



New Location, New Format for 2008 Bench/Bar Conference



Located just 90 minutes from Greensburg on a straight shot down Interstate 70 West in Wheeling, W.Va., Oglebay Resort and Conference Center is the site of this year's Bench/Bar Conference. This 1,700-acre resort offers a 16-acre garden, miles of walking trails, two championship golf courses, indoor pool and jacuzzi, a zoo, a lake, tennis and much more.

The conference has been slimmed down to a 1-night, 1 1/2-day event without sacrificing any content or fun. Thursday offers golf, biking, hiking, historic tours, horseback riding, the

"Les and Rich Legal Movie Critics" CLE, and vendor exhibits—all before dinner! Thursday evening features an outdoor social hour and barbecue followed by entertainment by Judge Feliciani and Scotty's Blues Peddlers, James Boggs, and some other not-so-famous bar talent. A shuttle will take those who feel like winners to Wheeling Island to test their luck, and

the Young Lawyers will once again entertain in their hospitality suite.

After a complimentary breakfast buffet on Friday, the judges will have a speed networking roundtable, followed by a malpractice CLE before the conference concludes. More activities are planned for the afternoon for those who don't want the excitement to end.

So, block off your calendar for Thursday, June 12, and Friday, June 13. Keep those dates free of court hearings, depositions, and appointments so you can be part of the WBA group that creates new memories at the 2008 Bench/Bar Conference.



President's Message

Relevance (And Not In The Evidentiary Sense)

by James E. Whelton, Jr., Esq.

With two more months to go until the completion of my term, I find myself wanting to step back from the details—as I am so apt to do—and look at the big picture. From my vantage point, the big picture looks pretty good.



Being a part of the Bar Association and serving as its president has been one of the most rewarding experiences, both personally and professionally. It is difficult to convey accurately the

level of respect and admiration with which others from across the Commonwealth view the Westmoreland Bar Association.

It would be easy to suggest this is a result of past and present leadership. To do so, however, would be disingenuous and ignore the reality—the individual and collective efforts of our members are what make our Bar Association as successful as it is. Mind you, I take nothing away from my board colleagues (past and present) who serve for the good of the order and who genuinely work hard and do good work. But without a doubt, the continued level of participation by our members is what keeps our Bar Association so strong.

I doubt there is any single service or benefit provided by the Bar Association that any member uses as an exclusive means of measuring the importance of the Bar to their practice. Committees, for example, afford members an easy way to stay informed of the developing law and to meet and network with colleagues. The board could “create” any number of committees, but if the members did

not lead and participate, committees would be useless.

Our members also willingly give of their time to bring us high-quality CLE programs. Presentations at the Bar headquarters, at quarterly meetings, and at the annual Bench/Bar Conference provide an easy and convenient way to stay up-to-date with CLE requirements.

The Bar Association headquarters provides not only a location for meetings, depositions, and CLE classes, but also a place to socialize. Not only do we take great pride in our building, we are also proud of our staff, who juggles the schedule and never fails to offer welcoming smiles.

The Fee Dispute Committee represents a service not only to members, but also to the public, and is a great example of how our members serve for the good of others.

Our affinity program, still in its infancy, has a lot of potential to be a source of non-dues revenue to the Association, but will also result in significant savings to our members. If you haven't tried it, you should. (Who doesn't want to save money?!) Staples and ComDoc are already participating vendors, and, hopefully, the list will expand soon to include vendors who provide rental cars, new cars, cell phones, and insurance, all to benefit our members and make your Bar Association stronger.

Our Lawyer Referral Service represents another opportunity that

mutually benefits our members and the Bar Association. Members are able to increase income by expanding their client bases and referral fees generate non-dues revenue for the Association.

There are limits, however. Fiscal constraints are the primary limitation to being able to offer more to our members. However, as a unit county, we have the benefit of the PBA's resources available to the Bar Association and to all of our members. Some of the most frequently used resources available through the PBA are the endorsed professional liability program, the liability hotline, the

law practice management services, and ethics guidance. Also, we all enjoy the often overlooked but continuing benefits from the hard work of the PBA's Legislative Department.

These are all examples of the benefits available to our members.

Put another way, they are examples of how the Bar Association is relevant to each of us. Our purpose is to serve the good of the membership and to help each of you thrive in your practices. I urge you, if you haven't already, to lend your own expertise and experiences to the Bar Association and to take advantage of its many invaluable resources.

The individual and collective efforts of our members are what make our Bar Association as successful as it is.

Remembering Daniel Myshin

by Daniel M. Myshin, Esq.

My father, Daniel Myshin, was born and raised in Monessen. He once told me that all he ever wanted to do was become a lawyer and practice in his hometown. Dad attended college at the University of Pittsburgh and graduated law school from George Washington University with honors. After he took the bar exam, my father served his preceptorship with Ward and Alex Eicher, two well-respected attorneys in Greensburg.

Dad opened his first office in a little cubbyhole of a place on Sixth Street in Monessen. The room was so small that when Dad moved out several years later, his old office became a two-chair barbershop. In 1957, Dad became the solicitor for the Monessen School District, an association that would last

until 1994. For many years in the 1960s and 1970s, Dad shared offices with Henry Martin and Frank Anto. In the 1980s and 1990s Dad also served as the solicitor for the City of Monessen.

For the most part, however, my father's was a general practice. He wrote wills and probated estates; he represented personal injury plaintiffs; handled real estate condemnation cases; searched titles and did real estate closings; and practiced family law. Like many lawyers in the southern end of Westmoreland County, Dad's practice took him to county courthouses in Washington and Uniontown as often as he was in Greensburg.

In short, for 47 years, my father practiced law in his hometown. His clients were neighbors, classmates, and friends whom he had known for years. He liked his clients and was genuinely

interested in their welfare. It showed in everything that he did.

Being a lawyer suited my father. No one I know enjoyed the practice of law more. Dad wanted a career where he would not be forced to retire at age 65; where every day held the promise of something new; and where he could tilt at the occasional windmill. He liked meeting new people and working with other attorneys. Dad especially enjoyed helping younger lawyers when he had the opportunity. He viewed it not as an obligation or a duty, but more as an opportunity to make the practice of law better for all of us.



▲ Daniel Myshin

Dad was very active in the Westmoreland Bar Association and served as its President in 1974. He regularly attended bar functions and enjoyed trading stories and more than a few laughs with his friends. Most of all, I think that Dad enjoyed taking my mother to the Holiday Dinner Dances. My parents were excellent dancers. For many years, they looked forward to sharing a table with friends like Jo and Bob Milie; Mary and Nevin Wollam; Martha and Charlie Higgins; Fyrne and Bernie Shire; and Connie and Jim Manderino. I'm sure that there were many others as well.

I've also heard a rumor that at annual meetings, my father may have passed through the room where several of our members played poker. Of course, before I joined the bar association, I can't say if Dad played

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

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



the sidebar

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor should be sent c/o WBA, 129 North Pennsylvania Avenue, Greensburg, PA 15601-2311, fax 724-834-6855, or e-mail westbar.org@verizon.net. the sidebar welcomes unsolicited submissions from members or non-members. Please submit to the Articles Editor, c/o WBA.

Back issues from 2000 to the present and a comprehensive, searchable index are available online at www.westbar.org/html/publications.

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Remembering Daniel Myshin *continued from page 3*

cards or not. However, I can say that while I was attending college and later, law school, I would occasionally receive a few dollars from Dad along with a note reminding me to say “thank you” to some of his colleagues when I was next in Greensburg.

When I became a lawyer, we frequently discussed our cases. Naturally, we also discussed opposing counsel. Dad’s greatest compliment about a colleague was that he or she was “a good lawyer.” Because Dad’s practice often took him to other counties, we also discussed the human dynamic that made practice in Westmoreland County so much more enjoyable than the surrounding counties. My father attributed the difference to the many father-son (and later, father-daughter) practices in Westmoreland County. Having been involved in cases with good lawyers like A.C. and John Scales; Ned Nakles, Senior and Junior; Bernie and Mark

Shire; and many others over the years, it is easy to understand why my father was correct. To Dad, it was this small-town family bond that contributed to the civility between attorneys; something that seems to be missing in other counties.

After I moved from Monessen to practice in Minnesota and later in Harrisburg, I continued to call Dad regularly seeking his input and advice about how to handle a particular problem or situation. As Dad’s practice wound down closer to retirement, our conversations consisted less about my need for advice and more and more upon Dad’s recollections about his early years in practice. Dad loved to tell me stories about notable members of our bar association. He especially enjoyed telling stories about good lawyers, now deceased, such as Vince Smith, Joe Loughran, and Orlando Proserpi.

Dad had few hobbies outside the office. One day, during a summer break from college, I asked Dad about that. He told me that putting food on the table for five kids and a roof over our heads was his hobby. I didn’t ask that question again!

As we grew older, in the summer we played golf together. On weekends during hunting season, Dad would join my brothers and me as we climbed over hill and dale hunting for grouse, pheasant, and deer. Dad was a good shot and a good sport, but mostly he went along just to spend some time with his sons. Dad also enjoyed attending our high school football and basketball games and continued to attend games long after we graduated.

Dad retired from the practice of law in 2004 and moved with my mother to the panhandle of Florida. He died this past November on his 80th birthday. His friends and family will miss him. I miss him already.



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Committee Reports

Nominations Announced for 2008–2009 Board, Committees

Nominating Committee

The Nominating Committee of the Westmoreland Bar Association has recommended the following members for positions on the Board of Directors and the Membership and Building Committees. Those WBA members attending the Annual Meeting of the association, to be held on April 7, 2008, will vote “yea” or “nay” to fill these positions.



▲ *Incoming WBA President Barbara J. Christner*

At the conclusion of the annual meeting, Barbara J. Christner will assume the Bar presidency.

VICE PRESIDENT:

DONALD J. SNYDER, JR.

The Vice President ensures that the WBA’s mission, services, policies, and programs are carried out. One-year term.



▲ *Donald J. Snyder, Jr.*

Donald J. Snyder, Jr., has been nominated for the position of Vice President. He is completing his third year as a Director on the WBA board.

A member of the WBA since 1975, Don serves on the Civil Litigation, Municipal Law, and Real Estate Committees, and belongs to the Westmoreland Academy of Trial Lawyers and the Ned J. Nakles American Inn of Court.

Don graduated *magna cum laude* from Washington and Jefferson College with a B.A. in English, and earned his J.D. from The Dickinson School of Law. He is a principal in

McDonald, Snyder & Lightcap, P.C., in Latrobe.

BOARD OF DIRECTORS:

JOHN K. GREINER

The Director ensures that the WBA’s mission, services, policies, and programs are carried out. Three-year term.

John K. Greiner has been nominated for the open position on the WBA Board of Directors. “The Westmoreland Bar Association has been an integral part of my growth and development as an attorney,” says John. “Serving upon the Board of Directors is the next step in this growth and development, and, more importantly, it provides me with an opportunity to give back to the organization which has done so much to enrich my practice.”

John currently serves on the WBA’s Membership, Bench/Bar, Civil Litigation, and Orphans’ Court Committees, and previously served on the Planning and Building Committees. He is a member of the Ned J. Nakles

American Inn of Court, Western Pennsylvania Association of Trial Lawyers, Pennsylvania Bar Association, Pennsylvania Trial Lawyers Association, and the American Bar Association.

John is active in the community, as well. He has been Vice President of the Bethlehem Project Advisory Board since 2003, and has been a committee member of the Fay-West Friends of NRA since 1999. For the past 18 years, he has been a Senior Patroller and Instructor for First Aid and Skiing with the National Ski Patrol, and was recently appointed Risk Management Advisor for the Western Appalachia Region. He is a coach for the Westmoreland Hockey Association and has earned Level 4 Coaching Certification from USA Hockey.



▲ *John K. Greiner*

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Committee Reports *continued from page 5*

A graduate of Saint Vincent College with a B.A. in Liberal Arts, John earned his J.D. from the University of Pittsburgh. He is a partner with Belden Law in Greensburg,



▲
James M. Fox

**MEMBERSHIP
COMMITTEE:
JAMES M. FOX**

The Membership Committee is the first point of contact that most applicants have with the WBA. Five-year term.

James M. Fox has been nominated to fill the open position on the

WBA Membership Committee.

Jim welcomes the opportunity to become more involved in the WBA. "I would enjoy the opportunity to serve on the Membership Committee and meet new applicants," he says. "I believe I could offer relevant information and a broad perspective to new members as I have served as an Assistant District Attorney, practiced as a solo practitioner, and now, for the past six years, as a member of the firm of Nakles and Nakles."

Admitted to the WBA in 1990, Jim is a current member of the Criminal Law and Elder Law Committees. His professional appointments include solicitorships for the Greater Latrobe School District, Derry Area School District, Eastern Westmoreland Career and Technology Center, and Penn West Conference of the United Church of Christ. He is a member of the Pennsylvania Bar Association, Pennsylvania Trial Lawyers Association, and Pennsylvania School Board Solicitors Association.

Jim is active in his community, as a member of the Planned Giving Committee of the Penn West Conference for the United Church of Christ in Greensburg, and as a member of the Latrobe Youth Commission

operating under the Westmoreland County Juvenile Commission.

Jim received his B.A. in Criminal Justice, with honors, from LaSalle University and his J.D. from the University of Pittsburgh School of Law. He is an associate with Nakles and Nakles in Latrobe.

BUILDING COMMITTEE:

LARRY D. LOPERFITO
Responsible for maintaining the management and upkeep of Bar Headquarters. Five-year term.

Larry D. Loperfito has been nominated to serve a second term on the WBA's Building Committee. He was first elected to a five-year term in 2002.

A member of the WBA and PBA since 1989, Larry serves on the Board of Directors of the Westmoreland Academy of Trial Lawyers, and is a member of the Western Pennsylvania Trial Lawyers Association and Westmoreland County Representative Board of Governors.

Larry is the General Solicitor for the Boroughs of Vandergrift and North Apollo; General Zoning Solicitor for Allegheny and Gilpin Townships; and

is the Associate Solicitor for the Kiskiminetas Township Board of Supervisors, Kiski Valley Water Pollution Control Authority, and the Municipality of Murrysville Zoning Hearing Board.

He serves as Special Advisor to the Bishop of the Diocese of Greensburg, The Most Reverend Lawrence E. Brandt, on the Strategic Planning Committee; and is a board member of the Westmoreland County Industrial Development Authority. He is a member of the Cardinal Maida Academy School Advisory Council, Vandergrift Improvement Program, and the Victorian Vandergrift Museum and Historical Society, and serves as Mock Trial Advisor for Kiski.

Larry earned his B.A. in Political Science, with special emphasis on Government and Public Service, from the University of Pittsburgh, and his J.D. from Ohio Northern University. He is a managing member of Geary & Loperfito, LLC, in Vandergrift.



▲
Larry D. Loperfito



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Young Lawyers Committee

Young Lawyers Raise the Bar with Educational, Social Projects

by DeAnn McCoy, Esq., Chair, Young Lawyers Committee

As chair of the Young Lawyers Committee of the Westmoreland Bar Association, I would like to take this opportunity to tell you about the work of its members and our involvement in some exciting new projects.

The Public Service subcommittee, chaired by Anthony Bompiani and Tony Perrone, has unveiled the

Operation Safe Surf Program. The Young Lawyers Committee adopted the program as a very useful and important community service project. Safe Surf presentations are part of the Pennsylvania Attorney General's campaign to protect children from online predators. As you may know, the Operation Safe Surf Program has received considerable attention throughout the state. Our efforts to organize and manage the presentations have raised the bar for young lawyer committees across the state.

The presentations are scheduled by the Public Service subcommittee and presented by young lawyers and other volunteers from the bar association. Four different presentations are available to the public: one for children in grades K through 5; one for middle school students; one for high school students; and one specifically designed for parents and teachers.

On November 12, 2007, the Committee conducted a presentation for approximately 200 teachers from the Jeannette School District. On

November 9, 2007, the Committee conducted a presentation for approximately 200 teachers and staff of the Mt. Pleasant School District. Three separate presentations were conducted for students and teachers of the Yough School District. On October 24, 2007, Margaret Zylka House and Anthony Bompiani addressed adult members of the Mt. Pleasant YMCA, in an event that generated a lot of positive publicity for Operation Safe Surf, the Young Lawyers Committee, and the WBA.

Not to be outdone, the Education subcommittee, chaired by Kelly Balog and Heidi DeBernardo Norton, has organized several great "lunch and learn" presentations. For the first time, several of the "lunch and learns" hosted by the Young Lawyers are CLE

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▲ DeAnn McCoy



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Committee Reports *continued from page 7*

accredited and open to the entire bar association and the public. On September 13, 2007, Chris DeDiana ably presented a CLE program on the topic of estate administration. In October, Sandra Davis presented a program on the topic of family law and basic child and spousal support issues. On December 13, 2007, Anthony W. DeBernardo gave a very informative presentation on the topic "Personal Injury and Medical Malpractice." All of these presentations were very well attended and received a positive rating by all who attended.

In February, the Young Lawyers will host a "lunch and learn" presentation on the topic of "Title Searches" with Phil Shelapinsky from Lawyers Abstract Company. Another program is being planned for April on the subject of basic criminal law and procedure. (Hopefully, we will have a volunteer from the D.A.'s and/or the P.D.'s Office to present this as a CLE program.)

Many thanks to all of the members of the bar who are willing to give their time to present these CLE programs.

On to the social aspects of the Young Lawyers committee. In an effort to make the activities provided by Young Lawyers more "family friendly," the Young Lawyers Social subcommittee, chaired by Jeremy Boby, organized not only the annual Halloween and Christmas parties that we customarily

host, but also a family Halloween bash and a children's Christmas party. All these gatherings were well attended and a good time was had by all.

As chair of the Young Lawyers, I believe it is important that bar members socialize and gather informally in a non-adversarial atmosphere. Events such as the Young Lawyers' parties, the Inns of Court, and the Bench/Bar Conference provide a wonderful opportunity for building camaraderie in our profession. In that spirit, please join us at the St. Patrick's Day party at the bar association office, which will immediately follow the New Member Ceremony.

As young lawyers, we hope to serve the community and provide a positive view of lawyers to the community, while providing a fresh and valuable perspective to the Bar Association. As chair of the Young Lawyers Committee, I hope to see more young lawyers actively participate in the Bar Association and in our committee. I hope to see you at our next event and I hope you will encourage your associates and colleagues to get involved in the Young Lawyers Committee.

If you would like more information about the Operation Safe Surf Program and how you can be a volunteer or have a presentation at your school or community organization, please contact Anthony Bompiani, Tony Perrone, or the Bar Association.

If you would like to share your expertise in a particular area of the law by conducting a "lunch and learn" or CLE program, please contact either Kelly Balog or Heidi DeBernardo Norton.

Publications Committee

Zydonik Named Law Journal Editor

Susan Zydonik has been named Editor of the Westmoreland Law Journal.

A WBA member since 1992, and a Case Editor since 1999, Susie takes over from Tim Martin, who left the county to clerk for Superior Court Judge Cheryl Lynn Allen in Pittsburgh. Susie is a clerk for Superior Court Judge Joseph A. Hudock in Greensburg.

The Westmoreland Law Journal is the official legal periodical of Westmoreland County and has been publishing legal advertisements, estate notices, and court opinions for the benefit of its subscribers for 90 years.



▲ Susan Zydonik

The legal profession is being attacked from many directions by unscrupulous, non-attorney businesses, anxious to profit off of consumers by selling legal advice and legal services in a multitude of ways. Their actions oftentimes result in disastrous consequences for their so-called "clients."

In 2007, the Unauthorized Practice of Law Committee of the WBA addressed UPL in the areas of family law, real estate, estates and trusts, creditors' rights, and business formation. No practice area is safe.

If you learn of UPL in our community, please contact the WBA. Thank you.

**Joseph W. Lazzaro, Esquire, Co-Chair
Aaron Kress, Esquire, Co-Chair
724-834-6730**

Got News?

Do you have news to share with the sidebar? Making Partner? Marriage? Birth? Anniversary? Accomplishments? Send us a fax at 724.834.6855 or e-mail us at westbar.org@verizon.net, and we'll publish your news in the next available issue.

He Keeps Going, and Going ...

by Amy DeMatt, Esq.

This year, Paul Kuntz begins his third decade of service as Westmoreland County Court Administrator. The expansive duties of court administrator require both knowledge of the law and familiarity with management.¹ Paul Kuntz's interesting history encompasses both.

Born in 1950, Paul graduated from Pittsburgh's South Hills High School in 1967. Following high school, he enlisted in the United States Navy, attended preparatory school, received both a Congressional and a Secretary of the Navy appointment to the Naval Academy, and was deployed to the eastern Pacific. Upon graduating from the Naval Academy in 1973, Paul was assigned to be a damage control assistant and, with the help of his team, earned his ship a "DC" designation for excellence in damage control.² The "readiness exam" is a rigorous examination, the purpose of which is to determine the ship's readiness for duties at sea. As part of the exam, a crew of one hundred inspectors scrutinizes the ship, with a goal of finding and listing the ship's inadequacies and identifying any areas needing improvement. If a ship fails to pass the exam, its crew must submit to several weeks of grueling exercises, entailing work sessions lasting from early in the morning until the late hours of the

night. Paul's ship was the first to ever pass the readiness examination, an astounding accomplishment in light of the military tradition of scrutiny that borders on the picayune. As a result of Paul and his team's having passed the readiness examination, no training was necessary. Thus, for Paul, "GTMO"³ evokes memories of playing tennis at the Officer's Club while listening to "Benny and the Jets."

Paul later became an exchange officer with the Swedish Navy. After having been tutored in the Swedish language for six months at the Defense Language Institute in Monterey, Calif., he served two years at sea aboard Swedish boats including a torpedo boat and a patrol boat. One of his fondest memories was a week on the frozen Baltic on a Swedish ice breaker.

Paul's passion for management was fostered by his experience in the Navy. He preferred to face difficulties head-on, rather than allow them to become "O.B.E.," the acronym for "overcome by events," the Navy's tongue-in-cheek way of saying that some crises simply resolve themselves. Despite his success at management in the Navy—and after having spent over five years at sea—Paul was ready to move on.

Thereafter, he attended Pitt law school, graduating in 1982. While in law school, Paul clerked for Federal District Court Judge Gerald Weber. There, he was introduced to computer-based research, which gave him the idea to computerize the recording and scheduling of court-related tasks.⁴ Following law school, Paul worked for a defense litigation firm in Savannah, Ga., but found that he preferred management to practicing law. As a result, he returned to school to earn an associate's degree equivalency in computer programming, and in 1985

³ US Naval Station Guantanamo bay is referred to by those in the military as GTMO, or "Gitmo."

⁴ Paul considers electronic filing to be a benefit to both the practitioner and to the Court, but believes that the move to the e-filing system is best driven by practitioners, who should benefit the most.

he attained his Master of Business Administration degree. Paul then concentrated on management, working as an industrial engineering management consultant, aiming to increase efficiency for businesses, and later as an "internal consultant/analyst" for Pittsburgh's Public Safety Department where, among other projects, he was involved in the initial stage of developing an Emergency Operations Center.

At the age of 37, Paul responded to a national advertisement for Westmoreland County Court Administrator. After being interviewed by a panel of all the county judges, Judge Gilfert Mihalich invited him for a second interview, where he told Paul he had the experience and qualifications that the Court of Common Pleas needed. Two years after being hired, Paul demonstrated his commitment to the court management profession by earning his national certification in court management and graduating at the Supreme Court of the United States as a Fellow of the Institute for Court Management of the National Center for State Courts.

Since his hiring, Paul has done "whatever needs to be done," in his job as court administrator—supporting the Court of Common Pleas and its departments; working on various committees for the Supreme Court of Pennsylvania; providing criminal law updates to magisterial district judges and human resource law to court administrators; facilitating planning sessions; and working on the Supreme Court's Criminal Procedural Rules Committee. With Paul's involvement, Westmoreland County recently served as one of five pilots in the development of an emergency continuation of operations or "COOP" plan; and Paul currently serves on a committee



▲ Paul Kuntz

¹ For those unfamiliar with the office, the Court Administrator is charged with responsibility for the general supervision of the minor judiciary system; preparing and managing the budget of the courts; hiring, training, and evaluating court personnel; managing court facilities and juries; disseminating information concerning the courts or of interest to the courts; studying and improving caseload, time standards, and calendaring for the courts; and researching and developing effective methods of court functioning, including managing trial lists in all civil and criminal cases, and assigning, listing, and disposition of all arbitration matters.

² The sides of Naval ships are often painted with the abbreviation for the accolade the ship has earned. An "E" painted on the side of the ship means that the ship has excelled with regard to efficiency. A "DC" means that the ship has excelled in damage control.

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He Keeps Going, and Going ... *continued from page 9*

examining the Court Reporting Rules of Judicial Administration.

In addition, Paul is a past president of both the Pennsylvania and the Mid-Atlantic Associations of Court Management (the first President to be from the state of Pennsylvania) and has chaired committees for both organizations. He currently chairs the Professional Development Committee for the Pennsylvania Association and co-chairs the Professional Development Committee for the Mid-Atlantic Association. He has organized numerous conferences for both associations, which for the Mid-Atlantic Association entails over 400 attendees, three plenary sessions, and over forty workshops. As President of the Mid-Atlantic Association, he organized and hosted the first conference on Public Trust and Confidence in the Courts held in the United States. Paul currently works with Michigan State University to provide certification in court management for members of the Mid-Atlantic Association.

Yet, when Paul speaks of his vision for this county, his goal sounds modest: to make Westmoreland County courts not only the “best”—which was Judge Mihalich’s vision—but also “the nicest and most professional” court in the state of Pennsylvania. To that end, Paul encourages his staff to provide professional customer service to attorneys, litigants (including *pro se*), victims, defendants, and employees. This

means treating everyone respectfully and providing the information they seek. Paul recognizes the potential complexities that the legal system presents to both lawyers and non-lawyers. He prefers to offer simple solutions to difficult situations—a refreshing change for most lawyers and litigants.

Paul candidly talks of his own struggles in achieving his goals. He has struggled in his profession with the pace at which change occurs and with the lack of resources. He has had to learn to be more patient when listening to the opinions of others. He has experienced regret in never having been a father, despite having participated in raising three of his nephews. At the same time, Paul relishes the opportunities that he has had to know exceptional people. He considers Judge Mihalich a major influence, a man he describes as an “inspirational” and “insightful” leader. He describes his family as having traditional values, made up of men who valued their blue collar heritage and status as war veterans and women who worked in factories during the war while taking pride in raising children and being “good mothers.” It was his family for whom he wanted to demonstrate his ability to do something worthwhile.

That Paul has achieved this goal is evidenced not only by his accomplishments as Westmoreland County Court Administrator, but also by the respect shown him by his peers. Those familiar with the field of court administration call Paul Kuntz a “driving force” and “one of the big names” in the profession. Tami Silvis, Assistant Court Administrator, explained that the State Office frequently taps Paul for his experience and expertise. Paul himself desires to set standards within the profession—continuing education programs are available for court managers, but are not currently mandated for court administrators.

The Court Administrator’s Office has several items on its current agenda. Improvements will be made to the videoconferencing system. Two magisterial district judge offices will be consolidated and two new magisterial district court offices will open. The criminal trial term will be reduced from two weeks to one week. The Juvenile Probation office may be expanded. A twelfth courtroom may be created for use by the senior judges. Within the next two years, changes in judicial assignments caused by the retirement of Judge Ober and Judge Ackerman will need to be addressed. The system of scheduling custody trials will be evaluated, with an aim to decrease the waiting time for scheduling trials. A second, updated annual report may be published. And, the court may conduct a test of its emergency plan.

Despite the many new developments, Paul seems undaunted. “I enjoy what I’m doing,” he says. In his characteristic understated manner, he remarks of his duties, “Customer service means so much.”

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To-Wit: Signs of the Times

by S. Sponte, Esq.

So, I'm sitting in a traffic jam on the highway at the edge of town the other day, primarily because a bit ahead of me two motorists who care about us lawyers had run into each other at breakneck speed. So far, so good, but I'm the sort who just can't abide traffic jams of any kind, even those laden with significant financial portent. So as is my wont under such circumstances, I raised my head to the heavens above to have a word or two with my Creator about this bothersome and unwarranted delay. I had some suggestions.

It's a conversation we've had many times before, my Creator and I, but judging by the results thus far, I suspect I have not had His undivided attention. This time, though, I thought things might be different, for as I began the dialogue, I swear to God (which is actually how I always begin

these dialogues), I clearly saw Him looking down at me and smiling.

Ah, but my eyes aren't what they once were, and after a few hard blinks I realized I wasn't actually staring at the heavens at all. Rather, I was staring at a billboard towering above and to the side of me, and what I had mistaken for the beaming countenance of my Creator was only the familiar face of a colleague advertising his services.

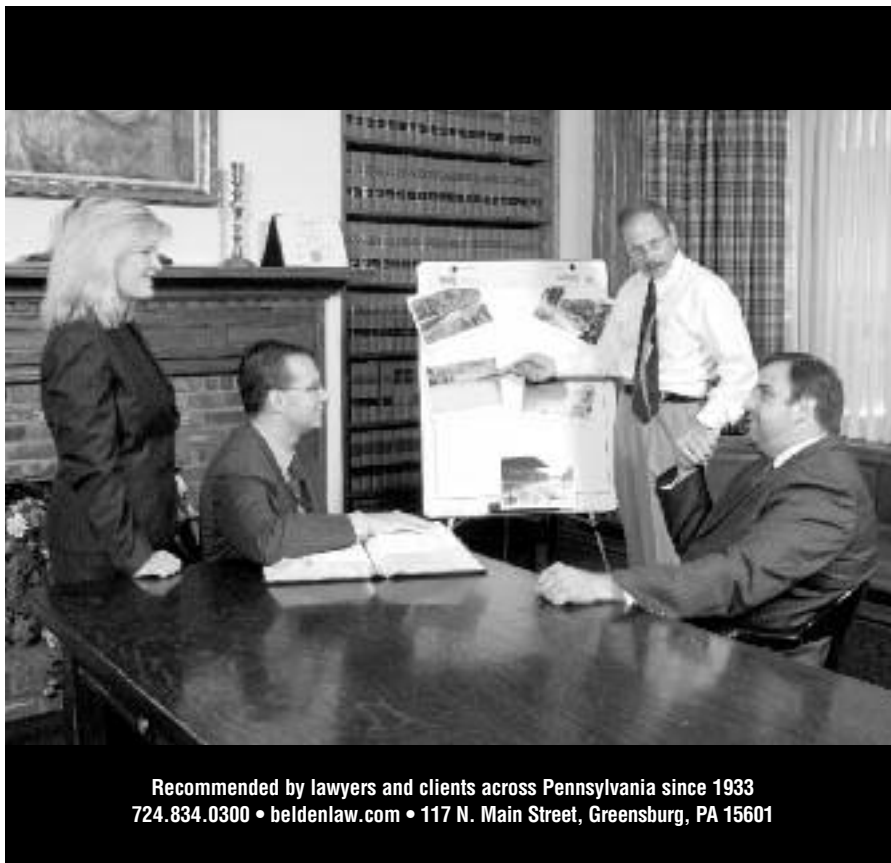
"Thank God," I thought to myself. I had a case coming up against him and if, in fact, he and the Lord were One and The Same, I might have had to reevaluate my position.

Thus snapped out of my religious reverie but still with traffic jam time left to kill, I took a more measured look at the billboard. My colleague had had that unsightly facial wart airbrushed out, but in truth it wasn't necessary. Left alone, it would have nicely dotted the "i" in the phrase "...injured on the job."

When it comes to legal advertising, I suppose that a billboard is one of the less vulgar forms of the genre. It's far less unbecoming, for instance, than the television ad in which two law partners hawk their services by suggesting that filing for bankruptcy is merely a simplified alternative to balancing one's checkbook.

But I come from a pre-diluvian age in which any form of legal advertising, other than a respectful listing in the yellow pages, was banned as unprofessional. In this era we are told that such self-aggrandizement is constitutionally protected speech, much the same as pornography but without nearly the fun quotient.

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To-Wit: Signs of the Times *continued from page 11*

Nonetheless, I can't get comfortable with this plastering of one's face on a billboard, a TV screen, a full-color print ad; it just seems so tacky. When it comes to drumming up business, I so vastly prefer the more artful, elegant ways of the past, the skillful cutting of fees, the subtle vilifying of competition, the surreptitious and uninvited hospital visits to bare but injured acquaintances. "Oh, he's a good man," I might have said at the cocktail party when someone advised they had just hired someone else as counsel, "now that he's conquered that pesky problem."

But if you're going to advertise in the garish customs of the times, well, I have a few suggestions. After all, I did work my way through law school writing advertising copy for a local radio station, and I remain quite the clever wordsmith. You may rest assured that what I bring to the table is an approach both effective, elegant, and well written.

In my view, billboards are not the best use of the advertising dollar, they don't really reach a target audience. Even billboards outside hospital emergency rooms are ineffective. What's the sense of spending money to reach an

If you're going to advertise in the garish customs of the times, well, I have a few suggestions.

audience most likely to be unconscious as they pass by?

I suggest we advertise on the sides of liquor bottles. If it works for missing kids on milk cartons, it can work for us. Few need lawyers more than those who regularly relish the juice of the barley, or better yet, imbibe alcohol by

the Imperial gallon. Now that's a target audience.

Life cycle establishments—houses of worship, wedding chapels, funeral homes, and the like—also present fertile walls for the festooning of ads. Nothing generates legal work quite so nicely as when a cycle of life hits a bump, careens off the road and ends up in a ditch.

So if you're gonna do it, do it right. I've set up my own advertising agency geared specifically to the legal profession and I've ordered color flyers embossed with my photograph. Soon I'll be plastering them up all over the walls at every county bar association in the state—liquor bottles, too. You're bound to see at least one, so give me a call.

Well, okay, the photograph isn't me, it's Paul Newman as a younger man, but it'll serve my purposes admirably. Like I say, if you're gonna do it, do it right.

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November 2007 Civil Trial Term

Jury Trial Verdicts

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

Of fifty-seven cases listed for the November 2007 Civil Jury Trial Term, nineteen settled, eighteen were continued, one was withdrawn, one interlocutory appeal was granted, three were scheduled for non-jury trials, one summary jury trial was scheduled, one was transferred to arbitration, four verdicts were entered and nine were held to the next trial term. The jury verdicts for the November trial term are summarized below.

**JAMES MAUTINO D/B/A
TRI STATE TRAP & SKEET CO.**

V.

**PAT-TRAP, INC., A NEW
HAMPSHIRE CORPORATION
T/D/B/A HENNIKER
PALLET CO., INC.
NO. 3673 OF 2003**

Cause of Action: Breach of Contract

The Defendant, a New Hampshire manufacturer of a trap machine that throws clay targets in the sport of trap shooting, entered into an oral agreement with the Plaintiff by which the Plaintiff became an agent distributor of the Defendant's product in the mid-Atlantic states. After ten years, the Defendant terminated the relationship because of the antagonism that developed between the Plaintiff and the Defendant's vice president, who managed the business on a day-to-day basis.

Plaintiff sued on the distributorship contract, contending that he had been promised: (1) that he would be the exclusive distributor in his region; and (2) that the relationship would continue until he reached a retirement age of 65. Plaintiff requested damages on the first claim for loss of profits on the Defendant's direct sale of specific machines to customers in his region. As to his claim of early termination, Plaintiff requested damages for a



general loss of profits for a period of five years. The total damages sought by Plaintiff exceeded \$400,000.00.

Plaintiff's Counsel: Richard A. Swanson and William S. Stickman IV, Del Sole Cavanaugh Stroyd, LLC, Pgh.

Defendant's Counsel: Joshua R. Lorenz and Jason Yarbrough, Meyer, Unkovic & Scott, LLP, Pgh.

Trial Judge: The Hon. Daniel J. Ackerman

Result: Verdict in favor of Defendant.

**DIRTINA S. KUTZER AND
SCOTT KUTZER, HER HUSBAND
V.
SAMUEL MILLER
NO. 7949 OF 2002**

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

The Defendant, Mr. Miller, appealed a \$15,000.00 arbitration award in favor of Plaintiff, Mrs. Kutzer, arising out of an intersection collision on Greengate Road on January 14, 2000. Mrs. Kutzer claimed injuries to her neck, back, and knee as a result of the accident. At trial, the Defendant admitted liability and the case was tried on the issue of the extent of the injuries caused by the accident. Mrs. Kutzer, in regard to some of her injuries, had a history of prior physical problems, but claimed

continued on page 14

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Cindy Stine, Esq.

Jury Trial Verdicts *continued from page 13*

that they were aggravated by the accident. The defense argued that the Plaintiff denied being injured at the scene and subsequently denied the physical problems that were the basis for her claim in questionnaires completed for other physicians and in an application for insurance.

The case was submitted pursuant to Pa. R.C.P. 1311.1. Plaintiffs' medical evidence was advanced through the treating orthopedic surgeon's written report and the videotaped testimony of the Defendant's expert, also an orthopedic. The Defendant's medical expert agreed that wife-Plaintiff had sustained soft tissue injuries that could produce pain, but that her condition should have resolved itself in six to twelve weeks.

Plaintiff's Counsel: Dwayne E. Ross, Reeves and Ross, P.C., Latrobe

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

Trial Judge: The Hon. Daniel J. Ackerman

Result: Verdict in favor of Plaintiff in the amount of \$900.00.

JENNIFER KEEFER

V.

TERESA L. WISNIEWSKI NO. 2503 OF 2005

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

The Defendant, Ms. Wisniewski, appealed a \$3,750.00 arbitration award

in favor of Plaintiff, Ms. Keefer, arising out of an automobile collision at a traffic light at the intersection of SR 0030 and New England Motor Freight on June 23, 2003. As Plaintiff stopped at the light, Defendant collided with the rear end of Plaintiff's vehicle. Plaintiff contended that Defendant was operating her vehicle in a careless and negligent manner and, as a direct and proximate result of the accident, Plaintiff sustained physical injuries that resulted in pain and suffering, medical expenses, impairment of earning capacity, and loss of earnings. Specifically, she claimed injuries to her bones, muscles, tissues, ligaments of her neck, cervical spine, shoulder, right arm, headaches, shock and injury to the nerves and nervous system as a result of the accident.

At trial, Defendant contested both liability and damages and argued that Plaintiff's claims were barred and/or limited by the defenses of contributory negligence, comparative negligence, assumption of the risk, and the statute of limitations. The case was submitted pursuant to Pa. R.C.P. 1311.1.

Plaintiff's Counsel: Frank R. Fleming, III, Frank R. Fleming, III, P.C., Pgh.

Defendant's Counsel: Dennis J. Slyman, Gbg.

Trial Judge: The Hon. Gary P. Caruso

Result: Verdict in favor of Plaintiff in the amount of \$7,500.00.

FRANK R. MINNICK AND BRIDGET A. MINNICK

V.

D & M CONTRACTING, INC. NO. 5184 OF 2003

Cause of Action: Contract—Breach of Agreement to Restore Real Property

The Hempfield Township Municipal Authority (authority) was engaged in a sanitary sewer project and, to that end, executed a right-of-way agreement with the Plaintiffs. The agreement allowed the authority to

install water and sewer lines along a right-of-way that traversed Plaintiffs' property and the authority promised to return Plaintiffs' property to the same or better condition than it was prior to the installation. The authority hired Defendant to clear the right-of-way and construct the water and sewer lines. In February 2002, Defendant entered Plaintiffs' property and installed the lines.

Plaintiffs subsequently filed a complaint against Defendant alleging that Defendant failed to restore their property following the installation of the water and sewer line. They contended that Defendant damaged their property by cutting trees outside of the right-of-way to make an access road, dumping gravel, burying tree stumps and by leaving debris scattered across their land. At trial, the parties presented evidence on, inter alia, the condition of the property following the sewer and water line installation, the actions of Defendant, oral side agreements entered into by the parties, and Plaintiffs' efforts to restore the property. The case turned on the credibility of the witnesses.

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

Defendant's Counsel: Albert J. Zangrilli, Jr., Yukevich, Marchetti, Liekar & Zangrilli, P.C., Pgh.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Defendant.

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Westmoreland Revisited

Westmoreland Law Journal, Volume I (1911-12)

by The Hon. Daniel J. Ackerman

Imagine she took extra care in selecting shelf space for it and the volumes that would follow. Miss Elizabeth Brown was the relatively new librarian hired at \$30 a month by the Westmoreland Law Association, who, according to the report of the Citizens' Law Library Committee, was "filling the position to their entire satisfaction." She had received or had on order other new volumes at the time, such as Pingrey on Suretyship, Patton's Practice, Eastman on Corporations, Binn's Justice and Ladner on Conveyancing. However, this volume was special. Printed by the Tribune Press Publishing Company

of Greensburg, it contained 435 pages holding opinions on 141 cases; but most importantly, John F. Wentling, Jr.,



▲ *Volume I of the Westmoreland Law Journal*


and William S. Rial, members of the Westmoreland Bar and lawyers she knew, edited it, while the opinions were written by three Westmoreland County judges, Lucian W. Doty (1890-1918), Alexander D. McConnell (1895-1921), and John B. Steel (1901-1912). The price of Volume I does not appear in the record and we might assume that it was donated, but if not, it appears that the going rate for other county reports was \$5, the same amount lawyers paid for annual membership in the WLA.

Reading it some 90 years later, there are some generalizations that *continued on page 16*

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Daniel Joseph

Westmoreland Law Journal, Vol. I continued from page 15

may be drawn. First, the majority of the opinions are rather short, which is somewhat surprising coming from judges educated in the nineteenth century. The longest opinion, the

Derry Borough Sewer case, (p. 127), is 25 pages. The leading subject appears to be civil procedure and pleading, followed by contracts, constitutional law, and evidence. Noticeably rare are tort cases; in fact, there are no cases reported involving personal injury and only a couple raising a claim for property damage. Nor are there decisions treating major crimes.

Hitchman v. Penna. R.R. Co., (p. 374), is one of the rare tort cases.

The court held that the alleged contributory negligence of the plaintiff's chauffeur could not be determined by the court as a matter of law, but had correctly been submitted to the jury. The question was posed in a defense motion for judgment *non obstante verdicto* following an \$850 verdict on the plaintiff's claim for property damage to his automobile.

In reciting the facts, the court noted that the plaintiff's "experienced chauffeur" came to a grade crossing with the hindmost seat occupied by Miss Hitchman and the two infant sons of her brother. As it approached the crossing, the automobile was driven at a rate of about six miles an hour (the roads being heavy). It came to a stop about twenty feet from the track where the chauffeur stated that he "looked and listened," but neither saw nor heard any signal or sound of an approaching train. However, there was a train pushing in reverse six or seven cars ahead of it which was obscured by smoke and steam from the Frick Company's works and boiler house on the opposite side of the

tracks. The chauffeur testified that, as he crossed the tracks, "the train came whizzing out of the smoke. I hadn't time for anything. I simply gasped. I shut my eyes and we were knocked—I don't know—between 40 and 50 feet, they said—and that was all of it." If the hardy Hitchmans or their chauffeur suffered any physical discomfort or mental anguish as a result of the collision, they, as good Victorians, kept such personal matters to themselves.

Jurisdiction was a prevalent issue. In *Commonwealth v. Pepperday*, (p. 1), the court found that the Burgess of the Borough of Latrobe lacked jurisdiction to try Mr. Pepperday for the offense of speeding in his motor car as the statute vested jurisdiction only in "any magistrate or justice of the peace." Mr. Pepperday's conviction was overturned. It would have been his second offense.

In a divorce action, *Winkles v. Winkles*, (p. 93), it was found that jurisdiction existed even though the parties never lived in the commonwealth at the same time (Husband established a residence in Pennsylvania and sent for his wife, but left the state before she arrived).

Also, as you are aware, civil jurisdiction will not lie through service upon a defendant who comes into the county to respond to criminal charges instituted by the plaintiff. That occurred in *Loughner v. Hershey*, (p. 162), after a collision between a buggy and an automobile on the Irwin "turnpike." The defendant was an Allegheny County resident who the plaintiff charged with assault and battery in Westmoreland

County. When the defendant appeared for the hearing before the justice of the peace in defense of the charges, the plaintiff served him with original process in this civil action alleging the same facts as in the criminal case. The court found that the criminal action was instituted to lure the defendant into the jurisdiction and that serving the civil process upon him in this manner constituted an abuse of the judicial process and was void.

In *Seanor v. Mt. Pleasant Borough*, (p. 171), the court upheld the plaintiff's appeal from a conviction under a local ordinance because the terms of the ordinance were not contained in the record submitted to the court. Mr. Seanor had been found in violation of Section 8, Ordinance 18, impeding an officer in words of ridicule. The record showed "that J. C. Seanor did between the hours of dusk and dawn on the 4th of November, 1910, run his automobile on main street [sic] of this borough without tail light lit, and with tags covered with dirt and totally illegible, and did refuse to answer officer when asked for owner of machine, but told officer to go pinch the machine."

Courts have always been sticklers when it comes to pleadings. In *Lenhart v. Lenhart*, (p. 97), a divorce action, the court found the complaint too lax in pleading: "The respondent . . . offered such indignities and personal violence to the person of your petitioner as to endanger her life as well as to render her condition intolerable and life burdensome." The court found Mrs. Lenhart's pleading insufficient because it did not allege that she was forced to withdraw from respondent's house and family. Leave of court to amend was granted.

In another divorce proceeding, *Gressman v. Gressman*, (p. 173), the court showed a lenient side in allowing the wife to file an answer *nunc pro tunc* because "Dr. Johnson, under oath, certified that respondent was confined



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"The many, as often as the few, can abuse power, and trample on the weak, without perceiving that they are tyrants."

— John Marshall

to bed with nervous prostration, and would be unable to leave her room for some time.”

In answering a claim of slander, a defendant could choose to plead “justification,” i.e., truth of the statement, or “not guilty,” that is, that he did not utter the statement. This expression of the law appears in *Walker v. Linsenbigler*, (p. 102), where the defendant unsuccessfully sought a new trial alleging that the jury’s \$400 verdict was excessive. The slander attributed to the defendant was that the plaintiff “kept a sporting house on Lacock street” [sic].

These judges, like all judges, came across cases that had constitutional dimensions. In *Commonwealth v. Simm*, (p. 107), the court considered an ordinance which prohibited peddling by persons who had not been local residents for the preceding three years. An exception was contained in the ordinance: “This act shall not apply to decrepit person or persons, wounded in the military service of the United States and who may be

residents of the county.” Nor did the act apply to nonresident butter peddlers who purchased a license. The ordinance was held unconstitutional.

Another constitutional issue arose in *Momeyer v. Directors of Home for the Destitute*, (p. 408), regarding an act which provided: “It shall be the duty of the proper officers of the several poor districts in such counties, at the expense of such poor districts respectively, to provide all persons who may apply for aid in their several districts, who may be bitten by dogs or other animals suffering from hydrophobia or rabies, with the proper medical attention to prevent the development of the disease in the person or persons so bitten, which medical attention may include the treatment known as Pasteur treatment.” The plaintiff made an application to the directors for reimbursement of expenses he incurred himself for such treatment and his application was rejected. The court found the legislation unconstitutional as it called for the use of public money to be

expended for a solely private use and, none too subtly, noted, “Taxation is a mode of raising revenue for public purposes. When it is prostituted to objects in no way connected to the public interest or welfare, it ceases to be taxation and becomes plunder.”

Notwithstanding how outdated or quaint the facts and legislation considered in these cases may appear to us, these decisions are classic examples of judicial review, which highlight the unique American principle that a court—not just the Supreme Court—but any court may render legislation a nullity if it is found to be in conflict with the Constitution. Such decisions are the progeny of *Marbury v. Madison*.

If there was a high profile case reported in Volume I it was probably *Westmoreland Coal Company v. United Mine Workers of America*, (p. 3). After a lengthy discussion of the difference between civil and criminal contempt, the court found various members of the union guilty of criminal

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contempt of the court's prior injunction prohibiting the staging of marches past the mines and works of the coal company. Those found guilty of contempt were fined \$50 and suffered confinement until the fine was paid.

The court's rationale for the injunction had been the protection of the freedom to contract. "All men have the right to refuse to work if the wages are not satisfactory, but neither class has the right to interfere with the contracts that the others make; that is to say, the men that are willing to accept those wages and desire to accept them, have the right to contract with the employer in respect to them, and they have the right to carry out the contract that they so make, and no one has the right to coerce them to do anything other than that."

While this case likely generated public interest and debate, it has always been true that most judicial proceedings are of little interest except to the parties and the court. Here are a few examples that fall into this category, and those of you who have read this far may find it worth the extra minute to read on.

- In *Commonwealth ex rel. v. Smail*, (p. 334), a justice of the peace elected in Southwest Greensburg was precluded from maintaining an office in the City of Greensburg.
- An attorney representing a petitioner in a partition action charged a \$900 fee calculated on a fee bill prepared by the Westmoreland County Bar and the stated market value of the property of \$85,000. The court reduced the fee to \$650. *Ehalt Estate*, (p.12).
- In *Directors of a Home for Destitute of Westmoreland County v. Controller*, (p. 30), the "poor directors" brought suit for an increase in salary. Finding that the county's population was between 225,000 and 325,000, the court ruled that, by statute, the directors were entitled to a salary of \$1,500 a year.
- And, in *First National Bank of Scottsdale v. Lombardo*, (p. 345), it was ruled that the bank could not sue church parishioners on a \$1,000 note signed by the church's rector for improvements to the church's basement.

If a review of Volume I is of any interest, it is likely that it is because the state of the profession and of litigation has changed so much over the years. However, there is an argument that the degree of change is superficial and that, basically, we are not much different from our predecessors. Lawyers still advocate for their clients, courts still follow precedent as it unfolds, and the state of the law will always be in debt to the past.

Actions of the Board

NOVEMBER 20, 2007

- Approved Membership Committee recommendation: Michael Quatrini, participating.
- Agreed to bid out WBA audit.
- Voted to award WBA HQ painting project to Brooks Painting.
- Young Lawyers Committee reported that they plan to hold Lunch 'n Learns once a month; Tony DeBernardo is scheduled to discuss personal injury cases in December.
- Young Lawyers Committee reported that a PBA Young Lawyers caravan is to be set for 2008.
- President Whelton, Mr. David DeRose, and Mrs. Krivoniak are to work out details with Seton Hill concerning WBA usage of their new building.
- Board decided to hold January Quarterly Meeting at the Greensburg Garden and Civic Center.
- Board agreed that the quarterly meeting is free to members but CLE credit will be standard fee of \$30/hour.
- Learned that representatives from Lawyers Abstract, WBF, and WBA met to discuss ways to work together.

E-Filing Update

by *The Hon. Gary P. Caruso*



A committee comprised of members of the bench, the bar, and the row offices continues to investigate the possibility of implementing an e-filing system in Westmoreland County. At present, the committee is continuing to explore its options and no plan or timetable is in place.

In addition, the committee is considering the possibility of intra-courthouse e-filing. Under that system, certain offices—such as the Sheriff, the Clerk of Courts, Mental Health and the Tax Office—would be capable of electronically filing many documents that they currently file by hand, thereby enhancing the efficiency of the process of filing documents.

We will continue to report any new developments as the work of the committee progresses.

Godlewski Elected to GCDC Board

Thomas J. Godlewski was elected as a Board Member of the Greensburg Community Development Corporation (GCDC) Board of Directors. His three-year term began on January 14, 2008, and will conclude on December 31, 2010. As a GCDC Board member, Tom will be guiding organizational policy and developing strategy for renewal of Downtown Greensburg, while promoting GCDC's mission, role, and



▲ Thomas J. Godlewski

activities throughout the community.

The purpose of the GCDC is to assist the City of Greensburg in the development of plans and programs encompassing total community development, beginning in the core area and limited to the geographical boundaries of the City.

"Greensburg has always had a special place in my feelings, especially the people and how they come to live together," says Tom of his interest in serving on the GCDC Board of Directors.

The owner of Godlewski & Associates, Tom has been practicing civil law in the Greensburg area for over 30 years, primarily in business issues involving contract negotiations and interpretations. He has extensive experience in land use planning that began with the collaboration on the writing of a law review article concerning municipal code enforcement that was published in the Yale Law Journal. Tom has served as solicitor for the Ligonier Township Zoning Hearing Board and was the solicitor for Hempfield Township for 20 years.

BRIEFLY SPEAKING

A lifelong resident of the Greensburg area, Tom and his wife, Karen, have three grown daughters who reside in Philadelphia, New York City, and Minneapolis.

Judge Marker Completes Term with Community Foundation

by The Hon. Charles E. Marker, Senior Judge

I recently completed my seven-year term on the Community Foundation of Westmoreland County and I extend my sincere thanks to the Westmoreland Bar Association that afforded me an opportunity to serve as their representative on this outstanding Foundation.

I served on the Distribution Committee of the Foundation and, indeed, it was an eye-opening experience. It was refreshing to see the contributions the Foundation has made to this community and area. When I served on the bench of Westmoreland County on a full-time basis in family court and particularly juvenile court I was well aware of all the numerous juvenile programs available throughout the Commonwealth that provided services to delinquent, troubled, and abused children. However, upon my entry into the Community Foundation I was pleasantly surprised to learn of the huge number of fine non-profit organizations, particularly in the 15601 area. These organizations serve different purposes in our community and provide needed benefits to our citizens. At the same time, they were in need of funds to continue and enhance their programs. That, of course, is where the Community Foundation comes into play.

I had the pleasure to serve with a number of our citizens who made up the Distribution Committee, all of whom were dedicated to the Community Foundation and its purposes. They came from different backgrounds which benefited the entire committee since they were able to lend their background and expertise with evaluating the needs of the applicant organizations, which aided in making an appropriate distribution to the organizations.

I certainly enjoyed my term with the Community Foundation, and I sincerely appreciate the Westmoreland Bar Association appointing me as their representative. Noting also that Michael Stewart is the new representative, I'm sure he will enjoy and be an excellent representative of the Westmoreland Bar Association.



▲ The Hon. Charles E. Marker

As of October 17, 2005
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CALENDAR OF EVENTS

FEBRUARY

- 13** Bankruptcy, Noon
Membership, Noon
Women in the Profession, Noon
- 18** Courthouse closed in observance of Presidents' Day
- 19** A CLE Event: "The ABCs of PFAs," Noon to 1:15 p.m.
Board, 4 p.m.
- 21** Young Lawyers Lunch 'n Learn, Noon (no CLE credit)
Ned J. Nakles American Inn of Court, 5 p.m.
- 27** Dine Around, 6:30 p.m.,
Colonial Inn, Ligonier

MARCH

- 6** A CLE Event: "Trial Motions *In Limine*," Noon to 1:15 p.m.
- 7** Ski Outing, Seven Springs
Discounted tickets are \$26 for 9 a.m. to 7 p.m. or 1 p.m. to 10:30 p.m. Ski rental, \$13; snowboard rental, \$23.

- 11** A CLE Event: "Overview of Key Civil Rights Cases Decided by SCOTUS During 2007," Noon to 1:15 p.m.
- 12** Bankruptcy, Noon
Membership, Noon
Real Estate, Noon
- 14** New Member Ceremony, Noon, followed by the St. Paddy's Party
- 18** A CLE Event: "Small Business Clients," Noon to 1:15 p.m.
Family Law, Noon
Board, 4 p.m.
- 19** Ned J. Nakles American Inn of Court, 5 p.m.
- 20** Elder Law & Orphans' Court, Noon
- 21** Courthouse closed in observance of Good Friday
- 25** A CLE Event: "Employing Foreign Nationals," Noon to 1:15 p.m.
- 27** Dine Around, 6:30 p.m., Pie Cucina Ristorante, Blairsville

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- 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. 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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Register today for a CLE Event

Tuesday, February 19, 2008
WBA Headquarters
Noon to 1:15 p.m.

The ABCs of PFAs

Coordinated by the
WBA Family Law Committee
1 optional substantive credit

- *The Who, What, Where, When, Why, and How of Actions Under the Protection from Abuse Act, as Amended:* Kathleen N. Kemp, Esq., Laurel Legal Services, Inc.
- *Overview of the Violence Against Women Act:* Leeann Pruss, Esq., Laurel Legal Services, Inc.
- *Moderator:* Abby De Blassio, Esq.

Download a registration form at
www.westbar.org.