



# Cooperative Learning for the Burgeoning Lawyer

by Amy DeMatt, Esq.

Several years ago, I was asked to write an article for *the sidebar* about whether law school prepared one adequately for the realities of practicing law. I concluded that it did not, based upon my experience that the second and third years of law school concentrate on theory, rather than the practical aspects of practicing law in a legal community like Westmoreland County. In my article, I made the (admittedly radical) suggestion that law school should be shortened by one year, to allow students to be supervised in practice during the third year.

Since the time of my article in 2001, much has changed. Drexel University has opened a law school touting a new and controversial program they refer to as the “Drexel Law Co-Op Program.” This program places second- and third-year law students in externships in corporations, law firms, judicial chambers, public interest organizations, or governmental agencies for twenty weeks, with the goal of “synthesiz[ing] the legal theory learned in the classroom with the critical knowledge and professional skills learned in the field under the

close supervision of experienced practitioners.”<sup>1</sup> The list of participating “partners” is impressive in quality, diversity, and number.<sup>2</sup> The program entails working twenty hours per week on average, and participating in a seminar that addresses ethics and professionalism. Students earn credits, although they may not be paid for their hours on the job.

Faced with Drexel’s more reasonable implementation of my prior proposal, I am concerned that the cooperative model might not be everything it is intended to be. Is this program “reality TV” translated to the legal profession: light on substance, cheaper to run, and failing to edit potential gaffes that are likely to evoke a wince?

I spoke to Senior Judge Charles Loughran and Assistant Co-Op Professor and Co-Op Coordinator of Drexel’s College of Law, Reena E. Parambath, to learn about the idea of cooperative learning and about improving one’s lawyering skills generally.

According to Professor Parambath, Drexel’s program does not test a

student’s substantive knowledge of the law. Rather, the program addresses ethics, life balance, and professionalism. It does not, in and of itself, satisfy the ethics requirement. (That is, students must take a professional responsibility course separate from the co-op program.) Instead of bluebook testing, students are asked to reflect on their experiences and participate in class presentations and journaling exercises.

Students are subject to written mid-point and final evaluations by their field supervisors. Drexel monitors the students’ participation in the program by having “site visits” to the students’ program hosts, termed “sponsors.”

The program is only in its first year, so its effectiveness is, as yet, unknown. However, Professor Parambath gets calls from sponsors on an almost daily basis, and she expects the program to have a positive effect on both law school rankings and on student enrollment.

To a certain extent, Drexel’s program may be a sign of the changing times. When Senior Judge Charles

*continued on page 4*



<sup>1</sup> See “Law Co-Op Education” at <http://www.drexel.edu/law/coop-overview.asp>.

<sup>2</sup> Partners include corporations, nonprofits, public interest law projects, government agencies, judicial offices, and law firms. For a list, go to <http://www.drexel.edu/law/coop-partners.asp>.

# 2007: The Year in Pictures



**Great Expectations?**

# What A Young Lawyer Can Reasonably Expect

*Editor's note: An ominous headline appeared on the American Bar Association Journal's website on September 24, 2007, under the subheading "Lawyer Pay": "Law School Secret: Bad Job Market." The article suggests that law schools misled prospective lawyers about their job prospects upon graduation, particularly with regard to the salary they can expect to earn (See [http://www.abajournal.com/weekly/law\\_school\\_secret\\_bad\\_job\\_market](http://www.abajournal.com/weekly/law_school_secret_bad_job_market)). We asked a Westmoreland County Young Lawyer to share her experience and give us a local perspective.*

by Amanda Nuzum Faher, Esq.

**A**s an attorney who has been practicing law for a little over three years, my "first job" search is not such a distant memory for me. I remember graduating from law school, and the thrill of having passed the bar examination on my first try, only to find a major obstacle looming ahead: I had to find a job as an attorney. I applied for a wide range of positions and I went on several interviews, and still no job offers. The frustration and anxiety that I felt, not knowing when or where I would begin my career, was disconcerting. Eventually, I found a position in Vandergrift, Pa.—a small town that I did not know existed before my interview—where I now practice law with the law firm of Geary and Loperfito, LLC.

Pamela G. Day, Esq., is the Assistant Dean for Career Services at the University of Pittsburgh School of Law, and has some insight on the current local job market for recent graduates and young lawyers. Ms. Day indicated that at Pitt Law about 245 students are admitted each year. But as the criteria for admission to law school continues to climb, likewise students graduate with higher expectations.

According to Ms. Day, the local legal market has been experiencing a downturn since September 11, 2001. Available data indicated a decrease in the number of available legal jobs in the area, and these numbers have not changed in the last five years. While there are a number of judicial clerkships and associate level positions that become available each year, many firms are not looking to expand and seem to be trying to get by with as few attorneys as possible. Even with this somewhat grim outlook, almost 70% of Pitt's graduates have obtained employment within Pennsylvania, noted Ms. Day, and the majority of these have remained in southwestern Pennsylvania. According to the Pitt Law statistics for 2006, 56% of their graduates obtained employment within the private sector, and of those, 33% obtained positions with law firms employing between two and ten attorneys. In Westmoreland County, an even higher percentage of attorneys are practicing in small firms.

The salary for new associates has not increased substantially in small firms, and barely keeps up with inflation, says Ms. Day. In contrast, there has been an observable increase in earnings in the large firms, which has been substantial in recent years.

According to the 2006 Pitt Law statistics, the average salary for a starting associate is \$50,000 per year. Ms. Day surmised that newly-admitted attorneys in the counties surrounding Allegheny County, such as Westmoreland County, may have a slightly lower average salary, but she was unaware of any statistics to support her suspicion.

A major concern expressed by most recent graduates concerns the substantial amount of debt they have incurred to cover the cost of tuition and related educational expenses. At Pitt Law, tuition for the 2007–2008 school year is \$22,106. In addition to loans for tuition costs, many students borrow to pay for their living expenses, books and bar preparation courses. Ms. Day stated that the average law school student graduates with approximately \$72,000 in loan debt and this figure does not include any undergraduate loans.

Overall, it appears that the market for young lawyers is not particularly strong at this time. New attorneys are faced with stagnant wages, fewer job opportunities, and higher debt. I do feel, however, based upon my experience and the experiences of many of my fellow young lawyers, that if you are persistent, willing to be flexible, and truly want to practice as an attorney, you will find a position in the legal field.



▲  
Amanda Nuzum  
Faher

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@verizon.net](mailto:westbar.org@verizon.net). the sidebar welcomes unsolicited 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/html/publications](http://www.westbar.org/html/publications).

**EDITORIAL BOARD**

David J. Millstein, Esq., *Editor*  
Beth Orbison, Esq., *Assistant Editor*  
The Hon. Daniel J. Ackerman,  
*Assistant Tonto*  
Susan C. Zellner, *Associate Editor*  
Diane Krivoniak, *Managing Editor*

# Cooperative Learning for the Burgeoning Lawyer

*continued from page 1*



▲  
The Hon. Charles H. Loughran

Loughran graduated from Pitt Law School in 1960, he was one of a class of only twenty-six, culled from an entering class comprised of forty or fifty students. In order to remain in law school, a student had to maintain a 72% grade average. The highest grade average in the class was a 79%. The idea behind this “weeding out” was to allow Pitt to maintain a high bar passage rate—a source of school pride.

Since Judge Loughran’s time, the number of students attending and graduating from law school has burgeoned.<sup>3</sup> In addition to providing bar passage rate statistics, U.S. News and World Reports’ “Complete Guide to Law Schools,” now lists schools with certain “specialties,” among which are clinical training and trial advocacy.<sup>4</sup> Thus, it may be that the motivation behind Drexel’s cooperative program is to appeal to a growing class of consumer-students.

Judge Loughran believes that there is a promise implied when one attends and graduates successfully from law school that one will be able

to earn a living as a lawyer. Whether cooperative programs deliver on the promise remains to be seen, presumably in statistics regarding bar passage rate, job placement, and starting salary. One would hope that excelling as a lawyer in practice would not be a goal that competes with the goal of earning a living, although whether the two go hand-in-hand is debatable. In the course of discussing the pros and cons of the cooperative learning model, I got some practical advice from Judge Loughran about how to become a better lawyer. Some of his advice is summarized below.

<sup>3</sup> The University of Pittsburgh School of Law, according to the website, currently consists of a student body of 710. See <http://www.law.pitt.edu/academics/faq/about.php>. According to the American Bar Association website, there are currently almost 46,000 practicing lawyers in the state of Pennsylvania. See <http://www.abanet.org/marketresearch/resource.html>. Judge Loughran himself advises that at the time of his Westmoreland County Bar admission, there were approximately 120 members of the local bar. In 2007, the WBA has 514 participating, associate, and judicial members. For additional interesting statistics regarding lawyers generally, go to <http://stats.bls.gov>.

<sup>4</sup> See <http://gradschools.usnews.rankingsandreviews.com>.

## *Business Valuation Services*

- Estate & Gift Taxes
- Divorce Settlements
- Mergers & Acquisitions
- Stockholder Transactions

Whether your client needs a comprehensive valuation opinion to withstand scrutiny by third parties or an estimate of value for internal use, you can rely on our team of qualified professionals to provide a full range of business valuation services.

Contact: Maryann White, CPA  
*Accredited in Business Valuation*



**KELLY, SPARBER, WHITE  
& ASSOCIATES, LLC**

*Certified Public Accountants*

2510 Ligonier St., Latrobe, PA 15650 • Phone: 724.539.4581  
Fax: 724.537.0332 • E-mail: [KSW@kellysparberwhite.com](mailto:KSW@kellysparberwhite.com)

### KNOW THE LEGAL SUBJECT MATTER.<sup>5</sup>

Judge Loughran recommends that lawyers first determine which books will help them most in practice. When he began as a judge in Westmoreland County, there were only four judges on the bench. As a result, the judges (and lawyers, who likewise were less specialized) had to be familiar with many areas of the law. Judge Loughran once consulted Judge McCormick, Sr., for advice in dealing with a case involving complicated issues concerning injunctions and strikes. Judge McCormick, Sr., looked at Judge Loughran and said, "Oh me, oh my, the trials and tribulations of a trial judge. Go look it up."

Prompted by that advice, Judge Loughran developed a library of sources that helped him gain expertise in a variety of areas. Pennsylvania Rules of Evidence with Trial Objections (written by Chuck Gibbons) and Packel & Poulin's Pennsylvania Evidence are two basic books recommended for trial lawyers. In addition, Pennsylvania Bar Institute's course books—available at the law library—are recommended for quickly getting a grasp on unfamiliar issues.

### KNOW YOURSELF.

To its credit, the Drexel program recognizes that, with the variety of legal jobs currently available, more lawyers will be doing non-traditional work, such as writing or interpreting regulations, doing consulting work, or helping to resolve cases outside of the

courtroom. Traditional law school classes have emphasized understanding statutes and cases, but have not necessarily honed the skills needed for non-traditional employment. Through Drexel's program, students learn skills such as negotiation, drafting, and mediation, by methods not available in traditional law school classes.

As Judge Loughran insightfully notes, law school students are not often consciously aware of their strengths and weaknesses. As a consequence, young lawyers may make uninformed guesses about the areas of law to which they are best suited, if they give any thought to the question at all. Practicing lawyers should pay attention to whether they are forcing themselves to engage in areas of practice that do not employ their natural strengths.

For example, litigation requires skills that are different from those used in drafting legal documents. Drexel's program exposes law students to the different skills required for practice in different areas of the law, thereby

enlightening them about their strengths and weaknesses.

As a corollary, lawyer advertising should not misrepresent the attorney's area of competency. Certain areas of the law, such as medical malpractice, require a level of competence and understanding that rises almost to specialization. If a lawyer cannot competently advocate for his client in any given area, he should refer the client to a lawyer who can.

### SUBMIT A TRIAL BRIEF.

The judge is charged with knowing about many areas of the law, and must adapt to a new case quickly. Cases often have nuances with which the judge is unfamiliar. The advocate's job is to ensure that the nuances are understood, even if that entails providing legal authority on issues that the lawyer might consider to be basic. By submitting a trial brief, the lawyer can both inform the judge that he knows about the subject matter and orient the judge to his point of view.

### DO YOUR HOMEWORK.

Success at trial requires a tremendous amount of preparation. A common error is calling a witness at trial without properly preparing his testimony. Interview and re-interview witnesses, and have a command of the details of the case. Hire an investigator who can obtain a statement from a witness with the goal of presenting a favorable version of the facts. Determine how the witness will answer questions, how the witness will appear, and whether the witness is still competent and persuasive just prior to the commencement of trial.

Take the initiative. Many lawyers can benefit from watching a skilled

*continued on page 6*

**USI Affinity is the endorsed insurance administrator for The Westmoreland Bar Association.**

**Specializing in offering members single-source access to a broad spectrum of quality products and services.**

**Employee Benefits,**

- medical,
- dental
- vision

**Professional Liability  
Disability  
Term life  
Long Term Care**

To learn more please contact us at  
**800.327.1550**  
**www.usiaffinity.com**

**USI** AFFINITY

**THE CHOICE OF PENNSYLVANIA ATTORNEYS.**

Insurance you can count on... from a company you can trust!



# News from the Court Administrator

## ACCESS TO STATE CRIMINAL SYSTEM ON THE INTERNET

The Common Pleas Case Management System (CPCMS) is utilized statewide to schedule criminal cases. All counties are currently using CPCMS for criminal court schedules. You can access criminal court case information and court schedules for every county on the Internet via the state website at [www.ujportal.pacourts.us](http://www.ujportal.pacourts.us). There is also a link to this website from the Westmoreland County homepage: [www.co.westmoreland.pa.us](http://www.co.westmoreland.pa.us).

Recent enhancements were made to the CPCMS website that permit users to view, search, and print court schedules and lists. Explanatory documents regarding use of this new important functionality for those who rely upon the Internet to access CPCMS are available in the Criminal Division of the Court Administrator's office (Room M8) and at the Westmoreland Bar Association office.

## 2008 CRIMINAL TRIAL TERMS

In order to improve judicial, juror, and counsel efficiency during criminal trial terms, the Court has decided to reduce criminal trial terms from two to one week per term beginning with the January 2008 trial term. The jury trial term will be the

second week of what is currently the two-week term. During the week prior to the term, in what is now the first week of the trial term, three of the judges will hold motions court while the fourth conducts a week-long Call of the List.

The purpose of the Call is to identify and take guilty pleas, enter defendants into ARDs, accept Motions to Nolle Pros, and to grant continuances for the upcoming term. No continuances will be accepted after the Call except for emergency situations. It is expected that by using the week prior to the jury trial term in order to dispose and continue cases, that the trial list during the trial term will be much more reasonable and certain. Cases, such as homicides, may be specially scheduled for trial during

the Call week provided the court administrator is given at least 45 days' notice from the judge.

The defendant, assigned ADA, and defense counsel will be required to attend the Call. In addition, the Commonwealth shall either assure that the prosecutor is present or reachable so that there is no issue regarding the terms being offered.

The Court Administrator will send Notices regarding the Call. Any defendant or attorneys will, by receiving Notice of the Call, also be notified that the case will be tried the following week. We will not schedule fast tracks or arraignments during the week of the jury trial term.

Please feel free to phone Paul, Tami, or Linda in the Court Administrator's Office with any questions.

## Cooperative Learning for the Burgeoning Lawyer

*continued from page 5*

lawyer try a case. It used to be that newly admitted lawyers participated in a preceptorship. Lawyers shadowed more experienced lawyers with the goal of learning the unwritten rules of practicing the law. (For example, always pick up the phone if receiving a call from the judge's chambers.)

But the program had shortcomings. Young lawyers were treated as serfs, and paid little, if anything. Bigger law firms were ignoring minority lawyers who sought preceptors. As a result of these deficiencies, and others, the program was abandoned.

In Judge Loughran's opinion, the preceptorship program should have been cured, rather than abandoned. He believes that lawyers need to be

helped to understand the practical aspects of practicing law in any given area, and he encourages young lawyers to ask experienced lawyers and judges for permission to observe or participate. The practical disincentive to learning and teaching is that lawyers rarely have the time to teach and to learn, because they are busy with their caseload and earning money to pay off law school debt.

The Drexel program and other cooperative learning models aim to resurrect the objectives of the flawed preceptorship program. In theory, the program's objectives are laudable. Whether such programs achieve their goal of better educating lawyers remains to be seen.<sup>6</sup>

### SecuriKey Investigations

#### Licensed Private Investigators

Working with Fortune 500 companies, lawyers, and private citizens to provide professional, thorough service to each client in a timely manner through our network of professional investigators worldwide.

- Investigations
- Witness Locates
- Executive Protection
- Asset Searches
- Surveillance
- Applicant Credential Verification
- Due Diligence

PA License: 4CV2005

AZ License: 1003105

Proud Investigative Professionals since 1998

724.235.9700 602.616.1994

[www.securikey-investigations.com](http://www.securikey-investigations.com)

<sup>6</sup> Thank you, Professor Parambath and Judge Loughran for your contributions to this article.

# Spotlight on Mary Ann Petrillo

**Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?**

**A** From ages 12 to 14, I babysat for a family with six children for 75¢ an hour. (I can bill a bit higher now!) At age 14, I worked in the kitchen at Assumption Hall at Seton Hill serving food and hanging out with the retired nuns. (Now that was an education.) Throughout high school, college, and law school, I worked retail, tutored, law clerked, and was a weekend house parent at Ward Home For Children on weekends. There I was in charge of very active male teenagers in a group home setting. A good weekend meant no trips to the hospital, no drugs, alcohol, or girls in the apartment.



**Q WHICH WAS YOUR FAVORITE AND WHY?**

**A** The group home setting gave me my passion for children's causes and made me realize how important stability and security are for children. It has affected my own parenting and the direction of my life as an adoption advocate.

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

**A** Showing up at motions court, very pregnant, prior to the birth of my son, I advised the judge that I was two weeks overdue and he replied, "I'll sign whatever you need, just leave before someone has to boil water!" Also, back when I practiced divorce law, opposing counsel tried to place into evidence an obscene love letter supposedly to my client from her alleged boyfriend in order to show fault. Since the letter

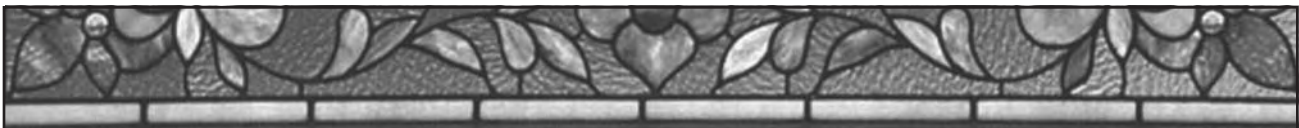
was not signed, nor specifically addressed to my client, I suggested that we had no way of proving that it didn't come from a suitor of my opposing counsel. At that point, both she and I, as well as the judge, could not contain our laughter. Of course, the case was then settled amicably.



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

**A** I appreciate those who can enhance the reputation of our profession, who are respectful and try to settle a matter without excess litigation. A sense of humor never hurts either.

*continued on page 8*



## HELP YOUR CLIENTS MAKE SOUND RETIREMENT CHOICES

**Total Continuum of Care**

- Senior Apartments
- Personal Care
- Memory Impairment Program
- Nursing Care

**Financial Security**

Residents at Redstone Highlands are not asked to leave if, through no fault of their own, they exhaust their resources.

**Style of Living**

*Monthly apartment fee provides the following services:*

- Restaurant Style Dining
- Scheduled Transportation
- Barber/Beauty Shop
- Bank
- Exercise Room
- Maid Service
- Maintenance Service
- Personal Security

**GREENSBURG**

6 Garden Center Drive  
Greensburg, PA 15601  
(724) 832-8400

**NORTH HUNTINGDON**

12921 Lincoln Way  
North Huntingdon, PA 15642  
(724) 864-5811

**MURRYSVILLE**

4951 Cline Hollow Road  
Murrysville, PA 15668  
(724) 733-9494



**Redstone Highlands**  
*Senior living communities*

[www.redstonehighlands.org](http://www.redstonehighlands.org)



# Spotlight on Mary Ann Petrillo *continued from page 7*

**Q WHAT IS YOUR FAVORITE JOURNEY?**

**A** I have three. The first one is parenthood. The second is any Caribbean island. The third was my 25th wedding anniversary Mediterranean cruise with my husband through Greece, Malta, and Italy.

**Q WHAT IS YOUR GREATEST REGRET?**

**A** Losing my father when I was a few weeks old which left my mother a widow with three small children to raise.

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

**A** Educators who empower young minds, families who adopt special-needs children, and my husband for always supporting me in my career and giving into my high-maintenance travel needs, which sometimes result in souvenirs involving jewelry.

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

**A** Westmoreland County is the best place to practice with many attorneys who will take the time to mentor you. Never forget to balance your family life with your career. No one facing the end of their life ever wished they had spent more time in the office.

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

**A** Having been involved in the creation of over 1,000 families through adoption.

**Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?**

**A** A long, healthy, and fulfilling life surrounded by those you love; throw in a beach, a Caribbean sunset, and Andrea Bocelli serenading me in the background while I sip a glass of wine and it doesn't get any better.

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

**A** My 1891 Queen Anne Victorian office building because it has such a historical aura, is loved by my local community and has seen many families find each other through adoption.

**Q WHAT IS IT THAT YOU MOST DISLIKE?**

**A** Income and property taxes.

**Q WHAT IS YOUR GREATEST EXTRAVAGANCE?**

**A** Travel.

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

**A** I would love to be able to play any musical instrument by ear.

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

**A** Loyalty, their sense of humor, and supporting my various causes.

**Q WHICH LIVING PERSON DO YOU MOST ADMIRE?**

**A** My mother for raising me and my sisters despite many economical obstacles and for instilling a strong sense of family and community in us.

**Q WHAT IS YOUR MOTTO?**

**A** Carpe diem. ("Seize the day.")

## Lawyers Abstract Company of Westmoreland County

35 WEST OTTERMAN STREET  
GREENSBURG, PA 15601

Telephone 724 - 834-2822

Agents for Commonwealth Land Title Insurance Company

FULL TITLE SEARCHES  
TITLE INSURANCE  
ABSTRACTS  
REAL ESTATE & MORTGAGE CLOSINGS

## Lawyers' Exchange

(Free to all members of the WBA)

**FREE LAW BOOKS** Available at no charge to any attorney, paralegal, etc. Take some or all. Interested individuals may contact Tack Hammer III by e-mail at edgarh@sscig.com or phone at 724-832-8440 to arrange a time to stop by and see what's available. The collection includes Purdon Penna, Dunlap Hanna Forms, Ladner Conveying in PA, in addition to numerous other reference text. Most were kept up to date through 2006, but no guarantees are made.



# To-Wit: Gulp

by S. Sponte, Esq.

Ever wonder when you open the mail and read the Motion to Dismiss that an opposing counsel has just filed in response to the complaint you spent a month researching and writing why it is you get that lump in your throat? And why it is that it happens whether you've been practicing thirty years or three? Well, lucky you, I know why and I'm in a mood to share.

In this morning's mail I received two such letters from two defense counsel, each representing different defendants in the same case I had recently filed and each containing a motion to dismiss the complaint. After reading the two motions, I concluded that they must have discussed the matter between themselves before filing. Each had raised the same arguments, each had used pretty much the same verbiage and each had misspelled the same words.

And as if being gang-motoned isn't bad enough, they had both utilized the "plethora" defense, a strategy in which every conceivable defense to every conceivable cause of action is pled, fully independent of its merit or applicability to the case at hand. They had both, for instance, raised the statute of limitations defense, even though the conduct complained of had occurred only three months earlier. Now I've never been a fan of the "plethora" approach, preferring instead to think analytically about what I'm doing, but I do understand its popularity among those whose analytical skills have been tempered by the rival obligation to bill by the word.

All that notwithstanding, there were some allegations raised in the motions to dismiss that caught my eye, and when I read them I felt that old familiar lump in my throat. Could I have made a mistake? Could they be right? Should I now on account of some grievous

neophyte error be heaved out of court *eo instante* with all the ignominy of a bum's rush? Oh, the horror!

An hour of computer research (five minutes to find the cases, fifty-five to figure out how to print them) enabled me to conclude that their objections were not well founded. I was right, they were wrong, the proper and natural order between plaintiff and defendant remained intact.

Now there wasn't anything about these motions that distinguished them from any other run-of-the-mill adversarial pleadings I've received probably a gazillion times before. So why then a lump in my throat, why after almost forty years still this gulp?

*continued on page 10*



Recommended by lawyers and clients across Pennsylvania since 1933  
724.834.0300 • beldenlaw.com • 117 N. Main Street, Greensburg, PA 15601

**When your client  
needs a good  
criminal lawyer ...**

**The  
Criminal Law Group  
at**

  
**BELDEN  
LAW**

Dennis Persin  
Bob Johnston  
John Greiner  
Jeff Monzo  
Nancy Harris  
Lisa Galloway Monzo  
Brian Aston

## To-Wit: Gulp *continued from page 9*

It's not so much a byproduct of the tension inherent in our adversarial system as it is, I think, the omnipresence of collective memories buried deep within our professional unconscious. At least as early as ninth century England, any lawyer who lost a case suffered the same fate as the client. If a client was sentenced to death, so was the lawyer. If the client lost an offending extremity, such as a hand for stealing bread, so did the lawyer. If the client was put in the stock, well, you get the idea. This was also the prevailing practice in many other places such as France, Scotland, including both the Inner and Outer Hebrides, Pakistan, Westphalia, Mongolia, and certain parts of Miami Beach.

As a species, we lawyers are hard-wired to recall, however dimly, such retributions as meted out to our ancient colleagues, and it is those memories that cause us to shiver, to quake, like jelly to shake, whenever we

face the specter of defeat. After all, it's tough enough losing to a colleague who proves to be smarter, wilier, better. Who among us would additionally welcome extermination or the nonconsensual removal of body parts? It is this, I think, that through the years accounts for the sparsity of lawyers willing to defend capital cases. Adultery cases too.

### Why after almost forty years, still this gulp?

As an interesting aside, this practice of sharing punishment between client and lawyer alike is the precursor to the modern day contingency fee. That practice of sharing the negative, though widely popular with clientele, wasn't such a big hit with the bar, and it remained for a clever and ambitious one-armed fifteenth-century barrister

from Upper Bulgspread, England, Avaricious the Younger by name, to figure out and implement the glorious antipode upon which so much of our professional prosperity has been based.

So next time you get that old familiar lump in your throat, that gulp of anxiety, do as I do. Just take a deep breath and remember that in today's world you are relatively safe. No one is going to jail you, execute you, or remove a bodily part, regardless of how well warranted. Oh sure, you'll still have to face defeat, humiliation, derision, the various calumnies of disgruntled clients and manifest public scorn, but other than that you've got nothing to fear. Of course there's always the, gulp, Disciplinary Committee but compared to, say, the rack, heck, that's gotta be a piece of cake.

© 2008, S. Sponte, Esq.  
*Can't get enough Sponte? More articles are online at [www.funnylawyer.com](http://www.funnylawyer.com).*



**Banking  
Insurance  
Trust  
Financial Management  
Investments**

**FIRST  
Commonwealth**  
**800-711-BANK (2265)**  
**877-816-1801 TTY Line**  
**[fcbanking.com](http://fcbanking.com)**

FCB Member FDIC  
Equal Opportunity Lender

September 2007 Civil Trial Term

# Jury Trial Verdicts

by Rachel Huss, Esq., Charles J. Dangelo, Esq., and Thomas L. Jones, Esq.

Of fifty-one cases listed for the September 2007 Civil Jury Trial Term, eight settled, twenty-two were continued, one was stayed, one was tried non-jury, one was scheduled for a non-jury trial, summary judgment was granted in one, four verdicts were rendered, and thirteen were held to the next trial term. The jury verdicts for the September trial term are summarized below.

**MEDDX, INC., AND MORRIS  
CECIL, AN INDIVIDUAL  
V.  
AMERICAN PORTABLE  
MEDICAL SERVICES, INC.  
NO. 1703 OF 2004**

*Cause of Action: Contract—  
Sale of Business*

Morris Cecil was the owner of Meddx, Inc., an entity that provided mobile X-ray services to nursing homes. Meddx expanded to the point where it had contracts to serve more than 60 nursing homes. Because he was trained as an X-ray technician,



and not a businessman, Cecil wanted assistance in running his business. To that end, Cecil entered into a management agreement with American Portable Medical Services (APMS), wherein APMS agreed to manage the business aspects of Meddx. APMS subsequently became interested in acquiring Meddx, and APMS

agreed to purchase its assets for the sum of \$1,500,000.00. The sale was financed with a \$1,000,000.00 promissory note, under the terms of which APMS agreed to pay Cecil \$17,361.00 per month for 66 months.

The sale was consummated on July 1, 2003, and APMS began to provide X-ray services to the nursing homes previously served by Meddx. APMS made two partial payments to Cecil and then made no further payments. Meddx and Cecil filed a complaint against APMS to recover the remaining balance owed under the sales agreement.

At trial, Meddx and Cecil presented evidence to show that APMS took control of the business and received the benefit of the bargain, but failed to pay the purchase price. In response, APMS asserted that Meddx and Cecil breached the sales agreement by failing to provide written nursing home service contracts at the time of closing.

*Plaintiffs' Counsel:* William J. Moorhead, Merchant, Moorhead & Kay, Pgh.

*Defendant's Counsel:* Michael E. Flaherty, Karlowitz, Cromer & Flaherty, P.C., Pgh.

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

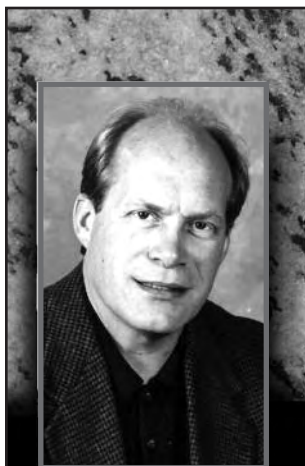
*Result:* Verdict in favor of Plaintiffs in the amount of \$1,283,320.00.

**IN RE: ESTATE OF DAVID H.  
PRAGER, DECEASED  
NO. 65-05-734**

*Cause of Action: Unjust Enrichment*

David H. Prager (Decedent) was terminally ill. Prior to his death, Decedent asked Mary Stoltz (Plaintiff) to provide him with personal care services in his home. Plaintiff agreed, and she cared for Decedent for more than one year. Her services included

*continued on page 12*



**JOHN M. NOBLE, ESQ.**

(724) 853-2296

FAX: (724) 836-0532

john@noblemediation.com

jnoble@mdbbe.com

## JOHN M. NOBLE, ESQ.

Experienced Effective Dispute Resolution

- ♦ Personal Injury ♦ UIM/UM ♦ Construction
- ♦ Complex Medical Malpractice ♦ Products Liability
- ♦ Bad Faith ♦ Property Claims/Fire Loss
- ♦ Partnership Disputes ♦ Liquor Liability
- ♦ Motor Vehicle Liability ♦ Contract Disputes
- ♦ Pharmacy Liability ♦ Mold Claims ♦ ERISA
- ♦ Professional Liability ♦ Real Estate Disputes
- ♦ Sexual Assault Claims ♦ FELA ♦ Custody

Appointed Federal Mediator, Arbitrator and Early Neutral Evaluator for the Western District.



MEYER•DARRAGH•BUCKLER•BEBENEK & ECK  
40 NORTH PENNSYLVANIA AVENUE, GREENSBURG, PA 15601

Visit [noblemediation.com](http://noblemediation.com) for a list of recent mediations, publications, curriculum vitae and sample mediation agreement.

## Jury Trial Verdicts *continued from page 11*

maintaining his personal hygiene, doing housework, cooking, acting as a companion, and taking Decedent to medical appointments. Plaintiff was available to Decedent at all hours of the day and night. Decedent never entered into a written contract with Plaintiff to compensate her for her services.

Following the death of Decedent, Plaintiff filed an unjust enrichment action against the Estate of David H. Prager (Defendant) to recover the value of the services she performed.

At trial, evidence was presented with regard to the nature of the services Plaintiff performed for Decedent and the reasonable value of those services. The Court considered evidence regarding the fee that Decedent would have likely paid had he contracted with a business that provides personal care services.

The Plaintiff was disqualified from testifying under the Dead Man's Act.

*Plaintiff's Counsel:* Melvin L. Vatz, Grossinger Gordon Vatz, L.L.P., Pgh.

*Defendant's Counsel:* Frank W. Jones, Pgh.

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

*Result:* Verdict in favor of Plaintiff in the amount of \$65,000.00.

**DANIEL E. LUCAS,  
ADMINISTRATOR OF  
THE ESTATE OF DOLORES L.  
LUCAS, DECEASED**  
V.

**JOHN ABER, M.D., AN INDIVIDUAL,  
AND PRIME MEDICAL GROUP, P.C.  
NO. 7602 OF 2004**

*Cause of Action:* Negligence—  
Medical Malpractice

On October 11, 2002, Plaintiff's Decedent, Dolores Lucas, presented to Dr. John Aber and Prime Medical Group, Defendants, with complaints of chest pain in her mid-epigastric area. Ms. Lucas was diagnosed as suffering from chest pain secondary to gastritis.

On October 14, 2002, Ms. Lucas left on a bus trip to Atlantic City. She began suffering severe chest pains, nausea, and vomiting. At the Atlantic City Medical Center Emergency Room she was diagnosed with a large post infarction ventricular septal defect. Her physicians at Atlantic City Medical Center attempted to surgically repair the defect but Ms. Lucas died on October 16, 2002. Plaintiff introduced expert medical testimony that Defendant, Dr. Aber, did not provide treatment to Ms. Lucas within the standard of care and that the failure to properly diagnose Ms. Lucas' condition resulted in her death.

Defendant argued that Plaintiff's Decedent had a medical history of stress-related GI problems, depression, and anxiety for which he was treating Decedent. Defendant presented expert medical testimony that the standard of care provided by Dr. Aber was well within the standard of care for a primary care physician. Dr. Aber maintains he performed a physical exam and EKG, which were consistent with gastritis and hypertension. He advised her to return to the office in seven days for a recheck of her blood pressure. Additionally, he advised her not to depart on her scheduled trip to Atlantic City until her blood pressure was rechecked. Notwithstanding this advice, Ms. Lucas failed to have her blood pressure rechecked before going to Atlantic City.

*Plaintiff's Counsel:* Michael T. Collis, Wilkes and McHugh, P.A., Pgh.

*Defendants' Counsel:* Alan S. Baum, Gaca Matis Baum & Rizza, Pgh.

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

*Result:* Molded verdict in favor of Defendants.

**CANDACE COVELLI  
V.  
JACK W. CLAYCOMB  
NO. 6532 OF 2003**

*Cause of Action:* Negligence—  
Premises Liability—Bifurcated

On October 20, 2001, Plaintiff was a guest at a pig roast on the premises owned by Defendant in Champion, Westmoreland County. During the course of the evening, Plaintiff was playing with a soccer ball with the children when someone kicked the ball over a brick retaining wall. When Plaintiff crossed over the retaining wall to retrieve the ball, she stepped into a depression or drop-off that was approximately one foot deep and fell. As a result, she injured her knee and required surgery. Plaintiff contended that the drop-off was not visible because it was covered by fallen leaves.

The Defendant maintained that no defect or dangerous condition existed on the property, that Plaintiff had visited the property on prior occasions and was familiar with the property, and that no leaves had accumulated to hide the drop-off. The case was bifurcated and tried as to liability.

*Plaintiff's Counsel:* Kevin R. O'Malley, O'Malley & Magley, L.L.P., Pgh.

*Defendant's Counsel:* Maria Spina Altobelli, Mears, Smith, Houser & Boyle, P.C., Gbg.

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

*Result:* Molded verdict in favor of Defendant. In special findings, the jury found that there was no unsafe condition on the property.

As of October 17, 2005  
The Bankruptcy Abuse Consumer  
Protection Act took effect.

**Mazzei & Associates**

Will gladly accept all  
**Bankruptcy Referrals**  
(724) 836-0360

Greensburg

*A Debt Relief Agency helping people file for  
relief Under the Bankruptcy Code*

[www.debt-be-gone.com](http://www.debt-be-gone.com)

Committee Reports

# Survey Reveals Issues Facing Women in the Profession

by Michele G. Bononi, Esq., and Diane E. Murphy, Esq., Co-Chairs

**Women in the Profession Committee**

Recently, the WBA Women in the Profession Committee decided to develop a survey to be completed by the WBA female attorneys, to gather information regarding employment situations of our female members, as well as other issues confronting female attorneys. The committee decided that it would try to assist in possible solutions to those concerns expressed in the anonymous survey. The committee would like to share some of the results with the rest of the Bar Association.

The surveys were sent to the 127 female members of the WBA. The committee received 43 responses, a

33% response rate. The responders graduated from law school between 1947 and 2005; the majority attended law school at Duquesne University, followed by the University of Pittsburgh and Ohio Northern University.

Forty percent (40%) of those who responded began their legal career working for a small law firm (ten or fewer attorneys) and 35% began as a solo practitioner or in a position with a governmental entity. Of those responding, 83% of the women are currently employed full time and 32% are sole practitioners. Sixty-nine percent (69%) were either very satisfied or moderately satisfied with their present job and 31% were dissatisfied or had no opinion.

As to time spent on the job, 65% of the responders indicated that they work at least forty hours per week with 60% expecting to remain at their current job for five years or more.

Salaries varied with 40% indicating that they earn up to \$49,000 gross; 24% indicating that they earn between \$50,000 and \$74,999 gross; 15% indicating that they earn \$75,000 to \$99,999 gross; 12% indicating that they earn \$100,000 to \$149,999 gross; and 7% indicating that they earn over \$150,000 gross.

On the personal side of the survey, 65% of the responders are currently married, 16% are divorced, and 17% are single. Sixty-nine percent (69%) of

*continued on page 14*

G

## GEORGE AND JOSEPH

ATTORNEYS AT LAW



**Duke George**

**Representing clients in  
Westmoreland, Allegheny,  
Armstrong, Butler, Indiana, Clarion,  
and surrounding counties**

—

**Personal Injury  
Medical Malpractice  
Criminal Defense**

—

10 Feldarelli Square  
2300 Freeport Road  
New Kensington PA 15068  
Phone: 724.339.1023  
Fax: 724.339.3349  
[www.georgeandjoseph.com](http://www.georgeandjoseph.com)



**Daniel Joseph**

## Committee Reports *continued from page 13*

those responding had children and felt that child care was a main issue facing them. Over 70% stated that they were the primary parent responsible for this task and 100% indicated that they participated in this daily task. Seventy-two percent (72%) stated that once they had their children, their employment situation changed, mainly by cutting back on their working hours. Not only was child care an issue, but 16% indicated they care for their elderly parents or relatives.

On issues specifically facing the female attorneys, 93% felt that women face issues that men do not face in their employment, mainly with balancing between family and their professional career. When asked if they felt they were treated differently because of their gender, 57% indicated not in the office, but 68% said yes, they do feel they are treated differently in court and by the Judges, while 80% stated they felt that they were treated differently by colleagues and clients.

When asked if they would do it all over again—go to law school, pass the bar and work in the legal profession—53% said they probably or definitely would do it all over again, but sadly,

47% said that they were not sure or would not. The same percentages existed when they were asked if being a lawyer was what they expected it to be.

Overall, it appears that of the female attorneys who responded to the survey, the most pressing concern is how to balance the family with the career, especially for those just entering the practice of law, and also the desire to be accepted on the same level as their male counterparts.

### **Lawyers Assistance Committee**

*by Judge Irving L. Bloom*

**A**t the WBA Quarterly Meeting on January 18, 2008, our guest speaker will be Dr. Amiram Elwork, who is Director of the Law-Psychology Graduate Training Program at Widener University, administered by the Institute for Graduate Clinical Psychology and the School of Law at Widener.

Dr. Elwork is the preeminent expert in legal stress management in this country. He is the author of the book entitled "Stress Management for Lawyers" that is used by Lawyers Concerned for Lawyers, Inc. All


attendees at the quarterly meeting will receive a free copy of Dr. Elwork's book.

In clear, concise language, Dr. Elwork describes how to understand stress responses and to replace inappropriate reactions with beneficial ones. It has a specific identification of the problems lawyers face every day. If you have time to gripe about the stress you're under, you have time to read this book and to attend the meeting. His points are simple and direct and easily adhered to. You will find much good advice and guidance from Dr. Elwork's presentation and from his book.

### **Family Law Committee**

**T**he Pennsylvania Bar Association Family Law Section Winter Meeting will be held January 18-20, 2008, at the Hyatt Regency Philadelphia at Penn's Landing. More information about the event can be found on the PBA website, [www.pabar.org](http://www.pabar.org), or contact Abby De Blassio at 724-832-9440.

The WBA Family Law Committee will present a one-hour Lunch 'n Learn CLE seminar on Tuesday, February 19, 2008. Kathleen Kemp, Leeann Pruss and Abby De Blassio will speak about Protection From Abuse actions.



**724.834.0300**  
rjohnston@beldenlaw.com

**Considering Mediation or Arbitration?**

**Please keep me in mind.**

**UM/UIM, PI, Estate or Partnership Disputes, Professional Liability, Custody**

**Bob Johnston**

**Appointed to Federal Court Mediation and Arbitration Program**

  
**BELDEN  
LAW**

**WANTED:  
WRITERS AND  
PHOTOGRAPHERS**

Do you have the write stuff?  
Are you great with deadlines?  
The Editorial Board of *the sidebar* is looking for staff writers and photographers to help provide content for our award-winning publication.

Contact Assistant Editor Beth Orbison at 724-830-3577 or borbison@co.westmoreland.pa.us to volunteer your journalistic talents and take a crack at an assignment.

Westmoreland Revisited

# Judge John Young

by The Hon. Daniel J. Ackerman

Did you see them at the gala? Well, after all, they were guests of honor for the evening; and perhaps the best looking couple there. Had you looked for them



▲ The Hon. Daniel J. Ackerman

you would have found them at the base of the grand staircase. Judge John Young and his lovely wife, Maria Barkley Young, were literally in the spotlight. The health and happiness of the recently married couple preserved by the genius of Gilbert Stuart, one of the foremost portraitists of the eighteenth and nineteenth centuries. Their portraits appeared for the evening of the centennial gala through the

generosity of their owner and the able assistance of the Westmoreland Museum of American Art.

It was somewhat of a homecoming for the Judge and Mrs. Young who resided on Main Street; but that was long after he arrived in Philadelphia in 1779, a seventeen-year-old immigrant from Glasgow, and after he had studied and practiced law in the courts of Philadelphia and Chester counties. In 1789 he moved west and opened a law office in the new county seat of Greensburg. He apparently was not a provincial lawyer as his practice often called him to the cities of Philadelphia and Baltimore. On one of his return visits to Philadelphia he met Miss Barkley. It was shortly after their wedding in 1794 that the Stuart portraits were painted, which suggests some substantial financial achievement

in the intervening years. Their union brought them three sons and five daughters. Following Maria's death, Judge Young married Statira Barclay, Maria's cousin, and they had two children, a son and a daughter.

During the years of his practice in Greensburg he was active in service to the community. In 1791 he was chosen as a delegate to a body that met in Pittsburgh and attempted to resolve the problems, which led to the Whiskey Insurrection; problems that so divided the community that it can be said that the fallout led, at least indirectly, to the 1803 impeachment of Judge Alexander Addison (See *the sidebar*, Nov.-Dec., 2006, at 13). Judge Young also served four months' duty with the local militia in 1792-93, for even then Greensburg was still on the

*continued on page 16*

## Wellness and Weight Loss The "New Age" Way



**FACT:** Exercise programs designed for the masses (the latest fad diet book or TV infomercial) hardly ever work!

**FACT:** Individualized exercise protocols using functional training and personal metabolic measuring\* with proper food selections will always work.

Whatever your weight loss or fitness goals, **New Age Fitness** will design a complete, comprehensive, and individualized program tailored for you.

*Gift and special packages available.*

**One FREE 1-on-1 Training Session with this ad.**

### New Age Fitness

Thomas School Road, Greensburg, Pa.  
724-493-0834

\* Five people with identical height and weight measurements may have different resting calorie burn by as much as 1,000 calories per day!

# Judge John Young *continued from page 15*



◀ *Portraits of Judge John Young and his wife, Maria Barkley Young, painted by Gilbert Stuart, were on display at the Courthouse Centennial Gala in September 2007.*

frontier and the burning of Hannastown a recent memory.

The vacancy created by the impeachment of Judge Addison was followed by the two-year term of Judge Samuel Roberts and the governor's appointment of John Young as President Judge of the Tenth Judicial District on March 1, 1806. It is suggested that his appointment to the bench came at a financial cost since as an attorney he was earning the rather substantial sum of \$5,000 a year. He also had amassed considerable real estate holdings, with many parcels procured as counsel fees in lieu of currency. Also among his assets were two slaves, a fact that seems incongruous with what we otherwise know about him; however, it can be said that he did emancipate them before he was required to do so by law. Additional funds would later come his way with his inheritance of the Scottish title, Laird of Forrester.

Judge Young's tenure on the bench would last thirty-one years. His start however was not propitious. As George Dallas Albert noted:

Judge Young was at this time [as a lawyer] considered the best special pleader at the Western bar. His anxiety to sustain this nice but intricate practice in law brought him into collision with some members of the bar at an early day of his judicial career, which was one of the causes of an impeachment that was then gotten up against him, but which

was not sustained by the Legislature.

Albert does not tell what the other causes might have been, but as was seen in the case of Judge Addison, impeachment was often a political tool.

The worldview of Judge Young was influenced by the writings of Emanuel Swedenborg (1688–1772). Swedenborgianism, or the New Church, was a Christian movement founded in England and transported to America by missionaries. While it grew until the late nineteenth century, today its adherents number about five thousand. One of its tenets is that believers should lead a life of charity. It was undoubtedly his belief in this tenet that led Albert to comment in his sketch of Judge Young's life "His kindness to the poor and destitute was proverbial." One of many wayfarers welcomed into the Young household was John Chapman, the near mythological, "Johnny Appleseed." It was there that Chapman learned of Swedenborg and became a convert.

An example of his benevolence, which in today's skeptical world would probably be considered a violation of the Code of Judicial Conduct, can be found in this anecdote. On his way to court the judge focused his attention on a woman with three small children who was crying. On asking the reason for her distress he was told that her husband's real property on which they resided was among those advertised for sale on a mortgage foreclosure. Judge Young purchased the property at the sale through a straw party, permitting the family to remain in residence and then reconvening it to them years later

when he was repaid without interest, declining in the interim offers to sell it at a profit to third parties.

As a jurist he valued the concept of mercy and was intent on seeing that every prisoner received a fair and impartial trial. It is said: "No juror ever sat in judgment upon a culprit without being reminded by the judge that it was better to let ninety-nine guilty ones go unpunished than that one innocent person should suffer." That is not to say, however, that he did not hold to the traditional views of crime and punishment of his time. When a "Frenchman" was arrested and charged with the murder of a Ligonier Valley resident, Judge Young proved to be the ideal judge, for aside from his intellectual pursuits in mathematics, philosophy and literature he was versed in seven languages, one of which, of course, was French. Thus the accused, Victor Noel, was assured a fair trial. As Albert noted, "He explained the incitement and other forms of the trial to the prisoner in French, who had the satisfaction to be sentenced to be hanged in the polished language of his native land."

While no memento of public recognition for John Young can be found in Westmoreland County, Young Township in Indiana County, which during his lifetime was a part of the Tenth Judicial District, is named in his honor. He died October 6, 1840, three years after his retirement from the bench. Internment was at St. Clair Cemetery, Greensburg.

## SOURCES

- George Dallas Albert, *History of the County of Westmoreland*, L. H. Everts & Co., 1882
- Arthur F. Humphrey, *Greensburg: Johnny Appleseed's Spiritual Nursery*, *Westmoreland History*, Summer, 2006
- J.A. Caldwell, *History of Indiana County, Pennsylvania 1745-1880*, Newark, Ohio, J. A. Caldwell, 1880



# foundation focus

## WBF Teams with Turkey Trot to Support CASA



◀ *WBF trustees Maria Soohey and Bill McCabe (right) present a check to CASA founder Judge Christopher Feliciani and CASA director Rachael Lord.*

The Westmoreland Bar Foundation teamed up with the 2007 Greensburg Turkey Trot to provide sponsorship dollars to the newly organized Westmoreland CASA program. The money will be

used to pair a child with a Court Appointed Special Advocate. CASA provides specially trained community volunteers—appointed by a Family Court judge—to provide consistent and caring support on behalf of an

innocent child going through the family court system due to abuse and/or neglect by parents or guardians.

The Westmoreland Bar Foundation is the charitable arm of the Westmoreland Bar Association and seeks to promote public understanding about the law and support good works that benefit the community.



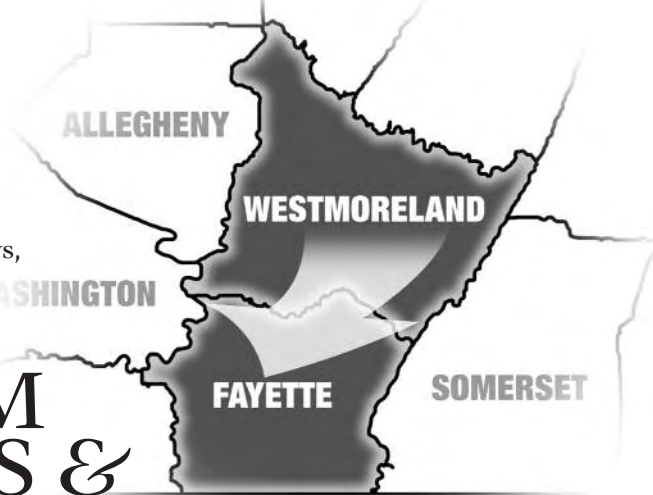
“We are pleased to partner with the Turkey Trot in their contribution and support of CASA. The services that CASA provides to the community and to the court system is directly in line with what our foundation seeks to fund,” says Maria Soohey, bar foundation trustee. “We hope to increase the Bar Foundation’s involvement with next year’s Greensburg Thanksgiving run.”

For more information about the Westmoreland Bar Foundation, visit [www.westbar.org](http://www.westbar.org); for information on the CASA program, see their website at [www.co.westmoreland.pa.us/CASA](http://www.co.westmoreland.pa.us/CASA).

# RELUCTANT TO PROCEED INTO UNCERTAIN TERRITORY?

As many of you are aware, Fayette County Courts differ from Westmoreland County Courts in their rules, practices and customs.

Our Fayette County office and attorneys, including a former Fayette County Assistant District Attorney, can assist you and your clients.



**BLUM  
REISS &  
PLAITANO**  
ATTORNEYS  
L.L.P. AT LAW

LOCAL ATTORNEYS YOU CAN COUNT ON

**25** YEARS OF EXPERIENCE IN FAYETTE COUNTY DOMESTIC, CIVIL AND CRIMINAL CASES.

Mount Pleasant Office • 724.547.4539

Greensburg Office • 724.836.4380

Connellsville Office • 724.628.5020

## BRIEFLY SPEAKING

### Lazzaro Speaks to Pa. Tax Collectors



▲ Joseph W. Lazzaro

Joseph W. Lazzaro delivered the legal lecture at Pennsylvania's annual tax collectors' meeting in Lancaster in September. Several hundred attendees gathered for the Pennsylvania Earned Income Tax Officers Administrators and

Collectors Association Conference (PEITOC), representing most of the taxing jurisdictions in the Commonwealth.

Joe's lecture addressed creditors' rights and the ways governmental authorities can effectively recover tax claims during bankruptcy proceedings.

Joe is a partner with Kratzenberg & Lazzaro in Hempfield, and focuses his practice on collection law and creditors' rights.

#### LawSpeak

"I could tell you a lot about the law ... we got a man to argue for me tomorrow who wouldn't have me to dinner in his house. But I have paid his price and he will be at my side for as long as it takes."

— Dutch Schultz, "Billy Bathgate," E.L. Doctorow

## Actions of the Board

### SEPTEMBER 24, 2007

- Accepted Membership Committee recommendations: Leeann Pruss, participating; Christina Hurnyak, associate.
- Accepted Treasurer's report as submitted.
- Fee Dispute Committee reported their annual luncheon would be held in early October; Ms. Christner agreed to serve as board representative at this event.
- Agreed to institute CLE rate increases in January 2008; information should go out immediately via *the sidebar*, e-newsletter, and possibly the law journal.
- Voted to waive registration fee for all lawyers in practice 10 years or less who wish to attend WBA Lunch 'n Learn CLE seminars without earning CLE credits.

### OCTOBER 16, 2007

- Abby De Blassio accepted an appointment to the board of Laurel Legal Services, Inc. Cindy Stine accepted a reappointment.
- Voted to allow CASA of Westmoreland, Inc., to use the WBA facility on an as-needed basis; CASA needs to reserve the space in advance.

### Committee Reports

- President-Elect Christner reported on her attendance at the Fee Dispute Committee annual luncheon; the committee is proposing a CLE on fee engagement letters.
- Young Lawyers Committee planned two Halloween parties: one for adults after work on October 25, and one for families on October 27 at noon. Irwin Bank committed \$100 to the adult party.
- Voted to allot \$1,000 for both the adult and the children's Halloween party.
- Young Lawyers scheduled four Operation Safe Surf presentations: Mt. Pleasant YMCA, Jeannette teacher in-service, Mt. Pleasant High School, and Yough junior and senior

high. YMCA issued a great press release of the October 24 presentation for parents.

- Jim Antoniono reported that he is organizing bar members to work the polls for the November 6 retention election.
- Voted to allow up to \$3,000 for the WBA to enter into the PBA public image media agreement for the Spring 2008 campaign.

### Reminder:

## CLE Costs Increase in 2008

The cost to attend Continuing Legal Education seminars at the Westmoreland Bar Association will increase effective January 1, 2008. WBA members who preregister **and prepay** for classes will receive a discount of \$10 per credit hour as compared to those who walk in on the day of the seminar. **Those who do not prepay will be charged the walk-in fee.** Attendees who do not want CLE credit will pay a flat fee; the non-credit fee is waived for Young Lawyers who have been in practice 10 years or less.

### PREREGISTRATION FEES (MUST BE PREPAID)

#### CLE Credit:

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

#### Non-Credit:

- \$10 flat fee (*Waived for Young Lawyers attending but not wanting any credit*)

### WALK-IN FEES

#### CLE Credit:

- WBA Members: \$40 per credit hour
- Non-Members: \$50 per credit hour

#### Non-Credit:

- \$20 flat fee (*Waived for Young Lawyers attending but not wanting any credit*)

wba

# New Member Sketches

*Eileen M. Buck* has been reinstated as a participating member of the WBA. A graduate of Vincentian High School, Eileen earned her undergraduate and juris doctor degrees from Duquesne University. Eileen has been working as a clerk for The Hon. Joseph A. Hudock, and recently has joined the staff of Superior Court Judge-Elect Jacqueline Shogan in Monroeville. She and her husband, Robert, have two children, Elizabeth and Robbie, and reside in Level Green.

*Marilyn M. Gaut*, daughter of WBA member, Jim Gaut, has joined the WBA as a participating member. A graduate of Southmoreland High School, Marilyn earned a degree in Business Administration from Westminster College and her juris doctor degree from Duquesne University. Marilyn is practicing with her father in Greensburg, and resides in Scottdale.

*Christina K. Hurnyak* was admitted to the WBA as an associate member. A graduate of Hamilton Heights High School, Wittenberg University and the State University of New York at Buffalo, Christina is an associate with Tarasi & Tarasi, P.C., in Pittsburgh. She and her husband, Cyril, have two children, Rachel and Lydia, and live in Murrysville.

*April Milburn-Knizner* has been admitted as an associate member of the WBA. A graduate of Ligonier Valley High School, April earned a B.A. in Psychology from Gettysburg College and her J.D. from the University of Pittsburgh. April is an associate with Babst Calland Clements & Zomnir P.C., in Pittsburgh. She and her husband, Allen, and their son, Matthew, live in Delmont.

*Michael Vincent Quatrini*, son of WBA member Vince Quatrini, has joined the WBA as a participating member. A graduate of Greater Latrobe High School, Michael earned a degree in Political Science from Dickinson College and a J.D. from Duquesne University. He is an associate with Quatrini Rafferty Galloway in Greensburg. He and his wife, Megan, live in Pittsburgh.



## Are You Suffering from the Holiday Blues?

*The holidays are supposed to be a time of joy and celebration; however, it is not unusual to feel sad during the holiday season. Factors contributing to the "Holiday Blues" are fatigue, over-commercialization, unrealistic expectations and the inability to be with loved ones. If you are experiencing insomnia or sleeping too much, headaches, change in appetite, agitation or anxiety, you may be suffering from the "Holiday Blues." Make sure you rest, eat properly, and exercise regularly; set realistic goals and expectations; organize your time; do for others; and create new, simpler ways to celebrate.*

*If you are feeling the "Holiday Blues," contact us, Lawyers Concerned for Lawyers. We can often help when others cannot. 1-888-999-1941.*

## Looking for a special way to remember someone?

### Births • Deaths • Marriages • Anniversaries Making Partner • Passing the Bar

Since 1991, the Westmoreland Bar Foundation has raised thousands of dollars to assist the poor, disabled, elderly and children in our community. Through the **Memorial Program**, you can honor a colleague or loved one with a contribution to the Foundation. Your gift will help serve the needs of our own who have nowhere else to turn for legal services.

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.



WESTMORELAND BAR  
FOUNDATION

## CALENDAR OF EVENTS

### JANUARY

- 1** Courthouse closed in observance of New Year's Day
- 8** Criminal Law, Noon
- 9** Real Estate, Noon  
Membership, Noon
- 14** Parent Counsel & Guardian, Noon
- 15** Family Law, Noon  
Board, 4 p.m.
- 16** Ned J. Nakles American Inn of Court, 5 p.m.
- 17** Elder Law & Orphans' Court, Noon
- 18** WBA Winter Quarterly Meeting and CLE, Noon to 1:30 p.m., Greensburg Garden & Civic Center
- 21** Courthouse closed in observance of Martin Luther King, Jr., Day

### FEBRUARY

- 6** Women in the Profession, Noon
- 13** Membership, Noon
- 18** Courthouse closed in observance of Presidents' Day
- 19** CLE: Protection from Abuse Actions, Noon to 1:15 p.m.  
Board, 4 p.m.
- 21** Ned J. Nakles American Inn of Court, 5 p.m.

**Happy Holidays  
from the  
Westmoreland  
Bar Association**

## LAWYERS CONCERNED FOR LAWYERS CORNER

- 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**.
- LCL has a new website at [www.lclpa.org](http://www.lclpa.org). Attorneys and judges will find information on how LCL can help them, a member of their family or a colleague who may be in distress. It is confidential and easy to navigate. Visit it today.
- Lawyers Confidential Help Line: **1-888-999-1941**. Operates 24 hours a day.



Westmoreland Bar Association  
129 North Pennsylvania Avenue  
Greensburg, PA 15601-2311

PRESORTED  
STANDARD  
U.S. POSTAGE

**PAID**

GREENSBURG, PA  
PERMIT #678