

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

PRINCE GEORGE'S COUNTY BAR ASSOCIATION

MEMORIAL SERVICE

FOR

ELLIOT PAUL DeMATTEIS

HARRY L. DURITY

IRVING H. FISHER

JOHN "JACK" KELLY KEANE

EMMETT H. "ZIP" NANNA

THURSDAY, NOVEMBER 20, 2003

3:00 O'CLOCK p.m.

COURTROOM 300

COURT HOUSE

UPPER MARLBORO, MARYLAND

Dan Engelbretson
Official Court Reporter

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P R O C E E D I N G S

JUDGE MISSOURI: Welcome to the Circuit Court of Prince George's County. It is an honor for us to be here in our capacity as sitting judges, not only those of us sitting here, but to our own colleagues who are sitting in the box to my right and your left.

Today we gather, as we have for many years, as our associates and friends have passed on. The Court is honored to welcome the family and friends of those that we are here to remember today.

Today We are paying tribute to Elliot Paul Dematteis, Harry L. Durity, Irving H. Fisher, John "Jack" Kelly Keane, Emmett H. "Zip" Nanna.

At this time the Court recognizes Krystal Quinn Alves, current president of the Prince George's County Bar Association. Ms. Alves.

MS. ALVES: Ladies and gentlemen, thank you. Judge Missouri, Honored members of the Prince George's County Bar and also Honored members of the Prince George's County Bench, friends, colleagues and families of those whom we have lost during this past year.

My name is Krystal Quinn Alves, and I am the president of the Prince George's County Bar

Association. The Annual Memorial Service allows us to give thanks and remembrance for the lives of our members who have passed away; our condolences are extended to the families of the members who have passed away.

At this time I would now like to introduce the Honorable Vincent J. Femia, who is the chairman of our Memorial Committee, who will begin the proceedings. Thank you.

JUDGE FEMIA: Judge Missouri, distinguished colleagues, ladies and gentlemen.

Sort of sad to get to meet all the old friends at a service like this. But as people filed in, it was just like a history of my professional career passed in front of my eyes. It is good to have you here and sad that you have to be here for this reason.

Before I get started introducing our presenters, I would like first to give a special thanks to the ladies who are with us, one of whom is hiding, and that's Donna Dole Smith and Kathy Cook. The two ladies, Donna being the executive director for the Bar Association and Kathy being her faithful Indian companion, Tonto, it is to them that most of the credit for those proceedings goes. Also the

blame.

I'm especially grateful to Mr. Zimmerman from Montgomery County. Now, that's a county out somewhere northwest of us. Some of you may not be familiar with it.

But quite frankly, I didn't know Elliot Dematteis, and I found Ira provided a service to the Bar that I bet most of us didn't know about, and that is when you have a single practitioner who goes on to his eternal reward or damnation, depending on what the place might be, Ira volunteers to step in and close up the practice.

Having done so for Mr. Dematteis, he then became the only lawyer whom I was able to call upon to present on behalf of Mr. Dematteis. So Ira, please.

MR. ZIMMERMAN: Judge Missouri, Members of the Bench, the retired Members of the Bench, Members of the Bar, friends, family members.

We all get to know people in different ways. The way in which I got to know about the life of Elliot Paul Dematteis was when I got a call from his father asking me if I could close up his law practice and his business affairs and administer his estate.

Elliot died at home unexpectedly at the age of 56. And added to that tragedy was the

circumstances that Elliot had just recently accomplished the feat of moving his parents from Rochester, New York to Anne Arundel County so that Elliot would be able to help them out as the years gathered and health issues arose.

Elliot was their only child. Elliot was a very well-rounded attorney, businessman, individualist. At an early age he showed the promises that comes of energy and a zeal for achievement. He was an Eagle Scout.

When he graduated from Benjamin Franklin High School in Rochester, New York, he graduated at the top of his class. He appears to have had a love of the sea and of boating from an early age, which is one of the reasons he chose to go to the University of Maryland to get his bachelor's degree.

Maryland seemed to be like a good place if your hobby was boating. He then continued on to get a law degree from the University of Maryland Law School. At first he was with a defense firm in Upper Marlboro, but soon after that he opened up a sole practice in Riverdale, where he did personal injury, domestic relations, criminal law and juvenile law.

But soon after that, the sea beckoned and he moved to Annapolis. He set up an office in Annapolis

on West Street and he bought himself a little bungalow. And the real important part of that bungalow is it was on Mill Creek.

He put an addition on that bungalow, a two-story addition, the bottom of which was a home office. And from that home office you could see Mill Creek and three sailboats, one 27 footer, one 30 footer and one 35 footer.

And if you were trying to get some work done in his home office, every once in a while you would be interrupted by the quacking of ducks and honking of geese who were playing around up and down the Chesapeake. I imagine that that had the same affect on Elliot that it had on me. It was a warning that you had to get your work done so that you could go out and play.

And going out to play was something that Elliot Dematteis really liked to do when he was done with his work, because not only was he an avid sailor, he learned how to fly, he had passion for skiing and played golf and tennis.

And not only did he have these little sailboats, which aren't so little -- 35 feet is a pretty big sailboat -- he was determined to captain many larger vessels, and he did from time to time.

He was something of a businessman, lawyer, individualist, who combined his joy of out-of door sports with business, because he sailed those sailboats, but he also chartered them out to others to sale.

And he did his skiing from an old house where he camped out in the wilderness in rural Pennsylvania, which had lots of rooms. I call that a ski lodge. He rented rooms to people, and they also did their skiing from that rural location.

An uncle of Elliot's told me that if there was something that Elliot wanted to do, he would find a way to make money doing it. So if he wanted to go to Bermuda, he would get together a trip for people, he'd plan the itinerary, he would book the hotel, and he would get people, and he'd go along and lead the trip and he would also enjoy the trip. So he did that with the skiing and with the traveling and with boating.

But he was also a pretty serious lawyer. Being an individualist, however, he was the one who was the author of the pleadings, he also typed the pleadings, and he argued the pleadings. And although many of us think that a sole practitioner is often limited, Elliot sometimes took on some complicated

matters.

In one matter that I had to close up, there were 50 boxes of discovery, and he tried that case to a jury. He won that case. A Circuit Court Judge found reason to grant judgment notwithstanding the verdict. So Elliot appealed that case and won the appeal.

He was a volunteer with the Anne Arundel County Youth Commission. He was a member of the State Bar Association, the Prince George's County Bar Association, the Anne Arundel County Bar Association, and a few organizations that were related to his hobbies, and flying and skiing and boating.

If you looked at his bookshelves, you would find not only law books but you would find Shakespeare, you would find the Greek classics, you would find volumes on voluntary manslaughter, used National Geographics, and every other manner of literature that would be appealing to an intelligent and inquiring and accomplished mind.

And if you looked in the living room, you'd see a piano and you'd see a guitar and song books. If you looked at his record selection, you would see opera, philharmonic orchestral music, and reggae, and rock and roll, and everything.

This was a man who laughed at life. And if his life means something to all of us, which I know it does, it is how much a single individual can be accomplished in, in so many other things, besides his actual livelihood, and do them well.

Elliot Dematteis is a profound example of what you do with intelligence and energy and motivation and a joy for living. Thank you.

JUDGE FEMIA: Thank you. Next we are going to have Mr. Dave Gwynn say some words in remembrance of Harry L. Durity. My memory of Harry Durity was back when I was in the prosecutor's office, under Bud Marshal, Harry Durity was sort of the go-to-guy in the county attorney's office.

The County Attorney's office, even in those days, as I recall, was a lot happening, but Harry was the guy, when you want to get things done, you go to Harry to do it. So that's my memory of Harry, and I'm going to ask Dave to come up and give us his memory, please.

MR. GWYNN: Presiding Judge Missouri, Honorable gentlemen and lady jurists of the State of Maryland and Prince George's County Courts, Krystal Alves, president of the Prince George's County Bar Association, Committee Chairman Judge Femia, Members

of the Bar, clergymen, family and friends of those we remember today: It is with mixed emotions that I speak and I will summarize the life of Harry Lawrence Durity, barrister.

So I looked that word up today in Black's Law Dictionary, and it says a title of dignity next above gentleman. A barrister at law, for you lay people, a barrister was someone who tried the case. He was at the Bar or the court.

A few words of my own selection about Harry: kindly, cheerful, generous, a leader, understanding, a soldier, industrious, and physically fit until the last three or four months of his life. Harry Lawrence Durity was a barrister in Washington D.C. But we will see that his life was started in this town of Upper Marlboro, this town where he raised his family, he practiced.

His profession is ultimately being a lawyer, and so I have taken it upon myself to say he's a member of the Upper Marlboro Bar. Harry was born in 1918 in Washington D.C.

He completed his high school and graduated from McKinley Technical High School in the District of Columbia. He came to Upper Marlboro before he graduated, I was told today. But he drove back for

the final year from Upper Marlboro to McKinley Technical High School.

Upon completion of high school, he had a stint with the federal government, Department of Commerce. In June of '36 he worked with Marlboro Electrical Supply, Rome Pollick's business. Those of you from Upper Marlboro might remember him.

He then worked with his father. His father managed the Marlboro Hotel and Restaurant. I've heard it referred to as Durity's.

In 1940 he began his legal career by going downtown to Washington Title Insurance Company to examine titles. He examined titles in the District of Columbia and also examined titles here in the old courthouse. And at that time he worked for the same company, Maryland Home Title Company, on Main Street.

In 1944 he was inducted to the United States Army, and that was at the height of the war in Europe. After six months training, he sailed over to Europe. He was a United States Army infantry rifleman. The man who goes up and does the job.

He later became a radio operator. He was engaged in the Battle of the Bulge, which dissolved Hitler's last defense. He was engaged in that and later joined a group known as the Veterans of the

Battle of the Bulge.

He was discharged in 1946, came back to Upper Marlboro. He did surveying, worked with Walton Banks, title examination work, and in November, while he's going to law school at the National Law University, which later became George Washington University, in November of 1995 he was admitted to the Bar.

There was a trio of lawyers that year. Harry was one, and John Mitchell was second, and I'm not sure who was the third. He at that time joined the Prince George's County Bar Association. He had a total of three years as a member of the Prince George's County Bar Association.

In 1951 he served as a justice of the peace for Prince George's County. In '52 to '53 he was the Upper Marlboro Town Commissioner. He then undertook certain other jobs and occupations, real estate, home builder, as general contractor. He then became an Assistant State's Attorney for Prince George's County, Maryland.

And now he's into his full swing as an attorney in the 1960s. He was the town attorney for Upper Marlboro.

From that job he moved on to Deputy County

Attorney for Prince George's County, Maryland. In 1965 he was legal counsel to the Prince George's County delegation to the General Assembly.

And then his final job from 1973 through 1984 was with the staff of the law office of the WSS Commission. Harry retired in 1984. He expired January the 9th of this year from pneumonia. He died at Southern Maryland Hospital.

As I've mentioned, he was a member of the Prince George's County Bar Association for 53 years. He was a member of the Prince George's County Historical Society, Maryland Historical Society, member of the Lions Club of Upper Marlboro, president in the years 1956, 1957. He was a member of the National Institute of Municipal Law Officers, member of the Men of Trinity Episcopal Church, past president.

As I mentioned, he was a member of the Veterans of the Battle of the Bulge, member of the Upper Marlboro Voluntary Fire Department, member of the Young Democrats of Prince George's County and the Prince George's County Democratic Club.

Harry is survived by three sons, two of whom are here today, Dennis Durity, of Upper Marlboro, and Richard, of Denver, Colorado. He was preceded by his

wife Carol Wells Durity. He had been married to Betty Smith Durity for 28 years. He has six grandchildren, and two great grandchildren.

Harry L. Durity was civil-minded, who expressed in so many ways the quality of civility, the topic that we hear so much about. We even had Chief Young of the Court of Appeals of Maryland come to the court to tell us lawyers to be more civil to our fellow lawyers. But Harry Durity personifies that civility to his fellow lawyers, to his town, his county and, indeed, to his state and nation. A soft but firm speaker, a gentleman, and friend, client, colleague who will be remembered by the Bar, his family and friends.

I recall Harry Durity setting up his tripod over there and filming these very proceedings for many years during the nineties, and he saved those films, and the family donated them to the Bar Association, for your purpose, for you to look at if you want to.

Tom Brokaw sketched some lives in a book called "The Greatest Generation," in a 1998 book. I'm sure many of you have read that book. Well, Harry Durity could have been one of those lives that he sketched. And if you will read that book, you will get some idea of what I'm trying to convey to you

today. Thank you very much.

JUDGE FEMIA: Thank you very much.

The next person to be memorialized is the late Honorable Irving H. Fisher. And presenting on behalf of Judge Fisher is the now retired Honorable Bess Lavine, who hasn't been in this courtroom, but now joins us. Thank you.

JUDGE LAVINE: Would you all please forgive me. It took me an hour to get here from what used to take me a mere 35 minutes. So I have caught by breath and I'm happy to be here, because I know that Judge Fisher, who was a District Court Judge from the 1976 to 1987, and who was my friend and my colleague, would be honored that I had the opportunity to speak about Judge Fisher before a group that was so very important to him.

Judge Irving H. Fisher died on February 30, 2003. He was a District Court Judge in Prince George's County for the State of Maryland from 1976 to 1987. And he was my friend and he was my colleague. Although we had many differences as colleagues, that never changed our friendship.

And I was honored to be invited to celebrate with his family his 80th birthday. Today, I am honored to speak at his memorial before this Bar

Association, a group that would appreciate his brilliant legal mind and his contributions to the legal profession and to the District Court of Maryland.

Judge Fisher was born and raised in Baltimore. He enlisted in the Army Air Corps in 1937 in the service of his country. He rose to the rank of lieutenant colonel.

And while in the service, he attended law school, and his final station was in the Washington D.C. area, where he served four years in the Judge Advocate General's Office as a claims officer.

He graduated first in his class at law school, the Baltimore Law School, and also placed first in the Maryland Bar examination. Now, that's quite a trip. I am well aware of his outstanding record in the law school in Baltimore, because it was the same school that I attended some years later.

And when I was teasing one of my law professors, there were only two women in the school at the time so I could get by with doing that sort of thing, but I remember saying to the professor, well, you know, I want to be the smartest student, law student you ever had, and he looked at me and he said, no, Irving Fisher was the finest student I ever had.

Besides being admitted before the Maryland Court of Appeals, Judge Fisher was admitted to practice in the courts of the District of Columbia and the United States Court of Military Appeals and Claims.

Upon leaving the service, Judge Fisher joined Stanley Walcek in the general practice of law in the Oxon Hill, Maryland area. He remained in private practice until his appointment to the District Court for the Fifth District of Maryland as an associate judge on September 6th, 1996.

He was a member of the Prince George's County Bar Association and the Maryland State Bar Association. He served as chair of many Bar committees, and is also chair of many District Court statewide committees.

As chairman of the state-wide District Court Civil Committee, he came to be recognized as an expert in the District Court civil procedures. He is today survived by his wife of 16 years, Berna Braunstein Fisher, of Potomac, Maryland, and three children by his first wife, Esther Fisher, who died in 1986.

And I must tell you a little story. I had an attorney come to me and say, I had a very strange experience. I was presenting a case before Judge

Fisher in the civil court and he suddenly called a recess because tears came to his eyes when I told him an attorney had passed away just a short time before, and as strong minded and as efficient as he was and as brilliant as he was, he still had this compassion and that feeling of great loss.

His children by his first marriage were Jeffrey Fisher of Upper Marlboro. And many of us who have practiced in these courts know Robert Fisher, who owned Denton's, a sister Ruth and a brother Marvin, and Joyce Fisher, his daughter of Rockville.

He also left eight grandchildren of which he was very, very, very proud. He contributed much to his community, to his State, and the legal profession. And we are all very fortunate to have known him and to have served in this County. Thank you.

JUDGE FEMIA: Thank you very much.

Next I'm going to ask Chris Dunn down to say some words in memorial of John Kelly Keane. I believe he was Irish. I could stand corrected on that; I believe he was. "Jack," as we all know him, was just -- you know, it bothers me, I'm looking at the dates. Jack was born in '38 and passed away this year. Now we are getting a bit closer here. I call on Chris to say a few words.

MR. DUNN: Judge Missouri, Honorable Members of the Bench, friends and colleagues: As a trial lawyer, we are often trying to persuade and convince our audience of our point of view. And Jack today really made my job today very easy. Jack passed away earlier this year, leaving behind a beautiful and wonderful family, his wife Margaret, his children John, Brian and Molly and Martin, and two step children, Scott and Andrew.

I am confident that Jack will not be forgotten.

Jack came from a family of attorneys. His father, John Keane, was partners with Jack's very well-known uncle Ignatius "Iggy" Keane. The stories of Jack's father, and especially his uncle, Ignatius Keane, are just absolutely enjoyable, and nobody enjoyed telling them more than Jack himself. Jack was a lawyer's lawyer. Jack was a man's man.

But more importantly, Jack Keane was a friend to everyone he met. He was born and raised in Hyattsville. He went to Northwestern High School. Graduated from West Point, where he was number two in his class, and went on to law school in Georgetown.

He was a White House aide, and then clerked for the late Judge Ralph Powers. In the 1960s Jack

became partners with my father, and that's when I really got a chance to know Jack Keane. When I was a kid, Jack was always at the house. He was always so funny, he was always so entertaining and lively.

You never saw Jack down, and he never stopped with the Irish jokes. And he always ribbed everyone he saw with a smile on his face.

From there Jack was appointed as the People's Counselor of Maryland, where he was handling over 500 cases involving the Federal Power Commission and the Federal Regulatory Commission, where he took one of his cases all the way to the Supreme Court.

Jack gave me my very first job out of law school as a counselor working for him. And as a first year law student, I had no idea what I was doing, but Jack went out of his way to introduce me to everyone in his office and make sure I was taken care of.

Jack really rose to prominence. He became the senior vice president and general counselor for the Washington Gas and Light Company from 1990 to 2001. And 2001, Jack retired and moved to Bradenton, Florida, at that time, most importantly, to be with his kids that were living in Florida, but also to play golf.

Jack was committed to many, many charities

and charitable boards in addition to the law association that he was a member of. Jack was on the board of the Cystic Fibrosis Council and Catholic Charities, which he was very, very devoted to Rachel's Woman Association, here in Prince George's County, Maryland Hospital Foundation and Council for Excellence.

Jack was very, very well-known and well liked for his charming sense of humor and combined with his Irish wit. I was amazed that every time I saw Jack at a Bar Association meeting it always seemed like there wasn't a person in the room who didn't know Jack, or, more importantly, didn't go out of their way to talk to Jack, no matter how long the line was forming in front of him.

Shortly before Jack's death this year, he sent a note down to the Bar Association headquarters, which read: Special greetings to all Members of the Prince George's County Bar Association for a banner year in 2003.

On behalf of your family, on behalf of your so many friends, I say to you, thank you for what you did, thank you for what you gave to us, and thank you for who you were, your memory will never fade. Thank you.

JUDGE FEMIA: Thank you. Well, the last to be memorialized here today is a man that I suspect just everyone in the room knew. And if you knew him, you were his friend, and I'm talking about "Zip" Nanna.

I don't see Judge Chasanow here today, because that would require me to tell a number of stories, but I recall hunting with Judge Chasanow and "Zip" Nanna myself, but Judge Chasanow's not here, so I won't do that to him. I tried not to do it to him behind his back. "Zip" was a good-old-boy and he is sorely missed by all of us.

And Bud Marshall has graciously accepted -- many people don't remember, but he used to be Zip's partner back in Hyattsville, back in the seventies.

And I'd ask if you'd be kind enough to say a few words.

MR. MARSHALL: Members of the Court of Appeals, Judge Missouri, judges, friends, lawyers, family of Zip Nanna: I'm here, I guess, for a particular reason. There are other people around here -- I see Gary Neal -- there are other people here who probably knew Zip more than I did over the years.

But I'm here because I sort of feel that someplace along the line perhaps he gave an

opportunity to some young lawyer to start, and as a young lawyer in 1958, having just graduated from Georgetown and adjusting claims, I knocked on a door at a little office in Hyattsville on Route 1, and the most beautiful young lady was sitting there.

Immediately I fell in love with her and I thought I was going to marry her the next week.

Little did I know that Zip Nanna's secretary was Janice, and a couple weeks later they were married.

I was looking for an opportunity to start someplace, and Zip Nanna had a reputation many don't remember, but when I came into the office in, I guess it was 1958, Zip was the first juvenile trial master in Prince George's County.

And he had a reputation in those years, in fact, it was sort of a national reputation for a young lawyer. There was an episode in Prince George's County in which some juveniles had set fire to some animals. And Zip devised the proper punishment, and it was before others came out with this, that these young people should clean the local veterinary place.

So for several weeks the animal pound was cleaned. And Zip Nanna was responsible for the start of a proper type of and appropriate punishment for

these youngsters.

When he gave me the opportunity to become a lawyer, I thought he was one of a kind. Judge Femia said he was one of a kind. And when I say he was one of a kind, I have never met before or after anybody like him.

He was a great trial lawyer, and I think he also was a great businessman. He taught me so much in those two or three years that we were together. He taught me something about the practice of law and about the people in the courtroom that he would introduce me to because they were his friends. And I became their friends because of "Zip."

He took me out on the bay. He bought a boat with a little outboard motor. It started out in their back yard in New Carrollton, but ended up in mine. And he taught me how to fish. He even tried to teach me how to play golf. I played golf; I wasn't successful, but I tried.

He was a great athlete. And although his love may have been for the law, or perhaps for golf, or maybe for fishing or for hunting, when he went back to West Virginia, his true love was picking a guitar. And that was something that everybody knew for "Zip," he was one of a kind.

And if you take a little look in the materials that are here, Zip didn't have a funeral when he died this year; instead of a funeral, his local Lion's Club, all came down there with these guitars and they picked.

Zip was a person who laughed. He went from Prince George's County in 1985 to Worcester County. He and his family were as close as could be --

This is something unique about Zip; not only was he one of a kind, but I never have met anybody whose clients respected or liked him as much as his clients respected him and liked him. They were friends. And Zip was a friend to his clients, and his clients all were a friend to him.

He was born in 1925 and died suddenly this year, much too early. He went to, like many people did in those years, he enlisted in the Air Corps in 1942, out of West Virginia. Don't quite see the same thing happening these days. And he served until 1946.

Went down to the Pacific and spent some time down there, came out and then went on to law school at the University of Maryland undergrad, and then he went to George Washington Law School, where he graduated.

He stayed here in this area, I guess, until 1987, decided the better life was across the Bay, and

went over to Worcester County, where he established a law practice over there.

Many of you may remember in the Bar Association news generally always had a little note there about Zip Nanna.

He was a member of the Bar until he, I guess, he decided to move to Worcester County; practiced over there. For 18 years he was the City Solicitor for Greenbelt while he was there. He was a member of a number of organizations: The Veterans of Foreign Wars, the American Legion.

I'm here pleased to be able to say that I had something to do with Zip Nanna, and Zip Nanna gave me the opportunity to be a lawyer. Frank, his son is here, and his son Chris is here, and his daughter, and their respective spouses.

And he and his wife Janice have been married 47 years. Janice is here with us today. And he is survived by five grandchildren.

The one thing I can say about Zip Nanna is he truly will be missed by thousands. Thank you very much for allowing me to participate. Thank you.

JUDGE FEMIA: I want to thank all the presenters for their words this afternoon. Those of you who have asked, Fred Heinz died, was not a member

of our Association upon passing; doesn't mean we don't remember him. Just he wasn't a member of the Association. In fact, I don't believe Fred was readmitted upon his passing.

Judge Missouri, I would ask that the remarks made today by the presenters be preserved upon the record. Thank you kindly.

JUDGE MISSOURI: Thank you. Thank you, Judge Femia.

Ladies and gentlemen, on behalf of my colleagues, Chief Judge Graydon S. McKee, Judges of the Judicial Circuit Court that are here today, the Judges of the Circuit for Prince George's County and our colleagues, and the Court of Appeals, Court of Special Appeals, and the District Court, and all our retired colleagues, we are grateful to the Prince George's County Bar Association and the Members of the Committee for the presentation of these memorials.

It is a tradition that we, in continuity, have continued for many, many years, once a year to honor our departed brethren. If there were any sisters, I would say that, but it was only brethren, and to memorialize these presentations, the court directs that the court reporter transcribe these eulogies and distribute copies to the families of

those colleagues we are honoring today.

Mr. Wiggs.

THE CHIEF BAILIFF: We're adjourned.

(The proceedings were concluded.)