

John M. Kostner



STATE OF WISCONSIN

CIRCUIT COURT

TREMPEALEAU COUNTY

IN THE MATTER OF THE MEMORIALS

TO JOHN M. KOSTNER AND
BURR TARRANT.

HEARING

BURR TARRANT.

Hearing was held July 1, 1975 at 1:30 p.m. in the County Court-
house, Whitehall, Wisconsin.

PRESIDING:

HON. MERRILL R. FARR, Circuit Judge, 23rd Judicial Circuit,
Eau Claire, Wisconsin.

APPEARANCES:

CLARENCE E. FUGINA, Attorney at Law, Arcadia, Wisconsin,
presented the memorial in honor of JOHN M. KOSTNER.

MARVIN L. FUGINA, Attorney at Law, Fountain City, Wisconsin,
presented the memorial in honor of BURR TARRANT.

Memorial to JOHN M. KOSTNER by CLARENCE E. FUGINA Page 3

Memorial to BURR TARRANT by MARVIN L. FUGINA Page 7

COURT: Mr. Clarence Fugina went after something. He'll be back in just a moment. Mr. Marvin Fugina, will you come up to counsel table, please. We'll wait for Clarence.

MARVIN L. FUGINA: Casey is here.

COURT: Oh, he is here. Now, I understand each of you attorneys have a motion in connection with some memorials.

CLARENCE E. FUGINA: Yes. If the Court ---

COURT: I would like to do this. Will you excuse me one moment, Mr. Fugina?

CLARENCE E. FUGINA: Yes.

COURT: Show the appearance of Mrs. Lorena Tarrant. Is there any member of the family with you, Mrs. Tarrant?

MRS. TARRANT: Not of my family.

COURT: And Mrs. Phyllis Kostner?

MRS. KOSTNER: Yes.

COURT: And I understand your son, Bruce, who is a law student, is with you, is that right?

MRS. KOSTNER: Yes.

COURT: And will you note the appearance now of Mr. Clarence Fugina.

CLARENCE E. FUGINA: If the Court please, I will move ahead of Marvin in this case because of the death of, because the death of John Kostner occurred prior to that of Mr. Burr Tarrant, and I submitted his memorial at the Tri-County Bar meeting first, and then the one for Mr. Tarrant later, because of the dates of their deaths. At this time I wish to present to the Court the memorial for John M. Kostner. May it please the Court?

COURT: Mr. Fugina.

CLARENCE E. FUGINA: Having been appointed by the Hon. Gary B. Schlosstein, acting as President of the Tri-County Bar Association, to present to the Circuit Court of Trempealeau County, Wisconsin, and to the Tri-County Bar Association, a memorial in honor of the late John M. Kostner, I herewith offer the following and move that it be filed as a part of the record of this Court and as part of the minutes of the Tri-County Bar Association.

John M. Kostner, known to his family and friends as Jack, was born on the 15th day of September, 1926. He died of a heart attack in his office on April 16, 1974. He was a son of George and Mary Kamla Kostner, both of whom were of well-known Arcadia families, and both of whom are now deceased. Jack was a graduate of St. Aleysius Catholic Grade School and of Arcadia High School. He received his prelegal schooling at St. Mary's College in Winona, Minnesota.

He enlisted in the United States Air Force in World War II, and a part of his training was at the Michigan College of Mining and Engineering at Houghton, Michigan. He was then sent to the European Theater of Operations.

On September 9, 1947, he married Phyllis Reuter at St. Boniface Catholic Church in Waupandee. He was survived by his wife, Phyllis; two sons, Bruce, who is now attending the Midwestern School of Law at Hamline University, St. Paul; and Jon, a student at St. Mary's College in Winona; four daughters, Mrs. Patrick (Deborah) Maloney, Arcadia; Mrs. James (Becky) Rolbiecki, Winona; and Jane and Julie at home, both of whom are attending the Arcadia High School; three

brothers, LaVern, Attorney at Law, Arcadia; Adrian, owner and operator of Kostner's Store at Arcadia; and Bernard, Attorney at Law, Bloomer, Wisconsin; and two sisters, Mrs. Benedict (Bernadine) Pietrek, Milwaukee, and Mrs. Henry (Lucille) Brom, Winona.

After his service in the Air Force, Jack entered Marquette University Law School, graduating in 1952 with a Bachelor of Law Degree. On June 11th, he started working for the law firm of Fugina, Kostner, Quinn & Ward at Arcadia. He became a partner in 1955 when the firm name was changed to Fugina, Kostner, Ward, Kostner and Galstad. He was a partner in this firm at the time of his death. He served as Arcadia City Attorney for eight years. He was never a candidate for any elective office, but he always played an active part in his community.

Jack became an excellent tax lawyer, and he did a great deal of work in this field. He was a very good mathematician as a result of his training at Michigan College of Mining and Engineering. This was of help to him in his tax work, and he took care of a large number of clients. He was proficient in probate work, and he was able to handle a heavy load of office work. He also took care of cases in many Wisconsin counties for an insurance company client. This work kept him on the road for several weeks each year.

Jack was also active in community affairs. He was a member of Our Lady of Perpetual Help Catholic Congregation in which he held offices at various times. He was a member of Tickfer-Erickson Post No. 17 of the American Legion, a member and once president of the Lions Club, and an active member of the Arcadia Sportsmen's Club.

Jack was exposed to the legal profession when he was a young man, as two brothers were practicing lawyers. He was also in contact with the Tri-County Bar Association when he was quite young. In the years when the Tri-County Bar held its summer meetings at Trempealeau and George and Mary Mostner furnished the meals to its members in their cottage, Jack was the handyman, taking care of the bar, assisting with the serving and running errands. He was also actively observing the card games, and he later became an excellent card player. Many Supreme Court Justices, Judges and able lawyers were guests at these meetings. Undoubtedly, these contacts and the comradeship of the association members were a factor in his decision to enter law school.

He was always interested in high school athletics, and was usually in attendance at high school games. He had played on high school teams, and he was very pleased to see his sons in action. He was an ardent outdoorsman, being very fond of hunting and fishing. He was a good marksman in the field and a skilled fisherman. He was a master of the spinning rod and a fine fly fisherman. Trempealeau Bay and the Trempealeau River bottoms were his favorite duck hunting areas, and he hunted the parts of Trempealeau and Buffalo counties around Arcadia for other game. He owned hunting dogs and tramped the bluffs and bottoms at night looking for coon. He hunted all kinds of upland game, and deer season forced him out on the bluffs early and late. He also liked to be out on the Mississippi River boating and fishing. He fished it at some time or other all the way from Trempealeau to Lake Pepin. He liked to hunt and fish with his sons, and he spent much of his leisure time with them. He had very

serious heart surgery at St. Luke's Hospital in Milwaukee some years ago, but his love of the outdoors was so strong and all pervading that he continued his hunting and fishing up to the time of his death. Each year he would rent the Tri-County Bar cottage on Lake Pepin for several weeks, spending his time there fishing, swimming and boating with his family. He seldom cared to travel far from Arcadia and the Mississippi River. He once told me that he knew no more pleasant place to be.

Jack can best be characterized as a country lawyer in its truest meaning. City life had no appeal to him. He seldom missed a meeting of the Tri-County Bar Association, as the companionship of its members meant a great deal to him. He was an able, conscientious, industrious and ethical lawyer. His dealings with his clients were always confidential, and his charges fair and reasonable. His relations and dealings with his fellow lawyers were beyond reproach. In short, he was a credit to the legal profession, a country lawyer who could be depended upon in every way. He felt that his clients' rights were sacred, and he lived up to the true measure of duty which a lawyer owes to his clients. His practice of the law which covered a period of almost 22 years was never marred or tarnished in any respect. He was a man of many friends. They included judges, lawyers, other professional people, businessmen, farmers and laborers. It was not only a lawyer who suddenly passed away on April 16, 1974, but a friend who would be badly missed in Arcadia. His passing, even though in middle age, left a void in the community and in the hearts of its people. A myriad of friends miss him, remembering him

as a fine, honest, capable and ethical country lawyer, a respected citizen, a fine friend and a true gentleman. He has served his country and community very well.

As a sort of epitaph, I am reminded of another fine country lawyer, now deceased, W. S. Wadleigh of Galesville. At a Tri-County Bar Summer meeting at Trempealeau many years ago, Mr. Wadleigh told me he had only one claim to fame; namely, that his sons would rather spend their leisure time with him than with any other man. I think this same claim to fame fits Jack Kostner just as well.

Respectfully submitted, Clarence E. Fugina. I wish to move that this be entered as a part of the records of this court.

COURT: It is ordered that the memorial of Jack Kostner be received and that it be spread upon the record of this court.

*Here follows a memorial to Burr Tarrant,
after which the following occurred*

COURT: Your motion is granted. It is ordered that this memorial be received. It also will be spread upon the record of this court. We're very grateful to you gentlemen. These obviously very sincere tributes are of a type which is enduring. I was the beneficiary of the kindness and the professional capacity of both of these lawyers. In an odd situation, Trempealeau County inherited me. I had never been elected here. The legislature saw fit to remove Trempealeau County from the La Crosse circuit and add it to the Eau Claire circuit, and I came down here with a very skimpy acquaintanceship. These lawyers were very kind to me. They were a great aid in my relationship with the county board. I, through their good officious, I don't think I ever asked for anything for this court which was not granted immediately. I think I was some kind of a

beneficiary of Mr. Kostner's skill at cards, and I was a further beneficiary of the good graces of Burr who very kindly invited me on one of these Canadian trips, the second-to-the-last one he went on. It was the year Marvin did not go. And it was a great experience and a wonderful experience. I would like to say there is a lawyer in the Tarrant family, also.

MRS. TARRANT: Yes.

COURT: You have a daughter who practices in Chicago.

MRS. TARRANT: Thank you.

COURT: We're very proud of the memory of your husband and father. Court is adjourned.

(Hearing concluded at 1:55 p.m. on July 1, 1975)

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STATE OF WISCONSIN)
ss.
EAU CLAIRE COUNTY)

I, Gerald C. Pederson, official reporter for the 23rd Judicial Circuit of the state of Wisconsin, do hereby certify that the above writing has been carefully compared by me with my phonographic shorthand notes of the testimony and proceedings taken on hearing of the above entitled matter, and the same is a true and correct transcript of all the evidence, testimony and proceedings had on such hearing.

Dated this 22nd day of July, 1975.

Gerald C. Pederson
GERALD C. PEDERSON
Court Reporter