



*CASA Hires a New Executive Director, Catherine S. Young, Esq.*

## A New Voice for Westmoreland County's Children

Catherine Young has assumed her post as the new Executive Director of CASA of Westmoreland County. She succeeds Rachael Lord, MSW.

Catherine brings a wealth of experience with her. She was born and educated in the state of California, graduating from the McGeorge School of Law, University of the Pacific, in Sacramento in 1991. She has worked in both private practice and public service, practicing law in State, Federal, and Native American



▲ Catherine Young

Tribal Courts across the country. Catherine's legal career has taken her from California and Washington State to Pennsylvania, where she has lived for the past eight years with her husband and children. Her experience includes civil litigation in the areas of First Amendment issues, attorney ethics, business, family law, and products liability, as well as service as an Assistant Attorney General for Washington State, as counsel for the Department of Social & Health Services, Division of Child Support. In Washington, she also worked for Spokane Legal Services representing

indigent families, and more recently, she served as staff attorney with the Legal Aid Society of Pittsburgh, a/k/a "Kids Voice," where she was an advocate for abused and neglected children.

Catherine Young's dedication to children's advocacy began when she herself was a CASA volunteer and guardian ad litem in Washington State, some fifteen years ago. As Catherine describes, "CASA is an acronym for Court Appointed Special Advocates, and is a nationwide program of community volunteers that began in Washington in 1977. The CASA program was first brought to Westmoreland County last year, at the inspiration of Judge Christopher Feliciani. His heartfelt commitment to the children and families who came before him in court led the Judge to seek support for launching this program. He received support from the Bench, the Bar, the Children's Bureau, and many others, whose generous donation of time and funding made this mission possible."

As Catherine explains, "CASA volunteers are assigned to a case to be the 'eyes and ears of the Court.' They gather information and make recommendations as to what is in the best interest of the children they serve. CASA volunteers receive extensive training and work cooperatively with

social workers, counselors, school teachers, medical personnel, caregivers, and other adults who are involved in the child's life. They meet with parents and other relatives. Most importantly, they develop a relationship with the children they serve—a relationship that endures throughout the entire time a child's case is "in the system."

"CASA volunteers come from all walks of life, and bring a fresh, truly independent perspective," Catherine explains. "When we ask new questions, we are more likely to get new outcomes for these children whose lives have been shattered."

"My vision," Catherine shares, "is to give a voice of hope to those most vulnerable among us—children who have suffered the unspeakable pain of abuse and neglect. As a CASA advocate, one can deeply impact the lives of children who, through no fault of their own, find themselves in hopeless, helpless situations."

Those interested in learning more about the program can visit the county website at [www.co.westmoreland.pa.us/casa](http://www.co.westmoreland.pa.us/casa). There they will find information how to become a CASA volunteer, how community groups and individuals can support CASA by promoting community awareness, and how financial contributions will help to ensure the program's sustainability in Westmoreland County. 🐾

President's Message

# Twelve Gifts of the WBA

by Barbara J. Christner, Esq.

Is it possible another holiday season is here? Every year, as I review my Christmas shopping list, I declare that I will not purchase another gift card, but every year I wonder how else I can be sure that the recipient will like



my selection. My method has always been to buy what I would want to receive. That way, at least one of us is thrilled with the gift! As they say, "It is better to give than receive."

Now that I am in the shopping spirit, I remember the holiday when I gave a friend a gift for each of the twelve days before Christmas. I had such a good time shopping, but I had an even better time knowing how pleased my friend was. So that gave me an idea. Why not give twelve gifts to the WBA members? Each gift is valuable, and if you accept the gifts, you will be genuinely rewarded.

**1. HOLIDAY DINNER DANCE ON DECEMBER 13, 2008, AT THE LATROBE COUNTRY CLUB** Not only will we be visiting with our friends that evening, we will be recognizing the Honorable Joseph A. Hudock on his retirement from the Superior Court. In addition, you won't want to miss the great items for sale at the Silent Auction, the annual fund-raiser that benefits the Westmoreland Bar Foundation's community outreach programs.

**2. DR. PAUL DAVID NUSSBAUM, CLINICAL NEUROPSYCHOLOGIST, WILL SPEAK AT THE QUARTERLY BAR MEETING ON JANUARY 22, 2009** He will talk about how to maintain healthy brain functioning. Dr. Nussbaum lectures nationally and internationally on topics related to brain health, healthy aging, dementia,

and related disorders. His presentation will be informative and fun. What a great way to start the year by taking advantage of a wellness program that we can all benefit from. We encourage you and your spouses to attend this free program, as this is one you do not want to miss.

**3. LAWYER REFERRAL WEB PAGE** Look for this in January 2009. When you access the Lawyer Referral section of our web page, you will be pleased to find an efficient system for assigning an attorney to a client. As soon as a client registers, he/she will receive an e-mail assignment. This site will be a great benefit to the public, as well as to the attorneys in the program.

**4. COMMITTEES** The work of the committees is invaluable. At meetings, you can have lunch and engage in discussions about the law. If you have a question, chairs and co-chairs are only a phone call away. As a committee member, you have the support of each other and you are always welcome at any meeting.

**5. ANNUAL MEETING** Every April, we hold the Annual Dinner Meeting to review the previous year's accomplishments, to recognize those attorneys who have excelled in their service to the WBA and the public, and to elect officers for the board of directors, and the membership and building committees.

**6. THE NEW WBA WEB SITE** It is really coming! By March 2009, we will launch our new web site, which will have a fresh new face and be easier to navigate. Although it is

still under construction, here are some of things it will help you do:

- Register for committee meetings and CLE programs
- Pay for CLE programs with a credit card
- RSVP to all events
- Access an online member directory, and download the directory to your Blackberry
- Join a listserv
- Access our WBA blog, and more!

## 7. BENCH/BAR CONFERENCE

I think the Bench/Bar Conference just gets better every year. The committee works to select a venue that offers different activities (everyone can find something), good accommodations and great food. But consider the bargain that you get for the small price that you pay—the registration fee includes CLE credits. If you have not attended a Bench/Bar Conference recently, put this on your "must do" list for June. We are headed for Seven

Springs (with newly remodeled rooms) in June of 2009.

**8. FALL GATHERING** This event has become very popular over the years. After the summer vacations have ended, it provides a great opportunity to catch up with one another and plan for the hectic schedules that fall and winter can bring.

**9. CONTINUING LEGAL EDUCATION** Not only does the WBA offer numerous and varied CLE programs to attorneys, we also provide educational programs to the public. We have excellent presenters and discount registration fees to our members.

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# Remembering John W. Pollins, III

*Editor's note: John W. Pollins, III, passed away on August 25, 2008. He is survived by his wife, Susan; his children, John W. Pollins, IV, and wife, Heather, Suzanne MacLennan and husband, Andrew, and Christina Shackelford and husband, James; and his grandchildren, Kayla and Megan MacLennan, Ella-Mae Shackelford, and John W. Pollins, V.*

by Jon M. Lewis, Esq. (with David J. Millstein, Esq.)

John W. Pollins, III, was a complicated guy, the sort you don't often see. You could write a book about each one of his numerous and varied interests and everyone who knew him had a "John Pollins" story. Some of us have many.

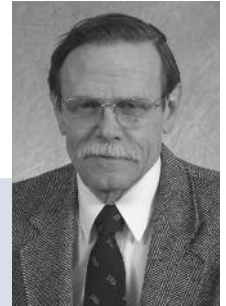
I ate lunch with him regularly for thirty-four years, and on most of those occasions he had a story or a joke to share. And when he didn't have a new one, he'd simply recite an old punch

line and we'd laugh all over again, not just because it was funny the first time but also because we always remembered both the story and the peculiar embellishments of the storyteller with equal affection.

At work, John was always a sight to see. Sometimes he'd absentmindedly put a lighted pipe in his coat pocket and take up some project, oblivious that his jacket continued to smolder. Sometimes he'd sit on a chair in front of the jury box to close, and occasionally he would fall over backwards. Sometimes he'd have a "John Pollins Day" at the Supreme or Superior Court where, as a courtesy, the prothonotary would schedule his myriad appeals all for the same day so as to save him multiple trips to Pittsburgh.

On more than one occasion, while taking a deposition in his office, he was known to sit down at the piano he

kept there to play for a few minutes, as if it helped him contemplate the issues or think of the next line of questions. Or maybe he became spontaneously eager to work out the intricacies of some new musical phrase that had popped into his head or maybe he recalled the passage of some sonata that was in need of immediate expression. Or maybe he just needed to tinkle. I could never tell which.



▲ John Pollins

John was at least as much concerned with making precedent as he was in preserving it. It was his passion to make the law what he thought it should be that fueled his many trips to the appellate courts. Although he was not always successful in convincing the various courts of the Commonwealth that his view was the better one, or even a coherent one, he never lost his ardor for the pursuit. In fact, I don't think he ever even got winded.

But John was not just about the law. His other passions were as diverse, as eclectic, as a kid's ardor in a toy store. He loved Shakespeare and could and would quote the Bard incessantly. Some years ago, when he found out I was going to England to visit my brother, he commanded me to go to the Globe Theatre. It was there that his love for Shakespeare and for metalworking had coalesced. It was there that a primrose he had forged sat atop the gate at The Globe, the first-place winner of a competition held for that purpose. The same

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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](http://www.westbar.org/html/publications).

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## Remembering John W. Pollins, III *continued from page 3*

primrose had been featured on the cover of Smithsonian magazine when it did a cover story on ornamental ironworks.

John was forever sketching ideas for his forgings—in court, at lunch, wherever—many of which were kept by local waitresses entranced by their intricacies. Many of those ideas never saw the light of day but all of them were the children of his fertile imagination.

John took the same approach to life that he did to law. He was interested in all of its aspects. He sculpted, he played chess and the guitar, he taught scuba diving, skiing, and Sunday School, and much more. He loved to mentor lawyers, young and old alike. Many lawyers came to him when they thought their case was a loser, and perhaps that's where John most excelled. He didn't know the meaning of the word "lose." Then again, if he had, there would never have been so many "John Pollins" days at the appellate courts.

No matter what the situation, John was the kind of guy who loved to help out. You want a Damascus blade? He'd

make you one. A door knocker? Just ask. A piece of ornamental ironwork? He'd show you how to do it. That's who he was, that's who he loved to be.

Although it might not have been readily apparent to all, John was a humble guy. He had this gift, this wonderful gift, to see beauty everywhere, in the law, in the arts, in metal, music, or the mind. He could make these things fly, he could get them to soar, high and majestic, nearer to the heavens than they might ever have been on their own. That was his special gift.

His family was his gift as well and he is survived by family members who loved him. He leaves behind his wife, Sue, and children John W. Pollins IV and wife, Heather; daughter Suzanne MacLennan and husband, Andrew; and daughter Christina Shackelford and husband, James; as well as four grandchildren.

During his lifetime, he served as a member of the Westmoreland Bar Association, various trial lawyer associations and committees, the Dead Poet's Society, blacksmithing organizations, Touchstone, the Greensburg Shakespeare Club and various charitable organizations. All were enriched by his presence, all are diminished by his passing. For better and for worse, he was a unique guy. You're not going to see another one like him for a very long time. 🍷

## Twelve Gifts *continued from page 2*

**10. PBA MEMBERSHIP BENEFITS** In the Pennsylvania Bar Association, we have an active state bar that supports Pennsylvania attorneys with educational programs and publications, including access to the PBA's InCite, an online legal research tool. As a PBA member, you can join various sections that provide additional information about a specific area of law.

**11. THE WBA DIRECTOR AND OFFICE STAFF** If anyone knows how fortunate we are to have our Executive Director, Diane, I do. I am halfway through my term and I could not do this without her. Diane is capable and efficient, and I'm sure anyone working with her will agree with me. But I must also applaud the rest of the office staff of Cathy, Julia, and Susan. Their patience is never-ending and I know I can rely on them anytime. They take the phone calls and work tirelessly to get the job done. The Director and staff are always there to help the members.

**12. AND THE GREATEST GIFT OF ALL? THE MEMBERS.** Your time, talent, ideas, and the energy you share with one another has made this association one of the finest in the Commonwealth. Get to know each other better by attending a committee meeting, CLE program, or dinner.

Take advantage of what the WBA has to offer you. These gifts will just keep on giving! 🍷

Best holiday wishes,



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# ACBA Honors WBA Attorneys for Their Years in Practice

*Editor's note: Elizabeth Bailey and Richard L. Jim were honored for their years in practice by the Allegheny County Bar Association during a ceremony held on November 17, 2008. Ms. Bailey was asked to deliver a speech to the gathering, where both 50- and 60-year practitioners were honored (see page 6).*

## ELIZABETH BAILEY HONORED FOR 60 YEARS IN PRACTICE

In the midst of World War II, a young high school teacher walked into the Dean's Office at the Duquesne University School of Law to inquire about attending night classes. She had graduated from the University of Pittsburgh, *summa cum laude*, just a few years before, and in 1943, there was no such thing as an LSAT exam. She was welcomed and accepted, and in 1948, after attending classes five nights each week, as well as continuing to teach school every day, Elizabeth Bailey graduated from law school.

Ms. Bailey was the 76th woman to be admitted to the Allegheny County Bar Association, and on November 17, 2008, at the Duquesne Club in downtown Pittsburgh, the ACBA honored her for being 60 years



▲ Elizabeth Bailey's portrait in Pitt's 1941 yearbook.



▲ Richard L. Jim and Elizabeth Bailey were honored for 50 and 60 years in practice, respectively, by the Allegheny County Bar Association at a ceremony held at The Duquesne Club in Pittsburgh on November 17, 2008.

in practice. She was one of only two attorneys who achieved this distinction in 2008.

Elizabeth Bailey joined the practice of Attorney James C. Tallant in 1948, with an office in the Law & Finance Building in Pittsburgh. In 1978, she and Mr. Tallant relocated and were among the first tenants in the Town Square Professional Building in Murrysville. Ms. Bailey and Mr. Tallant, until his death in 1994, represented generations of Murrysville-area families, with an emphasis on estate administration and real estate. She also handled numerous adoptions in the Pittsburgh area.

Still continuing to practice law, Elizabeth can be found in her Murrysville office every weekday and most Saturday mornings. Her clients continue to seek her out, not only for her experience, but for her sensitive approach to their problems.

Motivating Elizabeth's continued success and her longevity is her desire

to help people with matters of vital importance to them, no matter how large or small. Her satisfaction comes from doing a job well done. During recent years, she has been an advocate for the elderly, often working with clients and their families to make good decisions in the face of difficult medical and financial issues.

When asked about retirement, Ms. Bailey usually responds that that will happen only when she stops enjoying what she does and stops having fun. Apparently, that career change in 1943 was a good move.

## RICHARD L. JIM HONORED FOR 50 YEARS IN PRACTICE

After graduating with a degree in Industrial Engineering from the University of Pittsburgh in 1950, Richard Jim began work in a local steel mill in the open hearth. In 1951, he entered the first class of Naval Officer Candidate School in Newport, Rhode Island. The day after his discharge as a U.S. Navy Officer in September

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# ACBA Honors WBA Attorneys *continued from page 5*

*Editor's note: The following is the speech delivered by Elizabeth Bailey to those who gathered to honor both 50- and 60-year practitioners on November 17.*

I am 88 years old. I walk more slowly than I walked ten years ago. My vision is not as sharp as it was ten years ago, and I do not hear as well as I did then. When we do standing poses in yoga class, the teacher says, "Elizabeth, against the wall." That is so I do not topple over with my feet five feet apart.

In the early 1940s, I taught English and History to the eighth grade at West View Junior Senior High School, and every evening for four years I attended Duquesne University Law School in the Fitzsimmons Building on Fourth Avenue in Pittsburgh. That site is now a parking lot.

My first law office was a table and chair in the library in a suite of offices on the eighth floor of the Berger Building, also on Fourth Avenue. That site is also now a parking lot.

I remember when we charged \$5 to prepare a deed, when the mortgage form consisted of four pages, when we used carbon paper instead of copy machines and typewriters instead of word processors.

I remember when the Orphans' Court Division was a separate Orphans' Court and Judge Boyle was the President Judge with a courtroom on the eighth floor of the City-County Building.

I also remember when the Federal Estate tax exemption was \$60,000.

As the theme for my remarks, I have selected, "The right thing to do."

A few years ago, a young man, 33 years old, asked me to help him with the trouble he was having with the Immigration Department, because the date of his birth and the spelling of his name on his marriage record did not correspond with his birth certificate.

He was brought to the U.S. from Mexico when he was only 6 or 7 years old, he had never attended school, and could not read or write. His bride had guessed at his birth date and the spelling of his name on his marriage license application. When the Orphans' Court Division Judge signed an order correcting his marriage record, he said, "I am not sure I have authority to do this, but it seems like the right thing to do."

I appeared only once in the Criminal Division, when a decedent, age 42, had been sentenced to pay a fine of \$5,000, plus costs. I appeared with the decedent's mother, who was the Administratrix of his estate, with a petition to abate the fine. The District Attorney opposed our petition stating that the fine was mandatory by statute and could not be abated. I argued then that death is a good excuse, that decedent's minor son should not be punished for his father's conduct, and that abating the fine was the right thing to do, especially when the estate consisted primarily of the proceeds of an insurance policy on decedent's life. The Court agreed and abated the fine.

Then there was Paul, age 65, whose education ended in the sixth grade, and who lost one leg above his knee when he was 15 years old. Paul's father died of Black Lung and Paul filed a claim as a dependent under the Black Lung Benefits Act. Since we knew nothing about the Black Lung Benefits Act, we suggested that Paul find other counsel. Since he could not find an attorney willing to represent him, I tried to help him. This case was especially difficult since the Administrative Law Judge had recently denied benefits in a case where the facts were very similar to Paul's. When the Administrative Law Judge heard that "running water" in Paul's house meant a small stream running across his dirt basement floor, he thought awarding benefits to Paul was the right thing to do.

You know what Paul said when he received the award? "My ship came in."

You know the first thing he did? He bought his first new car.

Quite a few people ask why I continue to sit in my law office in the Town Square Professional Building five to six days a week.

It's because I enjoy listening to people, and trying to help them.

To all of you young men who have practiced law for fifty years, I salute you, and hope that you enjoy your next ten years as much as I have. 🌸

of 1954, he started law school at the University of Pittsburgh.

The law school class primarily consisted of veterans who were different from the "just-out-of-college" types. One professor described them as the "worst class I've ever seen," but uniquely the class included one woman, one African-American and one blind student. There were forty-one graduates, out of which emerged four judges, a Harvard law professor, a Governor, and a host of excellent attorneys.

Fifty years later, on November 17, 2008, Mr. Jim was honored by the Allegheny County Bar Association in a ceremony held at the Duquesne Club, recognizing his length of service in the legal profession.

He likens his practice to that of a family doctor and is significantly familiar in all areas of the law to give his clients good advice and representation. He says that he thought he was going to be an engineer with a legal background; instead he became an attorney with an engineering background.

Mr. Jim is a sole practitioner; and his daughter Aimee R. Jim, Esq., recently opened her own practice in Greensburg as a sole practitioner. His son Bernard L. Jim, Ph.D., is a professor at Case Western University in Ohio. Mr. Jim and his wife Rosemary ("Posy") Lechman Jim have both lived in Latrobe all their lives. 🌸

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# Spotlight on Maria Soohy

*Editor's note: Maria Soohy is General Counsel at Aestique Medical Center and is a Trustee on the Board of the Westmoreland Bar Foundation.*

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

**A** My first job was babysitting three children under the age of six the summer after eighth grade. The kids actually survived. After that, I worked at a place called Superburger during high school. After high school, I worked as a secretary at Latrobe Steel.

I then worked at Latrobe Hospital first as a Librarian Aide, and then as a Medical Transcriptionist. While going to college I was hired as an Office Manager by a plastic surgeon who came from California to

practice in Greensburg. Little did I know at the time that my office manager job would eventually lead to my current position as General Counsel at Aestique Medical Center.

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

**A** I can honestly say that I have enjoyed some aspects of all the jobs I've done. I had many good times and friends remain from even my very early jobs. My favorite may have been the Librarian Aide. No one talked, and because it was so quiet the work was easy to accomplish. I became very good at finding resources.

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

**A** I was in front of a Pittsburgh magistrate representing a college student who was charged with underage drinking. I was a little out of sync

with the drive, parking, etc. The hearing went really well, the charges were dismissed, and I was starting to feel pretty good about myself.



The student and I both parked in the Duquesne parking garage and walked, so we walked back to our cars together. While the client was thanking me, I got a bit confused and instead of pushing the parking garage elevator button, I hit the emergency panel (a mistake anyone could make regardless of whether one button is small and round and the other is square, red, and has EMERGENCY ONLY on it).

Needless to say, major alarms sounded, the client had the look of

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# G

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**Daniel Joseph**



# Spotlight on Maria Soohy *continued from page 7*

panic. The poor guy said, "Make sure when they come for you, you tell them that I'm not with you. In fact, I'm getting out of here before my own attorney gets me arrested."

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

A There are two qualities I admire in attorneys and people in general. One is commitment and the other is humility. I know some unbelievably talented lawyers that make what they do seem easy. Yet, they are the ones most humble when complimented and quick to give credit to others around them. Commitment matters and is essential in both our personal and professional lives. It's easy to talk the talk and another thing altogether to walk the walk. I admire those who walk the walk.

## Q WHAT IS YOUR FAVORITE JOURNEY?

A Actually, I think my favorite journey is the one I'm on right now. I like to think I am on a spiritual journey that challenges me to seek the higher meaning in life, to have faith, and to live with a genuine purpose.

## Q WHAT IS YOUR GREATEST REGRET?

A Two regrets come to mind. First, I regret not having four children instead of two. My pregnancies were high risk, but I always wondered if I should have taken the chance. The other regret is that I didn't go to law school sooner. I knew I wanted to before I actually went.

## Q WHO ARE YOUR HEROES IN REAL LIFE?

A I have the utmost respect for all military service men and women, those currently serving as well as all Veterans who have sacrificed so much to protect our freedom. My dad was a World War II veteran. He was a nose gunner flying in a B-24 bomber. He flew thirty-two bombing missions in the European theater, flew in the Battle of Normandy, and was only one of two survivors when his plane crashed over England. He was 19 when all of this occurred, and never acted as if he had done anything special. He was truly a hero and will always be mine.

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

A I would remind new lawyers that their future is limited only by the scope of their dreams. My sister, Rose, gave me that advice when I entered the profession and I think of it often.

## Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A My husband and I have raised two daughters who are beautiful both on the inside and out.

## Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A Perfect happiness to me is living a lifestyle that nourishes your mind, body, and spirit.

## Q WHAT IS YOUR MOST TREASURED POSSESSION?

A I am not really attached to material possessions, although I like nice things. I have some antiques and Belleek china that have special meaning, but I most treasure my good health and the good health of my family.

## Q WHAT IS IT THAT YOU MOST DISLIKE?

A I really hate to be around people who complain all the time and are always in a bad mood. Most likely, we all know someone like that.

## Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A I love jewelry, expensive skin care and cosmetic products (a must!), and spa services.

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

A I would love to compose music and play the piano. I can't do either.

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

A My friends make me laugh and are there through the good and bad times. I value that.

## Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A My mother. She is almost 84, is still beautiful, and can stay at the slots in a casino longer than I can. In all seriousness, she has always been there for me and my siblings, is a perfect grandmother to our children and provides us and them with unconditional love. After losing her true love, my dad, over two years ago, I thought she may give up, but instead has shown an inner strength that our entire family draws from.

## Q WHAT IS YOUR MOTTO?

A Be yourself and be true to yourself. 🐾

## Attorney-Coaches Needed for Mock Trials

The Mock Trial Program is looking for attorney-coaches to assist local high school mock trial teams this season, especially for the Kiski area. There may be other teams who will need help as well. Anyone interested in volunteering, or who needs more information, should contact Leo Ciaramitaro at [lciamami@co.westmoreland.pa.us](mailto:lciamami@co.westmoreland.pa.us). Thank you.



# To-Wit: Look—Up in the Sky!

by S. Sponte, Esq.

When it comes to superheroes, I've always been a dreamer. The notion of a Superman, a larger than life, indestructible force for truth and justice, was nirvana for a kid whose parents' psychological resemblance to Lex Luthor was truly uncanny.

As a little boy, I used to tie a kitchen towel around my neck and leap from the side porch, fully confident of my ability to stay aloft and land eons away. Stay aloft I did, but for distances measured less by miles than milliseconds. That I was persistent even then was evidenced by my increasing intimacy with the native shrubbery.

So now you may understand my fascination when recently, while attending a deposition at a major downtown law firm, I happened to notice a magazine entitled "Super

Lawyers of America." Oh, I'd seen the magazine before but I've never paid much attention to it. This time though, having a few free moments, I glanced through it and noticed that it contained a profile and photo of the

**I always enjoy it when colleagues are honored. It makes it ever so much easier to dislike them.**

very lawyer on the other side of my immediate case. He had no cape, but, oh, be still my heart, he looked so good in that ascot.

"Congratulations," I said to him as I exited the restroom, "pink is really your color."

I've now come to realize these "super lawyer" publications are ubiquitous. They're on display in the reception areas of many major law firms, where it seems that at least one senior partner there is always among those listed and where it also always seems that all the other pages of the magazine have been ripped out.

Now don't get me wrong, I always enjoy it when colleagues are honored. It makes it ever so much easier to dislike them. Yet I couldn't help but notice that all the lawyers listed in these publications are big dollar senior partners from big city law firms. Surely there are other really super lawyers and

*continued on page 10*




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# To-Wit: Look—Up in the Sky! *continued from page 9*

judges out there who, by virtue of their skill and knowledge, are entitled to that appellation as well but who, perhaps because of their backwater

locations or economic status, have failed to gain similar recognition.

It is on their behalf that I have compiled my own list of super

lawyers, lesser known

to be sure, but equally entitled to accolades. Like super lawyers everywhere, they are colleagues of substance, though exactly what that substance is may be open to debate.

**TIMOTHY TIM TIMPSON—**

Graduating at the bottom of his class from the Southwestern Tip Of The Northern Panhandle of West Virginia

School of Law, T-Cubed, as he was affectionately known, nonetheless distinguished himself in defense of predatory borrowers. His legendary “Debt Before Honor” advertising campaign remains a benchmark for bankruptcy lawyers everywhere.

**SUSAN “SWEET SUE”**

**GALLSTONE—**She catapulted herself into the pantheon of matrimonial lawyers by inventing bifurcation, the technique of obtaining a divorce decree before resolution of the economic issues that enabled male clients in heat everywhere to jump headlong into new financial obligations before they were through paying for the old ones.

**STIFLE AND SHUDUP—**The only partnership worthy of superlawyer recognition, they were pioneers in the field of creative lawyer advertising and were each actually nominated for Oscars for their respective portrayals of Abraham Lincoln and Guy du Maupassant in which they encouraged

prospective clients to both emancipate themselves from the shackles of their contractual obligations and to indiscriminately eat tripe.

**SHIRLEY UJEST—**A distinguished jurist perhaps best remembered for her hard-line approach to recidivist jaywalkers. So fervent was she about traffic controls that she actually took to cruising downtown streets in her Oldsmobile, taking dead aim at perps in the act of transgression. Spent her post-bench career as solicitor to such diverse groups as Crossing Guards United and Ding, The National Association of Body Shop Owners.

Now no doubt I’ve left some very notable candidates out, and for that I’m sorry. If you think you warrant inclusion, drop me a line. No need to send a bio. If you practice law, hey, that’s good enough in my book. 🐶

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September 2008 Civil Trial Term

# Jury Trial Verdicts

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

Of thirty-four cases slated for the September 2008 Civil Jury Trial Term, seven settled, eleven were continued, two were stricken, judgment was entered in one, summary judgment was granted in one, one was tried as a binding summary jury trial, two were scheduled for nonjury trials, one was transferred to arbitration, four verdicts were entered and four were held to the next trial term. The jury verdicts for the September trial term are summarized below.

**STEVEN STOLITCA AND  
MARYANN STOLITCA, HIS WIFE**

**V.  
DARLA BAKER  
NO. 8244 OF 2006**

*Cause of Action: Negligence—Motor Vehicle Accident—Loss of Consortium*

Plaintiffs instituted the within negligence action as a result of a motor vehicle collision that occurred on September 21, 2004. Plaintiff Steven Stolitca was operating his automobile in a generally northerly direction on Slope Hill Road in Mt. Pleasant Township. At the same time and place, Defendant Darla Baker was operating her vehicle in a generally southerly direction when she crossed the center line and collided with Plaintiff head on. Plaintiff claimed injuries to his cervical spine, lumbar spine, the soft tissue and permanent scarring of his left hand, shock and attendant nervous disorder, and numbness in his leg from nerve damage. Plaintiff claimed these injuries resulted in wage losses and impairment of his earning capacity. Plaintiff's wife claimed the loss of consortium of her husband.

Defendant conceded liability but argued that Plaintiff's soft tissue injuries were minimal. Defendant



argued that Plaintiff's alleged injuries were the result of independent, intervening, or superseding causes over which the Defendant had no control.

*Plaintiff's Counsel:* Richard H. Galloway, QuatriniRaffertyGalloway, Gbg.

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

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

*Result:* Verdict in favor of Plaintiff in the amount of \$90,000 (\$85,000 to Plaintiff and \$5,000 to Plaintiff's wife for loss of consortium).

**MARGUERITE CAVALIER, AS  
EXECUTRIX OF THE ESTATE OF  
JAMES F. CAVALIER, DECEASED  
V.**

**INTEGRATED HEALTH GROUP,  
L.P., D/B/A INTEGRATED HEALTH  
SERVICES OF GREATER  
PITTSBURGH  
NO. 6327 OF 2005**

*Cause of Action: Wrongful Death and Survival—Nursing Home Negligence*

James Cavalier (Decedent) was admitted to a nursing home operated by Integrated Heath Services (I.H.S.) on November 19, 2004, for post-surgical rehabilitation. Decedent's admission was to be for a short period of time only, and he intended to return to his home following rehabilitation. Decedent was treated at I.H.S. from November 19, 2004, to December 15, 2004. During this time period, Decedent developed a large perirectal wound or pressure ulcer, and his health rapidly deteriorated. On December 15, 2004, Decedent was admitted to Westmoreland Hospital, where he was diagnosed with a perirectal wound, dehydration, and anorexia. Due to the wound and malnutrition, Decedent was required to undergo surgery to perform a colostomy and to insert a feeding tube. Decedent died on January 16, 2005.

The Executrix of the Decedent's Estate filed a wrongful death and survival action against I.H.S., averring that Decedent's injuries and death were caused by, inter alia, I.H.S.'s negligent failure to provide Decedent with adequate nutrition and hydration, failure to prevent the development of pressure ulcers, and failure to prevent pressure ulcers from progressing.

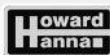
At trial, the Executrix produced evidence to show that I.H.S. breached the standard of care and thereby

*continued on page 12*

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## Jury Trial Verdicts *continued from page 11*

caused Decedent to develop and ultimately die from pressure ulcers, malnutrition, and dehydration. I.H.S. presented evidence to show that Decedent did not develop a pressure ulcer, but rather suffered from an abscess that could not have been prevented by its staff. I.H.S. offered expert testimony to prove that it acted within the standard of care and that Decedent's death was not the result of the care it received at its facility.

*Plaintiff's Counsel:* Robert F. Daley and Chad P. Shannon, Robert Pierce & Associates, P.C., Pgh.

*Defendant's Counsel:* Ronald M. Puntil, Jr., and Michele V. Primis, Marshall, Dennehey, Warner, Coleman & Goggin, Pgh.

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

*Result:* Verdict in favor of Defendant.

### MARK GIACCHINO

V.

### BRIAN WILLIAMS

NO. 687 OF 2007

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

On March 23, 2006, at approximately 6:00 p.m., the Plaintiff was traveling eastbound on Route 130 in Irwin Borough. Plaintiff was stopped at an intersection when he was struck from the rear by Defendant's vehicle. Plaintiff claimed various soft tissue injuries as a result of the collision.

The Defendant conceded negligence. Plaintiff was awarded \$20,000 at arbitration, and Defendant appealed from the award. At trial, the sole issues were whether the injuries claimed by the Plaintiff were caused by the accident and, if so, the amount of damages to be awarded.

Three witnesses testified at trial. Each of the parties testified, as well

as Plaintiff's treating physician. Of interest, the Plaintiff had some prior physical problems that were discussed during the doctor's deposition, but the doctor concluded that those prior problems were not related to the accident. The Defendant had retained a doctor, but chose not to call him. The trial judge granted Plaintiff's motion in limine to exclude all references to a prior medical condition of Plaintiff from the doctor's video deposition. Notwithstanding the exclusion of this testimony, the jury found that there was no causation and did not reach the issue of damages.

*Plaintiff's Counsel:* Rolf Louis Patberg, Patberg, Carmody & Ging, Pgh.

*Defendant's Counsel:* Laura R. Signorelli, Law Offices of Twanda Turner-Hawkins, Pgh.

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

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*Result:* Molded verdict in favor of Defendant. The jury found that the Defendant's negligence was not a factual cause in bringing about harm to the Plaintiff.

**CHARLOTTE MAY  
V.  
HEIDI VANDERHILL  
NO. 5085 OF 2005**

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

The Defendant, Heidi Vanderhill, appealed a \$7,068 arbitration award in favor of Plaintiff, Charlotte May, arising out of a motor vehicle collision that occurred on August 13, 2003, on Harvey Avenue in Greensburg. Plaintiff was stopped on Harvey Avenue, waiting for traffic to clear before making a left turn into a doctor's parking lot, when she was rear-ended by Defendant's vehicle. Plaintiff claimed exacerbation of a left ankle sprain, and injuries to her lumbar, thoracic, and cervical spine, which caused her to suffer pain, persistent headaches, paresthesias in the left arm, wrist, and hand, as well as bilateral shoulder pain. Plaintiff argued that these injuries were serious impairments of the function of her head, neck, and spine, and caused extensive loss of earnings and earning capacity. In addition to wage losses, Plaintiff sought to recover unreimbursed medical expenses.

Defendant characterized the collision as a minor motor vehicle accident. Defendant argued that an independent medical examination revealed that Plaintiff's soft tissue injuries were not severe. Defendant further asserted that the injuries claimed by Plaintiff were not causally connected to the accident.

*Plaintiff's Counsel:* Melissa A. Guiddy, King & Guiddy, Gbg.

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

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

*Result:* Molded verdict in favor of Defendant. 🍷

# Courthouse Centennial Feted at Awards Dinner

The Courthouse centennial was a focal point at the ninth annual Arthur St. Clair Historic Preservation Awards Dinner held October 1 at the Greensburg Country Club, an event sponsored by the Westmoreland County Historical Society.

The Arthur St. Clair awards recognize "significant and substantial contributions to the preservation of our historic places, documents, records or stories, [which keep] alive Westmoreland County's rich history and heritage for future generations."

Among the 2008 recipients were Judge Daniel J. Ackerman, Dr. Susan Sommers, Dr. Michael Cary, and Dr. Timothy Kelly, who received awards for their work on the centennial. Dr. Sommers is the chair of the history department at St. Vincent College. Drs. Kelly and Cary are history professors, Kelly at St. Vincent, and Cary at Seton Hill University. The latter two co-edited "This American Courthouse" as part of the centennial committee's efforts, which also

included a September 2007 gala and a January 2008 open house.

Judge Ackerman credited the members of the WBA, judges, and courthouse employees for their role in the centennial celebration. The centennial committee over the several years of its existence had a rich mix of members, which included architects, writers, an antique expert, a lawyer who is a masterful photographer, and a college student. The legal community was well represented on the committee by Judge Joseph Hudock, Judge William J. Ober, John Scales, P. Louis DeRose, Mark Sorice, James Antoniono, H. Nevin Wollam, WBA Executive Director Diane Krivoniak, and Court Administrator Paul Kuntz. 🍷



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# Actions of the Board

## SEPTEMBER 15, 2008

- Approved Membership Committee recommendations as follows: Donald Rega, David DiCarlo, and Bradley Ophaug, associate.
- Voted to extend line of credit with S&T Bank for an additional year.
- Appointed following WBA members to Nominating Committee: John Greiner, DeAnn McCoy, Karen Kiefer, Annaliese Masser, Jack Bergstein, Scott Mears Jr., Jim Antoniono.
- Approved 2009 Bench/Bar Conference contract with Seven Springs per Mr. Greiner's review and recommendation.
- Voted to authorize payment for website developers to complete the LRS portion of the site.
- Young Lawyers reported they have scheduled a lunch and learn for November in conjunction with the Civil Litigation Committee.
- Reviewed Bylaws Committee report submitted by Chair Tim Geary; agreed

to set goal of April Annual Meeting for presentation to members.

- Voted to accept the Internet/E-mail policy as submitted.

## OCTOBER 21, 2008

The annual joint meeting with the bench was held to discuss issues of concern for attorneys and judges:

### ***JOINT MEETING WITH THE BENCH***

- Agreed to investigate the publication of civil trial lists in the Westmoreland Law Journal with the understanding that the local rules would continue to be the responsibility of the WBA.
- Agreed to approach the county commissioners about allowing the public to have entrance into the courthouse at 8:15 a.m. Judge Marsili will chair the Access

Committee with representation from the WBA board.

- Agreed to table any further talk about e-filing.
- Agreed to use existing WBA events—Fall Gathering and Holiday Dinner Dance—as the venue for recognizing retiring judges.

### ***WBA BOARD MEETING***

- Approved Membership Committee recommendations as follows: Irv Freeman and Joshua Hall, participating.
- Agreed to include a flyer with the 2009 dues billing outlining the benefits of membership in the WBA.
- Directed Mr. Whelton to detail the scope of work left for the website project with associated costs and to present to board for approval.
- Received a check from the Centennial Courthouse committee to fund a future chamber bash.
- Received grant from Pennsylvania Bar Insurance Fund for new lighting in CLE room; grant was used to offset the costs for replacing the ballasts and lights in the building with energy-efficient lighting.

## LawSpeak

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— John Mortimer

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- Learned that ACBA Services will be vacating the first floor of WBA headquarters at the end of the lease term in December.
- Heard Young Lawyers report:
  1. Christmas Party will be December 17 or 18; location to be determined.
  2. Michael Quatrini is the new Service Chair.
  3. The YLs are investigating the possibility of hosting a service project similar to ACBA's "18, the Law and You" where volunteer attorneys visit schools to talk with high school seniors about their rights and responsibilities when turning 18.
  4. October 29 is lunch and learn with recorder of deeds.
  5. November 17 is lunch and learn with civil litigation topic.
  6. Blog has been activated and should be uploaded to the website.
- Agreed to continue with WBA annual contribution of \$2,500 to the PBA PAC.
- Reviewed the following policies submitted by Treasurer DeDiana and agreed to take action on these policies at November board meeting.
  1. WBA Monthly Financial Statement Policy
  2. WBA Credit Card Usage Policy
  3. WBA Check Signing Policy
  4. WBA Cancelled Check Review Policy 🐾

## Disciplinary Board Offers E-Newsletter

Do you know about the new rules governing the handling of client funds by lawyers? Are you aware of the latest ethics opinion on the subject of outsourcing legal or nonlegal support services? Do you think that you can anonymously browse an opponent's or witness's web site for useful information?


You could have given a thorough response to each of these questions if you were a subscriber to the Disciplinary Board's Attorney E-Newsletter.

The Disciplinary Board of the Supreme Court of Pennsylvania regularly publishes an e-newsletter, which contains articles focusing on changes in the Rules of Professional Conduct, activities of the Disciplinary Board, and ethics education. It also offers advice from members of the staff of the Disciplinary Board.

To view the newsletter, go to [www.padisciplinaryboard.org/newsletters/index.php](http://www.padisciplinaryboard.org/newsletters/index.php). To subscribe, send an e-mail to [subscribe@padisciplinaryboard.org](mailto:subscribe@padisciplinaryboard.org). 🐾

# wba news

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**APPALACHIAN TRAIL**

*"Every year or two, my sons, Tim and Brendan, and I take a backpacking trip. In early October of this year, we spent a week in Vermont hiking on the Appalachian Trail. In the photo, Brendan and I are in the Goddard shelter, which is a three-sided Adirondack shelter near the summit of Glastenbury Mountain, trying to stay warm after a long day of intermittent rain, sleet, and snow. Fortunately, the rest of the week was sunny, warm, and full of incredible fall foliage."*

— Tim Geary

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CALENDAR OF EVENTS

DECEMBER 2008

- 10 Bankruptcy Committee, Noon  
Membership Committee, Noon
- 11 Ned J. Nakles American Inn of  
Court, 5 p.m.
- 13 Holiday Dinner Dance, Latrobe  
Country Club, 6 p.m. to 12 a.m.  
*Join us at the annual Holiday  
Dinner Dance as we recognize the  
distinguished career of The Hon.  
Joseph A. Hudock, who is retiring  
from the bench of the Superior  
Court of Pennsylvania.*
- 16 Family Law Committee Holiday  
Luncheon, Noon, Perry's Pub,  
Greensburg
- 18 A CLE Event: "Video  
Compliance," 9 a.m. to 4:15 p.m.  
"Dinner with Santa," sponsored  
by the Young Lawyers of the  
WBA, 5:30 to 7 p.m.

- 19 A CLE Event: "Labor Relations,"  
Noon to 1:15 p.m.  
After-Work Holiday Party  
sponsored by the Young Lawyers  
of the WBA, 4 to 7 p.m., Perry's  
Pub, Greensburg
- 25 Courthouse closed in observance  
of Christmas

JANUARY 2009

- 1 Courthouse closed in observance  
of New Year's Day
- 15 Elder Law and Orphans' Court  
Committees, Noon
- 19 Courthouse closed in observance  
of Martin Luther King, Jr., Day
- 22 WBA Quarterly Meeting  
*Dr. Paul David Nussbaum,  
Clinical Neuropsychologist, will  
speak on how to maintain healthy  
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