



# Ned J. Nakles American Inn of Court Celebrates 10 Years

by Robert I. Johnston, Esq.

The Ned J. Nakles American Inn of Court will celebrate its 10th Anniversary on May 19 at a dinner to be held at the Millcreek Inn in Ligonier. The Founders Day



Robert I. Johnston

Dinner is ostensibly to recognize the foresight and effort of those responsible for the birth of the Inn: Judge Ackerman and Judge Hudock, Dick Galloway, and Ned Nakles, Sr. (a small group of which I was also privileged to be a part).

I use the word “ostensibly” partly because, frankly, given that we all remain active in the leadership of the Inn, the notion of organizing a dinner in one’s own honor has taken some getting use to. Ten years is a long time to wait, however, and someone, maybe it was Judge Hudock, said, “What are they waiting for? We’re not getting any younger here!” and so we’re having a dinner.

Mostly, though, I use the word “ostensibly” because what we really wish to celebrate is the rather remarkable role the Inn has come to play in promoting and maintaining the highest standards of excellence in

professional ethics, civility, and legal skills among the members of our Bench and Bar.

In the beginning, I can remember wondering whether anyone would take the time or the trouble, or spend the money, to participate in yet another demand on their precious time. And we didn’t make it seem more likely we would succeed by insisting that the Inn be a working organization, that every member, judge or lawyer, whether the least experienced or the most, was expected to participate to the same degree.

Nor did our insistence that there be little regard for rank, that each member be judged by the quality of their contributions and ideas, seem likely to have universal appeal.

Few of us would have guessed that, in spite of these demands, or perhaps because of them, more than 70 judges and lawyers would participate in our first year, or that our membership would exceed that number in every year since. As we conclude our tenth year, more than 150 of our judges and lawyers have been members. The Academy of Civil

Trial Lawyers, many of whom are members of the Inn, now provides scholarships so that every new admittee of our Bar can take advantage of mentoring opportunities while affording our Bar the opportunity to expose new lawyers to our pursuit of excellence as lawyers.

We’re having a dinner to honor the founders (at least a little) and to honor the contributions of our membership to a community where it remains an honor and a privilege to call oneself a lawyer. But I can’t help thinking the dinner is to honor more than that.

Every once in a great while, a perfect idea comes along.

For us, the Inn, I think, was such an idea. It wasn’t our idea; there were 255 other Inns of Court before we came along.

And candor would preclude our claiming an awareness that we had

stumbled upon any special wisdom. That anyone, much less so many, would respond favorably to an invitation to join a new organization with the attributes that one pay substantial dues, agree to work, and forgo any sense of status, is a bit of a puzzle.

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## President's Message

# Here We Go, Lawyers, Here We Go!

by James R. Silvis, Esq.



I didn't want to write the obligatory "I Love Lawyers" first column—I tried not to—but I couldn't help it! I thought I might write about Congress' waste of time and money in investigating steroid use in baseball or give advice to the newly inducted members of our bar. (Now that I'm old enough to be a Pennsylvania Lottery drawing witness, there is a presumption of wisdom.) Then I remembered that when I try to share that wisdom with my children or young lawyers, a dreamy, glazy look comes into their eyes ... and I don't think it's awe!

So, I'm going to begin where Bob Johnston left off in his last column. During Bob's term as president, our accomplishments were many. He took the initiative to invite the board of directors of the Westmoreland County Medical Society to one of our board meetings. Most of us were surprised to find out how bad the relations were between the doctors and the lawyers.

After a number of meetings exploring how our professions could assist one another, a medical/legal code of ethics was drafted and approved by the President Judge, the Bar Association, the Westmoreland Academy of Trial Lawyers and the Westmoreland County Medical Society. The code set forth standards of practice for ethical conduct for and between physicians and attorneys.

Bob was also instrumental in forming the Public Relations Committee which will make attorneys available to answer questions raised by the media regarding the practice of law, and to provide comment on changes in the law or on current litigation. Often the bar president is called by the media for comment on a legal matter; now the Public Relations Committee will

refer these questions to an appropriate lawyer for a response.

Bob was the leader in establishing a detailed written investment policy for our association's money, and also helped orchestrate the revision of the Lawyer Referral program. Both look like they are going to be great successes.

Wow, this is looking more like an "I Love Bob" first column! Let me get back to my promised "I Love Lawyers" one.

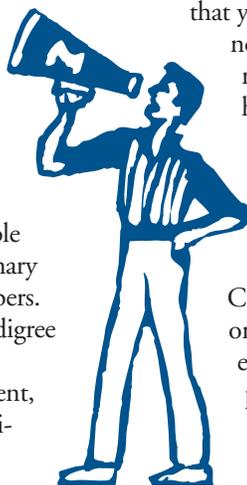
I've always tried to be involved in bar association functions and activities, but never realized the time and the effort that it took to run an effective and efficient organization. Although we perform many services to the community through our educational and charitable endeavors, I believe our primary purpose is to serve our members. To borrow from the new Pedigree ads, "We're for Lawyers."

During my year as president, I'd like to increase the participation of our members. In our bar association of about 500 lawyers and judges, we have members who are individually expert in one or maybe more areas of the law, including patents, non-profit corporations, employment, etc. Some of these topics were not even taught when I was in law school. Throughout the year, I would like to call on you to participate in Continuing Legal Education programs and Lunch 'n Learns. Each committee chairman will

be scheduling at least one CLE during the next year. If you have specialized knowledge that could be beneficial to our members, don't be humble or shy: please give me a call and we can arrange a Lunch 'n Learn. As a prime example, over the last two years, Mike Ferguson, on his own, conducted seminars about handling motor vehicle cases and, recently, insurance law.

Our association always needs fresh ideas to pass along, and I hope you will be active on the committees and in running for office. If there is something that you believe our association is not addressing, please contact me. If you have ideas about how we can be more appealing to non-members, please let me know.

Our first social function of the summer will be the Bench/Bar Conference at Seven Springs on June 23, 24 and 25. I urge everyone to attend. You can pick up CLE credits if you need them, and join in the activities for all ages and interests. More importantly, getting to know your colleagues and the judges on a personal basis is invaluable, and, frankly, a lot of fun.



## q u i c k q u o t e

**"To me, a lawyer is basically the person that knows the rules of the country. We're all throwing the dice, playing the game, moving our pieces around the board, but if there is a problem, the lawyer is the only person who has read the inside top of the box."**

—Jerry Seinfeld

# New Leaders Chosen, Awards Given at Annual Meeting

James R. Silvis assumed the office of President at the Annual Meeting of the Westmoreland Bar Association held on Monday, April 4, 2005, at Ferrante's Lakeview Restaurant in Greensburg.

A member of the WBA since



▲ James R. Silvis

1965, Jim is a founding partner of O'Connell and Silvis in Greensburg. He is a graduate of Saint Vincent College and Penn State's Dickinson School of Law.

Jim succeeds Robert I. Johnston and will serve a one-year term as President.

## OTHER ELECTION RESULTS

James E. Whelton, Jr., was elected Vice President for the 2005-2006 term, and Donald J. Snyder, Jr., was chosen to fill the vacant Director seat on the board. Continuing to serve on the board are President-Elect Rebecca A. Brammell, Directors Barbara J. Christner and James R. Antoniono, Past President Robert I. Johnston, Treasurer Milton V. Munk, Jr., Vice Treasurer L. Christian DeDiana and Secretary/Executive Director Diane Krivoniak.

Harry F. Smail, Jr., was elected to serve a five-year term on the Membership Committee and James A. Horchak was elected to serve a five-year term on the Building Committee.

## AWARDS GIVEN AT MEETING

Awards given at the meeting included the Pro Bono Attorney

of the Year, Young Lawyer of the Year and Committee of the Year. The recipients are as follows.

## Brian A. Petroski

### PRO BONO ATTORNEY OF THE YEAR

Brian A. Petroski, an associate with Echard & Snyder in Mount Pleasant, was named Pro Bono Attorney of the Year at this year's Annual Meeting.

Pro Bono Coordinator Iva Munk says Brian has been invaluable to the program over the past year as an Attorney For A Day volunteer and in



▲ Brian A. Petroski

handling cases through the Reduced Fee and Bankruptcy programs. He donated an estimated 85 hours to the Pro Bono Program last year.

According to Brian, he was surprised by this unexpected honor. "It's quite special to get an award for the work you do," he says, "especially when that's the last thing on your mind." Brian's secret of success is to "treat your pro bono clients the same as you would any other clients."

There are two reasons Brian is involved in the Pro Bono Program: "First," he says, "there is definitely a significant segment of the public that is in need of legal services,

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If you would like to make a gift to the Foundation as a meaningful expression of respect, please make check payable to the Westmoreland Bar Foundation and mail to WBA Headquarters, 129 N. Pennsylvania Ave., Greensburg, PA 15601.



# Leaders Chosen, Awards Given *continued from page 3*

but simply can't afford them. Second, I will do most anything to help Iva Munk. She does a great job running the Pro Bono Program and she's a wonderful person to boot."

Iva says the admiration is mutual: "Brian has an amazing ability to remain steady—even in difficult situations and when unexpected problems arise. He is a reflection of what is noble about a profession that often comes under attack for its lack of professionalism."



▲ James A. Horchak

## James A. Horchak YOUNG LAWYER OF THE YEAR

James A. Horchak, an associate with QuatriniRaffertyGalloway in Greensburg, was named Young Lawyer of the Year at the WBA Annual Meeting held April 4, 2005.

The Young Lawyer of the Year Award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community. "Receiving this award has given me a sense of

accomplishment and was a great ending to my term as chair of the Young Lawyers Committee," says Jim. "To me, this award symbolizes an acknowledgment by my peers of my contributions to the WBA. In addition, I look forward to continuing to serve the WBA members in my capacity as member of the Investment Advisory, Building, Business Law, Bylaws and other committees."

Jim was very surprised and totally unaware that he was being considered for the Young Lawyer of the Year award. He was equally surprised that his firm was able to keep the secret from him for several days.

His advice for other young lawyers is to participate and be active in the bar. "Attend the annual and quarterly WBA meetings and the Bench/Bar Conference. Join the Ned J. Nakles American Inn of Court and the various committees of the WBA," he says.

## Lawyer Referral Service COMMITTEE OF THE YEAR

The Lawyer Referral Service Committee was awarded Committee of the Year at this year's Annual Meeting for more than two years of work to create the new and improved LRS program that was rolled out this January.

LRS Chair James E. Whelton, Jr., says he was truly honored to accept the award on behalf of the committee. "This was an exceptional group of people who worked very hard," he says, "and I was pleased that their efforts were recognized."

According to Jim, the new Lawyer Referral Service was a difficult project with many competing interests at stake. But, the result is a Lawyer Referral Service which better serves the WBA's participating members and the public. "With the launch of the new program in January and the incredibly positive reception from our members, receiving the award makes it all the more worthwhile," says Jim.

Jim says a number of other committees completed significant projects last year, any of which on their own would have been sufficient to serve as a basis for receiving this award. "Although recent awards seemed to be based on a particular project or series of projects, I would remind all committee chairs and members that all of our committees do important work," he says. "The committees are the backbone of the WBA and provide an essential service to all our members."



▲ James E. Whelton, Jr.

## WBA Honored by CCBL



▲ The Westmoreland Bar Association received three recognition awards at the recent Conference of County Bar Leaders for the Living Trust Community Education Seminar, the satellite Pro Bono office in New Kensington, and the School Violence Avoidance Community Seminar. Presenting the award to WBA President Robert I. Johnston (center) are CCBL President Samuel Miller (left), and PBA President Michael H. Reed (right).

# Westmoreland County Medical Legal Code of Ethics Signed

A commemorative signing ceremony was held on Tuesday, March 22, 2005, at the Westmoreland Bar Association headquarters to officially accept the Westmoreland County Medical Legal Code of Ethics. Leaders of the Westmoreland County Medical Society, the Westmoreland Bar Association, the Court of Common Pleas, the Ned J. Nakles Inns of Court and the Westmoreland Academy of Trial Lawyers were in attendance to add their signatures to the Code of Ethics, which was created to define and promote mutually beneficial standards of conduct for both doctors and lawyers.

This event marks the common ground between both professions. It is hoped that the interprofessional code will foster civility between physicians and attorneys and help



◀ On hand for the signing were: (seated) Robert I. Johnston, President Judge Daniel J. Ackerman and Westmoreland County Medical Society Past President Dr. Donald Brown; (standing) WCMS Director Dr. John Parker, WCMS Executive Director JoAnne Bergquist, WBA Executive Director Diane Krivoniak, Barbara Artuso and James R. Antoniono.

maintain the lines of communication necessary for effective advocacy on behalf of patients and clients.

Included in this issue of *the sidebar* is your copy of the Code of Ethics. Members are asked to take a few minutes to

familiarize themselves with the contents of this booklet. It is the hope of the Medical Society Board and the WBA Board that this partnership will be the first of many more mutually beneficial projects.

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# QA Pitt Law School Dean David J. Herring

by Patrice Wade DiPietro, Esq.

In a recent interview, David J. Herring, Dean of the University of Pittsburgh School of Law, graciously agreed to answer a few questions regarding his thoughts on law school and the legal profession. He also provided a little hometown information about a recent endowment from a much-respected Westmoreland County attorney.



▲ Patrice Wade DiPietro

David Herring has had quite an impressive career thus far. He became the Dean of the University of Pittsburgh School of Law in 1998, only 12 years after his own graduation from the University of Michigan School of Law. He began his career in 1986, teaching at the University of Chicago School of Law. He then spent three years teaching at the University of Michigan School of Law, and he joined the faculty at Pitt in 1990. In addition to serving as the Dean, he teaches courses in legal process and constitutional law, and conducts a seminar in child welfare law.

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**Q HOW HAS TODAY'S LAW STUDENT CHANGED FROM WHEN YOU BEGAN TEACHING?**

**A** Law students today look a lot like the students from 15 years ago. The students at Pitt Law have always been very committed to becoming legal professionals. This remains true today. This is why I have enjoyed teaching my clinic course here. The students take their role as legal professionals very seriously, providing an outstanding level of legal services to their clients. They really do want to become lawyers and that desire makes it both challenging and exciting to interact with them in the classroom

**Q WHAT DO YOU SEE AS THE FUTURE OF THE PROFESSION?**

**A** I don't see any drastic changes in the fundamentals of the profession. Legal professionals will continue to provide valuable services to clients and to serve as creative problem-solvers. Of course, there will be continued growth in the use of new technologies to deliver legal services. My hope is that, as a profession, we will find a way to serve middle class individuals. We need to develop a model of legal service delivery that is widely affordable. There are great unmet needs for legal services and we need to address these needs.

**Q SINCE YOU TOOK OVER AS DEAN, WHAT CHANGES HAVE BEEN MADE IN EDUCATING STUDENTS, IF ANY, AND WHAT CHANGES WOULD YOU LIKE TO MAKE?**

**A** The biggest change has been the tremendous growth in practical skills training. We now offer many more clinical and practicum courses that place students in the role of a practicing attorney. Another important change in law teaching is the use of new technologies. So much information is now available to bring the law to life for students in a dynamic and engaging way. This change has resulted in extremely rich discussions of teaching methodologies and approaches. There is a great deal of experimentation occurring in our classrooms. I would like to institute a "writing across the curriculum" program that would have students complete significant writing assignments within every course. I would also like to see us develop a team learning approach to legal education. It is important for legal professionals to work effectively in teams and we should introduce our students to this aspect of professional life.

**Q CHRIST. C. WALTHOUR, JR., A MEMBER OF THE WESTMORELAND BAR ASSOCIATION UNTIL HIS DEATH IN 2003, LEFT A SIZABLE TESTAMENTARY BEQUEST TO THE LAW SCHOOL. IS THE DONATION EARMARKED FOR ANY NEW PROJECTS OR IMPROVEMENTS TO THE LAW SCHOOL?**

**A** Mr. Walthour's generosity has already had a significant impact on the school. His gift has allowed us to create two

endowed faculty chairs that will provide support for two of our most respected and noteworthy teacher scholars. Professor Welsh White and Professor Arthur Hellman will be able to increase their research and teaching activities as the result of this financial support. Mr. Walthour's gift will also support various student programs such as moot court competitions and public lectures. We are all very grateful for the legacy established by Mr. Walthour at the School of Law.

**Q MANY SENIOR LAWYERS BEMOAN THE FACT THAT LAW SCHOOL STUDENTS DON'T HAVE ENOUGH HANDS-ON PRACTICAL TRAINING. HOW IS THAT BEING ADDRESSED AT PITT?**

**A** Pitt Law has increased the number of clinic courses and practicum courses in order to provide students with multiple opportunities to gain hands-on lawyering experiences. Students in these courses provide legal services to actual clients and reflect on their experiences in rigorous classroom discussions. Our goal is to instill a model of reflective lawyering that students will carry into their professional careers.

**Q ARE THERE ANY CLASSES OR PROGRAMS AT PITT THAT GIVE STUDENTS THE NECESSARY SKILLS TO RUN A LAW PRACTICE (HIRING STAFF, BILLING, FEE AGREEMENTS, ETC.)?**



▲ University of Pittsburgh Law School  
Dean David J. Herring

**A** Professor W. Edward Sell did teach a course on Law Office Management that developed the skills you list. His unfortunate death last August has presented the School with many challenges, the loss of this course being one of them. We miss Ed deeply and we are trying to replace important courses that he taught, this being one of them. Hopefully, we will offer this course in the future. However, it should be noted, that students in the clinics do have opportunities to develop these types of skills.

**Q WHAT SURPRISES YOU MOST EACH YEAR ABOUT THE INCOMING CLASS OF LAW STUDENTS?**

**A** I am surprised at the continual increases in both quality and diversity. The objective measures of student quality rise year after year and the faculty notice it in the classroom. We can delve deeper into complex legal issues and have very rich discussions. The increase in diversity also enhances classroom discussions in important ways. I know that I have learned a great deal from hearing new perspectives on legal issues that only arise within a diverse student body. All of our students benefit from this diverse learning environment.

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# Inn of Court Celebrates 10 Years *continued from page 1*

The explanation, I think, is that so many joined the Inn because we needed the Inn. More precisely, we needed to be a part of something that held out the promise, that had as its object, the reversal of the downward spiral in which many saw the profession. It is a simple and profound notion that we don't have to be victims, that we can make things better. Sometimes all it takes is to see how.



▲ *The Inn of Court was named in honor of founding member Ned J. Nakles, Sr., in 2000.*

I can fairly say that Judge Ackerman and Judge Hudock, Dick, Ned and I each believed in the possibility of change. We had no idea so many others did as well. We celebrate the ten years we have pursued this idea, not to flatter ourselves, but

to remind ourselves that the harmony and goodwill we enjoy in our relations, the excellence of our lawyering, and the relative esteem we enjoy in our

community, are the products of that idea.

We'd love to have you join us to celebrate 10 good years and a great idea.

**The objectives of this American Inn of Court are as follows:**

1. To establish a society of judges, lawyers, legal educators, law students and others, to promote excellence in legal advocacy in accordance with the Professional Creed of the American Inns of Court;
2. To foster greater understanding of and appreciation for the adversary system of dispute resolution in American law, with particular emphasis on ethics, civility, professionalism and legal skills;
3. To provide significant educational experiences that will improve and enhance the abilities of lawyers as counselors and advocates and of judges as adjudicators and judicial administrators;
4. To promote interaction and collegiality among all legal professionals in order to minimize misapprehensions, misconceptions and failures of communication that obstruct the effective practice of law;
5. To facilitate the development of law students, recent law school graduates, and less experienced lawyers as skilled participants in the American court system;
6. To preserve and transmit ethical values from one generation of legal professionals to the next; and
7. To build upon the genius and strengths of the common law and the English Inns of Court and to renew and inspire joy and zest in legal advocacy as a service worthy of constant effort and learning.



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# Safe(r) Computing

by Chris Haidze, Esq.

Most, if not all of us, have computers at home and the office. Being the geek that I am, people often ask me questions about security on their computers. Most problems with computers today involve viruses, hackers, spyware and adware. Therefore, this article will address security for the home computer, and applies primarily to people with broadband at home (DSL or cable internet access). If you have a network at the office, your network administrator should handle the security issues there.

First, I have learned from my experience that a PC (i.e., Windows computer) is better for work and a Mac (Apple) is better for use at home. Macs are great for the home user interested in browsing the web, e-mail, working with pictures, video and music, document creation and general computing. They are easy to use. Since there are so few Mac users (about 7% of computer users), there are almost no viruses, hacking or spyware to worry about. Of course, that may change if more people use Macs.

However, even if Macs are attacked, the operating system has some built-in safeguards that help protect it. And if Dan Joseph can take photos and videos and make great DVD presentations, well, then anyone can. Unless you use applications that are Windows-only, you should at least do yourself the favor of looking into a Mac. Most things that are done on a PC can also be done on a Mac. Microsoft even has a version of Office (Word, Excel, PowerPoint and e-mail) made for the Mac. Nonetheless, even a Mac is not absolutely safe and secure.

One of the first security steps to consider, if you have Windows XP, is updating to Service Pack 2. It includes

security patches for Windows XP and its internet tools. It also includes auto-update which will automatically contact Microsoft and download security patches as they are released. If you do not have a virus program, you will be warned by Windows to install one. If your virus program is out of date, Windows will warn you to update the virus definitions. You can download a free anti-virus program at [www.grisoft.com](http://www.grisoft.com). It is called AVG Anti-Virus. One of the best commercial anti-virus programs is NOD32 available at [www.eset.com](http://www.eset.com). It costs \$39 and includes one year of free updates. It is a very small and less intrusive program compared to Norton Anti-Virus or McAfee, which are generally considered to be resource hogs.

Additionally, Service Pack 2 will ensure that you have a software firewall running. A software firewall is a program that will stop (or significantly reduce) unauthorized access to your computer from the web. The program creates a "wall" between your

system and the internet. It will also stop programs on your computer from accessing the web without your express authorization. Windows XP comes with a firewall that will automatically be enabled upon installation of Service Pack 2. Otherwise, there is a good free program at [www.zonelabs.com](http://www.zonelabs.com).

It is called Zone Alarm. Be sure to download the free version of Zone Alarm as opposed to Zone Alarm Plus or Pro. Your firewall will often ask you if a program is permitted to access the internet.

If you get a message saying that a particular program wants to access the web, you can allow it or forbid it. Of course, if it's a program you want to access the web, you would allow it. If not, or if you are not sure, you would forbid access to that program.

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Chris Haidze

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## Safe(r) Computing *continued from page 9*

If you have cable or DSL, you should have a router of some sort. The router takes your internet signal and allows multiple computers to share one connection. A router provides a hardware data packet inspection solution. A router acts as a firewall by its very nature. It will look at incoming data, check to see which computer asked for it, and send it to the right computer. If it was not requested, the data is disregarded. However, the router does not stop data from going out, which is why some experts recommend a software firewall as well.

Another piece of software you should have is anti-spyware. Actually, it is not unusual to run three programs to prevent and remove spyware. Spyware, in short, is software that is

installed on your computer while you are browsing the web. The spyware tracks where you go on the web and sends that data as well as personal data stored on your computer to whomever had the program installed on your computer. It is easy for spyware to find its way onto your system without your knowledge.

In addition, spyware on your system uses computer resources and can seriously slow down your computer's operation. Microsoft has finally joined the fight to protect its own operating system by purchasing a company called Giant. Giant made anti-spyware software that Microsoft is giving away. The software can be downloaded at [www.microsoft.com](http://www.microsoft.com). There is usually a link on the home page. The software constantly updates to make sure you have the latest spyware protection available. You should also consider

installing and running AdAware, available at [www.lavasoft.com](http://www.lavasoft.com) and Spybot Search and Destroy at [www.safer-networking.org](http://www.safer-networking.org). All three can run just fine on your computer at the same time.

Finally, you should limit your use of Internet Explorer as a web browser. One of the most popular and easy-to-use browsers available is Firefox. Firefox can be downloaded for free at [www.mozilla.org](http://www.mozilla.org). Firefox is a small download. The benefit of Firefox is that it is not as powerful as Internet Explorer. Internet Explorer has many built-in features including ActiveX controls. ActiveX controls are basically little programs that run in the browser. For instance, Microsoft uses Internet Explorer as a way to update Windows. Click "Tools," then "Update" from your Internet Explorer toolbar on the top of the browser and you will see what I mean. The Windows Update website will scan your computer and install updates that you need or request. While this is a great reason to keep Internet Explorer on your computer, hackers can use this feature to compromise your system. Firefox does not have this problem. Additionally, very few pop-up ads affect Firefox. Most are written for Internet Explorer.

As far as e-mail is concerned, check out the Thunderbird e-mail program at the Mozilla website. It is easy to use, imports all of your Outlook or Outlook Express settings and has great junk mail filtering built in. The most important rule for e-mails is simply do not open attachments in e-mail from sources you don't know. That is the number one way viruses are spread.

Hopefully, you can put this information to good use. Most, if not all, of these issues are avoided by using a Mac. However, for those reluctant or unable to make such a change, these tips should help keep your home computer running safely and smoothly.

## QA **Dean David J. Herring** *continued from page 7*

**Q** IN YOUR OPINION, WHAT ARE THE MOST COMMON MISCONCEPTIONS INCOMING STUDENTS HAVE ABOUT THE PRACTICE OF LAW?

**A** Most students think that they are going to learn the rules of law. They are surprised when the law is full of uncertainties and complexities. At first, this is quite discomfoting, but most struggle through this discomfort and benefit from the experience.

**Q** WHAT ADVICE WOULD YOU GIVE TO A FIRST-YEAR LAW STUDENT? FIRST-YEAR ATTORNEY?

**A** For first-year law students, I regularly advise them to learn from each other. The best way to learn the law is to explore ideas and issues with student colleagues, struggling to understand concepts introduced through reading assignments and

*classroom discussions. For first-year attorneys, my advice is to remain open to new opportunities as you proceed with your career. The primary value of a law degree is that it only opens doors. To realize this value, beginning lawyers need to remain open to changes in course that present exciting opportunities. If they adopt this approach and attitude of professional adventure it is likely to lead to great adventures and significant impact.*

**Q** WHAT FACET OF PITT LAW ARE YOU MOST PROUD OF?

**A** I am most proud of our strong academic reputation. We have a highly productive faculty. My colleagues are thought of as leaders in their respective fields. They make the Law School a dynamic community of legal scholars and teachers—one that presents a rich intellectual environment for all its members.

# To-Wit: Ooops!

by S. Sponte, Esq.

You'd think after 35 years of practicing the law, I'd know better, wouldn't you? Yeah, well, I apparently didn't, and instead I made the biggest mistake a lawyer can make, short of missing a statute or representing a family member. So now here I sit, wondering how's come I didn't know better.

Like most kinds of client matters, this one started with a simple phone call. "Can you please help me?" a young female voice said. "They're going to take my car away."

Now if there is any sentence in the English language that strikes more terror into the hearts of clients than that, I haven't heard it. "You're under arrest" may come close, followed perhaps by the far more common "Have you been fooling around with my wife?" But when push comes to

shove, there remains nothing quite so terrifying to the average citizen than the threat of an involuntary disconnection from one's automobile.

"Tell me what's going on," I said, as if I hadn't heard this story a gazillion times before, and she did. But contrary to my expectations, this client was ready, willing and able to make the payments she had agreed to make when she purchased the car. When she left the dealership with the car, she thought her financing had been arranged, but that was her own fault, really. She had no business drawing such a conclusion from the fact that the dealership had said her credit had been approved, and she certainly should have been wary when she received her new title to the vehicle some weeks later from the state.

Yet despite such obvious red flags, she didn't have a clue there was a problem until the dealership

called her two months later and demanded she return the car. It was only then she learned her credit had never been approved, that her credit application had not even been processed until a month later, by which time her mother had become critically ill and she had had to quit her job to attend to her parent. Of course without employment she had been declined credit and now the dealership wanted the car back.

I scheduled an appointment for her some four or five days hence, and thought nothing more about it until she called me the next day to tell me the dealership had called again, threatening immediate

*continued on page 12*



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## To-Wit: Ooops! *continued from page 11*

repossession. I promised I would call the dealership to see what I could do.

It wasn't hard. I know something of the car business and after a few heated exchanges with an obviously chagrined sales manager, I had the problem fixed. At my insistence, the dealership then arranged recourse financing for her, i.e., it agreed to be responsible for the debt if she defaulted. A lender had readily agreed to those terms, and the problem was solved.

Well, her problem was solved. Mine, however, was just beginning. "What do you mean I owe you money?" she complained over the phone when she got my bill. "I never really hired you. Besides, you only made a phone call or two."

And that's when I realized that I had done a really really really stupid thing. In my haste to relieve this client of her quiet desperation, I had done the work before working out our financial arrangement. Oh sure, I had

resolved her problem, and, oh sure, it was a great and relatively inexpensive result, but I erroneously thought she would have been grateful. Silly me, huh? Who knew she would revert to typical clienthood so soon?

**Well, her problem was solved. Mine, however, was just beginning.**

It was my fault; I made it look too easy. I know that if a client perceives the matter as small, trivial, easily remedied, they are far more likely to be unhappy with a bill for a successful result than if they comprehend that the matter is serious, complex, difficult. My client would have been far happier with my successful representation and its concomitant bill

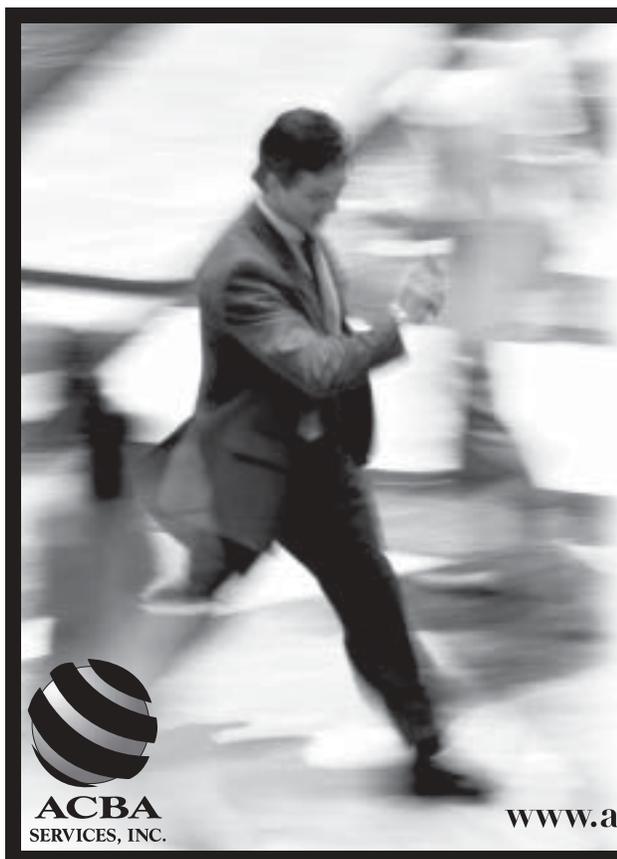
only if her failure to return the car carried with it, say, a sentence of death. As it was, the services had little value to her even though the result could not have been better.

Ah, but this time the God of the Law smiled upon me. A few days later I got a call from a colleague and friend who advised he was representing her against my claim. He knew the story, he had received a \$200 retainer, smart man, and he offered to split it with me if that would solve the problem.

It did. I got paid, he got paid, and the client only had to spend twice the price to do it. There's a kind of bittersweet justice here, there really is, and a lesson to boot. But perhaps most importantly there's a check here, too, and sometimes that's the sweetest justice of all.

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# Spotlight on Harvey Weatherwax, Esquire



## Q WHAT JOBS HAVE YOU HAD PRIOR TO BECOMING A LAWYER?

A Well, I assume you don't want me to count that 11<sup>1/2</sup>-23 month stint I did making license plates. Let's see now, after high school I spent a few years, 14 actually, trying to find myself. Damn near lost my eyesight. Then I tried my hand at other things, bricklaying, scrapbooking instructor, business manager for punk band "Upyurz," but it was all too much like work to suit me.

## Q WHICH WAS YOUR FAVORITE, AND WHY?

A Oh, by far I liked breeding horses the best.

## Q WHAT WAS THE FUNNIEST THING THAT EVER HAPPENED TO YOU AS A LAWYER?

A In my first criminal law trial, I forgot the difference between "guilty" and "not guilty." When I finally figured it out, my client was already up the river. I laughed so hard.

## Q WHAT IS THE QUALITY YOU MOST LIKE IN AN ATTORNEY?

A Agreeing with me.

## Q WHAT IS YOUR FAVORITE JOURNEY?

A There's this woman in Hunker who can ... well, let's just say it's a trip I truly relish.

## Q WHAT IS YOUR GREATEST REGRET?

A Oh, you know, lying to my clients. But if I didn't do that from time to time, they'd turn me in for sure.

## Q WHO ARE THE HEROES IN YOUR LIFE?

A I once started the biography of Torquemada. I didn't get past the first 50 pages but I can tell you this, the guy had guts.

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

A Always listen to your elders.

## Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Figuring out how to use the spellchecker.

## Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A There's this woman in Hunker who can ... well, you know.

## Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My reputation.

## Q WHAT DO YOU MOST DISLIKE?

A Those damned Canons of Ethics. Come on, get real, how's a guy supposed to make a decent living?

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

A You mean besides longing to be double jointed? I wish I could understand those pesky Supreme Court decisions. I mean, come on, no one talks like that.

## Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Waxed paper. Oh, oh, the things you can do with it boggle the mind.

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

A Generosity, coupled with a poor memory.

## Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A There's this woman in Hunker who can ...

## Q WHAT IS YOUR MOTTO?

A Carpe diem, which, translated from the Latin means "eat fish every day." I don't really know what it means, but I sure do like that tuna.

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January/February 2005 Trial Term

# Jury Trial Verdicts

by Rachel Huss, Esq.

Of 60 cases listed for the January/February 2005 Civil Jury Trial Term, 17 settled, 1 was stricken, 1 was dismissed, 1 was discontinued, 21 were continued, 1 was transferred to American Arbitration Association, 1 moved to mediation, 1 will be a binding summary jury trial, 1 was stayed, 9 verdicts were entered and 6 cases were held to the next term. The 7 cases upon which juries deliberated are reported below.



**PATRICIA KUCHNA, MARY ANN PEDDER AND FRANCES ROSS, EXECUTRICES OF THE ESTATE OF THEODORE NOVAK**  
**V.**  
**JEANNETTE DISTRICT MEMORIAL HOSPITAL AND KEVIN M. WONG, M.D.**  
**NO. 7210 OF 1998**

*Cause of Action: Professional Negligence—Medical Malpractice—Wrongful Death—Survival*

This medical malpractice action arose from Defendants' alleged failure to restrain Plaintiff's decedent, Theodore Novak, while he was a patient in the Defendant-Hospital, which resulted in him sustaining multiple falls. Plaintiff also alleged that Defendants failed to timely diagnose and treat the resulting subdural hematoma, which led to the decedent's death. Decedent presented to the hospital on December 28, 1996, for alcohol withdrawal syndrome. Defendant-Physician was his family doctor and attending physician. After finding decedent lying on the floor on his back on the evening of December 31, 1996, Defendants placed him in a chest

restraint. On January 1, 1997, decedent was having gurgling respirations and was transferred to the critical care unit. A CT scan revealed a large, acute subdural hematoma and skull fracture. Decedent was then transferred to West Penn Hospital where he underwent an emergency craniotomy. On March 13, 1997, decedent died as a result of cardiopulmonary arrest, which Plaintiff alleged was caused by the subdural hematoma.

Defendant-Hospital denied all allegations of negligence and proximate causation. Hospital maintained it was a "restraint-free" facility where physical restraint of patients was used only as a last resort upon the order of a physician, and no orders were received prior to the occasion where decedent was found on the floor. Physician asserted that the medical care, diagnosis and treatment provided to decedent were appropriate and in accord with accepted standards of care. The physician maintained that decedent had no apparent signs of injury when found on the floor, and that he ordered physical restraints at that time. Physician asserted the affirmative defenses of assumption of the risk and comparative/contributory negligence.

*Plaintiffs' Counsel:* Charles A. Frankovic, Pribanic & Pribanic, L.L.C., Pgh.

*Defendant-Hospital's Counsel:* Stephen M. Houghton, Dickie, McCamey & Chilcote, P.C., Pgh.

*Defendant-Physician's Counsel:* Robert W. Murdoch, Rawle & Henderson LLP, Pgh.

*Trial Judge:* The Hon. William J. Ober

*Result:* Verdict in favor of Plaintiff and against Hospital in the amount of \$99,315.92 (for medical and other related expenses; no amount awarded for non-economic loss). Jury found the physician was not negligent.

**MARY KAY BEITER AND ROBERT N. BEITER, HER HUSBAND**  
**V.**

**MARY ANN BERQUIST, EXECUTRIX OF THE ESTATE OF OLDRECK W. SIGUT, A/K/A OLDRECK WALTER SIGUT**  
**NO. 7589 OF 2000**

*Cause of Action: Negligence—Premises Liability—Arbitration Appeal*

Ms. Berquist was the executrix of her late father's estate and had placed her father's property located at 438 Pinewood Road, Sewickley, Allegheny County, on the market for sale. On February 9, 1999, at approximately 12:30 p.m., Ms. Berquist was showing Plaintiffs the property as prospective buyers. As Wife-Plaintiff exited the residence onto the exterior porch, she slipped and fell on a slippery, mold substance on the concrete steps. Plaintiff argued that Defendant performed no inspection of the area before she placed the house for sale and should have known of the dangerous condition of the steps. Plaintiff claimed chronic cervical and left shoulder strain; injury to her spine, both shoulders, breast, right knee, left hand, left thigh, head (resulting in blurred vision) and ribs; and severe and persistent headaches. Husband-Plaintiff claimed loss of consortium.

Defendant denied all allegations of negligence and asserted the affirmative defenses of contributory/comparative negligence and assumption of the risk. Defendant argued that there was no

**The 12-step recovery meeting, exclusively for lawyers and judges, is in downtown Pittsburgh every Thursday at 5:15 p.m. For the exact location, call Pennsylvania Lawyers Concerned for Lawyers at 1-800-335-2572.**

clear identification of the substance that allegedly caused Plaintiff to fall. Additionally, Defendant contended that the presence of mold on exterior steps in February did not constitute negligence.

*Plaintiffs' Counsel:* Richard C. Levine, Ainsman, Levine & Drexler, LLC, Pgh.

*Defendant's Counsel:* Christopher M. Fleming, Jacobs & Associates, Gbg.

*Trial Judge:* The Hon. Gary P. Caruso

*Result:* Molded verdict in favor of Defendant. The jury assigned 40% causal negligence to Defendant and 60% contributory negligence to Plaintiff.

**MARJORIE L. WICKER, AN  
INDIVIDUAL, AND JAMES R.  
WICKER, HER HUSBAND  
V.**

**CHITRINEE SACHUKUL, M.D.  
NO. 4484 OF 2002**

*Cause of Action: Professional  
Negligence—Medical Malpractice*

This action arose from the alleged negligence of Defendant in failing

to detect and repair an ano-vaginal fistula. The Wife-Plaintiff was under the prenatal care of Defendant, who specialized in obstetrics and gynecology. On November 19, 2000, Defendant admitted Plaintiff to Westmoreland Regional Hospital for a scheduled induction for delivery of the baby. During the labor, Defendant performed an episiotomy and Plaintiff sustained a tear of the tissue between the vagina and the bowel. Plaintiff subsequently developed an ano-vaginal fistula, caused by Defendant misplacing a suture through the tissue between the anus and vagina upon repair of the tear. This action stemmed from the failure of Defendant to perform a post-repair rectal examination that would have disclosed the suture and provided an opportunity for its removal prior to the onset of complications. As a result, Plaintiff experienced the passing of gas and fecal matter from her vagina, suffered an infection of the ano-vaginal wall and underwent four surgical procedures to repair the fistula. Husband-Plaintiff claimed loss of consortium.

Defendant contended that she exercised proper care and treatment in accordance with accepted medical practices with respect to the circumstances presented in this case. Defendant presented expert testimony that Defendant did not misplace a suture; the standard of care does not require a rectal examination be performed in every case; and, that the fistula was caused by the birth of a large baby. Defendant argued that the birth of a large baby caused trauma to and weakened the tissues which eventually resulted in the fistula, i.e., a spontaneous break in the area.

*Plaintiffs' Counsel:* Richard H. Galloway, QuatriniRaffertyGalloway, Gbg; David J. Millstein and Jacquelyn A. Knupp, Millstein & Knupp, Youngwood

*Defendant's Counsel:* Edward D. Klym, Edward D. Klym & Associates, Pgh.

*Trial Judge:* The Hon. Daniel J. Ackerman, President Judge

*Result:* Verdict in favor of Defendant.

*continued on page 16*



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## Jury Trial Verdicts *continued from page 15*

### **DONNA LIS, ADMINISTRATRIX OF THE ESTATE OF LOIS WILSON, DECEASED**

**V.**

### **FRICK HOSPITAL, A PENNSYLVANIA CORPORATION, AND SIVARAMA K. GUNTUR, M.D. NO. 4625 OF 2001**

*Cause of Action: Professional  
Negligence—Medical Malpractice—  
Wrongful Death—Survival*

This medical malpractice action stems from the alleged failure of Defendants to adequately assess Plaintiff's decedent, Lois Wilson, as being a high fall risk and failed to initiate fall-prevention methods as mandated by the Defendant-Hospital's policy. On January 17, 2001, decedent was admitted to the hospital with a diagnosis of Coumadin overdose and to rule out a stroke. Plaintiff, age 75, exhibited symptoms of lightheadedness, confusion and an unsteady gait. At approximately 1:45 a.m. on January

20, 2001, the nursing staff found decedent on the floor in the doorway of her hospital room; her head was bleeding and she had a laceration to her left temple. At 1:50 a.m., the nursing staff paged Defendant-Physician. At approximately 2:00 a.m., decedent became unresponsive and the physician was paged again. Tests were ordered and decedent was transferred to the intensive care unit. At 5:00 a.m., she was transported to Presbyterian University Hospital and diagnosed with a very large subdural hematoma. Decedent passed away at approximately 12:40 p.m. on January 21, 2001. Plaintiff argued that full fall-prevention methods should have been used because decedent was extremely high risk, as assessed by the hospital's own fall risk and assessment policy. Plaintiff contended that the minimum precautions of two side bed rails and tape were inadequate when the policy provided that all bed rails as well as a bed alarm

should have been utilized.

The hospital denied all allegations of negligence and proximate causation contained in Plaintiff's complaint. The hospital asserted that the partial fall precautions instituted were sufficient and full precautions were not necessary because the decedent had not previously wandered. The physician denied all allegations of negligence and asserted that he had ordered that decedent's activity be limited to "out of bed to the bathroom with assistance only." The physician argued that fall assessment and precautions were the responsibility of the nursing staff and that he was not advised of some of the changes in the decedent's condition.

*Plaintiff's Counsel:* Harry S. Cohen and David J. Lozier, Harry S. Cohen & Associates, Pgh.

*Defendant-Hospital's Counsel:* John K. Heisey, Thomson, Rhodes & Cowie, P.C., Pgh.

## **FULL FUNDING RESTORED**

### **CLIENT OPENINGS AVAILABLE IN THE RIP/ATS PROGRAM FOR LEVEL 3 & 4 OFFENDERS**

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*Defendant-Physician's Counsel:* Mark R. Hamilton and Susan A. Kostkas, Rawle & Henderson, LLP, Pgh.

*Trial Judge:* The Hon. Gary P. Caruso

*Result:* Molded verdict in favor of Defendants. Jury found that neither Defendant was negligent.

**DOUGLAS R. CLAIR AND  
SHIRLEE CLAIR, HIS WIFE**

**V.**

**DARYL R. CLAIR  
NO. 7220 OF 2002**

*Cause of Action: Negligence—  
Premises Liability*

This lawsuit arises from Husband-Plaintiff's fall of 10 to 12 feet from the Defendant's steel ladder on June 24, 2001. Husband-Plaintiff and Defendant are brothers. Plaintiff averred that Defendant had asked Plaintiff to assist him in waterproofing Defendant's new log home, specifically, spraying and hand-painting the roof with water-sealant. On the above date, Plaintiff was assisting Defendant in waterproofing the face board of the roof. While beginning to ascend the ladder by himself, the ladder gave way and Plaintiff fell to the ground on his back. Plaintiff sustained a broken back and had to wear a solid body cast. Plaintiff contended that Defendant had a duty to protect Plaintiff from foreseeable harm as an invitee, or business visitor, on Defendant's property. Plaintiff alleged that he worked at the direction and control of Defendant. Wife-Plaintiff claimed loss of consortium.

Defendant denied negligence and averred that he had asked only that Plaintiff hold and position the ladder during the joint project. Defendant contended that Plaintiff ascended the ladder by his own volition at the time of the accident and declined the assistance of Defendant when offered. Defendant denied that Plaintiff was an invitee and alleged that Plaintiff and Defendant jointly agreed to work together in a voluntary way. Defendant raised the affirmative defenses of assumption of the risk and Plaintiff's comparative/contributory

negligence.

*Plaintiff's Counsel:* Lawrence D. Kerr and Michael E. DeMatt, Berk, Whitehead, Kerr & Turin, P.C., Gbg.

*Defendant's Counsel:* Bernard P. Matthews, Jr., Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C., Gbg.

*Trial Judge:* The Hon. Gary P. Caruso

*Result:* Molded verdict in favor of Defendant. Jury found Defendant not negligent.

**CAROL L. STANNARD AND  
MIKE STANNARD**

**V.**

**CARMEN ANTONIO  
NO. 6979 OF 2002**

*Cause of Action: Negligence—  
Motor Vehicle Accident*

This motor vehicle accident occurred on August 24, 2001, at approximately 11:45 a.m., in South Greensburg, Westmoreland County. Wife-Plaintiff was stopped at a red light at the intersection of Route 119 and Huff Avenue when she was rear-ended by Defendant. Plaintiff sustained cervical bulging discs, cervical strains/sprains and a right rotator cuff tear. Plaintiff had selected limited tort automobile insurance coverage but asserted that she sustained a serious injury, which entitled her to recovery of non-economic damages. Husband-Plaintiff claimed loss of consortium.

Defendant admitted negligence in causing the accident, but argued Plaintiff did not sustain a serious injury as defined by the Pennsylvania Motor Vehicle Financial Responsibility Law. Consequently, Defendant maintained that Plaintiff was not entitled to the recovery of non-economic damages.

*Plaintiff's Counsel:* Richard C. Levine, Ainsman, Levine & Drexler, LLC, Pgh.

*Defendant's Counsel:* Joseph A. Hudock, Jr., Summers, McDonnell, Walsh & Skeel, L.L.P., Pgh.

*Trial Judge:* The Hon. Daniel J. Ackerman, President Judge

*Result:* By consent of the parties, verdict entered in favor of

Wife-Plaintiff in the amount of \$5,500.00 for compensation of economic damages. On the issue of non-economic damages, the jury found in favor of Defendant.

**PATRICIA LANDER**

**V.**

**MARY KOLESAR  
NO. 2599 OF 2002**

*Cause of Action: Negligence—  
Motor Vehicle Accident*

On April 5, 2001, Plaintiff was operating her vehicle on Herminie-Madison Road in Westmoreland County. Defendant was pulling out of her driveway onto Herminie-Madison Road. Although Plaintiff swerved to avoid hitting Defendant, Defendant's vehicle struck the front end of Plaintiff's vehicle. Plaintiff sustained injuries to her neck and upper back, cervical somatic dysfunction, myofascial pain syndrome, and acute-moderate thoracic sprain/strain. Plaintiff had selected the full tort option of automobile insurance coverage.

The parties stipulated to negligence and liability on the part of Defendant for the collision. Defendant argued that Plaintiff, at most, received a cervical strain as a result of the accident. Defendant contended that the neurosurgery performed on Plaintiff almost two years after the accident was unrelated to the automobile accident of April 5, 2001.

*Plaintiff's Counsel:* David C. Martin, Jr., Martin & Lerda, Pgh.

*Defendant's Counsel:* Scott O. Mears, Jr., Mears, Smith, Houser & Boyle, P.C., Gbg.

*Trial Judge:* The Hon. William J. Ober

*Result:* Verdict in favor of Plaintiff in the amount of \$1,000.00.

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The unconstitutional takes a  
little longer."

— Henry Kissinger

Candid Camera: **St. Paddy's Party** 



▲ *"Damn, it's only green water!"*



▲ *"I know we're all wearing name tags, Judge, but why does yours have your phone number, too?"*



▲ *"You're right, Jim, it does sound an awful lot like Daffy Duck."*



▲ *"No, Irv, I wasn't telling a joke about an old Jew, I was merely saying hello."*

*On The Move ...*

In May, **TOM CERASO** is moving his office to 2300 Freeport Road, Suite 7, New Kensington, PA 15068.

**HOLLY GARLAND** and **ROBERT WM. GARLAND** have moved Garland Law Offices to 101 West Pittsburgh Street, Greensburg, PA 15601.

**DAVID K. LUCAS** has relocated to 140 South Main Street, Suite 301, Greensburg, PA 15601. His phone and fax numbers remain the same.

**JOHN M. RANKER** has moved to 140 South Main Street, Suite 301, Greensburg, PA 15601. His phone and fax numbers remain the same.

**GEORGE I. TROUT** has moved to 35 West Pittsburgh Street, Suite 112, Greensburg, PA 15601; 724.424.2957; fax 724.423.3050; e-mail [gitrout@wpa.net](mailto:gitrout@wpa.net).

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## bookmark What Have You Been Reading?

by Michael Pacek, Esq.

There is nothing like a good story. Over the years, I have read quite a number of good books from different genres, but below are a few that I consider gems. Not all would be considered classics,



▲  
Michael Pacek

but suffice it to say, I thoroughly enjoyed reading them, and, thus, I whole-heartedly recommend for others to consider for their reading pleasure.

**THE VICAR OF CHRIST** ❖ by *Walter F. Murphy* ❖ Probably the best book I've ever read, the author tells the story of

Declan Walsh, a man whose trials and tribulations enable him to rise from a soldier in the Korean War to become Chief Justice of the Supreme Court to ultimately Pope. Though the storyline seems a bit farfetched, one will quickly become engrossed in the plot and come to believe the tale as it's told by the novel's colorful characters.

**QUO VADIS** ❖ by *Henryk Sienkiewicz* ❖ Taking place around 50 A.D. during the reign of the sadistically nefarious Emperor Nero, young Vinicius, a Roman soldier, falls in love with a Christian woman and must choose between a life of continued opulence, having dozens of servants wait on him at all hours of the day and attending drunken orgies every night, or a life where converting to Christianity will lead to an almost certain fate shared by his new love and her fellow believers of being thrown to the lions and mercilessly persecuted. The apostles Peter and Paul also make appearances.

**THE GODFATHER** ❖ by *Mario Puzo* ❖ Any mafia-style book penned by Puzo is well worth the purchase price, but this one is a classic. Here, Don Vito Corleone leads his family in turf war battles against other crime

families, struggling to be the boss of all bosses and exacting vengeance and retribution when circumstances dictate. Greed, love, murder, and corruption are but a few of the ingredients that make this masterful work a compelling read from the first page to the last.

**MURDER MACHINE** ❖ by *Gene Mustain* and **MAFIA DYNASTY** ❖ by *John H. Davis* ❖ Not for the faint-hearted, these two books depict the realities of organized crime and relate the true-life stories of the members of the Gambino crime family where illicit activities, graft, power, torture, and a total disregard for any authority comprise the essence of their being.

**THE BRETHERN** ❖ by *John Grisham* ❖ I am a huge fan of this author and found this to be an entertaining read. It's about three jailed ex-judges who concoct an elaborate blackmailing scheme. Unbeknownst to them, one of their pigeons is a presidential hopeful in whom the all-powerful, all-knowing, manipulative CIA Director has heavily invested. These two storylines intermix and lead the brethren to believe this particular score will set

them for life ... but not if the CIA Director has anything to say about it. Another book of Grisham's that I strongly endorse is "A Time to Kill."

**THE POET** ❖ by *Michael Connelly* ❖ Hailed by many as one of Connelly's best, this thriller is about a newspaper reporter who refuses to believe his brother, a homicide detective, killed himself. He goes on to investigate other purported suicides in the country where a common theme emerges—verses from works of Edgar Allan Poe are left at the crime scenes. Suspenseful and provocative, this book will have you frequently glancing over your shoulder and looking under your bed.

**THE ALIENIST** ❖ by *Caleb Carr* ❖ This book takes place in 1896 New York City and depicts in exact detail the conditions of society as it then existed. A serial killer is on the loose and he is murdering boy prostitutes and then mutilating them in unbelievable ways. It's up to an alienist (a psychologist) and his broad-minded team, including Police Commissioner and future President Theodore Roosevelt, to put together a psycho-

*continued on page 20*

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## What Have You Been Reading?

*continued from page 19*

logical profile of the killer—the first of its kind—and track him down before he strikes again.

### **BOOKNOTES: STORIES FROM AMERICAN HISTORY**

❖ *by Brian Lamb* ❖ This historical, highly informative work is a collection of anecdotes from scholars and historians of American history beginning with the colonists' fight for independence to the aftermath of 9/11. Additional perspectives are given on a myriad of events that shaped American history, including the Great Depression, the Civil Rights Movement, and the culture wars that have followed.

On a similar vein, **THE GREATEST GENERATION** ❖ *by Tom Brokaw* ❖ depicts the lives of ordinary Americans who served our country in World War II and then went on to build the America we have today. It's a tribute to the heroes of a generation who sacrificed everything for their country and asked for little or nothing in return.

**THE PAINTED BIRD** ❖ *by Jerzy Kosinski* ❖ A young boy, fleeing Nazis, sojourns among backward, brutal peasants in Eastern Europe. Shocking horror perceived through the eyes of a small child, this is perhaps the greatest novel to come out of World War II.

**STONE CITY** ❖ *by Mitchell Smith* ❖ This is considered by many to be the ultimate prison novel. A college professor goes to the big house after a hit-and-run homicide conviction and becomes embroiled in a series of grisly inmate slayings. This fine piece, graphic in detail, does not paint a pretty picture of prison life and makes for an eye-opening reading experience.

**MIDNIGHT IN THE GARDEN OF GOOD AND EVIL** ❖ *by John Berendt* ❖ This work of non-fiction takes the reader to 1981 in Savannah, Georgia where a person is shot to death inside the mansion of Jim Williams. Was it murder or self-defense? The eccentric true-life characters weave a story that will keep you guessing until the very end. A compelling and evocative must-read.

**WIDEACRE** ❖ *by Phillippa Gregory* ❖ Set in 18th century Georgian England, Beatrice Lacey, the daughter of the country squire and destined to be married off to an unknown territory, resorts to any means that will ensure she stays and controls her family's Wideacre, including murder, incest, and deception of everyone who loves her. She goes from being a carefree, beloved, and most generous girl to the most evil, duplicitous, cold-hearted villainess ever encountered. Does she eventually get her just desserts? Read to find out.

**PERFUME: THE STORY OF A MURDERER** ❖ *by Patrick Suskind* ❖ An atmospheric novel about an 18th century maniac who makes sublime perfumes by distilling the essence of beautiful maidens. This acclaimed work is rich in detail and will prove to be an interesting read.



Leo Ciaramitaro in the back of an M2A2 Bradley Fighting Vehicle. Earlier in the day there were six soldiers in the back of it.

"Just dropping you a note to let everyone know I'm still alive here in Bayji, Iraq. I haven't been shot at directly in over 2½ weeks, though mortars and rockets continue to give us trouble. Recently with the Bayji and Ash Sharqat (another major city my Task Force has responsibility for) city councils they have been really making great strides. The biggest challenge is getting them to follow good budgetary procedures. One budget actually had a line item for \$70,000 and it was listed "Stuff." We found this amusing aside from the fact that these folks have never had to prepare a budget before. Tomorrow, we are headed to the Courthouse to meet with the chief Magistrate for the city. We are trying to ensure the rule of law is used properly and the citizens are not required to rely on tribal sheiks to get things done or have disputes settled. I'll write more later. Take care."

— Leo J. Ciaramitaro, Westmoreland County ADA (forward deployed), March 14, 2005

Postcard from Iraq

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# Candid Camera: 2005 Annual Meeting



▲ *"What do you think, John. Does the filling on the bicuspid need replacing or not?"*



◀ *"So then I sez to the client, 'No, the contingency fee in this case is 100%.'"*



▲ *"No, Lee, that shade of mascara looks fine in these lights."*



▲ *"Oooh, nice moustache."*



▲ *"Oh, Danny boy, oh, Danny boy, I love you soooooo000000."*



▲ *"Take my advice before it's too late, Jim, and run, run, run like the wind!"*



▶ *"Someday, Peggy, you'll find out for yourself. It's really lonely at the top."*

▲ *"Come to me, my melancholy Bubba."*



▲ *"Have you had two beers already or are you just happy to see me?"*



▲  
 New members presented to court include (from left to right): Candice J. Stewart, Thomas Lee Jones, Elizabeth J. McCall, Sherry Magretti Hamilton, Kelly Balog, Justin M. Walsh, John M. Hauser III, Jason R. Dibble, L. Anthony Bompiani, Amanda N. Nuzum and Kenneth M. Baldonieri. Jeffrey S. Golembiewski is not pictured.

## New WBA Members Presented to Court

On Friday, March 18, 2005, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President Robert I. Johnston, each admittee was introduced to the court by a member of the association.

The new members presented to the court were: Kenneth M. Baldonieri, Kelly Balog, L. Anthony Bompiani, Jason R. Dibble, Jeffrey S. Golembiewski, Sherry Magretti Hamilton, John M. Hauser III, Thomas Lee Jones, Elizabeth J. McCall, Amanda N. Nuzum, Candice J. Stewart and Justin M. Walsh.

Following the presentation to the court, James A. Horchak and Robert I. Johnston greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. Judge John E. Blahovec then spoke on behalf of the court.

A reception for the new admittees was held in conjunction with the

WBA St. Paddy's Day Party, which was held at Bar headquarters immediately following the ceremony.

## Law Library Report

by Charles J. Dangelo, Chair,  
 Law Library Committee

The Lawyers Concerned for Lawyers Committee and the Law Library Committee are pleased to announce that lawyer assistance information is now available in the Westmoreland County Law Library.

Through the efforts of LCL Chair Judge Irving Bloom, the Law Library has been provided with a copy of every book and pamphlet in the inventory of Lawyers Concerned for Lawyers of Pennsylvania. The collection is comprehensive, covering a broad range of topics that include mental health, lawyer stress, eating disorders, family difficulties, chronic illness, addiction and recovery, and problems affecting minority groups.

While other county law libraries may have a few pamphlets or books, our Law Library is the only one in the Commonwealth to have such an extensive collection of lawyer assistance materials.

The lawyer assistance collection is housed in the Law Library's attorney meeting room, which is located in a secluded corner of the Library. The area is quiet, comfortable and, most importantly, private. If an attorney finds a helpful book or pamphlet, he or she is free to take it from the Library and use it for

as long as is necessary. There is no checkout procedure, no sign-out sheet, and no questions will be asked. In the event an item is not returned to the Library, it will simply be replaced, and no effort will be made to discover the whereabouts of the missing item. The collection is also accessible on evenings and weekends.

The Law Library Committee is considering further development of the lawyer assistance collection. Suggestions for new topics and donations of books would be appreciated.

If you or someone you know is struggling with a personal problem, do not hesitate to consult these materials. They may be the first step to getting your life, or the life of a friend or loved one, back on the right track.

## Actions of the Board

### FEBRUARY 15, 2005

- Accepted Membership Committee recommendations: Glenn Klepac, participating.
- Asked Mr. DeDiana to make contact with investment advisor Paul Brahim to review changes in priorities for WBA and ask for direction in restructuring investment policy.
- Learned that legal/medical code of ethics is completed.

wba

- Agreed to ask Mr. Geary to serve as WBA rep on PBA House of Delegates. Mr. Whelton will be reappointed and Mr. Silvis will fill the one-year "President" slot.
- Agreed to consider producing a photo collage of Courthouse to sell in conjunction with courthouse centennial celebration.
- Agreed to approach local copier companies to see if they can offer savings to WBA members.
- Learned that WBA will receive three recognition awards from the state bar at the County Conference of Bar Leaders.
- Learned that First Commonwealth had requested a luncheon to discuss the possibility of sponsorship and member-discounted benefits.
- Agreed to circulate proposed YL bylaws for consideration at March Board meeting.
- Reviewed proposed WBA bylaws amendments for February 18 quarterly meeting; agreed to ask Mr. Geary to introduce the proposed bylaws.
- Voted to allow expenditure for president-elect and vice president to attend American Bar Association's Bar Leaders Institute each year.
- Agreed to invite Ms. Leechalk to attend PBA Young Lawyers Retreat in July as representative of the Westmoreland Bar Association.
- Agreed to present the Committee of the Year Award to LRS.
- Agreed to appoint Bob Johnston and Aaron Kress to co-chair Retention Committee for the retention election of Judges Blahovec, Caruso and Driscoll.

#### MARCH 15, 2005

- Accepted Membership Committee recommendations: Ken Baldonieri and Chris Eyster, participating.
- Learned that bar association assets have increased by \$70,000 since this time last year.
- Learned that printing the membership pictorial directory cost \$1,353 and was marked as member benefit.

- Learned that Paul Killion, Chief Disciplinary Counsel, indicated that local bars should try to resolve any attorney/client problems before referring to Disciplinary Board.
- Learned that 10th anniversary celebration of the Inns of Court is set for May 19 at the Millcreek Inn in Ligonier.
- Approved Courthouse Centennial Committee's request to mail letter to WBA membership seeking financial support for Centennial project.
- Heard report on the LRS program through mid-March: 64 attorneys participating, \$1,380 collected through the \$30 fee and 46 cases currently opened.
- Accepted bylaws recommendations of the YL submitted by Mr. Horchak.
- Agreed that Mr. DeDiana will work with Mr. Whelton and Mr. Kress to

- establish board reimbursement policy.
- Agreed to allow PAC representatives to speak at Annual Meeting.
- Agreed to meet with Judges Caruso, Driscoll and Blahovec to discuss retention activities.
- Learned that signing ceremony for legal/medical code of ethics is set for Tuesday, March 22, at 4 p.m.
- Heard report that location of the WBA Holiday Dinner Dance is still not known and will not be known until decision has been made regarding ownership of the Greensburg Country Club.
- Learned that Lawyers Abstract has been added as approved closers on real estate matters with First Commonwealth.
- Learned that Valley High School has been approved as a site for next Living Trust educational seminar.

## Greensburg-Salem Wins District, Regional, State Mock Trial Titles



**C**ongratulations to Greensburg-Salem High School, who earned the 2005 Pennsylvania Statewide High School Mock Trial Championship by defeating Scranton Preparatory School in the Mock Trial State Finals on Saturday, April 2, 2005.

Greensburg-Salem also earned this year's district and regional titles. Over 275 teams from across Pennsylvania had the opportunity to serve as the

prosecution and defense teams for the case of Gallo v. Urbanski a/k/a Skee Poll. Eight regional winners then advanced to the statewide mock trial finals.

Greensburg-Salem will represent Pennsylvania at the National Mock Trial Finals to be held in Charlotte, N.C., May 5-7, funded by the Pennsylvania Bar Foundation. The team also received a \$500 grant from the Westmoreland Bar Foundation to help defer travel costs.

**CALENDAR OF EVENTS**

**APRIL**

- 1 National Love Your Lawyer Day
- 1 Live CLE: "The Consequences of Not Paying Your Taxes—Pitfalls, Pratfalls and Search Warrants"
- 1 Alcoholic Lawyers Anonymous Committee Meeting, Noon until 7 p.m., Mr. Toad's, open bar  
*In order to preserve anonymity, wear your masks.*

**MAY**

- 2-6 Law Day School Visits
- 11 Membership Committee, Noon
- 13 Bankruptcy Committee Mixer, 5 p.m., *Spitfire Grille, South Greensburg*
- 17 Family Law Committee, Noon Board Meeting, 4 p.m.
- 18 Pro Bono On The Road, *New Kensington*  
CLE Lunch 'n Learn, Noon to 1:15, 1 ethics credit available  
Northern Lawyers Luncheon, Noon, *King's, New Kensington*
- 19 Fee Dispute Committee Appreciation Luncheon  
The Founders Day Dinner of the Ned J. Nakles American Inn of Court, 6:30 p.m., *Millcreek Inn, Ligonier*

- 23 Final registration deadline for the 2005 Bench/Bar Conference
- 24 CLE Lunch 'n Learn, Noon to 2:15, 2 substantive credits available
- 30 Courthouse closed in observance of Memorial Day

**JUNE**

- 8 Membership Committee, Noon
- 14 Courthouse closed in observance of Flag Day
- 15 Pro Bono On The Road, *New Kensington*  
Northern Lawyers Luncheon, Noon, *King's, New Kensington*
- 21 Family Law Committee, Noon Board Meeting, 4 p.m.
- 23-25 2005 Bench/Bar Conference, *Seven Springs, Champion, Pa.*



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