

FRANCIS VAN NUYS

By Curtis H. Barnette

I am honored to have been asked to make these remarks about a good friend and a great lawyer. I may have some difficulties in the process, and I ask for your understanding of my deep respect and affection for Francis Van Nuys, a member of the Bar of this Court since 1972, who passed away on February 17, 1980. He was 67 years of age, and he was thoroughly enjoying a very active life after his retirement in 1977 as Vice President, Law, and General Counsel of Bethlehem Steel Corporation.

He was known as Francis, Fran, and Van to his colleagues and friends. I knew him as Fran and shall refer to him in that way.

It would be possible to review with you the appointments, memberships, awards and honors which were accorded Fran, and which he richly deserved. I believe these are well established and indeed they are widely known. Fran was above all a modest man and I doubt that he would have wanted anyone to detail at length his achievements on such an occasion as this. I do believe that also, above all, Fran cared about people, and I know he was always more concerned about people's feelings. I have therefore chosen, to the extent possible, to remember Fran through the words of his family, his clients, and his professional colleagues and friends in the community, and truly, throughout the world, who have assisted me in the preparation of my remarks.

Fran's wife, Anna G. Chute Van Nuys, passed away in 1970. Fran is survived by two sons, Bing, an attorney, of Springfield, Virginia, Peter, an attorney, of New York City, Bing's wife, Betty, and two grandchildren, Susan and Peter. They are present in Court this morning. He was also survived by two brothers.

As to Fran's early years I have been guided by his brother, Jerry, who recalls that Fran was born in Kansas City, Missouri, April 13, 1912, the seventh son of Mr. and Mrs. Dunlap W. Van Nuys. Dunlap W. Van Nuys was the eldest son of Mr. and Mrs. George Bigham Van Nuys of Miami, Missouri,

who was descended from Aucke Janse Van Nuys of Holland and who settled on Long Island in 1651. A Master Carpenter, he built the first church on Long Island in 1654. Fran, at Clay Grade School, and at Westport High School, in Kansas City, distinguished himself with constant top grades. This was to the consternation of his nearby brothers and sister, who struggled with less success.

In this family of ten children, each was assigned a duty, which in Fran's case was washing the dishes while his next younger brother and sister dried the dishes and cleared the table. Each child was expected to iron his own clothes, darn his socks (most of the clothing being passed on each September 1st to the next younger) and each was expected to make his own bed and to assist in cleaning.

At bedtime each child was to read a chapter from the Bible and to memorize a Proverb. Then they lined up to tell their Mother what was read and recite the Proverb.

Graduating in 1929, there appeared no way for Fran to go to college and fulfill his cherished dream of becoming a lawyer. Through a summer job at the Board of Trade in Kansas City and assistance from Westport Presbyterian Church, he was able to attend nearby Park College at Parkville, Missouri which was then affiliated with the Presbyterian Church. It was here he met his wife to be, Anna Chute. Fran spent two years at Park, never ceasing his efforts to get into Harvard, on total scholarship, as money in 1931 was just not available. Harvard advised him that if he could come, and if his grades met the standards after the first semester, he could have a scholarship.

So it was that Fran landed in New York on his way to Harvard with a cardboard box containing clothes, tied about with a rope. Fran's brother recalls his great pride in this memory of his determination when he knows how sensitive and retiring he was through their growing years.

Fran continued on scholarships through his years at Harvard. He waited on tables and often had a diet of doughnuts and coffee in the early years.

His academic achievements at Harvard were, and they are, high in the annals of that great university. He was graduated Magna Cum Laude in 1933 from Harvard College with a

Bachelor of Arts degree and three years later in 1936 he was graduated Magna Cum Laude from the Harvard Law School with a Bachelor of Laws degree.

While at Harvard he was elected to Phi Beta Kappa and served as an editor of the Harvard Law Review.

After law school Fran became associated in 1936 with the law firm now known as Cravath Swaine and Moore in New York City. He was first admitted to practice in New York. From 1940 to 1942 he served as counsel to the Trustees of the Associated Gas & Electric Corporation.

In 1942 Fran joined Bethlehem Steel Corporation in Bethlehem. He progressed through a number of important positions and assignments. In 1967 he was elected a Vice President and Associate General Counsel. In 1970 he became Vice President and General Counsel, the position he held until his retirement in 1977.

One of his most important clients recalls Fran as a man of high principles, dogmatic though he could be on occasion. There is no question he was dedicated to his work and to his employer. His reputation for hard work, days, nights, and weekends, was known to his clients. While occasionally controversial to his opponents, his persistent efforts never failed in finally achieving the best results. One could always rely on the fact that the "end product" would be positive, polished and functional.

He was completely devoted to his own family, and love of family was a characteristic he admired in others.

He was a man of culture and highly appreciative of the fine arts. His widespread traveling was always planned accordingly.

With it all he had a real sense of humor. This client remembers his story of attending a college graduation in a foreign country where he represented Bethlehem at the personal invitation of the President of that country. It was very hot and they were all dressed in tails and top hats and sat on the stage of the auditorium. Between much perspiration, the ever present insects and lack of air conditioning, they were

all very uncomfortable to say the least. Fran's description was hilarious.

Simply put, he was a sincere and compassionate friend who could be counted upon at any time.

The General Counsel of one of our country's great corporations has this to say about Fran:

What impressed me was not so much his legal abilities (which were of the highest quality), but rather an awareness which grew with exposure of a special kind of warmth and sincerity. I doubt if Francis ever consciously did a mean thing in his life. I would also be surprised if he ever refused a serious request for help from anyone. I know from personal observation that he was unusually interested in other people of all ages and they warmed to his interest.

The senior partner of a leading law firm said on an occasion they shared that what he recalled most vividly was not so much his graciousness and good taste as reflected in the details of the evening but more the thoughtfulness of a genuinely nice person in going out of his way for other people.

Still another General Counsel said though our visits were infrequent - they were always truly memorable. I don't think I've ever laughed as hard, or enjoyed myself as thoroughly, as I did on the occasions of our get togethers.

The wife of a General Counsel said to Fran's family that she and her husband became acquainted with Fran through the Corporate Law Department Section of the American Bar Association and also through the Association of General Counsel, two organizations to which he was so dedicated. She said we saw him often enough to know him as a gentleman and a scholar, and a friend. And now, of course, we regret so very much not having rearranged things so we could have accepted his invitation to his Kentucky Derby Day party last May. This was always the social event of the year for Fran and for many others. One should not take such invitations lightly. Such friends should be re-encountered as often as possible because they are an enrichment. Your father enriched our lives. It was a pleasure to know him. Your loss must be very heavy -- but your heritage, very special. May you be comforted by the

knowledge that in him you had someone so very special indeed.

The Committee on Corporate Law Departments of the American Bar Association honored Fran by adopting a resolution which acknowledged him as a devoted and respected member of the Committee on Corporate Law Departments both during the period when he was General Counsel of Bethlehem Steel Corporation and after his retirement. They recognized his contributions to the activities of the Committee, to the work of the Section on Corporation, Banking and Business Law of the American Bar Association, and to the advancement of the cause of corporate counsel generally. They especially appreciated his intelligence, his quiet good humor, and his gentle humanity.

A superior of Fran's at Bethlehem Steel has this to say about him. He was a lawyer who did not shun the routine, time-consuming tasks inherent in daily practice. His scholarly aptitudes never failed him -- or his clients. He was a master draftsman. He was perhaps as good as any one in the world at composing extremely complicated joint venture agreements for mining enterprises in the United States and in foreign countries.

He was a good administrator. He supervised the increasingly large Law Department of his last client. He interviewed prospective employees in that department, and kept a vigilant and helpful oversight on those he hired.

Yet Fran was not so immersed in the law that he did not enjoy life to the fullest. He knew the pleasure derived from a visit on occasion to the wassail bowl. He had a keen appreciation of art -- whether it was jade from the Far East or a painting by a local artist. He enjoyed great food; and also the company of good friends. He loved foreign travel, immersing himself in the glories of ancient Greece and Rome.

A special interest of Fran was the importance of Bethlehem's attorneys being admitted to practice in Pennsylvania, and especially in being admitted before this Court. I know that Fran, with great pleasure and pride, would have himself made the motions, which with the permission of the Court, I would like to make later this morning, to move the admission to the Bar of this Court, three additional attorneys who have recently joined Bethlehem and been admitted to Practice in Pennsylvania.

Fran was a firm believer in the sound and fair administration of justice. He valued and preserved, with great personal courage, and on occasion at his peril, the sanctity of the attorney-client relationship which he deemed essential for the proper discharge of all lawyers' professional responsibilities.

I will not attempt to recount further his many activities. He was a modest man of great accomplishments and his record stands for his life and his aspirations.

He was a brilliant lawyer for all lawyers -- an enthusiastic traveller to all places -- a modest and sensitive person for all people.

June 27, 1980