2019 Bench/Bar Location Narrowed to Five Finalists

When the WBA board announced that next year’s Bench/Bar Conference would be held within the county and that the board would institute a bidding procedure among the municipalities to host the longstanding and prestigious event, there were numerous skeptics who believed that it would come to naught. Surprisingly, thirteen municipalities came forward with a positive response. Greensburg, however, which is saturated with lawyers on a daily basis, was the first of several to announce that it did not wish to be considered.

Of the thirteen which presented plans touting their advantages, the WBA pared the list to five finalists: West Leechburg, Sutersville, Derry Township, Seward, and Hunker. Accommodations, location, outdoor activities and proximity to restaurants and pubs were among the most cited attributes. Seward, West Leechburg and Sutersville noted that they would appeal to our members’ sense of adventure as they bordered and hence were accessible to the nightlife and allure of Indiana, Armstrong and Allegheny counties; while Hunker boasted the lyrical sound of its name, along with the promise to hire a second solicitor.

All bets seemed to be off, however, when it was reported that Derry Township was in line for a mini-casino which would house 750 slot machines (roughly one-and-a-half machines for each WBA member) and 30 table games. Add to this the views of Chestnut Ridge from Cokeville Heights, two pizzerias, and a Chinese restaurant, and you have, according to some, the guarantee of another successful conference. Behind the scenes, it is rumored that the Bench/Bar Committee is negotiating with the casino’s developer for the construction of an on-site district magistrate court with valet parking.

While some municipalities have offered incentives to bring gambling establishments into their communities such as tax breaks, road improvements, and construction of local dog parks, Derry supervisors have been mum as to whether incentives have been promised in the present case. Rumors of the construction of a six-lane highway between Bradenville and Torrance have been labeled as “foolish” by the county commissioners who have been ardent supporters of bringing the gaming industry into the county with its anticipated 764,000 new jobs, of which it is estimated that at least 10% will be held by professional counselors, therapists, and aides to treat addicts who find that they are unable to pry themselves away from the flashing lights and seductive din of the slot machines.

There may also be downsides. Lotto lines at the Giant Eagle will be down, which likely will result in some loss of business for the locally based food retailer; area bars and taverns may...
Can you believe one whole year has passed since I ascended to office? Hard to imagine, isn’t it? It’s been an interesting year, and although my critics might say nothing got done, I respectfully disagree. Oh sure, there was that little contretemps I had with staff over everything they did, but listen, I swear to God they were eating my strawberries. And while I had no proof other than the fact that my strawberries had disappeared from the mess hall, at least one other board member agreed with me that both discharge and sterilization were appropriate sanctions.

Missing strawberries were only the tip of the chicaneries. I also knew that money was missing from our bank accounts. Yes, I know, no, we couldn’t find any missing money, but if we had found it then it wouldn’t be missing, now would it? And since we didn’t find it, it’s still missing. I rest my case and leave it to my successor to fire everyone.

Now let’s talk about courtesy. Every WBA president has written at least one message about courtesy, universally extolling its virtues. Really? REALLY? I mean, this is an adversarial profession, remember, emphasis on the word “adversarial.” When we win we make more money than when we lose. So when an adversary tries to take money out of my mouth, I say courtesy be damned. Have you any idea how expensive country clubs have become?

Courteys, oh contraire. A swift kick to an opponent’s family jewels or jewelry case is a surprisingly effective litigation technique. So too are such gambits as taunting, spilling hot coffee “accidently” on opposing counsel during depositions, laughing at an adversary’s disparate sexual orientation, refusing to consent to anything, propelling paper clips by rubber band to the backs of the heads of opposing counsel during their closings, oh, it’s all such effective fun.

And just remember, who’s driving that sexy, new Jag now? Doesn’t appear to be you.

Cheers,
Harvey
Responding to both the latest trend and growing need for therapy pets among professionals in stressful careers, the Young Lawyers Committee of the WBA plans to open a pet day care center this spring in the currently unused basement of the WBA Headquarters. The center, to be called “Standard of Care,” will accept any WBA member’s pet of any kind, including but not limited to dogs, cats, reptiles, chickens¹ and/or goats (preferably miniature breeds).

The kinds of pets to be cared for is far broader than other such services offer, as the YL Committee strives for the day care to be as inclusive as its insurance policy will allow in order to fit the apparent demand for such services among WBA members.

One young lawyer purchased baby chicks last spring on a whim, but only recently realized the benefits of his purchase. “I’ve found that if I eat eggs for the majority of my meals, paying my student debt has become much more manageable,” he said. “Now, with the availability of chicken day care, I can take them to work with me and have free eggs for lunch, too.”

Members who have no pets of their own are also encouraged to visit and de-stress during their lunch hour by playing with or exercising the pets. One public defender noted how much nicer it will be to be surrounded by quiet, less aggressive creatures who have the ability to follow basic commands like “sit,” “stay,” and “show up.”

A Family Law Committee member is equally thrilled for her pit bull, Bully, to finally socialize with some other animals. However, she stated that Bully will be permitted at the day care for no more than two hours per day and only on the third Saturday of the month.

The day care will be staffed from 9 a.m. to 5 p.m. by members of the Young Lawyers Committee. While the fee for pet care is included in the WBA membership, tips are both welcomed and encouraged. All YL members who will be staffing the center will have completed their Pet Care Certification classes and look forward to adding this experience to their résumés.

An Open House will be held on April 1, 2018, and all WBA members are encouraged to stop by to see the newly renovated basement and to receive some freebies, including an assortment of poo bags—an always-useful item for lawyers to have on hand whether they have pets or not.

A sign-up sheet requesting volunteers to help with “cleanup” will also be available at that time.
Vacancies Arise in Civil Court

Of the three judges with civil assignments, two have obtained permission to transfer to family court and the third has not been seen since the lunch break on Wednesday. All three had agreed to sit as a court en banc to hear post-trial motions in the case of Price v. Neal.

You may well recall reading about this much-publicized piece of litigation, brought here on a motion for a change of venue, as it wound its way through the courts. While the amount in controversy is not much, it is—as we are wont to say—the principal which matters.

The litigation has received wide coverage by the media due to the unusual fact that over 200 years ago, the great-grandfathers of the two present litigants were engaged in a similar action before the King’s Bench. The emigration of their descendants to America has not healed the animosity between their successors, who intentionally recreate similar facts and then litigate the same issue over again in different jurisdictions, each hoping to find a definitive ruling in their favor.

With the fortunate exception of an execution, the facts cannot be better stated than what appeared in the seminal case, set forth in 97 Eng. Rep. 871 (1762) with some modernization of the language:

"John Price (plaintiff) agreed to pay any drafts, called bills of exchange, that Benjamin Sutton drew on Price. Sutton drew two drafts on Price, which were indorsed by several people before being acquired by Edward Neal (defendant). Neal presented the first draft to Price for payment, and Price paid the first draft. The second draft was presented by a third party to Price for acceptance. Price wrote, 'Accepted, John Price,' on the draft and wrote an order to his bankers on the back of the draft to pay the draft when it was presented to the bankers for payment. The third party then endorsed the draft over to Neal. Neal obtained payment on the draft from Price’s bankers. [IF YOU ARE STILL WITH US, now here is the good part]. Price later discovered that Sutton had never drawn or signed the drafts. Sutton’s name had been forged by an individual named Lee, who was later hanged for forgery. After learning of the forgery, Price brought suit against Neal for return of the payments on the drafts. The jury reached a verdict in favor of Price.”

An online poll conducted by the WBA suggests that there will be no judicial candidates to fill any judicial vacancies.

What matters most to you in life? It’s a big question.
But it’s just one of many questions I’ll ask to better understand you, your goals and your dreams. All to help you live confidently – today and in the future.

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New Confidentiality Policy in Full Swing

It's been three months since Pennsylvania's new uniform public access policy for trial and appellate court records took effect, making it a great time for an update in the sidebar. Those unfamiliar with the new policy might reference a press release by the Administrative Office of Pennsylvania Courts (AOPC) issued on January 6, 2018, the same day the new policy took effect.

According to the AOPC, the new policy “for the first time,” i.e., since December 12, 1787, “establishes uniform standards for all appellate and trial courts in responding to requests from the public for case records ... and delineates what information will be safeguarded.” With respect to the filing of safeguarded information, the policy provides that the “cannot be included in court filings, but instead must be identified to the court on a separate form, called a Confidential Information Form (CIF).”

The Clouds of the AOPC notwithstanding, county prothonotary offices now demarcate the frontline for implementation and adherence to the new policy. In a nearby metropolitan county, on the first day the new policy took effect, a veteran clerk was confronted with the first of such a filing. Fear rushed across her face as she mouthed something with the faintest whisper (like the surreptitious prayer to a police officer who happens upon an active hostage situation). “I don’t know what to do with this,” she said. The filing attorney, clearly bemused at 8:30 a.m., mustered the only response that made sense, “I’m sorry?” Without warning, a black-clad supervisor appeared, forcefully and ceremoniously presenting the weary counsel with yet another form, a “Certificate of Compliance,” for what seemed to be his seventh signature.

It seemed possible that the dirge-like atmosphere witnessed in the metropolitan county might be different elsewhere. Local filing clerks might have a different perspective. Indeed, they do. Through clenched smiles, several of the hard-working women (and man) of the Westmoreland County Prothonotary’s Office described how ensuring compliance with the new policy had thoroughly impacted personnel efforts at finalizing e-filing in the County. “It was just a campaign promise, so it’s not like anyone expected it to occur, right?!” exclaimed one clerk, a discomforting twinkle dancing in her eyes.

These interviews were punctuated by the pleas of a pro se custody litigant, a pregnant mother of five, who, having just finished a twelve-page, handwritten petition for emergency relief as her children screamed, was told she would need to start over. Apparently, she had indicated the names and dates of birth of her many children, among other things, within the petition. “But they are right next to me in a public place! I brought them with me, you can see them!” she cried. “Oh, of course, thank you ma’am,” said the custody filing clerk. She continued, “you’ll need a separate form for each physically-present child, with an additional form when the last child is born. Now, please also ensure that you only identify the children as John Doe or Jane Doe within the Petition.”

continued on page 15

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As an independent health insurance broker, we are able to shop carriers and plans every year. Our job is to ensure you are getting the best price and coverage for you and your clients. Your goals are our #1 priority! We have been the health insurance broker of the Westmoreland Bar Association and members since 2008.

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continued on page 15
While there are many who fault the newly enacted tax code for doing little for the middle class wage earner, if you are a lawyer, and we assume you are, be prepared to face some harsh realities which may make the complaints of the middle class look trivial. If you haven’t met with your tax advisor, here are a few of the less publicized provisions that are a must for any serious discussions.

**EXPENSING VEHICLES.** If you or your firm leases a car, of course it is claimed as a business expense, for otherwise, how could you possibly get to the office or courthouse; and driving around in a luxury vehicle has its advantages—comfort, dropping the brand name at parties, and creating the impression among your colleagues and neighbors that there goes a successful lawyer. But don’t be quick to lease that $1,900-a-month Maserati Gran Turismo, even if it looks like a bargain—at least not this year.

Unbeknownst to you, while Congress, or at least half of it, was debating the tax bill, there were those who advocated the elimination of the vehicle business deduction, especially for lawyers, as few clients, if any, ever get to ride in them (and to be honest you don’t even want your clients to know where you park).

Those favoring the deduction first suggested that to warrant the deduction there would have to be at least one client in the back seat every time the car took to the road, but that would mean you would have to instruct the client on how to dress when you went to the bar association Dinner Dance. Rather, the bill in its final form provides that there will be no tax deduction for leasing luxury vehicles, because the Congressional Budget Office has pointed out, such deductions last year added 0.000012 of one percent (or $765,000,000,000,000.57) to the deficit.

One exception was allowed, however, for the lease of more modest and practical vehicles, which have a market value not exceeding that of what the code refers to as a “baseline vehicle” for the tax year. The baseline vehicle will change annually, to keep pace with inflation. This year’s baseline vehicle is a 1974 Datsun.

**CONTINGENT FEES.** This year contingent fees will be taxed in five different categories: regular income, irregular income, taxable interest and disinterest income, and capital gains. Plaintiffs’ lawyers will be required to file form NRK-14 along with a copy of their state gambling license. Attorneys who lose all their cases in a taxable year (a lot of you) will be subject to the new Alternative Minimum Tax based upon monetary offers your clients have turned down.

**DOUBLING THE STANDARD DEDUCTION.** The benefit of the new tax code was succinctly expressed by one of your colleagues at a recent CLE who noted, “It will allow me to appear more generous than I am. I can take the standard deduction, yet give less than I did last year—wow!” Now you, too, can cut back on donations to aid the less fortunate and use the savings to buy video games and some of the more exotic desserts at The Cheesecake Factory.
The WBA office was abuzz, for an email arrived Monday with an attachment containing a judicial opinion. One of the newer employees, who was the first to see it, said, “I thought it was a mistake, and then I thought, oh my gosh, maybe we're being sued or something!”

The Law Journal, which has won statewide awards for its outstanding coverage of notices pertaining to sheriff sales and fictitious name registrations, once published on a regular basis scholarly opinions from our courts, which outlined in precise fashion the factual history of a case in controversy, the legal issues involved, and the court’s detailed explanation of the reasoning behind its decision. The new opinion, the first to be published since January 3, 2012, is expected to appear in print sometime this fall.

Mercedes Bends, a member of the bar, who was on her way to the second floor to attend a CLE—“Representing the Disagreeable”—stopped into the bar office and with some urging told us, “Well, I don't know if I'm the one to talk to. I was admitted in 2015, so I don't know a whole lot about opinions, but I remember my father enjoyed reading them when I was growing up. He told me, but I only have a faint memory of it, that when my brother and I were toddlers, he would bring the journal home and read them to us at night to help us go to sleep. I do have vivid memories of him saving the issues containing the opinions of one particular judge, and bringing them out on Halloween, and reading them in a very theatrical fashion; and my brother and I would race around the room, laughing and screaming, 'Stop. Stop!' Dad said later that back then there were only five judges on the bench, but they wrote enough opinions that every week, the committee had a hard time deciding which one to publish.”

As to the cause for the decline in opinions, some say that a few of the younger judges are announcing their decisions on Twitter. There was the ridiculous rumor that the law clerks had unionized and gone on strike; but of course, none of this is true, and we may never know the reason; but the sad fact is that once issues began to be published without opinions, no one claimed to have noticed and, surprisingly, subscriptions increased.

In anticipation of the publishing of an opinion this year, the WBA is planning an afternoon tea at the bar office on the Thursday before the publication, featuring selected readings from past issues.
A Reminiscence

Avoiding The Bends

by The Hon. Douglas J. Applebaum

I’d call it decompressing. After a couple decades in practice and a stint of more than two terms on the bench, I think the word “retirement” sounds somewhat inadequate to explain the sense of relief accompanying the last “all rise.” Life at the law was, without a doubt, fulfilling, enjoyable, challenging, exciting (well, a couple times) and a decent way to make one’s living, especially if you lack the dexterity to be a surgeon or a welder, both of which pay a little better, but have crummy pension benefits.

Like sandhogs and divers, however, emerging from the depths of the law should be done slowly lest we become disoriented by our new environment. Yet, it is not completely new, for once we were accustomed to it prior to taking the LSATs. The measured ascent back to a place where law was not a subject of study or discourse is accomplished by the judiciary in the office of senior judge. It is a win-win situation most of the time, where decades of experience are not cast aside, but applied to public service, allowing the judges to retain a connection to the professional life to which they are accustomed.

While taking senior status precludes becoming a mediator and making lots of money, or moving full-time to Florida to enjoy at least six months of humid 90° weather, one enjoys the occasional contact with members of the bar, who though they have forgotten your name (as you have theirs) uniformly seem surprised at how good you look.

Returning to your home courthouse on a regular basis to preside over a list of twenty or more hearings which are disposed of with assembly-line efficiency before lunch is nice; and as a bonus you see some of your old cronies, though there are fewer of them each year, as they too, for the most part, have departed from under the dome.

If this sounds dull, one can, at the call of the AOPC, take to the road in search of more cerebral forms of litigation. While there is nothing so grand or comfortable as 2 North Main Street, the reception the senior judge receives in other counties is often similar to that afforded monarchs and visiting heads of state: fresh flowers in your chambers; a law clerk or two; a driver to take you to lunch; and a manservant to help you on with your robe. The visiting judge does need to be on guard if the welcome, is to any degree, greater than this, for trouble may await. For example, when court opens and you see every seat is taken by people with crossed arms and pursed lips, it is a pretty good indication that all of the judges on this court and in the four surrounding counties have recused themselves, citing the fact that sometime soon, perhaps even in seven or eight years, they may have to stand for retention.

Those good times are in the past now, and there is a new outlook which I’m surprised to say is pleasing. It began with a slow disinterest in the law itself. The “jealous mistress” has found another suitor and you don’t miss her demands and occasional tantrums. Injuries to others are met with sympathy without thought of actions or verdicts. There is no need for a sense of relief when a particularly gruesome multiple slaying is assigned to someone else’s docket. Pro-se litigation is simply the right of individuals, no matter how ill-advised, not a prospect for disrupting the order of your day. War stories from the legal battlefield seem irrelevant, and opinions, which once were guiding stars, have been set aside for good as you search for the next offering on the Kindle. When one reaches this state, there is only one answer—you’ve returned home.
To-Wit: LawyersOnly.com

by S. Sponte, Esq.

So, long after the game is over I’m still blankly staring at the television screen, trying against all reality to psychologically ingest how my team could possibly have lost to that team. Next thing I know there’s this man with a straw hat on, he’s sucking on a stalk of hay and stroking his dog, there’s this barn in the background, and he’s bragging about the enhanced richness of his previously barren love life, something he attributes exclusively to his signing up on FarmersOnly.com.

For all you city slickers out there, FarmersOnly.com is a dating site intended just for the farming set, and if the ad is to be believed, there are many, many farmers out there who are lonely, and who, though very desirous of finding their forever mate, are having no luck at all off the farm.

Now just because I chose the law as a career doesn’t mean I can’t recognize a good thing when I see it, and I done seen it. Many of my colleagues, though longing for a permanent relationship, are unattached, some because death did them part, some because they couldn’t stand to wait that long, and still others, like insurance defense counsel, because the strictures of their specialty obliged them to have their hearts excised early on. So then, I ask myself, why not a dating site for lawyers only?

The first thing some of you may ask is why a dating site specific to lawyers? Such a question demonstrates you haven’t been admitted to practice yet and don’t know any. The practice of law is, remember, an adversarial profession, full of conflict and contention, awash with human misery and all the malefactions of the human psyche that cause it. Habitual professional exposure to greed, jealousy, anger, pettiness, stupidity, and elected officials has its consequences, and few of us remain unscathed. Thus, my initial hypothesis is that sooner or later most lawyers become characterologically infected, and when it comes to such things as love and its couplings, we must be restricted to naught but collegial hoo-ha; no one else should have to suffer on our account.

“"When it comes to such things as love and its couplings, we must be restricted to naught but collegial hoo-ha; no one else should have to suffer on our account."”

To-Wit: LawyersOnly.com

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else should have to suffer on our account.

Though I am convinced of the viability, not to mention the profitability, of this dating site concept, I nonetheless am at my core a pragmatist. I didn’t want to launch such a venture without something more than my instincts to rely on. After all, it was those same instincts that caused me to represent a colleague in extensive litigation without any money up front, and I bet you all can guess how that turned out.

So, I created a beta site to gauge its true potential. It was by design intended to reach only a small, select market, and for that I needed a purposed search engine. Yahoo seemed the obvious choice, and my prescience in that regard was right on target. Within hours many of them started signing up and posting “ads.” What follows is a sampling of the responses.

**LONELY IN LAW LAW LAND**—Single male, 24, married only twice, specializing in admiralty law, ISO female colleague, 24-60. Religion, weight, health, intelligence, sense of humor and appearance are unimportant. Heiress to controlling interest in major oceanic shipping company is, however, a must. True love is true love, but business is still business.

**AUNTIE TRUST**—Sherman Act specialist, female, 73, looks 47, never married, ISO gentleman colleague, 35-36, for friendship, companionship, romance, marriage?? A quiet dinner, a moonlight stroll along Boardwalk or Park Place? Oooh, ooooh, restraint of trade is greatly overrated. No game players, please.

**SILVER-TONGUED DEVIL**—Experienced tort litigator, 61, single yet again but still looking for the one great love of my life. Sixth time’s gotta be the charm, right. If you enjoy good-humored taunting and tongue-lashing adversarial confrontations without objections, you could be the one. I look better than my picture.

**YURHONOR**—Retired male judge ISO young, drop-dead gorgeous female ever so slightly beyond the age of consent in her state and mine, I’m not making that mistake again. If you look innocent as hell but are willing to commit all the guilty pleasures, please write me. I have several sentences you might enjoy:

**PARTING IS SUCH SWEET SORROW**—Hugely successful, female, divorced divorce lawyer, 42, sort of kind, sensitive and gentle, considering my occupation. Currently suspended because apparently you can’t charge a contingency fee based on the amount recovered by way of a marital settlement agreement. It’s some kind of ethical thing, I guess, but, like, how was I supposed to know that. ISO age-appropriate male colleague with Disciplinary Committee expertise for what I hope will be a loving and wonderful short-term relationship.

Gauging by the quantity of postings, I think I got a good thing here. So, if you’re alone, or if you’re plotting to be alone soon, or even if you just want to act like you’re alone, this could be right up your alley. All I need now is a good advertising jingle and it’s a go. I’m working on it, but I still need a word that rhymes with “lawyer.” So far, I’ve only come up with “destroyer,” and I’m not sure that one sets the right mood.

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**Lawyers’ Exchange**
*(Free to all male members of the WBA. Most of you fit that definition.)*

**SEEKING** anyone to take over my lease. I’m goddamn broke, I’ve been binge drinking for seven months now, my wife has left me, took the kids, I’ve been suspended by the Disciplinary Committee until further notice, my clients are all gone, and my secretary demands I pay for her abortion. Fax machine included. Call me, you all know who.

**YOUNG ASSOCIATE** Talented, young, up-and-coming lawyer, valedictorian of my high school, college, and law school, Order Of The Coif, Law Review Editor, former judicial clerk for judges of Court of Common Pleas, Superior Court, Commonwealth Court. Starting own practice, will take any work or referrals from any colleague who graduated in the upper one-tenth of their class. Call 422-244-7889 (IMA-BIG-PUTZ) and ask for Larry.
APRIL 1 TRIAL TERM

Of the three thousand four hundred and fifty-three cases listed for the April 1 trial term, three were tried to verdict, three thousand four hundred and forty were settled for a pittance, one reluctantly agreed to mediation, and six had been nothing but shots in the dark.

LUCIUS DOE
V.
CLARENCE ROE

Plaintiff commenced this action as a result of a physical assault upon his person by Defendant in the Gilded Goose Saloon, where he and Defendant had conversed for several hours and had reached a point where the topic turned to wagers and dares. In short, Plaintiff dared Defendant to eat, in the presence of their friends and other patrons, a raw piece of protein, which Plaintiff would cut out for him from a piece of road kill, to-wit, a not-so-recently deceased opossum, which was easily accessible on the public right-of-way in front of the bar; and that upon completion of that gastronomical task Plaintiff would give Defendant his deer rifle. To the surprise of no one, Defendant, who considered the challenge a matter of honor, dispatched the proffered morsel in two swallows without gagging. Plaintiff, however, failed to relinquish the gun (hence the breach).

Plaintiff's Counsel: Jon Sleeve, North Braddock
Defendant's Counsel: Wilmot Crane, Somerset
Trial Judge: The Hon. Lester Pop
Result: Verdict against all concerned, with a recommendation of deportation.

WABBIT
V.
FUDD

On May 1, 2014, Plaintiff was peacefully chowing down in what he thought was a public carrot garden when he was accosted by Defendant. Defendant claimed it was his property and that Plaintiff's devouring of his most prized examples willy-nilly most certainly might deprive him of his third straight "best in show" at the upcoming county fair's Carrotpalooza. Defendant then opened fire with his shotgun, knocking off a piece of tail and causing Plaintiff grievous emotional distress.

Plaintiff's Counsel: Melanie Blank, Laughloontown
Defendant's Counsel: Bryan Q. Arthur, Elmer City
Trial Judge: The Hon. J. Granny
Result: Jury awarded Plaintiff more tail and a bushel and a peck, apparently disregarding Defendant's contention that Plaintiff's conduct was clearly a case of quare clausum karret.

FERNANDO
V.
12 UNNAMED LLAMAS

In a case of first impression, Plaintiff brought suit against livestock to recover damages resulting from their destruction of his ancestral sombrero. Because Plaintiff, a naturalized citizen, had not yet fully mastered the English language, his testimony was delivered to the jury by a translator. Defendants, having no language skills at all, threw themselves on the mercy of the jury, an act that might have engendered more empathy had they bathed prior to trial.

Plaintiff's Counsel: Anni-Frid Lyngstad, Swede Hill
Defendants' Counsel: Pro Se
Trial Judge: The Hon. U. Luke Marvelous
Result: Verdict in the amount of $8.37 against four of the defendants, the other three having obtained from Plaintiff a joint llamafeasor's release.
Law Day Subject Announced

THE ANNUAL REPORT OF THE LAW DAY COMMITTEE

Early May brings out the best in lawyers who participate in public forums at schools, civic associations and correctional facilities intended to enhance the public’s understanding of the role the law plays in their everyday lives. These programs sponsored by the PBA have become traditional in the observance of Law Day, which was originally designed as a counterweight to the May Day celebration of brute force displayed in countries commemorating the Bolshevik Revolution. Since its founding in 1946 the United Nations has scored these competing events, and while the Eastern Bloc countries amassed a substantial lead over the first six decades it is notable that the American lawyers have prevailed over the past three years running, mainly due to your eager participation.

Last year’s Law Day topic was the Fourteenth Amendment which continued a series of high-minded and esoteric topics, helpful to the public, but which didn’t do a whole lot for the bar. This year’s celebration is aimed at a corrective course beneficial to both.

The 2018 Law Day topic is titled A Case for the Minimum Fee. The programs are meant to correct the misunderstanding, created by twenty years of television advertising, that lawyers are to be paid nothing unless the client leaves their office with a satchel full of cash. Our bar association typically receives about a dozen phone calls a week from irate clients angered by brazen lawyers charging them for deeds, wills, and even for something as insubstantial as advice, causing the bar’s fee dispute committee to sacrifice many of their own billable hours to address the committee’s 89-case backlog.

A minimum fee bill was published by the bar association well into the late 1960s and was kept at the ready in most law offices to pull out to present to a balking client to prove that while the fee to him looked somewhat egregious, it was, alas, the bare minimum that you, as his lawyer and friend, was permitted to charge. Courts (which don’t earn fees) intervened, ruling that minimum fee bills were a restraint on commerce, or something like that, and held such practices unconstitutional.

But now we live in times where the unexpected is taken as normal, so why should some nit-picking opinion interfere with our right to protect ourselves from uninformed lawyers, who may be charging too little?

On Law Day we are counting on you to get out there and do your part.
Editor’s note: Arnold Slick is a relative newcomer to our bar, though he has years of experience in other jurisdictions across the country, the most recent being in the Dry Tortugas. His new office in Greensburg features a luxury waiting room, with a cash bar and sauna. He is pleased to say that he now feels right at home.

**WHAT JOBS DID YOU HOLD PRIOR TO BECOMING A LAWYER?**

A During law school, at the urging of my parents, I lived with my aunt and uncle in Tupelo, Mississippi, where I did field work on a time and motion study of chain gangs for the Department of Corrections.

**WHAT IS THE FUNNIEST THING THAT’S HAPPENED TO YOU AS AN ATTORNEY?**

A Being mistaken for a supreme court justice at Caesar’s Palace.

**WHAT IS THE QUALITY YOU MOST LIKE IN OTHER LAWYERS?**

A That’s a tough one. I suppose it’s a toss-up between gullibility and stupidity; without one or the other I wouldn’t have been able to settle most of my cases.

**WHAT IS YOUR FAVORITE JOURNEY?**

A That would be frequent trips to the bank; I never tire of it.

**WHO ARE YOUR HEROES IN REAL LIFE?**

A I think he is dead, but does Benito Mussolini count? He made the trains run on time, and I like that a lot.

**WHAT ADVICE WOULD YOU GIVE TO LAWYERS NEW TO THE PRACTICE OF LAW?**

A Never give a sucker an even break.

**WHAT IS YOUR MOST TREASURED POSSESSION?**

A A get out of jail free card, I have it framed on the wall behind my desk, it’s a continuing inspiration.

**WHAT IS YOUR GREATEST EXTRAVAGANCE?**

A It’s either my fifth Lamborghini, or the couple hundred bucks I gave to charity last year.

**WHAT IS YOUR GREATEST REGRET?**

A Having my initials monogrammed on the cuffs of my shirts.

**WHAT IS YOUR MOTTO?**

A It is better to have and not need, than to need and not have.

**WHAT WOULD YOU TELL OUR READERS MAY NOT KNOW?**

A I graduated 57th in my class of 58 at Turtle Creek High School after my father bet my uncle a case of beer that I’d finish last.

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**LawSpeak**

“It is the nature of humankind to be contentious, argumentative, cruel, murderous, and deceptive. Let us give thanks.”

*Abraham Lincoln, Litigation Proclamation, 1866*

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**BEFORE YOU’RE DEAD**

Anyone out there gonna die soon? If so, now is the best time to think of leaving money to the Westmoreland Bar Foundation. You won’t feel any better because you won’t be feeling anything at all. You will, however, be helping someone else, and that’s something you probably could never do when you were alive. So, hurry up before it’s too late and leave us some money. We can put it to good use, whereas you will just fritter it away on tombstones and such. Call 666-666-6666 if you need any assistance in drafting a will. Our intern will be pleased to assist you.
In 2017, after eight hundred years of Anglo-American jurisprudence, the Supreme Court announced a mandatory continuing education program for judges. It got off to a somewhat bumpy start as the requirements were announced prior to determining the instructors and when and where the requisite seminars were to be held. Most judges were initially left in the dark even as to whether the mid-winter and annual sessions of the Pennsylvania State Trial Judges Association would provide qualifying classes. When it was disclosed that they would, attendance at these meetings swelled beyond the capacity to accommodate all applicants, leaving latecomers scrambling to find other venues, and at least a dozen judges had to fly to Guam to obtain the necessary credits.

Assurances have been given that those problems have been cured and this year not only have the venues been increased but new courses have been added to the curriculum to accommodate all judges regardless of the division in which they may serve. What follows is a partial list, with accompanying comments, compiled by the education committee.

**BASIC ANGER MANAGEMENT:** Long-term exposure to unprepared lawyers, frivolous reasons for continuances, long and boring closings and judges meetings may lead to near-fatal levels of stress which may try the judges’ patience. Coping methods, including chair yoga will be discussed.

**ADVANCED ANGER MANAGEMENT:** (This course will not be offered until September, when a firearms instructor will be available.)

**PUNCTUALITY:** How to maintain it; how to enforce it. Avoid the numerous pitfalls which prevent you from taking the bench until crowd control becomes an issue for the sheriff (bring your own alarm clock). Also learn the use of politically correct put-downs to cast upon late arriving lawyers.

**REMEDIAL SPELLING:** A must for when your law clerk goes on vacation.

**TWEETING FROM THE BENCH:** Don’t be an old fogey, written rulings and opinions are out of fashion and are strictly for losers—and why bother with submissions to the law journal; tweet your decisions without pulling punches. For example, consider something like this:

“Lightweight attorney (insert name) seeks my recusal just because the defendant is my brother ... crybaby ... his motion is strictly DENIED. There is no fairer judge than me and the outcome of this case will be totally beautiful, wait and see!!!!!”

**MEMORY CALISTHENICS:** Reserved for judges who have served more than two terms. Early registration for all judges is encouraged, as the costs of a flight to Guam are now nearly prohibitive.

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**LAWYERS WANTED**

Openings in high-level positions within the federal government are now available. Really, really great—no, tremendous—opportunities to serve as heads of federal agencies, or perhaps even in cabinet-level positions. The first five applicants will be considered for the ambassador’s post in South Korea. No experience required, but preference will be given to those accomplished in fawning obedience with some basic understanding of records destruction. Purchase of a D.C. residence is discouraged and it is recommended that you pack light. Résumés should be sent to 1600 Pennsylvania Avenue, Washington D.C.
New Member Sketches

The following new members have been approved by the Membership Committee. However, admission of two of them has been held up by the WBA Board because, in the view of the president, one of them “had an attitude” and the other was decidedly too tall.

DONALD T. DUQUE graduated first in his class at the Fred E. Duque School of Law at the University of Pennsylvania and was the recipient of the prestigious VSG Medal. Donnie hopes to establish himself as the most smartest lawyer in the county. “I’m rich, I’m handsome, and I’m very, very smart,” he wrote on his application for admission, “and I can grab any judge I want to by his or her gavel. They let you do it when you’re rich and famous and handsome, like me.”

SARDON ICK, a recent graduate of Slovenian University School of Law and Auto Mechanics, decided Westmoreland County was the ideal place for him to hang out his shingle.

“I got cousins up the wazoo here,” he explained. He and his wife, Tunguska, have just closed on their home in Hunker and are awaiting the birth of their first child, whom they will name “Kali” regardless of gender.

BESSIE MAE MUCHO has joined as a conditional member, as she thought the term “participating member” was both degrading and too titillating. Destined to always be a sole practitioner, she has rented garage space near the courthouse and is eager to start her practice the very minute she gets a client.

SHIRLEY UGEST is a recent graduate of the Antonin Scalia School of Law. “Matriculating at ASS Law was a dream come true,” she recalls. “Everyone was matriculating there all the time. My goal is to live, act, think, dress, and fantasize just as they did in the 18th century—that was when America was really America, pure and white as the driven snow, and no one had to think much about anything.”

New Confidentiality Policy In Full Swing

Using average lawyerly happiness as a benchmark, attorneys are also pleased with the new policy. At least one attorney, exactly one, who asked to remain anonymous in solidarity with most of his clients after January 6, was pleasantly surprised that the multipage forms he had always used in his practice could now be filed, largely in-blank, along with the one-page CIF or CDF. “It’s easy to transport all of that data in a small space, so it definitely won’t fall into the wrong hands,” he bragged.

Reception to the new policy was initially warm among former criminal defendants, laboring under the belief that this once-in-230-years vigor for confidentiality would allow them to engage in life’s simple pleasures, such as gainful employment and basic civil liberties.

Whatever their thinking, practitioners and pro se litigants would do well to mind any incredulity over the new policy when appearing in court. Under the new policy, “[an angered judge] may require a party to file two versions of every document with the court” — redacted and unredacted, and “[may impose sanctions, including costs necessary to prepare a compliant document for filing ...”

The judges of the Court of Common Pleas, for their part, have maintained a stoic silence on the subject of confidentiality, unless you happen to walk into their chambers at the wrong time.

2019 Bench/Bar Location Narrowed to Five Finalists

continued from page 1

also see a turndown in business; and without question the mini-casino may spell the end of the county’s once thriving Bingo trade, creating vacancies in more than a few fire halls. A resident of New Derry, who asked not to be named, expressed a common sentiment, saying, “I just don’t get it. My uncle, Ernie, used to book numbers out of his shop where he repaired radios and TVs; you know, you gave him a buck or two and three numbers, maybe you’d box them, and then you’d stop back in a few days to do it again, or pick up the eight or nine dollars you won. A nice social pastime, and for this he once got 30 days in the county slammer! Now the commissioners are inviting gaming people in—maybe because they’re in suits instead of overalls.”

A spokeswoman for the bar foundation denied that at a recent meeting a member proposed, based upon a recent dream, that the foundation put the remaining funds in its scholarship account on “13 red.” She said that such a suggestion was “preposterous—and besides, it was defeated by a vote of 4 to 3.”

Notwithstanding the reservations of some, the WBA, always anxious to improve the public image of its members, predicts a record turnout for the 2019 Bench/Bar. In the event that the casino is not finished on schedule, the conference will be held at one of the two runner-up sites: the now-vacant Gander Mountain Building or the Ligonier Dairy Queen.
APRIL 25—LAWCRAP (Lawyers Concerned for the Republican Party), a new subcommittee of LCL (Lawyers Concerned for Lawyers) created to service the needs of Republican lawyers throughout the Commonwealth who, over the last year or so, have become the object of scorn, vulgar diatribes, and in at least one instance, tar and feathering, will hold its first meeting at the End of Days Motel in Intercourse, Pa. Anyone interested in attending may register by email to OMG@wtf.org.

In order to facilitate cordiality, LAWCRAP will publish full contact information of all members in every newspaper of general circulation throughout the Commonwealth.
Do students today need civics education? Should students be taught about good citizenship? How courts really work? What the role of lawyers are in our society? Why we need laws?

If so, then we invite you to join us for this year’s Judges and Lawyers Go Back to School program held in conjunction with 2018 Law Day. The Westmoreland Bar Association want to provide Westmoreland County schools with as many lawyers and judges as we can recruit to discuss topics that are pertinent to today’s students and today’s citizens. We will begin the classroom visits in late April and conclude by mid-May.

Interested? If so, register below and we will provide lesson plan ideas, student giveaways and Dos and Don’ts for handling classroom visits.

This year’s Law Day theme as selected by the American Bar Association is Separation of Power. You can speak on this topic or a topic on civics education that you select. You can visit the school on your own or we can pair you up with another bar association member.

To volunteer, register online at www.westbar.org/lawday, email westbar.org@westbar.org, or return the form below via fax (724-834-6855) or mail by Wednesday, February 28, 2018.

YES! SIGN ME UP FOR LAW DAY!

To volunteer for Law Day 2018, register online at www.westbar.org/lawday, email westbar.org@westbar.org, or return this form via fax (724-834-6855) or mail to Westmoreland Bar Association, 129 N. Pennsylvania Ave. Greensburg PA 15601, by Wednesday, February 28, 2018.

Name _______________________________ Phone (Preferred) ________________

Email ________________________________

School/School District Preference ____________________ Grade(s) Preference ____________________

Availability (weekdays in April/May) ____________________ Times ____________________
Representing Educators in Divorce: Preparing Domestic Relations Orders Under PSERS

— LIVE — 1 Substantive Credit Available

The QDRO rules under ERISA do not apply to the division of marital pension benefits under the Public School Employees’ Retirement System. Attorney De Blassio will provide valuable information for preparing an Approved Domestic Relations Order (ADRO) under the Public School Employees’ Retirement Code, including:

- •The PSERS Divorce Guidelines
- •Retired Member Handbook for the PSERS
- •Applicable statutory provisions
- •Forms for preparing a DRO and for affecting a waiver pension benefits
- •Practice pitfalls and pointers

Speaker:
‘Abby De Blassio
Law Office of Abby De Blassio

One (1) Substantive Credit is available toward your annual CLE requirements.

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

April 10, 2018
Representing Educators in Divorce: Preparing Domestic Relations Orders Under PSERS

Name:_____________________________
Attorney I.D. # ___________________
Address:_________________________________________
Email:___________________________________________
Phone: __________________________________________

Pre-Registration Fees
CLE Credit:
☐ WBA Members - $30 per credit hour
☐ Non-Members - $50 per credit hour
☐ CJE Credit - FREE
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 April 9, 2018.

Enclosed is my check made payable to the Westmoreland Bar Association.
☐ Bill my ☐ MasterCard ☐ VISA ☐ DISCOVER for $____________________(Amount).
Card # ____________________________________________
Expiration Date _____________________ 3-digit code ________
Credit Card Billing Address ______________________________
_____________________________________________________

Non-Credit:
☐ FREE

Lunch will be provided.
Westmoreland Bar Association
129 North Pennsylvania Ave.
Greensburg, PA 15601
724-834-6730
Fax: 724-834-6855
www.westbar.org
For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org.
Mike Ferguson’s 17th Annual Personal Injury Update
— LIVE — 2 Substantive Credits Available

Topics of Discussion include:
• A review of significant case law developments.
• A comprehensive review of Subrogation issues and Strategies from A-Z.
• Ten Tips for Managing your Personal Injury clients needs and expectations.

Speaker:
Michael D. Ferguson, Esquire
Ferguson Law Associates

Two (2) Substantive Credits are available toward your annual CLE requirements.

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

April 12, 2018
Mike Ferguson’s 17th Annual Personal Injury Update

Name:_________________________________________
Attorney I.D. # _____________________________
Address:_____________________________________
Email:_______________________________________
Phone:_______________________________________

Pre-Registration Fees
CLE Credit:
☐ WBA Members - $30 per credit hour (2 credits=$60)
☐ Non-Members - $50 per credit hour (2 credits=$100)
☐ CJE Credit - FREE

☐ Enclosed is my check made payable to the Westmoreland Bar Association.
☐ Bill my MasterCard VISA DISCOVER for $_________________________(Amount).

Card # _______________________________________
Expiration Date ________________________ 3-digit code _________
Credit Card Billing Address _____________________________
______________________________________________

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 April 11, 2018.

Seminar Fees:
PRE-REGISTRATION:
(Must be prepaid & received at the WBA office by 12 pm April 11, 2018)
CLE Credit
WBA Members - $30 per credit hr.
Non-Members - $50 per credit hr.
Non-Credit
$10 Flat Rate

WALK-IN:
CLE Credit
WBA Members - $40 per credit hr.
Non-Members - $50 per credit hr.
Non-Credit
$20 Flat Rate
Waived for Young Lawyers (practicing 10 years or less)
Lunch will be provided.
Westmoreland Bar Association
129 North Pennsylvania Ave.
Greensburg, PA 15601
724-834-6730
Fax: 724-834-6855
www.westbar.org
For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at
724-834-6730, or by email at westbar.org@westbar.org.
Digital Recording Primer: How to Create a Record in the Age of Digital Audio Recording

— LIVE — 1 Substantive Credit Available

This CLE offers a demonstration of digital audio recording, which will be used in lieu of court reporters for certain proceedings in Westmoreland County in 2018. This overview outlines the reasons for implementing digital audio recording, as well as an explanation of how the system will work and which proceedings will be recorded traditionally, using court reporters, as well as identifying which proceedings may use digital audio recording in lieu of court reporters. Key topics will include how to create an error-free record of proceedings, tips for attorneys, clients and witnesses in conversing and testifying or eliciting testimony in the courtroom, and what to expect in proceedings in which digital audio recording is used. Time will be reserved at the end of this presentation for questions & answers.

Speakers:
*President Judge Rita Donovan Hathaway
*Amy DeMatt, Esquire
*Stacy DiPasquale
District Court Administrator  
Court Assistant  
*Tami Herrington  
Court Administrator  
*Janel Shapiro  
Deputy Court Administrator  
Court Reporter

One (1) Substantive Credit is available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must “LOG IN” to register.

Pre-Registration Fees
CLE Credit:
☐ WBA Members - $15  
☐ Non-Members - $25
☐ Enclosed is my check made payable to the Westmoreland Bar Association.
☐ Bill my  ☐ MasterCard  ☐ VISA  ☐ DISCOVER for $____________________(Amount).
Card # _____________________________
Expiration Date _____________________ 3-digit code ________
Credit Card Billing Address ______________________________

Non-Credit:
☐ $5 Includes Pizza

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 April 19, 2018.
Wednesday
April 25, 2018
WBA Headquarters
9 am - 3:45 pm

Seminar Fees:

PRE-REGISTRATION:
(Must be prepaid & received at the WBA office by 12:00 pm April 24, 2018)
CLE Credit
WBA Members - $30 per credit hr.
Non-Members - $50 per credit hr.

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

WALK-IN:
CLE Credit
WBA Members - $40 per credit hr.
Non-Members - $50 per credit hr.

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

Lunch will be provided.

Session 1 — 1.5 Substantive Credits
9:00 am – 10:30 am (Video from 8/18/17)
Treatment and Recovery for Chemical Dependency
*Navigating Levels of Care
*Medication assisted treatment
*Drug Testing
*Helping addicts
Speakers:
Daniel Garrighan
Jade Wellness

Session 2 — 2 Substantive Credits
10:45 am – 12:45 pm (Video from 5/12/17)
Mental Health Impacts on Children and Adults
The “Mental Health Impacts on Children and Adults” training will cover several areas of focus around how mental health can have an impact on the families served through the Family Court Dependency and the Child Welfare systems. This panel style presentation, will include local experts in the area of mental health.
Speakers:
*Marie Wolf-Hatalowich, LSW, King and Associates, Inc.
*Dr. Paul Niemiec, LPC
*Laurie Barnett Levine, LSW

Session 3 — 1.5 Substantive Credits
1:00 pm - 2:30 pm (Video from 4/11/17)
Adventures in Medicare
Provide a general overview of Medicare and how the Medicare system works with up to date information on Medicare changes.
Speaker:
William McKendree, J.D.
APPRISE

Session 4 — 1 Ethics Credit
2:45 pm - 3:45 pm (Video from 06/16/17)
PA Disciplinary Board Primer: Who Picks Up After You
This CLE will review what happens to deceased attorney’s, or disbarred/suspended attorneys practice when there is no responsible successor.
Speakers:
*Angelea Allen Mitas, Esquire
*Denis P. Zuzik, Esquire
*The Honorable Anthony G. Marsili
*Lawrence M. Kelly, Esquire

5 SUBSTANTIVE and 1 ETHICS Credits
are available toward your annual CLE requirements.

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

April 25, 2018 Video Compliance CLE

Name: _____________________________________________
Attorney I.D. # _______________________
Address: ____________________________________________
Email: _____________________________
Phone: _______________________

Pre-Registration Fees
CLE Credit:
WBA Members - $30 per credit hour
Non-Members - $50 per credit hour
Non-Credit:
$10 Flat Rate
Waived for Young Lawyers
(practicing 10 years or less)

Sign me up for:
☐ Session 1 – 1.5 substantive credits
☐ Session 2 – 2 substantive credits
☐ Session 3 – 1.5 substantive credits
☐ Session 4 – 1 ethics credit
☐ no credits
☐ no credits
☐ no credit
☐ no credit

☐ Enclosed is my check made payable to the Westmoreland Bar Association.
☐ Bill my □ MasterCard □ VISA  □ DISCOVER for $________________________(Amount).
Card # ____________________________ 3-digit code ________
Expiration Date ____________________
Credit Card Billing Address ____________________________________________

To qualify for pre-registration, please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, by 12:00 pm April 24, 2018.
We would like to invite you to experience the Ravenwood community located in Hempfield Township, Greensburg PA. In 2012 the construction process of this unique housing development was completed. Over 19 homes have been constructed and more are ready to begin soon. The development is located on 96 acres of pristine countryside. Ravenwood is made up of only 44 homesites on this abundant acreage. There are views of the historic Laurel Mountains or graceful rolling hills of a neighboring 18 hole golf course. Ravenwood offers homesites ranging from just under 1 acre of land to over 9 acres, with all underground public utilities. Homesite prices start at $75,000. Whether you are just beginning the journey with your new family or starting a new chapter in the story of your life, Ravenwood is the answer for anyone wishing to customize their home to fit their lifestyle. This distinguished wooded development will afford you the ability to build the life you always dreamed you would give your family. It will be an affordable investment that will provide you and your loved ones a bright future. A lifetime of happiness begins here.

Please visit our website at www.ravenwoodhomes.com. You will find more information regarding each available lot, including acreage and orientation within the development. Also included is information about the surrounding area and answers to some of the most frequently asked questions. Please contact us to learn more about Ravenwood, and to schedule your own personal tour.

We look forward to hearing from you soon.

**RAVENWOOD**

Marino, DeNunzio, Marino Developers

For more information, call Rick DeNunzio

724-837-7262

www.ravenwoodhomes.com
Seclusion and tranquil privacy and yet convenient to all the places you need to be, Ravenwood's location offers the best of both worlds. You are just minutes away from downtown Greensburg, malls, shopping, restaurants, cultural and recreational amenities. Ravenwood's proximity to Route 30, the Pennsylvania Turnpike, Route 66 Tollway and I-70 provides easy access to Pittsburgh and all of your destinations.

The peaceful wooded beauty of country living with city convenience – your home at Ravenwood – the perfect fit for your lifestyle.

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