

**RESOLUTION OF FRANKLIN COUNTY BAR ASSOCIATION UPON
THE PASSING OF THE HONORABLE WILLIAM HERBERT KAYE**

WHEREAS, Almighty God, on May 1, 2000 called our colleague, friend, and fellow member, William H. Kaye, from our midst; and

WHEREAS, although deeply saddened by his death, we, the members of the Franklin County Bar Association now respectfully assembled for reflection upon our various recollections of Judge Kaye and to adopt this memorial Resolution upon his passing are mindful of his many contributions and attributes which shall continue to live on, and to serve as positive examples in our hearts and minds, for us and others; and

WHEREAS, it has occurred to this Committee that, pursuant to such Resolution, a record of some of those deeds, accomplishments and character traits should first be written here; and

BE IT KNOWN that Judge Kaye has left a wonderful and inspirational legacy and, as such, has provided each and every one of us with ample food for thought about a life lived well and effectively in the following fashions:

AS A MAN WHO RESPECTED FAMILY: Judge Kaye was born on March 10, 1947 in Detroit, Michigan, the son of Herbert R. Kaye and the late Doris Naugle Kaye. He leaves two sisters, Lorri Kaye and Christine Sweeney, both of Chambersburg.

In 1978 he succeeded, in the course of a trial, in so impressing a juror that he took as his wife Victoria Kendig Kaye, on August 18, 1979.

Judge Kaye had two sons, David Kaye and Scott Stolte, both currently students, and his devotion to his wife and sons, all of whom he held in the highest regard, was never to be questioned.

AS A MAN WHO GAVE TO HIS COMMUNITY: The true measure of any person may properly be gauged by his/her willingness to give selflessly to Church and Community. In this regard Judge Kaye established an esteemed and honorable record, a record beyond reproach.

Judge Kaye was a member and former trustee of the Falling Spring Presbyterian Church, as well as a trustee of Rocky Spring Presbyterian Church. His devotion was obvious, not worn on his sleeve, and his attendance was certainly not limited to Easter and Christmas observances.

He was actively involved in Masonic activities, was a member of Torch Club, the Chambersburg Elks, the Lions, The Kittochtinny Historical Society, the Izaak Walton League, the Franklin County Farm Bureau, the local Chamber of Commerce, the Penn State Alumni Club and the Chambersburg Council of Arts.

In addition, Judge Kaye actively supported the Chambersburg Community Theatre and the Chambersburg Area Advanced Life Support organizations.

AS A LAWYER AND BAR ASSOCIATION MEMBER: Judge Kaye began his career on November 16, 1972 when his mentor and eventual partner Ken Lee moved his admission to the bar of this Court. He practiced with Mr. Lee from September 4, 1972 until April 14, 1987. He also served with distinction as a Franklin County Public Defender for a period just short of three years.

From the date of his admission to the date he was sworn in as a Common Pleas Judge in April of 1987 Judge Kaye freely gave of his time to the Bar Association. He served on standing and ad hoc committees, faithfully attended Association functions, and was especially supportive of what was then a new program, the Bench-Bar Conference.

AS A JUDGE AND AS A MAN: Judge Kaye's unswerving commitment to family, church and community will best be remembered by those affected and by others not personally present.

For those of us here gathered his impact is certainly manifest. Judge Kaye, in his cruelly abbreviated tenure, left a legacy that may never again be matched.

He was the children's Judge – he cared so deeply and so obviously about the small, the unrepresented, and, for lack of a better term, “the unattended” that anyone in this room, lawyer or Judge, has to learn by his example.

There is something in man that elevates him when he cares enough to truly care deeply. Bill Kaye cared about children.

The unwed, the unwanted, those without means or adequate representation always found succor in his Courtroom – justice was always done, every person always felt he/she got a full and fair hearing, and David always had Bill Kaye's help in bringing Goliath down.

His accolades and accomplishments as a past President of the Juvenile Court Division of the Pennsylvania Conference of Trial Judges need to be noted here – but they pale in significance to those humble tributes expressed by those who mattered most to him – the people who passed through Courtroom #3, his people. We have been advised by Kathy Barnhart, his former secretary, that upon his passing there was an instant outpouring of grief and a genuine expression of condolence by people not normally inclined to pick up a phone or to express themselves verbally or in writing – the so-called “little people”, the people we don't always notice as we move through the Courthouse.

They are the ones who today are truly missing Judge Bill Kaye.

NOW, THEREFORE, this 5th day of May, 2000, in Special Meeting duly assembled, be it RESOLVED by the Franklin County Bar Association that we do hold the memory of Judge William H. Kaye in high regard for his friendship, congeniality, professional skill and service, and we do hereby express our deep sense of loss. He will be sadly missed by all of us as well we are certain, as by his family, other friends and associates.

IT IS FURTHER RESOLVED that this Resolution be spread upon the minutes of this meeting, and that a copy hereof be delivered to his widow, Victoria, and to each of his sons, David and Scott.

May 5, 2000

MEMORIAL RESOLUTIONS COMMITTEE

By: Kenneth E. Hankins, Jr.
Kenneth E. Hankins, Jr., Chairman

William F. Kaminski
William F. Kaminski, Co-Chairman

George E. Wenger
George E. Wenger, President
Franklin County Bar Association

A SERVICE OF CELEBRATION OF THE RESURRECTION

IN LOVING MEMORY
OF
WILLIAM HERBERT KAYE
March 10, 1947 – May 1, 2000

The Sanctuary
May 5, 2000
11:00 a.m.

We welcome you in the name of Jesus Christ to this memorial service for The Honorable William H. Kaye, a member of this congregation. In accordance with his vows accepting Christ as Lord and Saviour, Bill embraced the cost and joy of discipleship, shared in Christ's baptism and ate at his table, joined him in passion and victory, and now knows the fulfillment of Christ's promises of eternal life in his kingdom which has no end.

PRELUDE: Selected Hymns and Spirituals

CALL TO WORSHIP: Psalm 145:1-7

OPENING SENTENCES

*HYMN NO. 530 Finlandia
"Be Still, My Soul"

PRAYER OF CONFESSION (In Unison)

Holy God, you see us as we are and know our inmost thoughts. We confess that we are unworthy of your gracious care. We forget that all life comes from you and that to you all life returns. We have not always sought or done your will.

We have not lived as your grateful children, nor loved as Christ loved us. Apart from you, we are nothing. Only your grace can sustain us.

Lord, in your mercy, forgive us, heal us and make us whole. Set us free from our sin, and restore us to the joy of your salvation now and forever. Amen.

WORDS OF ASSURANCE: Isaiah 61:1-3

READINGS FROM THE HEBREW SCRIPTURES
Psalm 16
Ecclesiastes 3:1-15
Psalm 23

READINGS FROM THE NEW TESTAMENT
John 14:1-3, 15-21, 25-27
2 Corinthians 4:6-11, 16-5:1
2 Timothy 4:1-8
Revelation 21:1-7

SOLO: Traditional Spirituals
"Steal Away to Heaven"
*Nobody knows the trouble I've seen,
Sometimes I feel like a motherless child and steal away.*

REMEMBRANCES

MEDITATION

INSTRUMENTAL SOLO: Early American
"Amazing Grace"

PASTORAL PRAYER and THE LORD'S PRAYER

*HYMN NO. 519 Ville Du Havre
"It Is Well with My Soul"

BENEDICTION Revelation 22:1-5

POSTLUDE: "The Battle Hymn of The Republic" Howe

Thursday, May 4, 2000

Judge

(Continued from Page A1)
very important part of his life," said Nelson, "especially in the manner in which it impacted people's lives. I've always been impressed by his approach to each case. He will be sadly missed."

Judge Carol Van Horn, who was elected to the post after Kaye's resignation in September, said she was impressed by his "true compassion for the interests of youngsters."

She cited his work as president of the Juvenile Courts Section of the Pennsylvania Conference of Trial Judges, when he evaluated new laws and how they affected juveniles.

"I've always said that no one could replace Judge Kaye," she said. "I was just elected to the same job."

Judge Kaye, who died Monday at 10 a.m. in Penn Hall Nursing Center in Chambersburg, had battled cancer since his diagnosis in 1997.

He was appointed to the bench by Gov. Robert Casey in 1987, when the Legislature created a third position in the 39th District of Common Pleas Court.

In 1989 he was elected with strong bipartisan support to a full 10-year term. He could have run for retention at the expiration of his term in 1999, but instead decided to resign Sept. 30 for health reasons.

G. Warren Elliott, who was sworn in as a Franklin County commissioner the same day that Kaye was sworn in as a judge, summarized the feelings of all the courthouse employees: "He was an honest, courageous and dedicated judge, highly respected in this county courthouse. We will all miss him."

(Obituary on Page B8)

William Kaye a 'man of true compassion'

The death of Judge William H. Kaye this week at age 53 saddened



William Kaye

Franklin County's legal profession, whose members unanimously described him as a genuinely honest and decent man.

There was also consensus that he was truly committed to his profession, both as a practicing attorney and on the Common Pleas Court bench.

Former President Judge John W. Keller, who served from 1968 to 1993, recalls: "As a young attorney he always appeared before me prepared and eager. He made the judge and opposing attorneys work very hard. Bill Kaye then became an excellent judge, and I'm proud to have had him as a friend."

District Attorney Jack Nelson, who has known Judge Kaye since the mid-1970s, said it was "almost fitting that a dedicated jurist like this, who loved the law, would leave us at the time the county is observing Law Day."

Nelson described the judge as "dignified ... who brought honor to the bench."

Judge Kaye treated everyone who came before him with respect, according to the DA, and in return he demanded respect for the court.

"Next to his family, the law was a

(See JUDGE, Page A8)

In Memory of
WILLIAM H. KAYE

Born
March 10, 1947
Detroit, Michigan

Died
May 1, 2000
Chambersburg, Pennsylvania

Service conducted from
PRESBYTERIAN CHURCH
OF
FALLING SPRING
Friday, May 5, 2000
11:00 a.m.

Officiating
REV. DR. WILLIAM H. HARTE
REV. LINDA B. HARTER
CHAPLAIN ROBERT KEENE

Burial
FALLING SPRING
GRAVEYARD

Bearers
Hon. John W. Walker
Hon. Douglas W. Herman
Hon. Richard J. Walsh
David M. Kaye
Scott K. Stolte
George J. Pharo
Jeffrey P. Franklin
Alex J. Franklin

Thursday, May 4, 2000

whom he was known as Pappap; and a number of nieces and nephews.

A Mass of Christian Burial was celebrated at Corpus Christ Catholic Church, 210 Philadelphia Avenue, Chambersburg, on Monday, May 1 with Monsignor Thomas R. Brenner officiating. Entombment was in Parklawns Memorial Gardens, Chambersburg. Military Graveside Services were conducted by members of the Charles M. Nitterhouse Post No. 1599 VFW Honor Guard.

Memorial contributions may be made to the American Heart Association Franklin/Fulton Division, 225 East King Street, Chambersburg, Pa. 17201; or to Corpus Christi Catholic Church, 320 Philadelphia Avenue, Chambersburg, Pa. 17201.

Thomas L. Geisel Funeral Home Inc., Chambersburg, was in charge of the arrangements.

William H. Kaye

William H. Kaye, 53, 329 Ragged Edge Road, died Monday, May 1 in Penn Hall Nursing Home after a long illness.

Born March 10, 1947 in Detroit, Mich., he was the son of Herbert R. Kaye of Chambersburg, and the late Doris Naugle Kaye.

Judge Kaye was a member and former trustee of the Presbyterian Church of Falling Spring and trustee of Rocky Spring Presbyterian Church.

A 1965 graduate of Chambersburg Area High School and a 1969 graduate of Penn State University, he received his law degree from American University Law School in 1972.

Judge Kaye was a member of the George Washington Lodge No. 143 Free and Accepted Masons, Chambersburg Lions Club, Cumberland Valley Torch Club, Kittochtinny Historical Society, Izaak Walton League, B.P.O. Elks No. 600, Franklin County Farm Bureau, Chambersburg Chamber of Commerce, Fulton County Chamber of Commerce, Penn State Alumni Association, Franklin County Penn State Club, Chambersburg Area Council for the Arts, was a Patron of Chambersburg Community Theatre, and director of Chambersburg Area Advance Life Support Inc. (Medic I).

From 1972-1987, he was in private law practice at Lee and Kaye and served as Assistant Public Defender for a number of years. From 1987 until his retirement in 1999, he was judge in the Franklin County Court of

Common Pleas.

His professional associations include the Franklin County Bar Association, Pa. Bar Association, American Bar Association, American Judiciary Society, and the Pa. Conference of State Trial Judges, where he was past president of the Juvenile Court Division.

In addition to his father, he is survived by his wife, Victoria Kendig Kaye; two sons, David Kaye, Chambersburg, and Scott Stolte, Winchester, Va.; one grandson; two sisters, Lorri Kay, and Christine Sweeney, both of Chambersburg.

A memorial service will be held at 11 a.m. Friday, May 5 in the Presbyterian Church of Falling Spring with Rev. Dr. William H. Harter and Rev. Linda B. Harter officiating. Private interment will be in the church cemetery.

Friends may call from 5 - 8 p.m. Thursday, May 4 in the Robert G. Sellers Funeral Home, 297 Philadelphia Avenue, where members of the George Washington Lodge No. 143 F&AM will conduct a Masonic Service at 8 p.m.

Memorial contributions may be made to the Family Life Center of the Presbyterian Church of Falling Spring, 221 North Main Street, Chambersburg, Pa. 17201; or to the Rocky Spring Presbyterian Church.

Service honors Judge Kaye

By MATTHEW MAJOR
Staff writer

Almost 375 people mourned the death of William Herbert Kaye during a memorial service Friday for the former Franklin County judge.



Kaye

Friends and colleagues eulogized Kaye as a dedicated family man, a deliberate and compassionate jurist, and a man of great personal faith.

The cancer that Kaye had battled for three years claimed him Monday. He was 53.

"Bill Kaye lived a meaningful life. He knew what gave his life meaning — his work, his family and his faith," said Franklin County President Judge John Walker before the congregation at Presbyterian Church of the Falling Spring. "We surrender him to God reluctantly."

Kaye resigned from the bench Sept. 30 due to his health, after years of helping juveniles in the court systems. He had worked intermittently after the removal of a cancerous kidney in 1998.

For a man so dedicated to his job, the decision to resign was difficult, said Philip Cosentino, vice president of the Franklin County Bar Association.

"We were fortunate to have him as our judge, our colleague and our friend," Cosentino said. "It's been said that a eulogy is a last plea from the defense once all the evidence is in. Judge Kaye needed no such plea."

Kaye's memorial service drew hundreds of people who had been touched by their association with the judge.

Family, friends, police officers, emergency medical technicians, county employees and dozens of members of the Franklin County Bar Association contributed to a "personal and communal collection of very mixed emotions," said the Rev. William Harter, who conducted the service.

"He loved the law," Harter said. "He epitomized the careful consideration of alternatives."

Former Gov. Bob Casey appointed Kaye, a Democrat, to the bench in 1987. But he received broad bipartisan support to win re-election in 1989.

State Rep. Jeff Coy, in his eulogy to Kaye, said Casey had consulted with him prior to Kaye's appointment.

"The little part I played in helping him become a judge was one of the better things I ever did," Coy said.