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THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
VOLUME XXX, NUMBER 3  
JUNE 2018

# Everything You Need to Know About the **New Tech**\* (\*But Didn't Know To Ask)

by Pamela Ferguson, Esq.

Thirty years ago, no one could have predicted or even envisioned the dramatic changes that would occur to our profession by 2018. Steeped in tradition and labor-intensive, the legal profession was seen as “safe” from the fate of blue collar jobs. Because lawyers were taught and honed intellectual skills of analysis and oratory, and maintained exclusivity to legal forms and pleadings, the notion that lawyers would one day be replaced by computer programs and robots would have been realistic only in science fiction novels; but that was before the internet.



Pamela Ferguson

On September 6, 1991, the World Wide Web became publicly available, setting in motion the beginning of a technological revolution that has fundamentally changed our world and our profession as we have known it. Over the past twenty-six years, as more and more information became available to the public through the Web, lawyers have watched their exclusive access to legal document forms, court filings, court opinions,

statutes, and rules slip away, and with it, their justification for high hourly fees.

Before the internet, a significant portion of a lawyer’s workday consisted of document preparation and data review and retrieval. Maximizing hourly billing through repetitive document preparation and data review and retrieval was, for many lawyers, their bread and butter—not anymore. Today’s lawyers, faced with mounting pressure from clients to offer more efficient services at lower costs, are finding themselves replaced by alternative legal service providers who offer the public ways to resolve legal issues without counsel, and outsourced by data analytic programs (AI) that operate more efficiently and just as accurately as their human counterparts.

For the 68% of our association over the age of 50 adamantly holding onto the last vestiges of their pre-internet practice of law, the current state of affairs seems like it happened overnight; in reality, it’s been a slow, steady progression since 1991. The first

online access to court information became available in 2001 when the Judicial Conference of the United States initiated PACER (Public Access to Court Electronic Records). Touted as a beneficial breakthrough for lawyers, PACER offered a paperless method of online federal<sup>1</sup> case access and management.

States followed suit by offering their own public access programs. Through the Unified Judicial System of Pennsylvania, access to appellate

court, criminal common pleas court, and magisterial district court docket sheets, court calendars, rules of court, and USJ contract postings became available to the public in each of Pennsylvania’s 67 counties. In addition, each

county established websites that offer public access to civil and criminal case filings and forms. Instructions for completion of the forms are included,

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<sup>1</sup> PACER offers public access to case and docket information for United States District Courts, Courts of Appeal, and federal bankruptcy courts.

*President's Message*

# Here For The Taking

*by John M. Ranker, Esq.*

For those of you who were not at the WBA's Annual Meeting, I thank you, as I thanked those who attended the meeting, for providing me the opportunity to serve on the WBA Board, and as your president over the next year. I joined the WBA almost 25 years ago, shortly after I began my practice. Since that



time, I have enjoyed, and frequently extol, the many benefits provided by the Westmoreland Bar Association to its members. But to receive the full extent of the benefits available to you, you need to get involved

and participate in WBA activities, events, and committees.

One of my earliest memories of my involvement in the WBA, and the benefits of membership, is attending my first Bench/Bar Conference. It was held that year at Hidden Valley Resort. At the time, I was a new lawyer in Westmoreland County and knew very few Westmoreland County lawyers or judges. However, I was delighted to learn what a friendly and welcoming group of lawyers and judges we have in our Association. As a result of attending that Conference, I met many WBA colleagues, judges, and staff members. It was the start of many new friendships which I have enjoyed and which have benefitted me greatly over the years, both personally and professionally.

This year's Bench/Bar Conference is scheduled for June 13–15 at The Wisp in Deep Creek, Maryland. For those of you who are already registered, I look forward to seeing you there. For those of you who are not yet registered, I strongly encourage you to attend, even if it is only for the day. While

your schedule may be full, and you may be questioning whether you should take the time out of your schedule, rest assured that this will be time well spent: time not only for a little rest and relaxation, but time to connect and/or reconnect with colleagues and judges, both new and “not so new,” and time to pick up a few CLE credits.

The Bench/Bar Conference is one of the WBA's big events for the year, and the cost of attending, which is subsidized by the WBA, is very affordable. This is definitely a benefit of membership you should not pass up. To our newer members of the WBA, don't miss this opportunity to meet and socialize with your colleagues and judges. And to our veteran members, don't miss this opportunity to meet and socialize with old friends, and with our newer members, who are the future of the WBA.

There are many other activities available through the WBA, including a summer family bocce picnic, “Thirsty Thursday Bar Reviews,” the Holiday Dinner Dance, and Santa parties, all of which provide great opportunities for

socialization and fun with other members, and their families. Additional events include the new member ceremony, the annual memorial ceremony, and WBA quarterly meetings. However, our committees are the lifeblood of the WBA.

Active participation in committees provides all of us opportunities to share information and to learn from each other in substantive areas of practice. We do so at our committee meetings, and through the preparation and presentation of CLEs.

Our committees provide support for WBA members in areas such as retirement planning, fee dispute resolution, lawyers' assistance, and the unauthorized practice of law. Our committees, through their members, also provide support for the WBA for governance, strategic planning, management of its facilities and finances, and operation of the Lawyer Referral Service, all of which allow the WBA to continue its service to its members and the public as professionally, effectively, and efficiently as possible.

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*John Ranker's family was on hand at the April 2 Annual Meeting to celebrate his installation as President of the WBA. Clockwise from center, John Ranker; daughters, Natalie, Jillian, and Molly; parents, Theresa and Joseph; sister, The Hon. Linda Cordaro; daughter, Katie; and wife, Amy.*

# What You Need to Know About Digital Audio Recording in Westmoreland County

by Amy DeMatt, Esq.,  
Court Administrator

In 2013, the National Court Reporters Association made a prediction that proved to be prophetic: by 2018, the demand for court reporters would exceed the supply, and courts would increasingly look to alternative means for making the record.<sup>1</sup> In preparation for what seems to be an inevitable shortage of live reporters, Westmoreland County is implementing a system of digital audio recording (DAR) to supplement the use of court reporters for creating the record of court proceedings.

The Westmoreland County Bench and Court Administration recognize that “it takes a village” to ensure that the transcript of a court proceeding is clear, accurate, and error-free. In an effort to keep members of the Bar apprised, and in an effort to improve processes relative to digital recording, we offer this list of essential takeaways:

- Westmoreland County Courts have no plans to decrease or downsize the current complement of 12 reporters for 11 judges.
- The court record will consist of the written transcript, not the audio recording of a proceeding.
- In 2018, the courtrooms equipped with digital audio recording are:



- Judge Christopher A. Feliciani (courtroom 5); Judge Scott O. Mears (courtroom 6); Judge Timothy A. Krieger (courtroom 1); Judge James P. Silvis (courtroom 10); Senior Judge John J. Driscoll (courtroom 11), and the Senior Judge Courtroom.
- Each courtroom will have five microphones: for the judge, for the witness, one at each counsel table, and a sidebar microphone that will not project over the public address, but will record directly to the DAR system.
- Court assistants will be responsible for operating digital recording.
- All courtrooms equipped with digital recording will have signage to so indicate. However, attorneys should explain to their clients that recording is in use in these courtrooms.

- Microphones at counsel table are equipped with a “push to mute” option, for use when conferring with clients confidentially. “Push to mute” must be continuously depressed in order to mute the microphone.
- The following proceedings shall be recorded exclusively by digital audio: license suspension appeals; summary appeals; and criminal contempt and compliance hearings (for nonpayment of court costs and noncompliance with court conditions). Other types of hearings may be recorded in the future after additional experience with DAR.
- Court reporters will be used for: in-chambers testimony; trials; video hearings, including bench warrants; proceedings involving an interpreter.

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<sup>1</sup> See 2013-2014 Court Reporting Industry Outlook report, by Ducker Worldwide. The “Ducker Report” can be found at: <http://projectsteno.org/the-ducker-report>.

**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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# What You Need to Know About Digital Audio Recording in Westmoreland County *continued from page 3*

- When marking exhibits, attorneys should be mindful to ensure that the record describes the marking (i.e., “Mr. Smith, you’ve just put an ‘X’ on Exhibit 8 to show where you stepped off the curb.”)
- When approaching a witness, attorneys should ensure that they are in front of a microphone before speaking.
- Attorneys should ensure that if someone speaks out in court, that person is identified for the record.
- Attorneys may bring a list of technical words to aid the court reporter in transcription.
- Attorneys may ask to go off the record. Attorneys must ask to go back on the record when ready to resume.

The Bench and Court Administration would like to offer all attorneys who practice in our judicial district the opportunity to provide input or feedback on digital recording by contacting Court Administrator Amy DeMatt at [adematt@co.westmoreland.pa.us](mailto:adematt@co.westmoreland.pa.us). It is our hope and intention that by working together, we will continue to produce the high-quality record of court proceedings that Westmoreland County has maintained through the use of court reporters. ■

## Here For The Taking

*continued from page 2*

All of the above benefits are possible only through the active involvement of our members. In that regard, I am very fortunate and thankful for the knowledgeable and dedicated individuals currently serving with me on the Board, namely, Tim Andrews, Joyce Novotny-Prettiman, Scott Avolio, Dennis Persin, Judi Petrush, and Chris Haidze.

With their help, and with the help of the dedicated WBA staff and our membership at large, I am confident the WBA can continue to provide the many benefits that have been afforded to the WBA members over the years. However, it is ultimately up to each of us individually, as WBA members, to decide whether and to what extent we take advantage of the benefits available to us through the WBA and the extent of our involvement. Inevitably, the more involved you become in the WBA, the more benefits you will reap.

The benefits are here for the taking. I invite and encourage you to get more involved to get yours. ■




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# New Leadership Elected, Awards Presented at Annual Meeting

At the Annual Meeting of the Westmoreland Bar Association held on Monday, April 2, at the Greensburg Country Club, John M. Ranker assumed the office of president.

An attorney for 25 years, John is the founder and manager of John M. Ranker & Associates, P.C., in downtown Greensburg, where he has a general civil and business practice. A Connellsville native, John completed his undergraduate degree at the University of Pittsburgh at Greensburg and his law degree at the University of Pittsburgh School of Law.

John succeeds Timothy C. Andrews and will serve a one-year term as President.

## OTHER BUSINESS

L. Christian DeDiana stepped down as Treasurer, a post he has held since 2006. He served on the board as Assistant Treasurer from 2003–2006. Patsy A. Iezzi, Jr., of Greensburg, has agreed to serve as the new Treasurer.

Scott E. Avolio was elected to a one-year term as Vice President and Christopher A. Haidze and Judith



Incoming President John M. Ranker (right) accepts the ceremonial gavel from outgoing President Timothy C. Andrews at the Annual Meeting held on April 2, 2018. John is serving a one-year term as President.

Potoka Petrush were chosen to serve three-year terms on the Board of Directors. Rounding out the Board are President-Elect Joyce Novotny-Prettiman; Director Dennis N. Persin; Past President Timothy C. Andrews;

and Secretary/Executive Director Diane Krivoniak.

Kristen C. Weidus and Richard F. Flickinger were elected to the Membership and Building Committees, respectively. Both will serve five-year terms.

## AWARDS PRESENTED AT MEETING

Barbara J. Artuso was named Pro Bono Attorney of the Year in recognition of her noteworthy volunteer legal representation of indigent Westmoreland County residents (see story on page 7).

Zachary Mesher was presented with the Outstanding Young Lawyer

Award (see story on page 6); and the Orphans' Court Rules Committee was named Committee of the Year (see story on page 6).

*continued on page 6*

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Outstanding Young Lawyer**Zachary Mesher**

WBA President Timothy C. Andrews (left) presented the Outstanding Young Lawyer Award to Zachary Mesher.

**A**t the Annual Meeting of the Westmoreland Bar Association, Zachary Mesher was recognized as the 2018 Outstanding Young Lawyer. This award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community.

Zack has been a member of the Westmoreland Bar since 2012. He is the immediate Past Chair of the WBA Young Lawyers Committee, and a member of the Ned J. Nakles American Inn of Court and Pennsylvania Bar Association.

Zack is very active in his community, holding leadership positions in the Lions Club and officiating junior high/high school football.

A sole practitioner with an office in West Newton, Zack focuses his practice on family law and other general law matters. He earned a B.S. from Robert Morris University and his JD/MBA from the University of Akron.

**Q CONGRATULATIONS, ZACK. WHAT DOES THIS AWARD MEAN TO YOU PERSONALLY?**

**A** On a personal level, I am extremely grateful for the recognition that the Board has bestowed upon me. I thoroughly enjoyed getting to know and working with each Board member throughout the year, and I hope that the friendships that I've built will last a lifetime.

**Q WHAT DOES THIS AWARD MEAN TO YOU PROFESSIONALLY?**

**A** Professionally, I hope that this award will say to those attorneys and potential clients with whom I haven't had the opportunity to work with yet that I am a trustworthy, capable lawyer.

**Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?**

**A** Truly, I was surprised to learn that I had been named this year's winner. The past few recipients had all set the bar so high that I didn't think anything I did would measure up to their standard. Plus, there were a few of my ideas that kind of died on the vine this year, so I'm not entirely sure that I deserved it.

**Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?**

**A** As we continue through this stressful career that we have chosen, especially we Young Lawyers who are still trying to figure things out, we really need to focus on controlling the aspects of our career that are within our control—our preparedness, our professionalism, and our work-life balance. ■

Committee of the Year**Orphans' Court Rules Committee**

**T**he Orphans' Court Rules Committee was chosen as Committee of the Year at the WBA Annual Meeting held on April 2, 2018. The Orphans' Court Rules Committee was responsible for the significant overhaul to

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*The Hon. Anthony G. Marsili (right) presented the Committee of the Year Award to Orphans' Court Rules Committee Chair L. Christian DeDiana.*

the Orphans' Court Rules that took effect last May.

In an effort to standardize statewide practice, the committee was tasked with making the new Local Orphans' Court Rules closely follow the directives in Pennsylvania's Orphans' Court Rules. The Rules have made it easier for counsel to navigate Orphans' Court practice and have reduced the differences in practicing between counties.

The committee consisted of Co-Chairs L. Christian DeDiana and Todd T. Turin, Court Administrator Amy Mears DeMatt, Deputy Court Administrator Carol Petrusky, Register of Wills and Clerk of the Orphans' Court Sherry Magretti Hamilton, and attorneys Dwayne Ross, Linda Broker, and Michael L. Nestico. ■

**Adam Gorzelsky takes you "Below the Bar" to learn about your Westmoreland County colleagues. Listen to the Below the Bar podcast at [westbar.org/below-the-bar](http://westbar.org/below-the-bar) or subscribe through iTunes.**

**Recent interviews include Dan Joseph, John Ranker, and Vince Quatrini.**

# foundation focus

## Barbara J. Artuso Named Pro Bono Attorney of the Year



The Westmoreland Bar Foundation named Barbara J. Artuso, a recently retired Social Security Judge, the 2018 Pro Bono Attorney of the Year. This award is given to the attorney who has provided noteworthy volunteer legal representation of indigent Westmoreland County residents.

Since her retirement as a Social Security law judge, Barbara graciously donated her time to Pro Bono and represented individuals with Social Security cases primarily in the area of Social Security overpayments and eligibility.

Pro Bono Director David Millstein made the award presentation at the April 2, 2018, Annual Meeting of the Westmoreland Bar Foundation detailing Barbara's dedication to the profession, even upon retirement, and her zealous representation of her clients.

"I really wasn't thinking about awards when I volunteered to do social security cases for the Pro Bono program after I retired," Barbara said. "I was looking forward to continuing to do the work I've loved—but on a less rigorous schedule so I could also do all the fun things I had planned for my retirement. And the pro bono work has become a significant and satisfying part of my retirement plan! Receiving the award at the annual meeting with so many friends and colleagues in attendance warmed my heart, and I am very grateful."

The Pro Bono Program of Westmoreland County provides free legal representation to those who qualify according to income guidelines and case merit. This past year the members



*Pro Bono Director David Millstein (right) presented the Pro Bono Attorney of the Year Award to Barbara J. Artuso.*

of the Westmoreland Bar Association volunteered their time to represent over 600 individuals in civil matters. ■

## WBF Chair Honored

At the Annual Membership Meeting of the Westmoreland Bar Foundation held on Monday, April 2, 2018, at the Greensburg Country Club, Bruce C. Tobin was recognized for his 24 years of service to the Foundation: as a Trustee for 18 years and as Chair for the last 6 years.

During his tenure, Bruce oversaw the growth of the Pro Bono Custody program, relocation of the Pro Bono

*continued on page 8*

## WBF Chair Honored

*continued from page 7*

program to the Courthouse, and several community programs.

An attorney for 42 years, Bruce is Custody Hearing Officer for the Westmoreland County Courts. A Hempfield Township native, he completed his undergraduate degree at Albion College, his masters at Michigan State University, and his law degree at the Duquesne University School of Law.

Bruce will continue to serve on the Board as a Trustee. David S. DeRose assumed the Chair of the Westmoreland Bar Foundation on April 10, 2018. ■

## Scholarship Winner Pays It Forward By Paying It Back



*Susan Ott*

In the summer of 2004, Susan Ott was building a new career, having completed a couple of decades as a hospital administrator and as a development officer for healthcare

and medical research facilities. She was entering her third year as a day/evening student at Duquesne University School of Law with the hope of using her management experience and knowledge of the



*Outgoing WBF Chair Bruce Tobin (left) presents the ceremonial gavel to incoming WBF Chair David DeRose.*

nonprofit world to build a niche career in the law. She spent much time in those four years of law school studying alongside her then-high-school children at the dining room table. It's a memory that she cherishes.

In that summer of 2004, Susan was the recipient of the Westmoreland Bar Foundation Wayne R. Donahue Memorial Law School Scholarship. The reasoning behind the committee's decision to make this award to a non-traditional student was due to Susan's scholastic ability and her dream of using her life experience in a manner that would benefit the nonprofit world.

Just last month (and 14 years later), Susan stopped in to the bar office with

a check to pay back the scholarship amount to the Foundation and to thank the committee for believing in this woman's mid-life journey. "It made a real difference to me," she reminisced. "The committee made a big deal out of me and understood my goal."

In the years since her graduation, Susan has followed the path that she laid out for herself. She now works for Owen & Conley, a boutique law firm concentrating in nonprofit/exempt organization law, tax law, business law, and estates and trusts.

Susan resides in Murrysville and continues to give back to her Westmoreland County community by serving as the Board Chair of accessAbilities, Inc., a nonprofit providing early childhood intervention and home and community services, and on the Board of the Westmoreland Symphony Orchestra. Susan hopes that her donation to the Westmoreland Bar Foundation will encourage others to support the outstanding community work of the Foundation.

Stay tuned: Susan has agreed to present a CLE seminar for bar members and area nonprofits on tax-exempt law for attorneys and their clients sometime in the next couple of months. ■



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## Penn Trafford Mock Trial Team Places Second in State Tournament

**C**ongratulations to Penn Trafford High School, who earned second place in the 2018 Pennsylvania Statewide Mock Trial Championship held March 23-24, 2018, at the Dauphin County Courthouse in Harrisburg.

Penn Trafford advanced to the state finals after earning this year's district and regional titles. This was the first time the Penn Trafford High School team competed at the state level of competition.

Nearly 300 teams from across Pennsylvania had the opportunity to serve as lawyers, witnesses, plaintiffs, and defendants for the hypothetical case of *Silva Morel v. Tiger Tail Technologies, Inc.*—a civil trial to determine whether the plaintiff, who exposed a fellow colleague's alleged bribery, had an offer to her employer's Leadership Development Program

withdrawn as retaliation against her whistleblowing to cover up the bribe, or as a business decision to cut ties with an unreliable employee. Fourteen regional winners advanced to the statewide mock trial finals.

The team is composed of Jeffrey Backus, Noel Bass-Riley, Emma Bender, Grace Bender, Taylor Boulware, Cole Casey, Eden Elma, Maddy Haberberger, Livvy Haberberger, Emily Mears, Natalie Norman, Zachary Perrin, Kate Polechko, and Eleonora Yuschock. The teacher coaches are Christina Wukich, Jen Haberberger, and Bridget Ruschak. The attorney advisor is Steve Fulton, of Trafford.

Thank you to Leo Ciaramitaro, who once again coordinated the district mock trials, and to all who served as volunteer jurors in the competition. ■

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## LawSpeak

*"Speaking of executive power, the author notes, no impression 'more dangerous to a community can be entertained, than that of a wish of the executive to influence the judicial. It weakens the confidence of the public in both.'"*

*Charles Pinckney, Three Letters, Written, and Originally Published, under the Signature of A South Carolina Planter, 1799*

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# The Young Lawyers Escape

by Emily Shaffer, Esq.

In an effort to promote amity among the members of the Westmoreland Bar Association, members of a special committee, the “Camaraderie” Committee, as well as members from the Young Lawyers Committee have been hard at work organizing unique events. Included in these outings are the monthly “Thirsty Thursday” happy hours at various Westmoreland County watering holes, the soon-to-be-announced second annual Bocce Tournament, and the ever-popular croquet tournament highly attended by the young lawyers.



Members of the Young Lawyers Committee (and friend) escaped the Penalty Box at 60 Minute Missions in Greensburg. From left to right: Luke Sheehan, Stephanie Balest, Emily Shaffer, Zachary Mesher, and Alexander Brown.

Along those lines, Zachary Mesher, Past Chair of the Young Lawyers Committee, planned an undertaking for the committee at 60 Minute

Missions in Greensburg on March 23. 60 Minute Missions offers interactive puzzle rooms—more commonly referred to as “escape rooms”—for colleagues, friends, and/or family members to take part in. Up to ten participants are “locked” in the special theme rooms after being given a specific mission to accomplish. The goal is to find clues and solve puzzles that lead to the escape route before the clock runs out.

Zack initially planned the event with the hopes of forming three or four teams to race against the clock and each other. He said, “It seemed like a fun way to get to know each other outside of the old tried-and-true happy hour events.”

Participants from the Young Lawyers Committee were locked in the Penalty Box. In this hockey-themed escape room, they learned that their star player got into some trouble and ended up in prison. Their mission was to find the star player’s hidden playoff rings in order to satisfy the demands of the bail office before their player had to miss that night’s big game. They accomplished their mission with roughly six minutes to spare.

Although it seems like they cut it pretty close, 60 Minute Missions reports that just under 40% of participants escape the Penalty Box. The record time for escape currently sits at an impressive 39 minutes and 41 seconds, recorded by a group on December 23, 2017.

With all of the new activities being planned by creative Bar Association members, there is always something for everyone to enjoy. Members interested in the concept of an escape room, or who, like Zack Mesher, are seasoned escapees, are encouraged to check out the Escape Room at The Wisp at this year’s Bench/Bar Conference. The Escape Room will take place after dinner on Wednesday, June 13, at 9 p.m., and costs \$24 to participate. ■



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## Bench/Bar Conference

Can’t stay overnight? Join us for the day at The Wisp June 13, 14, or 15. Register online at [westbar.org/benchbar](http://westbar.org/benchbar).

# Spotlight on Tim Miller

*Editor's note: Tim Miller is the new Chair of the WBA Young Lawyers Committee. His one-year term began at the 2018 Annual Meeting, held April 2 at the Greensburg Country Club. Tim is an associate with DeBernardo, Antoniono, McCabe & Davis in Greensburg, and is a part-time District Attorney in Armstrong County. Other election results for the Young Lawyers Committee included Emily Shaffer, Vice Chair; Victor Myers, Treasurer; and George Miller, Jr., Secretary.*



**Q WHAT JOBS HAVE YOU HELD PRIOR TO BECOMING AN ATTORNEY?**

**A** Prior to becoming an attorney, I was employed in several areas such as TV production, sales, construction, and as a swimming coach and lifeguard.

**Q WHAT IS THE FUNNIEST THING THAT HAS HAPPENED TO YOU AS AN ATTORNEY?**

**A** I currently serve part-time as an Assistant District Attorney in Armstrong County. During my first jury trial, I spilled an entire pitcher of water on the table, a minute before the judge and jury entered the courtroom. This was not exactly the first impression I was hoping to make.

**Q WHAT QUALITY DO YOU MOST LIKE IN AN ATTORNEY?**

**A** Direct and open communication.

**Q WHAT IS YOUR FAVORITE JOURNEY?**

**A** Hiking the Appalachian Trail. Oh wait, that wasn't me ... that was my law partner, Jim Antoniono. My greatest journey is listening to Jim talk about hiking the Appalachian Trail.

**Q WHAT IS YOUR GREATEST REGRET?**

**A** Not immediately attending law school post-undergrad. I enjoy my profession and wish I would have started my career sooner.

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

**A** I admire hard-working, dedicated individuals who strive to make a positive impact on the lives of others.

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

**A** Be on the lookout for a mentor. It is difficult to achieve success in any organization or in any career, without a senior person to act as your teacher or advisor.

**Q WHAT IS THE BEST ADVICE YOU EVER GOT?**

**A** When I have a challenging day, my wife reminds me to keep pushing forward. I try to follow this daily.

**Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?**

**A** Although this is very cliché, my greatest achievement is my family.

At the end of a long week, there is nothing more rewarding than spending time with my wife and son.

**Q WHEN AND WHERE WERE YOU HAPPIEST?**

**A** My happiest moments are when I am traveling with family and friends. My honeymoon in Paris is a highlight, as well as my annual friends' road trip to away Steelers games, and I'm looking forward to a Caribbean Disney cruise with my family this fall.

**Q WHAT IS YOUR MOST TREASURED POSSESSION?**

**A** I treasure my electronic photo album. There are many photos capturing my family and travels and I would hate to lose them.

*continued on page 14*





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**MARCH 2018 TRIAL TERM**

Of the twenty-one cases listed for the March 2018 Civil Jury Trial Term, two settled, fourteen were continued and five jury trials were held during the civil jury trial term.

**JUDITH S. WOLFF, INDIVIDUALLY  
AND AS THE ADMINISTRATRIX  
OF THE ESTATE OF MARIE H.  
WALKO, DECEASED**

**V.**

**NASUN INC. AND HALLSWORTH  
HOUSE, COLLECTIVELY D/B/A  
HALLSWORTH HOUSE  
NO. 169 OF 2013**

*Cause of Action: Wrongful Death  
and Survival*

Judith S. Wolff, daughter of the Decedent, Marie H. Walko, and Administratrix of her Estate, filed a complaint against the Defendants Nasun Inc. and Hallsworth House alleging negligence. Plaintiff alleges that Ms. Walko had been a resident of the personal care home of the Defendants, referred to as Hallsworth House, located in Monessen, Westmoreland County. She alleged that the staff of Hallsworth House failed to monitor the progression or the regression of Ms. Walko's overall health condition, which ultimately led to her death on March 16, 2011.

Plaintiff requested monetary damages and a verdict in her favor and against Defendants.

Defendants denied any negligence by their staff and/or the personal care home and alleged that it did everything correctly in caring for Ms. Walko. Accordingly, Defendants requested a verdict in their favor and against the Plaintiff.

*Trial Dates:* March 12–15, 2018

*Plaintiff's Counsel:* Scott M. Simon and Mark D. Troyan, Robert Pierce & Associates, P.C., Pgh.

*Defendants' Counsel:* John M. O'Connell, Jr., O'Connell & Silvis, Gbg.

*Trial Judge:* The Hon. Anthony G. Marsili

*Result:* Verdict in favor of the Defendants.

# JURY TRIAL VERDICTS

BY EMILY SHAFFER, ESQ.,  
LEEANN PRUSS, ESQ., AND  
CAITLIN BUMAR, ESQ.

**PAUL E. SOLES**

**V.**

**MOHAMMAD MUNIR  
ZAITOON, M.D.  
NO. 1257 OF 2016**

*Cause of Action: Medical Malpractice—  
Professional Negligence*

On March 18, 2014, Defendant performed a circumcision operative procedure on the adult Plaintiff. Plaintiff alleged that, during the procedure, Defendant negligently removed an excess amount of shaft skin from the Plaintiff's penis, creating reduced functional penile length.

Defendant denied that his performance of the circumcision fell below the relevant standard of care for the practice of urology, claiming that any reduced function alleged by the Plaintiff was not caused by the said surgery, but by unrelated medical and/or physical circumstances.

*Trial Dates:* March 5–8, 2018

*Plaintiff's Counsel:* Jon R. Perry, Rosen Louik & Perry, P.C., Pgh., and David J. Llewellyn, Johnson & Ward, Atlanta, Ga. (*pro hac vice*)

*Defendant's Counsel:* David M. Chmiel, Matis Baum O'Connor, Pgh.

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

*Result:* Verdict in favor of the Defendant.

**SCOTT BREEGLE AND  
DONNA BREEGLE, HIS WIFE**

**V.**

**STATE FARM FIRE AND  
CASUALTY COMPANY  
NO. 1892 OF 2012**

*Cause of Action: Breach of Contract*

On March 23, 2011, a severe storm occurred, causing damage to the roof of the home owned by Plaintiffs. Plaintiffs' home was insured by the Defendant at that time, and the Plaintiffs subsequently filed a claim for the storm damage. Defendant paid an amount adequate to cover only the replacement of the front slope of the home's roof. Plaintiffs alleged that Defendant did not provide an adequate payment under their insurance policy, claiming damage to the roof's rear slope.

Defendant alleged that no damage was done to the rear slope of Plaintiffs' roof, and that therefore the amount of payment was proper as Plaintiffs' policy covered only replacement for damaged property.

*Trial Dates:* March 12–13, 2018

*Plaintiff's Counsel:* Bruce H. Gelman, Pgh.

*Defendant's Counsel:* Daniel L. Rivetti, Robb Leonard Mulvihill, LLP, Pgh.

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

*Result:* Verdict in favor of the Defendant.

**CAROL HOSPODAR, PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF GARY MICHAEL HOSPODAR**

**V.**

**NORTH HUNTINGDON PRIMARY  
CARE-UPMC, UPMC COMMUNITY  
MEDICINE, INC., UNIVERSITY OF  
PITTSBURGH PHYSICIANS, UPMC  
AND WITOLD JUREWICZ, M.D.  
NO. 4635 OF 2014**

*Cause of Action: Wrongful Death and  
Survival—Medical Malpractice*

On June 3, 2013, Carol Hospodar called North Huntingdon Primary Care to schedule an appointment for her husband, Gary Hospodar, who was suffering from shortness of breath. An

**did you know?**

**Westmoreland County Civil Jury  
Trial Verdicts from 2000 to the  
present are available online at  
[www.westbar.org/verdicts](http://www.westbar.org/verdicts).**

appointment was scheduled for June 4, 2013, with Dr. Witold Jurewicz. At that time, Dr. Jurewicz diagnosed Mr. Hospodar with congestive heart failure and told him to go to the emergency room for further testing. According to Plaintiff, Mr. Hospodar asked if he could wait until the next day to go to the hospital, and Dr. Jurewicz advised him that it would be fine to wait. As a result, Plaintiff argued that Mr. Hospodar was not made aware of the severity of his symptoms and chose to wait until the morning of June 5, 2013, to report to the hospital. Upon reporting to the hospital, Mr. Hospodar became short of breath and died from a flash pulmonary edema.

Accordingly, Plaintiff argued that North Huntingdon Primary Care failed to meet the standard of care because the employee answering the phone on June 3 did not immediately refer Mr. Hospodar to the hospital or consult a doctor regarding his symptoms. Plaintiff further alleged that Dr. Jurewicz failed to meet the standard of care by indicating that Mr. Hospodar could

wait until the next day to report to the hospital, rather than making it clear that his symptoms were serious and death could result from a delay.

Defendants argued that during the June 3 phone call, Plaintiff downplayed Mr. Hospodar's symptoms by attributing them to allergies and therefore did not present them in a manner that required more than a scheduled appointment. Dr. Jurewicz denied that his actions fell below the standard of care, as he properly diagnosed Mr. Hospodar, advised him that he probably had a prior heart attack and could have another, and told him that he could die as a result of his condition. Dr. Jurewicz testified that he strongly urged Mr. Hospodar to go to the hospital and asked both Mrs. Hospodar and their daughter to convince him to go. He denied telling Mr. Hospodar that he could wait until the next day to report to the hospital, and he did not believe there was anything more he could have done to stress the severity of Mr. Hospodar's symptoms.

*Trial Dates:* March 12–19, 2018

*Plaintiff's Counsel:* Ernest J. Pribanic, Pribanic & Pribanic, Pgh.

*Defendants' Counsel:* M. Brian O'Connor and Michael K. Feeney, Matis Baum O'Connor, Pgh.

*Trial Judge:* The Hon. Chris Scherer

*Result:* Verdict in favor of the Defendants.

**GREGORY POLOGRUTO**

**V.**

**STATE FARM FIRE AND CASUALTY COMPANY**

**NO. 1889 OF 2012**

*Cause of Action: Breach of Contract*

On March 23, 2011, a severe storm caused damage to the roof of Plaintiff's home. Said home was insured by Defendant, and the Plaintiff subsequently filed a claim for the storm damage. The Defendant paid an amount adequate to cover only damage caused to a portion of the home's roof, not including the roof covering the addition to the home. Plaintiff alleged that Defendant did not provide an

*continued on page 14*

G

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**Daniel Joseph**

## Jury Trial Verdicts *continued from page 13*

adequate payment under his insurance policy, claiming damage to the roof located on the addition.

Defendant alleged that no damage was done to the roof located on the addition to Plaintiff's home, and so the amount of payment was proper as Plaintiff's policy covered only replacement for damaged property.

*Trial Dates:* March 14–15, 2018

*Plaintiff's Counsel:* Bruce H. Gelman, Pgh.

*Defendant's Counsel:* Daniel L. Rivetti, Robb Leonard Mulvihill, LLP, Pgh.

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

*Result:* Verdict in favor of the Defendant.

### MAY 2018 TRIAL TERM

Of the fifteen cases listed for the May 2018 Civil Jury Trial Term, four settled, seven were continued and four jury trials were held during the civil jury trial term.

#### LOIS LAROSA, AS EXECUTRIX OF THE ESTATE OF PAUL LAROSA, DECEASED

V.

#### MATTHEW C. BANKS, M.D., AND RADIOLOGIC CONSULTANTS, LTD.

NO. 616 OF 2017

*Cause of Action:* Wrongful Death and Survival

Lois LaRosa, wife of the Decedent, Paul LaRosa, and Executrix of his Estate, filed a complaint against Defendants Matthew C. Banks, M.D., and Radiologic Consultants, Ltd.

alleging negligence. Plaintiff alleges her husband presented to Frick Hospital's emergency department on October 21, 2014, with complaints of back pain, where a CT was performed of his abdomen/pelvis. Defendant Matthew Banks, M.D., interpreted LaRosa's CT, noting an "unremarkable" pancreas and no acute intraabdominal or pelvic findings. Mr. LaRosa was discharged home with a diagnosis of "back pain." Roughly 15 months later, Paul LaRosa was diagnosed with pancreatic cancer.

Plaintiff alleges that Defendant's negligent conduct in interpreting the CT scan resulted in the delay of diagnosis of her husband's pancreatic cancer. Due to the delay, Plaintiff argues that the cancer metastasized to Mr. LaRosa's liver and no additional treatment was available. Mr. LaRosa died on July 6, 2017. Accordingly, Plaintiff requested monetary damages and a verdict in her favor and against Defendants.

Defendants denied any negligence and denied that Dr. Banks' conduct resulted in the delay of diagnosis of pancreatic cancer. Defendants further denied that Dr. Banks' conduct resulted in the injuries and damages alleged by Plaintiff. Accordingly, Defendants requested a verdict in their favor and against the Plaintiff.

*Trial Dates:* April 30–May 4, 2018

*Plaintiff's Counsel:* Todd D. Bowlus, Harry S. Cohen & Associates, PC, Pgh.

*Defendants' Counsel:* David M. Chmiel, Matis Baum O'Connor, Pgh.

*Trial Judge:* The Hon. Anthony G. Marsili

*Result:* Verdict in favor of the Plaintiff. Jury awarded \$150,000 for the wrongful death action and \$150,000 for the survival action.

#### VICKIE MCKAY

V.

#### SHAUN MARKOVICH NO. 2822 OF 2013

*Cause of Action:* Negligence

Plaintiff Vickie McKay filed a negligence action against Defendant Shaun Markovich seeking damages for pain and suffering as a result of a lower back injury she suffered when Defendant's vehicle rear-ended her vehicle on January 9, 2012. Defendant admitted fault, but denied that the accident was the factual cause of Plaintiff's injury.

According to Plaintiff, Defendant was accelerating to proceed through a stop sign, mistakenly believing that Plaintiff's vehicle had already left the intersection, when he hit her vehicle from behind. As a result of the impact, Plaintiff testified that she suffered severe lower back pain that eventually required back surgery. Although Plaintiff admitted that she suffered lower back pain from a prior car accident in 2009, she argued that the accident with

## Spotlight on Tim Miller *continued from page 11*

### Q WHAT DO YOU MOST DISLIKE?

A Student loans.

### Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Steelers season tickets.

### Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A It would be great if I had any musical talent. If I did, I would like to learn to play the piano.

### Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Loyalty, honesty, and a good sense of humor.

### Q WHAT PROFESSION, OTHER THAN YOUR OWN, WOULD YOU LIKE TO ATTEMPT?

A Sports journalist.

### Q WHAT IS YOUR MOTTO?

A Sometimes you eat the bar and sometimes the bar eats you. ■

Defendant aggravated that pre-existing condition, raised her pain level, and resulted in the need for surgery. Plaintiff's expert testified that back surgery was not contemplated before the accident at issue.

Defendant argued that he could not have been going more than five miles per hour at the time of impact, and the slight hit that resulted could not have caused the injuries alleged. Also, Defendant's expert testified that medical documents established the existence of a protruding disc in Plaintiff's lower back prior to the accident at issue and that there were no changes to the area of the lower back after the accident. According to said expert, Plaintiff would have eventually needed back surgery irrespective of the accident.

*Trial Dates:* May 7–9, 2018

*Plaintiff's Counsel:* Ned Nakles, Jr., Nakles & Nakles, Latrobe

*Defendant's Counsel:* Kenneth Ficerai, Mears, Smith, Houser & Boyle, P.C., Gbg.

*Trial Judge:* The Hon. Chris Scherer

*Result:* Verdict in favor of the Defendant.

**THOMAS A. BOWLEN**

**V.**

**VITTORE EYE SURGICAL ASSOCIATIONS  
AND MICHAEL VITTORE, M.D.**

**NO. 1173 OF 2014**

*Cause of Action: Medical Malpractice*

Plaintiff Thomas A. Bowlen filed an action against Dr. Michael Vittore and his practice alleging that Dr. Vittore was negligent in performing cataract eye surgery. According to Plaintiff's expert, Dr. Vittore failed to stitch an old surgery wound during the cataract eye surgery, which caused that wound to leak. As a result of that leak, which Defendant failed to diagnose during two post-operation exams, Plaintiff suffered a rupture of the old surgery wound, was diagnosed with endophthalmitis (interior eye infection), and ultimately lost all vision in his right eye.

Defendant argued that there was no evidence of a wound leak during the cataract eye surgery, and all tests conducted during the post-operation exams were negative for any leaks. Defendant's expert testified that there was no evidence of a wound leak at the time of the surgery or at the post-operation exams, that an infection can occur even when all necessary precautions are taken, and that the pressure from the eye infection is what caused the surgery wound to burst, rather than the negligence of Defendant.

*Trial Dates:* April 30–May 4, 2018

*Plaintiff's Counsel:* Charles Frankovic, Pribanic & Pribanic, Pgh.

*Defendant's Counsel:* Paula Koczan, Weber Gallagher, Pgh.

*Trial Judge:* The Hon. Chris Scherer

*Result:* Verdict in favor of the Defendants.

**KARL SHANDOR, INDIVIDUALLY AND AS  
PARENT AND NATURAL GUARDIAN OF BRANDON N.  
SHANDOR, A MINOR, AND AS PARENT AND NATURAL  
GUARDIAN OF JOHN SHANDOR, A MINOR, AND  
MICHELE SHANDOR, HIS WIFE**

**V.**

**JEFFREY S. PETERS AND REBECCA E. PETERS  
NO. 1392 OF 2016**

*Cause of Action: Motor Vehicle*

On June 1, 2014, Plaintiff Karl Shandor was operating a motor vehicle with Plaintiffs Brandon Shandor and John Shandor as rear-seat passengers. While at a stop sign and subsequently proceeding through the intersection, a motor vehicle operated by Defendant Rebecca E. Peters struck Plaintiffs' vehicle in the rear.

The sole issue at a binding summary jury trial was a determination of Defendant Rebecca E. Peters' liability for Plaintiff Karl Shandor's injuries, which consisted in large part of back and spine injuries, and included possible aggravation of pre-existing conditions.

*Trial Date:* April 30, 2018

*Plaintiff's Counsel:* James A. Villanova and Connor A. Battin, Villanova Law Offices, P.C., Pgh.

*Defendants' Counsel:* Dwayne E. Ross, Reeves & Ross, P.C., Latrobe

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

*Result:* Verdict in favor of the Defendant. ■

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# To-Wit: God of the Law

by S. Sponte, Esq.

Once upon a time there was a lawyer who was not very happy being a lawyer, and no, this is not about you. “I am not very happy being a lawyer,” he said to anyone who would listen. “It isn’t any fun.

“What do you want to be, dear?” said his wife one day, who really wasn’t listening.

“I want to be God of the Law,” he said, “that would be fun.”

“Take a bunch of the pills Dr. Tupperman gave you and have a nice lie down,” she said, “that will be more fun.”

“Do you know what I really want to be,” he asked his secretary, “I want to be God of the Law, that would be fun.”

“And so you should be, snookums,” she said, smelling a raise.

“Do you know what I really want to be,” he asked his bartender even before

his first drink, “I want to be God of the Law. That would be fun.”

“I know what’cha mean, pal,” said the bartender. “Me, I always wanted to be the Lone Ranger. That would be more fun.”

**“I want to be God of the Law. That would be fun.**

...

**Me, I always wanted to be the Lone Ranger. That would be more fun.”**

“So, you want to be God of the Law, huh?” said the tall, thin stranger who materialized out of nowhere in a puff of smoke and sat down next to him at the bar. He was an odd-looking fellow, possessed of a thin, angular face of an unusually reddish hue with a pointy beard, and a trench coat that

fell all the way to the floor.

“You an attorney?” said the lawyer who only vaguely recognized the stranger.

“Let’s just say I’m a sole practitioner,” said the stranger with a smirk. He then reached into his coat and pulled out a ten-page typed contract, already filled in with names and dates and everything. “Read it if you like, but you’ll find it in order. I have access to the best legal minds the world has ever known.”

The lawyer read the contract and, sure enough, it promised to make him God of the Law. It promised him half the work in the county, it promised he’d win every case he ever took, obtain every remedy he ever sought, collect every judgment he ever obtained,

*continued on page 18*



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# To-Wit: God of the Law

*continued from page 17*

persuade every judge and every jury, collect every fee, and be right all the time, every time, for the rest of his life. And the bargained-for consideration ...

“You want my soul!” said the lawyer incredulously.

“Only when you’re done with it,” said the stranger, “and remember, you’re a lawyer. You’re not promising me anything I probably don’t already have.”

“Who the devil are you talking to?” said the bartender, but in the next instant, the contract was signed, sealed, and delivered. Then, keeping in part his end of the bargain, the stranger waved his left arm and half the lawyers of the local bar association instantly dropped dead.

From that moment on, the lawyer prospered as he had never prospered before. He won cases no one had ever won before, he obtained verdicts in amounts no one ever dreamed of before, he obtained injunctive relief without any hearings, and he got very, very rich.

“I believe,” said His Honor, looking directly at the jury, “that you ladies and gentlemen should not be misled by the total lack of evidence in Plaintiff’s case, and therefore I direct you to find in favor of the Plaintiff in ten times the amount prayed for plus 50% for counsel fees, and I enjoin the Defendant from appealing.”

“I believe,” said the Chief Justice, peering down over his glasses at the lawyers arguing before him, “that the trial court was absolutely right in its analysis, and I concur. The verdict will stand, and in addition, the Defendant and his counsel shall at once be taken out and shot.”

“I got another million-dollar verdict today,” the lawyer told his wife, but she didn’t even drop her emery board.

“That’s nice, dear, can we go back to the villa in Spain?”

“I got another five hundred-thousand-dollar fee today,” he told his secretary.

“That’s nice, snookums, can we go back to the villa in France?”

“I am God of the Law,” he told Dr. Tupperman, “but it isn’t any fun.”

“Here, swallow these. That will be more fun.”

“I am God of the Law,” he told his bartender, “but it isn’t any fun.”

“I know what’cha mean, pal,” said the bartender. “Me, I always wanted to be the Lone Ranger. Now that would be more fun.”

“I dunno,” said the lawyer, “maybe you’re right.”

With a red-smoky whoosh, the stranger re-appeared and sat down next to the lawyer.

“Whatsamatter, bubele, don’t you like being God of the Law anymore?”

“No,” said the lawyer, “it isn’t any fun. Can I be the Lone Ranger instead? That would be more fun.”

With that, the stranger pulled Amendment No. 1 from his coat, already filled in with names and dates and everything, and placed it on the bar. The lawyer immediately signed it, and in the next instant found himself out West, dressed all in white, on a big white horse. The black mask which covered the upper part of his face was just slightly askew, and he never saw the arrow that struck him just above his navel, knocking him to the ground where he was instantly scalped by Native Americans who then left his carcass to be devoured by red ants. Oy, and then his soul rotted in Hell for eternity and his wife took all the money and married a circus clown.

MORAL: Once you get to be God of the Law, stay the hell out of bars. ■

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## New Member Sketches

The following new members have been approved by the Membership Committee and Board of Directors.

### L. ANTHONY BOMPIANI

has rejoined the WBA as a participating member. Anthony received his bachelor degree in psychology from Saint Vincent College and his J.D. from Duquesne University School of Law. He was elected as Magisterial District Judge in 2016 and maintains a private practice in Youngwood.

### MARGUERITE GOGLIA

was admitted as a participating member of the WBA. Marguerite received her bachelor degree in philosophy/sociology from SUNY College at Buffalo, and her juris doctor degree from the University of Pittsburgh School of Law. She is an associate with Tremba, Kinney, Greiner & Kerr, LLC, in Greensburg.

**JENNA MILLER** has been admitted as a participating member of the WBA. She earned a bachelor degree in English literature and a teaching certificate from Seton Hill University, and her J.D. from Duquesne University. Jenna is a principal with Penn Liberty Law, LLC, in Greensburg.

**LOIS M. VITTI** has joined the WBA as an associate member. Lois earned her bachelor of science at American University and her J.D. from Widener University School of Law. She is a partner with Vitti Law Group, Inc., in Oakmont. ■

# A Complete History of the Court of Common Pleas (Abridged)

by *The Hon. Douglas J. Applebaum*

Though little remembered today, the origins of our court began in the summer of 1248 B.C., when Moses, who was sweltering, not only from Sinai's rather intemperate climate, but also from the toil of a seemingly unending session of motions court, called for his father-in-law, Jethro, who had been badgering him for a place in his administration. Jethro approached with visions of being appointed as secretary of the exchequer or ambassador to Canaan, only to find that his ingrate son-in-law was bestowing upon him the title of the world's first court administrator, and was told, to boot, to prepare a court calendar for the September term which was fast approaching. In addition, in those days, the post of court administrator was yoked with that of law librarian, and with the laws written on tablets of stone, and the children of Israel constantly on the move, the job was, to say the least, laborious (Purdon's did not exist until it was first published by Tiberius Caesar, who placed the first complete set on top of a 58-foot Doric column so the public couldn't read it, overlooking the fact that the public was quite illiterate; and Westlaw, alas, would not exist until the reign of Louis XIV). Even then there were progressive stirrings in the law, such as the "eye for an eye" holding, found in Exodus 21:24, which meant that the authorities administering the law could not inflict upon a malefactor a harm greater than that which he had caused, unless they were in a particularly bad mood.

As you will see, the various aspects of our court, as it exists today, came about in a piecemeal fashion. The year 565 was momentous because the laws of the entire Roman Empire were brought together by a committee of jurists assembled by the Byzantine emperor, Justinian I, setting a precedent as the first judges' meeting, though it took three-and-a-half centuries before lunch was included. It was here, in the Justinian Code, where we first find the principle that a person is innocent until proven guilty. Formerly, innocence was established only when parts of the accused were regurgitated by the lions, and then, only when accompanied by a clap of thunder.

We will now race ahead through the Dark Ages, which preceded the invention of Daylight Savings Time by Leonardo da Vinci, all the way to the end of the 12th century. Then, England's Henry II was said to have created the Court of Common Pleas by a royal decree which noted



that the two existing courts of Chancery and the King's Bench were insufficient to maintain a lavish lifestyle for lawyers, and besides he had a nephew who had just passed the bar. Now English litigants would have three courts in which they could be non-suited. In case you forgot, Chancery presided over what we call actions in equity, with the presiding jurist, known as the "Keeper of the King's Conscience," which, of course, varied in degree with each passing monarch, and without the benefit of magnification the extent of the *king's conscience* was not always easy to decipher. The King's Bench, which was gender sensitive—becoming the Queen's Bench when male heirs to the throne were either poisoned or misspent their youth learning to read and write—was so named because it followed the king in his travels, and heard only cases where the king was technically a party, providing uniformly predictable outcomes, similar to today's license suspension appeals.

*continued on page 20*



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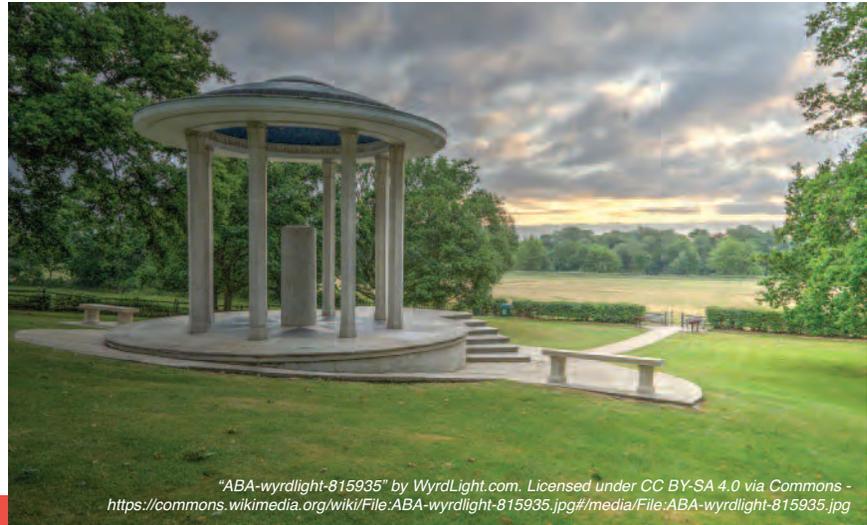
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# A Complete History of the Court of Common Pleas (Abridged) *continued from page 19*

So the Court of Common Pleas was meant to handle only actions which were of no concern to the king, i.e., actions between one wretched and ill-treated subject and another equally wretched and ill-treated subject. The Magna Carta (Latin for “Big Deal”) decreed that the Common Pleas Court was to sit at a fixed location, so that the king and others of refinement might avoid it.

As we know, the court failed to stay put, but rather crossed the Atlantic (presumably in steerage) where it was welcomed in the colonies, particularly Pennsylvania, whose founder had litigated a case in the English courts, which involved his reluctance to remove his favorite hat. One branch of the court crossed the mountains, taking up residence at Robert Hanna’s Tavern, where it was discovered that the rule of law, which then encompassed judicial hangings, branding, ear-notching, banishments, and public humiliation in the stocks, along with a few annoying civil matters, when accompanied by certain libations, could actually be made interesting. In fact the consumption of spirits during the arguments of counsel by both judge and jury became so widespread and popular that the threat to their use as a facilitator of justice was one of the principal causes of the Whiskey Rebellion.

After that, things went swimmingly for the court until Pennsylvania’s new constitution in 1874 provided, among other things, that common pleas judges would henceforth be elected by the public—a triumph for democracy, albeit with the unexpected consequence that aspiring to the bench would now require seemingly endless days of campaigning, candidates’ nights at the local opera house, the purchase of nail files and assorted trinkets bearing one’s name, attending church dinners of all faiths, and



“ABA-wyrdlight-815935” by WyrdLight.com. Licensed under CC BY-SA 4.0 via Commons - <https://commons.wikimedia.org/wiki/File:ABA-wyrdlight-815935.jpg#/media/File:ABA-wyrdlight-815935.jpg>

*In 1957, the American Bar Association erected this memorial at Runnymede to celebrate the signing of the Magna Carta in 1215. The Magna Carta (Latin for “Big Deal”) decreed that the Common Pleas Court was to sit at a fixed location, so that the king and others of refinement might avoid it.*

tooth-and-nail fights to get the endorsement of the local Grange. It all sounded so complicated, when before all one had to do was to marry into the governor’s family. And worst of all, it would cost money—a lot of money. By 1875, our law association, as it was then known, formed a committee to advance campaign finance reform, which failed miserably when the public failed to grasp the meaning of its roadside signs which prophetically proclaimed: “What’s Next—Retention?”

At this point I might remind you that the local chapter of this ancient and esteemed institution is called the Westmoreland County Court of Common Pleas, not the Westmoreland County *Judges* of Common Pleas, for a judge is only a part (usually the oldest part) of the court which is comprised of many indispensable people such as court reporters, law clerks, minute clerks, quarter-hour clerks, and tipstiffs (now saddled with the bland and colorless name of court assistants, created by the AOPC’s Committee on Appellations).

Of all these, the one with the most colorful history is the tipstaff, first mentioned in documents from 1555, intended to remind us of the unfortunate Reverend Doctor Rowland Taylor, who was burned at the stake for some unpopular religious views frowned upon by the Lord Chancellor. When poor Taylor tried to speak to his eager audience, the yeoman of the guard thrust a tipstaff into his mouth. Of course, it was not a court officer, but rather a long wooden stave with a sharp metal point on the business end, which brought the planned oration to a conspicuous halt. The name of the implement was thereafter associated with the person made responsible for maintaining order in the courts, and with the image of the reverend’s fate still in the public’s mind, those holding the position were indeed extremely effective.

Court reporting goes back 5,500 years to the ancient scribes who wrote in cuneiform, which utilized pictographs, a system which continued through the centuries until about

1948. A competing system was devised by Marcus Tullius Tiro, secretary to the Roman Senator Cicero. Tiro used abbreviated Latin letters, Greek symbols, and a pinch of salt to create a shorthand that no one but he and his wife could understand. Then, in 1906, Miles Bartholomew of Grapeville invented the first stenograph machine. It weighed about 1,400 pounds and was connected by leather belts to a steam engine located in the county commissioners' office. Since then, there have been few technological advancements.

Minute clerks fought valiantly at Lexington and Concord to secure the liberties and privileges we all enjoy today, though I'm sure that you already knew that.

The most recent entry into our happy court family is the law clerk, a phenomenon which caught on in the 60s and 70s when it became obvious that a significant portion of the bench was struggling with the conjugation of verbs and



*Judge Ackerman jokes with the author at a recent book signing.*

the diagramming of sentences (discloser: my own spelling is so deficient that if the arrainging of letters in a word correctly was a graded facet of the bar exam I would now be plying my trade as a tinsmith, a necessary and important occupation, recommended to me as one of several options after taking

my high school aptitude test). So law clerks have now become an essential and valued part of the court system, most appreciated for saving judges from the drudgery of a forty-hour week.

It would be one of the great derelictions of history to complete this piece without mentioning jurors, for of all the courts, only common pleas relies upon juries. I'm sure you remember jurors: they were those people who, on occasion, were packed into a 20-by-12-foot room in the basement, who remained there until they were sufficiently numb, and then brought in chain-gang-like fashion (by the tipstaff, of course) to the courtroom. There, they were told that all the cases had been settled the week before and that they could return to their anxious families.

Most were so disappointed upon learning that they had missed perhaps a once-in-a-lifetime opportunity for public service that some cried, while others, inexplicably cheered, with a few breaking out into the singing of "La Marseillaise." If you're a member of the bench or bar it's enough to give you goosebumps. ■

## Ernie Long Marks A Milestone



B. Earnest "Ernie" Long celebrated his 60th anniversary of admission to the Bar on March 17, 2018. Ernie was born in Export in 1929, and graduated from the University of Pittsburgh in 1951 before serving from 1952-1954 in the United States Army during the Korean War. Upon his return, Ernie attended Law School at the University of Pittsburgh and graduated in 1957. He was a solo practitioner until 1964, when he co-founded the firm of Robinson, Fisher and Long, and later Fisher, Long & Rigone. Ernie now serves as Of Counsel for Long & Long, LLC where he works alongside his son, Wesley Long, and his grandson, Adam Long. Ernie's anniversary was celebrated by close friends, family, and co-workers.

### résumés wanted!

**Looking to hire or be hired?** The Westmoreland Bar Association operates an informal placement service for paralegals, legal secretaries, and attorneys by collecting résumés and forwarding them to potential employers at no cost. **Contact the WBA at 724-834-6730 for more info.**

#### LAWYERS LOUNGE COURTHOUSE SUITE 403

No clients, no nonmembers. Just you, your WBA colleagues, the peace, and the quiet. Stop by, punch in your PA ID#, and enjoy!



# Everything You Need to Know About the **New Tech**\* (\*But Didn't Know To Ask) *continued from page 1*



making the public's participation in court proceedings without counsel possible and

less intimidating. While proponents of public access to online forms argue that this enhances law office productivity and efficiency and offers equal justice and access to the courts for all, it further empowered individuals to proceed through the courts without counsel.

Westmoreland County Prothonotary statistics for 2013-2017 reflect this growing trend. In 2013, of the 9,917 total civil (7,347) and domestic (2,570) cases, 1,553 were filed *pro se*. In 2017, 1,771 of the 8,264 total civil (6,135) and domestic (2,129) were filed *pro se*. While it is not clear from these statistics that the individuals who filed *pro se* would have hired an attorney or had the financial ability to retain counsel had they not had access to online public forms, it does confirm the premise upon which public access was first proposed: that it offers greater accessibility to the courts for all.

Rich Cholodofsky wrote about this trend in the May 8, 2011, edition of the *Tribune Review*, in an article titled "More forgo lawyers in domestic cases in Westmoreland County." He described a scene in Westmoreland County Family Court's waiting room that was becoming the norm:

*"Dozens of fractured families gathered in a small sitting area on Wednesday in the Westmoreland County Courthouse as they waited to take their divorce and child custody cases before a hearing officer ... There were no lawyers in sight."*

When asked why they were there unrepresented, everyone's response was

the same: Lawyers are too expensive and it's easy to proceed without one because everything's on the internet. Westmoreland County Prothonotary Christina O'Brien confirmed that *pro se* filings in domestic cases were twice as many as those filed by attorneys on behalf of clients. Fayette, Washington, and Allegheny counties reported similar statistics. While Cholodofsky's article focused predominantly on Westmoreland County, it was clear from his interview with Greg Hurley, an analyst with the National Center for State Courts, that this was not just a western Pennsylvania trend.

Citing the availability of forms on the internet, Hurley confirmed that the number of unrepresented litigants in domestic cases is on the rise nationally. "It's an economic issue," Hurley opined. "The cost of litigation is pretty significant."

In response to this trend, legal forms software companies like LegalZoom, Rocket Lawyer, and Standard Legal began offering online instruction and forms in areas of Estate and Finance, Marriage and Divorce, Real Estate and Business. Their "No Attorney Required" headline made proceeding *pro se* attractive to everyone, even for those who could afford an attorney, by their emboldened promise to save them "hundreds—if not thousands—of dollars." *Pro se* never sounded so good!

Over the past twenty-five years, lawyers have acclimated their practices to account for the loss of clients who choose to do it themselves by

rationalizing that "you get what you pay for." But rationalization doesn't stop the tide from turning. Keeping a "business as usual" attitude will not protect today's lawyers from the reality of the 21st century. It's time to accept the changing role lawyers have in the current economic environment. The first change must be to address the mainstay of many lawyers' practices: the billable hour.

The practice of law produces an exorbitant amount of data. In every case, complex or simple, there is data. Data from briefs, memos, pleadings, legal records, case documents, expert

reports, case review, legal research ... data, data, data!

A major portion of a lawyer's time invested in a case involves sifting through data. Traditionally, in larger firms, that job falls upon junior attorneys and paralegals, who sift through the vast amount

**“Keeping a “business as usual” attitude will not protect today’s lawyers from the reality of the 21st century. It’s time to accept the changing role lawyers have in the current economic environment.”**

of legal information and evaluate the findings. Their time and effort accumulates significant billable hours. But thanks to the internet and advancing technology in data analytics, AI can perform those tasks in a quarter of the time. AI can review documents and determine whether they're useful for litigation, review company documents and identify potential fraud and other misconduct, and perform legal research as well as any lawyer in significantly less time. Noory Bechor, CEO of LawGeex, a leading AI-powered platform for legal contract review, opines that "legal ... is in the place that other industries were 10 and 15 years ago, like travel."

Describing contract work that he did for small companies, investors, and multinational companies as “drudge-like and mechanical,” in a blog written by Dan Mangan entitled, “Lawyers could be the next profession to be replaced by computers,” (Feb. 2017), Bechor said that he became convinced that the tedious, repetitive work that required hours and hours of his time could be automated. Proponents of AI argue that data analytics legal research produces more helpful results than traditional LexisNexis and Westlaw, which function primarily as search engines, simply matching keywords that produce thousands of results. AI can use analytics to find patterns in a particular judge’s decision to help attorneys understand how he or she tends to rule on a particular matter. These insights can improve case strategies and avoid those with a lower chance of success.

Companies such as LawGeex, Casetext, and Logikcull are currently developing programs that use data analytics to enable computers to take over the tasks performed by paralegals and entry-level attorneys. To fully utilize the tools available through these AI programs, Rep. Dave Brat (R-VA) has introduced H.R. 4006, the Statutes at Large Modernization Act, which would make the U.S. Statutes at Large available online to the public at no cost.

Is this the beginning of the end? Will law become an assembly-line business run by sharp-dressed AIs? Proponents of technological advancements argue that the internet has made the practice of law better, not obsolete. With data analytics, lawyers can focus on developing legal theories and articulating legal arguments and not waste time and client’s money on tedious tasks. Young lawyers, once inundated with mindless data retrieval, can now spend their time away from the computer, learning how to be a lawyer and building client relationships. With less costs, more clients will be able to afford a lawyer and won’t be enticed by slick advertisers promising something for nothing.

Benjamin Barton opined in his blog for CNN, “The fall and rise of lawyers,” (May 23, 2015), that “after a wrenching period of change, the profession itself will improve. Virtually all of the legal work that is repetitive or simple—whether corporate document review or a basic divorce—will be automated, outsourced, or handled by less expensive non-lawyers. Only the most complicated, important, and interesting work will remain. Lawyers will practice at the top of their license.”

While change is often a scary thing—and this change is not minor by any means—it’s a fundamental change in the services offered and the way revenue is generated; it is inevitable. “Practicing at the top of our license” is a worthy aspiration and probably what our profession needs: to have time to offer services based upon our intellectual skills of analysis, advocacy, and oratory. Those are skills that clients should pay money for and hopefully won’t be outsourced to AI, at least not anytime in the near future. ■



*At the PBA Conference of County Bar Leaders in Lancaster, Pa., on February 23, 2018, the Board of Directors of the Westmoreland Bar Association was recognized for projects including the Membership Focus Groups, the database/website rewrite, and its 40+ year recognition event. Pictured left to right are: Scott Avolio, PBA Vice President Anne Johns, CCBL President Michael Pierce, Tim Andrews, Diane Krivoniak, PBA President Sharon Lopez, John Ranker, Zack Mesher, Joyce Novotny-Prettiman, and PBA incoming President Charles Eppolito.*

**it's a girl!**



*Congratulations to **Ryan Cribbs** and his wife, Kristin, who welcomed their daughter, Sinclair Harper, on March 12, 2018. Weighing 8 lb 11 oz and measuring 18.5 in. long, Sinclair joins her big sister, Emerson, at home. Ryan is an associate with Nakles & Nakles in Latrobe.*

**it's a girl!**



*Congratulations to **Adam Gorzelsky** and his wife, Katie, who welcomed their daughter, Lorelei Rose, on April 23, 2018. Weighing 7 lb 10 oz and measuring 20.5 in. long, Lorelei joins her big brother, Landon, at home. Adam is an associate with Susan Williams in Greensburg.*

## CALENDAR OF EVENTS

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

### JUNE

- 10** Young Lawyers Tent at the 29th Annual Westmoreland Croquet Club Tournament, Westmoreland County Community College, 10 a.m.
- 13** Bench/Bar Conference begins at The Wisp (concludes June 15)
- 14** Courthouse closed in observance of Flag Day
- 19** Family Law Committee, Noon
- 20** [PBI CLE] The Lawyer's Retirement Manual 2018, 9 a.m. to 1:15 p.m., 4S  
Criminal Law Committee, Noon
- 21** [CLE] IRV Talks: Impairment—A Path to Help for Lawyers, Judges, Clients & Family Members, Noon to 1:15 p.m., 1E
- 26** Civil Litigation Committee, Noon

### JULY

- 4** Courthouse closed in observance of Independence Day
- 11** Real Estate Committee, Noon
- 12** Investment Committee, 10 a.m.
- 16** [CLE] Bench/Bar Conference Video Replay, Noon to 3 p.m.
- 17** Family Law Committee, Noon
- 18** Elder Law & Orphans' Court Committees, Noon (tentative)
- 20** Second Annual Bocce & Corn Hole Tournament, Jeannette Italian Club, 4 p.m.
- 24** [CLE] Data Breach Response: Not Just Advice for Clients, Noon to 1:15 p.m., 1S
- 31** [PBI CLE] Private Eyes Are Watching You—Privacy in the Workplace, 9 a.m. to 1:15 p.m., 4S



### 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.

# Impairment - A Path To Help for Lawyers, Judges, Clients & Family Members

## "IRV Talks" – CLE series in memory of Judge Irving L. Bloom\*

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board of Continuing Legal Education

**Thursday,**  
**June 21, 2018**  
**12:00 - 1:15 pm**  
**WBA Headquarters**  
Seminar Fees:

**PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm June 20, 2018)

**CLE Credit**

WBA Members - \$10 per credit hr.

Non-Members - \$50 per credit hr.

Young Lawyers - FREE

**Non-Credit - \$10**

**WALK-IN:**

**CLE Credit**

WBA Members - \$10 per credit hr.

Non-Members - \$50 per credit hr.

Young Lawyers - FREE

**Non-Credit**

\$10 Flat Fee

Young Lawyers - FREE

Lunch will be provided.

**\*"IRV Talks" are held in memory of Judge Bloom, who worked to help struggling lawyers with their addictions, depression, and stress-related problems, both locally and throughout the commonwealth.**



**Westmoreland Bar Association**

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

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

Recent studies show that there has been a dramatic increase in impairment due to alcoholism, addiction and mental health disorders among members of the legal profession.

As LCL's Educator, Mr. Quinn will discuss the early warning signs of impairment, how best to approach the impaired individual and the LCL services that are available to lawyers, judges, their family members and law students.

A practicing lawyer with over 40 years of experience, Mr. Quinn will also share his own story of addiction and impairment and the role that Lawyer's Concerned for Lawyers played in saving his life and restoring his place in the legal profession.

**Speaker:**

**• Brian S. Quinn, Esquire**  
**Lawyers Concerned for Lawyers of PA**  
**Education & Outreach Coordinator**



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

**June 21, 2018 "IRV Talks"**

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

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

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

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 \_\_\_\_\_

**Pre-Registration Fees**

**CLE Credit:**

WBA Members - \$10 per credit hour

Non-Members - \$50 per credit hour

CJE Credit - FREE

Young Lawyers - FREE

**Non-Credit:**

\$10

Free - Young Lawyers

Please return this form to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, by **June 20, 2018.**



## Nuts & Bolts of DUI Ignition Interlock

**Monday,**  
**July 16, 2018**  
12:00 pm - 1:30 pm  
WBA Headquarters

### Seminar Fees:

#### PRE-REGISTRATION:

(Must be prepaid & received at the WBA  
office by 12 pm July 13, 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)

### Pizza and soda will be provided.

#### Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

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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

**Bench/Bar attendees who did NOT receive CLE credits for this seminar at the Wisp Resort are eligible to receive FREE 1.5 Substantive Credit.**

### Topics of Discussion:

1. What an Ignition Interlock is and how it works.
2. The effectiveness of Ignition Interlocks.
3. Client's requirements for Ignition Interlock
  - \*Notification of suspension/restoration letter
  - \*Eligibility
  - \*Suspension Time
  - \*PennDOT paperwork
  - \*Install vs. Self Certification
4. What happens at install and monthly service appointment
5. What are considered violations and how are they determined
6. Fees incurred by client
7. Troubleshooting issues that occur
8. Act 33 - Current & upcoming changes in 2018

*Speaker: Kathleen Riley*

*\*Smart Start*

### 1.5 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.

### July 16, 2018 Bench/Bar Video Replay — Nuts and Bolts of DUI Ignition Interlock

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

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

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

#### Pre-Registration Fees

##### CLE Credit:

- WBA Members - \$30 per credit hour (\$45)  
 Non-Members - \$50 per credit hour (\$75)  
 CJE Credit - FREE

##### Non-Credit:

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

Please register me:

FREE - I attended the Bench/Bar and did not receive CLE credits

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 July 13, 2018.**

# Digital Workflow from Intake to Courtroom

Examining many options for firms to successfully implement technology into their practice.

— LIVE — 1 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

*Coordinated by the WBA Trial Academy*

The notion of a “paperless” office has been around for a long time, but very few firms have been successful in achieving one. Several factors have contributed to this slow transition: the fear that dealing with anything digital automatically puts them at risk of running afoul of eDiscovery rules, the lack of viable software solutions that aren’t too complicated or too expensive, an unfamiliarity of how a digital file can work through all phases of a matter’s life cycle, and the unwillingness of firm members to change (“this is how we’ve always done things”). This program will explore:

- Some of the most common data sources (phones, web-based data, internet of things (IoT)) that are becoming critical in almost all cases
- New technologies that are simpler, inexpensive, and easy to implement for managing case files and why there are far fewer barriers to implementation
- How a digital file can transfer into the deposition stage seamlessly
- Using video to your advantage before trial and for settlement purposes
- Creating effective demonstratives for settlement and/or trial purposes
- How a digital file enhances the ability to present in a trial and meet jurors’ expectations
- Advanced presentation techniques that are being employed in cases today

**Speaker:**  
**Jody Wolk, Director, Business Development**  
**Precise, Inc.**

**July 18, 2018**

## Digital Workflow from Intake to Courtroom

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 July 17, 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:

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

**Wednesday,**  
**July 18, 2018**  
**12:00 pm - 1:15 pm**  
**WBA Headquarters**

### Seminar Fees:

#### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 17, 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](http://WestmorelandBarAssociation.org)

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Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

[www.westbar.org](http://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](mailto:westbar.org@westbar.org).

# WBA BOCCE & CORN HOLE TOURNAMENT

*Enjoy picnic food  
catered by Sun Dawg*

Friday, July 20th  
4:30-9:00pm

\*Food served beginning at 5pm  
Italian Club  
899 College Avenue, Jeannette

*Refreshing beverages  
(wine, beer & mixers  
provided).*

**This event is FREE & open to Bar  
Members/Families & Guests!**

**RSVP by Monday, July 16th  
724-834-6730**

Find your team or sign up solo  
& we will find a team for you.

**Prizes for winners!**

# Data Breach Response: Not Just Advice for Clients

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

**Breach Detection:** Examine and discuss the most common ways a law firm can discover a breach, and explore how firms can improve detection methods.

**Breach Response:** A step-by-step guide to responding to a breach using two of the most common threats as scenarios - Ransomware and W2 theft. We will discuss everything from whom to initially notify, how a threat can be quarantined, potentially applicable laws regarding breach notification obligations, and restoration of operations.

**Speaker:**

**\*Jason R. McLean, Esquire**  
CIPRIANI & WERNER PC



**Tuesday,**  
**July 24, 2018**  
**12:00 pm - 1:15 pm**  
**WBA Headquarters**

Seminar Fees:

**PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm July 23, 2018)

**CLE Credit**

WBA Members - \$30 per credit hr.  
Non-Members - \$50 per credit hr.

**Non-Credit**  
**FREE**

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**WALK- IN:**

**CLE Credit**

WBA Members - \$40 per credit hr.  
Non-Members - \$50 per credit hr.

**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

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This seminar is the second in the two-part series sponsored by The Law Practice Management Committee. The #1 request from the 2017 focus group sessions was to provide members with education on Technology issues that impact the practice of law.

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.

**July 24, 2018**

**Data Breach Response - Not Just Advice for Clients**

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

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

**Pre-Registration Fees**

**CLE Credit:**

- WBA Members - \$30 per credit hour
- Non-Members - \$50 per credit hour
- CJE Credit - FREE

**Non-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 July 23, 2018.**



An accredited provider for the PA Board of Continuing Legal Education

# Bridge the Gap — Video

4 Ethics Credits Available

**Wednesday,  
August 8, 2018**  
**9:00 am - 1:15 pm**  
**WBA Headquarters**

### Seminar Fees:

**PRE-REGISTRATION:**  
(Must be prepaid & received at the WBA office by 12 pm August 7, 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)

**Pizza and Soda will be provided.**

**Westmoreland Bar Association**  
129 North Pennsylvania Ave.  
Greensburg, PA 15601  
724-834-6730  
Fax: 724-834-6855  
[www.westbar.org](http://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](mailto:westbar.org@westbar.org)

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 by their first CLE compliance

The program also serves as a great refresher for any attorney admitted to practice in Pennsylvania.

### **PROGRAM FORMAT**

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

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

### **Moderated by:**

Kim R. Houser, Esquire  
Mears, Smith, Houser & Boyle PC

**Four (4) ETHICS Credits are available toward your annual CLE requirements.**

You may pre-register for this seminar by visiting the [westbar.org](http://westbar.org) website. You must "LOG IN" to register. OR submit the form below.

### **Bridge the Gap — August 8, 2018**

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

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

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Enclosed is my check made payable to the Westmoreland Bar Association.

Bill my  MasterCard  VISA  DISCOVER for \$ \_\_\_\_\_ (Amount).

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Three digit security code on back of card \_\_\_\_\_

Credit Card Billing Address \_\_\_\_\_

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

- I am a Newly Admitted Attorney, WBA Member — **FREE**
- I am a Newly Admitted Attorney, Non-Member - **\$20 FLAT FEE**
- \$30 per credit hour, WBA member
- \$50 per credit hour, Non-member

### Non-Credit:

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

**\* 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 August 7, 2018.**



### Wednesday

**August 22, 2018**

**WBA Headquarters**

**9 am - 2:45 pm**

#### Seminar Fees:

#### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12:00 pm August 21, 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.

#### Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

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### Session 1 — 1 Substantive Credits

9:00 am – 10:00 am (Video from 3/29/18)

#### Wrongful Discharge for Filing a Workers' Compensation Claim

1. Wrongful discharge in violation of public policy and invasion of privacy claims.

2. Will provide useful tips concerning:

- \*Jury Selection
- \*Trial depositions
- \*Opening statement and summation highlights
- \*Trial tactics concerning witness order and presentation
- \*Technology
- \*Demonstrative aids and more.

#### Speaker:

\***Thomas B. Anderson, Esquire**

### Session 3 — 1 Ethics Credits

12:30 pm - 1:30 pm (Video from 6/21/18)

#### Impairment - A Path to Help for Lawyers, Judges, Clients & Family Members IRV Talks

Recent studies show that there has been a dramatic increase in impairment due to alcoholism, addiction and mental health disorders among members of the legal profession.

As LC's Educator, Mr. Quinn will discuss the early warning signs of impairment, how best to approach the impaired individual and the LCL services that are available to lawyers, judges, their family members and law students.

#### Speaker:

\***Brian S. Quinn, Esquire**

Lawyers Concerned for Lawyers of PA Education & Outreach Coordinator

**3 SUBSTANTIVE and 2 ETHICS Credits are available toward your annual CLE requirements.**

### Session 2— 2 Substantive Credits

10:15 am – 12:15 pm (Video from 4/12/18)

#### Mike Ferguson's 17th Annual Personal Injury Update

\*A review of significant case law development.

\*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

### Session 4 — 1 Ethics Credit

1:45 pm - 2:45 pm (Video from 6/15/18)

#### Case Studies: How To Stay Out of Hot Water in Your Law Practice

In this session, you will learn about key cases that have recently been decided or are pending now before the Courts that will impact the practice of law, including a discussion of:

- \*The scope of attorney-client privilege and guarding against the inadvertent waiver by a client;
- \*Avoidance of and resolving fee disputes with clients and other lawyers;
- \*Emerging claims against lawyers in the area of cyber liability and technology;
- \*The nature of a malpractice claim, tort, contract, or both, and why does it matter?
- \*Trends in malpractice, hot areas in terms of claims and tips to avoid them.

#### Speaker:

\***Bethann Lloyd, Esquire**

Cipriani & Werner 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.

### August 22, 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 substantive credits

no credits

Session 2 – 2 substantive credits

no credits

Session 3 – 1 ethics credits

no credit

Session 4 – 1 ethics credit

no credit

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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 August 21, 2018.

# Tax Reform Basics

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Coordinated by the WBA Family Law Committee

This session will cover three major areas of the Tax Cuts and Jobs Act of 2017.

- Individual tax changes.
- Pass-through Entity Tax Changes.
- C-Corp tax changes.

During this session, we will present the new tax brackets and other significant changes to the tax code, as well as quantify the tax differences under various scenarios.

### Speakers:

**\*Heather J. Baranowski CPA/ABV/CFF, MST, CVA**  
*Litigation Managing Director, BDO Dispute Advisory Services*

**\*John Petrancosta, CPA/ABV/CFF, CVA, CFE**  
*Senior Manager, BDO Dispute Advisory Services*

**One (1) 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.

**September 18, 2018**  
**Tax Reform Basics**

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

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

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

**Pre-Registration Fees**  
**CLE Credit:**

- WBA Members - \$30 per credit hour
- Non-Members - \$50 per credit hour

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

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 September 17, 2018.**

**Tuesday,**  
**September 18, 2018**

**Registration: 8:30 am - 9:00 am**  
**Seminar: 9:00 am - 10:00 am**  
**WBA Headquarters**

Seminar Fees:

**PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm September 17, 2018)

**CLE Credit**

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

**Non-Credit**

FREE

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**WALK-IN:**

**CLE Credit**

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

**Non-Credit**

FREE

**Breakfast will be provided by BDO.**

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.

# Incorporating Digital Forensics & Social Media in Private Practice Presented by PATC Tech

— LIVE — 1.5 Substantive Credits Available



An accredited provider for the PA Board  
of Continuing Legal Education

This introductory course is designed to introduce civil and criminal law practitioners to digital forensic methodology. The course will cover the basic concepts and terminology of digital forensics. This course will also give an introduction to social media investigations and how they relate to civil and criminal law practice. The course will explore various Social Networking sites currently used by victims, witnesses and suspects.

## Speaker:

### Scott Lucas, PATC Tech, Forensics Expert

Scott is a US Army veteran and retired Pennsylvania State Police Trooper, serving 7 years as a member of the Computer Crime Unit, he successfully investigated and prosecuted a myriad of crimes, up to and including Criminal Homicide. Since his retirement from the PSP, Scott has been instructing public agency personnel from around the country in all aspects of digital forensics and computer related crime. Scott has testified extensively in state and federal proceedings, and has been qualified as an expert witness in Digital Forensics in both state and federal courts.

## 1.5 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.

September 27, 2018

### Incorporating Digital Forensics & Social Media in Private Practice - Presented by PATC Tech

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

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

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Enclosed is my check made payable to the Westmoreland Bar Association.

Bill my  MasterCard  VISA  DISCOVER for \$ \_\_\_\_\_ (Amount).

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Credit Card Billing Address \_\_\_\_\_

#### Pre-Registration Fees

##### CLE Credit:

- WBA Members - \$30 per credit hour (\$45)  
 Non-Members - \$50 per credit hour (\$75)

##### Non-Credit:

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

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 September 26, 2018.**

Thursday,  
September 27, 2018  
12:00 pm - 1:30 pm  
WBA Headquarters

#### Seminar Fees:

##### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 26, 2018)

##### CLE Credit

WBA Members - \$30 per credit hr. (\$45)  
Non-Members - \$50 per credit hr. (\$75)

##### Non-Credit

\$10 Flat Rate

##### WALK- IN:

##### CLE Credit

WBA Members - \$40 per credit hr. (\$60)  
Non-Members - \$50 per credit hr. (\$75)

##### 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

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by email at westbar.org@westbar.org.



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By calling the hotel direct at 724.838.8800 and asking for the **Law Firm Rate** or  
by giving the corporate account number **0002982022**

**Commonwealth Meeting Room:**

528 Sq. Ft meeting space accommodates up to 35 people

Complimentary Parking

Complimentary High Speed Wireless Internet

Complimentary HDMI capability access from your laptop to our 54" monitor

Furnished with white board, pin board and podium

Catering menu available

**To inquire about Meeting Room Space call the hotel at 724.838.8800**

