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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXXI, NUMBER 2
MAY 2019

Survey of Judicial Candidates

Six Vie for County's Court of Common Pleas Nominations



**Kyle M.
Baxter**



**Wayne P.
McGrew**



**Jessica
Rafferty**



**Matt
Schimizzi**



**Michael J.
Stewart II**



**Justin
Walsh**

Editor's note: As in past judicial elections, we have made space available for all the candidates for the Court of Common Pleas of Westmoreland County to respond to a series of uniform questions, hoping that the effort enables our colleagues to learn a little bit more about those who seek a seat on the bench.

The questions we posed are:

1. What is the municipality of your residence?
2. Submit a CV that includes the following information (*The CV should be sent to the WBA with the understanding that it will be posted on its website [www.westbar.org] for viewing by our readers and the public.*):
 - What secondary schools, college(s) attended, degree(s) earned, and any honors received.
 - Law school(s) attended, date of graduation, any honors earned or received, date of admission to the bar.
 - Positions of employment since your admission to the bar and the dates of such employment.
 - Membership in any law-related organizations in which you have been an active participant, describing your participation and length of membership.
3. Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of real estate, personal injury, insurance defense, general litigation, family law, etc.
4. If you claim litigation experience as a qualification, provide the names of three members of the bar who have sufficient knowledge and/or experience regarding your litigation skills (*Please make certain the three individuals have consented to have their names listed in the sidebar in this fashion.*).
5. Identify your single-most significant professional accomplishment and provide pertinent details. You may omit any confidential information.
6. Why do you want to be a judge?
7. Why do you think you should be a judge?

The candidates answer our questions beginning on page 16.

President's Message

Why Law Day?

by Joyce Novotny-Prettiman, Esq.

The theme for Law Day 2019 is "Free Speech, Free Press, Free Society." The American Bar Association (ABA) on May 1 of each year celebrates Law Day to focus attention



on the role of law in our society. ABA President Bob Carlson selected this year's theme

"because these freedoms have dominated public discourse and debate recently." This year will be the 61st anniversary of Law Day and the ABA will release the first survey it has conducted to

measure America's knowledge of civics. Stay tuned for those results.

For several years, the Annenberg Public Policy Center conducted a civics survey. During the survey conducted in August 2018, it was found that 67% of those surveyed could not name all three branches of government. The results showed better knowledge of some issues such as impeachment and pardons, suggesting that these issues are in the news.

"We found a direct relationship between basic knowledge about the three branches of government and wanting to protect the independence of the courts," said APPC distinguished research fellow Bruce Hardy,



David DeRose and Joyce Novotny-Prettiman visiting a classroom for Law Day 2018.

an assistant professor of communication and social influence at Temple University. I found this observation by Bruce Hardy to be compelling.

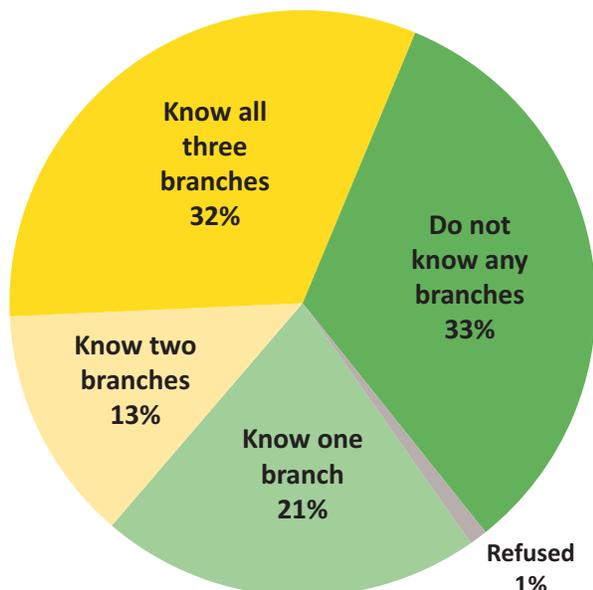
Law Day in Pennsylvania and the materials compiled by the Pennsylvania Bar Association traditionally concentrate on reaching out to children in Pennsylvania classrooms. The observance of Law Day is one of the focuses of our Westmoreland Bar Foundation and many of our members contribute to this effort by visiting classrooms all over Westmoreland County.

If you have not taken a couple of hours to participate in Law Day in the past, I highly recommend you do so in the future. The enthusiasm that the students I have talked with as a Law Day participant is inspiring. These children want to know what lawyers do every day and they are genuinely interested in stories about experiences lawyers have had in court and with their clients. I usually worry that I

will run out of material from the suggested topics when I head out to a classroom, but I find that the time goes quickly and there are usually more questions than can be answered in the time allotted. You are sure to get some memorable quotes. As one wise second grader once announced during a discussion about what rules had to be followed in school, "Don't bring your parents' guns or drugs to school!" Who can disagree with that?

Law Day is an opportunity to provide basic civics lessons to students in all grade levels—this information is important as it helps students grasp basic concepts and enables them to build a foundation to appreciate how the rule of law works in America. The curiosity is out there, we just need to help feed it! ■

% of people who can name the three branches of government



Source: Annenberg Constitution Day Civics Survey, August 8-12, 2018. Annenberg Public Policy Center

DICTA

Pot Luck

by Pamela Ferguson, Esq.

As I sat in the waiting room of Solevo, Greensburg's first medical marijuana dispensary, I was struck by the irony of my presence. Unable to take traditional pain medicine for her spinal stenosis and too old to safely undergo major back surgery, my eighty-three year old mother, who for thirty years had sanctimoniously espoused "reefer madness" warnings of marijuana as a gateway drug whose psychotropic effects encouraged suicide and murder, was waiting to pick up her prescription of "Illera's Soothe and Dream" tincture and topical THC. Unwavering in her disapproval, she had refused to consider even rational arguments in

favor of legalization. But the ravages of old age were too much to bear. With no other viable options, she "agreed" to give it a try. My mother's story is not unique, as the crowded waiting room attests. With marijuana coming full circle, its relevance as a medicinal plant can finally replace the historical anomaly of the last 72 years during which it was reviled and feared.

Since 4000 B.C., cultures across the globe have used and celebrated marijuana for its healing and spiritual benefits. Considered one of humanity's oldest cultivated crops,¹ cannabis was widely used in religious and healing ceremonies in Asia. Introduced to India by invaders returning from conquests in China, it became celebrated as one of the "five kingdoms of herbs . . . which release us from anxiety."² The Vikings used it for relieving pain during childbirth and

¹ "Marijuana: The First Twelve Thousand Years" (Springer, 1980).

² "Marijuana's History: How One Plant Spread Through the World" (Live Science, October 17, 2014).

toothaches. Over the next centuries, it migrated to different regions around the world, finally being introduced to North America in the early 1600s as a fiber from which to make clothing, sails, and rope. Discovered to help digestive issues and calm the symptoms of cholera, cannabis extract began being sold in pharmacies and doctors' offices throughout the United States by the late 1800s.

In the early 1900s, Mexican immigrants encouraged its recreational use; however, due to the escalation of resentment toward immigrants and racist fears toward Mexicans during the Great Depression, the federal government, through the Federal Bureau of Narcotics, cracked down on marijuana's recreational use, describing cannabis as a very powerful addictive drug that would lead to the downfall of the American youth. For the first time in its long history, marijuana was considered evil, no longer praised for its healing qualities.

In 1937, marijuana was effectively "outlawed" through passage of the Marihuana (Marijuana) Tax Act: the first federal law to criminalize marijuana nationwide through a punitive excise tax on the sale, possession, or transfer of all nonindustrial hemp products. As head of the newly formed Federal Bureau of Narcotics and with the support of President Franklin D. Roosevelt, Harry Anslinger promoted his views of the evils of cannabis in propaganda films in which users were



Pamela Ferguson



continued on page 4

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. 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.

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DICTA Pot Luck *continued from page 3*

depicted committing violent crimes and acting irresponsibly and overly sexual.

In the 1950s, the “Beat generation” made cannabis central to their identity, music, and vernacular. Their cultural assimilation was a crucial chapter in its mainstream acceptance. In response



to its renewed popularity, the federal government passed the 1952 Boggs Act and 1956 Narcotics Control Act, which established

mandatory sentences for drug-related violations; a first-time offense for marijuana possession carried a minimum sentence of 2 to 10 years in prison and a fine of up to \$20,000.

Despite the fear of mandatory sentences, the 1960s saw a resurgence of marijuana use by college students and hippies. Questioning the federal government’s authority to prosecute cannabis cases, the Supreme Court ruled in its 1969 case of *Leary v. United States*,³ that the Marijuana Tax Act was a violation of the Fifth Amendment right against self-incrimination. Resolving to strengthen existing law enforcement authority over drug abuse, Nixon signed into law the Controlled Substances Act, prohibiting the use of cannabis in any form and assigning it a Schedule I classification beside heroin, LSD, and Peyote, deeming it to have a high potential for abuse with no medicinal purpose.

Concerned that the punishment far exceeded the crime, *LIFE Magazine* questioned whether marijuana should be legal. On the cover of the October 31, 1969 issue, printed over a picture of a smoldering joint, the banner read:

“MARIJUANA
At least 12 million Americans

*have now tried it
Are penalties too severe?
Should it be legalized?”*

Notwithstanding pundits’ rational arguments in favor of decriminalization and legalization, the Nixon administration pushed for stronger enforcement. On July 1, 1973, the newly formed Drug Enforcement Administration (DEA) authorized federal enforcement, sometimes severe, for cannabis use.

As the cost of aggressive enforcement of cannabis use continued to escalate, California sanctioned a study in 1976 to determine the financial burden of enforcing cannabis prohibition. It was

“In 2014, Lee Carroll Brooker, an Alabama disabled veteran, was sentenced to life in prison without parole for growing three dozen marijuana plants for his own medicinal use.”

determined that repealing prohibition would save the state \$35–50 million. As a result, California reduced the penalty for personal possession of an ounce or less from a felony to a misdemeanor with a \$500 fine, and possession of more than an ounce to a misdemeanor with a fine of \$500 and no more than six months’ incarceration.

Despite concerns of the cost of enforcement and the severity of the punishment for personal use of cannabis, the Reagan administration, in conjunction with its “Just Say No” campaign, created the Sentencing Commission under the Comprehensive Crime Control Act of 1984, establishing mandatory sentencing guidelines. A later amendment created the “three strikes” law making it a twenty-five year mandatory sentence for repeated serious crimes, including marijuana possession. Mandatory

sentences and the “three strikes” law created crowded prisons and excessive punishments totally unrelated to the severity of the crime.

A prime example of this is the Lee Carroll Brooker case. In 2014, Lee Carroll Brooker, an Alabama disabled veteran, was sentenced to life in prison without parole for growing three dozen marijuana plants for his own medicinal use. Because he had been convicted of several armed robberies two decades previously, for which he had served ten years, he was held to a mandatory life sentence. At his sentencing, the trial judge told Brooker that he would have given him a shorter sentence had he not been required to comply with the mandatory sentencing guidelines. In 2018, Booker appealed his sentence to the U.S. Supreme Court, arguing that his sentence violated the Eighth Amendment ban on cruel and unusual punishment. The court refused to hear it.

Fearing reduced federal highway funding, many states in the 1990s passed laws in accordance with the federal Solomon-Lautenberg Amendment that mandated license suspensions of anyone committing a drug offense, including simple possession of cannabis, regardless of whether or not a motor vehicle was involved. As of 2018, seven states still have “smoke a joint, lose your license” laws.

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³ *Leary v. United States*, 395 U.S. 6 (1969)

In 1998, California voters spoke out against criminalization of marijuana use and approved Proposition 215 legalizing medical marijuana. After several other states had similar measures on their ballots, the House passed joint Resolution 117 declaring support for the existing federal legal process and opposing efforts by the states to circumvent that process by legalizing marijuana for medicinal purposes.

In a 2005 decision, *Gonzales v. Raich*, 545 U.S.1 (2005), the Supreme Court ruled that individuals and businesses legally cultivating, possessing, and

distributing cannabis pursuant to state laws could be federally prosecuted under the Commerce Clause of the Constitution. In an effort to thwart state legalization, the DEA continued to routinely target and arrest legally compliant medical cannabis patients and providers. This practice was finally curtailed with the passage of the Rohrabacher-Farr amendment in 2014, which prohibits the Department of Justice from spending funds to interfere with the implementation of state medical cannabis laws.

In 2012, after Colorado and Washington became the first states to legalize recreational adult use of marijuana, then-Deputy Attorney James Cole, in accordance with the Obama administration's position on state-legalized marijuana, sent a memo (the Cole memo) to each state's U.S. Attorney acknowledging that it would only pursue significant threats aimed at preventing distribution of marijuana to minors; growing of marijuana on state lands; access to marijuana by the cartels and gangs; and diversion of marijuana to states where it was still illegal. Personal use within the confines of the state's law would not be prosecuted. This practice was rescinded by the Trump administration, which had, under the auspices of former Attorney General Jeff Sessions, encouraged a return to federal prosecution regardless of state legalization.

Despite the current administration's strict stance, all but four states (Idaho, Kansas, Nebraska, and South Dakota), and the District of Columbia have legalized marijuana in some form. Of those forty-six states, sixteen have legalized the limited use of medical marijuana; thirty, including Pennsylvania, have legalized broad access to medical marijuana, and; ten and the District of Columbia have legalized marijuana for medical and recreational use.

On April 17, 2018, Governor Tom Wolf signed Senate Bill 3, legalizing medical marijuana in Pennsylvania:

"I'm proud to sign this bill that will provide long overdue medical relief to patients and families who could benefit from this treatment. I applaud members of both parties in the House and Senate who have come together to help patients who have run out of medical options ..."

With varying degrees of use, each state, regardless of political affiliation, has acknowledged the benefits of legalization; a realization that seemed



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DICTA Pot Luck *continued from page 5*

unattainable thirty, twenty, even ten years ago. As each state implements their cannabis use plan, fears of abuse have been assuaged. Recent studies have shown that after legalization there is a slight increase in usage; however, it's not known whether it's because more people are actually using the drug or if the willingness to report usage prior to legalization was not as forthcoming. In a retrospective assessment of marijuana use in Washington state, published in the *Journal*



of Studies on Alcohol and Drugs by the Alcohol Research Group, a program of the Public Health Institute, a mere 1.2% increase in past-year use after recreational marijuana was legalized was found. Studies conducted after California, Washington, and Oregon legalized recreational marijuana

showed no increase in crime, harm to the public health, or lower teen educational achievement—concerns advocated by opponents of legalization.

Despite the recent push by members of the public and state and local government for some form of federal legalization, Congress continues to struggle with the elephant in the room. Federalism has pushed state legislators and their constituents through ballot referendums to make the hard and, sometimes, politically unpopular decision on

their own. With demand increasing on both sides of the aisle, Congress must acknowledge that federal reprisal against state legal cannabis use does more harm than good by subjecting those who have complied with the rigorous state requirements for distributing and purchasing medical marijuana and those who sell or purchase it for recreational use legally in jeopardy of incarceration, and places states' tax coffers and federal funds at risk. Banks, too afraid of federal recrimination, refuse to offer loans to cannabis dispensaries or allow business deposits of revenues earned, forcing a cash-only industry in an online world where cash is no longer king.

With the ouster of Jeff Sessions, talk of President Trump's potential support has picked up steam, and previous references that he would "probably" support the STATES Act—a new bipartisan bill introduced by Sens. Cory Gardner (R-CO) and Elizabeth Warren (D-MA) that would exempt legal state-licensed cannabis businesses from the Controlled Substances Act, eliminating the fear of federal prosecution—are encouraging that the federal government will finally get on board.

On November 17, 2018, the National Conference of State Legislatures (NCSL) sent a letter to Congress in support of the "Strengthening the Tenth Amendment Through Entrusting States Act of 2018 (STATES Act):

"While NCSL supports a strong intergovernmental partnership to fight illicit drugs, we also maintain that where states have made a policy choice to legalize and regulate marijuana, the federal government should respect those decisions . . . Current federal law is in direct conflict with state marijuana laws and policies. Marijuana classification as a Schedule I drug makes banking and taxation marijuana at the state level difficult and complicated . . . NCSL supports the STATES Act because it removes the existing federal barriers to robust financial and banking services currently afforded to other business enterprises and creates a safer environment to transact business, commerce, and trade."

Removing federal barriers to the marijuana industry will open more doors and offer more financial rewards than already imagined. Colorado, Washington, and Oregon have seen significant revenues from their excise tax on recreational marijuana. Colorado collects well over \$10 million in monthly revenues from recreational marijuana alone. A similar story has unfolded in Washington and Oregon, where their tax coffers have generated over \$70 million and \$14.9 million a year, respectively.

This reality gives cannabis investment company Acreage Holding's founder and CEO, Kevin Murphy, confidence in our current administration's push to pass the STATES Act.



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New Members Presented to Bench, Bar at Annual Ceremony



New members of the WBA were presented to the bench and bar on March 26, 2019. From left to right: Maria Rossi, Marguerite Goglia, Jenna Miller, Nicholas Urban, Brittney Reay, Michael Rouch, Katie Ranker, David Mulock, Erika O'Donnell, Jaclyn Nichols, and Rachelle See.

On Tuesday, March 26, 2019, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President John M. Ranker, and an invocation by Sr. Melanie Di Pietro, S.C., each admittee was introduced to the court by a member of the association.

The new members presented to the court were: Brittney E. Reay, presented by Timothy B. Kinney; Marguerite Goglia, presented by Lawrence D. Kerr; Jenna Miller, presented by Kelly M. Eshelman; David E. Mulock, presented by The Hon. Timothy Krieger; Jaclyn M. Nichols, presented

by Leslie J. Uncapher; Erika A. O'Donnell, presented by Michael J. Stewart; Katie L. Ranker, presented by John M. Ranker; Maria V. Rossi, presented by David S. DeRose; Michael P. Rouch, presented by Vincent J. Quatrini, Jr.; Rachelle See, presented by Joyce Novotny-Prettiman; and Nicholas A. Urban, presented by Joyce Novotny-Prettiman.

Following the presentation to the court, Timothy R. Miller and Joyce Novotny-Prettiman greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. President Judge Rita D. Hathaway then spoke on behalf of the court.

A reception for the new admittees was held at The Rialto in Greensburg immediately following the ceremony. ■

Learn a little more about the newest members of the WBA. See "New Member Sketches" on page 10, and back issues at westbar.org/the-sidebar.

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LawSpeak

"Even when laws have been written down, they ought not always to remain unaltered."

Aristotle

DICTA Pot Luck *continued from page 6*

In a December 21, 2018, CNBC interview, Murphy said, “it’s not a matter of if the STATES Act passes, but when ... all of these companies today are heading to Canada ... passing the Act will lead to big investment and big conglomerates coming back to the U.S.”



Agreeing with Murphy, former Republican Speaker of the House John Boehner joined the Board of Directors of

Acreage Holdings, a New York based company that went public on the Canadian Securities Exchange in mid-November 2018 after raising \$314 million. Its mission is “to become the world’s leading cannabis company bringing safe, affordable cannabis to everyone who needs it.”

As indication of Trump’s intent to support states’ authority to regulate the cannabis industry, the budget deal passed by Congress to open the government after the 35-day shutdown that began in December 2018 and signed by President Trump on February 1 included an extension of the Rohrabacher-Farr amendment until March 23. With federal “legalization” on the horizon, marijuana’s removal from the controlled substance list to one that has medicinal purposes will provide help to millions struggling with health problems for which current medicine has failed, and will regulate an industry that has been thriving illegally to the benefit of organized crime, the cartels, and black marketeers. As states realize tax revenues from the cannabis industry and communities benefit financially from the new job market, the evil stigma attached to marijuana may finally go away.

As with any medication/drug, there is the potential for abuse, which is the main argument in favor of prohibition.

But prohibition has not prevented the distribution of cannabis. In fact, with lower overhead and better profit margins, black market weed is a much more lucrative product than legal weed: in 2016, illegal cannabis sales topped \$52 billion. National legalization would stop the sale of illegal cannabis across state lines and would provide a safer and regulated product that will allow those who need it to benefit from its medicinal qualities; those who enjoy it, to use it responsibly, and; those who abuse it, to be subjected to a reasonable punishment that fits the crime.

For those who are wondering, my mother’s insomnia and dementia-related anxiety was helped significantly by the medical marijuana drops. Unfortunately, she recently had to go into assisted living where they

will not give it to her, despite the fact that she complied with the exhaustive application process and received medical approval from a state-certified doctor. Without federal approval, this will continue to be a problem for the elderly who could benefit from it the most.

“Prohibition has not prevented the distribution of cannabis. In fact, with lower overhead and better profit margins, black market weed is a much more lucrative product than legal weed.”

While federalism offers checks and balances between the federal and state governments, it is, in this circumstance, allowing the federal government to ignore the desires of the constituents and their state

representatives in the forty-six states and the District of Columbia who want medical marijuana to be available for those who medically need it.

Opioids, however, continue to be readily available without any of the restrictions imposed on medical marijuana. ■

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MARCH 2019 TRIAL TERM

Of the ten cases on the March 2019 Civil Jury Trial list, two settled, five were continued, and three proceeded to a jury trial.

SARAH E. KELLY

V.

SMITHLEY EXCAVATING, LLC, A PENNSYLVANIA LIMITED LIABILITY COMPANY, AND RANDY SMITHLEY

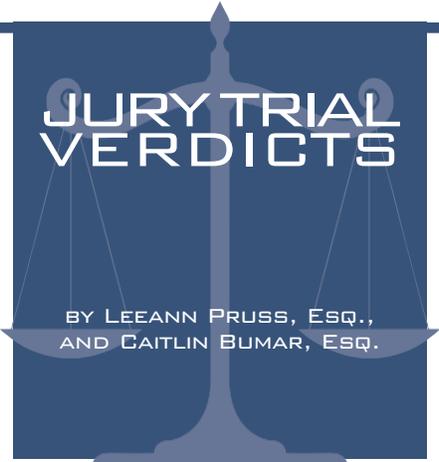
V.

**DAVID J. KELLY AND
MARTHA E. KELLY
NO. 4845 OF 2014**

Cause of Action: Negligence

Defendants David J. Kelly and Martha E. Kelly were having renovations done to their Derry residence, which included demolition of a bathroom and excavation work by Defendant Smithley Excavating, LLC. As a result of the demolition and excavation, the bathroom door entered directly into a twelve-foot ditch. Plaintiff is the adult daughter of Defendants David and Martha Kelly, and on October 6, 2013, she entered their residence to grab shoes for work. In the process, she went to throw away garbage in the bathroom, opened the door, and fell into the excavated pit. She broke her pelvic bone as a result of the fall, underwent three surgeries, and alleges continuing pain. Plaintiff alleged that she was unaware of the demolition and excavation that was occurring at her parents' residence before entering the bathroom. Plaintiff further claimed that the door was not barricaded from either side and no warning signs existed to prevent her from opening the door. Plaintiff sought damages for pain and suffering, embarrassment and humiliation, loss of ability to enjoy the pleasures of life, disfigurement, past and future medical expenses, and loss of earning capacity.

Defendant Smithley Excavating, LLC, denied any duty to barricade the bathroom door at issue. He testified that he advised Defendants David and Martha Kelly to barricade the door from the inside, and he was under the



JURY TRIAL VERDICTS

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

impression that they understood to do so. Defendant Smithley Excavating, LLC, brought a claim against Defendants David and Martha Kelly, and also alleged comparative negligence on the part of Plaintiff, as she did not take precautions in entering a construction zone. Defendants David and Martha Kelly denied that they were advised to barricade the door, and agreed with Plaintiff that no discussions occurred that would have put her on notice of the demolition and excavation.

Trial Dates: March 4–8, 2019

Plaintiffs' Counsel: John M. Hauser, III, Latrobe Law Associates, LLC, and Dwayne Ross, Reeves & Ross, Latrobe
Defendants' Counsel: Thomas W. Smith, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Chris Scherer

Result: The jury found in favor of Plaintiff, finding all parties negligent, allotting liability 50% to Defendant Smithley Excavating, LLC, 45% to Defendants David and Martha Kelly, and 5% to Plaintiff, and entering a verdict in the amount of \$1,547,736.13.

got news?

Do you have news to share with the sidebar? Making Partner? Engagement? Marriage? Birth? Moving? Retiring? Anniversary? Milestones? Awards? Community Involvement? Accomplishments? Email westbar.org@westbar.org and we'll publish your news in the next available issue.

CHARLES E. PHILLIPS

V.

**GREGORY STONE, INDIVIDUALLY;
SINCLAIR REALTY, INC.; STONE &
COMPANY; AND WENDELL H.
STONE COMPANY, INC.**

NO. 168 OF 2014

AND

**GREGORY STONE, INDIVIDUALLY;
SINCLAIR REALTY, INC.; STONE &
COMPANY; AND WENDELL H.
STONE COMPANY, INC.**

V.

**CHARLES E. PHILLIPS
AND TAYLOR PHILLIPS
NO. 1128 OF 2014
(CONSOLIDATED)**

*Cause of Action: Breach of Contract—
Oral Contract*

In Case No. 168 of 2014, Plaintiff Charles Phillips asserted that the Defendants, through Defendant Gregory Stone, entered into an oral contract wherein Phillips was to finance and construct an addition onto a building owned by Defendant Sinclair Realty, to be repaid by the Defendants. Phillips alleged that Defendants failed to repay \$126,715.84 expended in the construction of the addition. Defendants maintained that no valid oral contract for the repayment of construction costs was ever entered into, and that Phillips constructed the addition entirely for his own benefit, as the spaced was used by his son in operating a business.

In the related countersuit at Case No. 1128 of 2014, the Stone Plaintiffs asserted that Plaintiff Gregory Stone entered into an oral loan agreement with Defendant Taylor Phillips, wherein Phillips received \$110,000.00 from Stone and agreed to repay the same. Stone alleged that Phillips failed to repay the sum. Phillips argued that no valid oral contract for the repayment of this sum was entered into by the parties.

The cases were tried simultaneously.

Trial Dates: March 4–5, 2019

Phillips' Counsel: John M.

O'Connell, Jr., O'Connell & Silvis, Gbg.

Stone's Counsel: Bernard P.

Matthews, Jr., Meyer Darragh Buckler Bebenek & Eck, PLLC, Gbg.

continued on page 10

Jury Trial Verdicts *continued from page 9*

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

Result: No. 168 of 2014: Verdict in favor of the Defendants; No. 1128 of 2014: Verdict in favor of the Plaintiffs for \$35,000.00.

CANDACE MARCO, INDIVIDUALLY AND ON BEHALF OF HER MINOR CHILDREN C.M., C.M., AND L.M.

V.

**RICHARD MARCO, AN ADULT INDIVIDUAL, AND RICHARD STRAIT, AN ADULT INDIVIDUAL
NO. 3343 OF 2016**

*Causes of Action: Negligence—
Motor Vehicle*

On August 16, 2014, Plaintiff Candace Marco was a passenger in a vehicle operated by Defendant Richard Marco, driving along State Route 30 in Bedford County, Pa. The Marcos' vehicle impacted with a third-party vehicle, and when the Marcos' vehicle came to a stop on the roadway, it was impacted by a vehicle driven by Defendant Richard Strait as he rounded a corner on the roadway. Candace Marco sustained various injuries from both impacts, including

fracture of the right femur, left knee injury, and other soft tissue injury.

Plaintiff Marco maintained at trial that Defendant Strait was negligent in failing to maintain an assured clear distance ahead, as he was unable to stop his vehicle in time to avoid a collision with the Marcos' vehicle. Defendants Marco and Strait denied negligence in the operation of their vehicles, with Defendant Strait claiming the defense of the sudden emergency doctrine.

A one-day summary jury trial was held.

Trial Date: March 11, 2019

Plaintiff's Counsel: Dwayne Ross, Reeves & Ross, PC, Latrobe

Defendant Marco's Counsel: Stephen J. Magley, O'Malley and Magley, LLP, Pgh.

Defendant Strait's Counsel: William M. Martin, Radcliffe & DeHaas, LLP, Pgh.

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

Result: Verdict in favor of Plaintiff Candace Marco against Defendant Richard Marco in the amount of \$2,366.48. ■

New Member Sketches

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

MARK D. BROOKS has been admitted as an associate member of the WBA. He earned a bachelor degree from Washington & Jefferson and his J.D. from Capital University Law School. Mark is an associate with Tremba Kinney in their Connellsville office.

JACLYN M. NICHOLS has been admitted as an associate member of the WBA. Jaclyn received her bachelor degree in political science and her juris doctor degree from the University of Pittsburgh. She is a sole practitioner in Somerset.

ERIKA A. O'DONNELL has been admitted as a participating member of the WBA. She earned a bachelor degree in political science and communication and her J.D. from the University of Pittsburgh. Erika is an associate with Stewart, McArdle, Sorice, Whalen, Farrell, Finoli & Cavanaugh, LLC, in Greensburg.

JOHN "JACK" PUSKAR was admitted as an associate member of the WBA. Jack received his bachelor degree in theology from Clarks Summit University and his juris doctor degree from the University of Pittsburgh. He is a sole practitioner in Washington.

NICHOLAS A. URBAN has been admitted as a participating member of the WBA. He earned a bachelor degree in history from Saint Vincent College and his J.D. from Drexel University. Nicholas is an Assistant Vice President and Personal Trust Officer with AmeriServ Trust & Financial Services in Greensburg. ■

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The Fall of the “Household Vehicle Exclusion”

by Joyce Novotny-Prettiman, Esq.

“Wow – that’s not fair!” That was my first reaction after GEICO denied the underinsured motorist claim of my client. I realize many attorneys have that feeling often during a career, but this was different.

On January 23, 2019, I was very excited to learn that the Pennsylvania Supreme Court shared my sentiment. The Court issued an opinion that struck down the “household exclusion” and made the playing field a bit more level for Pennsylvania motorists in the case of *Gallagher v. GEICO Indemnity Company*, ___ A.3d ___, 2019 WL 290122 (January 23, 2019).



Joyce
Novotny-Prettiman

The facts in the case were not in dispute. Mr. Gallagher had purchased insurance for his two of his household vehicles from GEICO and he purchased

stacked underinsured motorist coverage on that policy. When he wanted to insure his Harley-Davidson, he turned to GEICO for coverage and made the same decisions about underinsured motorist coverage: he purchased stacked UIM coverage for the motorcycle. Stacked UIM coverage came with a higher premium.

Unfortunately, on August 22, 2012, Mr. Gallagher was seriously injured when a motorist pulled out from a stop sign and struck the side of his motorcycle. After settling the underlying liability claim against the at-fault driver, GEICO paid the limits of the UIM coverage for the bike but refused to pay any additional UIM coverage citing the household exclusion. GEICO had unilaterally decided to place the motorcycle on a separate policy and that meant it could deny paying the UIM coverage he purchased on his other household vehicles. The argument in *Gallagher* was that the household exclusion acted as a disguised stacking waiver. After suit was filed, a Motion for Summary Judgment was granted in favor of GEICO in the Westmoreland County Court of Common Pleas.

That Motion for Summary Judgment was granted based on the holding in the very similar case of *Government Employee Insurance Company v. Ayers*, 610 Pa. 205, 18 A.3d 1093 (April 28, 2011). That case made news because the end result was a 3–3 tie when decided by the Pennsylvania Supreme Court. That tie decision required that we revert to and follow the Superior Court decision which ended in favor of the insurance company’s argument to uphold the household car exclusion. There was one difference in the

facts and it was an important distinction: Mr. Gallagher had only one motorcycle on his policy and Ayers had two motorcycles. With only one vehicle, the question became how could Mr. Gallagher “stack” his UIM coverage on his motorcycle policy?

The other case that could impact the outcome of the *Gallagher* case was decided on June 22, 2009, when the Pennsylvania Supreme Court issued a plurality decision in the case of *Erie Ins. Exchange v. Baker*, 601 Pa. 355, 972 A.2d 507 (2009). The outcome in *Baker* was that the household exclusion precluded him from recovering UIM benefits in a situation where Baker was injured while operating his motorcycle insured by Universal and sought UIM coverage from his household policy with Erie. That contrasted with the situation in *Gallagher* where only one insurance carrier was at issue.

Justice Baer authored the opinion in *Gallagher* which held that the household vehicle exclusion violates the Pennsylvania Motor Vehicle Financial Responsibility Law (MVFRL). The crux of the discussion in the case is the language contained in Section 1738 of the MVFRL. That

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underreview Justice Delayed

by *The Hon. Daniel J. Ackerman*

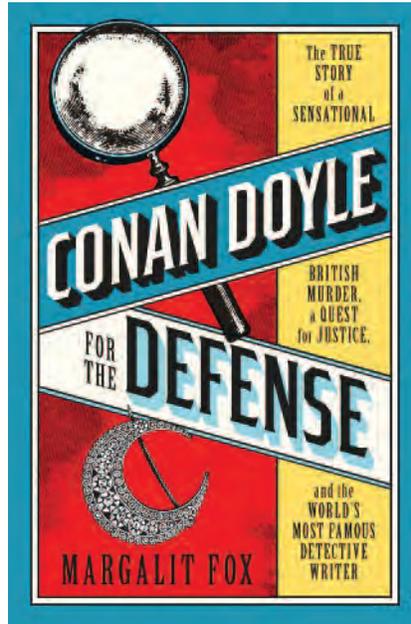
Conan Doyle for the Defense: The True Story of a Sensational British Murder, a Quest for Justice, and the World's Most Famous Detective Writer, by Margalit Fox (Penguin Random House, 362 pages, 2018)

The trouble with all police prosecutions is that, having once got what they imagine to be their man, they are not very open to any line of investigation which might lead to other conclusions.
— Sir Arthur Conan Doyle

Arthur Conan Doyle (1859–1930) was a practicing physician who created the world's most celebrated fictional detective, Sherlock Holmes. The success of the Holmes novels rested, in large part, upon Conan Doyle's use of scientific methods to solve crimes, which the public found both mysterious and fascinating, just as we today are intrigued by the application of DNA science for the purpose of determining identity.

The title of Ms. Fox's engrossing work of non-fiction might initially suggest that Conan Doyle was also an attorney, which he wasn't. However, the public invested the Holmes novels with such credibility that he began to receive requests to apply his mind to real criminal cases once it became apparent that the powers of deduction he had instilled in Sherlock Holmes were, in fact, his own. Thereafter, in addition to being an author, he pursued the role of "consulting detective."

In that capacity, he was available to both the police and the accused. As to the latter, it was not uncommon for Conan Doyle to be called upon post-trial, as was done in the case



pertaining to the events narrated by Ms. Fox. If that sounds strange, it is because at the time no process of appeal was afforded a convicted defendant in Scotland and England, and there was, therefore, no judicial means of escaping the sentence imposed by the trial courts, no matter how unreliable the evidence or how unfair the judicial process. The lone and seldom successful recourse was for the defendant to seek a royal commutation or pardon from the monarch.

After serving more than fifteen years of a life sentence at hard labor in a Scottish penitentiary where he daily

broke pieces of granite to be used in a nearby breakwater, Oscar Slater, through a note secreted with a released prisoner, got the renewed attention of Conan Doyle, who like most was well aware of his alleged notorious crime and had even written a monograph decrying the injustice of the verdict.

In 1909, Slater had been convicted by a Scottish jury for the bludgeoning murder of an elderly woman in her Glasgow apartment. The case against him rested in a large part on what today would be called profiling, for Oscar Slater (a pseudonym) carried the baggage of "otherness," which coincided with the Victorian bias as to what types of people were capable of violent crime. It is, as you may note, a bias born of fear which our courts, even today, have to guard against.

Conan Doyle's interest and efforts on behalf of the prisoner would take time. In fact, running in tandem with his other professional obligations, it covered more than a decade of painstaking research, interviews, and the gathering of every bit of documentation he could find which might prove either Oscar Slater's innocence or duplicity on the part of the police.

Yet, during that time he never met with Slater, who, like other penitentiary inmates, was held in a

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To-Wit: Waiting for Groundhog Day

by S. Sponte, Esq.

As time continues to speed away from me like a galaxy in flight from the center of the cosmos, my thoughts are with rodents, and not just any rodent, mind you, but one rodent in particular. Please don't jump to any conclusions here, this is not about you.

The rodent I'm thinking of comes from one of my all-time favorite movies, "Groundhog Day," the movie in which Bill Murray portrays an egocentric, slovenly, crude weatherman from Pittsburgh, begrudgingly on his way to Punxsutawney for the umpteenth time to pay homage to a groundhog. There he gets trapped in a time warp and relives the same day over and over and over again until he finally figures out how to be a decent

human being and treat other people with love, courtesy, and respect.

While trapped there, he learns to play the piano, to administer the Heimlich maneuver in an emergency, he saves a homeless old man from

“I bet every one of us has at least one Groundhog Day moment that we'd like another shot at, don't we?”

freezing to death, and he eventually receives the love of all the townspeople in return for his many acts of kindness. Then, and only then, can he move on to the next day of his life, taking all of his newly acquired skills with him.

Strangely enough though, throughout the whole

movie Bill Murray wants nothing more than to get out of his predicament. Oh, those show folk! It never occurs to him that he's been presented with a chance that most people, and me in particular, would kill for —the chance to halt Time's constant dance of subtraction just long enough to make things right. That, to me, is the point of the movie, and for those of us who practice law, it's a pretty poignant point at that.

Just think of it; I mean, how many times in your career have you thought "Ooooh, can I have a do-over?" With another chance, you might have remembered to file that lawsuit before

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Daniel Joseph

To-Wit: Waiting for Groundhog Day

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the applicable statute of limitations expired, you might not have laughed out loud when your 350-pound, alcoholic, cross-dressing client with the seven long-haired, un-housebroken Chihuahuas asks you why his wife left him, and you might for once in your career support a judicial candidate who ends up actually winning the election.

Well, forget it. There are no do-overs in the practice of law, there are only malpractice suits, and while that might be all well and dandy for the client it isn't such an appealing outcome for us.

Oh, but if we each had our own Groundhog Day, even only once, just once, wouldn't that be ever so peachy keen? And I bet every one of us has at least one Groundhog Day moment that we'd like another shot at, don't we?

It was quite early in my practice when I got a call from the President Judge. In those days, court appointments to indigent juvenile hearings were one of the things that the P.J. passed out to all the young lawyers to help them pay the rent. I had no experience in juvenile matters, but insofar as the system was concerned that didn't matter. These kids' lives were already in the toilet, and since the outcomes of these hearings were all pretty much preordained, the

inevitable missteps and mistakes of young lawyers would all be pretty much harmless.

The kid's name was Dennis. His parents had abandoned him years ago so they could finish puberty unencumbered. Dennis had been left to the care of his elderly grandmother. She tried as best she could, but she could never figure out why he was so angry all the time, and she eventually gave up, leaving him to carom from one foster home to another.

By the time I was appointed to represent him, he was about fifteen and had already stored up enough joules of kinetic anger to power Seattle for a month. My job was to convince

the Judge that a kid who cut his foster mother with a six-inch switchblade was merely deprived, not delinquent. It went about as well as could be expected, and when the hearing was over, Dennis was declared deprived and thus eligible for continued placement in foster care instead of juvenile detention.

What a wonderful break for the kid, you betcha. Even Judge commended me on my effort, and as Dennis was taken away, I handed him my card. "Call me if you need me," I told him as I shook his hand. He stuck the card in his wallet and was gone.

Maybe two years later, I got a call from Juvenile Court. Dennis had done the knife thing again and had been taken back into detention. I got the assault charges dropped but could not evade the court's opinion that this time he was delinquent. He was thus sent to a state juvenile detention center, a/k/a "kid jail," and as he left, I again handed him my card. "Call me if you need me, Dennis," I told him as he was led away.

Again, about two years later, I got another call, this time from him. Now an adult, he had moved on to adult crimes, he had been arrested, and was calling me from jail to come see him. I'd never done any criminal law, so I told him to call the Public Defender and wished him well. The next day a jailer found him in his cell hanging from his belt. He was wearing only blue jeans, and the only thing in his pocket was my card. He was eighteen. I read about it in the local paper.

That was a long time ago, but I still think about Dennis from time to time, and boy, that's one *diem* I would sure love to *carpe* again. I don't know what I might do differently, but it would be something, maybe just go see him, and who knows, maybe it would have helped, and maybe there would have been a happy ending.

I know what you're thinking, that happy endings only occur in movies, and maybe you're right. But still, I'm a sucker for them, I believe in them, I yearn for them. Psychotic, yeah, maybe it is, but come on, you have to believe. I mean, how the hell else could you practice law? ■

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The Demise of the Holder in Due Course

by *The Hon. Daniel J. Ackerman*

Every month I marvel, when the last business day appears on the calendar, that I can open my checkbook and month after month write in the same number as a deposit from my pension. I don't even have to say a word of thanks to my benefactor, let alone jot down my name as an endorsement, as my former employer, somehow—I presume with a string of Xs and



The Hon. Daniel J. Ackerman

Os—has informed my bank that my singular and unsupervised act of adding this number is enough.

It, of course, was not always so, and while simple, technology, as in other areas, has drained all the fun out of the revered subject of negotiable instruments; I wonder if law schools even bother to teach it today. There was a day when it was one of the most feared items in the curriculum, a concept so mysterious that it made even the law review students—a group with which I was totally unacquainted—blanch. Yet, in my case, through some gross error, perhaps a mixup in the bluebook indexing system, I gained my only recognition in an otherwise dull law school record—the Am Jur Book on Bills and Notes. My professor, who by all subsequent credible evidence was proven to be wrong, gleefully told me, “When the banks downtown hear of this they will handcuff you to the nearest register and start stuffing money into your pockets.”

The book has sat on my shelf 55 years, unopened, patiently waiting for a case either in my practice, or brought before me on the bench, in which

I could hold it up like the Golden Calf before the Children of Israel and expound from its pages. I think I would have even been grateful if I had been a litigant and could have pled that I was a member of that most exalted class—a Holder in Due Course! What a loss. Sadly, I think of all the thrills I missed not pleading or arguing *Protest and presentment for payment; the effect of failure to take up an instrument paid; partial payment as a discharge pro tanto*; and what really sounds like fun, *attacking the character of the plaintiff as a bona fide holder in due course*.

I unsuccessfully even tried to put this information to personal use,

by occasionally telling bank tellers that no endorsement is required on bearer instruments, such as those made payable to cash, to bearer,

or to an inanimate object.

None ever replied with an expression of thanks for this valuable information, but with forced smiles told me that if I wanted the money I better sign on the back of the check, and be quick about it.

I assume that most of you engage in the sterile and unromantic act of paying your bills online and ignore the dangers of electronic banking. Not me; I bet if I opened my Am Jur book there would be no reference to such foolishness. ■



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Survey of Judicial Candidates *continued from page 1*

What is the municipality of your residence?

Kyle M. Baxter: I have lived in North Huntingdon Township with my husband and family for the past 22 years.

Wayne P. McGrew: Sewickley Township.

Jessica Rafferty: Unity Township.

Matt Schimizzi: I currently reside in Hempfield Township with my wife, Lindsey.

Michael J. Stewart II: Hempfield Township.

Justin Walsh: I have resided in Rostraver Township for the past 19 years.

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

Baxter: I am a sole practitioner with an office located at 414 S. Maple Ave. in the city of Greensburg. My focus is primarily on family law but I also handle criminal defense as well as

other matters such as property law, landlord/tenant, estates and wrongful death as the need arises. However, approximately 85% of my practice consists of Family Law with 60% of that being divorce and custody matters and the remainder being appointed as a Guardian Ad Litem to represent the interests of children involved in high conflict divorces and those who are at risk for abuse and neglect. The remaining 15% is devoted to criminal defense, civil litigation, landlord/tenant, property law etc... I have been trained both as a mediator and under the newly enacted law in parenting coordination.

McGrew: Currently, I am the Chief Public Defender for Westmoreland County. In that role, the majority of my practice is administration and criminal law. However, my office also handles mental health hearings and non-support hearings. Additionally, privately I do some estate administration and I have been the solicitor for Sutersville Borough since 2008. The Public Defender's office comprises approximately 95+% of my practice with my private practice comprising less than 5% of my practice.

Rafferty: My practice is approximately 60% civil litigation; 35% family law; and 5% wills & estates.

Schimizzi: I have a general practice. The breakdown of my practice is as follows:

- Criminal Defense: 30%
- Civil Litigation: 15%
- Bankruptcy: 15%
- Real Estate: 15%
- Estate Planning and Administration: 15%
- Family Law: 10%.

Stewart II: I am a partner in a nine-attorney law firm located on South Maple Avenue in Greensburg, Pennsylvania. My practice consists mainly of family law litigation as well as other areas of the law.

- a. Practice Breakdown:
 - i. Family Law (Divorce, Child Support, Custody, Adoptions, Termination of Parental Rights Hearings) – 70%
 - ii. Estate Planning and Estate Administration – 15%
 - iii. Real Estate and Corporate Law – 10%
 - iv. Civil Litigation – 5%

Walsh: I am a sole practitioner in a General Practice firm. My practice areas have included Criminal Defense (30%), Family Law (20%), Plaintiff's Personal Injury (15%), Wills and Estates (10%), Real Estate (10%) and Municipal, Business and others (15%).

If you claim litigation experience as a qualification, name three members of the bar who have sufficient knowledge and/or experience regarding your litigation skill.

Baxter: Three individuals familiar with my litigation experience: The Honorable Harry F. Smail Jr.; The Honorable Christopher A. Feliciani; and, Patricia Elliott, Esquire.

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McGrew: Leo Ciaramitaro, Christopher Haidze and R.E. Valasek.

Rafferty: Richard Boyle, Dwayne Ross, Maria Altobelli.

Schimizzi: Three people who can speak to my litigation experience are Ken Burkley, Wes Long and Chris Nichols.

Stewart II: David K. Lucas, Esq., Elizabeth J. McCall, Esq., Maureen S. Kroll, Esq.

Walsh: Three references in regard to my litigation experience are Megan A. Kerns, Esq., Richard R. Victoria, Esq. and Leslie Mylan Ridge, Esq., Deputy District Attorney Washington County.

Identify your single-most significant professional accomplishment.

Baxter: I deem my appointment as a guardian ad litem to be the single-most significant professional accomplishment in my career. To be appointed by the Judges of the Court of Common Pleas as an advocate for the best interests of

the most vulnerable people who are drawn into our court system and to know that the Court and other attorneys have faith in me to insert me into some of the most difficult situations an attorney can face is a humbling honor. I believe that these appointments require me to use the combination of my years of life experience as a parent and spouse, as well as all areas of my legal expertise. In my guardian ad litem cases I have been called upon to use the knowledge from many areas of my experience as an attorney including: litigation, mediation, interviewing children, criminal court (prosecution, defense, and juvenile), Protection From Abuse Actions, domestic violence training, handling Children's Bureau cases, knowledge related to drug and alcohol addiction and testing, training through the National Center for Missing and Exploited Children, training in child related cases and my training in parenting coordination. Each of these areas of legal practice and training acquired over the past 22 years have

helped me to deal with some of the very difficult situations faced by the children for whom I have been appointed to look out for their best interests. In addition to working cooperatively with the attorneys, parents and children, many of these cases require collaboration with medical, educational and psychological professionals and review of transcripts, medical, and educational records and evaluations. It is rewarding and humbling to know that the judges and other attorneys value my assessment and opinion in making recommendations regarding a child's best interests.

McGrew: Becoming a Special Agent with the F.B.I. The selection process took almost 3 years that included, academic testing, physical testing and an extremely extensive background investigation. Then to successfully complete the 16 week F.B.I. academy, which was both physically and mentally challenging, was one of my most significant accomplishments.

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Reach New Heights

Survey of Judicial Candidates *continued from page 17*

Rafferty: I report these cases with my clients' permission. In 2011, I had an opportunity to handle a personal injury case for a gentleman. He was catastrophically injured in a motor vehicle accident and had to undergo multiple surgeries. I was able to obtain insurance coverage from the at-fault driver's insurance carrier, my client's underinsured motorist coverage and, then, fought to obtain significant additional coverage from a household vehicle policy held by his in-laws which was unexpected by the client. My client was incredibly grateful as the total recovery enabled him and his family to get through a very difficult time.

What I did not know at that time was that he and his wife, who were high school sweethearts, wanted to start a family but were unable to have children. Shortly after completing his

injury claims, I received a phone call from him and his wife informing me that a woman in their church had a granddaughter who was pregnant and was looking for a family to adopt the baby. This woman asked them if they would be interested in adopting the child. They were ecstatic! They asked if I would handle the adoption for them. I couldn't have been happier to do this. It was unusual in that it involved a paternity proceeding to authorize testing to identify the birth father, followed by a termination proceeding and, finally, the adoption. They became the proud parents of a baby girl!

As circumstances would have it, at the beginning of 2017, my clients were contacted by the same woman who told them that this same granddaughter, the birth mother of the baby girl, was pregnant again and the birth father was also the same person. The birth mother wanted to know if the couple wanted to adopt this baby as well. Of course they did! Their daughter would have the opportunity to grow up with her biological sibling.

This adoption was even more complicated than the first since the birth mother had moved to Georgia. Therefore, approval was needed from the Interstate Compact on the Placement of Children (ICPC) before transporting the child from one state to another which, in turn, required approval from both Georgia and Pennsylvania. It was a complicated and unusual process but when the mother went into labor in May of 2017, the arrangements were in place and the couple made their way to Georgia for the birth of their son. The termination and adoption process were then completed and they are now a happy family of four! And they just got a puppy!

Although these cases are not my "biggest" in terms of money, this family has left a lasting impression on me. It's hard to overstate the satisfaction I have derived by helping

them through these crucial periods in their lives. This is why I got in to this profession – to help people. I hope to continue this if I am elected Judge.

Schimizzi: My most significant professional accomplishment is receiving a not guilty verdict in a jury trial where my client was charged with attempted homicide.

Stewart II: I have been involved in and won several contentious trials and argued before the Superior Court, but my single greatest professional accomplishment has to be guiding a local family through a sixteen-month adoption process. A local couple who could not have children decided to adopt a child born addicted to drugs in a hospital in Erie, PA. While the birth mother consented to the adoption and the natural father was unknown, a man claiming to be the birth father stepped forward. After several termination of parental rights hearings in Erie, several in-home inspections and reports, and after an adoption hearing in Westmoreland County, my clients finally became the rightful parents to their child. Supporting my clients through the countless nights of fear and concern that their child would be returned to his birth mother and father and then seeing their tears of joy at the adoption hearing is my single greatest professional accomplishment.

Walsh: My most significant professional accomplishment has been operating my law practice, while running two successful election campaigns for State Representative, where I represent nearly 65,000 constituents. I have been able to do this while balancing an active family life, which includes Jennifer, my wife of over 19 years, and my children, Nicholas, age 12, Payton, age 10, and Lily, age 9. I am blessed to have had the opportunity to be involved in my children's activities, such as coaching and volunteering. This has allowed me to help mentor the youth in my community.

where in the world IS THE WBA MEMBER?



Tim Miller, his wife, Shawna McIntyre, and their son, Luke, enjoyed a family vacation to the most magical place on Earth—Disney World—last November.

ORLANDO, FLORIDA

Why do you want to be a judge?

Baxter: I want to be a Judge because I want to make a difference in the courthouse. I also want to help families who come before the court and to make the lives of the families in Westmoreland County better. My roles as both a prosecutor and family law lawyer have required me to be in the Westmoreland County Courthouse almost every day for the last 22 years. During the past two decades, I have been in every office in the courthouse. Whether I am in a courtroom representing a client or filing a motion, attending a master's level hearing or meeting with the staff at the Children's Bureau my experiences revolve around the courthouse and the hardworking people there. I am a zealous litigator and my courtroom experience is not disputed. I want to be a judge to bring all of the knowledge and experience that I have obtained to the Westmoreland County Bench to work for our families and help alleviate the

backlog of cases by finding ways to work within the law to allow everyone effective access to the Courts by streamlining the process for families in family court or defendants and their counsel in criminal cases so that their cases can be resolved in a more timely fashion with fair and reasonable results. Basically, I want to be a judge to use my knowledge of the way things are done and my knowledge of available resources to assume the bench and "hit the ground running" so that I can make a difference for our families immediately.

McGrew: Ever since graduating law school, I have thought that one day, after practicing for a number of years, I would like to eventually run for judge. After now practicing for over 25 years and in just about every area of the law, I felt that I was prepared to continue my service to Westmoreland County and the practice of law as Judge of the Court of Common Pleas.

Rafferty: I have had a desire to serve and make a positive difference for people ever since I can remember. Prior

to law school, I worked at the National Center for Missing and Exploited Children; a maximum security juvenile detention center for girls; and served in the United States Peace Corps working with children and families.

I entered law school with the continued desire to help people. I was selected to clerk for a judge in Virginia after my first year. During this clerkship, I realized the enormous impact (whether it be positive or negative) a judge can have on people's lives. I also began to recognize that I possessed the personality and strengths necessary to be an excellent judge.

During my time in practice at QuatriniRafferty, that belief in my ability and my desire to serve our community as a judge has only increased. I truly believe that I can make a positive impact on our community by serving as a judge. I'm asking you for the opportunity to do this.

Schimizzi: When I first started practicing, I realized the significant impact judges have in our community.

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Instagram as she documents her year
as President of the WBA:
[instagram.com/love.the.law/](https://www.instagram.com/love.the.law/)*

Survey of Judicial Candidates *continued from page 19*

From the drug epidemic to issues involving mental health, families, domestic violence and senior citizens, judges are at the forefront of addressing these and other challenges that so many individuals and families face. I have always been driven to help others and that is why I wanted to be an attorney. As a judge, I can make an impact in the lives of many more individuals and families in our community.

Stewart II: For me, it's all about family. I honestly can say that I never contemplated running for judge until after my children were born. Through my practice, I have seen the effects that separation of family members has on children. Whether the cause of the family fracture is a contentious custody dispute, grandparents raising children due to the parent's absence or drug addiction, death of a parent, or any other reason, the result is the same; the children involved in those situations suffer lasting psychological harm. I understand that my children's generation will not have the same type of childhood as I did. They will have to participate in active shooter drills in school rather than tornado drills. They will grow up in a more technological environment and will be exposed to social media, and the scrutiny that comes along with it at a much younger age. They will have to be vigilant of online predators. They will have to be aware of friends, classmates, and teammates who may not have a safe home to return to due to poverty, domestic violence, drugs, and/or alcohol. Despite these concerns and fears, I am confident that residents and families of Westmoreland County will prosper. And to do my part, I am running for judge.

Walsh: I want to be a judge because I have always been drawn to public service. This is what led me to the Legislature and what makes me want to continue that public service to the residents of Westmoreland County, as one of their next Judges of the Court of Common Pleas.

Why do you think you should be a judge?

Baxter: Prior to this point in my career, I do not feel that I would have been a good candidate for judge, but I now think that I should be judge for many of the reasons mentioned above—experience, qualifications, abilities, knowledge of the Courts in Westmoreland County, etc.... Additionally, I should be elected to the Bench in Westmoreland, because I will reinforce the notions of civility and respect in our courtrooms between all members of the process. I want to make what can be an unpleasant experience into one in which honor, fairness and a person's word continues to mean something while simultaneously working to extract individuals, families and children from the system more expeditiously. My temperament will allow for an orderly, well run courtroom where both attorneys and clients will know what to expect when they enter through the doors—an opportunity to be heard and fair, well-reasoned results. My understanding of the law and ability to grasp how the law applies to the facts before me are benefits of my extensive courtroom experience. Additionally, I know the people of Westmoreland County. Not just because I have lived here, raised my children here and been in the courthouse for almost a quarter of a century. As an assistant district attorney, public defender, family practitioner, and guardian ad litem, I have interacted with all segments of our community and I routinely visit children and their parents in their homes and schools throughout the county. I have seen the heroin and opioid crisis first hand. I have felt the pain of crime victims, from my own family when I lost my aunt to a drunk driver to the countless victims that have related their stories to me following a crime. I have strived to save marriages

and to make divorces as easy and quick as possible for couples and their children. I have worked with countless children to lessen their pain and burden that comes from being involved in the court system. Over the past two decades I have come to know the people of Westmoreland County and as a Judge on the Court of Common Pleas, I would be in a unique position to work with our families to make them stronger and continue to try to do the right thing for the right reason every day.

McGrew: I believe that the legal experience that I have gained over the last 25 plus years along with the life experience I have also gained, has prepared me for this next step in my career of public service. I also believe that I have the proper temperament for the job.

Rafferty: As I stated above, I had many unique opportunities prior to law school to work with children and families in all sorts of circumstances. Since returning to Westmoreland County, in addition to my law practice, I have served the community as a CASA volunteer for 9 years, as a board member of the YWCA for 6 years, as a member of the Latrobe Youth Commission for 9 years, and as a board member and volunteer at Animal Friends of Westmoreland. On a personal note, I am a marathon runner and I have recently been given the Trail Blazer Award from the Westmoreland-Fayette Council Boy Scouts of America.

In regard to my law practice, I have had considerable courtroom experience. I have been admitted to the Westmoreland Academy of Trial Lawyers, the National Trial Lawyers Top 40 under 40 and am a member of the Multi-Million Dollar Advocates Forum.

These experiences and accomplishments, I believe, demonstrate my desire to serve the people of Westmoreland County and my ability to work

hard in doing so. Specifically, I have had experiences working with children and families at the local, statewide, national and international levels. The issues I have faced at each of these levels are the same issues I will face as a judge on a daily basis. I believe these experiences uniquely qualify me for the position of Judge in the Court of Common Pleas of Westmoreland County.

Schimizzi: Having a general practice has allowed me to become familiar with many different areas of the law. I served as an assistant public defender early in my legal career. This provided me the opportunity to gain invaluable courtroom experience. I believe I have the temperament necessary to be a fair judge. I am open-minded, have a strong sense of empathy and have the courage to make decisions that may be unpopular but in accordance with the law. It would be an honor to serve our community as judge.

Stewart II: I believe that I have the right temperament to be a judge. The feeling of helping someone in his or

For more information about the judicial candidates, view their curricula vitae on the WBA website at westbar.org/2019-judicial-candidates.

her time of need drove me to not just practice law, but to excel. I was selected to serve as the co-chair of the Westmoreland Bar Association Family Law Committee for three consecutive years, and also served as the Nominating Committee Chair of the Westmoreland Bar Association for two years. I have participated in the Matrimonial Inns of Court in Allegheny County, as well as the Ned J. Nakles Inns of Court in Westmoreland County, and I have studied and researched hundreds of family law cases, statutes, and regulations relating to child custody, equitable distribution, child support, alimony, termination of parental rights issues, and grandparents' custodial rights. I have handled cases in

Westmoreland, Fayette, Indiana, Blair, Washington, Armstrong, and Allegheny Counties. In addition to family law, I also have litigated orphans court and civil court cases. In each case, no matter how contentious the trial turned out to be, I was always able to show respect for opposing counsel, shake his or her hand, and remain friends. My litigation experience and temperament would allow me to hit the ground running and ensure that all parties are treated fairly and are awarded a fair, just, and equitable outcome.

Walsh: I should be a judge because I have a diverse legal background spanning nearly 22 years. In that time, I have represented clients in Westmoreland, Washington, Fayette and Allegheny Counties. As such, I have had the opportunity to see how many different Judges run their courtrooms. I also have the experience of running a law practice and a legislative office. I can apply these experiences to run an efficient and fair courtroom here in Westmoreland County. ■

Lawyers' Exchange

(Free to all members of the WBA)

PARALEGAL 38 years' experience. Seeking work as either an employee or an independent contractor performing legal research, drafting legal documents, reviewing and summarizing medical records. Excellent writing and research skills. Mark Galper (msgalper@comcast.net)

ASSOCIATE ATTORNEY Myers Duffy Dansak & Clegg LLC seeks an associate attorney for a full-time position in either its Harrison City or White Oak office. Some practice experience is desired, but not necessary. Our firm highly values community service. An ideal candidate will wish to develop not only an area of practice, but also relationships in the surrounding communities. Send resumes to Ryan L. Dansak at ryan@mddclawoffice.com with the subject line: "Job Opening."

HELP WANTED Part-time legal administrative assistant in Greensburg, hours flexible. Please submit one page writing sample to 231 S. Main St, Suite 309, Greensburg, PA 15601.

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The Fall of the “Household Vehicle Exclusion”

continued from page 11

section provides that stacked UIM coverage is the default for Pennsylvania motorists and a specific waiver is provided by statute if a motorist decides to opt out of stacked UIM coverage. Basically, the MVFRL requires a knowing waiver of UIM coverage. The decision specifically notes that the decision does not raise concerns about overruling the *Ayers* case, which was a 3–3 decision, or *Baker*, which was a plurality decision.

Moving forward, the clear and concise language of the *Gallagher* decision will make it difficult for insurance carriers to try to narrow the holding to cases where the same insurance carrier is involved in writing the various household policies. How far back will this decision reach? That is a more difficult question to answer. However, as the ruling clearly invalidates the household exclusion, other exclusions may be called into question such as the regular use exclusion. Stay tuned for more interesting developments! ■



IN MEMORIAM

The Westmoreland Bar Association's 56th Annual Memorial Service will be held at the Westmoreland County Courthouse on Thursday, May 23, 2019. Please plan on joining us to honor our colleagues.

underreview *continued from page 12*

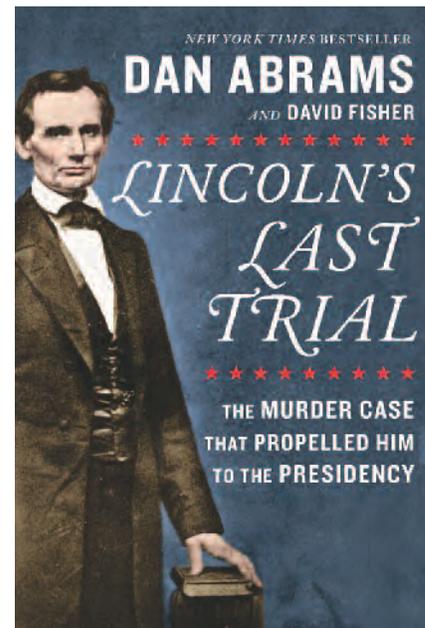
state of almost complete isolation: one man to each cell, with conversation between prisoners forbidden, except when necessary to facilitate their work. With almost a sense of pride Oscar wrote to his loyal and loving parents, “I have been here so long now I am allowed to receive a letter from you every two months.” But even that communication was cut off for the duration of World War I because Oscar and his parents were German.

The details of Conan Doyle's pursuits and Oscar Slater's future are now left here for your own investigation into this intriguing tale, which in every aspect is worthy of Sherlock Holmes himself. As for lawyers and judges, the book is a sober reminder of the heavy burden they carry when confronted with a criminal case. On a more practical level, the ending will resonate with many who have been in private practice.

Lincoln's Last Trial: The Murder Case that Propelled Him to the Presidency, by Dan Abrams and David Fisher (Hanover Square, 320 pages, 2018)

To begin, one would be wise to pay little attention to the subtitle, which, as is usually the case, is no more than speculative window dressing; but with that said, this offering comes across as an extremely good tutorial for any lawyer who engages in jury trials, or hopes to do so. For everyone else, it also succeeds as both a mystery and a fine historical portrait of trial practice in the nineteenth century prior to the Civil War.

It is unique, as the story is told for the most part through the eyes of the court reporter, Robert Roberts Hitt, whose transcript of the proceeding was rediscovered in a shoebox packed away in a California garage in 1989. In 1859, Mr. Hitt's profession was



considered somewhat novel, for reporters were not court employees, and when they engaged in trials they did so at the behest of the litigants and their lawyers. The lawyer who hired Hitt in this trial was Abraham Lincoln, who knew him from his transcription of the famous Lincoln-Douglas debates.

As a lawyer, Lincoln is usually remembered either as a backwater practitioner or as a prosperous litigator representing corporate interests, particularly those of the railroads. Both versions, of course, are accurate depending upon the timing. Few, however, have thought of him as engaging in murder trials; yet he did on more than two dozen occasions, twice for the prosecution.

To summarize the narrative here would deprive the reader of discovering the facts just as they were presented to the jury 159 years ago, as well as meeting the realistically portrayed participants in context. The book succeeds in no small part by its ability to capture the atmosphere and tension of a homicide trial, which remains unchanged by the passage of time. It is perhaps sufficient to say there is a lot of good lawyering to be found in these pages. ■

Actions of the Board

JANUARY 24, 2019

- Authorized President Ranker to liquidate \$100,000 of investments for purchase of North Maple Avenue property.
- Authorized board to obtain a short term unsecured loan of up to \$260,000 through Commercial Bank.
- Accepted recommendations of Planning Committee: 1) Have Membership Committee provide new members with requirements for getting on the court dependency and delinquency lists; 2) Ask Civil Litigation and Criminal Law Committees to participate in a second chair program to allow members to get experience with trial work; and 3) Approach Court Administrator about appointing more attorneys on the conflict counsel when openings become available to give younger lawyers the opportunity to have more court experience.
- Agreed to establish a Technology Committee comprised of volunteers and voluntary appointments, and a chair named by the President.
- Treasurer Iezzi reported a surplus in 2018 of \$16,000, but there was also no contribution to the investment fund. Investments were \$1.794 million at end of 2017 and \$1.723 million at the end of 2018.
- Recommended that Investment Committee be asked to ensure that

the investment strategy is a growth portfolio.

- Considered establishing a category for the not-yet-but-almost-retired bar member without jeopardizing the unit county relationship.
- Accepted recommendations of the Membership Committee as presented: John Puskar, Ashley Majorsky, Lauren Darbouze, Maria Rossi, and Jaclyn Nichols, all associate membership.

FEBRUARY 12, 2019

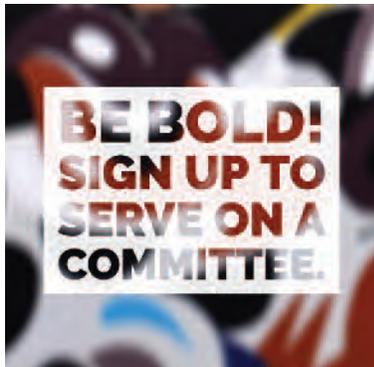
- Agreed to continue to have Deluzio & Company provide the compilation of the WBA 2018 finances.
- Voted to waive the parameters of the Investment Policy Statement that may go beyond the 65/35 allocation for the balance of 2019 due to the financing arrangements for the WBA's purchase of the new building.
- Accepted proposal for Builders Risk Insurance from Myers Insurance in the amount of \$3,014.
- Mrs. Petrush will work on wording for a "retiring member" provision; once reviewed by the board, the recommendation will be sent to the Bylaws Committee to consider amending bylaws to allow retiring members to remain active in the WBA.

MARCH 21, 2019

- In recognition of Past President Tim Andrews' final board meeting, the board members toasted to his service over the past 7 years. The board also thanked outgoing YL Chair Tim Miller for his past year

of service and President Ranker for a successful and productive year as bar leader.

- Accepted recommendation of Membership Committee as presented: Mark Routsch, associate.
- Balance is currently \$1.79 million in the Investment Account; financial report shows \$100,000 liquidated for use in purchasing the building.
- Agreed to contact people on the dropped member list: 13 members were dropped, 4 moved, and 12 retired. New membership number is 457, down from 476.
- Voted to award the Committee of the Year to Family Law with special appreciation given to Chair Maureen Kroll who has coordinated many CLEs this year and always has a speaker at monthly meetings.
- President Ranker reported that the Professionalism Award Committee recommended David DeRose; the WBA board agreed that he was a very worthwhile recipient.
- Voted to approve the Architect Lee Calisti's contract provided that the contract permits owner to exclude the interior design from the contract.
- President Ranker appointed a new committee to handle all aspects of the development of the new building. Members will include: Jim Antoniono, Tim Miller, the board, the building committee, and Don Tarosky.
- Mrs. Novotny-Prettiman scheduled a Committee Chair Meeting on Tuesday, April 30, at 4:30 pm at J.Corks; board members are invited.
- Voted to continue the WBA tradition and conduct a judicial candidate survey, which will result in a press release to the local media as well as to our members.
- Heard an update on status of Pro Bono. The trustees voted to hire a part-time attorney to do brief advice and other issues through Pro Bono.
- Board agreed to accept the recommendations from past YL award recipients to award YL Chair Tim Miller the outstanding YL award.
- Agreed to schedule the Westmoreland Museum for October 22 Superior Court visit. ■



**BE BOLD!
SIGN UP TO
SERVE ON A
COMMITTEE.**

It's not too late to join a committee or renew your membership in one or more committees—be bold and join a committee you have never served on before!

**Sign up online at
[westbar.org/
committee-signups](http://westbar.org/committee-signups).**

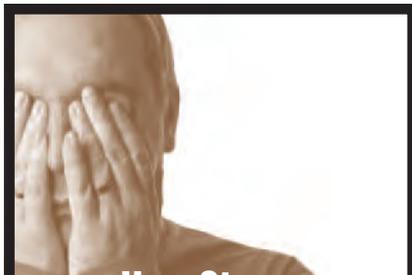
CALENDAR OF EVENTS

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

For PBI CLE courses, call 1-800-932-4637 or visit pbi.org.

MAY

- 1** [CLE] Human Trafficking: What Attorneys Should Know, Noon to 1:15 p.m., 1S
New Building Committee, 4 p.m.
- 8** Real Estate Committee, Noon
- 14** [PBI CLE] Buying and Selling a Business 2019, Noon to 4:15 p.m., 4S
- 15** Membership Committee, Noon
Lunch and Learn: A Different Healthcare Solution, Noon
(**no CLE credit**)
- 16** Elder Law & Orphans' Court Committees, Noon
Board Meeting, 4 p.m.
- 21** Family Law Committee, Noon
- 22** [PBI CLE] Nonprofit Institute 2019, 9 a.m. to 4:30 p.m., 5S 1E
- 23** [CLE] IRV Talks: Everything You Always Wanted to Know About Impaired Lawyers (... but were afraid to ask), Noon to 1:15 p.m., 1E
56th Annual Memorial Service, Westmoreland County Courthouse, Courtroom No. 3, 3 p.m.
- 27** Courthouse closed in observance of Memorial Day
- 29** [PBI CLE] Best Practices: The Well Prepared Workers' Compensation Lawyer 2019, 1 p.m. to 4:15 p.m., 2S 1E
- 30** Investment Committee, 4 p.m.



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.

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

IrvTalks: Everything You Always Wanted to Know About Impaired Lawyers(...but were afraid to ask.)

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion:

1. The role that stress, anxiety and depression play in the daily life of an attorney.
2. What members can and should be doing to help impaired colleagues.
3. Mindfulness for overall lawyer wellness.
4. Explanation of what a typical call to the LCL Helpline "looks" like.
5. Free services provided to lawyers, judges, their family members and law students.

We hope to alleviate some of the fear that surrounds picking up the phone to ask LCL for advice or help for themselves or someone they know.

Speaker:

***Brian S. Quinn, Esquire**

Education and Outreach Coordinator for LCL

May 23, 2019 Everything You Always Wanted to Know about Impaired Lawyers (...but were afraid to ask.)

Name: _____

Attorney ID #: _____

Phone _____

Pre-Registration Fees

___ WBA Members \$35 per credit hour

___ Non-Members \$55 per credit hour

___ CJE Credit - Free

Non-Credit:

___ FREE

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

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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 May 22, 2019.**

**Thursday,
May 23, 2019
12:00 pm - 1:00 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 22, 2019.)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

FREE

WALK- IN:

CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr

Non-Credit

FREE

Lunch will be provided.

[Westmoreland Bar Association](http://www.westbar.org)

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org.



***Westmoreland Bar Association's
56th Annual Memorial Service
Westmoreland County Courthouse
Courtroom #3***

***Thursday, May 23, 2019
at 3:00 pm***



In remembrance of:

- ***Steven R. Alias***
- ***Edgar P. Herrington, Jr.***
- ***Richard Louis Jim***
- ***George H. Love, Jr.***
- ***Thomas E. Rodgers***



Kindly notify the bar office in advance if you intend to share a special memory.

Following the service, a complimentary reception will be held at the Rialto Event Room.

2019 WBA Memorial Service Registration

Fax 724-834-6855 or
Return to WBA
129 North Pennsylvania Avenue
Greensburg, PA 15601

_____ I will attend the Memorial Service on **Thursday, May 23, 2019**
at 3 pm in Courtroom #3.

Name (please print) _____

SAVE THESE DATES

Tuesday, June 25, 2019

Healthcare Coverage: Does your healthcare plan cover you for accidents and/or emergencies while traveling?

Attend this CLE seminar and hear from healthcare and travel industry experts to know these things before you travel:

- When should you purchase travel insurance
- What's covered through your healthcare provider
- What is deemed an emergency according to healthcare policies
- What Medicare plan is best for international travelers
- What to "know-before-you-go" on your next trip



Part One: Basics of Medicare - 11 am

Part Two: Healthcare Coverage while Traveling - 12 pm

Thursday, July 18, 2019

What's Going on in Harrisburg: Legislative Update

Attend this CLE seminar and hear from PBA Director of Legislative Affairs Fred Cabell and local legislators about current legislation that could impact your practice.

12 noon at the Bar Association



LOOK FOR FURTHER INFORMATION ON BOTH OF THESE SESSIONS ONLINE AT WESTBAR.ORG AND IN YOUR INBOX.

Announcing the WBA's Summer/Fall

"DINE AROUND"

Bar members & guests are invited to an evening of food and conversation.

Please RSVP to the Bar Association.

Start time: 5:30 p.m. • Cost: **On own**, as ordered from menu.



Wednesday, June 26th

Jacktown Ride & Hunt Club

Longest running private club in Westmoreland County

11369 Center Highway, North Huntingdon

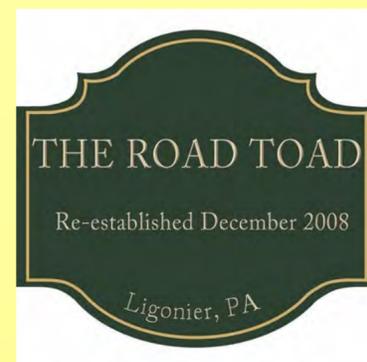


Tuesday, July 30th

The Road Toad

American bistro with an electric menu

2726 Route 30 W, Ligonier



Wednesday, August 28th

Jaffre's

Greensburg's favorite gathering place

827 E Pittsburgh St Greensburg



Wednesday, September 18th

Hillcrest Country Club

Private club with exceptional cuisine

3411 Leechburg Road, Lower Burrell



Tuesday, October 15th

The Back Porch

Quaint setting serving creative American cuisine

114 Speers Street Belle Vernon



Art Therapy - What You Need to Know to Help Your Clients



An accredited provider for the PA Board of Continuing Legal Education

— LIVE — 1.5 Substantive Available

Topics of Discussion:

1. What art therapy is and what it isn't.
2. A few examples of how we work with some of the kinds of people lawyers work with.
3. The connection to stress reduction and reflection for busy professionals.
4. Hands-on group experience.

Speaker:

***Dana Elmendorf, MA, ATR-BC, LPC**

Assistant Professor

Graduate Art Therapy Program Director at Seton Hill University

July 22, 2019 Art Therapy - What You Need to Know to Help Your Clients

Name: _____

Attorney ID #: _____

Phone _____

Pre-Registration Fees

___ WBA Members \$35 per credit hour (\$52.50)

___ Non-Members \$55 per credit hour (\$82.50)

___ CJE Credit - Free

Non-Credit:

___ FREE

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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 19, 2019.**

**Monday,
July 22, 2019
12:00 pm - 1:30 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 19, 2019.)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

FREE

WALK- IN:

CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr

Non-Credit

FREE

Lunch will be provided.

[Westmoreland Bar Association](http://www.westbar.org)

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org.

The Matrix for Maximizing Recovery for the Injured



An accredited provider for the PA Board of Continuing Legal Education

— LIVE — 2 Substantive Available

Oftentimes when an individual is injured and/or disabled, there are multiple potential sources of income available to them. This seminar will explore a number of those income streams and discuss the interplay among them, including offsets and subrogation, as well as a timing strategy to apply for them.

Topics of Discussion:

1. Workers' Compensation
2. Long-Term Disability
3. Personal Injury
4. Veterans' Disability

Speakers:

***Brian P. Bronson, Esquire**

QuatriniRafferty

***Jeffrey D. Monzo, Esquire**

QuatriniRafferty

***Michael V. Quatrini, Esquire**

QuatriniRafferty

**Wednesday,
July 24, 2019
8:30 am - 10:30 am
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 23, 2019.)

CLE Credit

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

Non-Credit

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

WALK- IN:

CLE Credit

WBA Members - \$45 per credit hr.
Non-Members - \$55 per credit hr

Non-Credit

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

Westmoreland Bar Association

129 North Pennsylvania Ave.
Greensburg, PA 15601
724-834-6730
Fax: 724-834-6855
www.westbar.org
For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org.

July 24, 2019 The Matrix for Maximizing Recovery for the Injured

Name: _____

Attorney ID #: _____

Phone _____

Pre-Registration Fees

___ WBA Members \$35 per credit hour (\$70)

___ Non-Members \$55 per credit hour (\$110)

___ CJE Credit - Free

Non-Credit:

___ \$10 Flat Rate

___ Waived for Young Lawyers
(practicing 10 years or less)

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\$ _____ (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 2019.**



An accredited provider for the PA Board

Bridge the Gap — Video

4 Ethics Credits Available

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

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 31, 2019.)
CLE Credit
WBA Members- \$35 per credit hr.
Non-Members - \$55 per credit hr.

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

WALK- IN:

CLE Credit
WBA Members- \$45 per credit hr.
Non-Members - \$55 per credit hr.

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

Pizza and Soda will be provided.

Westmoreland Bar Association

129 North Pennsylvania Ave.
Greensburg, PA 15601
724-834-6730
Fax: 724-834-6855
www.westbar.org
For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org

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

PROGRAM FORMAT

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

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

Moderated by:

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

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Bridge the Gap — August 1, 2019

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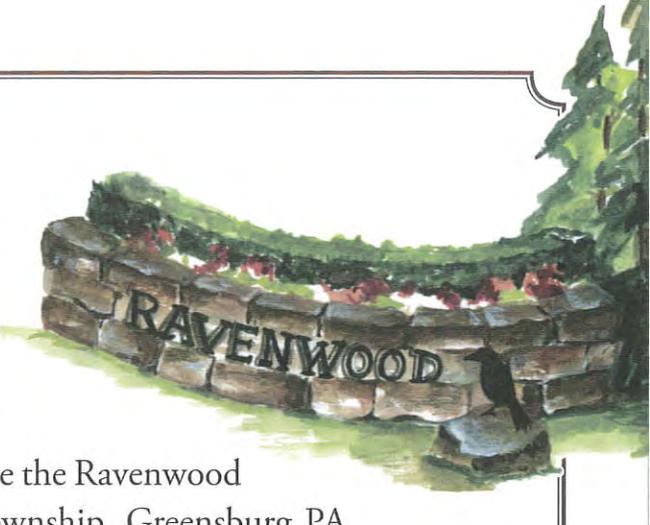
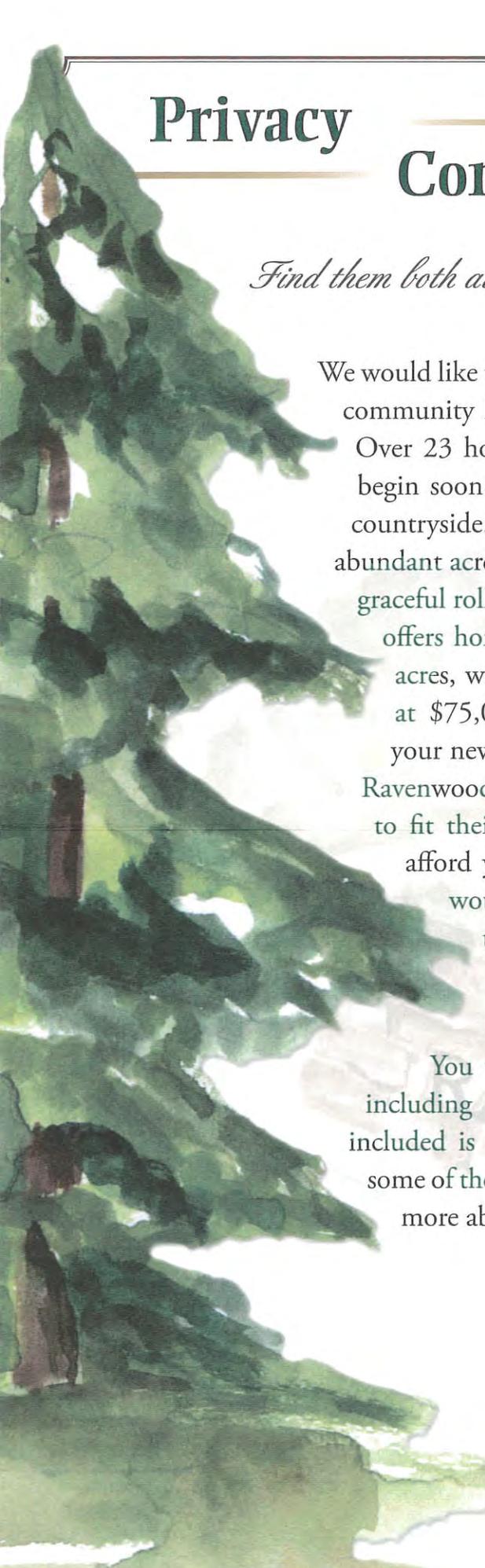


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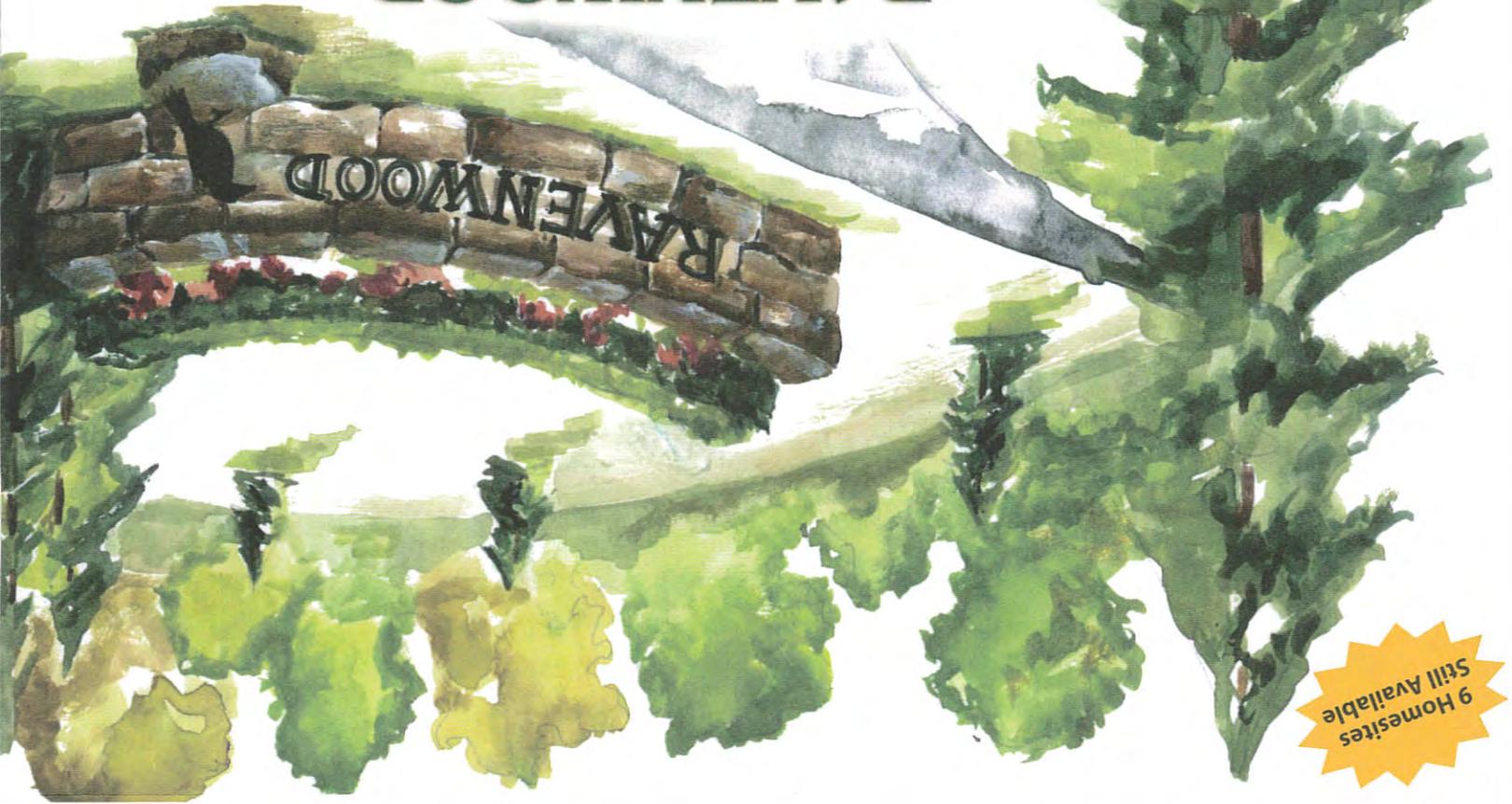
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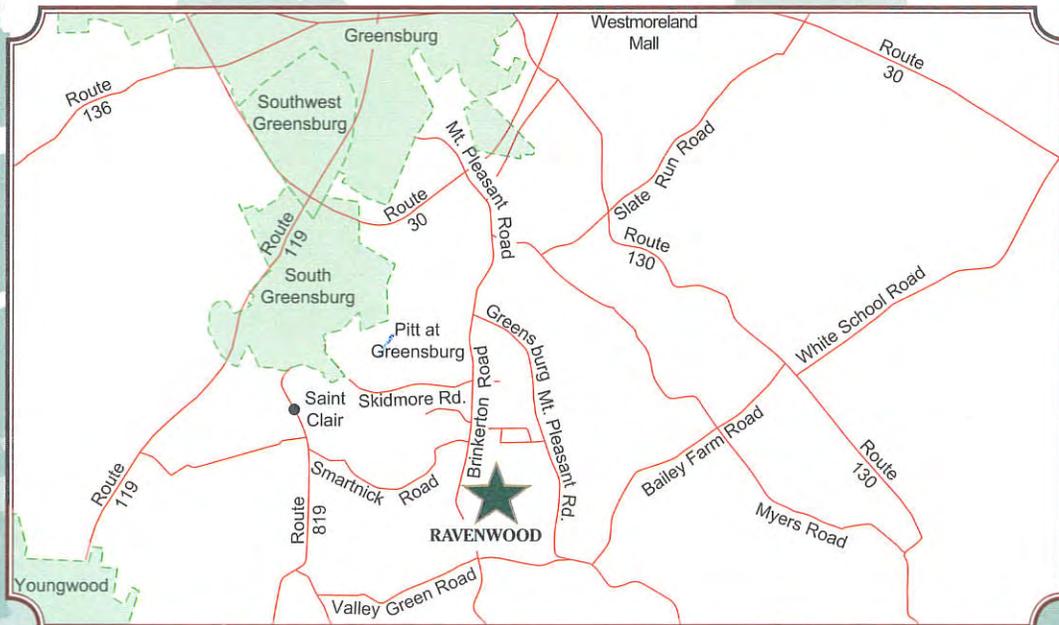
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