



A Primer on Childrearing and the Practice of Law

Priorities Shift, Efficiency Rules

by Beth Orbison, Esq.

If the birthrate in the last few years is a reliable indicator, the Westmoreland Bar Association is experiencing a baby boom. There were eleven new babies (that we know of)



Beth Orbison

born to our members in the last two years alone, making us wonder, "How do today's attorneys balance their legal careers with the added responsibility of starting a family?" Each attorney who we asked chanted the same two mantras:

"Priorities Shift," and "Efficiency Rules."

When Charlie Jelley was 42 years old, "things changed" with the arrival of his first child, a daughter adopted from China. Seven months later, "things changed" even more when his wife gave birth to their son. Charlie and his wife, who also works full-time, cope with the balancing act of career and family by employing some very useful business practices and policies.

"My wife and I do a lot of coordinating of schedules," says Charlie. Her board meetings, cafeteria duty, school meetings, early dismissals, art and music lessons, and more, all need to be scheduled around the requirements of the workday. Without family nearby, reliable and affordable day care is a

necessity, and daycare needs change every year, as the children grow older. Charlie and his wife take turns taking vacation days in order to be able to stay home with a sick child. During the busiest times, Charlie pleads, "Please don't be sick today."

"I tell my clients that I have a family, so if something comes up, they won't be surprised," he says. Luckily, Charlie's practice concentrates primarily on school law, so most of his clients have children and understand. But Charlie warns, "Opposing counsel are the least understanding."

Charlie is thankful for an organized wife, but he is also thankful for the resourcefulness of his partners, Jim Whelton and Peggy Tremba. "I am lucky that I have partners who see that there is more than one way to get a job done." Jim was a driving force behind developing the use of technology in their office, so that, with the use of a Virtual Private Network (VPN), Charlie can work from his computer at home as if he were at his work desk. In his federal court cases, everything is filed on-line.

"Peggy has a lot of business savvy," Charlie adds. "At her suggestion, we now have evening and Saturday staff, which really enhances our productivity. Being able to access the staff when I need them, that is, not just from 9 to 5, really helps. In addition, we have a software program called Amicus, which is a calendar and time control system that enables us to note the last thing that was done in a case file. That way, if one of us becomes unavailable, another attorney can check to see the current status of any given matter."

The firm also has established

policies based upon the assumption that problems or unexpected events will arise. If there is a deadline that must be met—for example, a court filing—they aim to have the task completed seven days before it is due. With this advanced planning, if a problem arises, they

still have time to complete the job. "When I leave the office at the end of the day, I always take several hours of work with me. I never know if someone is going to get sick, or if

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## President's Message

# Don't Miss The Forest For The Trees

by Rebecca A. Brammell, Esq.



I have a friend who makes it a mission to always achieve a “personal best” travel time when going on a trip. There is a great deal of planning to be sure to avoid the high traffic volume at rush hour. Research is utilized to select the right rest stop to minimize the downtime. The arrival is triumphant and the stopwatch is clicked to determine whether the challenge was met. Maybe it is a “guy thing,” but it strikes me as an odd way of looking at the time. I subscribe to the theory that travel should be part of the experience. You should enjoy the trip. Take a little detour to see the sights.

As lawyers, we are so task-oriented. We spend each day going down the “to do” list, checking off the items one by one and adding three more things to the end. One set of deadlines replaces another and the days and months fly by without much attention. Oh, we have produced mountains of paper and have had a great impact on the clients we serve: someone has a new home; someone is divorced; a child is adopted; a criminal goes to jail. There are lots of things that go by us each day, but not many that really touch us. We are most concerned about “getting the job done,” and we overlook the people, the faces and the impact ... which brings me back to the observation about travel.

When my children and I got a late start on a trip to the Outer Banks one summer, it started as a tortuous journey. I wanted to leave very early on Sunday morning, but my son had a job cutting the neighbor's grass that he didn't finish on Saturday night. I didn't think anyone in the neighborhood would speak to me again if I had him

cut it at dawn so we waited until a respectable mid-morning to cut the lawn. We set out by late morning, but had to stop to pick up a “book on tape” and grab a bite to eat, so now it was early afternoon.

When we discovered that PennDOT was in the midst of a major repair project on the turnpike, I gave up the notion that we would see the ocean in the light of day. As we inched along, I kept trying to point out the scenery to my teenage children who were unimpressed with my ability to name the varieties of flora and fauna. I kept trying to emphasize the fact that we had a unique perspective of this section of the Laurel Mountains.

By late afternoon, they were bored (the book was very slow) I was sleepy and we were still hours away from the beach. I decided that it would make sense to stop for dinner, find a hotel and get a fresh start in the morning. My children still laugh when remembering the adventure of circling on and off the highway several times as we tried to find the right ramp to reach one of the hotels that always seemed to be on the other side of the barrier. At one point we exited straight onto the guard station for an Army base. (They were not amused.)

The meal that night was good, the room was clean and we discovered that we were only an hour or so from Washington, D.C., so the next morning we plotted the course to our nation's capital and arrived just in time to

park along the Mall. By foot we saw all of the veterans' monuments, including the new World War II memorial, on a cool June day. It was spectacular.

Some would say that I just rationalize my lack of planning skills, but I really enjoy the little detours that life has to offer. The fact of the matter is that we spend lots of time plotting courses and guiding people through the law. We are frustrated when there are detours and our eyes are usually on the destination not the scenery.

People hire lawyers when they enter this land of laws and look to us for help. It is usually an event that is fairly monumental in a person's life. Buying or selling the family home or dealing with a DUI may be routine events for you or me, but they are a big deal for the people involved. We do important work and our profession gives us an opportunity to meet interesting people who are generally grateful for the help we give them.

This is true even though they often didn't choose to be involved in the legal process. We are then the “tour guides” for this legal process and sometimes it requires that we take a moment to appreciate the impact. Sometimes you just need to slow down and take that in.

So the next time you travel the Pennsylvania turnpike to Breezewood in June, just know that the blur of purple you see to the right is really the Mountain Laurel in bloom.



*Rebecca A. Brammell*

# Mock Trial Journal: Random Thoughts on a Long Season

by *The Hon. Richard E. McCormick, Jr.*

## OCTOBER 2005

**M**y first day of school! The mock trial elective class began last week, and Judy Washburn, the teacher-coach, tells me that the students are ready to meet the judge.

There are about 20 students in the class, including four who have returned from last spring's state championship team. They are all more than ready—energetic, inquisitive and very verbal.

## NOVEMBER 2005

The vehicle has arrived. For the uninformed, a vehicle provides the facts upon which we will prepare the case that we present in trials during the competitions. This year's case involves horsemeat burgers, a homeless single mother/victim, and a factual scenario that is full of reasonable doubt.

We have decided to field two teams in the University of Pittsburgh high school mock trial competition, in order to give as many students as possible an opportunity to compete. It will also give Judy and me a chance to see how well the rookies handle competition.

## DECEMBER 2005

It's time to start practicing at the Courthouse, our home away from home for the next few months. The kids arrive almost immediately after school is dismissed. Right now, we're looking for people with imagination and instinct. Although the case vehicle gives us the facts, as members of our profession well know, it's all in the communicating.

We've split up our talent as evenly as possible. We're trying to let each student perform the role that he or she prefers, if we can.



▲ *The Greensburg-Salem Mock Trial Team (shown at the regional competition in February) placed fourth in the national Mock Trial Competition held in Oklahoma City in May.*

## JANUARY 14, 2006

The competition at Pitt launches our season. Team Alpha and Team Omega will each try four cases in two days. (Try that, real lawyers!) We end up facing eight western Pennsylvania high schools, including two former state champions.

## JANUARY 15, 2006

We travel back to Oakland by bus to try the last two cases. In the middle of Team Omega's first trial, I am summoned to the telephone. My mother is not doing well. Luckily, one of the student's dads has driven his own car to Oakland, and he rushes me back to Greensburg. My mom dies later that day. Teams Alpha and Omega finished first and second at Pitt. The yin and yang of life.

Although mock trial is on hold for a while, ultimately I return, and we have to make the final cuts. I hate this part. Every one of these kids is quite capable, but only eight can compete in the state competition.

## FEBRUARY 2006

The countywide competition begins. The four Westmoreland County trials are

usually as competitive as anything we face at the regional or state competitions. Ultimately, we defeat Valley High School in a great finals trial.

## MARCH 31 & APRIL 1, 2006

Harrisburg. State finals. We defeat Julia Masterman Academy in the final round. A trophy is presented, pictures are taken ... and they hand us the national mock trial competition vehicle. On the bus ride home, we get right to work. We have until May 13 to prepare a bigger and more complex case for trial. This time it's about a rodeo rivalry, a Swiss army knife, and a clown named Happy.

## APRIL 2006

It's getting tougher and tougher to get the kids to practice. Jobs, spring sports, and band trips all interfere with preparation. We finished twelfth in the national competition last year and our goal this year is to make the top 10. The consistently good states perennially return with the same state champions. Experience counts.

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the **sidebar**

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# Priorities Shift, Efficiency Rules *continued from page 1*

tomorrow there will be a snow delay. I'd rather take work back into the office, than be tied up with nothing to do. We are family-friendly, but the business is not unimportant," he says.

Lisa Monzo followed a different path after she decided to become a

mother. "When we had our son, Connor, in 1998, I was working part-time in the Public Defender's Office, and Jeff [Monzo, her husband]



▲ Jeff and Lisa Monzo

had just begun to work for Belden Law. I was also teaching one or two classes at Seton Hill College. The time commitments required of a public defender were becoming difficult to manage," says Lisa. "Just before Connor had his first birthday, I was offered a part-time job as the coordinator for the Balanced and Restorative Justice Program. The job was perfect for me because it combined writing, teaching, and a background in criminal justice. Besides that, I had flexible hours and was able to work from home, when I wanted to."

Lisa and Jeff had their second child, Megan, in 2000. When their babysitter became ill in 2003, Lisa and Jeff made a choice—Lisa stopped working. "I have always loved being a lawyer, and loved working, but I believe you have to balance your values with your goals," she says.

Jeff Monzo gives credit to his law firm for always having been supportive of his dedication to his family. "Reg [Belden] set the standard for this. I received a 'baby bonus' when my children were born. If I had to leave the office for a doctor's appointment for one of my children, I did, without hesitation. Kids were always invited to our office Christmas party, and Reg

outfitted my son's entire baseball team with hats, shirts, pants and shoes." Jeff adds, "I couldn't work in just any law firm. I couldn't do what I do as a father, if I didn't have supportive partners. Well-rounded people have been the standard in our office." Jeff also notes that practicing in Westmoreland County has its advantages: "Our judges are wonderful about emergencies at home, and granting continuances—as long as you don't abuse the courtesy."

Lisa's decision to take a sabbatical from the practice of law was a joint decision. "We evaluated it from the standpoint of 'how will this impact upon our family?'" Because Jeff and Lisa shared many of the routine responsibilities of parenting and taking care of the household (Lisa thanks Jeff's mother for that), they believed that Jeff could more easily focus on his work and develop his career, with Lisa manning the home front. They both insist: "It wasn't a compromise—it's a matter of making an individual assessment, finding balance, and then getting the life you want."

In February 2006, with their youngest child about to begin first grade, Lisa returned to work, one or

two days a week at Belden Law. With a limited schedule, Lisa says that she is "profoundly grateful" to be in a position where she is intellectually challenged, yet not too pressured.

Did she have any trepidation about returning to work after not having practiced law for seven years?

"Absolutely," says Lisa, "But everyday I gain a little more confidence, and feel a little more comfortable. The kids say, 'What do you mean you're going to work?' but they'll get used to that over time, too. I'm always asking myself whether I am doing what is right for my children. But I think that it is important that my daughter look at me and see a bright, competent woman in the workforce."

Joe Massaro, who recently became a new father in his mid-thirties, enjoys the contrast between childrearing and the practice of law.

"It's nature versus procedural laws. One provides a break from the other. For example, one night I was feeding my daughter [who is now



▲ Joe Massaro

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eight months old] after returning home from work. She sprayed sweet potatoes all over me, then started laughing. I completely forgot about my day.

Compared to our daily legal obligations to follow the rule of law, with a baby, anything goes. She doesn't realize that you can't spray food all over someone, and keep smiling."

But what has changed? Instead of going to the gym, he takes walks while pushing his daughter in a stroller. "At 35 years old," Joe confesses, "I don't have the stamina to engage in a lot of the extra-curricular activities that I used to. So, I get to bed earlier. And I am more efficient than ever during the workday. I am more focused, I don't waste as much time, and I get more done while I'm at the office."

After several years as a prosecutor in the District Attorney's Office and as a private practitioner, Leslie Uncapher now

balances the life of a mother with that of a judicial law clerk. "Although I am still doing some private practice work with my father [Andrew G. Uncapher, Jr.], the hours here [with Judge Hathaway] are good," Leslie says. It had been difficult to juggle the schedule of a family lawyer and civil litigator with that of a four-year-old daughter and a husband who works the 3 to 11 shift for the City of New Kensington's police department. As a law clerk, her hours are set and, if she needs to, she can do legal research and writing from home.

Leslie finds that she is much "choosier" with her time. "There will be plenty of time later to serve on boards. Right now, I'd rather take my daughter to swim lessons. The priority is always your child. If this were affecting her adversely, I'd quit tomorrow," she says.

Did she ever consider not working? "I have a mind that likes to work," says Leslie, "and I need the intellectual stimulation. Because my mom was a college professor, I grew up knowing that moms work. I think that it's

important to be good role models for our children—strong, productive and contributing."

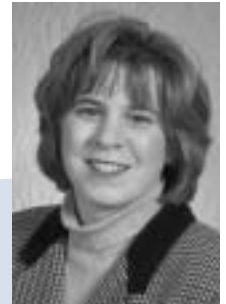
Jackie Knupp, mother of three children, ages 8, 6, and 3, recalls that while still working full-time in private practice as a partner with Millstein & Knupp, she was a member of a panel where the topic being discussed was "Balance in the Practice of Law."

When asked how she handled being the mother of three small children and being a lawyer, she answered honestly, "I don't think that I'm doing anything right!" Apparently, her distress did not go by unnoticed by a concerned colleague: "After the presentation, he approached me, and suggested that there were some very effective medications out there that were available to help ease my anxiety."

Jackie opted to go the route of part-time judicial law clerk, instead.



▲ Leslie Uncapher



▲ Jackie Knupp



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## Committee Reports

# Federal Court Launches “Pilot” ADR Program

by John M. Noble, Esq.

## ADR Committee

As of June 1, 2006, all cases, except criminal *habeas corpus* petitions and social security matters, that are filed in the United States District Court for the Western District of PA, and are assigned to Chief Judge Ambrose and Judges Cercone, Hardiman and Schwab, are subject to mandatory Alternative Dispute Resolution.



▲ John M. Noble

## HISTORY AND DEVELOPMENT OF THE WESTERN DISTRICT ADR “PILOT” PROGRAM

In January 2004, District Judges from other jurisdictions met with members of the Bench and Bar from the Western District of PA for the purpose of examining the Court’s existing ADR program. Among the topics they discussed were ADR options, likelihood of cooperation, enforcement, selection of neutrals, administration, design, implementation, and fee setting. After considerable discussion, the pilot program was launched.

## MISSION STATEMENT

The clear mission of the District Court for the Western District of PA’s pilot ADR program is: (1) to preserve and enhance the rule of law; (2) to provide an impartial and accessible forum; (3) to provide a

just, timely and economical resolution; and (4) to promote the use of alternative dispute resolution.

In order to implement the above, ADR local rule 1642 was created. This rule requires that the parties—in cases assigned to Judges Ambrose, Cercone, Hardiman and Schwab—discuss and, if possible, stipulate to adopting an ADR method at the F.R.Civ.P. Rule 26(f) “meet and confer” conference.

While participation in some form of ADR is mandatory, the parties are given three alternatives: (1) mediation, (2) an early neutral evaluation, or (3) arbitration. After the ADR process is selected, the parties are directed to select their “neutral” from a list of individuals who have been approved by the Court. Should the parties fail to

mutually agree upon the neutral, the Court will choose. The neutral then works with the parties to schedule the ADR within the 60-day time period set by the Court.

## DIFFERENCES BETWEEN ADR METHODS

### Mediation

Mediation is likely to be a popular ADR forum. Mediation employs the services of an “impartial neutral” who, by way of “facilitative negotiation,” works with the parties to fashion their own resolution. The mediator does not necessarily evaluate the merits of the claim; instead, he leads the parties to voluntarily reach a mutually acceptable agreement. While the Court intends that the mediator will preside over the

mediation session without any advance knowledge of the claim, the local practice is that the parties submit confidential mediation statements to the neutral in advance of the mediation conference.

### Early Neutral Evaluation (ENE)

The “ENE” process, which is non-adjudicative and non-binding, involves the selection of a neutral who is impartial, yet experienced in the subject matter (e.g., patent law). Under this method of ADR, the parties provide the neutral with written presentations of the claim and the defense. The neutral then meets with the parties in a non-binding evaluation session in an effort to

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assist the parties in reaching a settlement. During the course of the ENE process, the neutral may ultimately serve as mediator to facilitate any continuing negotiations following the evaluation, and in an effort to encourage the parties to privately reach an acceptable resolution of the dispute.

#### **Arbitration**

While the arbitration option has been available to parties within the Western District for many years, its non-binding feature has limited its application. Under the new proposal, the parties are encouraged to employ either a single arbitrator or a panel of arbitrators to seek either a non-binding or binding adjudication in the hope that involvement in the process itself will help the parties to consider settlement more seriously, rather than proceed to trial.

The new rules do not prevent or eliminate other forms of ADR, such as the appointment of special Masters, summary bench or summary jury

trials, or privately arranged mediations. But, the Court is now presenting a more “user-friendly” path to settlement, beyond “private” ADR.

During the trial period for this new pilot program (through December 2007), the Court intends to “see how this works,” listen to feedback from the participants, and make adjustments where necessary and appropriate. Finally, although the ADR options are mandatory, the Court accepts the simple fact that some cases must be tried.

#### **SELECTION OF THE “NEUTRAL” AND ORIENTATION**

The Western District Court recently solicited applications from attorneys and non-attorneys who are interested in serving as neutrals, arbitrators and mediators. Following the selection and notification process, four-hour long orientation sessions were conducted at the Federal Courthouse. After welcoming the participants, Chief Judge Donetta Ambrose expressed her great satisfaction with the new electronic case filing system and its

many benefits, and her surprise at the cooperation they have received from the Bar during the transition. She acknowledged the importance of the role of trial judges in the federal court system, but noted that fewer and fewer cases are being tried.

Clearly, the goal of the Federal Court is to create a more efficient system, obtain settlements of those cases that should be settled in a uniform fashion, and allow more time for those cases that must be tried. The message at the orientation was loud and clear—the four judges participating in the pilot program want it to be a success, and invite the participants to provide critical input and suggestions over the course of the next 18 months.

#### **FINDING A “NEUTRAL”**

As of June 1, 2006, you are able to peruse the complete list of approved neutrals by name, subject matter, appointment, and fees. (Yes, you can “shop.”) In essence, each neutral

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## Committee Reports *continued from page 7*

advertises his or her particular expertise, qualifications, rates, and availability. For example, should you need a “next day” mediator, punch in the date you want and choose. For those of you who are skeptical, consult the interactive web site at [www.pawd.uscourts.gov](http://www.pawd.uscourts.gov).

### TRACKING THE SYSTEM

For those of you who think that the filing of a stipulation, a motion to extend, or a motion to dismiss will buy you more time, think twice. The Court intends to ignore those pleadings that typically delay the proceedings, and will direct the parties to proceed nonetheless. As court administrators who were present at the orientation noted, three-quarters of initial motions are denied, or are otherwise not dispositive. Accordingly, a new rule directs the parties to designate their ADR selection, despite the fact that a motion may be pending.

In addition, the Court will be paying close attention to the results of the pilot program in an effort to measure its success or failure. The Court will be compiling statistics on the number of settled cases, and on whether the ADR selections are proceeding in a timely fashion. The success rate for a neutral will be tracked, as well as the number of cases conducted and/or settled within the timeframe established by the rule.

Mandatory ADR has finally arrived in the federal court system; the rules and procedures are in place and the neutrals have been appointed and oriented. Are you prepared for an ENE, mediation or arbitration? If not, there are a number of publications, CLE seminars, and mediation training sessions designed to ease your mind.

Consider attending a local ADR Committee meeting. It couldn't hurt since, sooner rather than later, ADR

will be mandated in the county court system as well.

### **Municipal Law Committee**

The Municipal Law Committee will hold a CLE Lunch 'n Learn seminar on Tuesday, August 8, 2006, at Noon at WBA Headquarters. The topic of the seminar is Eminent Domain. House Bill 2054 was adopted as Act No. 2006-34 on May 4, and becomes effective for all condemnations filed after September 2, 2006. The Act is a rewrite of the Eminent Domain Code and substantially changes Eminent Domain practice in Pennsylvania.

*Submit your committee's news, events or reminders for publication in the July-August issue of the sidebar.*

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March/April 2006 Trial Term

# Jury Trial Verdicts

by Rachel Huss, Esq., Charles J. Dangelo, Esq., and Jacquelyn A. Knupp, Esq.

Of the forty-two cases called for the March/April 2006 Civil Jury Trial Term, fourteen settled, twenty were continued, two were moved to non-jury trials, one is on appeal to the Supreme Court, one was sent to mediation, and one was held over to the next trial term. The three cases upon which juries deliberated are summarized below.

**RICHARD LAZORCHIK AND  
DOROTHY LAZORCHIK, HIS WIFE**  
V.

**MARY HAUS, M.D. AND SALEM  
ORTHOPAEDIC GROUP, P.C.**  
NO. 3573 OF 2003

*Cause of Action: Professional  
Negligence—Medical Malpractice*

On April 22, 2001, Plaintiff was involved in a dirt bike accident and his injuries included a fractured left tibia. Defendant-orthopedic surgeon repaired the fracture by utilizing an intramedullary rod without locking



screws. On January 23, 2002, it was discovered that the rod had migrated and there was non-union. Defendant gave Plaintiff the option to choose a rod exchange or rod removal. Plaintiff declined and another orthopedic surgeon performed a rod exchange with locking screws on March 15, 2002. Although the fracture healed by July 9, 2002, Plaintiff contended that migration of the initial rod caused him to experience constant pain and swelling. Plaintiff's expert testified that Defendant was negligent in failing to secure the rod with locking screws.

Defendant contended that her decision to use a non-reamed nail without cross locking screws was well

within the standard of care for treatment of this fracture. Defendant's expert testified that defendant followed proper procedure for treatment of the fracture, and that no screws were required or necessary.

*Plaintiff's Counsel:* Robert A. Cohen, Oakdale

*Defendants' Counsel:* Steven J. Forry, White & Williams, LLP, Pgh.

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

*Result:* Verdict in favor of Defendant.

**CINDY STOUFFER, PERSONAL  
REPRESENTATIVE AND/OR  
GUARDIAN AD LITEM OF THE  
ESTATE OF BARRY G. STOUFFER**  
V.

**MAMOON RASHEED, M.D.**  
NO. 750 OF 2002

*Cause of Action: Medical Malpractice—  
Wrongful Death/Survival*

Defendant, Dr. Mamoon Rasheed, treated Decedent, Barry Stouffer, for renal cell carcinoma in 1997. On September 21, 1999, Mr. Stouffer went to Defendant's office complaining of fatigue and weakness. Defendant ordered a CT scan, which was performed at Frick Hospital on September 24, 1999. Although the CT scan revealed the presence of a

*continued on page 10*



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## Jury Trial Verdicts *continued from page 9*

mediastinal adenopathy suggestive of kidney cancer, Defendant did not inform Mr. Stouffer of the results of the test. Mr. Stouffer did not learn of the metastatic disease until February 2000, when he went to the Frick Hospital emergency room complaining of shortness of breath, chest heaviness, and chest congestion. Mr. Stouffer died on July 14, 2001, and this action by Plaintiff, Cindy Stouffer, ensued.

Plaintiff argued that, despite the fact that the September 24, 1999, CT scan clearly revealed a presence of a metastatic tumor, Defendant failed to diagnose and treat the condition. Defendant's inaction, in Plaintiff's view, was below the standard of care and led to Mr. Stouffer's untimely death. In addition, Plaintiff presented testimony that, when members of Mr. Stouffer's family telephoned Defendant's office to inquire about the test results, the office personnel did not inform them of the positive finding.

Defendant argued Mr. Stouffer was directed to contact his office to confirm that the CT scan was completed. Mr. Stouffer never called, and Defendant disputed the claim that Mr. Stouffer's family had asked his office for the results of the CT scan. Moreover, Defendant asserted that the delay in treatment of Mr. Stouffer's metastatic disease did not have any impact on the ultimate outcome in this situation.

*Plaintiff's Counsel:* Mark F. Haak, Pribanic & Pribanic, L.L.C., White Oak

*Defendant's Counsel:* Tyler J. Smith, Pietrogallo, Bosick & Gordon, Pgh.

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

*Result:* Verdict in favor of Defendant.

### ANGELA PALIOMETROS

V.

### DIEGO LOYOLA, MICHAEL GEYER, ZACHARY PLETCHER, SIGMA TAU GAMMA PI CHAPTER, EDWIN L. PARSONS, D. TERRY KENNEY, INDIVIDUALLY AND T/D/B/A LIGONIER GARDENS

*Cause of Action:* Negligence

On October 17, 1998, Plaintiff attended a party at the Fort Ligonier Motor Lodge in Ligonier, Pa., hosted by the Defendant Sigma Tau Gamma fraternity at Indiana University of Pennsylvania. During the course of the party, no representative of the Fort Ligonier Motor Lodge was on site or available in case of emergency. At the time of the party, Plaintiff was a freshman at IUP. While at the party, Plaintiff, as well as the other guests, consumed alcohol. The Ligonier Borough Police were dispatched in response to a noise complaint from other guests at the Motor Lodge. The police called an ambulance to the scene to transport a few partygoers to the hospital due to unresponsiveness, cited a number of attendees for underage drinking, but were unable to evict the attendees from the private property without consent of the property owner. At some point after the police arrived, Plaintiff was sexually assaulted by Defendant Loyola in a guest room of the Motor Lodge. Plaintiff contended that the failure of Fort Ligonier Motor Lodge to have someone on site at all times fell below the standard of care of an inn keeper, and that such failure was the proximate cause of her injuries. Plaintiff sued Defendant Loyola for battery and the other remaining Defendants for negligence. Essentially, Plaintiff's damages were for injuries in the nature of emotional distress as a result of the assault, as well as compensation for future expenses related to psychological counseling.


Defendant Fort Ligonier Motor Lodge was the only Defendant to defend at trial. It contended that its conduct did not fall below the standard of care for an inn keeper, as it was not required to have an employee on site at all times.

*Plaintiff's Counsel:* Susan N. Williams and Timothy B. Kinney, Gbg.

*Defendant Fort Ligonier Motor Lodge's Counsel:* Mark Neff, Marshall, Dennehey, Warner, Coleman & Goggin, Pgh.

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

*Result:* Molded verdict in favor of Plaintiff in the amount of \$548,700.00. Jury found Plaintiff 7% responsible and Fort Ligonier Motor Lodge 20% responsible. The award was made jointly and severally against the Defendants.



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# To-Wit: Moot Point

by S. Sponte, Esq.

At first I wasn't interested. "Nah," I told my long time friend and colleague who had called to ask me, "I really don't want to do it."

"You know," he said, "you'll get a free lunch."

"I'd like to help you out," I lied, "but ..."

"And you'll get an hour of CLE credit."

"I'll be there."

And so it was that I agreed—although I think "coerced" more aptly describes it—to serve as a juror for a local Moot Court Competition. I had fallen a few credits short of my annual CLE requirement this year and I was scrambling to make up the deficit. Serving as a moot court juror seemed less taxing than the more traditional classroom-like offerings, and as an

added bonus, I wouldn't have to remember a thing.

Each year a number of colleagues offer to coach teams of high school students in the National Moot Court Competition, sort of like a legal little league, but some take it far too seriously. A few years ago, a lawyer-coach verbally assaulted a student viciously for botching a hearsay objection. Crushed by the onslaught, the poor kid abandoned his dream of being a lawyer and instead went on to medical school where, to his great relief, he never had to think again.

At the appointed time, I walked into the courtroom and took my place in the jury box. And what a jury it was, too, comprised of all the best lawyers in town and me. It soon became obvious that this was a mock murder case and immediately I could hear grousing from the entire panel. We'd all been hoping for a sex crime.

One of our local judges was presiding and as soon as she took the bench and said "Counselor, you may begin," I knew she intended to give this experience all the solemnity of a real trial. Otherwise she might simply have said "You, the kid with the purple hair, get started."

The opening statements were presented pretty well. The prosecutor introduced herself to the judge, the jury, the spectators, instructed us to not form any opinions until all facts were in and then took her seat. A hush fell over the courtroom and persisted until Judge called her up to the bench and suggested that she might want to also include in her opening statement

*continued on page 12*



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## To-Wit: Moot Point *continued from page 11*

a few facts about the case. Gee, so far it was just like a real trial.

Having sought and received permission to open following the prosecutor's statement, defense counsel laid out his version of the facts succinctly and effectively and then sat down. Immediately from the rear of the courtroom, some pompoms appeared, a cheer went up, and a bevy of mixed gender cheerleaders, each wearing a large "D" on their white V-neck sweaters, stormed to the jury box chanting, "Inky dinky, inky dinky, one, two, three, do the justice thing and set defendant free. Yaaay, Team!" They threw confetti into the air, one of them did a backflip and then they all dashed back to their seats. I made a mental note to give that gambit a try during my next medical malpractice case. Sure, it may not help much, but the way things are, nothing could hurt.

When the prosecutor asked her first witness his name, all three members of the defense team, as if driven by some hidden clock mechanism, rose in unison. "I object to the question," one said. "It's a leading question," another stated. "And, according to the case of *Cockamamy v. Balderdash*," said the third, "it calls for a hearsay conclusion in violation of the parole evidence rule, the rule against perpetuities and the Rule in Shelley's Case." Then they all sat down in unison, and I swear I could hear a cuckoo clock door slam shut.

Each of us on the jury drew a sharp breath. Wow! An incomprehensible and totally bogus objection, laden with inapplicable authority and uttered with such sincerity as to be almost plausible. These kids were good.

Parry, thrust, parry, thrust, feint, bob, weave, that's pretty much how it went. It played out as if it had been scripted, an automaton of a trial, a

rendition of a trial by kids at play. But if nothing they were prepared, and that, more than anything, gave it away as an amateur performance.

In the jury room we were asked to rate each team by points. "I didn't understand the defense's objection to the testimony of the forensic expert that no proper groundwork had been laid," one juror asked. "No one does," replied another, "that's the whole point of the objection."

So we picked a winner, had lunch and I got my much-needed CLE credit. Perhaps best of all, I thoroughly enjoyed making fun of someone else's legal work, even if they were only students. I helped these kids hone their skills and they in turn did the same for me, and really, wasn't that the whole point?

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# AlterEgo: James T. Boggs, Attorney

## James T. Boggs, Jazz Musician

by Beth Orbison, Esq.

One year ago at the Bench/Bar Conference at Seven Springs, James T. Boggs was invited on stage to perform with Judge Feliciani and Scotty's Blues Peddlers Band, and a star was born. This mild-mannered attorney for Allegheny Energy proved he had enough energy on stage to have people talking about his performance for months to come.

**Q AFTER YOUR SURPRISE GUEST PERFORMANCE WITH JUDGE FELICIANI'S BAND AT LAST YEAR'S BENCH/BAR CONFERENCE, YOUR TALENT AS A JAZZ SAXOPHONIST BECAME LEGENDARY AMONG MEMBERS OF OUR BAR ASSOCIATION. HOW LONG HAVE YOU BEEN A MUSICIAN?**

**A** My love for music started in second grade with my first and very best music teacher, Lenora Fulwood. Under her tutelage, my class learned to play the glockenspiel, recorder, harmonica, ukulele, maracas, bongos, and assorted other percussion instruments. But before we were allowed to even touch these instruments, we had to learn the concept of rhythm by tapping on the tops of our desks at the direction of Mrs. Fulwood. She knew how to make studying music fun, and she sparked what was to become my lifelong interest in music.

**Q WHEN DID YOU BEGIN PLAYING THE SAXOPHONE?**

**A** My father bought me my first saxophone when I was in seventh grade. When he handed it to me, he told me that I had one hour to learn

to play "Twinkle, Twinkle, Little Star," and that if I hadn't learned it within that time, he would take it back. I owe the fact that I got to keep that saxophone to the basics that I had learned so well from Mrs. Fulwood.

**Q FOR HOW LONG DID YOU TAKE LESSONS?**

**A** When I got the saxophone in seventh grade, I was still a little guy. When I went to my first formal lesson, the instructor wouldn't allow me to rest my instrument on its case on the floor, even though it was too heavy for me to handle. That was it! I only had one formal lesson in my life.

I learned by playing along with records, and luckily, my father had an extensive record collection.

**Q WHEN DID YOU BEGIN TO PERFORM PUBLICLY?**

**A** To the chagrin of the eighth and ninth graders, it wasn't long before I was first chair alto sax in the Junior High Band; then, following an audition,

I became first chair in the All-County Band.

In high school, I joined the marching band.

There, I learned the importance of structure and discipline among a large group of people.

I also learned that if you sell enough oranges, candy bars, and submarine sandwiches,

you can raise enough funds to travel the world! Band trips rule!

With practice sessions, parades, pre-game and halftime shows and other performances, I learned about the importance of keeping a calendar. Nowadays, as an attorney, a calendar is something that I couldn't possibly do without!

**Q ARE THERE OTHER LIFE SKILLS THAT YOU DEVELOPED WHILE PARTICIPATING IN THE HIGH SCHOOL MUSIC PROGRAM?**

**A** Absolutely. Along with learning how to manage my time, being in the band really gave me self-confidence and self-esteem, and improved my socialization skills. Within a week of joining the marching band, I had decided that I wanted to be the drum major/field commander of the band by my senior year—and it happened!

In my senior year, I became a leader. I'd always had good grades and participated in sports and school plays, but this was the first time that I had ever been "out in front" of any organization as its leader. I loved it! And even though I was just the leader of the band, it encouraged me to aspire for more.

**Q WHAT DO YOU MEAN BY THAT?**

**A** Well, even though I had always thought about becoming an attorney, I kept that thought way in the back of my mind. I knew that it was unlikely that my family would be able to afford to send me to law school, so I'd always assumed that when I graduated from high school, I'd go to work in the steel mill, like my father.

Out of the blue, my Spanish teacher, Karen Berry, approached me and encouraged me to pursue my dream. But where would the money come from? Within two weeks of talking to Mrs. Berry, I was in line for three different academic scholarships ... and I received all three! Wow! Talk about fortuitous events leading to something good!



▲ James T. Boggs



*continued on page 14*

# AlterEgo: James T. Boggs *continued from page 13*

## **Q** DID YOUR MUSICAL CAREER CONTINUE IN COLLEGE?

**A** At Marshall University [in Huntington, W.Va.], I played lead tenor sax in the Jazz Ensemble and beat out several music majors to become the drum major of Marshall's highly energetic "Big Green Marching Machine."

During my senior year, the Jazz Ensemble was selected to represent the United States on a "Musical Friendship Tour" of several locations in the former Soviet Union, Latvia, and Romania. We played the charts of Maynard Ferguson, Rob McConnell, Duke Ellington, Count Basie and Chick Corea, to name a few.

The Russians loved American music and knew the tunes well. The audiences were huge! Can you imagine crowds of as many as ten thousand people coming out to hear a bunch of college guys from West Virginia play

jazz? It was an awesome tour.

Two of my fellow musicians in the ensemble went on to play in Doc Severinsen's "Tonight Show" band, and another joined the Boston Pops Orchestra. I went on to law school, with the help of a scholarship funded by West Virginia University's football bowl game revenues.

## **Q** DID YOU EVER CONSIDER MUSIC AS A CAREER?

**A** I did, but many professional musicians "just get by," and I wanted more stability. Throughout my legal career, music has been the vehicle that keeps me focused. I love my work, but music remains my passion. Hand me a saxophone, and I'll play almost anywhere. What would you like to hear?

## **Q** DO YOU HAVE FAVORITES?

**A** I have an extensive collection of records, tapes and CDs, music to go

with whatever mood I happen to be in. When I was younger, I was used to playing the old styles. I liked Gene Ammons, Dexter Gordon, Grover Washington, Jr., and Chris Vadala, who was in Chuck Mangione's band. When I got to college, I tuned in to the Yellow Jackets, Spyro Gyra, Four Play [Bob James' group] and the Rippingtons.

## **Q** HOW MUCH DO YOU PERFORM NOW?

**A** Only occasionally. I sometimes perform at church, at the Baggy Knee, and for weddings and other events in Pa. and W.Va. I thoroughly enjoyed performing with Judge Feliciani and his brothers at last year's Bench/Bar Conference. That was a real treat. Playing music is what I enjoy more than almost anything else ... although, traveling the world with my best friend, Susan (my wife), takes first place.



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Westmoreland Revisited

# Richard Coulter: Lawyer, Businessman, Defender of the Republic

by The Hon. Daniel J. Ackerman, President Judge

*Editor's note: In this space, the sidebar aspires to revisit, through this and other contributors, lawyers from the past who played significant roles in the history of Westmoreland County.*

In times of war, lawyers, like others from all walks of life, have come to the defense of the republic. Their protection of our national interests has continued to the present, as evidenced by the Westmoreland Bar Association's honoring of its member-veterans this past December (see *the sidebar*, November-December 2005, at 18).

In 1908, members of the Westmoreland bar, who had recently participated in the dedication of the new courthouse, gathered to eulogize

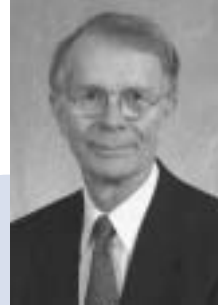
Richard Coulter, one of their own who was such a man. Listen:

*"In his young manhood he was trained for the practice of our profession and for a few years displayed in it those strong intellectual powers which always marked him as a leader and which would have given him eminence at the bar as on the bench. The quality of his mind enabled him to seize with rapidity and certainty upon the vital point in any contest, and thus with youthful ardor and impetuosity, yet with the discretion usually belonging to maturer years, to press advantage to success.*

*If the current of his life had flowed on undisturbed, the limit of his achievements as a lawyer would*

*have had him set duty by his wishes vs. his ambition. But nature had moulded him for deeds of daring and courage ..."*

The current of the life of which they spoke began in Greensburg in 1827 and continued until Richard Coulter died at age 81. The disruption came at age 34 when President Lincoln called for volunteers to put down the rebellion. Before that event, young Richard was schooled at the Greensburg Academy, and studied at



▲ The Hon. Daniel J. Ackerman

*continued on page 16*

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# Richard Coulter *continued from page 15*



▲  
Richard Coulter

Dickinson College and Washington & Jefferson. After his graduation from W&J, the young man whose father served two terms as the Westmoreland County Prothonotary, but died before Richard reached the age of three, went to study law in the office of his uncle, whose name was also Richard Coulter. The uncle, a mayor of Greensburg, state legislator and congressman, who would later become a justice on the Pennsylvania Supreme Court, was a lawyer who one commentator referred to as “the most eloquent member of the Westmoreland County bar in the nineteenth century.”

In the midst of his legal studies, war with Mexico intervened, and Richard enlisted in the army in December 1846. After participating in the siege and capture of Vera Cruz, he was mustered out of service with his regiment in July 1848. Upon completing his clerkship with his uncle, he was admitted to practice in Westmoreland County on February 23, 1849.

Throughout the following decade he remained active in militia units.

His practice of civil and corporate law and his pursuit of business interests were to come to a halt twelve years later. With the outbreak of the Civil War, he became a captain of Company I of the Eleventh Regiment of Pennsylvania on April 16, 1861, two weeks after the firing upon Fort Sumter. He would be under fire in twenty-eight major battles including Cedar Mountain, Second Bull Run, Antietam, Fredericksburg, Chancellorsville, Gettysburg, the Wilderness, Spottsylvania, Cold Harbor and Appomattox. He would leave the service at the conclusion of the war as a major-general.

Three horses had been shot out from under him and he received three severe wounds from Confederate fire: the first at Fredericksburg, the second at Gettysburg, and the third at Spottsylvania. In four hours of fighting at Antietam, Coulter’s brigade of 1,211 men sustained 603 casualties, killed and wounded.

With peace, which must have seemed surreal to one who had earned the nickname “Fighting Dick Coulter,” he returned to Greensburg, the practice of law, business pursuits, and a marriage to Miss Emma Wely, followed by six children. He prospered in the coal business and his holdings became the

nucleus for the Keystone Coal and Coke Company. For many years he was president of the First National Bank of Greensburg, a position he held without salary or remuneration.

The 1908 eulogy concludes:

*“Nature had richly endowed Richard Coulter and he knew it. This made him masterful, self-reliant and confident, but it made him at the same time as it should make every man of like gifts, sympathetic, generous and kind.”*

## SOURCES

- Coulter Papers, Edward H. Hahn Archives, Westmoreland County Historical Society
- Hedley, *Old and New Westmoreland*, Vol. III, 40-44 (1918)
- Richard Coulter Papers, Mexican War Collection, William L. Clements Library, University of Michigan

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—Henry David Thoreau,  
“Slavery in Massachusetts,” July 4, 1854

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# New Member Sketches

*Mark D. Bolkovac* has been admitted as a participating member of the WBA. A graduate of Franklin Regional High School, he earned a degree in Political Science/Business from the University of Pittsburgh, a Master's in Criminology from Indiana University of Pennsylvania and his J.D. from Duquesne University School of Law. Currently working with Harry F. Smail, Jr., in Greensburg, Mark spent more than a decade as a Hearing Officer with Westmoreland County Adult Probation before joining the private sector. He and his wife, Laurie, reside in Export with their two children, Julia and Nicholas.

*Michael J. Csonka* has joined the WBA as a participating member. A graduate of Hollidaysburg Area Senior High School, Michael earned his undergraduate degree from West Virginia University and his juris doctor from the University of Pittsburgh School of Law. Michael is an associate with Ronald L. Russell in Greensburg.

*The Hon. Jeffrey A. Deller* was admitted to the WBA as a judicial member. A graduate of Cornell High School, Judge Deller earned a degree in Economics from the University of Pittsburgh and his J.D. from Duquesne University's School of Law. A federal judge with the U.S. Bankruptcy Court in Pittsburgh, Judge Deller makes his home in Murrysville with his wife, Dena, and their three children, Hayden, Harrison and Garrett.

*Michael J. Garofalo* has joined the WBA as a participating member. A graduate of Brownsville Area High School, Michael earned a degree in History from Saint Vincent College, and his J.D. from the Duquesne University School of Law. An associate with John M. Ranker in

Greensburg, Michael also works for the Fayette County Public Defender's Office. He, and his wife, Gina, live in Greensburg.

*Amy Leonardo* has joined the WBA as a participating member. A graduate of North Catholic High School, she earned a degree in Public Policy Analysis from Saint Vincent College and her J.D. from the University of Pittsburgh School of Law. Amy is a solo practitioner in Greensburg.

*Jayson J. Lawson* has joined the WBA as a participating member. A graduate of Jeannette Senior High School, Jayson earned a degree in Political Science from Dickinson College and a juris doctor degree from Duquesne University. He

*continued on page 18*



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## New Member Sketches *continued from page 17*

is an associate with Kratzenberg & Lazzaro, with offices in White Oak and Greensburg.

*Thomas S. Lynch* has joined the WBA as an associate member. A graduate of Bethel Park High School, Thomas earned a B.S. in Accounting from West Virginia University and his juris doctor from Duquesne University School of Law. Thomas is a founding partner in Lynch and Lynch in Pittsburgh, and lives in Pittsburgh with his wife, Linda, and sons Christopher and Scott.

*Heidi DeBernardo Norton*, daughter of WBA member Tony DeBernardo, has rejoined the WBA as a participating member. Previously a member in 1998, when she worked in the District Attorney's Office, she is now an associate with DeBernardo, Antoniono, McCabe, Davis & DeDiana in Greensburg. A graduate of Hempfield Area Senior High School, Heidi earned her undergraduate degree from the University of Pittsburgh and her J.D. from Duquesne University. Heidi and her husband, Gregg, make their home in Ruffsedale with their four children, Peyton, Ashton, Triston and Kirston.

*Kerri A. Shimorske* has been admitted as a participating member of the WBA. A graduate of Brownsville Area High School, she earned a degree in Political Science/Pre-Law from California University of Pennsylvania and her J.D. from Duquesne University School of Law. Kerri

is an associate with Zimmer Kunz in their Greensburg office.

*Roxanne Turner* has joined the WBA as an associate member. A graduate of Westboro (Mass.) Senior High School, Roxanne earned her undergraduate degree in Industrial Design from the Pratt Institute in New York and her juris doctor from American University in Washington, D.C. Roxanne is the Ethics and Compliance Manager for Kennametal in Latrobe. She and her husband, Fred, live in Saltsburg.

*Richard T. Victoria*, son of WBA member Richard R. Victoria, has joined the WBA as an associate member. A graduate of Belle Vernon Area High School, Richard earned a

degree in Finance from the University of Notre Dame, and his J.D. from Vanderbilt University. He is an associate with Meyer, Unkovic & Scott in Pittsburgh. Richard and his wife, Andrea, reside in Pittsburgh with their three children, Isabella, Dominic and Alexander.

*Nathan J. Zarichnak* has joined the WBA as a participating member. A graduate of Kiski Area High School, he earned a degree in Political Science from the University of Pittsburgh and his J.D. from Duquesne University. Nathan is a solo practitioner with offices in Belle Vernon. He and his wife, Emily, and their two children, Madelyn and Wyatt, make their home in Lower Burrell.

## Mock Trial Journal

*continued from page 3*

### MAY 11, 2006

I hate getting up at 3:00 a.m., much less missing my breakfast. We fly from Pittsburgh, via Chicago and Kansas City, to Oklahoma City. Before we even leave Greensburg, my fellow passengers are on their cell phones. This goes on constantly throughout the trip.

Some states' teams need major fund-raising efforts to support their trips. We are very lucky to be supported both by the PBA and the WBA, as well as by the school district.

Geographically, South Korea's team comes from the furthest point, but the Northern Marianas Islands team has to travel first to Japan, and then to the mainland, over 30 hours of travel. They are a great group of kids and coaches.

### MAY 12, 2006

The first two rounds. Right in the middle of cross-examination, Rhode Island's timekeeper accuses us of cheating, mistakenly claiming that witnesses may not confer with counsel at counsel table. Bizarre. The judge tells him to sit down and be quiet, and we win handily.

### MAY 13, 2006

We have two more trials. Iowa and Michigan square off in the championship round, but there is not enough room for us to attend. (Iowa will ultimately win.)

At the banquet, we await the final results, expectantly, and then skeptically, as the top 10 teams are counted down. We've nearly given up hope when "the fourth place team, Pennsylvania, Greensburg Salem High School" is announced. There is pandemonium and great joy at our tables back in the corner of the room. We've reached our goal of top 10, and then some.

### MAY 14, 2006

We traveled on "Cloud Nine" all the way back to Pennsylvania, congratulating one another and saying farewell to our two seniors—one is off to American University, and the other to Argentina on a Rotary Club exchange.

It's been a great year, full of challenge and growth. Judy and I have our lives back ... until October rolls around again.

## Got News?

*Do you have news to share with the sidebar? Making Partner? Marriage? Birth? Anniversary? Accomplishments? Send us a fax (724.834.6855), an e-mail (westbar.org@verizon.net), a note by carrier pigeon or any other means and we'll publish your news in the next available issue.*

## Flying Pigs Sighted in Cincinnati

Theresa Clark, from the Greensburg office of Laurel Legal Services, completed the 8th annual Flying Pig Marathon in Cincinnati, Ohio, on May 7, 2006. Her husband, Jeffrey Rihn, M.D., and her sister, Laura, completed the marathon with her. Her mother, Meg, and sister, Jennifer, completed the half-marathon.



The Flying Pig Marathon was named one of the top 20 marathons in the nation by *Runner's World* magazine, and raised over \$1 million in 2005 for a number of charities, including its main beneficiary, the Leukemia and Lymphoma Society's Team in Training Program.

## A Round of Thanks for Dine Around

Thanks to all the attorneys and guests who participated in the first-ever WBA Dine Around. Thanks, too, to John Scales for his work in making the reservations at each of the restaurants.

We are looking for your input for the next round of Dine Around. Do you want to do it again? If so, do you want to start in January 2007 or should we move it to another part of the year? Do you have suggestions for restaurants you'd like to visit? E-mail [westbar.org@verizon.net](mailto:westbar.org@verizon.net) or call the WBA office at 724-834-6730 with your input.

## Board Business

### APRIL 18, 2006

- Accepted Membership Committee recommendations as submitted: Nathan Zarichnak, participating; Thomas Lynch, associate.
- Established an Executive Committee of the WBA Board which includes the President, Past-President, President-Elect and Vice President; established that the Executive Committee has no decision-making power unless directed by the WBA board.
- Appointed Wayne Whitehead to a 5-year term on the Investment Advisory Committee.
- Agreed to solicit proposals for updating the WBA computers; both buying and leasing will be explored.
- YL Chair-Elect DeAnn McCoy reported that Young Lawyers are no longer interested in sponsoring road cleanup.
- Results of election for YL officers were reported: Jeremy Boby, Chair; DeAnn McCoy, Chair-Elect; Lou Ann Demosky, Secretary; Amanda Nuzum, Treasurer; Shaun Griffith, Social; Kelly Balog, Public Service; John Hauser, Bench/Bar.

- Referred PBA request for representatives in each county to establish a legislative task force to Chair of the Legislative Affairs Committee Gary Falatovich.

### MAY 16, 2006

- Accepted Membership Committee recommendations as submitted: Judge Jeffrey Deller, judicial; Margaret House, Elizabeth Meile and Akemi Yamakita, associate.
- Referred idea to hold special dinners in order to record some of the bar history to the Historical Committee.
- Current PBA zone governor Susan Key will appoint Chris Haidze to fill Aaron Kress's one-year unexpired term on the House of Delegates.
- Reviewed Senate Bill 795, which gives the general assembly, rather than the Supreme Court, the authority to govern any lobbyists who happen to be attorneys. Referred review of the bill to the UPL Committee and asked that they make recommendation for action to the board.
- Learned that amendment to Supreme Court ruling re: recorder of deeds has been approved by the house and is now referred to the judiciary committee of the senate.
- Agreed to consider sending informational pamphlets to local funeral homes on the truth about living trusts.
- Family Law Committee Chair Mike Stewart reported that the committee is looking into summary jury trials to reduce legal costs for clients. An August Lunch 'n Learn is being coordinated; additional Lunch 'n Learns are planned for every three months.

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## CALENDAR OF EVENTS

### JULY

- 11** CLE Seminar: Pro Bono, 10 a.m. to 12:15 p.m., *Westmoreland County Community College*
- 12** Real Estate, Noon  
Membership, Noon
- 18** Family Law, Noon  
Board Meeting, 4 p.m.
- 19** Pro Bono on the Road, *New Kensington City Hall*
- 27** Elder Law & Orphans' Court, Noon

### AUGUST

- 1** CLE Seminar: "Bridge the Gap," 9 a.m. to 1:15 p.m., 4 ethics credits available
- 7** Bankruptcy, Noon

**8** CLE Seminar: "The New Eminent Domain Code," Noon to 2:15 p.m., 2 substantive credits available

**9** Membership, Noon

**15** Family Law, Noon  
CLE Seminar: "The #1 Concern of Successful Individuals About Retirement and How You Can Help," Noon to 1:15 p.m., 1 substantive credit available  
Board Meeting, 4 p.m.

**16** Pro Bono on the Road, *New Kensington City Hall*

**17** CLE Compliance Period Seminar, 9 a.m. to 3:30 p.m., 1.5 ethics and 4.5 substantive credits available

## LAWYERS CONCERNED FOR LAWYERS CORNER

- The 12-step recovery meeting, exclusively for lawyers and judges, is in downtown Pittsburgh every Thursday at 5:15 p.m. For the exact location, call Pennsylvania Lawyers Concerned for Lawyers at **1-800-335-2572**.
- LCL has a new website at [www.lclpa.org](http://www.lclpa.org). Attorneys and judges will find information on how LCL can help them, a member of their family or a colleague who may be in distress. It is confidential and easy to navigate. Visit it today.
- Lawyers Confidential Help Line: **1-888-999-1941**. Operates 24 hours a day.



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