

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

MEMORIAL SERVICE FOR ALLEN E. ERTEL, ESQUIRE

FEBRUARY 1ST, 2016

Reported by:

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Official Reporter
Lycoming County, PA

JUDGE BUTTS: Good afternoon. This afternoon we have the privilege of holding a memorial service for a distinguished member of our bar association, Allen E. Ertel. We recognize and appreciate the attendance of Mr. Ertel's family members, who are here to join us for the memorial service. I'd like to acknowledge the family members who are here with us today, this would be Mrs. Ertel, Kay Ertel; children, Ned Ertel, Amy Ertel and children and Abraham and Sarah Went and sister-in-law Arlene Klepper.

On December 7th, 2015, this Court appointed a Committee to prepare a report and a resolution recognizing the life and accomplishments of Allen E. Ertel. The chairman of the Committee is Senior Judge William S. Kieser and members of the Committee are attorneys George Bishop, Bob Elion, Edward Mitchell, Dave Raker, Robert Wise and Mr. Greevy you're here on behalf of the bar?

MR. GREEVY: I'm here on behalf of Mr. Elion. He was not able to make it today, Your Honor

JUDGE BUTTS: Thank you. I would now recognize Judge Kieser as the chairman of the resolution Committee to present the Committee report and the specific resolution.

JUDGE KIESER: May it please the Court. Kay, Amy, Ned and Family. Counsel. Family and friends. The Committee respectfully submits the following report and resolutions.

The Honorable Allen E. Ertel, Esquire, a member of the bar of this court since 1967 died on Thursday, November 19th, 2015. Allen was the husband of Catherine B. Klepper Ertel with whom he shared 56 years of marriage. At the time of his death they resided in Loyalsock Township.

Allen died at the Williamsport Regional Medical Center where he had been taken after suddenly collapsing as he started to walk back to his office at Park Place following lunch at a nearby restaurant.

A memorial service was held at 1 p.m. on Saturday, November 28th, 2015, at St. Luke's Lutheran Church in Williamsport with longtime friend the Reverend Dr. John F. Piper, Jr. and Allen's pastor, the Reverend A. Elisabeth Aurand officiating.

In addition to his wife, who is known to all the community as Kay, Allen was survived by their son, Edward B. Ned Ertel of Washington, D.C., their daughter, Amy S. Ertel of Jersey City, New Jersey; their five grandchildren, Alexander, Edison and Elainia Ertel and Abraham and Sara Went. Allen is also survived by two sisters, Donna Spittler of Wooster, Ohio and Carmen Parks of Wilkes-Barre,

PA. Allen was pre-deceased by a son, Taylor J. Ertel.

Allen was born November 7th, 1936, in Williamsport, the son of Clarence B. and Helen A. Froehner Ertel. Allen graduated from Montoursville High School in 1954 where he lettered in basketball, baseball, and football. He was an Eagle Scout. In 1947 Allen played for the Montoursville team in the first Little League World Series.

Allen attended Dartmouth College on a Navy ROTC scholarship graduating from its Thayer School of Engineering in 1958 and the following year from its Amos Tuck School of Business Administration with a master's degree in engineering and in business.

Upon graduation in 1959, Allen and Kay were married and then Allen immediately reported to San Diego to begin active duty. He served honorably in the United States Navy from 1959 to 1962 achieving the rank of lieutenant.

On discharge from the Navy, Allen attended Dickinson School of Law for one year and then Yale Law School obtaining his law degree in 1965. Allen's law career began as a clerk for Chief Judge Caleb M. Wright of the Federal District Court for Delaware from 1965 to 1966. Allen then returned to Lycoming County to practice law initially with the firm of Candor, Youngman, Gibson & Gault. His private law practice included multiple areas, however, utilizing his training as an engineer he together with his good friend and partner John C. Youngman, Jr. developed an expertise in products liability in airplane crashes. Allen opened his own office of Ertel & Kieser being associated with William S. Kieser until 1977. In his initial 10 years of practice Allen became a well-respected trial attorney.

A life-long Democrat Allen undertook a spirited campaign for Lycoming County District Attorney in 1967, his first full year of practicing law. Unexpectedly to some, Allen was elected District Attorney and served in that office from 1968 to 1977. As District Attorney he earned a reputation as a hard-working straight laced, tough prosecutor being well respected for his integrity as well as his success. Allen prosecuted numerous extremely difficult homicide cases without a loss, including the case arising from the slaying of Trooper Gary Rosenberger. Allen also prosecuted cases that were politically contentious including an investigation and prosecution of members of the then Mayor John R. Coder administration. As District Attorney Allen was highly regarded and well liked by the law enforcement officials with whom he worked and to whom he was very loyal.

Allen became the first Democrat elected to represent the 17th Congressional District of Pennsylvania in the 20th Century when he surprisingly won the 1976 election to the 95th Congress. At that time the 17th District was composed of Lycoming, Dauphin, Union and parts of Northumberland and Lebanon Counties, an area which had a significant Republican registration advantage. Overcoming what seemed initially an impossible task for a Democrat from Lycoming County, by his hard work and relentless effort Allen defeated a well-financed opponent. He was then re-elected to the 96th and 97th Congresses. As a member of Congress, Allen served on the Public Works and Transportation and Science and Technology Committees. He supported the deregulation of the airlines and trucking industries. In addition, he worked diligently on behalf of veterans and sought to make the Veterans' Affairs Administration fiscally responsible. Allen's efforts to persuade the Army Corp of Engineers to agree to construct and fund a flood proof barrier under Interstate I-180, which was being built through Loyalsock Township between the Susquehanna River and the Golden Strip was a major accomplishment. As a result, this very important commercial area has been spared disastrous effects of many floods.

Choosing not to return to Congress Allen was the Democratic nominee for Governor in 1982. He conducted a vigorous campaign against popular incumbent governor, Richard Thornburgh, emphasizing job creation and reversing Pennsylvania's sluggish economy. Allen's tireless work together with a grassroots corp of volunteers, known as Ertel's Turtles closed an initial 32-point deficit into a virtual dead heat in the final days before the election with Allen ultimately losing by only 100,431 votes. Some believed that Allen needed only one more day, others viewed Allen's loss as being attributable to his integrity in refusing political bargaining with the state Democratic Leaders. Allen never made similar complaints.

Allen was again successful in obtaining the Democratic nomination for a statewide office that of Attorney General in 1984. Again, as the underdog Allen organized an effective statewide campaign losing the election to Leroy Zimmerman by 25,056 votes.

Although not victorious in these statewide campaigns, the results he did achieve were remarkable accomplishments for a Lycoming County lawyer, especially a Democrat from a county that has less than one percent of the state's population.

Allen's quest for political office ended in 1989, a year in which he again won the Democratic nomination for statewide office as he was nominated for the Supreme Court of Pennsylvania in a special election to fill a vacancy. Subsequent to the primary, the Pennsylvania Supreme Court in what some termed a result oriented interpretation of the Pennsylvania Constitution, ruled the elections in that year for Supreme Court Justice to be invalid as it was not a municipal election year.

Allen never issued any public criticism of the court's decision. Allen's political vitality resulted in his becoming a visiting professor of political science at Bucknell University in 1983 and 1984. He was a super delegate to the Democratic National Convention in 1984. Throughout his life Allen was a trusted advisor and financial supporter of many local Democratic candidates.

All through these political endeavors and offices Allen continued to practice law, although on a limited basis, resuming a full-time practice of law in Lycoming County in 1984. Initially he was associated with the Pittsburgh firm of Reed-Smith, but for the most part of his remaining life he practiced in his own firm as Allen E. Ertel & Associates. Allen continued to conduct his legal work with a zealous representation of his clients, a negotiating stance that some would call stiff necked and an unrelenting tenacity for the cause that he represented.

Unseen by many who were familiar with Allen's legal and political careers or Allen's business, humanitarian and community preservation efforts.

Allen was a principal in many successful business ventures. Most notable among these is a firm RegScan, which was among the first companies nationwide to offer a computer-based method of allowing businesses to monitor and comply with federal regulations, which affected their operations.

This company was formed in 1987 and continues today managed by his son, Ned. Partnering with others, most frequently his friend, William Brown, many of Allen's business interests such as Families United Network, New Foundations and Firetree Ltd. have promoted the welfare of children and remarkably for a former prosecutor, the imprisoned. These entities provide a variety of services to families. especially children. such as foster care. group homes. residential care. adoption. drug

and alcohol treatment and re-entry services after incarceration. Allen and Kay also established the Taylor J. Ertel Foster Child Scholarship Fund in memory of their deceased son.

The work of Allen and William Brown in establishing Firetree Place, which began operations in 2015 at the former Community Center at 600 Campbell Street in Williamsport has had a great humanitarian impact upon our community. This location was also the site of the former Bethune-Douglas Center. After making many building improvements, which are still going on, Firetree Place began operations last summer. During the summer it provided 100 children with a day camp, which served them three meals a day. During the school year it is providing over 50 children with after-school programs, dinner, homework help, and a safe haven for other varied activities. In addition, it is providing many first time jobs for persons age 14 to 24.

Allen's business interests have also correlated with his strong desire to rehabilitate and preserve older buildings, particularly, those with historical and architectural significance. His projects have included the M.O.N.Y. Building at Northwest Market Square since destroyed by fire and rehabbing the Williamsport Grower's Market into office and warehouse space. Allen was actively involved in the organization of Preservation Williamsport, especially, with the Rowley House. Allen's most notable and beneficial project, however, was his investment with his partners, Anthony Visco and William Brown, in their restoration and preservation of the former Park Home. Together they literally saved this historically and architecturally significant structure from the wrecking ball. This complex is now known as Park Place. In addition to being the location of Allen's law offices and the offices of many businesses, it is a sought after venue for private and public events as well as a popular tourist attraction.

Regardless of all these accomplishments to his family and closest friends, Allen was most endeared for his generosity, unwavering devotion, and love. Now, therefore, be it resolved that we the undersigned Committee appointed by this Court, joined in by the Lycoming County Bar, do hereby recognize the passing of Congressman, Allen E. Ertel, Esquire, and in his death we remember his many contributions to the citizens of Lycoming County.

Be it further resolved that in the passing of Allen E. Ertel, Esquire, there has been a loss to the Bar of Lycoming County of an outstanding member who brought respect and credit to this bar as he represented and stood for the highest principles of the legal profession and a loss to the community of a contributing valued an unselfish leader and a loss to his family of a loving husband, father, and grandfather, and a loss to his friends and acquaintances of a political figure, businessman, humanitarian and friend.

And resolve further that these resolutions and statements be spread at length upon the minutes of Your Honorable Court and copies thereof be sent to his children, his wife, and his grandchildren and be published in the Lycoming Reporter.

Respectfully submitted, your Committee, George Bishop, Robert B. Elion, C. Edward S. Mitchell, David C. Raker, Robert C. Wise and myself as chairperson.

JUDGE BUTTS: Thank you very much. Judge Kieser, did you want to introduce the members of your Committee and give them an opportunity to say a few words.

JUDGE KIESER: The Committee would enjoy that opportunity, Your Honor. Thank you. Just, you know, personally Allen is certainly very much responsible for any success I've had in the legal field,

both as a friend and as a mentor. I was without a job, basically, at the end of 1968, just admitted to the bar and his first assistant DA, Tom Raup, had left to become the first public defender, of course, full-time paid public defender, I guess, for Lycoming County and Allen called me up untested, untried and said I hear you need a job and he did that on the recommendation of George Cohen and since then, you know, a week later although I had never been in a courtroom in my life, he sent me in the courtroom with a file before the Honorable Charles F. Greevy, Jr. and I lost.

I said that Allen's election as District Attorney was remarkable and although I wasn't here I was in school at that point and not involved, it's remarkable as a couple of us were remarking, Allen at that time looked very much like his son, Ned, does. No one doubts who Ned is here except there is one thing, let's see, well, maybe Amy's hair, her haircut, his hair was down over his ears and maybe that's why he hired me because mine was also. Jon Butterfield can maybe relate to some of that, you know, long-haired Democratic people in Lycoming County just didn't get into public office.

But the only other thing I want to say is that I had the good fortune after Allen went to Congress to be selected by Judge Greevy and Judge Wood to succeed him as District Attorney; but, you know, I don't know that anybody else knows this; but when Allen was District Attorney it was a part-time position, Allen worked 40 hours a week in the DA's office, then he came to our law office and he would work 40 hours and, you know, there is no way that I could ever do that. I don't know that anybody had more passion for the people that he was serving than what Allen did and that made him a great lawyer.

I'd like to recognize George Bishop, George is Chief Counsel for Firetree and recently started to work for Allen a couple years ago. George, if you will.

GEORGE BISHOP: Hi, everyone, Your Honors. I know most of you don't know me, I'm fairly new to the Williamsport area, even though I grew up in South Williamsport; but I was hired by Allen about two years ago to be General Counsel for Firetree. I didn't really know much about Allen at the time, I was generally familiar with the name; but not -- not really in any kind of intimate way and think you would say to that I didn't know what I was getting myself into was accurate, but a bit of an understatement. That being said I have absolutely no regrets. I feel it was a complete honor to work for Allen for the time that I did.

I do remember one story from my first couple weeks there he called me down to his office to discuss, I think it was zoning. I can't quite remember. I think it was a zoning issue on one of our properties and things started out perfectly normal; a conversation between counsel and, you know, I had discussions with my former law firm between myself and the partner similar; similar fashion and it quickly came to a pretty stark disagreement between myself and Allen on how we should proceed and, like I said, this was probably within my first month of starting there and I just for some reason I couldn't stop myself. I had to keep arguing with him and even though I had this voice in my head saying George, what are you doing you're brand new here, just give in, just agree, it's not worth it. I just kept raising my voice and things kept getting more and more heated and I can't be the only person who has noticed in Allen an ability to elicit a very good argument out of someone and that's what was happening right here and things were really getting away from me and this went on for a while and finally I completely unaware of myself I said Allen, there is no way this is going to work and I immediately thought that was a terrible mistake. I barely know this person. He just gave me a job, I'm new to the area and all he did he leaned back in his chair with his hands over his chest like this and in that moment I thought to myself well, I don't really have to update my resume. He looked with a kind of stern face over to the corner, looked at his watch and said well, looks like it's time for lunch what are you having and I mumbled something and staggered back to my office and lost

lunch what are you having and I mumbled something and staggered back to my office and I sat there for a little bit and let the perspiration dry and realized, you know, this was going to be a different kind of job than I've had and I'm very, very, thankful that it was and still is a very different kind of job that I've ever had. We over the two years have had many, many more arguments like that, always productive, he always brought some prospective to whatever issue I was working on that I just -- I never even thought of, so I learned so much from working with him and I'm very thankful for that.

I'd just like to talk a little bit about Firetree because that's really how I got to know Allen. I think it's a really remarkable company that he started from nothing, I mean, literally nothing in 1992 or thereabouts in Harrisburg. He started it as a company to help people who had been incarcerated for whatever reason to integrate themselves back into society and it grew from there and a drug and alcohol rehabilitation center spawned off of that re-entry facility and today Firetree has six facilities with about 350 beds across all of them, it services somewhere around 3500 clients per year providing drug and alcohol treatment and re-entry programs to these people who in no way, shape, or form could afford this without Firetree being there and, you know, in all accounts for someone to build this up I would say is a perfectly fine and admirable life's work and it wasn't until Allen's passing and going to his services and hearing all the other accomplishments that Allen had that I realize, oh, this was just a side project, you know, this was -- this was something he did in his spare time and I found that to be incredibly remarkable because the passion that I saw in him to service -- to provide the services to our clients for Firetree is a passion I hadn't run into in my short legal career. It was really remarkable and then to find, you know, this was -- this was just another project that he had done. This was, you know, on top of dozens upon dozens of other kinds of projects like this that he spearheaded. So I find myself to be very lucky that I am able to carry that on for Allen in some small way. I'm very happy I stumbled into this job and I find myself very lucky to have been able to learn what I could learn from him across two years and try to keep that little piece of Allen alive in Firetree. Thank you all very much.

JUDGE BUTTS: Thank you. Mr. Greevy.

MR. GREEVY: One of the members of the Committee is Bob Elion and Bob is not able to be here today, but he did submit a letter that I'd like to read that at this point.

My condolences to Kay and the entire Ertel family. When I arrived on the scene in Williamsport in 1976 one of the first people to greet me was Allen. Somehow he found out that I was a registered Democrat, which at that time was a rarity at the Lycoming County Bar and he steadfastly pursued campaign contributions for anyone running on the Democratic ticket. That enthusiasm waned a bit when after a number of years I told him that philosophically I was opposed to giving any candidate more than a hundred dollars.

Allen's reputation for being a well-prepared and tenacious lawyer preceded my entry into Williamsport. Shortly after my arrival Allen's partner, Bob Stroup, hired me on a project because I had particular expertise in the mental health field. After a few weeks of representing Bob he came into my office and with a smile of approval he said you are handling this exactly like Allen would have handled it. This was, indeed, an obvious compliment.

A number of years ago I tried a case in Sullivan County against Allen. I was representing the plaintiff and he was representing the defendant. The case involved my client having a neck injury and causation was an issue. Allen would not relent on anything and the introduction of the smallest piece of evidence met with an objection. During the trial I started to develop neck pain. which

persistently got worse, which I still carry today. The verdict was minimal, which I would like to say was more reflective of Allen's skills than the lack of mine.

In 1996 I represented Preservation Williamsport against the Park Home to prevent its destruction. This was a case of first impression, not only in Pennsylvania, but throughout most of the country. Judge Brown ruled in favor of Preservation Williamsport preventing the demolition of the Park Home and that was appealed to the Supreme Court of Pennsylvania setting national precedent. All the way through the litigation the Park Home threatened to board it up and let it rot, which is exactly what they did until 2000. Allen and his partners purchased the empty and derelict building and restored it to its current pristine condition renaming it Park Place.

That purchase inspired others to buy other deteriorated buildings along Millionaire's Row with the similar intention of saving Williamsport's architecturally important buildings. Today over 15 million dollars of private capital has been invested in historic district and Park Place is now the go-to place for all kinds of social events. During the most recent weekend of the Victorian Christmas Park Place hosted over a thousand visitors to enjoy the magnificence of the building.

As an extension of his great interests in the historic district Allen gave generously of time and money to the Rowley House Museum. He was an active member of Preservation Williamsport and could always be counted on to make the phone calls to find support for restoration projects.

Allen's most impressive achievement is Firetree Place. Many people do not know that Allen and his partner, Bill Brown, bought the defunct and vacant building, which was formerly The Center. Together they cleaned up the building and re-established programs for our areas most vulnerable children. For the past year Allen and Bill have personally underwritten significant costs of these programs.

Firetree now offers a clean, safe, and happy place for these children. Last summer Firetree hosted a program for local children. The greatest tribute to Allen Ertel came from a child who attended that Firetree Program. He was asked to write about his summer and he wrote quote I had the greatest summer because every day I got to eat three meals unquote.

Allen left his mark on our community by being actively involved and quietly using his time and resources to do what was right. When asked why, he always said, because it needs to be done.

Allen was emblematic of many fine qualities of our law association. He was smart, diligent, tenacious, caring and generous. We will miss his wit, insightful views and limitless generosity.

Signed Bob Elion, a member of this Committee.

I will ask that this be made part of the record today.

Just take a moment of some personal thoughts. Allen, of course, was a native of the area as I have always been a native of the area. When my wife and I were married after my first year of law school at Dickinson in '67 we hosted a voting party in the general election of 1967 at our apartment and that was attended, as I recall, by Ed, Mike Mussina, my cousin Lester, Bud Greevy, and myself. We made some posters and I can recall to this day that several of the posters coming up our stairway were pictures of Allen, his campaign pictures from that time, I'm sure Kay probably has a few of those among hers; but and I'm sure it was probably my wife Gloria put on it sexy Allen vote for him. I

don't think I ever heard anyone use that word sexy with Allen, but when I returned here after graduation certainly Allen was one of the first persons that I met, came into an office in 1969 with my uncle, Dan Knittle and Neafie Mitchell and I got assigned several of the criminal cases that would come in. I think Dan Knittle was tired of trying the criminal cases, at least the minor ones, and there was I'm sure a case or two that Allen himself prosecuted and I started to learn some law with Allen then certainly through my association. Particularly in the office that I was at we had a number of cases that Allen was very ably representing the plaintiff and made us very exasperated at times. Through the years I have enjoyed the relationship social, just a now and then a legal entanglement with him, but always found that Allen was an interesting, a very studious, a very likeable and certainly a very friendly person that had a lot of interests in attorneys that he would come to association with, be they among his generation or the younger generation and I think George Bishop is a true reflection of that.

As chairman of the Bench Bar Committee not the Bench Bar, I'm sorry, bench history, Ed calls me the historian of the law association, as chairman of that it is one of my roles to help to put together these resolution committees and it is indeed an honor to have had these gentlemen serve on the Committee and put together the resolutions that they have. I add my voice to the thought that Allen is going to be very much missed not only in the bar, but certainly throughout this community for a great number of years and I second the resolutions that have been accepted.

JUDGE BUTTS: Okay. Mr. Mitchell.

MR. MITCHELL: May it please the Court, Kay, Ned, Amy. Colleagues of the bar and family and friends. Allen, I spent a lot of time with Allen Ertel as a young lawyer, an awful lot of time. *Webb v. Zern* adopted 402a, which is strict liability and tort in 1966 and at that time general liability insurance companies were defending products manufacturers in products liability cases, it's not that way any more; but it was at that time. Allen introduced strict liability and tort to the Middle District of Pennsylvania and at that time none of the older lawyers wanted to have anything to do with strict liability and tort and a lot of them didn't want to have a lot to do with the pre-pre-trial requirements of Judge Muir. So the younger lawyers, and I just happen to be one of them, got a lot of experience in Federal Court litigating products liability cases against Allen Ertel. Without a doubt he introduced strict liability and tort to this area and he also introduced the use of expert witnesses to this area. Up until he started litigating the use of strict liability cases expert witnesses were not a part of most litigation, now they're part of almost all litigation; but he really introduced that concept to litigation in this area also.

He was an incredibly hard worker. It's already been mentioned that he was DA, which was a part-time position. I recall a pre-pre-trial conference that we had in one of these products liability cases during a double murder trial that Allen was prosecuting and he would prosecute that case all day long and then we would start this pre-pre-trial conference at night and go till late hours of the night. He would be back in court the next day, we would do it again the next night, we did it over the weekend. He actually -- they tried -- they tried the case on Saturday morning until noon and we started at 1:00 and worked Saturday afternoon on this pre-pre-trial conference.

Another example of his hard work and difficult, and I think it says in the resolution stiff-neck negotiator. In this courtroom when he was running for Congress we were trying a case, yeah, when he was running for Congress the first time we were trying a case in this courtroom, an interesting case arising out of the '72 flood where a number of residences in Loyalsock Township were flooded because of a breach in the dike although water went over the top so all of us defendants thought

well, there can't be any liability for it if it goes over the top. Well, we learned differently.

Interestingly in that case Allen was representing a defendant, which didn't happen very often and probably the only time that I ever was involved in a case where we were actually on the same side. There were a number of Defendants in the case, but this is the point, we tried that case all day long in this courtroom. At night he and Kay drove down to Harrisburg and campaigned in shopping malls, he came back tried a case all day the next day.

During -- that case was tried before a visiting judge, Roy Gardner. There was some settlement negotiations that went -- that came down to the point where the only defendant that wasn't willing to participate in a settlement was Allen or Allen's client. Here's this guy he wants -- he wants to be down in Harrisburg campaigning. He can't be down in Harrisburg campaigning if he doesn't settle this case, but he was the last hold out. In fact, Judge Gardner I remember him saying, he said, Allen, you tell your client that if they don't agree to negotiate in this case I'm going to be so upset I will no longer be able to be impartial and I will have to declare a mistrial. We eventually settled the case.

So one thing also that needs to be mentioned is Allen had very little blush factor and the best example of that is when Allen sued himself. Back when he was occupying the building that burned in the Market Square fire where I'm located now, before it burned there was a toilet on the upper floor that leaked down into Allen's office and destroyed some records and Allen, the tenant, sued Allen, the landlord; but Judge Wollet said you can't sue yourself and dismissed the case on preliminary objections. But Allen didn't give up. He tried it a couple different ways, but it was dismissed every time.

The thing that I -- even though I got a lot of experience as a young lawyer litigating in cases that were brought by Allen Ertel, I think that the things that I learned most from him is to separate advocacy -- to be able to leave advocacy in the courtroom or in the office and to not allow it to interfere with personal relationships. I saw that in him and at first I couldn't understand it and I learned that from him. In the midst of hard battles as a young lawyer he actually invited me to a party at his house and I went. I learned from him, and that's the most valuable thing I learned from him, you can fight hard and you need to fight hard as a professional; but it stays with the case and doesn't interfere with your personal relationship. Thank you.

JUDGE BUTTS: Thank you. Mr. Raker.

DAVE RAKER: May it please the Court, Kay, Ned, Amy and family. Fellow attorneys, friends and guests. I first became acquainted with Allen Ertel when I was serving an internship in the Public Defender's Office here in Lycoming County, he was the District Attorney, in the fall of 1975. I would see him in the courthouse and elevator and talk to him a little bit and then when Herman Schneeblil declared that he wasn't going to run for re-election in 1976 I hoped he would run, but he announced before I needed to go over there and encourage him to run, which I was planning to do, so I went over and I volunteered to work on his campaign and I expected him to say well, thank you very much we'll take your name and number and get back to you when we need help and he did say thank you and he said, well, that's great what are you doing right now? He said take off your coat and help get this press release out, which I did. So that was the beginning of my long association with Allen Ertel and let me tell you the pace only picked up from there.

In preparing for this memorial service it became increasingly clear what a remarkable life Allen Ertel had, which George alluded to. He had tremendous success in so many endeavors and he had

Ertel had, which George added to. He had tremendous success in so many endeavors and he had a lot of significant endeavors; standout youthful athlete, ivy league student, naval officer, attorney, politician, businessman, charitable leader and by the way, I might add that I've long believed that all the many things that Allen Ertel did well, the best thing he ever did was convince Catherine Kay Klepper to marry him and from that union he had three wonderful children that he was very proud of and he loved very much and Ned and Amy are here today. I might also add that Allen had a lot of friends that he was very loyal to and who were loyal to him.

My connection with Allen was primarily in the political part of his life. After volunteering during the primary of 1976 I deferred my law school admission and I was hired as the coordinator -- campaign coordinator for Lycoming County and then later as the coordinator for the district and then when he was elected I worked part time, excuse me, I worked full time in his Washington office as a congressional aid then part time during my law school until shortly before I graduated and I do wish now that I could make clear to him some 40 years hence how much that really meant to me and what a great opportunity that was. We live our lives especially when we're younger as if death is far away, well, it never is far away.

In politics Allen exceeded expectations in so many ways as was noted in the resolution. Let me add that when he ran for District Attorney in 1967 Democrats outnumbered Republicans in the county 29,500 to 21,600. When he was first elected to Congress the 17th Congressional District was 53.3 percent Republican and 42.4 percent Democratic with the rest being independents or other parties and his opponent was a popular genial state representative from Harrisburg, from Dauphin County, the most populous county and in the primary he beat Harold Swenson, the mayor of Harrisburg. In the governor's race as it was noted in the resolution, Lycoming County's population was about one percent, just a little under one percent of the state's population, but among Democrats, Democrats in Lycoming County were it's 7/10ths of one percent of the state's total Democrats and since 1954 there were only two races for governor that were closer than Allen's, as close or closer, one was 1958 when David Lawrence was elected and the other was 1986 when Bob Casey beat Bill Scranton, III.

John Plebani, Allen's former administrative assistant reminded us at the memorial service that the members of Congress, the new members of Congress elected in 1976 elected Allen to be their spokesman and leader and he said that that class included Al Gore, which I remembered, and Dick Gephardt and Leon Panetta, who I didn't realize or forgotten they were in the same class, but it piqued my interest, so I looked up who all was elected in that class, the class included two future vice presidents, Al Gore and Dan Quayle, three future presidential candidates, Gore twice, Gephardt twice and Dan Quayle briefly; two future cabinet members, Leon Panetta-Defense; Dan Glickman who was agriculture and Dan Glickman is now the president of the Motion Pictures Association of America, a budget director for Ronald Reagan, David Stockman, whose office was right next door to Allen's at the Longworth Building and seven people who became senators, they included Gore and Quayle and Barbara Mikulski of Maryland, Wyche Fowler of Georgia, Paul Trible in Virginia, Daniel Akaka in Hawaii and Edward Markey in Massachusetts and the group also included such notable Congressmen later notable as Robert Dornan, Jim Leach, David Bonior and Ted Weiss and this was the group that elected Allen Ertel to be its leader.

As was noted in Congress he championed flood control, airline deregulation, trucking deregulation and he supported an actual gas policy act of 1978, which was part of President Carter's energy initiative and that act had far reaching effects for our area because it began the deregulation process of natural gas and supported more drilling as the price was allowed to rise.

Allen was superb at constituent contact, he had three district offices, he had a mobile office and many town meetings and he did many mailings and he told us now make sure we get on a mailing list all the names and addresses of the barbers and beauticians of the district because they talk to people when they cut hair and we want to give them something to talk about.

So we did that.

While my connection with Allen was more in the political realm, I did have connection with him in the legal realm as well, from time to time I would do legal work for him and he helped me get a good grade in my trial practice class in law school. There was case where I had to cross examine a fellow student who was playing the part of a murder defendant, it was supposedly based on an actual case. The story was that the guy, his girlfriend pointed a gun at him at close range and he knocked it out of her hands and it came down on his hands and he bumped the trigger and he shot her in the chest and he was so horrified at what he did he squeezed his hands and it kind of went off two more times in her chest. He said to me he said that's an inherently incredible story. He said what you need to do is a demonstration. You go out and buy a handgun, a toy gun, and do a demonstration. When he tells his story you have him reenact. He said he'll never catch that gun. So sure enough I did and it worked very well, it worked so well that the rest of the class gave me a round of applause, actually in absentia gave Allen a round of applause.

He also told me how he won a case against Piper and I'm not sure who tried that case, maybe you know Ed; but anyway, it was when Piper, it was an early case for him, a products liability case and Piper had gone from control system on airplanes it was being operated by vacuum the one that was operated by compressed or forced air and the vacuum system tended to pull the hoses on the connections whereas the forced air pushed them off. They put some clamps on them, but it wasn't enough to hold it so the pilot lost control of the plane and crashed. Of course they had an expert, Piper had an expert and their expert said, oh, no, the vacuum system is inferior and our system is better. So to demonstrate why the vacuum system was better to control the rutters and the -- the rutter and the flaps and elevators, he used a Chinese finger pull, which I just happen to have here. He put one end on his finger and the other end on the expert's finger and they pulled and, of course, the expert couldn't get his finger out and Allen won the case.

Allen did so many, obviously, some very -- accomplished some very significant things and he accomplished them through a combination of some very important character traits and personality traits. First was great intelligence as was noted. Second, he was a very hard worker without question.

Third, he had very good attention to detail; but he was also a people person. Now, the attention to detail wasn't readily apparent, but he clearly had. Most people that have attention to detail don't have that people person skill and vice versa, but Allen had it and he used it well. He always seemed to have an understanding either innately or through careful study of what he undertook as to how to succeed and he had a determination and a commitment to do the best at whatever he did. Allen also recognized an opportunity when he saw one and he took advantage of it and he did what he could to succeed with those opportunities. He did not have a crippling fear of making a mistake like many people do and he was willing to take risks and he knew when it was time to start a new challenge.

And finally, he had, I believe, what Martin Luther King called the drum major instinct, which is the desire to be recognized to be first to lead the band. Now, we all have that, it's just that Allen was capable enough to actually lead the band once in a while to be the drum major and it's one of

capable enough to actually read the band once in a while to be the drum major and it's one of Martin Luther King's last sermons, it's based on the 10th chapter of Mark beginning with verse 35; in paraphrasing Jesus, Mark, excuse me, Martin Luther King said, well, the drum major instinct is a good thing if you use it right; if, for instance, you are a drum major for justice and peace and for righteousness. Well, how did Allen Ertel do with his drum major instinct? Very well indeed. He fought tirelessly for his clients, including the people of this county and got many very good legal results. He served with honor and distinction as an elected official in this county and this state who always insisted on the highest standards and complete compliance with the law. In Congress he effectively served his constituents without the partisan or ideological, excuse me, intransigence that we see so much of today and when he left Congress he didn't enrich himself by taking a job with the very people that he served under.

Finally, the charitable leader. He set up a number of organizations that have helped so many people in so many ways and he did so without enriching himself or even taking credit for most of it. Allen's life was not without some loss, he lost the three biggest elections, governor, attorney general and supreme court and coming close probably made that loss more painful and as George McGovern, whose own adult child pre-deceased said in an interview with George Will, there are worst things than losing, excuse me, than losing an election, the untimely death of Allen and Kay's son, Taylor, on September 1st, 1989, was, I believe, much more painful to Allen -- for Allen than any of us will ever know. Still after every setback he went on and I think Allen lived his life in a way that was described by the late president John F. Kennedy who said in speaking about and quoting from former president, Theodore Roosevelt, that the credit belongs to the man who was actually in the arena, whose face is marred by dust and sweat and blood, who knows the great devotions, the great enthusiasms and spends himself on a worthy cause who at best if he succeeds, knows the thrills of high achievement and if he fails at least fails daring greatly so that his place shall never be among those cold timid souls who know neither victory nor defeat. Allen was in many arenas and those arenas were better for his presence. His place in our community and our lives will be missed.

JUDGE BUTTS: Mr. Wise.

ROBERT WISE: May it please the Court, Kay, Ned, and Amy. Friends and family and members of the bar. As that famous comedian, Fred Allen, said many years ago, you only live once; but if you work it right once is enough. Allen E. Ertel definitely worked it right. I can think of no one, no one in their lifetime that accomplished nearly as much as Allen Ertel did in his. As an aside, in the many years Allen and I practiced law in Lycoming County I never had a legal case with him or against him, which says something about my practice, not his. So unfortunately I have no legal war stories to share with you.

Nevertheless, to return to Allen's many accomplishments and in spite of the fact most of you have heard or read all of them and many others, I'm sure, let me recite just a few of the most important. Clearly he was an outstanding legal counselor and trial attorney. He was elected and re-elected as Lycoming County District Attorney. He was elected three times to the United States Congress in a very Republican district. With his partner, Bill Brown, he saved the Park Home as we heard from eventual demolition and turned it into what is now a beautiful office building and show place called Park Place. He founded together with his son, Taylor, RegScan, Inc., which produces a product extremely important as far as federal regulations are concerned.

He was active and generous in supporting Preservation Williamsport, so important in preserving the culture and history of our county or city and county. He founded with his partner -- he founded with his partner Firetree Ltd. to help rehabilitate individuals released from incarceration and those

attempting to recover from a substance abuse and so important to the future of this community as we already heard Allen and his partner, Bill Brown, bought the abandoned Center founded years ago by P.D. Mitchell, enhanced it, rehabbed it and turned it into Firetree Place, which is providing after-school programs, summer camp for children up to 18 years, mentoring, services for all ages, college and career preparation, workshop and so much more. I can't think of another program that will have a greater impact and benefit to those in need of a hand up than this program.

I've got a third page here some place if I can get it loose and I'm almost done.

Kay, I know how proud you and your family are of everything that Allen has accomplished and contributed both to his family and to this community, but know also how fortunate all of us who knew and admired him are to have called him our friend and our colleague. Thank you very much.

JUDGE BUTTS: Thank you. The Court will approve the resolution and report of the Committee and would enter the following order:

Now, this 1st day of February, 2016 in consideration of the Resolutions presented by the Committee appointed to draft Resolutions in the death of Allen E. Ertel, the said Resolutions are adopted and it is hereby ORDERED AND DECREED that the Resolutions herewith submitted and attached be adopted as an official expression of the Lycoming County Law Association and this Court, and that the same be spread upon the records of the Court; and that copies of this Resolution be delivered to the family of Allen E. Ertel, specifically, his wife, Kay, and his children, Ned and Amy, and it is further ORDERED AND DIRECTED that said Resolution be entered at large upon the record of the Court, and that it be printed in the Lycoming County Reporter.

I would now like to ask my colleagues for those that practiced with Mr. Ertel or worked with him if they would like to say a few words.

JUDGE GRAY: Briefly I'd like to say something to pick up on what Bill Kieser and Ed Mitchell and a number of the others said. He was tireless and as far as being able to work continuously on things Ed mentioned how Allen was down in Harrisburg campaigning for Congress in 1976, that's when I first met him about this time in 1976, he was campaigning on Capitol Hill in Harrisburg, I was a law clerk at Commonwealth Court, I came out of the building and there was Allen shaking hands and what sort of makes this humorous is about two nights later I was interviewing for a job with Ed and his dad and I came up here for an interview and they just got done saying how Ertel was wearing them out and the various litigation that I think was one of the product cases that Ed had just mentioned and so, you know, I was back when that was all happening and I saw the tireless energy he had to be in Harrisburg at 5:00 shaking hands and the next day back at work. That was pretty much what I saw in the years that followed that I had cases against him, he was tireless, worked hard, left no stone unturned and when you had a case against Allen Ertel you had your hands full. Thank you.

JUDGE ANDERSON: Yeah, I like George had a number of spirited exchanges with Allen both as an attorney and as a judge and I will tell you that his clients got great value for the services that he rendered. He gave up ground very unwillingly. He was a very, very, tough advocate. I have not seen him in my courtroom in several years, but it brings to mind an exchange that happened about 10 years ago. Allen Ertel was in my courtroom for a motion that had been filed by, I think it was in a RegScan case by J. David Smith, and I listened to fairly extended argument on this motion after which I ruled in Dave Smith's favor. Allen was visibly upset at the ruling and he said Judge, with all

due respect, I have to tell you that I have been practicing for more than 40 years and this is the worst decision I have ever heard in any courtroom in this Commonwealth and he said once more, I think it may be one of the worst decisions in the history of Lycoming County. That struck me as odd because the soul issue that Dave Smith was there for was a 30-day discovery extension and in one of my many, I suppose, less than judicial reactions I said oh, hell, Allen, that's not even the worst decision I've made today. Whereupon, I have to admit he smiled and I think that we did in a way for a few instances bond on what we might have considered to be, you know, killing an ant with a cannon, but as an advocate there was no better. He was -- he was -- he was a great political leader for this county and I will say this that in his defeats he achieved success and I know that sounds odd; but he always exceeded expectations. Always. I mean I would see the results that he got in those elections I thought was nothing less than remarkable. And finally, as a community leader he was very generous and he was very active both as a businessman and as a philanthropist in this area and I think that he will be long remembered and distinguished in all of these areas.

JUDGE BUTTS: I just wanted to add a few words. I had two situations where I had the opportunity to work with Mr. Ertel, number one, was as Judge Smith's law clerk. I think a lot of people forget that almost 30 years ago I was Judge Smith's law clerk and it was through Judge Smith I would get to hear about the history of individuals, Neafie Mitchell, Mr. Youngman, Sr. and Allen Ertel and the way those two would go at it sometimes it was -- it was spirited debate, it was really scary in some way because I couldn't imagine an attorney talking to a judge like that, but then they would leave and he -- Judge Smith would just laugh he thought this was -- he thought it was sport, he loved doing it; but it was through that education with Judge Smith that I learned just the very thing that Judge Anderson spoke of was in his defeats he brought such great honor and respect to Lycoming County. To this day I would like to believe that all five of us continue in that tradition in bringing information, whether it be from Harrisburg, Philadelphia or Pittsburgh back to Lycoming County in making -- continuing to make this county a better place; but then years ago when a Republican woman got selected to be the Democratic nominee for judge for the first opportunity for a woman to be elected a judge in Lycoming County I had the opportunity to run into Mr. Ertel a number of times so to be able to talk with him and to listen to his support of strategy of campaigning and just his enthusiasm for running and the politics in meeting people. It was one thing that where you work all day prosecuting cases, which I was, and then having to go out to the green building at the Lycoming County Fair and sitting there all night to talk to people in the unbearable heat wearing a dress and stockings and I thought this is what Judge Smith told me about. This is what Mr. Ertel told me about. If you really wanted it you had to put in the time and you had to work until you didn't think you could work any more.

You still had to find it in you somewhere to keep going and his advice proved to be true because in November of 1995 I was elected the first woman judge. So although I never practiced against him or with him, he was a role model of sorts to even someone like me aspiring to political office. So for that I'm greatly thankful that I had the opportunity to have him in my life as well.

Would anyone else like to make some comments on behalf of Mr. Ertel? Mr. Mirabito.
Commissioner Mirabito, excuse me.

COMMISSIONER MIRABITO: You know, I just had more recent involvement; but there is no question that my meeting Allen changed my life and Kay. It was actually 10 years ago probably this week that Allen called me and I really didn't know Allen that well I had met him and Kay, but I didn't know him that well and he calls me up and he said you should run for state representative and you should come to our house and talk and what Allen taught me was about mentoring people. You know at the time I was 49 50 years old he was 69 or 70. He didn't have to take the time to have me

know at the time I was 10, 20 years old he was 50 or 70. He didn't have to take the time to have me to his house to do that, but he did it because he cared and I have to say that it's a lesson that I learned from him and I think that one of the best things that I believe we can do to honor people to try to put into practice what we learned. So I'm going to try to do that with people, but for Allen coming into my life was especially important because I had grown up without a father and for a man to come into someone's life at age 50 and offer them both political advice, business advice he gave me in my business, probably marital advice, okay, you know Allen wasn't short on giving advice; but you know what, I relished it and I loved it and it's something that I'll always remember. The second thing is that he taught me and he -- I knew this, but he always showed me to do it is do the right thing even if it's sometimes unpopular, even if it sometimes results in the elections not going the way you want them to go. The third thing, of course, was caring about your community. You know, he entered into with Bill the work at Firetree Place when he was probably 78 years old, 77, did he need another thing to worry about? No. Did he need another -- but he did it because he cared about the community.

Then I'll just tell you one last quick story. After I won that election in 2008 -- by the way, Allen had the foresight to know that even though we lost in 2006 that the way to win was to be there and to come back in 2008 and that's really why we were successful, but after I win that election Bill and Allen had offered me space at Park Place and not wanting to just have the person who had been my main supporter taking the contract with him he gave me an offer for the space at a certain price and I said well I want to go out and check the rest of this community. Now those of you who know Allen if you're buying something or negotiating with him as Joe Smith will tell you you best take the first price. But I went around to the community and all the other places that had space were higher and when I went back to Bill and Allen they kept their word and the other places which had the attitude towards me this is a state contract, you know, we don't want to do business, they kept their word and they did it. So he -- I am blessed to have known him and I think as a community we're blessed to have had him and the best thing we can do is to do all the things that we learn about him and just try to do it in our lives on a day-to-day basis.

Thank you, Your Honor.

JUDGE BUTTS: Thank you. Anyone else? Mr. Shipman.

DAVE SHIPMAN: Allen gave me my first job as an Assistant District Attorney in Lycoming County in 1975. I had taken the bar, I didn't have results back when I started in the Summer of 1975 and Allen told me that he would have to fire me if I didn't pass the bar because he needed someone who, you know, could go to court. Fortunately I did pass and while I was waiting to get the bar results right after I was hired he threw a brief at me, it was like this thick, and it was the defendant's brief in the Hubbard murder case that was appealed to the Supreme Court of Pennsylvania. So my first job in his office was to prepare the Commonwealth's brief in response, which was kind of a daunting task, the first major writing project that you're going to have is a case of that significance and Allen had me go down with him to Philadelphia when that case was orally argued and we did eventually prevail. Allen helped mentor me some my first year, but I think the day after I was sworn in to the county bar I tried my first case, which was a DUI case and Bill Kieser sat with me during that trial, which he probably doesn't remember and I secured a conviction in that case. Allen mentored me in a few other trials, but by enlarge you learn from experience and I got a lot of that over my two years as an Assistant District Attorney.

In 1977 I took a job in the Justice Department in Washington, D.C. working as a staff attorney for the U.S. Parole Commission and I went up and visited Allen a couple of times at his office. He was

always very gracious. I had that job for maybe a year, year and a half and became dissatisfied with it because I didn't get into court enough. I saw that an opening developed for an Assistant U.S. Attorney position in Harrisburg and I asked Allen if he would act as a reference for me and he did better than that, he wrote a personal letter to the newly appointed U.S. attorney for the Middle District of Pennsylvania, Carlon O'Malley and Carlon told me later that when he got this letter from this congressman he was concerned about, you know, whether someone wanted a political appointment of some kind and he didn't know who this Ertel guy was so he did some checking with lawyers he knew in this area and was told that Allen was a very tough prosecutor and that was his background and he was very good with law enforcement and once Carlon heard that he changed his mind a little bit and offered me the position. There were over 200 people who applied for that job and I am very gratified to Allen for helping me get that job and I had eight very good years in the U.S. Attorney's Office before I came up here so I'm very grateful for Allen's help.

JUDGE BUTTS: Thank you. Mrs. Shipman.

PAM SHIPMAN: Believe it or not we didn't compare notes beforehand. Dave and I came to Lycoming County in the Fall of 1987, I came a little kicking and screaming, he dragged me up here; but it's been a wonderful experience and I worked for Allen for about a year, it was the Fall of 1987 and I know exactly how long it was because I had our second child, our son, in October of '88 so that's how I measure the time frame.

That year seems to me to have been full of activity and all kinds of events. That was the year you've heard mentioned the fire when our offices were up at Market Square and I have a recollection also of the Supreme Court campaign, maybe it was the preparation to the Supreme Court I remember that as well and, you know, there were these setbacks as many people have mentioned and it impressed me that he always had a positive attitude. There was a setback, but it was, you know, we're going to move forward and that's the kind of person that he was. He was always full of energy and filled the room when he walked in and, you know, I was new to the area and there was always movers and shakers coming in the office.

My -- the recollection that I want to share to explain that he was one of the most brilliant men and lawyers that I ever knew was a case that, I believe it was on behalf of of RegScan and we were going to an injunction hearing in Federal Court in Harrisburg, it was in front of Sylvia Rambo, Judge Sylvia Rambo, and we got down there and to my astonishment the first witness that -- we were the moving party -- the first witness that Allen called was the opposing parties' expert as of cross and he absolutely tore this guy apart without a single note. It just astounded me. I was absolutely so impressed. I couldn't -- I couldn't get over that and what impressed me more, perhaps during that time that I spent with him, was the breath of his knowledge. I'd get annoyed sometimes, people find out you're a lawyer and they immediately assume that you know all things legal in every area of the law. Well, in Allen's case it kind of seemed like he did. I just absolutely was amazed that he could expound on, you know, people would ask him questions or a couple of questions would come up all these diverse areas of the law and he had an answer and as has been mentioned he always had an opinion, too, so it made things very lively. So I just wanted to share that with people. Thank you.

JUDGE BUTTS: Thank you. Well, ladies and gentlemen, I think this concludes this Memorial Service for Allen E. Ertel. It's been a wonderful unfortunately sad opportunity to reminisce about the memories and the true impact that he's left on Lycoming County, one that I don't foresee anyone ever being able to replace, however, I think Commissioner Mirabito's words are good to take from

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in that the lessons that we learned, the work that we shared, the role model that he was, perhaps we can continue his work in remembering Lycoming County as it relates to the rest of the Commonwealth and the rest of the country. So this would conclude this special session of court and thank you all very much for coming. We appreciate it.

(Whereupon, the session concluded at 5:23 p.m.)