

November 20, 2012

Maxwell Cohen's Eulogy **To the Monroe County Bar Association** **Memorial Service**

May it please the Court. To the Judges of the Court of Common Pleas of Monroe County; to my fellow members of the Monroe County Bar Association; to my family and friends... My Mother Dolores Cohen and I welcome you to this Memorial Service for my Father, Maxwell H. Cohen.

Norman Mailer, the well-respected Novelist wrote, "Nobody was born a man... manhood was earned provided you were good enough, bold enough." He explained ... "there are two kinds of brave men, those who are brave by grace of nature and those who are brave by act of will."

My Father arrived in the Pocono Mountains in 1950 with a vision of blind ambition soured by the Big City Philadelphia Legal Machine which asked him to run a bribe to a judge. He refused and it cost him his first job as a new attorney after only three weeks.

He immediately sought a different direction in the countryside of Stroudsburg, Pennsylvania where he was discouraged by those who refused his admission into the local Bar using a deftly written residency requirement, preventing his practice of law in Monroe County. His "David v. Goliath." So, what does a wise lawyer do? He hires a lawyer. Bravery by act of will required the need to litigate the issue, and after a loss, and victory, after taking his appeal to the Supreme Court of Pennsylvania, he became the first Jewish attorney to practice law in Monroe County, Pennsylvania.

My Father had a vision. A vision that would permit anyone, properly credentialed, to practice law in Monroe County, Pennsylvania, when others living in the County were discouraged from going to Law School because of religion and prejudice.

A strong willed man with a vision, part of which to have a child succeed him in the legal profession... it went like this. On my first day of work after passing the PA Bar, I walked up the stairs to the second floor landing to meet him face to face. He smiled with an admonition that, what I was wearing was inappropriate for the image of the lawyer he had for me. He ordered me back home to return with a jacket and tie adorning my neck. I asked him to step into my new office to discuss it, which request he ignored.

The second day went much smoother. I walked up the stairs to the second floor landing to meet him face to face. This time I follow dutifully to the basement, yes, the basement, where 30 years of closed files rest in peace. He lead me to a file No. 1 of 22,000 files captioned MHC

versus the Monroe County Board of Law Examiners. He reviewed the case with me and admonished that I should never forget... I congratulated him for his accomplishment to which he responded that I would encounter my own battles, and that it was wiser to forgive rather than never forget. Those adversaries were now friends, neighbors and fellow legal professionals. He had risen above the reasons for their opposition... the message to never cause the same fate upon another as had befallen him. In a larger sense, integrity and character give society its strength. That is bravery by grace of nature, for his true nature was to be kind, helpful, honest, truthful and compassionate, willing to assist anyone, at any time, for no other reason but to share his passion for excellence with anyone who asked.

My Father always had a theory for everything, foundationed by great analytical, logistical and organizational skills. He was over prepared, anticipating the presentation of evidence at trial from his client's first appointment.

My Father had his own version of legal boot camp. Lunches at Rodnette, Motel Inn Towne, and the Colonial Diner with attorneys like Royle, Westervelt, Rodgers, Hiscott, Deetz and others, listening to the passion and wisdom from great legal minds. Learning by listening to one side of a phone call and then asked to describe in detail the unheard side of the conversation; the weaving of verbal tapestries; that which we lawyers call oral argument.

His nightly dinner conversation in high school was always about that days legal issues. While still in college, he obtained permission for me to sit second chair in jury trials. He taught me to do title searches, cross examinations, negligence and criminal investigation. He often took me to see his mentor, Attorney Martin Philip in Palmerton, "Uncle Martin," where both emptied their minds and hearts seeking only some vague resemblance of their world view of the law.

He saved people's lives, found parents for abandoned children, saved children from their own parents, found success for those in financial trouble, worked tirelessly for those who could never afford his services, gave hope to those who were hopeless, offered confidence to those who had lost their self-esteem, and a voice to those who could not speak. He gave of himself with no expectation in return but for a grateful smile, with having once respectfully refused to accept a horse as payment by a West End Dutchie for services rendered because it went against his office policy to "never accept a gift that EATS."

His distinguished skills as a litigator and counselor earned him an AV rating by Martindale Hubble, the professions highest and most respected achievement for performance and ethics, awarded by the same peers who once placed obstacles in his way decades before. Such a juxtaposition can only occur in the legal profession, whose members rise above misguided prejudice to embrace a man who possessed the highest degree of professionalism and collegiality as one of their own.

He was a mentor, role model, teacher, community activist, philanthropist, active in his religion and synagogue, of the highest moral and ethical fiber; loyal, respectful, loving, empathetic, passionate, complementary, caring and considerate to all, at all times. He was a mench...

He was the first to be college educated in his family. He was a man with a vision, one foundationed on justice and fairness for all, no matter who or what you were, no matter your religion or cultural background. As a Member of the Board of Trustees at ESU he was the primary author of policy for the Desegregation of the Pennsylvania University System. He personally followed, assisted and encouraged new African American students to excel in their college education.

My Father had a vision to make a difference, someone with the strength of conviction, a man good enough, a man... bold enough, brave... by act of will.

He opened his law office to Monroe County's first African American Law Clerk, later to become a distinguished Federal Judge, and the first Female Law Clerk who later became a distinguished Assistant U.S. Attorney, and his Cousin, his law clerk, who became the lead prosecutor of Nazi War Criminals for the United States Department of Justice.

My Father had a vision to change the status quo. He believed change begins with an idea, a hope, a dream, an individual. In his world. It could begin with anyone.

My Father had a vision... which now has become his legacy. I am proud of, and astonished by his courage in the face of opposition. I am humbled by the mere opportunity to have been touched by such a vision. I am grateful for the mere opportunity to have been educated under his tutelage. I do not believe I have met all of his expectations, for the bar was set so very high. However, I know that I am a better person for being in his service... and I hope that others may have found the same good fortune as I.

During one of my last visits with him, he gazed at me with eyes that were tired thinking that I was his Father, my Grandfather... the symptoms of a devastating disease called Alzheimer's. He had the biggest smile, a lonely child that longed for his Father's embrace, seeing a loved one who he last saw decades ago... and so we embraced. The Disease took all that was current but could not destroy the past. Like so many things in our World today, all may be taken by misbegotten illness or age, except his memories, his character and integrity.

It is not a time for tears. It is a time to celebrate, to celebrate a fruitful, productive lifetime... a life well lived. Be encouraged by his strength, bravery, intellectual generosity, his grace and wisdom. He will always be a champion in the game of life... A man... A brave man.

The Dalai Lama succinctly articulated my Father's philosophy when he recently stated, "Who is there among us who does not prefer tolerance, respect and forgiveness of our failings... to bigotry, disrespect and resentment."

Such is the result when you combine faith in God, vision and wisdom. He has left Monroe County a kinder, more gentle place to live and practice law.

Thank you.

Barry J. Cohen

