

**MEMORIAL RESOLUTION OF THE
ALLEN COUNTY BAR ASSOCIATION**

ALAN LEE VERPLANCK

Today we gather to honor the life of Alan Lee VerPlanck, who passed away on July 27, 2017. Alan – who usually went by Al – was born into a working-class family on May 1, 1950 in Lansing, Michigan. His father worked at an auto parts plant and his mother was a school teacher.

As a 10-year-old, Al experienced the trauma of watching his father die of a massive heart attack in the family kitchen. Perhaps for this and other reasons, Al was an indifferent student in high school. Somehow, he was admitted to Michigan State University and he worked his way through college with jobs that included serving food at MSU football games.

Meanwhile, he began dating Vicky Evanoff who was part of a huge extended Macedonian family. Al, for all intents and purposes was absorbed into that very close-knit Macedonian community and even its Eastern Orthodox rituals.

The big surprise in Al's life is that, against all odds, he became a standout student at Michigan State. He was such a stellar student that he was elected as a Rhodes Scholar, the first in MSU history, and part of a class of Rhodes Scholars of only about 32 in 1972. Al and his fellow Rhodesmen (no women were permitted at that time) sailed to England on the QE2. At Oxford, he had pub conversations with such literary luminaries as the poet, W.H. Auden, and the author of the Lord of the Rings, J.R.R. TOLKEIN. Apparently, a great deal of Oxford teaching took place over glasses of sherry or Irish stout. For some reason, Al very much enjoyed this system!

Al enrolled in graduate school at the University of Michigan and began work on a doctoral thesis on Joseph Conrad's novel, "Heart of Darkness." By then he had married Vicky

and they planned a family. At that time, the job prospects for people earning Ph.D.'s in English were somehow not as good as the job prospects of lawyers. Who knew? Al then enrolled at the University of Michigan Law School. He graduated in 1978.

As luck would have it, Vicky's Macedonian family had many relations in the Macedonian community in Fort Wayne and he and Vicky decided they would settle here. Al began practicing law, focusing mainly on litigation. Al was an outstanding litigator, a legal scholar, a marvelous legal technician and a very fine appellate lawyer. Somewhat unusual for a lawyer who dealt with abstruse legal issues, Al was also a wonderful jury trial lawyer with a knack for relating to the laypersons who are often asked to sit in judgment of our clients. He was very often able to persuade those laypersons of the rightness of his cause.

But those who knew Al well also knew that he had a strong sense of justice, which he defined as fairness. And, not surprisingly, he had great sympathy for the underdogs in this world. Partly this may have motivated him to devote himself to representing an unpopular underdog, the City of New Haven. New Haven was then engaged in what seemed like a hopeless cause -- opposition to a gigantic hazardous waste company and its huge hazardous waste landfill located near the New Haven boundaries. After years of intricate litigation, and a political struggle against nearly every politician in Fort Wayne (all aligned with his opponents) and at great sacrifice to his personal life and his legal career, Al and his client and his allies (Mayor Lynn Shaw, Tom Lewandowski, Cheryl Hitzemann, and others) finally achieved what many thought was quite impossible. The hazardous waste landfill, a true juggernaut, was shut down. My understanding is that this is the only instance in which a hazardous waste landfill in the United States has ever been shut down. A real David and Goliath story.

After that monumental achievement, Al once again devoted his efforts to the underdog. He became a recognized expert at navigating the incredibly complicated federal pension law, representing employees who Al believed had been unjustly deprived of their benefits. And, he

served as an advisor to a local grassroots labor organization, the Workers Project, devoting himself to the effort to increase the power of working people in our community.

Sadly, in 1999, Al fell victim to an extremely rare disease, a progressive disease for which there is no cure. Although Al had received a prognosis at Mayo Clinic that he probably only had five years to live, he somehow outlived that prognosis by 13 years. While he fought his physical illness with courage and tenacity – becoming as much of an expert on his condition as those treating him – there was one challenge he could not face: the loss of his beloved wife, Vicky. Those who were close to him saw the toll Vicky's battle with cancer took on him, causing his own condition to finally overtake him just eight months after her death, leaving the VerPlanck children, Carl, Anna, and Zoe in terrible grief.

To conclude, Al later posthumously received the Niemann Award by the Allen County Bar Association, which recognizes attorneys for their civility and professionalism. This award was well deserved, since attorneys and judges who dealt with Al would have observed his professional courtesy, his sense of fairness, even in hotly contested litigation, his willingness to give freely of his time to young lawyers who asked him for advice, his very good-natured sense of humor, and, most importantly, Al's sincere compassion for his fellow man.

For all of these qualities, Al will always be fondly remembered and he will be missed.

NOW, THEREFORE, BE IT RESOLVED that the Allen County Bar Association gives public expression of its sorrow upon this, the occasion to remember and pay respect to Alan VerPlanck,

BE IT FURTHER RESOLVED, that this resolution be unanimously adopted by those present for this occasion.

BE IT FURTHER RESOLVED, that this resolution be transmitted by the Allen County Bar Association to the members of the Alan Lee VerPlanck family.

BE IT FURTHER RESOLVED, that this resolution be spread of record in the permanent records of the Federal and State Courts in Allen County to evidence the respect and admiration that the members of the Bench and the Bar had for their departed friend, mentor, and colleague, Alan Lee VerPlanck,

Dated this 15th day of October, 2018 at Fort Wayne, Indiana.



THE ALLEN COUNTY BAR ASSOCIATION

By: *Andrew S. Williams*
Andrew S. Williams, President

By: *[Signature]*
The Honorable John F. Surbeck Jr.
Judge, Allen Superior Court

Resolution prepared and presented by James P. Fenton