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THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
VOLUME XXXI, NUMBER 4  
SEPTEMBER 2019

# George Miller Named New Pro Bono Executive Director

The Westmoreland Bar Foundation is pleased to announce that George C. Miller, Jr., has accepted the position as Executive Director of the Westmoreland Bar Foundation Office of Pro Bono Services. He succeeds David Millstein, who served as Executive Director in a volunteer capacity from 2011-2019.

**“It feels good to work for justice just for the love of it once in a while.”**

David decided to step away from this professional obligation as he has significantly cut back on the practice of law and spends much of his time away from the county. Bar Foundation Chair David S. DeRose says, “David Millstein deserves total credit for single-handedly restructuring the Pro Bono program to make it efficient in serving the neediest of Westmoreland County residents. We are greatly indebted to him for his years of service, his expertise in training staff, and his willingness to always financially help support the program.”

A member of the WBA, George has been practicing law in Westmoreland for five years. He is presently the managing partner at Skala Miller,

PLLC, in Greensburg. Prior to opening his private practice, he clerked for the Honorable Joseph M. George, Jr., of the Court of Common Pleas of Fayette County, and for the Honorable Harry F. Smail, Jr., of the Court of Common Pleas of Westmoreland County.

George is enthusiastic about meeting the challenges that lay ahead and of taking the program to the next level.

“From my perspective, Pro Bono Services represents a series of opportunities—helping those in greatest need, engaging in and educating the public, reducing burdens on the courts, improving the standing of lawyers in our community, and fostering collegiality among participating members. Also, it feels good to work for justice just for the love of it once in a while. I look forward to these things, and to promoting a strong groundwork for Pro Bono services in Westmoreland County, for years to come.”

In addition to George, the WBF has hired Melissa Poteste as legal assistant/

administrator/receptionist. Melissa brings 30 years of experience to the program. She worked for many years with several Pittsburgh law firms, most recently at Pollock Begg Komar Glasser & Vertz. She started with the program in July and is responsible for client screening, program communications,

administrative duties, and serving as a Jacquelyn-of-all-trades.

It is both the intention and the ambition of the foundation to continue to provide excellent services to those in need and to expand the program as new opportunities present themselves. As always, the success of the program will depend on

the generosity of volunteer attorneys, who, as in the past, will be altruistic with their time and their commitment to serving the needy. Attorneys willing to provide pro bono services, including limited representation and brief advice, are asked to contact the Pro Bono Program or the Executive Director directly.

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*George C. Miller, Jr.*

President's Message

# Change: Take On The Challenge

by Joyce Novotny-Prettiman, Esq.

It seems like 2019 is a year of change. In my family, we have experienced the changes that come with celebrating numerous graduations. I don't know how these kids grew up so fast, but they are all dealing with big changes which happen



with graduation—and they are excited! It was very interesting to hear people reminiscing at family gatherings. The conversation often started with a statement that sounded something like, “Do you

remember when we all got together and ... ?” Maybe it was talk about a beach vacation, a silly moment captured in a photo, or a quirky but memorable statement about rafting at Ohiopyle that went something like, “Guides are for wimps.” Without a doubt, the most treasured memories involve shared experiences.

Similarly, there are many changes at the Westmoreland Bar Association. The Board and staff are having a busy 2019 tackling the challenges created by change. As you know, we are busy working with our architect, Lee Calisti, to get the vision of our new building translated into construction drawings. The new building project will bring us the opportunity to grow into our new space.

**“I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.**

**— Maya Angelou**

With the building project moving along, the other big change at the WBA is Executive Director Diane Krivoniak's announcement of her retirement. While we congratulate Diane for her many years of service to the WBA, we have begun the process of working to find a new executive director. We cannot replace Diane but we can look for a new face of the WBA that will carry on the great reputation and spirit of our bar association. Diane has been the glue that holds our close-knit organization together. As we formulated a job description for our “want ad,” the multifaceted challenges of the position of executive director were very obvious. The quality that stood out most to me was how lucky we have been to have Diane leading our organization in her own unique style. I'll call that style “caring kindness.” Diane has always been interested in taking extra time to talk with members and learn about their families, their interests, and their passions. She has always been willing to stop and take

the time to connect with others to find out the things most important to them. This skill has made her a wonderful leader who has been better able to serve the needs of our members.

Like the stories I mentioned above told by my family, Diane has great stories about spending time with members of the WBA. Please take time to stop by and talk with Diane before she leaves us for her carefree days of retirement. Share a great memory with her or tell her a story about an enjoyable event. She probably has some great stories to share with you as well! Not many things are as important as that connection that we have with each other through shared experiences and friendship.

There is a powerful lesson here that I hope is not lost. Diane has been a great example of how important it is to connect with others. In our busy days, it is sometimes easier to rush through our contacts with others. We don't stop to just chat and learn more about our colleagues. I challenge you to take that extra time to find out what is going on with those around you—you will benefit more from that interaction than you realize. ■

Be well,



**Don't forget to check out the progress on our building project. More information is available through our Members Only section at [westbar.org/new-hq](http://westbar.org/new-hq).**



# The International March of The Living

by Nathan Abromson, Esq.

**O**n May 2, my sister, Harlee Abromson, and I, arrived at Auschwitz concentration camp to participate in The International March of The Living, an annual



Nathan Abromson

ceremony to memorialize the six million Jews who perished in the Holocaust.

We landed in Warsaw's Chopin Airport on Sunday, April 27, and checked into Warsaw's gem, the luxurious Hotel

Bristol, hangout of many legendary WWII journalists and correspondents during the run-up to the war. Then we hit the sidewalk running.

We immediately met with our private guide to tour the site of the Warsaw Ghetto Uprising. There, in 1943, hundreds of thousands of Europe's Jews were stuffed and crammed into a few blocks of dilapidated apartment buildings to await deportation to Treblinka for extermination. Over a period of several months, starvation, typhus, executions, and partial deportations reduced the remaining number of surviving Jews to about 30,000.

Refusing to witness even more suffering and certain death at the hands of the Nazis, a few hundred tough, young Jewish men and women smuggled a few light weapons into the ghetto, and together with homemade

Molotov cocktails and other such improvised armaments, they secretly devised a plan to resist and counter-attack the Nazi occupiers.

Over a period of 23 days, this small group fought heroically and brilliantly. Even though the Nazis outnumbered the Jewish fighters by thousands and were armed with machine guns and tanks compared to the Jews' pistols and rocks, the brave Ghetto warriors held their own, inflicting significant casualties on the Nazis and at times actually forcing the Nazis to retreat.

Ultimately, only a handful of those brave Ghetto fighters survived to tell this famous story. In Jewish history, this event is glorified as a great victory, showing the world that Jews could fight back and accomplish the mission against a vast and well equipped army. A magnificent museum is built near the site, brilliantly and authentically showcasing this incredible story. Remnants of the actual Warsaw Ghetto wall (below) still stand.



We then visited the Nozyk Synagogue in Warsaw, the sole surviving pre-war synagogue in Warsaw. It remains an active, operating house of worship. There, on the annual anniversary of the death of our father, Atty. Henry Abromson, my sister and I together emotionally recited the mourners' prayer in his memory.

The next part of the trip was our visit to Krakow, where much Jewish culture and history from hundreds of years ago is preserved and still flourishes. The Jewish Quarter is filled with restaurants serving Jewish dishes from hundreds of years ago and playing lively Jewish klezmer music. Stores selling Jewish literature and religious articles abound. Rabbis and their students populate the streets. The walls of the Nazi-imposed Krakow Ghetto are also preserved.



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## the sidebar

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor should be sent c/o WBA, 129 North Pennsylvania Avenue, Greensburg, PA 15601-2311, fax 724-834-6855, or e-mail [westbar.org@westbar.org](mailto:westbar.org@westbar.org). the sidebar welcomes submissions from members or non-members. Please submit to the Articles Editor, c/o WBA. Back issues from 2000 to the present and a comprehensive, searchable index are available online at [www.westbar.org/thesidebar](http://www.westbar.org/thesidebar).

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## The International March of The Living *continued from page 3*

It was in Krakow that Oscar Schindler operated his factory. As seen in the Spielberg movie, *Schindler's List*, it was through his clever, courageous, and tireless wheeling and dealing with the Nazis, that over 1,200 Jewish lives were saved. His factory building still stands and now houses one of the most amazing Holocaust Museums in the world.

In another part of Krakow, the Gestapo Headquarters and prison are preserved and available for inspection. The prison cells are just as they were during occupation. We placed ourselves inside one of the unlit, windowless, tiny cells and felt the cold and clammy walls that had also been touched by countless suffering prisoners. The floor was rough cement. The ceiling was deliberately lowered. The metal door was rusty and with only a small square opening for viewing inward by the guard. The interrogation room contained implements of torture. It was all incredibly chilling.



The next day, we joined the March of The Living group estimated at 8,000 people. We traveled in a caravan of buses from Krakow to Auschwitz. College students and Holocaust

scholars from all over the world attend this event each year. On the bus, I was seated next to a doctor from Switzerland and across from a Polish diplomat. We met members of contingents of Jewish marchers from the four corners of the world, including Istanbul and Bulgaria, Israel and Argentina, Korea and the United States, Japan and Finland, India and Brazil, and many others. We were taken on a three-hour professionally guided tour of the camp. We stood in one of the raw, unrestored gas chambers and felt panic and horror. The only light came through the shaft in the roof, through which the gas canisters were dropped into the room. We touched the once-electrified barbwire of the camp fences and shed tears at the crematoria.



Then, the actual memorial March began. We marched about two miles from the Auschwitz camp to the nearby Birkenau concentration camp. A wonderful program was presented there, featuring an address by America's Ambassador to Israel, David Friedman, and a very moving speech by a 90-year-old survivor. The program concluded with the mournful singing of Hebrew prayers in memory of the six million who had suffered and died here and in the other Nazi extermination camps.

The Auschwitz Museum features a huge book, *The Book of Names*, listing the names, ages, and homes of all who died there. Our ancestors were born in Riga, Latvia. My granddaughter, Bella, is celebrating her Bat Mitzvah later this year. She will perform this rite also on behalf of another young lady named Bella (Arens), who, during the Nazi occupation of Riga, was murdered before she had attained Bat Mitzvah age. At my granddaughter's request, I took a few moments to try to locate the memorial listing for Bella Arens in *The Book of Names*. I found it, and the picture of this remembrance of Ms. Arens will symbolize her presence at the Bat Mitzvah, as my granddaughter performs the ritual for both of them (see photo below.)



Pray there shall be never be need for another Book of Names. ■

# Remembering George A. Conti, Jr.

*Editor's note: George A. Conti, Jr., passed away on Thursday, May 9, 2019. He is survived by his wife of 44 years, Katherine; daughter, Donna Curtis, of Wayne, Pa.; daughter, Jane McLean and husband, Larry, of Maitland, Fla.; son, John, and wife, Kara, of North Andover, Mass.; and his grandchildren, Katherine and Elizabeth McLean, and Bradley and Emily Conti. Donations can be made in George's memory to Saint Vincent College, 300 Fraser Purchase Road, Latrobe, PA 15650.*



by Denis P. Zuzik, Esq.

Recently, my wife, Max, and I attended Saturday evening Mass at St. Vincent Basilica. We both felt an emptiness because George was not there.

For years when we went there for Mass, George would amble in (in winter, always in a black leather bomber jacket) and take a seat on the right side of the center aisle near the middle. Afterwards, we would talk, and if his wife, Kate, was not in town, George would ask, "Want to get fed

up?"—his way of asking if we wanted to go to dinner together. Off we would go, usually to the TD Club where George was a regular. These dinners, and our usual Sunday dinners with George and Kate at Rizzo's or the TD Club, were always fun and are sorely missed.

George was a Jeannette guy. He grew up there, had a law office there for several years, and for a time was Solicitor. He never lost his affection for the town and the many people he knew. After graduating from Jeannette High School, he attended St. Vincent

College where Jim Silvis (Old Jim) recalls him receiving the highest score on the economics graduate record exam. George graduated from Villanova Law School and, like many lawyers in our county—including me—received post-graduate training at the firm of Scales & Shaw in Greensburg.

For most of his career, he was a sole practitioner with an office in

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## Remembering George A. Conti, Jr. *continued from page 5*

Greensburg where he could always be found on Saturdays and many Sundays as well. His practice was mostly civil and he developed a special expertise in oil and gas law. Jim Silvis remembers when he and George were young lawyers and regularly worked until Noon on Saturdays; they and other young lawyers, including Don Rigone and Tom Godlewski, and an “old” lawyer—Henry Waltz—would have lunch at the Elks. Afterwards, Jim and George, being unmarried, often hopped in George’s Fiat and headed up the mountain, stopping at Joe Page’s bar for refreshment and Joe’s stories from his New York Yankees days. To be fair and equitable, other watering holes would also be visited.

George married his beloved Kate in 1974 in the St. Vincent Basilica. Two daughters, Jane and Donna, came as part of the package. He loved them as his own, always calling them his daughters. Son, John, showed up awhile later. All are grown and successful. Jane graduated from the Culinary Institute of America, lives in Orlando and is in the hospital-ity industry. Following graduation from Babson College in Boston, John did post-graduate work at Notre Dame and lives and works in Boston. Jane gave Kate and George two granddaughters (Katherine and Elizabeth) and John gave them a grandson (Bradley) and another granddaughter (Emily). George loved them all and was intensely proud of their accomplishments, both big and small.

George and Kate both loved hockey. George was, and Kate is, a big Penguins fan. They were both supportive and proud of John, who played both high school and Junior Penguins hockey. Traveling to distant hockey games was an integral part of their lives. George was especially proud of John’s son, Bradley, following in his father’s footsteps—ah, skatemarks—and also playing the game.

George also loved and played golf. The Contis were, for many years, members at the Ligonier Country Club. The best description of George, the golfer, comes from John’s eulogy of his father:

*Golf is a gentleman’s game, a game of etiquette, rules, and self-control. These words did not apply to my Dad’s golf game. Let’s be honest . . . he was a terrible golfer, but it didn’t deter him. Many of you in this room have had the ‘pleasure’ or ‘displeasure’ of playing golf with my Dad and for that I truly apologize. He would hit out of turn, talk during someone’s backswing, blow cigarette smoke in your face, drive the cart wherever he wanted, and he always had a corny one-liner for every situation. He was his own best audience.*

George and Kate were highly social, attending many community events as well as those of the Westmoreland Bar Association. The annual Holiday Dinner Dance was an event not to be missed. They relished their time, friends, and golf at Ligonier Country Club. For several years, they enjoyed their winters in Naples, Fla.

Psalm 90:10 says, “the days of our years are threescore years and ten [70]; and if by reason of strength they be fourscore years [80] . . . .” George reached his fourscore years. Despite some issues along the way, his years were healthy. Unfortunately, late last year he experienced a fall, which began a downward trend in his health. Between the fall and his passing, he was able to be at home for only a few weeks in December. An accident and injury to Kate limited the care she could give him, necessitating he stay in the hospital or care facilities longer than he otherwise might have. Despite his deteriorating physical health, he remained mentally sharp, assisting in closing up his practice.

With his passing, Kate and his family have suffered a great loss, and I have lost a friend. Judging by the number of people who attended his funeral Mass at St. Vincent Basilica, his passing was a loss to many, many more.

*Dominos vobiscum, George.* ■

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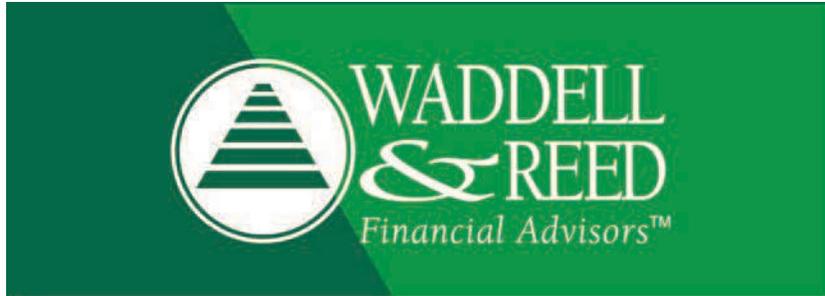
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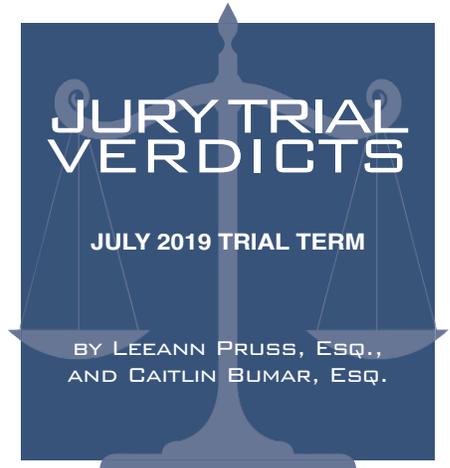
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## George Miller Named New Pro Bono Executive Director *continued from page 1*

The Pro Bono office is open and staffed on Mondays, Wednesdays, and Thursdays from 9 a.m. to 3 p.m. Initial client inquiries are best made by phone at 724-837-5539 so that intakes can be conducted and follow-up appointments scheduled on an as-needed basis. The program will be providing

services in the areas of family law, social security, workers' compensation, unemployment compensation, debtors' rights, bankruptcy, landlord/tenant, license suspensions, expungements, estates and trusts, county tax sales, mortgage foreclosures, and many other areas of general civil law. ■



Of the twelve cases on the July 2019 Civil Jury Trial list, five settled, three were continued, one was transferred to arbitration, and one proceeded to a summary jury trial.

**FLORENCE LYNN  
V.  
ALEX DEAN,  
AN ADULT INDIVIDUAL  
NO. 3270 OF 2017**

*Causes of Action: Negligence—  
Motor Vehicle*

Parties were involved in a motor vehicle accident on November 2, 2016, in Rostraver, Westmoreland County. Plaintiff was operating her vehicle along Route 51, having pulled onto the road into the left-hand lane from a gas station located along the roadway. Plaintiff alleged that Defendant moved negligently from the right lane into the left lane shortly afterward, colliding with Plaintiff's vehicle. Defendant alleged that Plaintiff negligently pulled her vehicle into the path of Defendant's vehicle as she pulled onto the road from the gas station, causing the collision. Plaintiff sustained soft tissue injuries along with injuries to the spine, left hip, and left knee, and she now requires the use of a walker.

*Trial Date:* July 8, 2019

*Plaintiff's Counsel:* Timothy J. Scelsi, Reeves & Ross, PC, Latrobe

*Defendant's Counsel:* Garth Gartin, Robb Leonard Mulvihill LLP, Pgh.

*Trial Judge:* The Hon. Harry F. Smail, Jr.

*Result:* Verdict in favor of Defendant. ■

# foundation focus

## Law School, Mock Trial Scholarships Awarded



Four law school scholarships and two Mock Trial scholarships were awarded in August by the Westmoreland Bar Foundation Board of Trustees for the 2019-20 school year. From left to right: Trustees Pete Cherellia, Diane Murphy, and Judge Christopher A. Feliciani, scholarship winners Sathwik Garimella, Keegan Miller, Grace Bender, and Katrina Soohey, and Trustees Dr. Kathleen Kelley, Todd Turin, Dick Galloway, Bruce Tobin, and Maureen Kroll. (Matthew DeMaio and Mason Cook were unable to attend.)

The Westmoreland Bar Foundation awarded four law school scholarships and two Mock Trial scholarships to Westmoreland County residents for the 2019-20 school year. An awards ceremony was held on Tuesday, August 13, 2019, in The Hon. Christopher Feliciani's courtroom at the Westmoreland County Courthouse.

### LAW SCHOOL SCHOLARSHIPS

**Mason Cook**, of New Kensington, has been awarded the Donald Hankey Memorial Scholarship in the amount of \$3,100. Attorney Hankey was a sole practitioner in New Kensington and a member of the Westmoreland Bar Association for more than 65 years. Mason, a Burrell High graduate, is a second-year law student at Duquesne University School of Law where he also earned an undergraduate degree in Business Administration/Economics.

**Katrina Soohey**, a Derry High School graduate, has been awarded the Wayne Donahue Memorial

Scholarship in the amount of \$2,600. The Donahue Scholarship is named for Attorney Wayne R. Donahue, a sole practitioner from New Kensington and a lifelong resident of western Pennsylvania. Katrina is a first-year law student at Duquesne University School of Law. She is a graduate of St. Vincent College with a B.S. in Elementary Education.

**Keegan Miller**, from Armbrust, has been awarded the Westmoreland Bar Foundation Law School Scholarship in the amount of \$3,000. Keegan is a graduate of St. Bonaventure University with a B.S. in Philosophy, Law & Politics and is a first-year law school student at Duquesne University School of Law. "Thank you so much for providing students like myself with the opportunity to earn scholarship money towards their legal education," says Keegan. "I am extremely grateful to the scholarship committee and to the Westmoreland Bar Foundation for the scholarship they have so graciously awarded me."

**Matthew DeMaio**, a Norwin High School graduate, has been awarded the Honorable David H. Weiss Scholarship in the amount of \$1,000. Matthew is a third-year law student at the University of Pittsburgh School of Law, having earned a B.S. at St. Vincent College. "Thank you so much for this wonderful honor," says Matt. "This generous award will go a long way in helping finance my education. Thank you again so very much."

### MOCK TRIAL SCHOLARSHIPS

The Westmoreland Bar Foundation awarded two college scholarships to participants of the county-wide Mock Trial Competition. The Mock Trial Competition is a contest among area high school teams who compete in simulated legal trials. Winning teams proceed to regional, state, and national playoffs.

**Grace Bender** is a 2019 graduate of Penn Trafford High School, and served as Captain on the winning county Mock Trial team. Grace is attending Baldwin Wallace University in Ohio to pursue a degree in Acting/Theatre. She is the daughter of Brian and Angela Bender of Jeannette.

**Sathwik Garimella** is 2019 graduate of Franklin Regional High School and served as Captain of his Mock Trial team. Sathwik is attending Pennsylvania State University Main Campus to study Mathematics. He is the son of Chowdary Garimella and resides in Export. ■

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# To-Wit: The Gravity of Righteousness

by S. Sponte, Esq.

It started out just like any other professional day, full of bright promises and aspirations which, the very second I entered the office, devolved into the customary chaotic array of phone calls, emails, crises, and curses. So when in the midst of that day's untidiness I received a call from a colleague, I figured it was just going to be another one of those routine jaunts to Hades.

"I'm calling just to let you know," he said, "that I represent..." and he rattled off the name of the defendant I had just sued on behalf of a client. Now he is an expensive guy and that the defendant could afford him meant he had enough assets to satisfy any judgment I might obtain for my client. My hopes were buoyed.

"I should also tell you I am doing this case *pro bono*," he informed me, "as my client doesn't have a pot to pee in." So sank my buoy.

**“This time I couldn’t get a single “no” out of my mouth. Please don’t tell anyone; if this ever gets out I’m ruined in this town.”**

Now this guy has never done a *pro bono* case in his life. When I asked him why now, he said, "I don't know. When the *pro bono* coordinator asked me, I couldn't say no. I wanted to, I'm good at it, but this time I couldn't get a single "no" out of my mouth. Please

don't tell anyone; if this ever gets out I'm ruined in this town."

So we then discussed the case a few minutes. I offered to keep the costs down by not taking any depositions if he promised to answer any interrogatories honestly. He thought about it a few moments and then begrudgingly agreed.

Something bothered me. It wasn't that my initial view of the case had changed; to the contrary, it was a simple debt collection and his client freely admitted he owed the money. So long as the judge was not heavily in debt, it should be a slam dunk. And it wasn't that I was feeling any more moved than I always am by the plight



*continued on page 10*



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*Reach New Heights*

# To-Wit: The Gravity of Righteousness

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of a defendant bereft of even the most basic of porcelain necessities. I mean, what kind of decent lawyer wouldn't have lots of empathy for anyone beset by the more unfortunate vagaries of life? That's why I would have never lasted long doing insurance defense work.

I have never really understood some colleagues' unwillingness to do *pro bono* work; thus a colleague's sudden change of heart eluded my ken as well. So, next morning, in search of truth, justice, and the American way, I called a therapist I know who specializes in treating lawyers who are losing their emotional struggle with the law's caprices.

"Hi," he said, "I hope you aren't calling to cancel your appointment again." When I told him what I was calling about he grasped the notion right away. "It sounds to me like an aging thing," he replied, "the inexorable advance of the Grim Reaper. I'm actually writing a paper on this. As attorneys age they seem to have these 'come to Moses' moments and can sometimes become motivated more by righteousness than by lucre. That's how they hope to secure their place in heaven or make amends for a profligate professional life. I treat a bunch, it's a difficult and conflicted time for them as they transmute to acts of compassion. We can talk more about this when I see you Friday."

It was an interesting hypothesis, to say the least, and one I could readily test. A quick call next morning to our *pro bono* coordinator followed by a peek at our last local bar journal was all I needed. Within the last six months, almost every lawyer on death row had volunteered to take a *pro bono* case for the first time in their careers.

"Death row" is a local joke. Every so often our bar journal publishes the names of all our members, in columns and by date of admission. Thus the leftmost column contains the names of the oldest members of the bar, and that's "death row." Many, many years ago, I was among the young lawyers who came up with that morbid witticism. It's something I have since come to regret, particularly now that I'm on it.

I think my, uh, the therapist might be on to something. If in fact the urge for redemption comes with age and motivates aging lawyers to take on *pro bono* cases for the first time, there must perforce be something nesting in the psyche which attaches to that work some degree of righteousness and which draws us to it as inexorably as a meteor is drawn to the sun. There can be no other explanation.

As I sometimes do when I write about colleagues, I sent an advance copy of this piece to the guy who had called me.

"Listen, you little (a whole bunch of expletives deleted here)," he said on the phone in a rage after he'd read it, "I think you're (many more expletives deleted). I'm not old, I don't need redemption, and I haven't led a profligate professional life."

"Are you finished now?" I asked him as my pique began to swell. He paused a moment before replying.

"No," he said in a calmer tone, "no. I, uh, was just wondering if I could get name and number of your therapist." ■

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"A little patience, and we shall see the reign of witches pass over, their spells dissolve, and the people, recovering their true sight, restore their government to its true principles. It is true that in the meantime we are suffering deeply in spirit, and incurring the horrors of a war and long oppressions of enormous public debt... And if we feel their power just sufficiently to hoop us together, it will be the happiest situation in which we can exist. If the game runs sometimes against us at home we must have patience till luck turns, and then we shall have an opportunity of winning back the principles we have lost, for this is a game where principles are at stake."

Thomas Jefferson

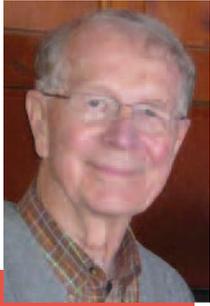
Westmoreland Revisited

# When Lawyers Laughed Out Loud

## A nostalgic look back at the BarFlies

by *The Hon. Daniel J. Ackerman*

There was, once upon a time, in the not-too-distant past a magical land, not found on any map, which was entirely occupied by members of the bar, though they—



*The Hon. Daniel J. Ackerman*

just as cocker spaniels don't know that they are dogs—didn't know that they were lawyers; for they neither prosecuted nor defended; wrote or interpreted documents; or billed by the hour. In short, they were happy, despite the

fact that so as long as they stayed there they gave up their free will to two

**If we could not laugh we would all go insane.**  
— Robert Frost

instructors; one who told them what to say, and another who taught them how to move about and emote.

It usually began in January, about five months before the Bench/Bar, this migration from the real world of law, with a trek across a slush-covered parking lot and up the stairs to the second floor of the WBA offices. There the transformation from straight-laced uninteresting lawyers to singing and dancing thespians of questionable ability would begin with the somewhat

haphazard assignment of roles and the reading of a script delightfully written by, who else but David Millstein, who unabashedly had co-opted story lines from hit Broadway musicals and twisted them unmercifully into even more hilarious vehicles depicting the foibles and frustrations of life at the law.

David's often mordant wit led some to wonder, if not articulate, whether they could even utter some of the lines (What if the judge is in the audience?). The answer to that rhetorical question, if one were to be given, was of course they could, because these lines, were, after all, so damn funny. Besides, they grew to understand that during this small portion of their lives they were

*continued on page 12*

G

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**Daniel Joseph**

# When Lawyers Laughed Out Loud

*continued from page 11*

no longer lawyers, but BarFlies, accountable to no one, except perhaps the director, John Noble, who, backed by his theatrical credits, could teach them, if they were teachable, not necessarily acting—but rather, what he called “schmacting,” where going over the top is the desired goal.

As rehearsals proceeded, week after week, month after month with what appeared to be little improvement, brilliant costumes, props, and sets were, as if by magic, coming into existence under the supervision of our producer, Peggy Tremba, who saw to it that the production would have some of the patina of the original Broadway offering.

By June, when the BarFlies production would become the centerpiece of the annual Bench/Bar Conference, the cast was always brimming with unjustified self-confidence. If there were pre-show jitters, most were felt by the audience, where lawyers and judges—most of whom had seen the BarFlies happy-go-lucky satirical productions before—took their seats knowing full well that the show was all in fun; yet simultaneously most were

offering up silent prayers that the show—if there is such a thing as justice—would contain no mention of them. For those few whose prayers were not answered, many would still go on to live somewhat normal lives.

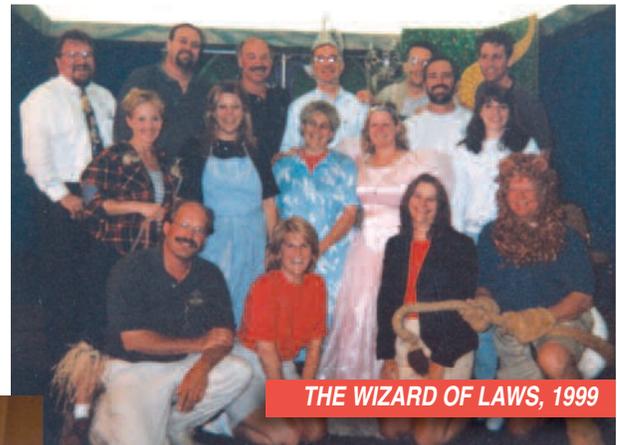
Year after year, from 1997 to 2004, as the house lights dimmed, all were caught up in the excitement of such blockbuster offerings as *Our Fair Lawyer*, *Lyalot*, *The Phantom of the Courthouse*, *The Wizard of Laws*, *BarFly Ballads*, *Law Firm Story*, and *The Sound of Lawyer*. And, as the curtains parted, there on the stage, in living color, were the players<sup>1</sup> who would give life to those wonderfully purloined plots. Starring, so to speak, in alphabetical order: Marnie Abraham, Steve Alm, Barbara Artuso, Brian Aston,

Reg Belden, Jeremy Boby, Michele Bononi, Becky Brammell, Gary Caruso, Lee Demosky, Karen Ferri, Dick Galloway, Ed Gilbert, Dennis Gounley, Rita Hathaway, Deborah Henry, Aimee Jim, Bob Johnston, Barb Jollie, Dan Joseph, Tim Kinney, Jackie Knupp, John Kopay, Amber Leechalk, George (Dobey) Lynch, Rabe Marsh, Tony Marsili, Phil McCalister, Dick McCormick, Tim McCormick, Wayne McGrew, David Millstein, Jeff Monzo, Lisa Monzo, Don Moreman, Rachel Morocco, Diane Murphy, John Noble, Jay Ober, Beth Orbison, John Pollins, Ron Russell, Michelle Shuker, Don Snyder, Leslie Uncapher, Jim Wells, and Linda Whalen; as well as your correspondent (somewhat out of alphabetical order). Karen Snyder and Aimee Jim at the keyboards provided the music, and Lisa Monzo, the very-much-needed choreography.



**BARFLIES**  
THEATRE TROUPE

<sup>1</sup> As no records were kept, we have done our best to identify cast members based on a few playbills, some videos at the WBA and photos published in past issues of the sidebar. Our apologies to any we have missed.



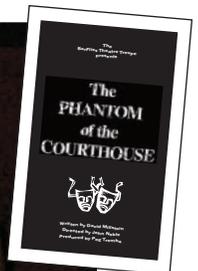
THE WIZARD OF LAWS, 1999



OKEEDOKEE, 1997



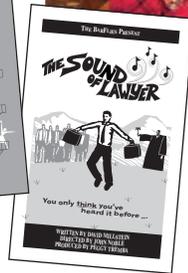
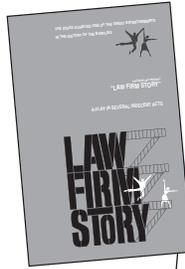
THE PHANTOM OF THE COURTHOUSE, 2000



I would certainly be remiss, however, if I didn't call attention to our perennial diva, Leslie Uncapher, and her two regular and dashing leading men, Reg Belden and Dick Galloway. When one considers the combined talents of this trio, one had to conclude that only Leslie could sing.

Of the BarFlies' offerings, there was only one not based upon a Broadway musical. It was an engaging musical revue of lighthearted satire, *BarFly Ballads*, aimed at the members of our bench, written and directed by Stu Horner, with music provided by Jerry Yanity.

The BarFlies cast was always a touring company, year after year appearing at various Bench/Bar venues. Once or twice shows were repeated for the general public (read spouses and other relatives of the cast) at the Greensburg Garden and Civic Center, and in March 2004, there was sort



of a command performance before the PBA Conference of County Bar Leaders.

The BarFlies' front office was in the habit

of providing free tickets to the media and other influential groups, and here are a few typical reviews as taken directly from the playbill of the 2004 presentation of *Law Firm Story*.

*"Oh my God in Heaven, what was that?"—Pittsburgh Post-Gazette*

*"If it's laughs you want, if it's music and dancing you crave, if it's a night of merriment and good cheer you seek, stay the hell away."*

—*The Pennysaver*

*"Yes, we are aware of it, and yes, we are looking into it."*

—*The Disciplinary Committee*

There were several things which led to the BarFlies' outlandish success and relative longevity. One was the

*continued on page 14*

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# When Lawyers Laughed Out Loud

*continued from page 13*



LYALOT, 2002



THE PLAYERS MODEL THE COVETED BLACK SHIRTS

camaraderie which developed in the cast who soon began appearing at the Bench/Bar in black T-shirts which proclaimed BARFLIES in bold white letters, setting them apart from the more reserved members of the bar.



More important, however, were the outrageously funny and clever lyrics applied to the most familiar Broadway scores. Who could not help but laugh at those songs. For example, you might remember the heart-rending and rousing selections composed for *Lyalot*: “I Wonder Who the King Is Doing Tonight,” “The Simple Joys of Lawyerhood,” “What Do the Poor Clients Do,” “When Clients Have to Pay,” “Feh on Ethics,” and “How to Handle a Girlie,” along with, of course, the unforgettable title song.

Videos of these merry gatherings in the old VHS format, can still be found in the archives of the WBA, and may, with any luck, someday be transferred to DVDs. I found one at home after a protracted search, though I no longer have a machine that will play it; yet the front piece on the box sums up my nostalgia for those bygone productions. It reads:

LYALOT

—a musical comedy—

(sort of)

*Yes, “Lyalot,” a fresh new adventure from The BarFlies, the singingest, actingist, charmingist bunch of lawyers this side of Heaven.*

Amen. ■

**If you have any BarFlies photos, programs, or VHS tapes you'd like the WBA to have, email [westbar.org@westbar.org](mailto:westbar.org@westbar.org).**



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Thank you to QuatriniRafferty for providing two scholarships for attorneys who otherwise would not have been able to attend this conference. More photos are online at [wbaphotos.shutterfly.com](http://wbaphotos.shutterfly.com).

## it's a boy!



Congratulations to **Nicole Pardus** and her husband, **Caleb**, who welcomed their son, **Reed Alan**, on March 9, 2019. Reed weighed 7 lb 12 oz and was 20 in. long. Nicole is an associate with Long & Long, LLC, in Greensburg.

**C A L E N D A R   O F   E V E N T S**

*All committee meetings and activities will be held at the WBA Headquarters unless otherwise noted. Visit [westbar.org](http://westbar.org) for more information about activities and CLE courses, and **register online**.*

For PBI CLE courses, call 1-800-932-4637 or visit [pbi.org](http://pbi.org).

**OCTOBER**

- 14** Courthouse closed in observance of Columbus Day
- 15** Family Law Committee, Noon  
Ned J. Nakles American Inn of Court 5 p.m.  
Dine Around: The Back Porch, Speers, 5:30 p.m.
- 16** Membership Committee, Noon
- 17** Board Meeting, 4 p.m.
- 22** Superior Court Visit
- 23** [CLE] Superior Court, 8 to 9 a.m., Courtroom No. 3, 1S  
Senior Lawyers Committee, 4 p.m.
- 24** [CLE] PBA Malpractice (ALMS), 9:30 to 11:30 a.m., 1S
- 29** [CLE] Bridging Addiction & Client Care, 11 a.m. to 1 p.m., 2E

- 30** [PBI CLE] A Day on Health Law 2019, 9 a.m. to 4:10 p.m., 5S 1E

**NOVEMBER**

- 1** [PBI CLE] Elder Law Update 2019, 9 a.m. to 12:15 p.m., 3S
- 5** [CLE] Is Paper Boggling You Down?, Noon to 1:15 p.m., 1S
- 11** Courthouse closed in observance of Veterans Day
- 12** [PBI CLE] Lawyering in a Digital World: Your Client's Data and Your Ethical Duties, 9 a.m. to 12:15 p.m., 2S 1E
- 13** Real Estate Committee, Noon  
Ned J. Nakles American Inn of Court, 5 p.m.
- 14** Criminal Law Committee, Noon
- 19** Family Law Committee, Noon
- 20** Membership Committee, Noon



**How Stress Affects Lawyers**

Stress affects all people and all professions. Stress in the legal profession, however, is well-documented. Lawyers work in an adversarial system with demanding schedules and heavy workloads, which may contribute to increased stress levels.

Lawyer assistance programs are available to help lawyers manage stress effectively. Contact Lawyers Concerned for Lawyers for help: [www.lclpa.org](http://www.lclpa.org).

LAC Committee members:  
Joyce Novotny-Prettiman, Tim Geary,  
Jim Antoniono, Chris Skovira,  
Linda Broker, Stuart Horner,  
Tom Shaner, Linda Whalen.

# **Join us in welcoming the Superior Court to Westmoreland County**

(The last visit from the Superior Court in Westmoreland County was 1991)

**A three-member panel will hear arguments in  
the Ceremonial Courtroom of the  
Westmoreland County Courthouse on  
Tuesday, October 22, and  
Wednesday, October 23, 2019.**

The Westmoreland Bar Association will hold a meet-and-greet reception with the Superior Court judges and their staff in conjunction with the WBA Fall Quarterly Meeting. This event is free and open to all members.

**Where: Westmoreland Museum of American Art**

**When: Tuesday, October 22, 2019**

**Time: 4:30-6:00 pm**

**Who: The Honorables Jacqueline Shogan,  
Anne Lazarus and Judith Olson**

RSVP to the Bar Office at 724-834-6730 or  
[westbar.org@westbar.org](mailto:westbar.org@westbar.org)  
by October 15, 2019

# Advocating in the Superior Court

— LIVE — 1 Substantive Available



An accredited provider for the PA Board of Continuing Legal Education

The panel of experienced court personnel will provide practice tips on whether to appeal, what to appeal, when to appeal, and how to appeal. They will walk through how to proceed on appeal, addressing motions, briefs, reproduced records, children fast track matters, deadlines, oral argument versus submission on briefs, and re-argument petitions. Importantly, the panel will advise on how to avoid common mistakes made in appellate practice. Finally, they will explain Pennsylvania's e-filing system.

The Pennsylvania Rules of Appellate Procedure and Superior Court Operating Procedures govern this area of practice, which makes it easily maneuvered by practitioners who have an understanding of the rules of procedures, follow them, and adopt the collective wisdom of members of the appellate court. This course will be an informative, practical program for practitioners at all levels of experience in appellate practice.

### Speakers:

- \*The Honorable Jacqueline Shogan
- \*The Honorable Anne Lazarus
- \*The Honorable Judith Olson

### October 23, 2019 - Advocating in the Superior Court

Name: \_\_\_\_\_

Attorney ID #: \_\_\_\_\_

### Pre-Registration Fees

\_\_\_ FREE

### Non-Credit:

\_\_\_ FREE

Please return this form to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm October 22, 2019.**

**Wednesday**  
**October 23, 2019**  
**8:00 am - 9:00 am**

**Westmoreland County**  
**Courthouse, Courtroom # 3**



### Westmoreland Bar Association

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# Bridging Addiction and Client Care

— LIVE — 2 Ethics Credits Available



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The training will help professionals that work with people suffering from Substance Use Disorders such as alcoholism and opiate addiction. This training's goal is to teach participants to be aware of how transference, countertransference, external factors, and our own biases play a role in our interactions with people with substance use disorder. Participants will learn strategies to overcome these barriers while engaging clients.

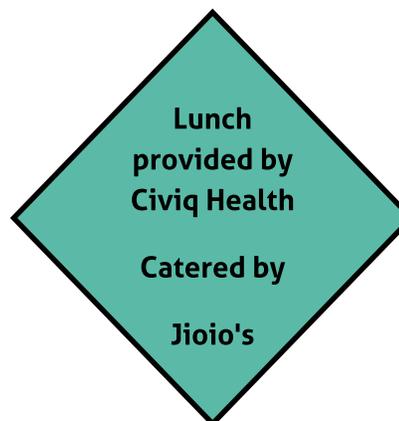
## Speakers:

**\*Manny Rivera, MA, LPC, NCC**

Clinical Director, Steps to Recovery

**\*Kathleen Murray, CPRS**

Outreach Coordinator, Steps to Recovery



**\*Space is limited to the first 25 registrations**

## October 29, 2019 Bridging Addiction and Client Care

Name: \_\_\_\_\_

Attorney ID #: \_\_\_\_\_

### Pre-Registration Fees

\_\_\_ WBA Members - \$35 per credit hour

\_\_\_ Non-Members \$55 per credit hour

### Non-Credit:

\_\_\_ \$10

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To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm October 28, 2019.**

**Tuesday,  
October 29, 2019  
11:00 am - 1:00 pm**

## Strive Office

101 N. Main St., Suite 200 Greensburg

### Seminar Fees:

#### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 28, 2019.)

#### CLE Credit

WBA Members - \$35 per credit hr.  
Non-Members - \$55 per credit hr.

#### Non-Credit

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#### WALK- IN:

#### CLE Credit

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Lunch will be provided.

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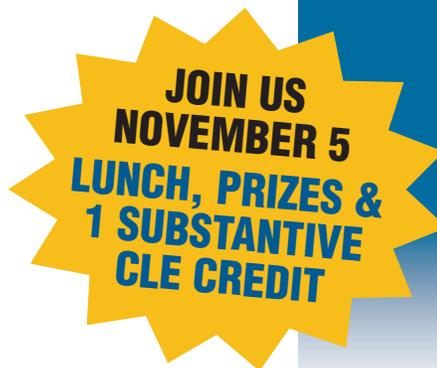
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**The CLE seminar will be held at WBA Headquarters. Lunch will be catered by Sun Dawg Café.**

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To qualify for Pre-Registration Seminar Fees: Please return this form and your payment to the WBA Office, 129 N Pennsylvania Ave, Greensburg PA 15601, by 12 pm November 4, 2019.



An accredited provider for the PA Board

# Bridge the Gap — Video

4 Ethics Credits Available

**Thursday,  
December 12, 2019  
9:00 am - 1:15 pm  
WBA Headquarters**

**PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm December 11, 2019.)  
CLE Credit

WBA Members- \$35 per credit hr.  
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**WALK- IN:**

CLE Credit  
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Non-Members - \$55 per credit hr.

Non-Credit  
\$20 Flat Rate  
Waived for Young Lawyers  
(practicing 10 years or less)

**Pizza and Soda will be provided.**

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As a courtesy of the Westmoreland Bar Association, this seminar is being offered **FREE** to **newly admitted WBA attorneys** who are required to complete the Bridge the Gap program

**PROGRAM FORMAT**

This four hour program produced by the PA CLE Board consists of the following sections.

- ◆ Introduction from the Chief Justice
- ◆ Communications
- ◆ Fiduciary Requirements
- ◆ Overview of the PA Supreme Court Disciplinary System
- ◆ Outreach Programs & Resources

**Moderated by:**

Maria Altobelli, Esquire  
Mears, Smith, Houser & Boyle PC

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register. OR submit the form below.

**Bridge the Gap — December 12, 2019**

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Attorney I.D. # \_\_\_\_\_

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**\* PRE-REGISTRATION Fees: 4 Ethics credits available**

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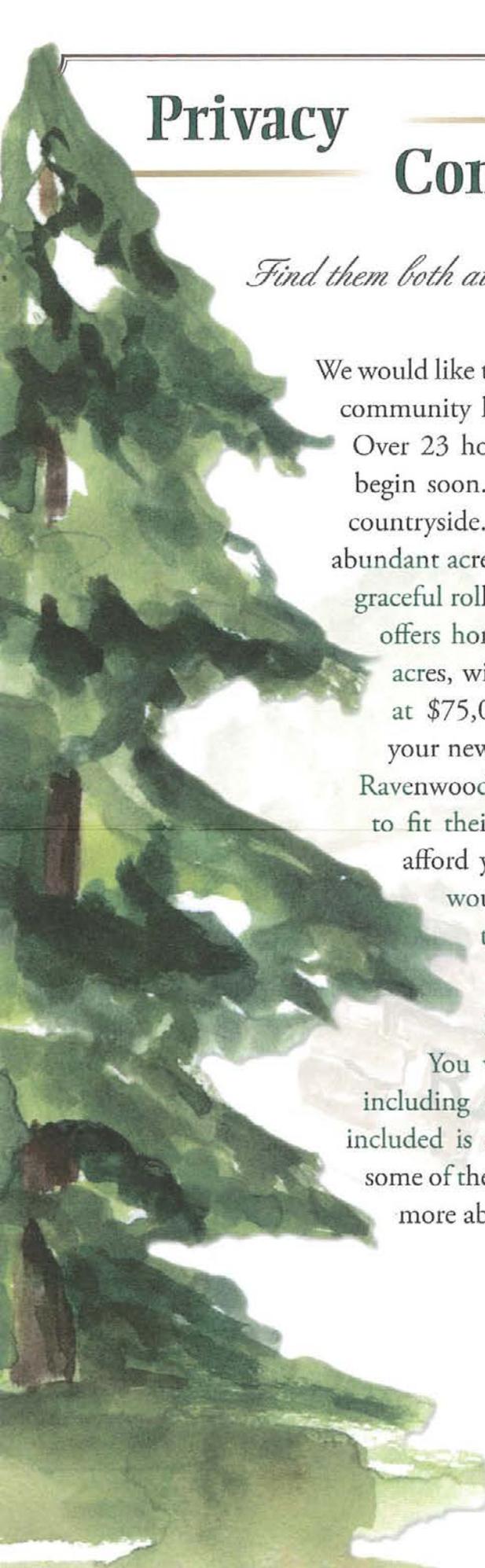
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**Non-Credit:**

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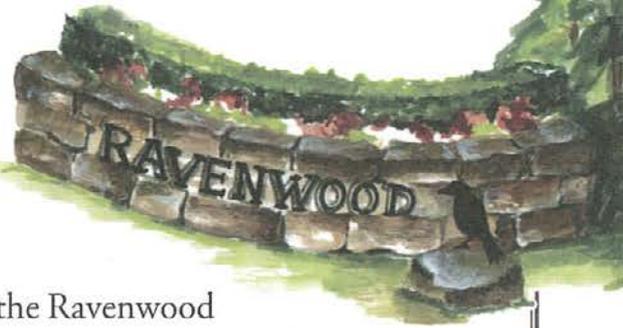
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**724-837-7262**

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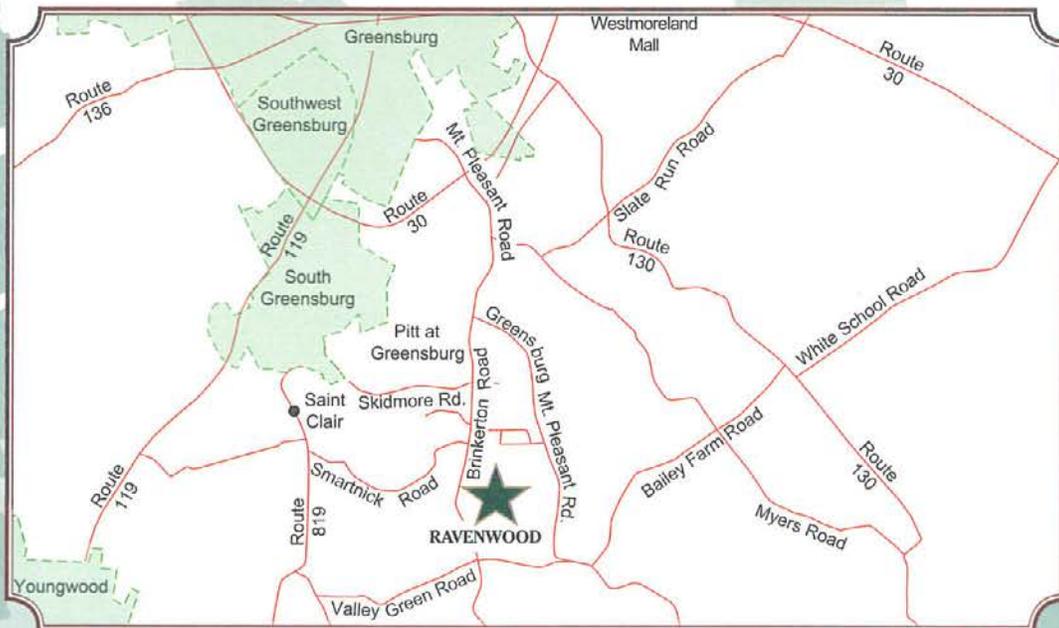
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