

**MEMORIAL RESOLUTION OF THE  
DAUPHIN COUNTY BAR ASSOCIATION  
UPON THE DEATH OF  
LEWIS S. KUNKEL, JR.**

Lew Kunkel died on April 8, 2013, aged 75, at his home overlooking the Yellow Breeches Creek, near Bowmansdale, Pennsylvania. Lew was born in Atlanta, Georgia, on July 4, 1937, and grew up just east of Harrisburg. He graduated from Princeton University, where he majored in philosophy and rowed heavyweight crew, in 1958.

Lew's father Lewis S. Kunkel, Sr., practiced law in Harrisburg and, according to family lore, was a great friend of the judges of that era. Following some combination of these influences, Lew attended the University of Pennsylvania Law School and received his degree in 1961. Between his first and second years in law school he clerked for Dauphin County Judge Carl B. Shelly. Following graduation from Penn, while serving as an officer in the Naval Reserves, Lew joined the Philadelphia firm now known as Pepper Hamilton LLP. Lew began his career as a litigator under the mentorship of some of Philadelphia's legendary defense attorneys.

Lew became a partner in the Pepper firm in 1969. At that time, admission to practice law was on a county-by-county basis. With the adoption of a new state constitution in 1968 and the creation of a unified judicial system, a move to the

statewide practice of law was inevitable, although not formally achieved until 1972. Pepper looked ahead and decided to open an office in the state capital. Familiar with the Dauphin County bench and many of the lawyers practicing here, Lew was the natural choice to open Pepper's Harrisburg office, which he did in October, 1969.

Before then, the only Harrisburg branch office of a major Pennsylvania law firm belonged to Reed, Smith, Shaw & Maclay, which was represented here by Carl Chronister. After Lew opened the Pepper office, Morgan, Lewis & Bockius opened a small branch office. These three branch offices of 1970 were soon joined by others, so that there were six branch offices by 1980 and seventeen by 1990. At the turn of the century, attorneys working in branch offices represented nearly a quarter of the membership of the Dauphin County bar. While that number has shrunk since then, the development of branch offices had a noticeable impact on the quality and character of the practice of law in Harrisburg.

The personal and professional respect for Lew held by judges in Dauphin County and on the newly-established Commonwealth Court, and by local attorneys who knew him, eased the integration of Pepper's Harrisburg lawyers into the Dauphin County bar. Under Lew's leadership, the Harrisburg office quickly grew to about ten lawyers. The foundational work he did has helped that office expand, remain stable, and prosper over more than four decades.

Much of Lew's practice in the early years was before the Public Utility Commission, but he did not lose his zest for the courtroom. While he was by training and temperament a civil litigator, his one foray into criminal defense work showed the tenacity and skill he brought to the representation of every client. In the summer of 1974, Lew represented the bookkeeper of a prominent men's clothing store who had been accused of embezzlement. There was drama in the courtroom and outside it – as I recall the story, the store's cash box was found on the bank of the Susquehanna River during the trial; whatever the details, Lew gained an acquittal for the bookkeeper.

Lew was also involved in cases of larger social significance. He was lead defense counsel in a constitutional challenge to the Congressional redistricting plan adopted by the Pennsylvania General Assembly following the 1980 census. He also defended, although with less success, the system of arbitration panels established in an early attempt to reform the handling of medical malpractice claims in Pennsylvania.

Few lawyers have the opportunity to be involved in genuinely major transactions and cases. Lew was especially proud of the important roles he played in two such matters. The first of these was Pepper's representation of the Volkswagen Manufacturing Corporation of America in creating an assembly plant in New Stanton, Pennsylvania. The plant was to be the first manufacturing facility

for a foreign car manufacturer in this country. Work on the project began in December, 1975, and – after many months of intense negotiations – a final master agreement was signed by Volkswagen and the Commonwealth of Pennsylvania on September 15, 1976. The negotiations were challenging not least because of the number of parties to the agreement; in addition to Volkswagen, they included several Commonwealth agencies and authorities, two railroads, public retirement funds, Westmoreland County, two school districts, and Chrysler Corporation. The agreement was predicted to dramatically increase jobs in the region and tax revenues to all levels of government. At the time, the transaction was recognized as “the single largest, most complex economic development agreement in American history between state and local governments and a private company.”

The second of these matters was the litigation following the Three Mile Island accident in March, 1979. The first cases were filed in April and Pepper was retained immediately to represent the defendants. As the senior litigator in the Harrisburg office, Lew was a key participant in the defense team. The first round of cases was settled in 1981 with the creation of a \$20 million fund to pay losses sustained by businesses, farmers, and local governments and a \$5 million public health fund to support epidemiological research, among other uses. A second round of cases for personal injuries was quickly brought after that settlement. Fifteen years later, after an excursion in Dauphin County Court, extensive

discovery and motion practice, and an appeal or two, defendants won summary judgment in the Middle District, affirmed by the Third Circuit, dismissing all plaintiffs' claims. In these second round cases, too, Lew was a key participant.

Lew's keen attention to details, which contributed to his successes as an attorney, was ingrained. His concentration on getting things right was on display not just in his office, but also along a stream when he cast a fly for trout, or in the field, hunting for big game. Lew caught trout on six continents and earned Boone and Crockett trophies for bagging a brown bear, a caribou, and a moose in North America. Lew enjoyed not just the success of the catch or the trophy, but every aspect of planning and traveling, the fellowship and the occasional hardship. He loved to tell the stories when he returned.

Lew was a generous friend. Rarely engaged by causes, he was instantly engaged by individuals, eager to learn from them, to make them comfortable, to introduce them to others, to help them out when help was needed. Laughter came easily. Everyone who spent time with Lew after his pancreatic cancer was diagnosed left him feeling touched by the gift of his courageous equanimity. He told many of us: "I can't complain. I've had a good life."

Lew was active in the Harrisburg community. He was a member of the Board of Harrisburg Hospital and President of the Board of Trustees of Harrisburg Academy.

Lew is survived by his wife Louise Reily Kunkel, by his brother Dr. George W. Kunkel and his wife Barbara, by his son Lewis Kunkel, by his daughter Lucy Torndahl and her husband Otto, by his daughter Eliza Kunkel, by his stepson William Miles and his wife Pam, by his stepdaughter Sarah Miles and her husband Kevin, and by five grandchildren.

Therefore, be it resolved, that in the passing of Lewis S. Kunkel, Jr., the bar, the Court, and the community have lost a friend, a mentor, a colleague, and a valued citizen. We miss him greatly and we offer our sympathy and condolences to his widow and his family.

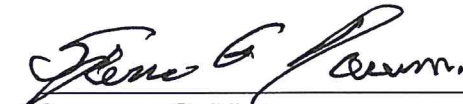
Be it further resolved, that we honor Lew's example by reaffirming our own commitment to the highest standards in the practice of our profession and to generosity of spirit in our dealings with others.

And be it further resolved, that copies of this Memorial Resolution be spread upon the records of the Dauphin County Court and the Dauphin County Bar Association, that the original be filed in the Office of the Prothonotary, and that copies be transmitted to Lew's widow and family.

Respectfully submitted,



Timothy B. Anderson



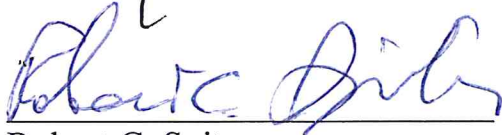
Spencer G. Nauman



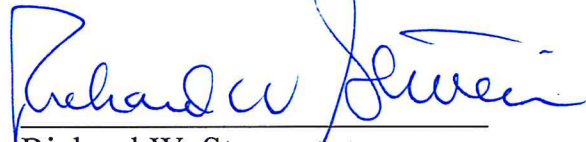
Henry W. Rhoads



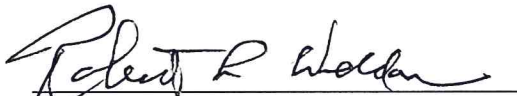
Thomas B. Schmidt, III



Robert C. Spitzer



Richard W. Stevenson



Robert L. Weldon