them better.
24 I suggest that Clint was to the general community and
25 particularly to the legal community that kind of a person. Clint

1 was principled, diligent, learned, hard working, steady and
2 humble. He dedicated his life to his family, the community, and
3 the law. He made the lives of all of us who encountered him a
4 little better. He lived an exemplary life and we were all
5 fortunate to have known him and to have profited in his service.
6 Gary Harris.

7 As for myself, I first met Judge Smith in
8 1982 directly out of law school. I applied for a clerkship,
9 interviewed, and got the job. So, Judge Smith was the first
10 person I met in Williamsport. He was the first employer that I
11 had when I was -- when I became a lawyer. His influence is what
12 has kept me here now 35 years later and I think that from what
13 I've heard from others since Judge Smith's passing, that is not
14 an unique story. His influence was felt by many young lawyers
15 who worked with him over the years. He was the ideal employer
16 for a young lawyer. I learned so much from him as a clerk, but
17 what was also really unique about the way the working
18 relationship was that he listened to me and respected me. Here I
19 was an attorney out of law school and we all know we learn
20 nothing in law school, it's when we enter practice that we start
21 to learn; but when we were talking about cases or decisions, he
22 would listen to my view and he would respect my view. In the
23 period of time that I clerked, I prepared something like 400
24 opinions. Generally he made very few changes in those opinions,
25 but when he would want to make a change, no matter how slight, he

1 would call me in and he would sit me down and he would tell me
2 why he was making the change so it was constructive discussion.
3 He was trying to help me get better in what I was doing and I
4 appreciated that. Most importantly though, he taught me how to
5 be a lawyer and that is something that still influences
6 everything that I do today. You know, the obvious things like
7 when we -- when we consider the preliminary objections, you know,
8 every law clerk has always said about Judge Smith you don't deny
9 preliminary objections, you overrule them. You don't grant
10 preliminary objections, you sustain them. And it was that kind
11 of precision that went through all of his work and we were
12 expected to be as precise as well and that was very helpful
13 information and something that I still remember today.

14 The bigger lessons that he passed onto us was
15 his personal philosophy and the way he treated other people and
16 the way he treated us. So his -- what he stressed always is the
17 collegiality between lawyers was very important and you were --
18 the way you treated folks outside of the courtroom was important.
19 So you could fight like dogs in the courtroom, but you had to
20 walk out the door and you had to be friends and one of the ways
21 he stressed that to me is associates -- is that he helped me
22 associate it with Lycoming County lawyers outside of the
23 courthouse. I was a poor law clerk and, of course, had no money
24 to go to the bar picnic or the bar banquet; but he would always
25 pay my way personally because he thought it was important that I

1 be involved with these kinds of organizations and these events to
2 meet other lawyers, to work with other lawyers, and he once told
3 me that more cases were settled at the Gray's Run picnic than in
4 the office.

5 I do remember that when there was an argument
6 once on a motion to strike a judgment and what had happened is
7 that one attorney had gotten an advantage over another attorney
8 by the judgment was entered on like the 21st day. So the first
9 day that this judgment could be entered the attorney ran into the
10 courthouse and took this judgment. Well, Judge Smith didn't
11 think things should be done that way. Collegiality would have
12 said that you would contact that attorney and say what is your
13 intentions here. So even though technically that judgment was
14 proper, the Judge struck the judgment because he felt that in
15 Lycoming County we don't take snap judgments and he ended up
16 actually lecturing the attorney who had done what he was entitled
17 to do about we don't do that in Lycoming County we treat our
18 other attorneys in Lycoming County better than that.

19 When I came to Williamsport I, of course,
20 knew nobody. So what was very nice of Judge Smith is that he
21 made me a part of his family and I would go to the Smith's house
22 and I would have dinner. Judge Smith would grill his venison
23 that he insisted tasted like steak, but in any event it was good
24 and we had an able conversation, we talked about politics, we
25 talked about sports and he was a Phillies fan and frankly I don't

1 remember him ever being a Yankees fan, but that's another story.
2 He was a Phillies fan as far as I knew and with the Smiths I did
3 go see the World Series in 1983, something I couldn't possibly be
4 expected to go to do and I went to a number of other baseball
5 games. I was always treated very, very, well in the Smith
6 household.

7 So why did I end up staying in Williamsport?
8 Well, that's, again, Judge Smith. As I was getting near to the
9 end of my clerkship and he saw that I was probably going to be
10 looking for a job he would tell me every time a local firm had an
11 opening and he was successful in securing for me a number of
12 interviews with firms throughout the community and I did get an
13 interview with the Mitchell firm where I still am today just that
14 way. What I found out later though is that when I had -- when he
15 had spoken to, I believe it was, Ed Mitchell about me, he went
16 home that night and he was upset because he thought he should
17 have said more and he thought about it all night. He came in the
18 next day, he called Ed Mitchell back and gave him a whole lot of
19 other things to consider. So that's the kind of man Judge Smith
20 was. It was important to him that I stay in Williamsport. It
21 was important to him that I have a job beyond the clerkship and
22 he made the extra effort when it came to that.

23 One funny story. After almost three years as
24 a clerk I thought I knew how the Judge thought and as any law
25 clerk would tell you that when you have a relationship with

1 someone that close for that many years you start to be able to,
2 you know, understand them and anticipate them. I remember one
3 argument, the argument concluded I was sitting by the Judge's
4 desk and the attorneys left and he looked at me and nodded and I
5 looked back and nodded back and we both knew I knew exactly what
6 he wanted me to do without a word being said. So it was with
7 great confidence that after I entered private practice I thought
8 that I would fully understand Judge Smith and when I went into
9 his courtroom I would do quite well. Unfortunately, it didn't
10 quite work out that way. The first ten or so arguments were in
11 the loss column on my end and I learned pretty quickly that there
12 was a big difference between working with the Judge and being a
13 private litigant coming back into his courtroom. At the time I
14 thought that he was holding me to a higher standard because I was
15 a clerk. I think what was probably the case is that I was
16 looking at the matter entirely differently as a private litigant
17 than I was as a clerk.

18 Judge Smith felt very strongly about this
19 community and he showed that in the way that he conducted himself
20 as Judge and by the way he was involved in all sorts of
21 organizations throughout the community, including his church.
22 Also, by the way, he convinced people like me to stay here; but
23 to me and to many other young attorneys he worked with, he was my
24 mentor, he was my friend and he was the person who continues to
25 influence me every day in the way I practice as a lawyer and the

1 way I conduct myself. I cannot forget what he has done for me.
2 I will miss him. Thank you.

3 **JUDGE BUTTS:** Judge Brown.

4 **JUDGE BROWN:** Well, I can confirm that Judge Smith
5 became a Yankee fan. We were two Yankee fans. There is an old
6 Irish proverb about a friendship, which states, a good friend is
7 like a four-leaf clover, hard to find and lucky to have. I was
8 really lucky to have Clint Smith as my friend. When I reflect
9 back on my years on the bench, Clint's support and encouragement,
10 mentoring and friendship, were always there for me and they were
11 a constant.

12 In 1988 when I was selected by Governor
13 Robert Casey to fill the vacancy left by Judge Robert Wollet's
14 retirement, I needed to be confirmed by the Republican majority
15 senate. Governor Casey was a democrat and I was a registered
16 democrat. Judge Wollet had been a republican so there was some
17 expectation that the replacement should also be republican. It
18 thus was uncertain whether I would be approved by the senate
19 because I would have to be confirmed by the republican senate.
20 The key to my chance of being confirmed was getting the support
21 of our area republican senator, Roger Madigan. Ultimately
22 Senator Madigan supported my confirmation and I was able to
23 assume the bench in 1988. I later learned that it was Clint
24 Smith, a staunch republican, who approached Senator Madigan and
25 urged his support and I think he swung that support for me.

1 Since I was appointed to the bench I then had to run for election
2 the following year in 1989. Any attorney could choose to run
3 against me and there was a specially strong incentive for a
4 republican attorney to oppose me for the position. No other
5 attorney came forward to oppose me so I ran unopposed and was
6 elected to a full ten-year term as a judge and once again, I
7 later learned through a good source, initials being T.R. that a
8 republican attorney was about to announce that he would run
9 against me, but that he was dissuaded from doing so after Clint
10 Smith had a talk with him.

11 When I went on the bench I became part of a
12 three judge court with Tom Raup as president judge and Clint
13 Smith. I had spent most of my career up to this time on the
14 criminal side. I was an assistant public defender, assistant
15 district attorney, district attorney; but I had little experience
16 in civil law and no experience in family law and many other civil
17 areas. Thus, I had a lot to learn as a new judge. When Judge
18 Raup and Judge Smith told me one of my duties would be to serve
19 as the domestic relations judge my very intelligent answer is
20 what is domestic relations? I thought orphans court was for
21 homeless children. I thought that the term *res ipsa loquitur* was
22 a foreign movie. However, Clint and Tom told me to consult with
23 them whenever I needed some help and they helped me get through
24 the early days, which were pretty tough. Clint was incredibly
25 smart and he had an unique ability to immediately see the key

1 issues in a case and analyze how they should be resolved. He
2 never hesitated to give me support and assistance and the benefit
3 of his knowledge whenever I needed some help.

4 In 1999 as I was completing my first ten-year
5 term I had to seek retention for a second term by a yes or no
6 vote from the public. Clint was now the president judge of the
7 county and Tom Raup had left the bench and retired and he was
8 involved in teaching and some other enterprises. Tom Raup agreed
9 to be the chairman of my retention committee. Although Clint
10 couldn't publically participate as he remained on the bench, he
11 privately shared his organization files with me and he had quite
12 a system. Quite a political organization. Even more important
13 to me his wife, Mary, agreed to be the treasurer of my committee.
14 And, Mary, thank you. I've always appreciated that. I can't
15 express how grateful I was to have their support and, you know, I
16 felt win or lose having the support of those three people was
17 enough for me. I felt really good about that.

18 When I left the bench in 2010 to become a
19 senior judge Clint was working as a senior judge in Luzerne
20 County. Clint was respected and loved by the judges, attorneys,
21 and staff in Luzerne County. In fact, he was given his own
22 office, which he shared with Senior Judge Charles Brown of Centre
23 County. Judge Smith and Judge Brown handled most of the family
24 law cases in Luzerne County. Clint Smith -- I became a senior
25 judge then Clint Smith recommended me as a judge to Luzerne

1 County and I had the opportunity to work 22 months in Luzerne
2 County, again, because of Clint Smith's recommendation. And I
3 should also say Mike Shucosky from Luzerne County, the court
4 administrator, is here and he can talk a little bit about Clint
5 Smith's work in Luzerne County.

6 As I look back in my career it's clear that
7 Clint helped foster many, if not most of the opportunities and
8 breaks that came my way. He was like a big brother who supported
9 and guided me throughout the years. When Clint had to retire
10 from senior judging at age 75 I maintained contact with him and
11 he wasn't very happy. He wanted to keep going. He wasn't very
12 happy about having to retire at age 75. I guess you remember,
13 Mary, how he missed--he missed the work. He showed incredible
14 bravery and resolve in fighting lymphoma so many times. He had a
15 great will to stay active and involved. He became a golfer after
16 he retired. Age did not in any way diminish Clint's intellect
17 and I would talk to him about my cases when I was continuing to
18 work as a senior judge. This has been a difficult time losing
19 both Tom Raup and then shortly after Tom Raup losing Clint Smith.
20 Clint has been a great influence and a great friend to me. There
21 is an unattributed proverb about friendship, which summarizes my
22 feelings about Clint Smith. Truly great friends are hard to
23 find, difficult to forget, and impossible to leave. Thank you
24 for letting me talk about Clint Smith.

25 **JUDGE BUTTS:** Mr. Rider.

1 **JOE RIDER:** May it please the Court, members of
2 the Bench, Your Honors, members of the Lycoming Law Association,
3 family members, ladies and gentlemen. I apologize for standing
4 in your court, but because of a shoulder injury I have a
5 difficult time getting out of a chair. The word, I believe, that
6 best describes Judge Smith is unwavering integrity. He had a
7 firm adherence to the high standards of values. The quality was
8 prevalent when he was an attorney and his role as judge. He was
9 a hard working and conscientious person.

10 Judge Smith enjoyed life. I know years ago
11 he liked to attend square dancing events, he was an avid deer
12 hunter, and he also enjoyed his lunches at the Ross Club. If
13 there are any Ross Club members here, as you may know, the older
14 members sat at the front of the dining room and the younger
15 members sat in the back and there was a round table in the back
16 that would seat maybe eight or nine and Judge Smith and a few of
17 us would sit at that table. It was a table, however, that if you
18 had thin skin you did not want to occupy. Over the years as long
19 as I was there, never once did I hear Judge Smith getting razed
20 by the members. Now, that's not to imply that there was a veiled
21 threat of incarceration. Judge Smith liked to discuss the
22 Philadelphia Phillies with members, Charlie Szybist, as well as
23 John Beauge. Because of the membership not being as what it
24 should be, the age group of that round table increased from 60
25 years to 103 when once in a while Judge Muir would attend that

1 table.

2 In summary, I believe that Judge Smith had a
3 couple of other qualities be fairness and loyalty. I think it's
4 appropriate to say at this time well done faithful servant, now
5 you can rest in peace.

6 **JUDGE BUTTS:** Thank you. Is Mr. Rieders here?

7 **MR. WEBER:** Mr. Rieders is, apparently, out of
8 town today and unable to participate.

9 **JUDGE BUTTS:** Okay. The Court would approve the
10 report and resolution. I appreciate all the time and effort that
11 the committee put towards the gathering of the information and I
12 would enter the following order:

13 Now, this 7th day of April, 2017, in
14 consideration of the resolutions presented by the committee
15 appointed to draft resolutions in the death of President Judge
16 Clinton W. Smith, the said resolutions are adopted and it is
17 hereby ORDERED AND DECREED that the resolutions herewith
18 submitted and attached, be adopted as an official expression of
19 the Lycoming County Law Association and this Court and that the
20 same be spread upon the records of this Court and that copies of
21 this resolution be delivered to Judge Smith's wife, Mary; his
22 son, Chris; and members of his family and it further is ORDERED
23 AND DIRECTED that the resolution be entered at large upon the
24 record of the Court and that it be printed in the Lycoming County
25 Reporter.

1 We do have some special guests here today.
2 We have the District Court Administrator from Luzerne County.

3 **MIKE SHUCOSKY:** May I say a few words?

4 **JUDGE BUTTS:** Yes. I just going to call upon you
5 to come forward and speak. I know we spoke at Judge Smith's
6 funeral and I was hoping that you would be able to attend to
7 share some of your words about his time in Luzerne County.

8 **MIKE SHUCOSKY:** All right. For those of you who
9 don't know me, my name is Michael Shucosky and I'm the court
10 administrator at Luzerne County and I had the opportunity to
11 spend five years what I call Judge Clinton Smith, the sequel,
12 because I got five years after he left the county here. If he
13 was sitting here today I would say -- I would look at him I would
14 say now in rebuttal and he will start laughing because he was
15 always able to laugh, he did not take himself seriously; and to
16 me that was a very good thing considering all that he
17 accomplished he still had that attitude.

18 If you were to go back historically in our
19 Commonwealth you will find something very odd and I bet even our
20 judges present here today do not know this part of our history.
21 1780 going forward almost up to 1850 it was not uncommon for
22 judges to move from county to county. As populations changed, as
23 business interests changed, whatever, judges would pick up and
24 leave and go from one county, get elected in another county and
25 another county. So if you go back in history you will find the

1 same names as being the founding father judges in different
2 counties. They just move around. I say that because that
3 allegedly had died out around 1850.

4 Going forward, over 150 years forward, Judge
5 Clinton Smith came to our county in the midst of a major problem
6 and what he brought to our county beside what we've talked about
7 is great abilities and so forth as a judge, he brought
8 steadiness, he brought goodness, and he brought integrity and
9 that was what our county's judiciary needed more than anything
10 else and because of that he'll be always remembered in our county
11 as our Judge. We're here today because we're honoring a great
12 Lycoming County Judge. As far as we're concerned there should be
13 an asterisk because we consider him to be also a great Luzerne
14 County Judge and we're very thankful that we got to know him and
15 to this day he is missed. He's missed as a person. He's missed
16 as a judge. He's missed by everyone that knows him and thank
17 you, Judge, I really greatly appreciate the opportunity to speak
18 on behalf of our county and our county judges.

19 **JUDGE BUTTS:** Thank you. We have Federal District
20 Court, Middle District Federal Judge Brann who is here and Senior
21 Judge William S. Kieser is also here. Either of you Judges wish
22 to make some statements?

23 **JUDGE BRANN:** Thank you. May it please the Court.
24 I knew Judge Smith really in two ways. I appeared in front of
25 him, I think in this courtroom, this courtroom as the president

1 judge any number of times, and, you know, to echo what the
2 attorneys have said, I think he was a model really on how to
3 conduct yourself as a judge and I think really beyond that
4 probably as a human being. Thank you.

5 **JUDGE BUTTS:** Thank you. Judge Kieser.

6 **JUDGE KIESER:** May it please the Court. Thank
7 you, Judge.

8 **JUDGE BUTTS:** You're welcome.

9 **JUDGE KIESER:** Just simply what everybody has
10 acknowledged he was a great mentor, mentor as a friend, as an
11 attorney, as a judge, and as a member of the church and mentor
12 even into the hunting, but I can't say I always got my deer,
13 which he never let me forget that.

14 **JUDGE BUTTS:** I'd like to now ask my colleagues to
15 say a few words about Judge Smith. I'll start with Judge McCoy.

16 **JUDGE MCCOY:** I just want to add something that
17 Judge Brown had said because when he said it it made me think
18 about it. Judge Brown is right that when Judge Smith was forced
19 to stop being a senior judge due to age he did definitely miss
20 the camaraderie, missed talking about the law and so we started
21 and somehow I got in charge of it meeting to go to lunch and us
22 five judges would go, Judge Brown, Judge Kieser, Judge Smith,
23 Judge Brann, Judge Arbuckle at times, Judge Raup for a long time
24 and that he thoroughly enjoyed that and he was the one person if
25 we went too long I would get the email from him that says when

1 are we going to lunch and it just struck me because we haven't
2 been to lunch in a really long time. So I just whispered to
3 Judge Lovecchio, we got to start doing our lunches again.

4 **JUDGE BUTTS:** Yeah, I think the last one we had
5 Judge Raup was still alive.

6 **JUDGE BROWN:** Yes, he was.

7 **JUDGE BUTTS:** Yeah. Judge Lovecchio.

8 **JUDGE LOVECCHIO:** Judge Brown mentioned Judge
9 Smith's resolve when he got ill and that's the thing we haven't
10 really talked about it a whole lot, but that always amazed me.
11 I'll never forget, I don't know, Mr. Osokow and I were in court
12 in front of him on actually a death penalty post conviction and,
13 of course, all judges who know Mr. Osokow and I know that it was
14 a fight from the very beginning and it was getting late in the
15 day and Mr. Osokow was wasting time, of course, asking all sorts
16 of crazy questions and I was objecting and then Judge Smith
17 stopped and said, Mr. Lovecchio do you want to be here all day
18 and then I looked at him without thinking and I said, well, it's
19 kind of an important case, Judge, and most other judges would
20 have had me in jail by that time. He called me up and I'll never
21 forget he said something along the lines of I apologize, Marc,
22 it's been a long day. I had chemo yesterday or something along
23 those lines and I was thinking to myself what an amazing man.
24 First of all, he's apologizing to me instead of putting me in
25 jail and secondly, he was there under those circumstances and I

1 saw him. I saw him in the courtroom. I saw him many times when
2 he was fighting and I couldn't believe, Mary, when he was at
3 Judge Raup's memorial service. It just -- it just reinforced
4 what a strong man he was and I'll never forget his courage and
5 I'll miss him as well.

6 **JUDGE BUTTS:** Thank you. Judge Gray.

7 **JUDGE GRAY:** Gary Weber in his comments talked
8 about Judge Smith's passion for his clients and that's, I think,
9 that's what characterized, he was passionate about his work and
10 the law and what he did. This is a bit humorous, but I think
11 it's apropos in 1996 Governor Ridge closed public buildings in
12 the Commonwealth because of a blizzard and snow and cold and you
13 weren't allowed on the highway. So I had a trial scheduled for
14 that day in this courtroom and I had my secretary call over and
15 say what time are we going to start, I think it was a Wednesday,
16 what time are we going to start on Thursday and I got the message
17 we're starting tomorrow. So that's one of my humorous memories
18 of Judge Smith. I was sitting right there where Gary was for an
19 entire day. We all had our coats on. Of course, the
20 commissioners being the commissioners didn't have any heat on in
21 here. It was so cold, there was nobody around, the jury
22 complained; but we got that case -- Dana, you were there, right?
23 Did you stay warm? I doubt it. But I just think that that
24 showed -- we had a jammed up trial list back at that era and he
25 thought that was important to get that done and we did.

1 The other end of that spectrum was, as most
2 of you know, I assumed Judge Smith's seat on the court and in
3 that time frame I was up on the fourth floor and Judge Smith had
4 his senior judge office right around the corner from me very
5 close by. So it was very helpful having him up there to bounce
6 things off of because as Judge Brown said I immediately became
7 the family court judge and I knew absolutely nothing about it, I
8 mean nothing and it was great to have Judge Smith there and he
9 was very good at mentoring.

10 And to our friend from Luzerne County he was
11 very passionate about that work, too. When he would be telling
12 me about what his case was going on in Luzerne County I mean his
13 eyes would be bright and he would be talking about the cases and
14 so I think that passion characterized his career.

15 **JUDGE BUTTS:** Thank you. Judge Anderson.

16 **JUDGE ANDERSON:** Yes. I got to know Judge Smith
17 primarily, I guess, through a little bit of an adversarial
18 process. In 1981 as was referred by someone there was a judicial
19 election. There were four strong candidates and the election
20 became -- the primary became somewhat spirited. As everybody
21 knows Judge Smith and Judge Wollet were elected and I had
22 strongly supported Judge Wollet during that campaign and actually
23 I worked pretty hard on his campaign and I often crossed paths
24 with the other candidates. After the election was over I was a
25 little bit worried that that process perhaps had poisoned my well

1 with then newly-elected Judge Smith. I was greatly relieved that
2 not only did it not poison it, but that I sensed that Judge Smith
3 actually respected my role in all of that and I think he -- I
4 think he sought to extend an olive branch that was well beyond
5 what he needed to do in order to assure me that there was no hard
6 feelings about anything and through that we developed a very
7 cordial relationship.

8 And, in fact, in late 1996 when the position
9 of the fifth judge was going to come up he actually took me aside
10 and talked to me about the possibility of entry into that
11 particular race. I thought a lot of him as a judge when I was a
12 lawyer, but my view of Judge Smith was elevated after I became
13 his colleague. I did not realize how loyal and how dedicated he
14 was to this system, to our court. He fretted about this court.
15 He used to worry about it and when you say he put thought into
16 it, he did. He lived it and it was part of his soul and I was a
17 little bit overwhelmed by it and he did things selfishly. If I
18 could I'll just give you one example and there, including me,
19 there is five of us in this courtroom that were at this meeting
20 in 2002. In 2002 he was within a couple of years, three years of
21 retiring. He was going to be aged out at 70. At the beginning
22 of the year he thought it was a good idea to do a rotation. When
23 I came on each of us kind of took an area, two criminal judges,
24 two civil judges, and a family judge and he called us all in for
25 a meeting and he said, I think we should rotate positions and

1 these are my rules and he named the rules, which were we're going
2 to go in order of seniority; but if somebody wants to change they
3 can trump with seniority and they get to change and he said and
4 there is one more rule. I will select last. So Judge Butts and
5 Judge Brown, Judge Kieser, me, and with Kevin present went
6 through what we decided we all wanted to do and when the dust
7 cleared left standing was Judge Smith and family law. And so I'm
8 sitting there I'm looking I mean he's going to take family law
9 for his last three years and with all apologies to Judge McCoy,
10 and I do mean this, Judge McCoy, none of us wanted family law.
11 If I'm wrong you can speak now. So I know that after that
12 happened I know that there was great guilt on our part and we
13 went back to Judge Smith, you know, it was the right thing to do.
14 Hey, listen, we can do a do over here, this isn't really fair to
15 you. There's nobody else in the Commonwealth that would do this
16 kind of selfless act after serving 20 years on the bench. And he
17 said no. And so he ended up in his last years being the family
18 court judge. And just as a final note on all of this, I asked
19 him very recently I said to him, do you remember that? And he
20 said oh, of course, I do. I said can you tell me something?
21 Why? And he said I wanted to keep everybody happy and keep our
22 court as high functioning as possible and I thought that was the
23 way to do it. And so he will always go down, at least in my
24 judgment, as a very, very, selfless, good, giving man. Thank
25 you.

1 **JUDGE BUTTS:** I have an unique experience with
2 Judge Smith because I basically can characterize my relationship
3 with Judge Smith in three different ways. I was a law clerk, I
4 was a practicing attorney in front of him, and then I was a
5 colleague. And I remember when I first practiced here in
6 Lycoming County I came as an assistant public defender, appeared
7 a fair amount of time in front of him; but also in this courtroom
8 in front of Judge Raup and I knew that I had wanted to be a
9 judge. So I don't know what possessed me to do it, but one day I
10 went into Judge Smith's office and said, I have a question for
11 you, when the clerk that you have right now is thinking about
12 leaving would you consider me to be your law clerk and he in his
13 usual way oh, that's wonderful, yes, yes, you can have the job.
14 So I probably knew that I could have the job for maybe a couple
15 of months because we had decided that we weren't going to say a
16 word and that the clerk that was before me would have the chance
17 to work as long as she wanted to and take her time to find her
18 job and then everybody would be happy he wouldn't have to
19 interview.

20 So then it was from that point on that I
21 advised him I taught him the ways of the evil defense bar,
22 explained why defendants filed motions, explained why Ken Osokow
23 occasionally could be right when he argued things in court,
24 believe it or not, and he just loved that because his primary
25 background was civil. So I can't speak to any of the law clerks

1 that worked for him before me, but that was our big -- that was
2 fun for us when he started to do more criminal law and to talk
3 about the cases and some of the major cases. I was involved with
4 the major case before Judge Lovecchio was when it was actually
5 being prosecuted so there was a lot of continuity and explaining
6 why this was happening and why that was happening and why people
7 were objecting, but then -- and I think when you are a clerk, I
8 mean as Gary I can refer to some of the things that he said, that
9 you know that preliminary objections are always sustained or
10 overruled so now I find that as where Gary says I do some of the
11 things as a practicing lawyer that he taught me to do that I do
12 some things as a judge that he taught me to do when I was a law
13 clerk because that was my sole purpose was to understand what the
14 role a judge played and it was the best opportunity for me, not
15 only for that reason; but then to talk about the collegiality.

16 We have an American Inns of Court and I can
17 remember the day he called me in and said, Nancy, I want this
18 organization. You need to start this in this county. Okay. So
19 we got it started, we got a meeting, we planned it, we came up
20 with a name, Charles F. Greevy, Jr. and he was so excited because
21 that was a great opportunity for judges and lawyers to appear in
22 public together and to talk and get to know one another so it
23 became easier for people to pick up a phone and reach out to them
24 and make communication and maybe settle a case or talk about
25 issues. So there was that experience as law clerk, but I guess I

1 just lived through so many ages of Judge Smith that I can talk
2 just about everything that everybody said.

3 The round table at the Ross Club. The last
4 day I was his law clerk I defiled the round table at the Ross
5 Club because women weren't allowed to sit at the Ross Club, that
6 table; but because he always took his law clerks out to lunch for
7 the last day I got to sit at the Ross Club's round table and John
8 Beauge made a point to be there. I think Dave Troisi was there.
9 It was a big deal that I was going to be there and so I can just
10 remember how funny they all are, all these older men sitting
11 around making fun of things just made me laugh; but, again, it
12 was that collegiality, that attitude that he had and I think it
13 carried over to all of his law clerks because we were so
14 fortunate to be able to get together with him in November of last
15 year to have lunch at the Villa. It was so great to see everyone
16 and to know how they were doing because we all had our individual
17 memories of our times as a law clerk with him, but then Mary and
18 Judge Smith were there and we could just share in just the love
19 basically that we had for this man and the meaning that he gave
20 to us in each and how we used what we learned from him in what we
21 did.

22 Then to speak to something Gary said, I can
23 remember when I was an Assistant District Attorney and I just
24 thought oh, I know Judge Smith he's never going to let defense
25 counsel, who by the way is the current sitting District Attorney

1 by the way, pull a fast one on me because he just doesn't do that
2 and he completely ruled against me. I was shocked. I sat there
3 wide open. He said what are you looking at? Because you never
4 ruled that way when I was law clerk so I was shocked. But
5 anyway, so you never knew what he was going to do when you now
6 appeared in front of him.

7 I think the most important thing and the
8 thing that I remember saying at his memorial service is in times
9 like this you never realize when you first meet someone how
10 important they're going to be to you in your life and I have
11 worked in this building fairly consistently for more than 30
12 years and there is not a single day that I don't think about
13 something that Judge Smith has talked about with me or has done
14 with me or has shown me by example. It's fundamental even to the
15 way I do my job because when Judge Smith first was diagnosed with
16 lymphoma he was having radiation treatments -- Tammy, I think you
17 were his law clerk and he was having a difficult time speaking
18 for lengths of time in the courtroom, but I can remember having
19 multiple conversations with Tammy about this because I think it
20 was as a result of this that that's when we first became really
21 good friends is that he needed someone to speak for him. So it
22 was then that I learned to do the elements of the crime and to
23 basically colloquy defendants on the process of entering a guilty
24 plea so that it would save his voice for dictating his sentencing
25 orders and probably 18 months after that I became a judge and I

1 started doing that very thing that I was being trained at his
2 right hand to do in his time of illness. So it was an
3 unfortunate circumstance, but wow, I mean, again, I just go back
4 to that thinking -- that thought about you never realize how
5 important people, how impactful they will be to your life when
6 you look back.

7 Just remembering all the times that he would
8 want to talk to me about the election, about my campaign, and
9 made suggestions and just general support because -- and I think
10 I said this before, too -- anybody that's run for office, and I
11 know that all five of us have, that it's arduous, it's horrific
12 at times and just to know that I wouldn't have to go to him he
13 would call me and ask me how are you doing? Are you hanging in
14 there? What can I do for you? Talk about something, tell me
15 something that happened so I can help work through it with you so
16 you can feel better and it was those times that were very
17 difficult that really meant so much to me and it really -- no
18 matter what the outcome, it just really helped me get through it
19 as difficult a time as it was.

20 So how do you express in words the feelings
21 that you have for someone that you've known for almost your
22 entire practicing life? He's as impactful to me, as meaningful
23 to me as my own parents were and I am so grateful for having the
24 opportunity to have come here to this county and to have worked
25 with him and to have listened to the lessons that he taught and

1 hearing about how proud he was of his son and how proud he was of
2 Mary and his family. I have been blessed beyond measure in my
3 opportunity to know him. So I am incredibly grateful and I can't
4 imagine, as I said before, the scope of the loss you must feel.

5 I'll now be happy to hear any comments that
6 any members of the bar or any friends of Judge Smith who are here
7 that aren't practicing members of the bar would like to share
8 with all of us here today.

9 **MR. MUSSINA:** Judge Butts.

10 **JUDGE BUTTS:** Mike.

11 **MR. MUSSINA:** May it please the Court, Mary,
12 Chris, Cliff, other family members. Well, we're going on an hour
13 and a quarter talking about and recognizing the life of Clinton
14 W. Smith, Judge Clinton W. Smith. However, for the next few
15 minutes, if I may, and without offending anyone, I'd like to talk
16 about the person that I knew as Cliff. He wasn't Judge Smith to
17 me, he was Cliff and the important role that he played in my life
18 because my experience with Cliff was outside of this building.

19 I first met him when I was, I think, 12 years
20 old, he was my Sunday school teacher at Pine Street and at that
21 time he was in law school, Dickinson, coming home on weekends and
22 if anybody -- if I got any facts wrong correct me, my
23 understanding was at that time he didn't have a car, he
24 hitchhiked home on weekends when he could make it and while he
25 was home, I guess, because if you hear the other things he got

1 into he was probably bored so he decided he would teach a Sunday
2 school class so that's how I got to meet Clint in about 1963 or
3 '65, I guess it would have been. After that time, of course, I
4 was at Pine Street then as he was, we maintained a casual
5 speaking relation of hi, how are you doing kind of thing for the
6 next several years. Later on after he graduated from law school
7 he became associated with Don L. Larrabee as other people have
8 related to earlier and it was also mentioned, I think Gary
9 pointed out, how important Don Larrabee was to his decision to go
10 to law school. Don Larrabee also at that time taught, I think it
11 was called, business law at Lycoming and I got into that for some
12 reason, I guess an elective that was available and I took it,
13 fascinating course, I loved it, it was the best course I had in
14 college. So like Clint, Don Larrabee, Don L. Larrabee, was the
15 important person in directing me to go to law school and at that
16 time when you went to law school you had to have a preceptor. I
17 don't know if most of you people know what a preceptor was, but
18 basically it was, I don't how -- a sponsor basically and we had
19 six months committed to that sponsor when we got out of law
20 school and so -- and Clint and I kept in contact during my law
21 school years and he would send me a little bit of work to see if
22 I could find my way to the library and shephardize a case and do
23 a few of those things; but anyway, when I came back I owed him
24 six months -- when I went I was going to owe him six months.

25 When I got back the Supreme Court changed the

1 rule it was down to three months and he had then left Don
2 Larrabee's association and then formed a partnership of Stuart,
3 Murphy, Hager & Smith. Well, it didn't take me very long when I
4 got out of law school, as I wrote it down here, I didn't know
5 squat about practicing law even though I had a J.D. degree. I
6 understand now law school is different, thank goodness, because I
7 never drafted a complaint. I never prepared a deed. I never
8 prepared a will. I didn't know what a power of attorney was. I
9 never met with a client. I'd never been in a courtroom or any
10 judicial setting whatsoever. And I wrote down next, thank God
11 for Clint because I would assume having graduated from the same
12 law school ten years earlier, he came out with the same education
13 I did and he knew how much teaching he had to do to me. So he
14 started in. First thing he put me in the real estate end of it,
15 sent me to the courthouse to start searching titles. Also at
16 that time he made his secretary available to help me and his
17 secretary at that time was Patty Hostrander and I don't see Patty
18 here today, but you would know Patty as Patricia Bowman, Esquire.
19 And I would bet if Patty were here she would say that Clint was
20 the reason that she ended up going to law school, but that's how
21 I got started. And as Gary pointed out, Gary Harris in his
22 presentation that Gary read, Clint always had the time to help us
23 because we knew nothing and so Clint, I got a problem, how do I
24 do this? And you would see him take an hour, an hour and a half,
25 whatever, out of his day to help me and then I would know he was

1 in at night making up that time and I thought boy, something is
2 the matter with this. Why doesn't he tell that kid to find out
3 how to do it himself because I've got better things to do than
4 spend eight hours or ten hours a day here plus going back at
5 night. He never complained one bit about the time commitment
6 that he had because of his promise to me. And something I forgot
7 here when I was starting down I did not realize when I went to
8 Clint and asked him if he would be my preceptor how gosh darn
9 lucky I was because it could have been joe schmo who didn't care
10 about the practice of law but had a law degree and I got just by
11 the luck of the draw, however you want to say it, I got probably
12 the best teacher possible.

13 Something -- Clint, I'm sorry, but I'm going
14 to tarnish your halo just a little bit here. Forgive me. If you
15 knew Clint he did not mind poking fun at people. He enjoyed that
16 thoroughly, but it wasn't very long after I got to Stuart,
17 Murphy, Hager & Smith he called me in his office and he said down
18 here in my lower left-hand drawer, he said there is a current
19 issue of a certain men's magazine. If you want to read it it's
20 there, just be sure to put it back. That magazine is one that
21 when you get to the middle of the magazine you turn it sideways
22 to get the full effect of the magazine. That's the kind of
23 relationship that he and I were developing. We were having fun
24 doing what we were doing, but we were working at the same time.

25 Somehow, somehow, I don't know how, I passed

1 the bar in '68 and after my three months were up we were -- I
2 guess we were presented to the court for admission to the Courts
3 of Lycoming County. I don't know if there has been another class
4 that had as many people in it as we did, but in that class was
5 Bud Greevy, Bill Kieser was in that class, John Bonner, the late
6 Bernie Meyers, and myself and we were in the old courthouse, this
7 one -- the old one hadn't been torn down yet and the room was
8 probably as full as this or maybe more people here and I got to
9 know a little bit about how Clint was going to nicely have fun
10 with me, if you want to put it that way. So he introduced me to
11 the Court and told a little about me and we both had common
12 interests that we both like sports and we liked to hunt, in fact,
13 I liked to hunt, he loved to hunt and that we were both -- we
14 both had another interest that we -- common interest that we
15 liked very much. That doesn't mean anything until I tell you the
16 rest of it. Chris, at that time your mom was nine months
17 pregnant. You were about, if I got the dates right, I think you
18 were three days from being born. Do you remember, Bill, was it
19 November the 8th that we were admitted?

20 **JUDGE KIESER:** Yep.

21 **MR. MUSSINA:** And I heard earlier you were born
22 November the 11th. My wife was eight months pregnant so they
23 were both out to here. So at that time I felt about that big and
24 wanted to crawl out of the room, but Clint was having fun with
25 me. Okay. Thereafter we saw each other almost daily for the

1 next 12 years. I became his partner, worked with him. He did --
2 he had a fantastic real estate practice, which he involved me in.

3 But later on in the late 90's or late 70's,
4 excuse me, Chris became involved in Little League Baseball and
5 when Chris became involved in Little League Baseball his dad
6 became involved in Little League Baseball. As one of the younger
7 guys in the firm I was afraid to ask them for permission to take
8 time off from work to be a coach in Little League Baseball
9 because my son was 10 years old, too. Clint paved that way for
10 me. They couldn't tell me no because he was already doing it.
11 That was something that I never would have gotten into if it
12 hadn't been for your dad taking an interest in what you were
13 doing. About the same time -- about the same time Bob Shangraw's
14 son, Doug, wanted to play basketball, Sunday School John Bower
15 Basketball, and the church that they belonged to, Covenant
16 Central Presbyterian didn't have enough members. Bob Shangraw
17 recruited Clint to recruit Chris. Still didn't have enough
18 players. Clint recruited me to recruit Mike. That got us into
19 basketball and then we formed our own team later on so that was
20 something else that if it hadn't been for Clint it probably would
21 have never happened.

22 Let's see here. Hunting season. Clint loved
23 to hunt and it wasn't very long after I was here that he said do
24 you want to go small game hunting with me? Sure, we'll go small
25 game hunting. Down where Fry's Plastic is now, John and Ken Fry

1 owns acres and acres down there. When Clint went hunting he went
2 hunting. You traipsed the whole day and he loved it, but we had
3 fun doing that several times. Deer season was something else.
4 You would go up north up to property that was owned by people by
5 the name of Marshall, get up there before dawn, they put you out
6 in the edge of a field, you had no idea where you were; but they
7 knew hopefully and about daybreak you would have sworn you were
8 in Vietnam. There was so much gunfire it was unreal. It was
9 almost scary. Clint loved it. Did that for years. After a
10 while I don't know why I lost interest in hunting, but Clint
11 would take off quite a bit of time in deer season. When he come
12 back and I got to vary what Gary's story was a little bit, Clint
13 would come back to the office and Clint, I didn't ask Clint if he
14 got one, I would say, Clint, how many did you get? He said, I
15 still have my deer tag. Now, I'll let you conclude from that
16 story what he was saying, but I do know late in the season when
17 everybody was about done he would come around do you have your
18 deer tag yet and he would collect them. I think his wife had a
19 deer tag or had a hunting license every year so that they had
20 extra deer tags, but that's, again, I'm not sure if he lived to
21 hunt; but he certainly did enjoy it.

22 When he left for the bench he somehow
23 assigned me his office. How I got it I don't know, but it was
24 the nicest office in the building. He had decorated it and it
25 was my honor to move into that and I used that office until 1999

1 when I left. I didn't see Clint a lot after he went on the
2 bench. There was a group that we got together on Friday we
3 called Friday Club, we met at various restaurants in town where
4 we were nicely asked to leave a few of them as years went by and
5 Clint was part of the group that was asked to leave; but still a
6 bunch of all professional people we had a great time.

7 We got into the '90's in baseball and Gary
8 told me the other day that Clint was a Phillies fan. Clint never
9 mentioned the Phillies to me. That was the other league and he
10 was smart enough to know don't talk about the national league to
11 me because they were the enemies. Although at that time I don't
12 even know if there was inner league play back then, but I don't
13 know. Paul might know this, I think probably Clint got the idea
14 together to go to -- the six of us to go to games in Baltimore.

15 **MR. WERTMAN:** That's right. For a Phillies fan,
16 he certainly enjoyed those trips to Baltimore.

17 **MR. MUSSINA:** We had fun and somehow, I don't know
18 if Kevin is still here or not, but on Clint's calendar he would
19 always somehow have a judicial conference the day that we were
20 going to go to Baltimore to see a day game and we did that for
21 several years probably, I guess, until for one reason or another
22 without my choice I had to become a Yankee fan then we made some
23 trips to New York. Then as the group got older and some members
24 couldn't participate any more that ended, but I do remember one
25 trip we were going to Baltimore I could remember we were down

1 about Liverpool or some place going south and we were talking and
2 Clint made a comment. He said, you know, he said if the Supreme
3 Court Justices knew what I was doing right now I would be
4 reprimanded. I was sitting next to him. I said -- he said they
5 would not look favorably upon the fact that I'm socializing with
6 members of the bar. He said if they had their way we -- I
7 couldn't have a social life. He didn't worry about that he knew
8 what he could do and what he couldn't do and it didn't -- it
9 wasn't going to bother him. We never talked legal things in
10 those trips and we just as somebody said before, we were some old
11 guys getting together having fun for a day and we did have a lot
12 of fun. As Gary said for the few times that I was in front of
13 him I think he was as difficult on me as he could be. I didn't
14 have a real good record in front of him, but fortunately that
15 wasn't my bread and butter so I got away from that and just
16 remained friends with him.

17 But I'm getting here to the end fortunately
18 for you folks, I'm sorry; but in 2011 I had been divorced and
19 Cindy and I talked about getting married and neither one of us
20 had a strong church relationship any more so we tried well, who
21 are we going to get to perform a ceremony? We talked about some
22 various people and finally I said, well, what about Judge Smith?
23 I said he's my friend maybe he'll do it. She said do you think
24 he would? I'll ask. So I ran into him just a few days later in
25 the lobby of the courthouse down here and we got talking as we

1 always did when we saw each other and I said, hey, Clint, I got a
2 favor to ask you. What's that? As Judge Butts would say he was
3 always enthusiastic about what he could do to help people. What
4 can I do? I said well, I want to get married and I wondered if
5 you would perform the ceremony? Oh, he said I'd love to. I'd be
6 glad to. Just one problem. Clint, what's that? He said I have
7 to step down December 31st of this year, this was October I was
8 talking to him. I thought uh-oh. I went home. Cindy, can you
9 put this thing together in 2 1/2 months? She said I'll do it. I
10 said, Clint, we're on. That year, December 31st, just happened
11 to be a Saturday just coincidence, I guess it was supposed to
12 happen, I don't know. So the last judicial function that Clint
13 performed was my wedding ceremony to my present wife and as
14 somebody -- this wasn't my thought, but somebody said to me
15 later, his last judicial act was to sentence you to life. So
16 true.

17 I was always proud of Clint as a friend, as a
18 mentor, because without him teaching me how to practice law I
19 don't know what would have happened. He was a true gentleman and
20 a scholar. I owe him more than anyone else will ever know. I
21 think I'm the only one that can appreciate it. He must have done
22 something right because I'm still trying to do what he taught me
23 to do and I'm trying to do it the way he taught me how to do it.
24 So I do miss him. I know in recent years I didn't see him as
25 much as I would have liked to, but he was a great friend for more

1 than 60 years and I'm proud to call him my friend. Thank you.

2 **JUDGE BUTTS:** Thank you.

3 **MR. DRIER:** I know it's nearly five, but I'd like
4 to tell a short story, if I may.

5 **JUDGE BUTTS:** Sure.

6 **MR. DRIER:** So this is a story about something
7 that happened that it was, I think it very telling about Judge
8 Smith and why he's being described in the way you've heard. I
9 came here as a lawyer to practice in the early 80's and this was
10 a long time ago, but I had a trial here in front of Judge Smith
11 and I was representing a roofer who was suing to get his money
12 from a payment bond for work done at the airport and it was very
13 hotly contested and my client was from out of Pittsburgh and
14 people here from out of town and it's a Friday afternoon and the
15 other -- the attorney for the bonding company shows these photos
16 of the roof saying, you know, look at how bad that is. My client
17 leans over and goes that's not my roof. That's not the roof that
18 I did. I said, that's the airport you did the airport roof. He
19 said, that's not my roof. So I asked Judge Smith I said, Your
20 Honor, we have a discrepancy we'd like to do a site view. Now,
21 again, this is Friday afternoon and it's raining and everyone is
22 from out of town and I remember Judge Smith looking at me, didn't
23 say a word for a while, blinked a little bit and then said we
24 would do it. And so we had to go out there, we did a site view
25 that afternoon, late afternoon. It involved a ladder, it

1 involved being out in the rain on the roof and around the court
2 reporter and parties; but it was fortuitous it turned out that
3 someone doing some repairs to the walls had actually disrupted
4 the rubber roofing how it had been affixed there and so, you
5 know, it worked out for us and Judge Smith he never mentioned it
6 again, he never held it against me; but I was very impressed by
7 that and I thought how right it would be if I could approach
8 justice, seeking justice in my profession as selflessly and with
9 such unbridled dedication as Judge Smith showed then because he
10 could have said no. So that was an actual, you know, I didn't
11 know him well, I was a young lawyer; but I'm one of those really
12 affected by that kind of act from that man and I'm thankful.

13 **JUDGE BUTTS:** Thank you. Anyone else? Mr.
14 Wertman?

15 **MR. WERTMAN:** I think if I wouldn't have kept it a
16 secret what happened on that election when I was working for
17 Clint and Judge Anderson was working for Judge Wollet we were
18 both in Montgomery that particular day and I had a lady passing
19 out Clint literature and Judge Anderson was passing it out for
20 Judge Wollet. So I came along a little later near the noon hour
21 to check to see how my lady was doing only to find that Judge
22 Anderson had gone to lunch and had given Wollet literature for
23 her to pass out. But I never told Clint about that.

24 I think my good friend, Mike, said it just
25 about all except for Judge Wood being my mentor, Judge Smith and

1 I were friends, good friends, and he was always there -- always
2 there, never too busy and he just was the kind of guy they say
3 today had your back and I just felt in a long friendship that
4 started when we were in law school, he was one year ahead of me
5 at Dickinson and fortunately for both of us by the time -- by
6 that time he had a car and so that's how I got to know him was
7 riding back and forth to Dickinson Law School and that started in
8 1956 and lasted until his death, a great friendship and Mike
9 covered it. I can only think of maybe one or two things. Our
10 Montgomery Lions Club makes lot of sauerkraut every year. He
11 loved that sauerkraut and he would always order three or four or
12 five gallons, he'd apparently eat it all year and even this year,
13 even this past year he got his sauerkraut and it was -- it was a
14 great situation. And the other thing about Clint was his super
15 bowl parties. He had some just incredible super bowl parties and
16 he did that for many years. We had a group of us that had a
17 really good time at those parties. So I just wanted to say, you
18 know, it's just been a real privilege to be a friend of Clint
19 Smith and I miss him.

20 **JUDGE BUTTS:** Thank you. Anyone else? Okay.
21 Then this now concludes our memorial service for Judge Smith.
22 I'd like to, again, thank the family -- oh, I'm sorry, I didn't
23 see a hand. All right, Chris, come on. So I guess I didn't miss
24 the hand after all. Come on up.

25 **CHRIS SMITH:** So I can set a couple things

1 straight about the fandom here, I think, as much as I could
2 follow it. Yankees, Phillies fans of both teams, but to go back
3 in history his parents were Yankees fans, okay, and they had
4 their favorite players and coaches and such. I do remember
5 watching Yankees when I was less than 10 years old, but at some
6 point I became a Phillies fan around age 10, 12 about there and
7 so for, I don't know, what is it, ten years or ten plus years
8 that was the team to go with and we would go to the games and we
9 always got good tickets and we had a lot of fun with that and we
10 did get to go to the world series, that's true, and unfortunately
11 you remember the outcome of that?

12 **MR. WEBER:** They lost.

13 **CHRIS SMITH:** To who?

14 **MR. WEBER:** Baltimore.

15 **CHRIS SMITH:** That was the beginning of that, I
16 don't know, I'm not sure.

17 **MR. MUSSINA:** He wasn't there yet.

18 **CHRIS SMITH:** No, I know; but it's true he was a
19 very loyal person, but somehow it did shift a little bit there
20 and, I guess, it was just the convenience and more enjoyable to
21 be cheering for a winning team or somebody you knew on the team,
22 I guess. So it did switch back and forth a little bit, but when
23 the Phillies won their world series more recently he was cheering
24 for them, too, at that point. So it was a matter of convenience
25 a little bit, too, but -- and actually to back up your story I

1 didn't know I would be featured in part of it, but the little
2 thing that he mentioned when he -- you said the halo was off a
3 little bit and he looked down in the drawer and you saw a little
4 particular subscription, well, he had a lot more of those at home
5 so I got them myself. Anyway, actually I should be unbuttoning
6 after that.

7 Anyway, I guess I thought I would mention
8 just a little bit, I know everybody has been here for a long
9 time. Everyone here or many of the people here got to experience
10 him in his most beloved area with the law and everything
11 associated with that and, of course, growing up I do remember
12 playing when I was young having fun messing around with my hot
13 wheels and cars and stuff in the law firm and that big long table
14 that you had there; but, you know, I didn't really understand
15 anything about the law at that point or not and then after that
16 when he became a judge, at least for a considerable period of
17 time, he didn't bring the discussions of what was going on in
18 court home because it was -- it was just -- it was not proper to
19 discuss these things when you know things were still going on in
20 court and he wasn't much for gossip that way and so I didn't
21 really discuss those cases a lot or anything like that because
22 that's what he said was how it should be.

23 Now that loosened up later on, but there were
24 a couple occasions when it did peripherally have some type of
25 effect on me. I would say first time it was kind of a serious

1 thing and it was when I was in college and he was serving as a
2 judge and he had gotten some threats, I guess they were death
3 threats I guess you could say literally actually believe it or
4 not and I guess somebody, some criminal who didn't like his
5 decision and got sent to jail, prison, I'm not sure which one,
6 one of them was the western Pennsylvania and interesting enough
7 he said, well, this prison is very close to where you're going to
8 college and this death threat that he sent me he showed me a
9 picture and the guy knew where I went to college and I was
10 somehow loosely part of this threat, which at the time I guess I
11 didn't know exactly what to say or how to feel about that; but he
12 did say not to worry about it; but so that happened, that
13 was--effected me. Then there was two other more interesting
14 stories then. There was one time after I was in college I was
15 working a job at the Williamsport Foundry, it was a summer job
16 and I was working there, it was a hard blue collared job and I
17 was, you know, shoveling sand and things like that and it was a
18 very hard job in a hot place and some of the people that worked
19 there had a hard life and this one time I was working in the back
20 of the yard, no one else was out there and this very large man
21 who if any of you can remember back to James Bond 007 there was
22 this one character, I think his name was Jaws, he was about
23 7-foot tall, maybe 350 pounds and he had metal teeth. Well, this
24 guy reminded me physically of this guy and he comes up to me and
25 it's just the two of us out there and he decided to tell me a

1 story and just being around this guy kind of made me nervous and,
2 as I said, I knew the reputation of some of the people that
3 worked there had a difficult life and apparently he was a
4 criminal and decided to tell me about a story of how at one point
5 in time in his life previous to his current position he got in a
6 fight and he punched -- this is how he started the story and it
7 was a long story and we were out there and I was very isolated
8 and I became more nervous as the story went on; but the gist of
9 it is that he punched somebody's teeth out, out of their mouth,
10 like that's basically the way he explained it to me and it seemed
11 believable at the time and whatever it was it made me even more
12 nervous, of course, and where did I think this might be going?
13 Can anybody guess? Maybe that well, my dad became involved and
14 he appeared in front of my dad. Well, I'm still more nervous
15 obviously at this point in time cause this guy is even though I'm
16 a decent sized guy, twice my size, he decided that he said I
17 appeared in front of your dad and he told me -- he sentenced me
18 to jail and since that point I saw the light, I was reformed and
19 I since that point I've been on a better path. So I was quite
20 relieved to hear that because I did not know how this story was
21 going to end. I really didn't. This guy in addition to being
22 that big was kind of a good story teller and so at that time I
23 was relieved. I was very much relieved. And then another time,
24 peripherally late years later I was eating lunch at a sandwich
25 place in town and this boy -- well, this boy, he was a young man

1 at that point, I guess, came up to me and he had when I was in
2 middle school he had caused issues with me. He wanted to get
3 physical with me, he sort of threatened me at some points in time
4 and nothing really came to it; but as we were sitting there he
5 said, yeah, your dad sent me to jail. And I was like, well, I
6 knew this was guy was headed down that path and at that point I
7 felt a little relief that justice was served there even though
8 nothing happened to me the first time and that I was -- those --
9 you know, nothing came to those threats.

10 Well, there was justice and he was very much
11 responsible for that. So I wasn't, as I said, I wasn't directly
12 involved with what he was doing when he was working in the bar
13 and, but he did -- he did appreciate, now, he did have
14 grandchildren at this point in time and he did love them very
15 much and as a parent you have to be, you know sometimes, you have
16 to be -- perform all of the roles in the legal field, you have to
17 be the judge, the jury, etc. and how to determine outcomes and
18 direct court so to speak or whatever; but my kids, two girls very
19 young, very close in age, every time you have to tell them to do
20 something that they don't want to do, let's say, take a bath or
21 something to that effect and then it feels like the end of the
22 world and they just don't want to do it. I determined at some
23 point in time I would -- the way I would determine who would do
24 it first, which, of course, was always the worst I would remove
25 myself from the determination and we would flip a coin and I have

1 continued to do this for the longest time as to remove myself
2 from being so directly involved with the decision and how
3 personal they take that. So I think he appreciated my little
4 form of judiciousness and he quietly let me know that, yeah, that
5 was the way to go with it.

6 At any rate that's my connection to him and
7 the law so. At any rate, we could continue this conversation
8 after we leave here. There is going to be gathering down at the
9 Old Corner and anybody can stop by and visit us we're going to be
10 there holding court so to speak, I guess.

11 **JUDGE BUTTS:** Thank you.

12 **MARY SMITH:** I just want to say thank you. It was
13 wonderful, heart wrenching and just terrific. He loved this
14 courthouse. He loved the people here to work with. He thought
15 you were the best, absolutely the best. This was his first home,
16 Luzerne County was his second home and he loved Luzerne County
17 also and I do appreciate all of this. We all do. Clint loved
18 the law. Knew it wasn't perfect, but it was the best there was.
19 I remember one time that we were out for dinner with the Szybists
20 and he and Charlie got into a conversation and saying about the
21 law and they both agreed that the law that's most important to
22 everybody is the law that is in closest to you, your county law,
23 because that is your life and they both agreed this county was
24 super and he loved -- they both said how much they enjoyed it.
25 So I thank you all for all your hard work, all your nice words,

1 it was wonderful and all of you coming. I do appreciate it.
2 Join us over at the Old Corner.

3 **JUDGE BUTTS:** Thank, you, Mary.

4 **CLIFFORD SMITH:** Just very quickly. As a family
5 member I don't know if you can appreciate how meaningful this is
6 to hear this review of his life and for those of you who were at
7 his memorial service I talked a lot about how to me he was the
8 paver of the way for me in so, so, many ways and what I realized
9 as I listened to all of you talk is that a great deal of my life
10 was devoted in trying to win his approval and I don't mean that
11 in a subservant kind of way, I meant that in a really competent
12 kind of way and one of the things that he did for me as I became
13 in my profession more and more skilled as an expert that he
14 honored that and by the end of our life I felt that we had
15 accomplished equality. On the other hand, always being a
16 psychologist I've often wrestled with have I over idolized my
17 brother? Today you have answered that question. I don't have to
18 be in conflict about that. I did not over idolize him. He was a
19 terrific brother, but also a terrific citizen, a terrific man and
20 thank you for making that so clear to me. I thank you.

21 **JUDGE BUTTS:** Well, how about we end on that note.
22 I think that's wonderful and it sounds like there is going to be
23 a gathering at the Old Corner after this, so if you do have some
24 time please stop by. I mean I'm sure there will be more stories
25 developed as a result of the conversations that we've had today.

1 Thank you again for everybody coming. Thank you to the special
2 guests that we had from Luzerne County, from Federal Court,
3 Senior Judges Kieser and Brown and to everyone who came to share
4 this moment in time about Judge Smith. This special session of
5 court is now adjourned. Thank you.

6 (Whereupon, Court adjourned at 5:21 p.m.)
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