



## Reg Belden Receives 2004 Gilbert Nurick Award

The Pennsylvania Bar Association Conference of County Bar Leaders (CCBL) honored Greensburg lawyer H. Reginald Belden, Jr., with the 2004 Gilbert Nurick Award for his long history of service and dedication to the Pennsylvania and Westmoreland Bar Associations. The award was presented during the 38th annual seminar of the CCBL in Hershey on March 5.

The Gilbert Nurick Award, which is named for the late Harrisburg lawyer who served as PBA president, is presented to a member of the PBA who exhibits dedication and service to the leadership and promotion of the organized bar and its activities. Although the award is not intended to be an annual accolade, it has been presented every year since it was given to Gilbert Nurick in 1991.

"This award is designed to recognize those bar leaders who have gone above and beyond what is expected," PBA President Thomas M. Golden said. "The PBA is pleased to honor Reg for his outstanding dedication to the entire legal profession. He is a pioneer in bar leadership and is a true mentor for lawyers across the commonwealth."

In nominating Reg for the award, WBA President Aaron M. Kress said, "Reg's love for the profession and his respect for fellow attorneys are legendary, not just in Westmoreland County, but throughout the state and

beyond. His commitment to leadership development within the WBA as an association continues to provide service to its community and its membership."

In 2001, Reg became the 107th president of the PBA. He followed in the footsteps of his late father, H. Reginald Belden, who was PBA president in 1971. It was only the second time in PBA history that a father and a son served as president.

A former Zone Six Governor on the PBA Board of Governors and chair of the PBA House of Delegates, Reg also was chair of the PBA Young Lawyers Division and chair of the PBA Centennial Celebration. He served as president of the WBA in 1986.

A former president of the University of Pittsburgh School of Law Alumni Association, Reg is a member of the American College and Westmoreland Academy of Trial Lawyers, a trustee of the Supreme Court of Pennsylvania Historical Society and a life fellow of the American and Pennsylvania Bar foundations.



CCBL President Sandy Uppr presents Reg Belden with the 2004 Gilbert Nurick Award at the PBA Conference of County Bar Leaders in Hershey, Pa., on March 5, 2004.

Reg is an active member of the community and served as president of the Westmoreland Symphony and Westmoreland Society. He also was the vice chair of the Westmoreland Trust and the vice president of the Greensburg Area Cultural Council.

He is a graduate of Lafayette College and the University of Pittsburgh School of Law.

President's Message

# What I Would Have Said If The Meeting Hadn't Run So Long

by Robert I. Johnston, Esq.

By the time you read this the Annual Meeting will have already run too long and rather than deliver the monologue I imagine everyone was just dying to hear, I will have acceded to the hunger and thirst



of the membership, and gotten out of the way. Nevertheless, as I was handed the gavel by Aaron I couldn't help but wonder how many in the audience were trying to remember whether they had, in fact

voted for me, or what must they have been thinking if they did.

During my time on the Board, and having had the opportunity to observe Reg Belden come and go as President of the Pennsylvania Bar Association, I've come to believe two things that should be of some comfort to those who may be anxious about the coming year. First, no matter how unlikely it might seem that when a person is first elected to the Board they have the makings of an eventual president, in every instance in my experience, so far, the process of serving on the Board so changes the person as to ensure a respectable performance of one's duties.

And second, it ain't a year. I know, you're thinking I'm referring to the eight days by which my term was shortened by Aaron having failed to alert us to the coming of Passover. But what I really mean is, it's not a year. By the time the Holiday Dinner Dance is done, for all practical purposes, so is the current president. Even while he or she presides at the last three board meetings of their term, it's really all about the next President and

the next year. So as I dance the last dance this December (the 4th, by the way, at Greensburg CC) with my wife, it really will be the last dance.

Having had the chance to watch Presidents come and go, I have come to realize that after being of influence as a Board member for a number of years, I have never been closer to getting on with my life's work, to quote Chuck Noll, than the day I took office. And that, my friends, should be of some comfort to the doubters.

That's really not my point, of course. I know I'll do OK, and I'll surely do my best. My real point is that it doesn't make a lot of sense for

the support of those who come after.

So this is what we've decided to do. I will share my time as President with Jim Silvis, who is now President-Elect, and Becky Brammell, who became Vice President. The three of us have been meeting as a sort of executive committee for several months to plan for the coming year. We will continue to meet between Board meetings to collectively consider those issues and problems that would previously have been left to presidential discretion. We believe it will provide greater consistency and continuity and will better prepare them for their years as President.

**Anyone who knows me will tell you that I do not suffer for lack of opinions, a virtue which I have been known to turn into a vice. But I've learned that asking for the opinions of others has inevitably improved the quality of my own.**

me as President to make all the decisions until the dance is over, only to have us repeat the process when Jim Silvis takes over, and then Becky Brammell, and so on. How Diane Krivoniak and the staff do it, having to adjust to some new personality and a different agenda every year, is a testament to our great good fortune in having them in our employ, but must be frustrating and inefficient. Besides, it should be evident from the short duration of one's influence as President that if one waits until taking office to implement some new policy or program, any chance for the new idea to take root depends mostly on

Personally, I believe it will result in better decisions. Anyone who knows me will tell you that I do not suffer for lack of opinions, a virtue which I have been known to turn into a vice. But I've learned in my time on the Board that asking for the opinions of others has inevitably improved the quality of my own.

Finally, if you're still reading this, you really do need to get a life. Or maybe you just need to be more active in the Bar Association.

# New Leaders Chosen, Awards Given at Annual Meeting

Robert I. Johnston assumed the office of President at the Annual Meeting of the Westmoreland Bar Association held on Tuesday, April 13, 2004, at the Greensburg Country Club.



▲ Robert I. Johnston

A member of the WBA since 1984, Bob is a partner in Belden Law in Greensburg. He is a graduate of Allegheny College and Duquesne University School of Law.

Bob serves as Chairman of the Pennsylvania Bar Association Professional Liability Committee. He is also a Founder and first President of the Ned J. Nakles American Inn of Court and serves on the Board of the Westmoreland Academy of Civil Trial Lawyers.

Bob succeeds Aaron M. Kress and will serve a one-year term as President.

## OTHER ELECTION RESULTS

Rebecca A. Brammell was elected Vice President for the 2004–2005 term, and James R. Antoniono was chosen to fill the vacant Director seat on the board. Continuing to serve on the board are President-Elect James R. Silvis, Directors James E. Whelton, Jr., and Barbara J. Christner, Past President Aaron M. Kress, Treasurer Milton V. Munk, Jr., Vice Treasurer L. Christian DeDiana and Secretary/Executive Director Diane Krivoniak.

John K. Greiner and David S. DeRose were elected to serve five-year terms on the Membership and Building Committees, respectively.

## AWARDS GIVEN AT MEETING

Awards given at the meeting included the President's Award for Professionalism, Pro Bono Attorney of the Year, Young Lawyer of the Year and Committee of the Year. The recipients are as follows.

## Daniel Joseph

### PRESIDENT'S AWARD FOR PROFESSIONALISM

Daniel Joseph was honored with the distinguished President's Award for Professionalism for his achievements in ethics and integrity; competence and dedication to the practice of law; civility; service to the bar and its members; and dedication to the improvement of the practice of law.

"I was honored both personally and professionally to receive this award," says Dan. "It is very gratifying to know that you are chosen by your fellow lawyers for this kind of honor."

As Aaron Kress introduced the award-winner at the Annual Meeting, Dan claims he had no clue who the recipient was until Aaron said "handsome and athletic." "Then I knew he was talking about me," he says. "I was truly overwhelmed."

The President's Award for Professionalism is not an annual award, but is presented when the dedication and achievements of a WBA member who best exemplifies the highest standards of the profession with regard to

the practice of law should be acknowledged.

"Knowing the other attorneys who have received this award makes me proud to be included in that group," says Dan. Previous winners of the President's Award are

Reg Belden, Jack Bergstein, Dick Galloway, John O'Connell and Milt Munk.

According to Dan, the President's Award for Professionalism is not an award that should be sought out. "I think that all lawyers should serve their profession and their clients to the best of their ability," he says. Serving the profession, says Dan,

includes participation in the organized bar—something with which he is very familiar.

A past-President of the WBA, Dan has served as Chairman of the WBA Criminal Law and Planning committees.

Recently elected Secretary of the Pennsylvania Bar Association, Dan previously served on its Board of Governors as the Governor of Zone 6. He is a member of the PBA House of Delegates and the PBA Civil Litigation, Criminal Law, Workers' Compensation and Solo and Small Firm Practice sections.

He is a past-Chairperson of the Pennsylvania Supreme Court Disciplinary Hearing Committee 4.13, and is a member of the Westmoreland County Academy of Trial Lawyers and the Ned J. Nakles American Inn of Court.



▲ Daniel Joseph

*continued on page 4*

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

## Maureen Kroll

**PRO BONO ATTORNEY OF THE YEAR**

**M**aureen Kroll, a sole practitioner in North Huntingdon, was named Pro Bono Attorney of the Year at this year's Annual Meeting.

According to Pro Bono Coordinator Iva Munk, Maureen has contributed significantly to the Pro Bono Program since its inception in 1991, volunteering for Attorney For A Day and handling cases through the Custody and Bankruptcy programs that are offered. Maureen donated an estimated 250 hours to the Pro Bono Program last year.

At least 50 of those hours were spent on a single custody/visitation case involving a grandmother and



◀ Maureen Kroll (second from right) receives the 2004 Pro Bono Attorney of the Year Award from Pro Bono Coordinator Iva Munk, The Hon. John J. Driscoll, and WBF Vice Chair Bruce Tobin.

granddaughter who had been estranged because of the actions of the child's mother, who repeatedly ignored court orders. Maureen attended numerous hearings, prepared petitions and filed several motions without charge on behalf of the grandmother, all in search of a happy ending. "The last time we spoke with her, she and her granddaughter were reunited and were baking cookies," says Iva.

"This award was a very pleasant

surprise," says Maureen. "I did not realize that I had done anything above the ordinary. However, I feel just as I did in nursing, that everyone deserves the best representation possible, whatever their economic status may be."

According to Maureen, the Pro Bono Attorney of the Year Award should be the goal of every lawyer. "Really—why not give back, help make people's lives better and most

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importantly in the area of custody, make a child's life better?" she asks.

"I cannot imagine any lawyer, unless they are experiencing a difficult time, not being part of a program that is one of the most significant programs of our Bar Association," says Maureen. "Everyone involved with the program continues to be professional, compassionate and truly concerned for the pro bono clients, who can be quite challenging."

## Lee R. Demosky

YOUNG LAWYER OF THE YEAR



▲ Lee R. Demosky

Lee R. Demosky, a partner with Meyer, Darragh, Buckler, Bebenek & Eck, in Greensburg, was named Young Lawyer of the Year at the WBA Annual Meeting held April 13, 2004.

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.

When young lawyers look at more experienced lawyers around them, they may wonder how to do the right things

in order to create a good reputation while achieving success. For Lee, receiving the Young Lawyer of the Year Award is confirmation that he is doing the combination of things that is necessary to achieve a good reputation not only among his peers, but the community as a whole.

"I am flattered and overjoyed to receive the award," says Lee. "I am pleased that the Board of Directors of the WBA noticed what I have been doing with the local bar association, along with what I have been doing at the state level. Of course, it was a great feeling to tell my wife and parents about receiving such an award from my peers and know that I have made them proud."

Lee's advice for other Young Lawyers is to become involved with a bar association, whether on the local, state or national level. "By becoming involved," he says, "the Young Lawyer can learn invaluable lessons from more experienced lawyers and discuss concerns with other less-experienced attorneys. Through these contacts, attorneys can unite to improve how the public views the profession. If every Young Lawyer makes a commitment to themselves to be ethical and provide the highest quality of service to clients, the public's view of the profession will dramatically improve in the future."

## Municipal Law

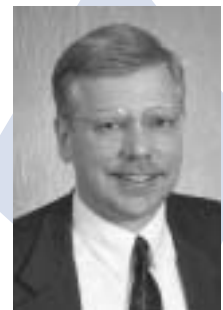
COMMITTEE OF THE YEAR

The Municipal Law Committee was awarded Committee of the Year at this year's Annual Meeting for the Public Officials Law Series held in conjunction with the University of Pittsburgh at Greensburg.

Municipal Law Chair William J. McCabe says it is gratifying that the hard work of the committee was recognized by the Board of Directors.

"One goal of the Municipal Law Committee has been to share the considerable legal experience and expertise of our WBA municipal law lawyers with Westmoreland County public local officials," he says. "A second goal has been to demonstrate to local officials that expert legal counsel can be obtained from the ranks of the Westmoreland Bar Association. We felt, with the success of the Public Officials Law Series, that both of these goals are well on the way to being met. The committee members feel a great deal of satisfaction as a result."

The goal of all substantive law committees and committee chairs should be to enhance the professional reputation of our Bar members, according to Bill. "If this goal is kept in sight," he says, "the planning and implementation of the committees' programs will be meaningful and serve to benefit all of our fellow lawyers."



▲ William J. McCabe

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Annual Meeting • April 13, 2004

# Candid Camera: 2004 WBA Annual Meeting



▲ Separated at birth, they meet for the first time in forty years and are both astonished at their similarly mundane taste in clothing.



▲ "Don't you love the way saying '11½ to 23, bub' just flows so trippingly off the tongue?"



▲ "Strong bouquet, hint of sassafras, earthy tones, I'd say this Coke was bottled in New Ken."

▶ "Aaron, we found this sitting in the chair in the president's office, lifeless, immobile, unresponsive. Apparently he had been there for some time."



▲ "No, I take it back, no one deserves this award more than I do."



◀ "Tell him I thought it was a lousy opinion, tell him I've seen better reasoning from a trained pig, tell him I'm just fit to be tied, but for God's sake, don't tell him I'm the one who said it."

# Spotlight on Lou Congelio



*Editor's note: For the second time in his teaching career, Lou Congelio was named Outstanding Teacher by the Westmoreland County Community College (WCCC). An Associate Professor of Mathematics, Lou first received the award in 1997.*

*A member of the WCCC faculty since 1984, Lou holds bachelor's and master's degrees in mathematics from Saint Vincent College and the University of Pittsburgh, respectively, and a juris doctor degree from Duquesne University.*

*In addition to sharing his expertise within the academic arena,*

*Lou also devotes time to his community as vice president of the board of directors of Ridgeview Academy Charter School of Adelphoi Village Inc.*



**Q WHAT IS YOUR FAVORITE JOURNEY?**

**A** Joanne and I like to take short trips ... long weekends and, most of all, we like to stay at country inns or bed and breakfast establishments, each of which has its own unique characteristics and its own unique charm. We like to scout out the small shops, antique stores, and local restaurants.

**Q WHAT IS YOUR GREATEST REGRET?**

**A** My grandparents were immigrants from Italy and my dad, growing up in a bilingual home, was fluent in Italian. I've always regretted not having learned more Italian (other than the few "unprintable" phrases that I do know!) "at their knees" when I was young and they were still with us. Ahhh ... a plan for the retirement

years ... learn to speak Italian, and what better way than going to Italy for an extended period ... or at least often!

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

**A** My real heroes are not the superstars from sports or entertainment, but rather the ordinary people who live their lives, do their jobs, raise their families .. quietly, but well! The single moms ... and dads ... I see returning to college in their 20s, 30s and 40s to finally get that education they could not achieve earlier in order to make a better life for themselves and their families, often at great personal sacrifice and through countless

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# Spotlight on Lou Congelio *continued from page 7*

hours of hard work. I get to meet a lot of heroes that fit that description in my teaching at the Community College.

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

**A** Get a teaching job ... Seriously, find some well-established, dedicated, honest mentors and learn from their years of experience. Find the “niche” that makes you happy and productive. Don’t try to be “all things” to “all people.” Never, ever stop wanting to learn.

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

**A** Aside from raising, with Joanne, two wonderful, productive, happy, and decent children, I’m probably most satisfied with the Legal Assisting program at WCCC that I “birthed” back in the late 80s. We get a lot of compliments from the attorneys with whom our students and graduates have worked as interns and employees. One of my favorite stories came from one of our students who landed a job at Reed Smith after graduating from WCCC. Part of his job was “training”

the new attorney recruits (who, at Reed Smith were from some of the BEST law schools in the country) with respect to the day-to-day practices of labor law. He often told me that he knew much more about the “mechanics” of the law that most of his “newbies” from places like Harvard, Yale, and Columbia! (He’s now an attorney himself, by the way!)

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

**A** Sitting on a porch, overlooking the pounding surf of the ocean, with Joanne and the kids, preferably with a cool drink in hand, and watching the waves roll in!

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

**A** I have a small plaque on my desk that reads, “The best things in life aren’t things,” so I’d better not give a “material” answer to this question. I guess I would say that my most treasured possession is my (hopefully?) good name and (hopefully?) good reputation.

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

**A** The lack of respect that so many people in society today have for others ... the “I want what I want, when I want it ...” philosophy that seems to be more and more common each year. Oh no!!! I’m becoming Andy Rooney!

**Q WHAT IS YOUR GREATEST EXTRAVAGANCE?**

**A** I’m not an extravagant person by nature and living with a Scotch-American wife for thirty years has made me even less extravagant, BUT ... I will love having a tailor-made, just for me, tuxedo for our daughter’s wedding next year ... not something bought in a store and CERTAINLY not something rented, that who-knows-who wore before me!

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

**A** I’ve always thought that it would be marvelous to be able to play the piano well; not as a professional, but just for relaxation and to relieve tension. Ahhh ... more “retirement” plans!

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

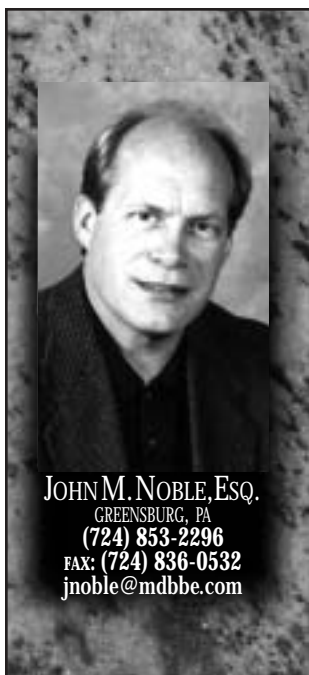
**A** Sincerity, honesty, truthfulness, and respect.

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

**A** I admire people who can multi-task well ... to be able to hold down a full-time job, maintain a home, raise great children, have time for interests like sewing, art, music, and gardening, and still be my best friend. I can’t think of any person I admire, respect ... and love ... more than Joanne.

**Q WHAT IS YOUR MOTTO?**

**A** Borrowed (or stolen) from Mother Teresa and paraphrased a bit: “I might not be able to do great things, but I can do small things with great love!”



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From The Bench

# A Place for Counselors and Peacemakers

by The Hon. John M. Cleland, President Judge of the McKean County Court of Common Pleas

*Editor's note: This article originally appeared in "The Pennsylvania Lawyer" and is reprinted here with the permission of Judge Cleland and the publication.*



▲  
The Hon.  
John M. Cleland

**Y**ou do not have to read very much commentary about lawyers today before coming across criticism of pervasive incivility, uncooperativeness, contentiousness and "scorched earth" litigation strategies.

Shortly after I became a judge, I came across a quote attributed to Abraham Lincoln and posted it on the bulletin board in the law library next to my chambers: "Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man."

Many would dispute that. They argue that a lawyer is an advocate, a spokesman for the client, that it is only in the give and take of the adversarial system, in courtroom combat, that the truth comes out and justice prevails. On occasion, the adversarial system does produce that result, but always at substantial financial and emotional cost.

In my desk I keep a yellowing editorial from a local newspaper. Under the headline "Frank J. Woods, Counselor" it reads, "Kane today mourns the passing of a man who for a half-century has upheld the finest traditions of his profession, counselor

Frank J. Woods. ... As an attorney he was a wise counselor. He would have been spectacular in any court—tall, lean, moving like a powerful spring uncoiling, thinking best as he paced, always on the move. But it was in and from his office that most of his cases were settled. ... He was a true counselor—symbolic of the ideals of the legal profession in every respect."

It was not very long ago that lawyers carried on their letterhead the phrase "Attorney and Counselor at Law." That is rare today. And it is too bad. In a world that seems to be spinning out of control, we need those who can counsel, reason, negotiate and make peace.

This is not to denigrate the value and skills of the able trial lawyer. Those skills are also essential to the health of our society. But if attorneys limit themselves to adversarial advocacy, they minimize the positive impact

they can have on society and may lose that "superior opportunity of being a good man" or a good woman.

Litigants come to the court system looking for justice, but "justice," of course, is defined in many ways. In a criminal case, justice to the victim frequently means vengeance, and to the defendant, it often means forgiveness and mercy. In family court, justice is often defined in terms of money and occasionally in terms regarding the lost love of a spouse or child. In civil litigation, justice is often thought of in terms of vindication or

justification for some action taken or not taken.

Having watched the process as a judge for nearly 20 years, it seems to me that the legal system can produce stability, predictability, recompense, retribution and perhaps many other things. What we cannot produce is true justice. In the end, justice must come from the litigants themselves, for there can be no ultimate justice without eventual reconciliation.

It is in that process of reconciliation that lawyers—"attorneys and counselors at law"—can perform true service to their clients and to society. It is too much to hope, perhaps, that such

reconciliation can take place in the context of a lawsuit, no matter what the result. Reconciliation, if it occurs at all, may require a period of years, even decades. But what lawyers, judges and the entire legal system can do is resolve conflict in an atmosphere

**In a world that seems to be spinning out of control, we need those who can counsel, reason, negotiate and make peace.**

that increases the chances that reconciliation will eventually occur.

This may sound like so much philosophical fluff, but in the midst of the pressures of deadlines, client demands and economic realities we dare not lose sight of basic principles. And there is nothing more basic than the realization that the skills of our profession can be put to no higher purpose than to bring justice to that small part of the world that we can influence.

It is as counselors and peacemakers that we will be held in highest esteem. That is as it should be.

# bookmark What Have You Been Reading?

by Stuart J. Horner, Jr., Esq.

I regret not reading more than I do or as much as I used to. I moreover regret my addiction to television and my erroneous feeling that I can read and watch TV at the same time. Preparing this report



▲ Stu Horner

made me admit that I can't serve two masters. I appreciate the quiet time I spent in my easy chair brushing up on these recent reads.

### ABSOLUTE FRIENDS ♦ by John LeCarre ♦

John LeCarre is my favorite author of the limited fiction I read. His latest is in the usual mold of the doomed idealist which started with "The Spy Who Came in from the

Cold." Unfortunately, he is weakening, which is forgivable with persons our age.

His cold war spy classics, "Tinker, Tailor, Soldier, Spy" and "Smiley's People," are as good as books get in my view. I recently reread both prompted by being able, at long last, to get the BBC miniseries starring Alec Guinness on DVD. Some think they're the best things ever filmed and I'm one of them. He responded by hand to my fan letter some years ago, a letter I treasure.

### HENRY V ♦ by Desmond Seward ♦

This short biography was interesting, especially, in learning how short and brutal life was. This king, whose father was the first to regularly speak English instead of French, was not as sexy as Shakespeare's portrayal. His attributed language, however, lives on, even with us, as we pick up the file and head "once more, unto the breach, dear friends, once more ..."

The aftermath of his great victory at Agincourt (1415) was a brutal occupation of Norman France causing long-lasting enmity.

### DRAWN WITH THE SWORD ♦

by James M. McPherson ♦ This is a very interesting collection of essays concerning and sometimes refuting popular myths about the Civil War. In "Antebellum Southern Exceptionalism" he argues that it was the North that was revolutionary and not the South. With the exception of northwest Europe he posits that the South was like most of the rest of the world: rural, agricultural, largely illiterate and dependent on an unfree or quasi-free labor. It was the North that was changing with the industrial revolution in manufacturing, transportation and communication and with free soil and free labor. The South fought to preserve its version of The Republic of the Founding Fathers—a government



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#### TO THE NORTH ANNA RIVER ♦

by *Gordon C. Rhea* ♦ This is a well-written and detailed account of the maneuvering between Spotsylvania and Cold Harbor. Though no battle was fought it shows the brilliance of R. E. Lee in thwarting, for a time, Grant's Yankee juggernaut.

#### OLD SCHOOL ♦ by *Tobias Wolff* ♦

This first novel (more a novella) is set among the superiority and snobbery of English scholars at an elite prep school who compete for the right to interviews with Robert Frost, Ayn Rand and Hemingway, all scheduled to visit. It is a telling portrait of American aristocracy and of the hero's fall from its grace, landing in a happier place in life. He recently returned to the school that expelled him to be honored.

#### THE INFLUENCE OF AIR POWER UPON HISTORY ♦ by *Walter J. Boyne*

♦ This is a masterful study by a fighter pilot who posits theses with which bomber pilots may disagree. Col. Boyne has written many books, some of them fiction, and writes well.

Among his propositions are that fighter/bombers cleared the skies for D-Day and were more of a contribution to allied victory than saturation bombing which did not curtail German production. He also argues that victory in Vietnam could have been had by bombing SAM sites in inception and the incoming goods in the harbors instead of blindly blitzing the Ho Chi Min trail with B-52s. With the pinpoint accuracy more recently displayed in Iraq, he makes a powerful case.

#### THE TORTILLA CURTAIN ♦ by

*T. Coraghessan Boyle* ♦ This is a wonderful contrast of an illegal immigrant duo with a comfortable gringo couple whose lives intertwine from a car accident in suburban Los Angeles. I learned that life was no bed of roses for the Mexicans. Rather their bed was on a canyon floor and life was

precarious. Boyle's characters are powerfully drawn. This is a short book which will be with me a long while.

**LORD OF THE MOHAWKS ♦** by *James Thomas Flexner* ♦ This chronicles the life of William Johnson, a little-known American hero, who was largely responsible for the English winning the French and Indian War. Granted some land on the Mohawk River up from Albany this young Irish immigrant built an empire from fur and land but, more importantly, an empathy with the Iroquois Federation of Five Nations. Becoming one of them, with the name Warraghiyagey, he took Indian wives and sired many (some say 700) children.

Established as the agent to represent New York and the crown he kept the Indians on our side in the French and Indian War. With no military experience, he was made a Colonel and won a preliminary battle at Lake George and later captured Fort Niagara.

Earlier he had counseled General Braddock that the best way to attack was over the water route to Fort Niagara thus cutting off France's communications with the interior of the country (including Fort Duquesne) rather than humping over

our mountains to ultimate defeat on the banks of the Monongahela. For his services he was made a Baronet by King George II, one of two colonists to be so dubbed.

I borrowed this book from my good friend, Denny Zuzik, shortly after our preceptorship. I welcomed the opportunity of doing this article as it caused me to put my head down and finish the story of Warraghiyagey. We have visited his stately home, where sometimes hundreds of braves encamped, near the Mohawk River.

#### THE CHEYNEYSVILLE INCIDENT

♦ by *David Bradley* ♦ We went to hear Bradley at Pitt-Greensburg, because he is a fellow Penn alumnus. This book is a powerful novel about being black in Bedford down through the generations and a terrific read. Winner of the PEN/Faulkner Award in 1982, it is, sadly, out of print. I'll lend you one of my copies, if you promise to return it sooner than I returned Denny's.

#### LIES AND THE DIRTY LIARS WHO TELL THEM. A FAIR AND BALANCED LOOK AT THE RIGHT

♦ by *Al Franken* ♦ If Al Franken's polemic weren't so true, it would be funnier.

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**HURRY!  
ENTRY DEADLINE  
IS MAY 31!**

# The WBA Great Annual V



Oh, to be young again, oh, oh, oh. So often these days of my very very very late middle age do I yearn to return to my professional youth, those callow days when the ardor of my mission more than made up for the absence of my intellect.

Oh, to be young again, when every client counted, when every case was headed for the Supreme Court, when nothing hurt save an adverse ruling, when the road ahead was long and shining, the way unimpeded.

Why is it that the wisdom of age is always accompanied by the ravages of time? Who knows, maybe it's just one of life's cruel little jokes.

Well, if that be the case, here's another one. The only way for any of us to feel younger is to look at the pictures of those who are older, and thus we, *the sidebar*, meaning me, the Editor, present another in our ongoing series of somewhat successful contests—The Wizeneds of Law.

**MARK YOUR CALENDARS! THE WBA HAS CONFIRMED MARCH 7, 2005, FOR THE**

# Wizends of Law Contest

LOOK FOR  
THE ENTRY FORM  
ON PAGE 14!



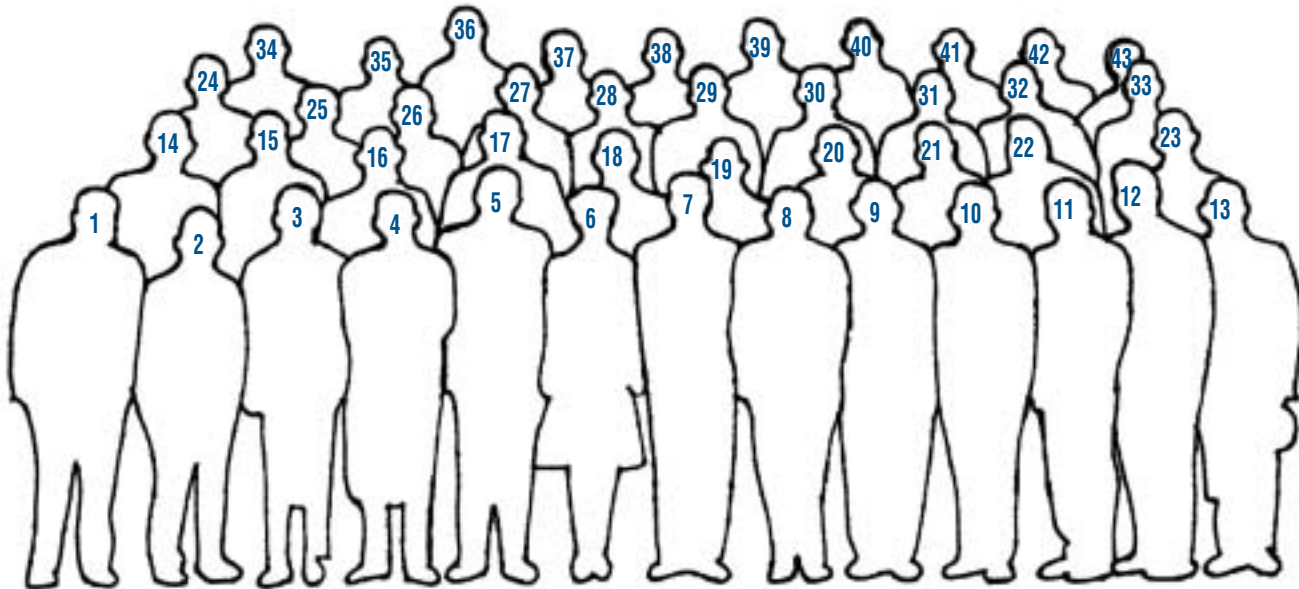
Before you see a photograph of all those WBA lawyers who, in 1965, five years before I was admitted to practice, went to Washington, D.C., to be admitted in person to practice before the United States Supreme Court. Your job, should you decide to accept it, is to identify them by name.

A goodly number of them are still around and many of them are still coherent. The winner will be that member of the WBA who correctly identifies the most.

Got it? (Call the WBA office if you need further explanation. We could all use the laugh.)

As always, the prizes will be sensational. As always, the decision of the Editor is final. As always, entrants must be members of the WBA to qualify for any of the prizes, and as always, Les Mlakar is the front runner.

The deadline for entries is May 31, 2004. All proceeds benefit *the sidebar* Pension and Retirement Plan, so please remember to enter often.



## The WBA Great Annual Wizends of Law Contest Entry Form

Use the diagram above to name the Supreme Court admittees on pages 12 and 13. Mail (129 N. Pennsylvania Ave., Greensburg, PA 15601), fax (724-834-6855) or e-mail ([westbar.org@verizon.net](mailto:westbar.org@verizon.net)) your completed entry form to the WBA by May 31, 2004.

Name \_\_\_\_\_

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- |           |           |           |
|-----------|-----------|-----------|
| 1. _____  | 16. _____ | 31. _____ |
| 2. _____  | 17. _____ | 32. _____ |
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| 9. _____  | 24. _____ | 39. _____ |
| 10. _____ | 25. _____ | 40. _____ |
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| 13. _____ | 28. _____ | 43. _____ |
| 14. _____ | 29. _____ |           |
| 15. _____ | 30. _____ |           |



# To-Wit: Law at First Bite

by S. Sponte, Esq.

I didn't think it was such a big deal. It was a simple contract case, one guy refused to pay another, the other guy hired me to kick some butt. I've tried a dozen just like it. In fact, this one was non-jury, and that made it simpler than most. As is our custom, my partner had prepared the case and I was trying it.

I was cross-examining the defendant and had backed him into a corner with the many inconsistencies of his testimony. Fed up with his patent equivocating, I went after him like a pit bull after a poodle.

"Tell me," I inquired, "are you being intentionally evasive or are you just being dumb?"

There was a momentary silence and then the courtroom erupted. "I object," shouted my adversary, "he's being mean to the witness." Yeah, I

know, it was a pretty lame objection, but what else can you expect from a UCC specialist?

After court was over for the day, my partner and I repaired to the nearby coffeehouse to relax.

"That 'being dumb' remark, a little cruel, don't you think?" she asked over her tea with milk.

"Thanks," I said, "I do my best," as I downed my hot black espresso in one gulp. After almost eight years together she's finally learned to recognize sarcasm when she hears it, and she didn't reply. But her silence on the matter spoke volumes.

Although it's come up many times before, she and I have never agreed on this aspect of lawyering. She yearns for a profession of lollipops and ice cream while I lust more passionately for the rip and tear approach. That's what I think clients pay us to do. I fervently believe that if clients could eviscerate

their enemies on their own, they wouldn't require our services. I mean, as far as I can tell, Attila had precious little need for legal representation.

While I am now generally regarded as pretty aggressive, I haven't always been like this. As a kid I exhibited no such tendencies, at least certainly not after the first time my father beat the crap out of me. Oh sure, I kicked the occasional baby sitter and every so often I'd try to dismember a sibling, but otherwise I was a pretty normal kid.

It wasn't until my very first jury trial that I began to discover my true self. It happened during my intense cross-examination of the opposing

*continued on page 16*



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## To-Wit: Law at First Bite *continued from page 15*

party. As the confrontation heated up, I got angrier and angrier. Then all of a sudden I snapped. I leapt over counsel's table, headed right for the witness stand, stared right into the witness' eyes and asked "Would you agree with me if I suggested you should be horse whipped?"

Before anyone could respond, I slashed again. "When did you stop beating your wife?" I said, and then, "When was the last time you molested a child?"

Of course these questions had nothing to do with the case, but it didn't matter. They were vicious, and I liked asking them. The jury apparently liked it too, as at trial's end they wasted no time in awarding my client a substantial verdict. They also awarded me a nomination for best supporting villain.

Afterwards I felt so liberated, and I found myself aching for confrontations the way Adam ached

for an apple. Fortunately it seems that a vituperative soul is actually an attractive accoutrement for a lawyer. My innately litigious soul has found a happy home, and with it I have prospered.

**You, too, have the makings of a similarly wonderful despot. If not, you wouldn't have become a lawyer.**

Oh now, I know there are many colleagues out there who might find these views abhorrent. To them I say "pish tosh." Clients want their knights errant to be violent, and as a profession we would do well to acknowledge it, accept it, nurture it.

It's a good thing for lawyers. Just look at what a wonderful thing it's already been for professional wrestling and hockey as well.

I bet you, too, have the makings of a similarly wonderful despot. If not, you wouldn't have become a lawyer. This is an adversarial profession, remember, and you're the one who chose it.

Finally, you might wonder whether or not, with my scorched earth approach, I have any colleagues for friends. Well, the answer is yes, of course I do, good friends, long-time friends. They know me, and, as good friends do, they accept me as I am. Whenever we have cases together though, they come into the courtroom wearing garlic. It has no effect on me, none at all, but it seems to give them comfort.

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AL6778

January/February 2004 Trial Term

# Jury Trial Verdicts

by Rachel Yantos, Esq.

One hundred six cases were slated for jury trials in the January/February 2004 Civil Jury Trial Term. Of those, 32 settled, 6 were continued, 1 was stricken, 1 was discontinued, 1 verdict was from December 4, 2003, 7 were moved to arbitration, 1 was tried nonjury, 1 was transferred to nonjury, 1 will go to mediation, 2 will be binding summary jury trials, 1 will be a non-binding summary jury trial, 2 were stayed in bankruptcy, a hearing was held in 1 on a motion to enforce settlement, 4 verdicts were rendered and 44 were held to the next term.

**ELAINE HIGHDUCHECK  
AND ROBERT HIGHDUCHECK,  
HER HUSBAND  
V.  
ZEPHIR BENJAMIN  
NO. 61 OF 2000**

*Cause of Action: Negligence—Motor Vehicle Accident—Arbitration Appeal*

At approximately noon on January 7, 1998, Wife-Plaintiff brought her vehicle to a stop in a line of traffic in the parking lot of Maxwell Elementary School in Hempfield Township as she awaited discharge of the school children. It was alleged that Defendant's vehicle was at a stop, then caused her vehicle to collide with the rear of Plaintiff's vehicle before the children were dismissed. Plaintiff sought recovery for the following injuries: effusion in and multiple contusions to the right knee, chondral contusion of the patella, multiple contusions to the right elbow, headaches and lumbar strain. Husband-Plaintiff claimed loss of consortium of his wife.

In new matter, Defendant raised the affirmative defenses of contributory/comparative negligence and assumption of the risk. Further, Defendant raised the affirmative defense of the Pennsylvania Motor Vehicle Financial Responsibility Act (MVFRL), and its

amendments known as Act 6. Defendant contended that Plaintiff's selection of the limited tort option of insurance coverage precluded recovery of noneconomic damages because Plaintiff's injuries did not meet the threshold of a serious injury or serious impairment of a bodily function.

*Plaintiff's Counsel:* Richard H. Galloway, Joyce Novotny-Prettiman, QuatriniRaffertyGalloway, P.C., Gbg.

*Defendant's Counsel:* Maria Spina Altobelli, Jacobs & Associates, Gbg.

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

*Result:* Molded Verdict for Wife-Plaintiff in the amount of \$12,586.00 for economic damages sustained by Plaintiff (Jury found no serious impairment of a bodily function). No award for Husband-Plaintiff for loss of consortium.

**JOHN T. DELUCA  
V.  
JEROME P. YASHER  
NO. 601 OF 2002**

*Cause of Action: Defamation*

The Plaintiff was the City Administrator for the City of Monessen, Westmoreland County, for a period of approximately two and one-half years ending on or about October 31, 1999. The Defendant was an Auditor for Sarp & Company, Certified Public Accountants, who audited the books and financial records of the City of Monessen for the year ended December 31, 1999.

On August 16, 2000, Defendant issued a report of the audit of the City for the year ended December 31, 1999. A second report entitled "Management Letter" was issued on March 14, 2001, and stated that: (1) the former City Administrator unilaterally authorized payment to a City employee, which resulted in an overpayment to the employee of at least 22 days; (2) Plaintiff's action was

a "material weakness" and violation of the internal control structure of the City; (3) the City was due a refund for the overpayment; (4) the actions of Plaintiff were "actions of noncompliance which comprises illegal acts," and (5) recommended that the "matter be referred to the Ethics Commission for a possible surcharge and reimbursement to the City."

Plaintiff contended that the statements were untrue and that Defendant had no reason to revisit/reopen the audit that he had previously performed. Rather, Plaintiff averred that Defendant was acting at the behest of political enemies at a time when Plaintiff was running for the public office of Mayor of Monessen for the sole purpose of harming Plaintiff's reputation.

Defendant maintained that statements made by him in the Management Letter were true, were made under immunity and/or privilege, constituted fair comment, were and are "proper for public information or investigation," were not maliciously or negligently made, were made by Defendant in his capacity as an independent auditor of the financial statements of the City of Monessen and that the audit was performed in accordance with generally accepted auditing standards.

*Plaintiff's Counsel:* John M.

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

*Defendant's Counsel:* Scott Millhouse, Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C., Pgh.

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

*Result:* Verdict for Defendant.

Jury found that the content of



Rachel Yantos

continued on page 18



## Jury Trial Verdicts *continued from page 17*

the Management Letter was not defamatory).

**PATRICIA MURRAY AND DAVID MURRAY, HER HUSBAND**  
**V.**  
**JOSHUA PRITTS**  
**NO. 1332 OF 1999**

*Cause of Action: Negligence—  
 Motor Vehicle Accident*

This automobile accident occurred on March 14, 1997, in North Huntingdon Township, Westmoreland County. At approximately 4:20 p.m., Wife-Plaintiff was operating her vehicle on State Route 3049 ("Clay Pike Road") in an easterly direction, and stopped her vehicle at the red traffic signal at the intersection of State Route 3049 and Main Street. Defendant took his eyes off the roadway as his vehicle approached the Plaintiff's vehicle from behind, and caused his vehicle to collide with that of the Plaintiff. Plaintiff claimed injuries to the head, shoulder, neck, knee, jaw and back, a laceration of the forehead, postconcussion syndrome, conjunctivitis, trapezius spasm with neck strain, headaches, blurred vision, memory loss and confusion, loss of

mental functions, and depression resulting from her injuries. Husband-Plaintiff claimed loss of consortium.

Defendant contended that he began to slow down in response to the traffic signal, but turned his head momentarily. When he looked back to the roadway, Defendant was unable to avoid striking the rear of Plaintiff's vehicle. Although Plaintiff had selected the full tort option of insurance coverage, Defendant maintained that Plaintiff did not sustain serious and compensable injuries.

*Plaintiffs' Counsel:* Michael C. Pribanic, Pribanic & Pribanic, P.C., Pgh.

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

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

*Result:* Molded verdict for Plaintiff in the amount of \$14,000.00. (Jury awarded \$6,000.00 in economic damages for past lost earnings and \$8,000.00 in noneconomic damages for pain and suffering, embarrassment and humiliation, loss of enjoyment of life and/or disfigurement. No award for husband's loss of consortium claim.)

**DANIEL M. BLISSMAN AND JOSEPH F. BLISSMAN**  
**V.**  
**MATTHEW HETRICK**  
**NO. 4731 OF 2002**

*(No. 4732 of 2002 was consolidated at this number.)*

*Cause of Action: Negligence—  
 Motor Vehicle Accident—  
 Arbitration Appeal*

On August 7, 2000, Plaintiff Daniel M. Blissman was operating his vehicle in the Wimmerton Development Plan in Latrobe, Unity Township. Plaintiff was transporting his father, Plaintiff Joseph F. Blissman and his son. Plaintiff Daniel M. Blissman brought his vehicle to a complete stop at a stop sign when his vehicle was impacted in the rear by the vehicle operated by the Defendant, Matthew Hetrick. Plaintiff Daniel M. Blissman claimed that the negligence of the Defendant caused injuries to his lumbar spine, acute myospasms to the neck and shoulders, radiculopathy of the cervical spine with cephalgia, parasthesia and tingling in the right hand and wrist, straightening of the cervical lordosis with myospasm, bulging of the cervical discs with encroachment of the nerves and injury to the left knee. Plaintiff Joseph F. Blissman suffered the following injuries: compression fracture T12 vertebrae, acute neck and shoulder soft tissue trauma, increased cervical lordosis with myospasm and pre-existent aggravated cervical, dorsal and lumbar spondylosis.

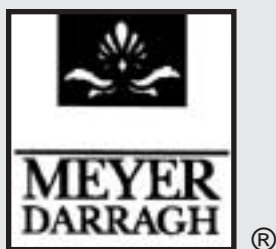
At trial, Defendant admitted negligence. However, Defendant argued that Plaintiffs' injuries amounted to minor soft-tissue strains.

*Plaintiffs' Counsel:* Wm. Jeffrey Leonard, Gbg.

*Defendant's Counsel:* John K. Bryan, Zimmer Kunz, P.L.L.C., Pgh.

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

*Result:* Verdict for Defendants. (Jury found no compensable injuries to Plaintiffs.)



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# New Members Presented to the Court in Annual Ceremony



◀ Front row (from left to right): Cynthia Kramer, Thomas Koharchik, Nancy Harris, Patrice Wade, DeAnn McCoy and Ana Cottone. Back row (from left to right): Eric Barchiesi, Dara DeCourcy (hidden from view), Nancy Stewart, Debra Costelnock, The Hon. Paul Costelnock, Vincent Rullo and David Cofer. Shawn Boyle and David Hacker are not shown.

On Friday, March 12, 2004, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President Aaron M. Kress, each admittee was introduced to the court by a member of the association.

The new members presented to the court are: J. Eric Barchiesi, Shawn M. Boyle, David T. Cofer, Debra L. Henry Costelnock, The Hon. Paul J. Costelnock, Ana M. Cottone, Dara A. DeCourcy, David W. Hacker, Nancy L. Harris, Thomas J. Koharchik, Cynthia L. Kramer, DeAnn McCoy, Vincent Rullo, Nancy Davis Stewart, and Patrice N. Wade.

Following the presentation to the court, Scott Avolio 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. President Judge Daniel J. Ackerman 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.

## NEW MEMBER SKETCHES

*David T. Cofer* was accepted as a participating member of the WBA. David was an associate member of the WBA while in-house counsel to Kennametal, Inc., in Latrobe. After retiring in 2001, David entered into private practice in Latrobe last fall. He is a graduate of Penn State and the University of Pittsburgh School of Law.

*Debra Henry Costelnock* has joined the WBA as a participating member. A graduate of UCLA, Debra earned her juris doctor degree from the University of Pittsburgh. She is a sole practitioner in Belle Vernon.

*The Hon. Paul J. Costelnock* has been admitted as a participating member of the WBA. An alumnus of Saint Vincent College and Duquesne University School of Law, he is a Workers' Compensation Judge in Greensburg.

*Ana M. Cottone* has joined the WBA as a participating member. Ana earned her undergraduate and juris doctor

degrees from the University of Pittsburgh. She is practicing with Nicotero & Lowden in Greensburg.

*Dara A. DeCourcy* was accepted as a participating member of the WBA. A graduate of IUP and Duquesne University School of Law, Dara is an associate with the Zimmer Kunz law firm in Greensburg.

*David W. Hacker* has been admitted as an associate member of the WBA. A graduate of Penn State and Duquesne University School of Law, David is practicing law in Pittsburgh.

*Nancy L. Harris* was accepted as a participating member of the WBA. Nancy earned her undergraduate and juris doctor degrees from the University of Pittsburgh. She is an associate with Belden Law in Greensburg.

*Thomas J. Koharchik* has joined the WBA as a participating member. A graduate of IUP, Tom earned his juris doctor degree from Duquesne University. He is a partner in Boyle and Koharchik in Jeannette.

*Cynthia L. Kramer* has been admitted as a participating member of the WBA. She is an alumna of Penn State and Cornell University School of Law, and is employed by Laurel Legal in Greensburg.

*DeAnn McCoy* has joined the WBA as a participating member. A graduate of Seton Hill University, DeAnn earned her juris doctor degree from Duquesne. She is practicing with Bononi & Bononi in Greensburg.

*Vincent Rullo* was accepted as an associate member of the WBA. A graduate of Saint Vincent College and the Duquesne University School of Law, Vince is employed by Kennametal, Inc., in Latrobe.

*Patrice N. Wade* has been admitted as a participating member of the WBA. Patrice earned her undergraduate and juris doctor degrees from the University of Pittsburgh. She practices law in Greensburg with her father, WBA member Chuck Wade.

*New Member Sketches on the remaining new admittees were published in the May-June 2003 issue of the sidebar.*

*Adventures in Law-Law Land*

# Saddle Up, Chapter 2

*by Judge Irving L. Bloom*

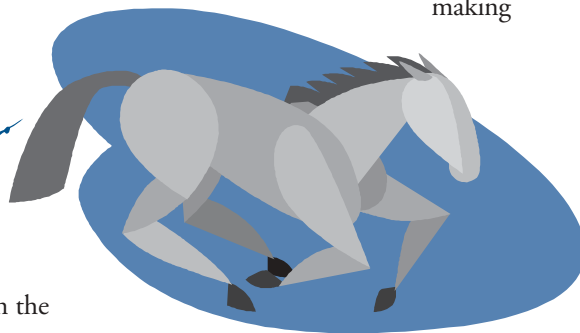
When we last left the office of District Magistrate Denise Thiel, justice had just prevailed and Judge Thiel had issued a pronuncia mento that it is not a violation of the



▲ Judge Irving L. Bloom

few short days, the late Marie Long Michaels, local animal activist, had filed charges against my client of cruelty to animals using the theory that it is cruel to a horse to have to associate with a drunk. I immediately filed a Motion to Dismiss on the

that anybody that would ride a horse while drunk was obviously being cruel to the horse. In addition to that statement, she proclaimed that the way that Attorney Bloom was handling the case showed no dignity whatsoever and he was making



vehicle code to ride a horse while drunk since a horse is not a vehicle but just a horse, of course.

At the time I thought my client had galloped off into anonymity and could resume his normal everyday pursuit of life. However, I was mistaken. Within a

grounds that riding a horse while drunk was not the type of cruelty to animals that lay within the ambit of the statute. Ms. Michaels called a press conference and criticized the decision that allowed my client to keep his freedom and clean record. She stated

fun of that poor, dead horse. She ponied up the statement that, "Mr. Bloom has no dignity whatsoever." Of course, the reporter came to me



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for comment. I thanked Ms. Michaels for her compliment on the grounds that anyone who knows me and accuses me of being dignified is insulting the hell out of me.

In keeping with my serious demeanor that had pervaded my conduct during the entire case, I decided upon an unusual approach to defending the matter. I composed a rap song. Most of the verses are lost in the fog of history and time, but I do remember the first verse. It went:

*“Hey, Marie Michaels,  
the animals’ pal,  
you’re sticking your nose  
into his corral,  
you want him fined  
for riding that horse,  
but the truck was what  
killed him,  
so tell me what’s worse!”*

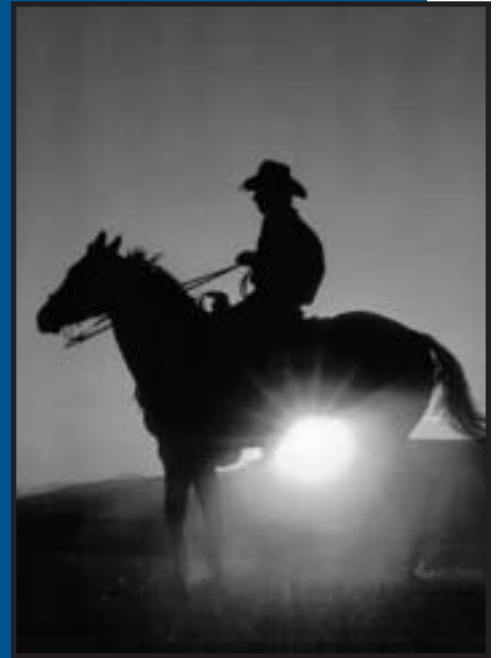
When the *Tribune* reporter came to interview me concerning the matter, I sang this defense tactic to her with appropriate grunts and gestures as becomes all serious rap performers. I did not want it to happen, but the discovery that I was going to perform a rap song caused Ms. Michaels’ decibel level to rise to new heights.

On the day of the hearing, the entire entourage involved in the case appeared before Judge Thiel. She commented, “Is it true, Mr. Bloom, that you are going to perform a rap song in defense of this case?” I informed the Judge that I had the right to present my defense in any manner I choose and she did agree with that. However, I also renewed my Motion to Dismiss on the grounds that the conduct was not within the scope of the statute. In about 1½ seconds, Judge Thiel immediately granted my Motion to Dismiss and that was the end of the case. I have no doubt that Judge Thiel decided that Motion solely on the legal merit contained therein. You don’t think she would have decided it because she had a great fear of hearing me sing, do you? Well, did you, Judge Thiel?

## Calling All Caballeros

by Abby De Blassio, Esq.

**T**he Bench/Bar Conference has come to symbolize many things to our members. Some look forward to a golf escape. Most enjoy the opportunity to mingle with colleagues, have a drink (or 10), dance and party, and stay up all night at the Young Lawyers’ suite, or wherever the revelry takes them. Many also enjoy the annual BarFlies production, which is always a treat. Then there are the daytime excursions, which in the past have involved bicycling, pontoon boating, and touring local attractions. The common denominator, no matter what activity of preference, is that the Bench/Bar Conference is an opportunity to escape and relax.



This year, the Bench/Bar Conference is set for June 10–12, at the Rocky Gap Lodge, in Cumberland, Maryland. Located near the 3,000-acre Rocky Gap State Park, outdoor activities are plentiful. Scheduled activities already include golf (of course), pontoon boating, bicycling, a historic tour, and a nature hike. Other nearby activities include fly fishing, whitewater rafting, and sporting clays.

But if you really want to let down your hair and have a great time, pack your cowboy boots and join me for a horseback romp through the scenic Greenridge State Forest. Those of you who have experience riding already know that there is no better view of the world than between the ears of a horse. Those of you who haven’t will wonder why you haven’t tried this sooner.

The Thursday evening Texas barbecue and campfire gathering will be sure to put you in the mood to ride off into the sunset ... or sunrise. Never been on a horse before? Never fear. The experienced staff of the Greenridge Horse Ranch, located just 16 miles from the resort, will show you how it’s done.

A small group is already planning on joining me on Friday, June 11, at 10:00 a.m., for a three-mile ride. We have room for up to ten people on this ride. If more want to ride, we can arrange for another group to head out at high noon. The cost of the ride, sponsored by Western Maryland Adventures, is \$40.00.

If you want to join us, please call me at 724.832.9440, by May 14, 2004, to reserve your horse. In the meantime, practice saying “YEEEEHAHHHHHHH!”

### LawSpeak

“A dissent in a court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed.”

— Hughes, Charles Evans, *The Supreme Court of the United States* (Garden City, New York: Garden City Publishing Co., Inc., 1928)



## BarFlies Perform at CCBL



The BarFlies were invited to perform their latest piece of theater, "Law Firm Story," at the PBA Conference of County Bar Leaders in March. A second performance is scheduled for this year's Bench/Bar Conference June 10-12 at Rocky Gap.

## Actions of the Board

### FEBRUARY 17, 2004

- Accepted Membership Committee recommendations for new members: Patrice Wade, Jeff Miller, Cynthia Kramer as participating members; William Jozefczyk as associate.
- Voted to transfer the Westmoreland Bar Association accounts from CNB to Citizens Bank.
- Voted to ratify the executive committee's action on the nomination of Mr. Belden to receive the prestigious Gilbert Nurick award presented by the PBA.
- Voted to reappoint Mr. Munk to serve a three-year term on the PBA house of delegates.
- Accepted Mr. Tobin's resignation as Chair of the Family Law Committee and agreed to fill this position in April, when WBA change of leadership occurs.
- Learned that the Red Cross will provide CPR and AED training for interested bar members at a cost of \$40 per person and agreed to offer as free CLE.
- Learned that Lawyers Abstract has vacated the first floor space.

- Voted to authorize WBA participation in, and sponsorship of, a Patriot Act Forum at UPG and to partner with the League of Women Voters.
- Learned that the Explorers Post will be traveling to Pittsburgh to hear the Pennsylvania Supreme Court sit in session and that two chaperones are needed.
- Learned that the Dinner Dance is set for Saturday, December 4 at the Greensburg Country Club and the Fall Gathering is set for Saturday, October 16 at the Latrobe Country Club.

### MARCH 16, 2004

- Met with Paul Brahim, Manager, Equity Capital Management to begin work on developing an investment policy for the WBA finances.
- Heard Treasurer's report indicating that approximately \$77,000 will be paid for the 2004 state dues.
- Agreed to invite one of the co-chairs of the Courthouse Centennial Committee to the May board meeting.
- Voted to present the committee of the year award to the Municipal Law Committee for their endeavors to provide quality legal education to the community.

- Voted to present the Young Lawyer award to Lee Demosky.
- Voted to accept the Professionalism Award Committee's recommendation to present the award to Dan Joseph.
- Voted to hire a cleaning service to clean the space vacated by Lawyers Abstract.
- Heard report that the final lease for the first floor space was approved by the Building Committee and sent to ACBA for their review and approval.
- Decided to invite new PBA legislative coordinator, Nevin Mindlin, to a quarterly meeting.
- Discussed whether the Fee Dispute Rules should be rewritten to allow panels to be comprised of attorneys only. Current rules require non-lawyers to be represented but committee is having difficulty finding interested community members. Agreed to revisit at next board meeting.
- Voted to hire the band "In the Mood" on recommendation of the Activities Committee and authorized Executive Director to sign the contract.
- WBA will host a community education program in the Fall to discuss "The Truth about Trusts."
- The League of Women Voters and the WBA are partnering on an education program at UPG at the end of March on the Patriot Act with panelists that include attorney general's office and WBA member David Millstein.

## Do You ♥ NY?

The WBA is planning a bus trip to New York City on November 13-14. An overnight stay, tickets to the Rockettes, and free time in the Big Apple are part of the plan.

The cost is \$270. Interested? Call the bar office to learn specifics and to place your name on the list.

wba

# Supreme Court Admission Date Set: March 7, 2005

Have you been admitted to the bar of the U.S. Supreme Court? Would you like to be? The WBA is travelling to Washington, D.C., on March 7, 2005, for a group admission.

Typically the day's event includes: continental breakfast, swearing-in ceremony and group photograph. In past years we have had the opportunity to meet with a Supreme Justice and have toured the court.

Requirements for the group admission ceremony are quite specific and include the following:

- Must have been admitted to practice in the state's highest court for a period of at least three years immediately before the date of application;
- Must not have been the subject of any adverse disciplinary action during that three-year period;
- Must appear to the court to be of good moral and professional character.

One guest per attorney is permitted into the admissions ceremony (we have found that this is not generally enforced) and children are discouraged from attending the ceremony.

The fee is \$100 and applicant must have two written endorsements from attorneys or judges.

Space is limited to 25 attorneys, so call the Bar office at 724.834.6730 to sign up for the trip today.

## WBF Receives Donations



The Westmoreland Bar Foundation recently received two generous donations:

- \$10,000 from Lawyers Abstract Company
- \$1,000 from Dorothy and Aaron Kress

Both of these contributions will allow the bar foundation to continue its mission to improve access to justice and promote public understanding about the law. Thank you!



The WBA PAC Committee hosted a reception for local legislators on February 17, 2004. Those in attendance included (from left to right) John Campfield, Tim Geary, Bob Johnston, Henry Moore, and legislators Joseph Petrarca and John Casorio.

## Lawyers' Exchange\*

(\*Free to all members of the WBA)

**LATROBE AREA** law office has an immediate opening for a legal secretary. Paralegal training or experience helpful but not required. Applicant must be familiar with Microsoft Word and Excel. Send résumés to the Westmoreland Bar Association.

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## CALENDAR of Events

### MAY

- 12 Membership Committee, Noon
- 14 **Deadline to register for Bench/Bar Conference**
- 18 Family Law Committee, Noon  
Board Meeting, 4 p.m.
- 19 Northern Lawyers Luncheon, Noon, *King's, New Kensington*
- 20 Ned J. Nakles American Inn of Court, 5 p.m.
- 21 Young Lawyer Mini Planning Retreat, 12:30 p.m.,  
*Pike Run Country Club*
- 28 42nd Annual Memorial Service, 11:30 a.m.,  
*Westmoreland County Courthouse, Courtroom No. 3*
- 31 Courthouse closed in observance of Memorial Day

### JUNE

- 9 Membership Committee, Noon
- 10-12 Bench/Bar Conference, *Rocky Gap Lodge & Golf Resort, Cumberland, Md.*
- 14 Courthouse closed in observance of Flag Day
- 15 Family Law Committee, Noon
- 24 Notary Education Seminar, Noon to 3:15 p.m.

# TOP TEN

### Top Ten Reasons To Be A WBA Officer

1. Health plan covers distended egos.
2. You can really make a difference—just like you did in your practice.
3. Admiration and respect from colleagues who don't know you.
4. This year's retreat – Hunker!!!
5. Free golf swing analysis from the treasurer.
6. Secret Service accompaniment for all out-of-county speaking engagements.
7. Unlimited use of WBA mountain hideaway—Camp Schlemeil.
8. Lackies to sit in for you at all CLE courses.
9. Free apples at all Korean fruit stands in county.
10. Groupies, groupies, groupies.



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

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