



Candid Camera: **2004 Bench/Bar Conference**



▶ *"Judge, I assure you, buying our set of books will do wonders for your reversal rate."*

◀ *Put Jim anywhere near a campfire and, by God, he can't resist a good old Apache war chant.*



◀ *Though their professional partnership ended years ago, it's clear that these old pals are still partners at heart.*



▲ *"Hot damn," thinks Dick, "only 200 more tickets, and that beautiful, life-size, stuffed Gwyneth Paltrow doll is all mine."*



◀ *"You know, life can be good," thinks Bob, as those age-old feelings of inadequacy, for the moment, just slip away.*

▲ *"Now concentrate, concentrate, and try to give me the correct spelling of your last name one more time."*



◀ *"Is that a nipple ring or are you just happy to see me?"*

President's Message

Together, We Can Make A Difference

by Robert I. Johnston, Esq.

This year makes 30 that I am a lawyer; more than half my life. Graduating not last in my class, from the night division at Duquesne, remains the educational high-water mark in my family,



replacing my getting admitted in the first place. For a long time being a lawyer was just a job, albeit one I was glad to have seeing as how it took 20 years to pay off my student loans. I can remember when I first joined our firm, Mr. Belden would insist that we all attend the Bar meetings and, especially, the annual Memorial Service. The point eluded me entirely. What a waste of time it seemed, sitting in a stuffy courtroom, on a nice May morning, listening to stories about lawyers I hardly knew, told by lawyers I hardly knew. Not getting paid only made it seem even more pointless. I just couldn't see how it related to the job.

Over the years, I've had the privilege of meeting people for whom being a lawyer is much more than a job, lawyers who aspire to excellence and who believe good lawyers are among the most important components of our world. And as I've continued to attend the Memorial Services each year, now by choice, I have come to firmly believe that those who see ours as a noble and time-honored profession have it right. Of course we're proud of the best of us, the stars of our profession. But every year, without fail, I learn something about the rest of us, the foot soldiers of the profession, that makes me proud to be a lawyer. When I hear of all the work lawyers have

done for people and causes, without expectation of payment, and without fanfare, I am proud. And I'm proud when I hear stories of the zeal with which some have pursued the causes of their clients in the face of hostility and misunderstanding, sometimes even from we who should know better. And I had tears in my eyes when I heard the story about the lawyer who, upon learning that the woman who was crying outside the sheriff's office, a total stranger, was about to lose her home, went back in and paid her taxes himself.

You know, as well as I, that stories like these can be told about nearly every one of us. And you don't need me to tell you that lawyers, although not always loved perhaps, have been admired and respected for centuries. Most of us, most of the time, spend our time trying to help people make the best of bad situations, counseling people who have suffered one of life's many misfortunes or simply made a hash of their lives. You'd think we'd feel pretty proud but mostly we don't. It's time we changed that.

Recently, I've had occasion to talk with doctors, members of that other time-honored and noble profession, who also spend their time helping victims of the misfortunes of life or their own stupidity. In fact, we and they tend to the same constituency, and each other. Like us, they feel threatened and unappreciated and less good about their place in the world than they'd ever have imagined. We and they have so much in common and yet we've allowed ourselves to become enemies, attacking each other, pulling each other down in the eyes of the public and in our own. It's time we changed that, too.

Recently I was invited to meet with the Board of the County Medical Society to explore what we can do improve relations between our professions. I told them that I am as appalled by the television ads trolling for victims as they must be by the hair transplant and breast enlargement guys. We, and they, have been diminished in the eyes of the public by tasteless and insensitive advertising by our respective members for too long. Why we've remained silent, in the face of what so many of us have found so objectionable for so long, is a mystery to me. Those whose actions diminish what we've spent our entire adult lives building do not speak for us and are not our friends.

In a few weeks the Medical Society and Westmoreland Bar Boards plan to meet, perhaps for the first time ever, to explore our common interests. We've talked about having a social event together at which our respective memberships might share an evening and maybe begin to find ways to cooperate for our mutual benefit. Perhaps some sort of joint resolution concerning our common interests might be possible. It may not be easy at first but we both have so much to gain and little to lose. I hope you'll support us by your presence and participation. We aren't likely to change the rest of the world but we have the ability, if we choose to exercise it, to influence how we live and work and the degree to which we are respected in our own community. Together, we can make a difference.

A handwritten signature in black ink, appearing to read "Robert Johnston".

Courthouse to Celebrate 100th Birthday in 2007

by Dr. Susan Mitchell Sommers, Chair,
and John N. Scales, Esq., Secretary,
Westmoreland County Courthouse
Centennial Committee

The 100th anniversary of the completion and dedication of the Westmoreland County Courthouse will be celebrated in 2007. Since 2002 a special committee known as the Westmoreland County Courthouse Centennial Committee has been planning a number of events to celebrate the 100th anniversary.

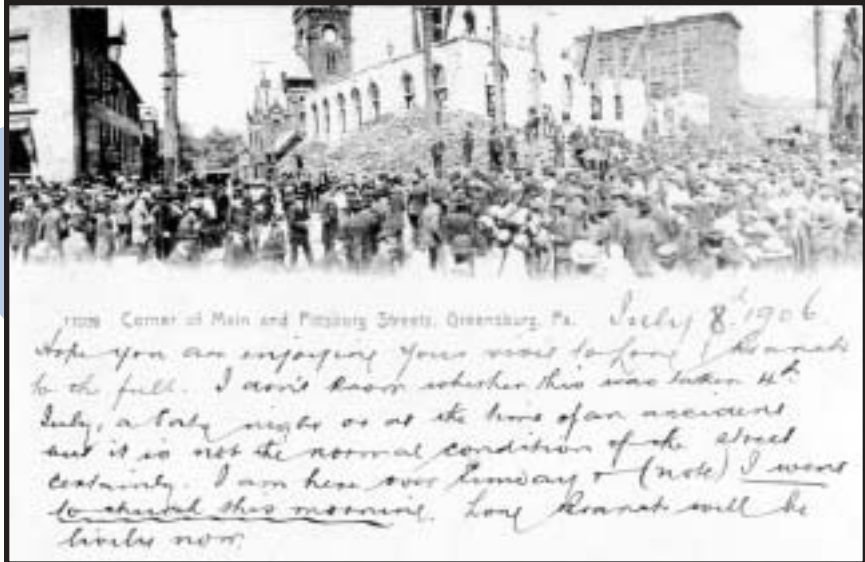
Those plans include the following:

- A large beautiful book filled with outstanding photographs and numerous chapters celebrating and describing the history of the courthouse, the legal and social climate 100 years ago, the design and construction of what is one of the most beautiful courthouses in the United States, the changing role of Judges over time, and significant events involving our Courthouse.

- An academic conference on "The American Courthouse" sponsored by local colleges and universities.
- A Gala/Dinner Dance to conclude the celebration.

The Centennial Committee is very diverse and experienced. Committee members include:

- Thomas G. Balya
- Joseph Benkovich
- Dr. Michael Cary, Co-Editor
- Peter P. Cecconi, Jr., Logo
- Thomas C. Ceraso



▲ This postcard from 1906 shows the Courthouse under construction. (From the collection of P. Louis DeRose, Esq.)

- Dr. Timothy Kelly, Co-Editor
- Fr. Rene Kollar
- Ted Kopas
- Dr. Daniel Krezenski
- Don Lettrich
- John Scales, Esq., Secretary
- Helene Smith
- Dr. Susan Mitchell Sommers, Chair
- Mark L. Sorice, Esq.
- Dr. John Spurlock
- James Steeley
- Mel Wohlgemuth

A great deal of material has already been collected including the old original blueprints of the Courthouse dated in 1901. An article concerning William Kaufmann, the original architect, has been completed.

Attorney Mark Sorice has taken absolutely sensational photographs of the Courthouse and particularly beautiful shots of the inside of the Courthouse. The book which is going to be produced will emphasize the

beauty of the Courthouse, how it dominates the Greensburg skyline, rising some 175 feet above Main Street with the Italian Renaissance-style dome being visible from nearly every entrance to the City of Greensburg. The present Courthouse is the fourth Courthouse at this location, the first being erected in 1787. Not surprisingly, the building of the Courthouse was controversial and involved legal action which will be discussed in detail in the book.

A major portion of the Centennial Book will be devoted to the contributions made by the many Italian immigrant craftsmen who worked on the Courthouse and handled the stone and marble work, as well as the decorative plaster and the mosaic decorations. Many of those individuals were recruited in Italy and from New York City. A very large number of present

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Courthouse to Celebrate 100th Birthday in 2007

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day Westmoreland County residents are the descendants of those craftsmen and many of the construction companies in Westmoreland County were founded by those craftsmen and passed down through generations.

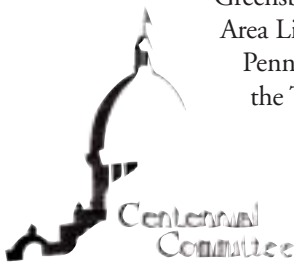
The land on which the Courthouse stands was sold to Westmoreland County on July 12, 1787 for "six pence, lawful money of the State of Pennsylvania." When the first Courthouse was completed, the then County Commissioners laid out the land that was left over and not needed for the Courthouse and sold off lots, all of which had to be repurchased later by the County at a much greater cost for the present Courthouse Square.

It is interesting that the men who built the Courthouse went on to build many other Greensburg landmarks, including what is now the

Greensburg-Hempfield Area Library on Pennsylvania Avenue, the Thomas Jamison home which is now the Diocese of Greensburg's Chancery Office on East Pittsburgh

Street, and Sullivan Hall at Seton Hill University.

The legal community is very excited about the Centennial of our Courthouse. Your Committee believes that 2007 will bring excitement, pleasure, a sense of history and great satisfaction to all of the residents of Westmoreland County.



Stressed Out?

by Daniel J. Ackerman, President Judge

It is a common lament that our profession is becoming more demanding and stressful, producing a longing for simpler times. We are not the first generation to feel this way. I am currently reading an autobiography, "Thomas Mellon and His Times." The author is the founder of the Mellon banking interests who was raised in Murrysville and, after a busy career at the bar, served as a judge on the Court of Common Pleas of Allegheny County from 1859 to 1869. He wrote:



▲
The Hon. Daniel J. Ackerman

I pity the condition of the lawyer with perhaps two or three cases on the same day's list in each of several courts. His attention is divided and distracted with clients waiting and impatient of delay. Whilst his whole mind is absorbed in the trial of one case, he is given no opportunity to study or prepare for the next that may come up; yet each of his clients expects him to be ready, and to know every circumstance regarding it, and to be familiar with what each witness is expected to say, and to have them called in their proper order. Not only this, but he is generally expected also to give particular directions as to

the witnesses to be subpoenaed and the time for their attendance. It is this kind of annoying irritation that strikes in and affects health, and drags the lawyer down, especially if he is of an earnest, painstaking temperament, and anxious to do his full duty to every client. It was to escape this condition that I had sought the judicial office, and found in it all the relief I had expected.

He did escape this condition on the Allegheny County bench where he presided from ten o'clock a.m. to three o'clock. However, he notes:

In Westmoreland County, one of the largest counties if not altogether the largest in the state, with a very numerous farming and manufacturing population and much litigation, my friend Judge Hunter holds court from half past eight a.m. till about six p.m., with but the usual recess of an hour at noon. The greater labor of judges in rural districts results in a measure from the greater intelligence and jealousy of farmers and property holders and other direct taxpayers of their rights, and of the services performed by public servants for their salaries. A judge who would shorten the daily sessions of his court in a country district from ten till three o'clock would excite an immediate storm of indignation, whilst in the city no attention is paid to the matter.

So it appears that stress and tension have always been a part of the profession and we may ponder, as I often have, "Am I too old to get into dental school?"

dicta Vengeance, Part I

by Beth Orbison, Esq.

In western Pennsylvania on Saturday, April 17, 2004, while billboards proclaimed and thousands wallowed in "Over 4 Acres of Guns and Gear," a less well-publicized event attended by a mere 82 people took place at The Twentieth Century Club in Oakland. The Pittsburgh Psychoanalytic Society and Institute and the Pittsburgh Opera co-sponsored an all-day symposium entitled, "Dead Man Walking ... the universal struggle of suffering and revenge." The symposium was a prequel to the Pittsburgh Opera's presentation in June of the new opera "Dead Man Walking," based upon the best-selling non-fiction book by Sister Helen Prejean and the Academy Award-

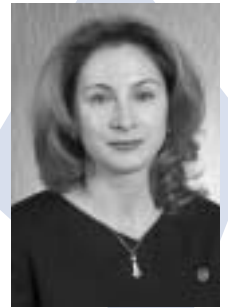
winning movie, which tells the saga of Sister Helen's role as a spiritual advisor to inmates on death row, and as a vocal opponent of the death penalty.

The registration materials for the workshop modestly suggested that the objectives of this symposium were to "develop a deeper understanding of the dynamics of revenge in a creative and thoughtful environment" and to find "a way of looking at the persistence of our own desire for vengeance." The "Prerequisites for Participants" section of the application simply stated: "This symposium is open to all interested persons." I was interested.

Sister Helen Prejean began her talk with a declaration of her belief that the death penalty is a great mirror of our society, and she spoke for over one hour about the images that she sees in that looking-glass. What follows is a summation of some of her most

damning observations and troubling conclusions.

Particularly unique in the United States is that our politicians often include their stance on the death penalty in their campaigns for election. Those in favor of the ultimate punishment proclaim that victims' hearts will heal if they can watch the perpetrator being killed. Sister Helen concludes that the death penalty is an issue in American elections because "the cultural framework in this country is revenge and revenge is big." The popularized warning, "Make my day," suggests that being



Beth Orbison

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Dicta: Vengeance, Part I *continued from page 5*

given the opportunity “to kill you is an honorable thing.” But, she asks, where is the dignity in taking a man’s life after he has been in a cell for 10, 15 or 20 years?

Sister Helen asks this question because she firmly believes in the ability of a man to transform. And “death is not the transforming thing. Only one thing transforms and that is that they [the death row inmates] meet love before they die.” A man, or woman (she mentions Carla Fay Tucker), may go through a significant transformation, may have learned to love and care, to express specific, laudable objectives and goals in life, but review boards will say that it doesn’t matter, that “transformation has nothing to do with it [their decision to commute a death sentence].” In a society that embraces the death penalty, redemption is not possible.

She is not insensitive to the victims’ family members. “They are filled with such pain, searching for ways to get out from under the grief, and every family member wants to kill as a start, particularly the fathers. She humbly acknowledged that in her work with death row inmates, she “was scared to death of the family members, and

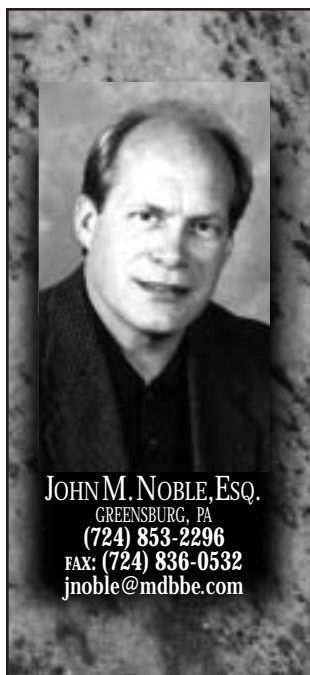
didn’t reach out to them.” She now sees her inhibition and avoidance as “cowardice at work.” Despite the politicians’ promise that revenge equals healing, the desired result is rarely achieved. In exasperation she asks the rhetorical question: “What rational, legal process could any court employ to see that justice be done?”

Ray Naar, a psychologist in private practice in Pittsburgh, who is a Greek Jew who survived internment at the Bergen-Belsen concentration camp during the Nazi occupation, was in the audience as Sister Helen spoke. He stood and asked if she really believed that the men he observed committing such atrocities in the concentration camp were men who could transform, evolve. Weren’t they truly “bad” men, incapable of reformation?

Sister Helen addressed his question this way. In Nazi Germany, the government enacted a law, incorporating the belief that Jews (and others) were deficient or defective, saying that it was legal to despise them and ultimately kill them. Once legalized, the acts of killing were sanctified, and not questioned. No one need reflect on the rightness or wrongfulness of the killing because it is “legal.”

We do the same thing in imposing the death penalty. We decide that this man is so defective that there is only one thing that we can do in response, and that is to kill him. The death certificate of an executed man reads “Homicide—Legal.” Prison guards practice for the event—they practice using an actor who plays the quiet, submissive inmate, and they practice using someone who plays the kicking and screaming inmate. They rehearse so often that when it is time for the actual execution, it is like another rehearsal. Psychologists meet with the guards and assure them that they are just following the law. The Department of Corrections has stated, “we want it to go clinically... no emotion, no crying out.” All of the preparatory work, these secret rituals, are done in order that the killing be a “clean” process.

Sister Helen challenged each person in attendance to examine his or her own vulnerabilities, feelings of vengeance, and capacity to free one’s self “from blind obeisance to primitive mindsets.” In Part II of this article, two psychoanalysts respond to and discuss the issues raised by Sister Helen Prejean from a psychoanalytic perspective.



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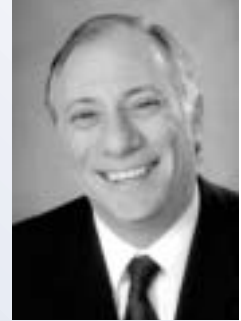
“The glory of lawyers, like that of men of science, is more corporate than individual.”

— Oliver Wendell
Holmes, *Answer
to Resolution of
the Bar on Daniel
Richardson*, April 14,
1890, *Speeches* 47,
(1913)

“To be a great lawyer, I must give up my chance of being a great man.”

— Benjamin Disraeli,
Vivian Grey, bk. 1,
ch. 9 (1826)

Spotlight on Dan Joseph



Editor's note: Dan Joseph was recently elected Secretary of the Pennsylvania Bar Association and is the current Chair of the Westmoreland Bar Foundation.

Q WHAT JOBS HAVE YOU HAD PRIOR TO BECOMING AN ATTORNEY?

A I was a paper boy for seven years where the standard of excellence that I established for delivering papers has never been surpassed. I worked in the parking lots of New Kensington where I developed my world-renowned talent of parallel parking.

I also honed my physique working in the very manly construction industry. I was a math teacher for a short period of time.



Q WHICH IS YOUR FAVORITE AND WHY?

A Being a lawyer. I truly enjoy the interaction with and the company of other lawyers. It is very rewarding protecting the interests of clients against stronger and wealthier entities. Also, I enjoy a good argument.

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

A I represented Senator Wilma S. Claghorne, an Afghan Hound in a defamation suit against the late Willie Demao, who at the time was the mayor of Arnold. He made defamatory comments that caused my client severe emotional distress, necessitating surgery. The case was heard by the late Buddy Cippola, Magistrate of the Highest Order, who ultimately ruled in favor of the

Mayor upon reviewing the Mayor's secret evidence. The hearing was hilarious, but the funniest part was that the suit was picked up by the AP and received a fair amount of coverage, and most people thought it was for real. My grandmother, like many others who loved Willie were upset with me for suing him.

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

A Integrity and reasonableness.

Q WHAT IS YOUR FAVORITE JOURNEY?

A Lois and I spent a month in France and Italy. It was a great trip.

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Spotlight on Dan Joseph *continued from page 7*

Q WHAT IS YOUR GREATEST REGRET?

A Not learning to play the piano.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A My mother is 82 and my father is 85. They have devoted their lives to their family—no matter what the sacrifice. They also, saw to it that they were able to pass on to me a good name that was never tarnished.

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

A Your reputation is everything. Do not put legal fees first. Work your hardest to ethically serve your clients, your

reputation will grow in the right way, and the economics will follow.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A A good reputation.

Q WHAT DO YOU MOST DISLIKE?

A I cannot tolerate hypocrites, selfish people or weasels (not the fur-bearing type).

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A A home on the water.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A To be able to play the piano and sing.

Q WHAT DO YOU MOST VALUE IN YOUR FRIENDS?

A Loyalty.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Helping to raise a wonderful son of whom I am extremely proud and, thus far, keeping the good name that my parents have trusted me with.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A I am happiest when my mind is free from worries about family and clients. I love being with Lois either near or on the water. The water seems to have the power to totally relax me.


Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A My parents.

Q WHAT IS YOUR MOTTO?

A I have two mottos: "But for the grace of God go I" and "You only go around once."



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To-Wit: The Wrong Stuff

by S. Sponte, Esq.

If there's anything I have learned in my thirty four years at the bar, it's that the law is a jealous mistress. Yeah, I know, you've heard it before, but if your mistress has a hissy fit because you played golf instead of finishing your overdue brief, you're lucky. Mine is armed with a knife and keeps staring south of my belt.

Recently she was listening in when I received a phone call from a pro bono client whom I had successfully represented before a local magistrate. Her landlord had filed suit, pro se, to regain possession of her apartment because she had taken in a roommate in violation of the terms of the lease.

Now yes, my client had taken in a roommate, and, yes, it was her boyfriend, but this was HUD assisted housing, she was disabled, and the lease did permit her to have live-in

help to aid her. I never quite got a handle on why this so disturbed the landlord, but the occupants were not married, it was a one-bedroom unit, he was a Republican, you get the drift.

"You'll win this case," I told her before the hearing, and I was right. "The landlord won't appeal," I told her after the hearing, and I was wrong. Not only did he appeal, he hired a lawyer to do it. Zowie, you can't get more wrong than that.

When the client received notice of the appeal, she called me. "The appeal was filed too late," she said, "can you get it dismissed?"

I carefully explained that even though the appeal was filed thirty-two days after the decision, it was timely because the thirtieth day fell on a Saturday, giving the landlord until the following Monday to file.

"Then why did the clerk at the magistrate's office tell me the appeal

period was only ten days," she asked.

"Because she is a clerk in a magistrate's office and not an attorney at law," I fired back peevishly.

"Then, how come the notice we got from the magistrate said they had ten days to appeal?"

I smelled trouble. "Oh, excuse me," I said to my client, "the governor is calling on the other line, I'll call you right back."

A quick consultation with my partner led me to conclude that the client was right. Apparently the Landlord Tenant Act had been callously and, as far as I was concerned, secretly amended some ten years earlier to provide a ten-day

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James A. Wells

Robert I. Johnston

Jeffrey D. Monzo

John K. Greiner

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To-Wit: The Wrong Stuff *continued from page 9*

appeal period for matters that only involved possession. The appeal was indeed untimely, my client had won, and I was just fit to be tied.

"How could I not know this," I asked my partner.

"Maybe it's because you haven't read the advance sheets in ten years," she answered back, and I made a mental note to review her salary package.

I think I handled it pretty well though. I called the client back, I told her that of course the appeal period was ten days, everyone knew that, and I assured her I could get the appeal dismissed. As we hung up, I swear I could hear the sound of a spinning grindstone.

When opposing counsel agreed to withdraw the appeal, that should have been that. It wasn't. My mistress knows I botched this one, she knows I didn't know the law, and she's not going to let me forget it, not now, not ever.

You see, this was landlord-tenant law, the prototypical battleground of the rich against the poor, the powerful against the puny, the haughty against the righteous. I went to law school so I could do those cases, so I could represent the oppressed, the weak, the underprivileged. Zeal oozed from me then like poopoo from a baby's bottom, and I had all the right stuff to use it—a clever mind, a bleeding heart and an irate soul that yearned to strike back at the arrogance of power. I was angry all the time and it was glorious.

I'm a better lawyer now, certainly more adept at lawyering. But my time is gobbled up with business matters, real estate and golf. I go to Florida more often than I go to court. I'm not doing the kinds of cases and causes that once defined me. It's both sad and ironic that the accumulation of success, wisdom and experience seems

to suffocate the very fires for which they were acquired.

That's what my lady is mad about, and that's why she has once again started shopping for cutlery.

So I'm going to call our local Pro Bono Coordinator and take more of these cases. There are still lots of folk out there who need me, almost as much as I need them.

I have no delusions here. This kind of work is hard, frustrating and thankless, and I'm not as patient or as tolerant as I used to be. So, if from time to time I throw my hands up in despair, if from time to time I lose my patience, if from time to time the exigencies of such matters occasionally conflict with my golf game, well, that's okay. That's what God invented young partners for.

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March/April 2004 Trial Term

Jury Trial Verdicts

by Rachel Huss, Esq.

Of 105 cases set for the March/April 2004 Civil Jury Trial Term, 26 settled, 25 were continued, 5 were assigned nonjury, 1 was tried nonjury, 4 moved to arbitration, 1 will be mediated, judgment was entered in 1, summary judgment was granted in 2, 4 will be summary jury trials, 1 was a non-binding summary jury trial, 2 were stricken, 1 was consolidated with another case for trial, 8 verdicts were entered and 24 were held to the next trial term. The 6 cases upon which jury verdicts were rendered are summarized below.

**JOSEPH SCOTT HIXENBAUGH
AND LANA ANNE HIXENBAUGH,
INDIVIDUALLY AND AS
ADMINISTRATORS OF THE
ESTATE OF CHEYANNE ADELE
HIXENBAUGH, DECEASED**

V.

**PAUL J. TRAINER, M.D., TIMOTHY
A. DEBIASSE, M.D., INDIVIDUALLY
AND T/D/B/A EAST SUBURBAN
PEDIATRICS AND EAST
SUBURBAN PEDIATRIC
ASSOCIATES; A. PROFESSIONAL
ANSWERING SERVICE, INC., A
PENNSYLVANIA CORPORATION
NO. 790 OF 1999**

*(No. 933 of 1999 was
consolidated at this number.)*

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

This medical malpractice action was instituted over the death of Plaintiffs' daughter, Cheyanne, who was 22 months of age. Defendants were Cheyanne's pediatricians since she was a newborn. On the afternoon of February 24, 1997, Cheyanne presented to Defendant Dr. Trainer at the Murrysville Office with symptoms of nasal congestion, labored respiration,

barking cough, decreased energy and appetite and a temperature of approximately 102 degrees. Dr. Trainer examined Cheyanne and diagnosed her with mild croup, a viral infection for which no medication was given. Plaintiffs were told that should Cheyanne's condition worsen, they should try to soothe the infected airways by using a vaporizer or taking her out into the cold. Later in the evening, Cheyanne's breathing became more difficult and irregular and her wheezing and coughing became more severe. At approximately 6:00 a.m. on the morning of February 25, 1997, Cheyanne appeared pale, unresponsive and would not eat or drink. At this time, Plaintiff-mother called the emergency number for Defendants and reported that Cheyanne's condition had worsened, that she thought Cheyanne was dehydrating and that she had a high temperature. At approximately 7:00 a.m., Defendants' receptionist returned the call and an appointment was scheduled for 9:00 a.m. at the Irwin office.

When Cheyanne's condition worsened at approximately 7:30 a.m., Plaintiff-mother rushed her to Defendants' Irwin office. When she arrived, Cheyanne was completely unresponsive and could not be roused. At that time, Defendant Dr. DeBiasse administered CPR and mouth-to-mouth resuscitation. Cheyanne was transported by ambulance to Jeannette District Memorial Hospital and then life-flighted to Children's Hospital in Pittsburgh. Cheyanne was placed on full ventilatory support and was declared brain dead at approximately 3:00 p.m. on February 28, 1997. Her cause of death was reported as upper airway obstruction/hypoxic Ischemic Encephalopathy; viral laryngotracheobronchitis (a viral form of croup).

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▲ Rachel Huss

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Jury Trial Verdicts *continued from page 11*

Plaintiffs alleged negligence of Defendant-physicians in failing (1) to properly diagnose and treat Cheyanne's condition; (2) to inform Plaintiffs that croup was an inflammation of the airways that could result in death; and (3) to provide adequate instructions regarding emergency calls to the answering service. As to the answering service, Plaintiffs asserted negligence in handling the phone call on the morning of February 25, 1997, in failing to conform to Defendants' directions for emergency situations and in failing to recognize the emergent nature of Plaintiff-mother's call and either immediately notify Defendant-physicians or instruct Plaintiffs to report directly to the emergency room.

Defendant-physicians contended that the care and treatment they rendered was at all times in accordance with acceptable standards of care. Defendants averred that Plaintiffs were instructed that croup worsens at night and that cold air and vapor mist can be helpful in treating symptoms. Plaintiffs were also instructed to call Defendants' office if the symptoms worsened. At 6:30 a.m. the next morning, Plaintiff-mother reported to the answering service that Cheyanne was worse, very hot and had not taken liquids since 3:00 p.m. the previous day. Plaintiff-mother requested an appointment for the same day or to speak with the doctor. The written instructions given by Defendants to the answering service was to communicate all calls to Defendants' office within one hour of receipt of the call, unless the call was described as an emergency by the caller or the patient called twice within one hour. The answering service relayed the message to Defendants' receptionist twenty minutes later, who returned Plaintiff-mother's call at 6:55 a.m. When asked if she would like the doctor to be paged, Plaintiff-mother declined. An appointment was made for Cheyanne

to be seen in the Irwin office at 9:00 a.m. When Plaintiff-mother arrived at the office, Cheyanne was in full cardiac arrest.

Plaintiffs' Counsel: William G. Merchant and Howard F. Murphy, Papernick & Gefsky, P.C., Monroeville

Counsel for Defendant Physicians: Daniel P. Carroll, Davies, McFarland & Carroll, P.C., Pgh.

Counsel for Defendant Answering Service: Charles P. Falk, Solomon & Associates, Pgh.

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

Result: Molded verdict in favor of all Defendants.

ROBERT W. LACKEY, JR.

V.

NASIR SHAIKH, M.D.

NO. 5944 OF 2000

Cause of Action: Professional Negligence—Medical Malpractice

Plaintiff brought this medical malpractice action against the Defendant-general surgeon with respect to Defendant's treatment of a recurring benign tumor in plaintiff's chest. Plaintiff alleged that from December 1998 through September 1999, Defendant negligently and carelessly failed to aggressively excise the recurring mass, failed to order appropriate wound care, failed to prescribe antibiotics and failed to timely refer Plaintiff to an infectious disease specialist. From October 1999, to November 2000, Plaintiff underwent extensive treatment by surgeons at University of Pittsburgh-Presbyterian Hospital. Plaintiff argued that Defendant knew or should have known that the recurring chest tumor contained an infectious process requiring aggressive antibiotic therapy and infectious disease consultation from at least March of 1999. Injuries claimed included the development of staphylococcus aureus, exacerbation of abscess

of the sternum and chest wall, excessive debridement and surgical removal of large amounts of soft tissue and muscle of the chest and abdomen, excision of the sternal mass and pectoral flap surgery to close the wound, multiple hospitalizations, permanent physical deformities and scarring, and permanent disability.

Defendant denied negligence in his treatment of Plaintiff with respect to the mass. Defendant denied the implication of negligence from Defendant's failure to order antibiotic treatment for the instances where there was no evidence of infection. In new matter, Defendant maintained that any injuries of Plaintiff were sustained as the result of superseding, intervening and/or independent causes and from the acts or omissions of others over which Defendant had no control or in any way participated.

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

Defendant's Counsel: Tyler J. Smith, Marshall, Dennehey, Warner, Coleman & Goggin, P.C., Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Verdict in favor of Defendant. Jury found that Defendant was not negligent.

GLENN T. LAMISON AND

MARJORIE LAMISON,

HUSBAND AND WIFE

V.

FRANCA TWELE, INDIVIDUALLY
AND T/D/B/A THE KNOTTY PINE

MOTEL; AND HENRY TWELE,
INDIVIDUALLY AND T/D/B/A THE
KNOTTY PINE MOTEL

NO. 5136 OF 2002

Cause of Action: Negligence—Premises Liability—Loss of Consortium

The Defendants operated, managed and maintained the premises known as The Knotty Pine Motel in Belle Vernon, Westmoreland County. On

September 7, 2001, Plaintiff-husband proceeded from the parking lot to a motel room on the premises. As Plaintiff walked from the asphalt pavement onto the concrete sidewalk, his foot struck the difference in height of approximately one inch between the sidewalk and the parking lot, causing him to lose his balance and fall. Plaintiff claimed exacerbation of an arthritic right shoulder and contusion to the coccyx and coccydynia. Plaintiff-wife claimed loss of consortium.

In *New Matter*, Defendants asserted that Plaintiffs' injuries and/or damages, if any, were due to the actions and/or inactions of Plaintiffs and that Plaintiffs' damages are limited to the extent they failed to mitigate their damages.

Plaintiffs' Counsel: James C. Heneghan, Feldstein Grinberg Stein & McKee, Pgh.

Defendants' Counsel: Sharon M. Menchyk, Dell, Moser, Lane & Loughney, LLC, Pgh.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Plaintiffs. Plaintiff Glenn T. Lamison awarded \$5,000.00 for medical expenses and \$15,000.00 for past and future physical pain, suffering, discomfort, distress, mental anguish and enjoyment of life. Plaintiff Marjorie Lamison awarded \$5,000.00 for loss of consortium.

RANDY GERHART
V.
JAMES W. LEWIS
NO. 6270 OF 1997

*Cause of Action: Negligence—
Hunting Accident*

On October 16, 1995, Plaintiff was archery hunting for deer on the Conemaugh Flood Control property along State Route 1016 in Westmoreland County. Defendant was hunting in the same general vicinity as Plaintiff when Defendant discharged his firearm, a 12-gauge

single barrel pump shotgun, in the direction of Plaintiff, causing two gunshot pellets to lodge in Plaintiff's scalp. Plaintiff alleged that Defendant was negligent in discharging a firearm prior to insuring that the direction he was pointing the firearm was free and clear of other hunters or any other individual, and in discharging a firearm at only movement as opposed to an identifiable object.

In *New Matter*, Defendant raised the affirmative defense of contributory negligence in that the injuries and damages allegedly suffered by Plaintiff were directly and proximately caused by the failure of Plaintiff to exercise that degree of care for his own safety and well-being, which a reasonably prudent person would have exercised under the same or similar circumstances. Defendant asserted that Plaintiff was contributorily negligent by failing to comply with the statutory provision regarding required

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FULL FUNDING RESTORED

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

As a result of full state funding being reinstated to the Restrictive Intermediate Punishment/Alternative Treatment Services (RIP/ATS) program, the client capacity has been increased from 20 clients to a 30 client caseload. At this point in time the RIP/ATS Program is operating at full client capacity and immediate client openings exist for eligible Level 3 & 4 offenders. The RIP/ATS Program is a partial level of care which provides clients with 30 hours of intense substance abuse treatment services per week over a 14 week time period. Daily client transportation both to and from services, is provided by the program. If you would like to refer an individual to the RIP/ATS Program or if you have any questions about the program, please contact either Louisa Wotus at 724-830-3482 or Bill Shifko at 724-830-3448, the RIP/ATS probation officers.

Jury Trial Verdicts *continued from page 13*

protective material, which requires hunters to wear a minimum amount of daylight florescent orange color material so that it is visible in a 360-degree arc, because it was not hunting season only for deer with a bow and arrow, but rather the season was concurrent with small game season. In his pre-trial narrative, Defendant alleged that Plaintiff was attired in tree bark camouflage.

Plaintiff's Counsel: Victor H. Pribanic, Pribanic & Pribanic, LLC, White Oak

Defendant's Counsel: Kim Ross Houser, Mears, Smith, Houser & Boyle, Gbg.

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

Result: Verdict in favor of Defendant.

MARY ANN DEFORTY

V.

**THOMAS MEEHAN; AND WALTER J. GREENLEAF
CO., A/K/A WALTER GREENLEAF CO.,
A CORPORATION
NO. 6232 OF 1998**

Cause of Action: Negligence—Motor Vehicle Accident

On November 5, 1996, at approximately 1:30 p.m., Plaintiff was operating her vehicle in an easterly direction in the left, passing lane of Interstate 70, a four-lane highway. Defendant Thomas Meehan was operating a vehicle owned by his employer on an access ramp near Exit 20 in North Belle Vernon, Westmoreland County. The complaint alleged that Defendant attempted to pass the vehicle directly in front of him on the access ramp by first turning his vehicle into the right, slow lane of I-70, and then suddenly entering the left, passing lane, striking the right rear passenger side and front fender of Plaintiff's vehicle. Plaintiff claimed injuries including cervical and lumbar strain, fibromyalgia syndrome, traumatic brain injury, post-traumatic stress and/or anxiety disorder and major depression. Plaintiff elected the full tort option of automobile insurance coverage.

In New Matter, Defendants averred that any injuries and/or damages alleged by Plaintiff were the result of superseding, intervening and/or independent causes over which Defendants had no control and in no way participated. Defendants raised the affirmative defense of the sudden emergency doctrine, and asserted that Plaintiff's injuries and damages were the result of a pre-existing condition unrelated to this accident. In his pre-trial statement, Defendant asserted that he was proceeding down the on-ramp to I-70 when the vehicle in front of him stopped or slowed suddenly. Defendant stated that he entered the right lane of I-70 to avoid the vehicle, then began to enter the left lane of travel because he was

concerned that the vehicle stopped on the ramp may pull into the right lane of I-70. Defendant's vehicle then came into contact with Plaintiff's vehicle, which was traveling in the left lane.

Plaintiff's Counsel: Joseph P. Moschetta and Stephen P. Moschetta, Joseph P. Moschetta & Associates, Washington, Pa.

Defendants' Counsel: Marna K. Blackmer, Summers, McDonnell, Walsh & Skeel, Pgh.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Defendants. Jury found that conduct of Defendants was not the factual cause in bringing about Plaintiff's injuries and damages.

TIFFANY SHRUM, A MINOR, BY AND THROUGH HER PARENT AND GUARDIAN, KIRK SHRUM

V.

CARLENE MUSSER, ORIGINAL DEFENDANT

V.

**CHRISTINE SHRUM, ADDITIONAL DEFENDANT
NO. 1471 OF 2002**

Cause of Action: Negligence—Motor Vehicle Accident

This automobile collision occurred on July 25, 2000, on Andara Road, near its intersection with State Route 30 in North Huntingdon Township, Westmoreland County. Plaintiff, who was a minor, was a passenger in a vehicle that was traveling in a westerly direction on Route 30. The complaint alleges that Plaintiff's vehicle had just turned right onto Andara Road when it collided with a vehicle operated by Original Defendant. Plaintiff's injuries included serious and permanent disfigurement of her face, maxillary anterior alveolar bone fractures; anterior maxillary buccal mucosal lacerations; total avulsion of two teeth; permanent loss of sight in her right eye; marked scarring in the center of the macula; and central permanent scotoma.

Original Defendant denied all liability to Plaintiff and filed a complaint to join Additional Defendant, which asserted that any losses, injuries and/or damages sustained by Plaintiff were directly and proximately caused by the negligence of Additional Defendant, Plaintiff's mother, for failing to have her vehicle under proper control and colliding with Original Defendant while Original Defendant was in her own lane of travel.

Plaintiff's Counsel: Steven L. Morrison, Harrison City
Counsel for Original Defendant: Maria Spina Altobelli, Jacobs & Saba, Gbg.

Counsel for Additional Defendant: Amy DeMatt, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict in favor of Original Defendant and against Plaintiff. Jury attributed 100% causal negligence to Additional Defendant.

practice tips

Mediation Update: New Developments

by John M. Noble, Esq.

The “M” word—mediation—is showing up in the most unlikely of places lately.

No longer merely part of the legal publications advertising landscape, the “M” word recently found its way to the front page of the *Pittsburgh Post Gazette* bearing the headline “Rendell: Mediate Medical Law Suits—Pre-Trial Settlements Seen Lowering Costs of Malpractice Suits.”

Within the article, mediation is included within the various proposals for medical malpractice reforms pushed by Governor Rendell whereby doctors “accused of negligence” would be “forced to offer a pre-trial settlement option to their patients before the matter goes to court.” Preserving

mediation’s confidential and voluntary process, the proposal would also remain non-binding “meaning that a patient would still be free to lodge a lawsuit against the hospital.”

The proposal comes from a program known as the Rush Model out of the Chicago Medical Center where a list of certified mediators is provided to the patient’s attorneys who “... review a list of certified mediators, then select one plaintiff lawyer and one defense lawyer to hash out the merits of the case and come up with a settlement offer.” This “co-mediation” system was very recently featured during the 17th Annual Civil Litigation Update presented by the Pennsylvania Bar Institute via satellite. Course planner Peter J. Hoffman, Esq., remarked that

the Rush Model was “very successful” in Chicago and that the use of two mediators provided “instant credibility” to both sides while further noting that Drexel University has come to adopt this co-mediation system now being considered to be part of the Pennsylvania Medical Malpractice Mediation Program (PM3P).

The *Post Gazette* article further notes that a “handful” of Pennsylvania health systems are already using this mediation process which, according to Governor Rendell, results in a settlement of

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▲ John Noble



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Mediation Update: New Developments

continued from page 15

80% of the cases before they enter the court process. Rendell further explained that the settlements can also involve “more than money.” For example, a patient can demand an apology from a specific surgeon or otherwise argue for procedural changes within a given hospital.

The opposition for mediation describes doctors and hospitals fearful of mediation as a signal of “tacit acknowledgment of culpability” claiming that, in the long run, it could produce more lawsuits. In rebuttal, the Chicago model is touted to have reduced the number of lawsuits and, more significantly, has reduced overall litigation costs.

In a related article, *The Legal Intelligencer* recently reported that medical malpractice case filings in Pennsylvania have dropped by one-third in 2003, “according to statistics released by the states unified judiciary.” In reply, a medical society lobbyist maintained that, while fewer cases were filed, there was “no evidence the amount of money paid to plaintiffs has been reduced” while

malpractice insurers have continued to raise premium rates in Pennsylvania. More statistics: from January 2000 to July 2003, more than 10,300 medical malpractice cases were filed while juries returned verdicts in only 1,143 cases in the same time frame.

Mediation was also highly touted in *Parade* magazine recently headlining a “Saner, Smarter Way to Say Goodbye” to the other “M” word—marriage. Noting that more than 40% of American marriages end in divorce, the article proposes mediation as an alternative since “ending a marriage is hard enough on a family, so why ruin everyone’s financial future too?” Claiming that divorce costs on the average between \$20,000 to \$50,000 per couple in legal fees, the mediated divorce is asserted to have a much reduced cost—typically between \$4,000 and \$5,000 per couple so as to leave “more money for both spouses and for their children.” (i.e., less money for the lawyers ...)

The author further touts the “emotional benefit” to mediation as a non-adversarial procedure ultimately laying the “groundwork for a civilized relationship after the couple has split. That is particularly important if children are involved.” According to one New York City lawyer and mediator, “you can be angry and hurt and still negotiate

an agreement.” But, he added, mediation is “not a good choice in cases of domestic violence, drug or alcohol abuse.”

While explaining that the parties still need legal advice before or during mediation, the author notes that the parties should have their divorce agreement reviewed independently before signing.

In the domestic mediation process, each party negotiates their own divorce agreement with the help of a trained mediator who does not take sides nor impose a settlement on either party. The article maintains that a case that might require 170 hours in a standard divorce situation might be resolved in as little as 20 hours of mediation. The bottom line presented—even with mediation consultation fees, 85% of mediated divorces cost less than \$5,000.

The point of this article for Westmoreland County lawyers? While we are not yet swimming in the sea of 10,000 mediators—as in the state of Florida—the “M” word is finding its way out of the legal journals and onto your client’s kitchen table. So, be prepared. Who knows? One of these days you may actually settle a medical malpractice action in the early going. More likely, you may finally have to accept your client’s request, if not demand, to mediate the divorce—or lose the client.

practice
tips



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foundation focus

Law Day 2004 Celebrated by WBA

In an ongoing effort to help children learn about the law, members of the Westmoreland Bar Association participated in Law Day 2004 celebrations held during May. Part of a month-long, statewide campaign sponsored by the PBA and county bar associations, this year's Law Day program, "A Constitution for Everyone ... Everyday," was designed to bring together judges, lawyers and schools to help children learn about the law and our country's strength and history.

This year, participation from schools more than doubled, and the

number of attorney volunteers increased as well, according to Pro Bono's Kate Wiatrowski, coordinator of the WBA's Law Day activities. "All the attorneys and judges who participated put a lot of effort into Law Day this year," she said.



Forty-two judges, lawyers and district justices volunteered to participate in this year's Law Day activities by visiting schools across Westmoreland County,

and discussing topics that ranged from the American Civil War to *Brown v. Board of Education* to the Patriot Act.



WESTMORELAND BAR
FOUNDATION

"The students' reactions to this presentation were phenomenal," said teachers from Bell Avon Elementary whose third grade classes put on a Mock Trial with students acting as jurors. "They were appropriately taken aback to find out just how serious a simple altercation could be in court! They also really enjoyed the time given for questions and answers."

"It's a great way to get energized," said Rebecca Brammell, who visited the third grade at McCullough Elementary.

Phil McCalister said, "I found it very enjoyable and the students were well-informed." He visited various grades at Kiski Area High School.

"Law Day was a wonderful experience for the students who participated, as it gave them the opportunity to obtain some knowledge about the historical case of *Brown v. Board of Education*. The Law Day experience also served to foster and

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Law Day 2004 Celebrated continued from page 17

develop an already existing interest many of the students had in the judicial and legal systems," said Shirley Makuta, who visited Valley High School.

"I had a blast!" said Jennie Bullard, who visited Bell Avon Elementary School. "I got some really nice letters from the teacher and the kids."

State Representatives Jess Stairs and Tom Shaner and State Senator Allen Kukovich were kind enough to donate giveaway items for the students, including bicycle safety guidelines and pencils. Some younger students received patriotic coloring pages and stickers as part of the presentation.

Thanks to the volunteers who brought the Law Day program to schools throughout the county, and to Pro Bono's Kate Wiatrowski for organizing the visits.

LAW DAY 2004 VOLUNTEERS

Jeffrey Abramowitz, Steve R. Allias, Scott E. Avolio, J. Eric Barchiesi, Ross Bash, Diane Landis Bickers, Scott A. Bitar, The Honorable John E. Blahovec, Michele G. Bononi, Rebecca A. Brammell, John Campfield, Leo J. Ciaramitaro, Allisha Chapman, Charles R. Conway III, District Justice, Michael G. Dailey, The Honorable John J. Driscoll, Mark S. Galper, Timothy J. Geary, Maureen Grace, Melissa A. Guiddy, Chris Haidze, Kim R. Houser, Robert I. Johnston, Daniel Joseph, Kathleen N. Kemp, Morrison F. Lewis, Robert B. Liotta, Suzanne Mahady, Shirley A. Makuta, The Honorable Anthony G. Marsili, Annaliese P. Masser, Philip V. McCalister, Bernice McCutcheon, District Justice, Wayne P. McGrew, Angelea Mitas, Brian Petroski, Harry F. Smail, Jr., Donald Snyder, Mark L. Sorice, Michael Stewart, Kelly Tua Hammers, Valerie Veltri

PARTICIPATING SCHOOLS

Allegheny Hyde Elementary School, Bell Avon Elementary School, H.D. Berkey Elementary, Burrell High School, Franklin Regional Senior High, H.W. Good Elementary, Greater Latrobe Senior High, Greensburg Salem H.S., Hempfield High School, Hillcrest Intermediate School, Jeannette McKee Middle School, Jeannette Senior High School, Kiski High School, Mamont Elementary School, Martin Elementary School, Maxwell Elementary School, McCullough Elementary School, Mendon Elementary School, Metzgar Elementary, Monessen High School, Newlonsburg Elementary, North Washington Elementary, Sloan Elementary School, Southmoreland High School, Southmoreland Junior High, Stewart Elementary School, Valley High School, Wendover Middle School, West Point Elementary School

Actions of the Board

MAY 18, 2004

- Dr. Susan Sommers, Chair of the Courthouse Centennial Committee asked WBA to write a chapter for the centennial book, co-sponsor a gala event, market the event in the bar publications, and solicit financial support.
- Accepted Membership Committee recommendations: Justin Walsh and Gary Polsinelli, participating; Marc Taini and James Ward, associate.
- Law journal advertising income is higher than budgeted due to significant increase in the number

of estate notices and the increase in the advertising rate.

- Adopted an investment policy and voted to continue to use Private Wealth Investment to manage the bar association's finances for the time being.
- Authorized President Johnston to appoint committee to oversee the investment process; members appointed are Mr. Whelton, Mr. Antoniono, Mr. Horchak, Mr. DeDiana and Mr. Munk.
- Asked By-Laws Committee to establish a standing Investment Advisory Committee.
- Agreed to appoint a committee to address public image issues of lawyers.
- A one-year lease with ACBA for the first floor space of the WBA building has been signed by both parties.

- Voted to charge \$50/hour plus a \$100 administration fee/session for any attorney needing the emergency CLE and to charge \$70/hour for non-WBA members.
- Voted to offer the "Bridge the Gap" program free of charge to new lawyers and to charge non-members \$25 for the entire program, which will cover copying costs.
- Approved mailing *the sidebar* to each legislator as a service of the bar association.
- Agreed to split the Elder Law and Orphans' Court Committee into separate committees.
- Fee Dispute Committee Chair Harvey Zalevsky is in need of non-attorneys on the committee. Board agreed to solicit participation from non-lawyers.
- Voted to contribute \$650 to the findwestmoreland.com site
- Agreed to do walk-through of the vacated Southwest Bank and refer the matter to Building Committee.

wba news

Four Score to Win “The Wizends of Law” Contest



◀ (From left to right)
First Row: Robert Carson; H. Nevin Wollam; Charles Loughran; Edward Doran; Robert Millie; Ila Jeanne Sensenich; Louis Sensenich; Wayne Donahue; Ned Nakles; William Caruthers; Paul Welty; Ralph Spencer; Edgar T. Hammer, Jr.
Second Row: A.C. Scales; James Nardelli; Henry Waltz; John Lyons; Carl Fisher; Bernard Shire; Albert Kovach; Orlando Prospero; James Manderino; Christ. C. Walthour, Jr.
Third Row: John Scales; Theodore Levin; Henry Abramson; Dominic Ciarimboli; Irving Green; B. Earnest Long; Robert Cassol; John Noel; Henry Shaw; Robert Garland
Last Row: Gilfert Mihalich; Louis Kober; Albert Nichols; S. Wayne Whitehead; Blair Griffith; Daniel Myshin; Daniel Edwards; Lawrence E. Moore, Jr.; Edward Stiteler; William T. Dom III

As with all of our contests, we would love to announce we have a winner. Alas, we can't, because there were four winners, and now we have to give away four damn prizes. You guys—and by our use of the term “guys” we intend to include females as well, so no letters, huh!—have no idea how hard it is to come up with one prize, much less four, with a budget that doesn't even provide the editor with paid vacations.

But a deal's a deal, and four prizes it shall be. But first, the winners. There were 43 lawyers in the picture and Tack Hammer, Ernie Long, Nevin Wollam and Don Snyder correctly named all 43. Of course, Tack, Ernie and Nevin were in the picture, proving I was wrong in my belief that all those depicted had by now suffered a sufficient decline in cognitive abilities so as to minimize the likelihood of multiple winners. As for Don, well, either he is lucky or he cheated. Those who have had cases with Don know which it is.

As for prizes, we can offer each winner two tickets to the Steelers, the Pirates or the Penguins. We can, but we won't. It's either the Pirates, or the Penguins, take it or leave it. Winners should call the WBA at their leisure to pick from the list of available dates.

If any winner prefers golf to real athletics, a pass for two rounds of golf, with carts, at Cherry Creek Golf Course in Youngwood can be arranged. We know the owners.

Honorable mention goes to Vince Morocco, 41 of 43 right, Jack Bergstein, 40, and Wayne Whitehead and Aaron Kress, 39 each. No prizes, just a mention.

This “name the lawyer” contest was so popular, so well received, so well responded to, that we are going to run another one very soon. We have a photo of the entire WBA membership from 1903. We don't expect any more multiple winners.

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CALENDAR of Events

JULY

- 12 Bankruptcy Committee, Noon
- 14 Membership Committee, Noon
- 15 Criminal Law Committee, Noon
- 20 Family Law Committee, Noon
Board Meeting, 4 p.m.
- 21 Northern Lawyers Luncheon, Noon, *King's, New Kensington*
- 24 WBA Family Picnic, *Idlewild Park, Ligonier*
- 30 Summer Quarterly Meeting & Golf Outing, Noon,
Cherry Creek Golf Course, Youngwood
- 29 Solo Practice/Small Firm Committee, Noon

AUGUST

- 2 Bankruptcy Committee, Noon
- 11 Membership Committee, Noon
- 17 Family Law Committee, Noon
Board Meeting, 4 p.m.
- 18 Northern Lawyers Luncheon, Noon, *King's, New Kensington*
- 19 Elder Law & Orphans' Court Committees, Noon



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AT

**WESTMORELAND BAR ASSOCIATION
FAMILY PICNIC
SATURDAY, JULY 24, 2004**

PAVILION C-7; PARKING AREA "C"

Schedule of Events:

*Catered Meal served 4:00 – 5:00 PM *Children's Games: 4:30 PM

www.idlewild.com Route 30, Ligonier



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

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