

## **Edwin Kosik – More than the “Kids for Cash” Judge**

Federal Judge Edwin M. Kosik, who passed away at 94, is being mourned as the Judge who at first rejected a plea agreement on behalf of two Common Pleas Judges who sought to admit guilt in connection with accepting bribes from detention centers in return for placing juveniles in those facilities. Judge Kosik said that the judges had not accepted full responsibility for their crimes and rejected the initial plea deal.

I first met Judge Kosik when he was a Lackawanna County Common Pleas Judge. He, along with Common Pleas Judge Richard Conaboy, had been sued by Adolphus Hoehensee. Hoehensee was a well known *pro se* litigator who spent most of his adult life fighting with his family over money. The Hoehensees apparently became wealthy allegedly selling ice cream with aphrodisiac properties at Hoehensee Park. The truth of that story, I have never been able to confirm!

The Federal Judge that I clerked for, Malcolm Muir, refused to dismiss the case on summary judgment and permitted Hoehensee to present his case. At the last minute before Judge Muir walked into the courtroom, I mentioned to him that perhaps we should have granted the summary judgment. The only time I ever felt the wrath of Judge Muir is when he turned around and snapped at me: “Cliff, it’s a little late for that.” Muir, however, with the patience of Job permitted Hoehensee to present his case, treating Judges Kosik, Conaboy and the others with respect, while not tipping the scales of justice. Hoehensee lost his case, but the rumors were that one juror wanted to give him \$20 million! Throughout the entire ordeal, both Kosik and Conaboy kept their cool and acted responsibly.

The next time I ran into Edwin Kosik he was a Federal Judge recently appointed by Ronald Reagan. The first case I had before him was a class action involving a Montoursville factory where a pay cut impacted mostly the women. When Judge Kosik, well known for his colorful language even at that time, heard the case he questioned whether the litigation should go forward as a class action. The conversation was in chambers and it was the only time that I used the “F” bomb to a judge, let alone a federal judge. I shocked myself and was waiting to be held in contempt. Instead, Judge Kosik smiled and said “Ah, a man after my own charm.” The Judge handled the case with extreme aplomb and professionalism. The case was ultimately settled favorably to the women.

Sitting on my credenza for many years is a picture of Judge Kosik, his beloved wife, Jack and Karen Humphrey, together with Kim and myself. Judge Kosik was kind enough to show up and congratulate me when I received the Milton D. Rosenberg Award from the Pennsylvania Trial Lawyers Association.

I had the opportunity of trying other cases before Judge Kosik as well and all I can say is that it was lots of fun. Trying a case before Judge Kosik meant that the attorneys would be treated with great professionalism but in an atmosphere of “no bull.” Judge Kosik knew how to cut to the chase without a lot of wasted time. In one case, I objected to a doctor, accusing my client of having “bad bugs, bad bugs.” Judge Kosik’s response at the bench conference to my objection was simply, “Cliff, why won’t you let him dig his hole?” I withdrew my objection.

Among other fond memories I have of Judge Kosik is running with him. He showed great athletic prowess and could tire out most attorneys I knew, in a thinly disguised jogging competition. I ran track but that did not keep Judge Kosik from making me work very hard to stay up with him.

The “Kids for Cash” case over which Judge Kosik presided, demanding justice for the Common Pleas Judges that he once was, is no shock to those who knew him well. Judge Kosik was a jealous advocate for the Bench and Bar, respected the integrity of the legal system and understood the hard work that most lawyers undertake. In Judge Kosik’s courtroom there was no room for corruption or disrespect for the system. It did not matter if that disrespect came from citizens, the Bench or the Bar; it simply was not an option.

I, along with many others, will miss Judge Kosik’s humor, persistence, razor-like intellect and promptness. Judge Kosik, like Judge Muir, understood that, “justice delayed is justice denied.” To laymen it seems that judges and lawyers live in another universe devoid of the ethical precepts by which everyone else must live. Judge Kosik was a refreshing champion for all that is good in our profession.

The picture with Judge Kosik will maintain an honored place next to my photograph with Judge Muir and the great Federal Judge, also from Scranton, William J. Nealon.

I have been greatly blessed in my profession to work with people like Judge Kosik whose legacy will live on among all of those who were impacted by him.

*Cliff Rieders is a Board-Certified Trial Advocate in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a past member of the Pennsylvania Patient Safety Authority. None of the opinions expressed necessarily represent the views of these organizations.*

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