

**Dauphin County Bar Association  
Memorial Resolution on the Death of  
Joseph G. Skelly**

Joseph Gordon Skelly, a respected Dauphin County practitioner of many years standing, passed from this life on December 11, 2021.

Born in Oil City, PA in 1935, Joe graduated from the University of Notre Dame and thereafter from the Villanova University School of Law. After several years of practice in Oil City, he relocated to Harrisburg to join his former law professor, William Bentley Ball, as legal counsel to the Pennsylvania Catholic Conference.

During his service to the Catholic Conference, Joe devoted his efforts to the advancement of legislation, the shaping of administrative rulemaking and representing Church entities in litigation affecting the Church on a statewide and national basis. When Joe and Mr. Ball realized that they could engage more effectively and more broadly in the promotion of religious liberty and social justice goals in the private practice of law, they formed the Law Firm of Ball & Skelly in 1968, with the Catholic Conference and other religious denominations as their initial clients.

Shortly after the formation of the Firm of Ball & Skelly, the School District Administrator of New Glarus Public School District No. 1 in the State of Wisconsin filed criminal complaints in Green County Court, alleging that Jonas Yoder and two other Amish fathers had failed to enroll their children in a public or private school following the completion of their 8<sup>th</sup> grade years, contrary to the requirements of the Wisconsin Compulsory School Attendance Law. Through the intermediary interventions of the National Committee for Amish Religious Freedom, the Amish defendants set aside their conscientious hesitancy to defend themselves before the civil law authorities and retained Ball & Skelly to represent them.

William Ball and Joe Skelly, after having experienced the rigor of scrutiny at the highest appellate levels in prime religious liberty litigations, set out to develop a comprehensive trial court record in *Wisconsin v. Yoder* that would address all of the factual and legal contingencies that could ultimately be imagined or anticipated by the Justices of the U.S. Supreme Court – where the case was likely to receive its final review.

Of critical importance to the development of the case record was the presentation of expert testimony establishing the centrality to the Old Order Amish belief system of the community’s religious principles concerning the place of formal education and vocational development in the maintenance of a communitarian dedication to ultimate spiritual destinies. Amish culture and Amish religious beliefs are inseparably intertwined, a fact that the U.S. Supreme Court deemed to be irrefutably established in the record.

Of similar importance to the successful defense of the Amish defendants in this criminal

prosecution was the testimony of experts on the role of formal and communitarian education in achieving the public societal goals of producing self-reliant citizens of uncommon civic virtue. Again, the U.S. Supreme Court relied heavily on that testimony in finding that the State of Wisconsin had failed to carry its burden of proving that two additional years of formal classroom schooling was essential to assuring that Amish community members would not be a drain on society at large.

Not only did the Supreme Court's decision in *Wisconsin v. Yoder* vindicate the religious and parental rights of the individual Amish defendants, it served to establish the framework for adjudicating religious liberty issues under the U.S. Constitution for years thereafter. It likewise served as the basis for the statutory restoration of that decisional framework by a substantial bipartisan cross-ideological coalition of the U.S. Congress when portions of the decision were curtailed in a controversial subsequent decision rendered by the Court in 1990.

The *Yoder* case represented a combination of momentous societal, cultural, constitutional and scholarly principles, but depended completely on solid lawyering in the service of humble, sincere, inspirational, courageous, admirable and simple but profound Amish community members. It likewise represented a signature contribution of the Dauphin County legal community to the development of the nation's constitutional jurisprudence.

Following the *Yoder* decision, Joe Skelly and William Ball collaborated on several additional Supreme Court cases that involved the defense of parental rights in education. These cases placed them at the heart of the Court's efforts at defining the limits of the interpretation of the Establishment Clause of the First Amendment as well as the Free Exercise Clause of that Amendment. Ball & Skelly thus found itself at the epicenter of the evolution of landmark Religion Clause principles at a critical juncture in the history of church-state controversies.

As Ball & Skelly matured as a Firm, Joe Skelly took on the role of managing partner and concentrated on general civil practice, serving individuals, business entities, trade associations and nonprofit enterprises. When William Ball died in 1999, Joe undertook extensive mediation skills training and set up his own practice for alternative dispute resolution, the Skelly Dispute Resolution Center.

Joe was deeply interested in the ethics and professionalism of lawyers and the perception by many, both inside and outside of the legal profession, of the breakdown in civility among lawyers. He lectured extensively on the subject including presentations at continuing legal education courses and as an Adjunct Professor at the Harrisburg campus of Widener University School of Law, where he taught Alternative Dispute Resolution as well as Law Practice Management. His mediation practice concentrated on serving as a mediator for special education disputes involving controversies between parents and school districts relating to special education services to children. In addition, he served as a hearing officer in special education cases.

Another of Joe's contributions to the profession was his longstanding involvement in and



support for Lawyers Concerned for Lawyers, an organization devoted to providing confidential assistance to legal professionals who are struggling with various forms of emotional or mental health concerns. Since the time that Joe was instrumental in its founding, this organization has provided needed preventative and treatment assistance to all those individuals dealing with the particular stresses of a demanding profession.

Therefore, be it resolved, that in the passing of Joseph G. Skelly, the bar and the community have lost a friend, a professional colleague, and valued citizen. We miss him greatly and we tender our sympathy and condolences to his family.

And resolved further that copies of this Memorial Resolution be spread upon the records of the Dauphin County Bar Association, that the original be filed in the Office of the Prothonotary, and copies transmitted to his family.

Respectfully submitted,

A handwritten signature in cursive script, reading "Philip J. Murren".

Philip J. Murren  
Richard E. Connell  
Prof. Jean-Paul Benowitz