



Rising to the Occasion

It soon became readily apparent, even to the lawyers in attendance, that there was a problem. Back in November 2009, at a meeting of the Pro Bono Committee of the Westmoreland Bar Foundation, the members realized there was now a substantial waiting list of pro bono divorce clients, mostly because there were not a lot of lawyers eagerly willing to take on a pro bono divorce.

Iva Munk, the long-time coordinator of the Bar Foundation's Pro Bono Program, had reported that there were over fifty clients on the list, some of whom had been waiting more than a year.

"It's difficult, with all our other priorities, to keep up with the demand for family law lawyers," Iva said. "There are only a few who have agreed to take pro bono cases."

What? Lawyers not wanting to take pro bono divorces? What a surprise. Next thing you know, they won't want to be drawn and quartered anymore either.

But the committee was undaunted. They (Jack Bergstein, Bruce Tobin, Judge Ackerman, Beth Orbison, Dick Galloway, Janice Galloway, and Peter Saxman, with Iva Munk and Diane Krivoniak as staff) knew this situation had to be addressed. "The committee recognized at once that we were not serving the needs of the public by

permitting such a long wait for service," Diane recalls, "and they were resolute in their intentions to solve the problem."

By mid-December, the committee, and other members just recently appointed, had come up with a multi-pronged approach to the problem. The committee realized that it would not be practical to ask



volunteer attorneys to handle complex contested, equitable distribution, or custody claims. Those cases, it was thought, would be better and more fairly served by referrals to the reduced-fee panel. (For those unfamiliar with the program, there are a meaningful number of WBA members who have agreed to handle certain kinds of cases on a reduced-fee basis for those clients unable to pay the going rate.)

Next, Bill McCabe and David Millstein offered to call a large number of colleagues to solicit their help in providing assistance to those who qualified for pro bono services and

whose cases did not appear to present the kind of family law issues that might occupy an attorney for the balance of a career. In short order, Bill and David had lined up a significant number of members who magnanimously agreed to step up and help. Bill obtained the cooperation of ten colleagues, David got way more than that.

The third prong of the approach required the most cooperation and was the most creative. Reasoning that there may be a number of younger lawyers in the county who would be willing to pitch in and help, but who perhaps had no practical experience in doing family law work, the committee thought it might be useful to offer a basic CLE

course in family law to train those with no hands-on experience. Kathleen Kemp, at the time a Foundation board member, and Sam Rosenzweig jumped right in and agreed to have Laurel Legal Services organize and teach the CLE. In short order, the WBA got the course certified for credit and on February 24, Kathleen and Leeann Pruss presented the CLE. The WBA agreed to waive the course fee for any lawyer who would agree to take on one pro bono divorce case. Twenty-two lawyers attended the CLE, and of those in attendance, 15 agreed to help by doing one case each.

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President's Message

We Must Bridge the Gap

by Donald J. Snyder, Jr., Esq.



Each April brings the hope of Spring, the opening of major league baseball, and the transition of leadership of the WBA. Fortunately for the WBA, the assumption of office by the new President follows an established order of service as a Director. In my case, my service has been shared with fellow Directors who are devoted to keeping the WBA as an important component of our professional lives. I have observed firsthand, and have acquired an additional appreciation for, the capabilities of the Executive Director and other staff members. All of us work well together and I look forward to the next year.

My predecessors have used this page as a forum to focus on the variety of activities that the WBA or its members have established or provided over the years. The substantive committees of the WBA, the Mock Trial program, the Westmoreland Bar Foundation, Lawyers Abstract Company of Westmoreland County, The Ned J. Nakles American Inn of Court chapter, Laurel Legal Services, the Academy of Trial Lawyers, the Westmoreland Collegium of Solicitors, and CASA of Westmoreland, Inc., all demonstrate in one way or another the capabilities and hopes of lawyers in this county to provide legal services to the community in a responsible manner and to encourage the members of our profession to give something back to the

community from which they derive their income.

In addition to the usual business of our organization, during my term we will be emphasizing the WBA as an entity that is perceived and, in fact, is relevant to the professional lives of the younger lawyers who practice in this county. I have observed an invisible but real line of demarcation between younger and older people in their attitudes towards volunteer organizations, whether they be professional, service, social, or religious. Those of us who occupy the older side of this line joined and



participated in organizations because they thought that such service was mandatory, just part of the way life is. Those who occupy the younger side of this divide insist that the organization offer them something in return for membership and oftentimes insist that the organization represent more of an altruistic bent rather than a self-centered one. Look around and you will see the invisible line in the decline of some organizations that once were very strong and the advance

of others that have entered the mainstream. Add to that phenomenon the surge of competing demands upon the younger lawyers and you will understand more fully the challenges that the WBA faces in being a meaningful part of their lives.

I believe that lawyers come to the practice from law school unprepared for the real-life practice of law and want to close that gap by association with those of us who have been experienced in these areas. Some of us had the privilege of significant mentors who guided—sometimes not gently—our initiation to the practice. We learned to get to work and court early, respond promptly to telephone calls and letters, stand in line at motions court, stand up when addressing the Court, speak when appropriate, and remain silent when not. Moreover, as Judge Blahovec explained in his address to our most recent admittees, we learned to conduct ourselves in a manner that our word is always our bond and to treat each other with respect. Young lawyers need your help to emphasize these traditions.

We are requesting that each of you attempt to reach out to the younger members of the Bar Association, both professionally and socially, and let them know they are an important part of our organization. In fact, they are the future of our organization and if the WBA is to remain relevant, we must bridge the gap. I know we can count on you. 🤝

Bench, Bar Introduced to New Members at Annual Ceremony



▲ *New members of the WBA were presented to the bench and bar on March 12, 2010. Front row: Nicole W. Zicarelli, Richard J. Trankocy, Jr., Jessica L. Rafferty, John E. Egers, Jr., Michael L. Nestico, and Mark G. Moynihan. Back row: William A. Brandstetter, II, Corey J. Sacca, Stephen M. Crevak, Bradley A. King, James T. Lazar, and Matthew R. Schimizzi.*

On Friday, March 12, 2010, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President James R. Antoniono, and an invocation by the Rev. Marnie E. Abraham, each admittee was introduced to the court by a member of the association.

The new members presented to the court were: William A. Brandstetter, II, presented by Scott E. Avolio; Stephen M. Crevak, presented by Lee R. Demosky; John E. Egers, Jr., presented by Eric H. Dee; Bradley A. King, presented by Robert W. King; James T. Lazar, presented by John W. Peck, II; Mark G. Moynihan, presented by the Hon. Charles R. Conway, III; Michael L. Nestico, presented by Lawrence D. Kerr; Jessica L. Rafferty, presented by Dennis B. Rafferty; Corey J. Sacca,

presented by the Hon. Michele G. Bononi; Matthew R. Schimizzi, presented by Richard W. Schimizzi; Richard J. Trankocy, Jr., presented by the Hon. Irving L. Bloom; and Nicole W. Zicarelli, presented by the Hon. Christian F. Scherer.

Following the presentation to the court, John M. Hauser, III, and James T. Boggs greeted the new members

on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. President Judge John E. Blahovec then spoke on behalf of the court.

A reception for the new admittees was held in conjunction with the WBA St. Paddy's Day Party, which took place at Bar headquarters immediately after the ceremony. 🍀

WBA BENCH/BAR CONFERENCE JUNE 10-11 @ SEVEN SPRINGS

STILL

THE BEST DEAL THIS SUMMER

Register online at www.westbar.org to be entered into a drawing for a \$100 Seven Springs gift certificate.

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/thesidebar.

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Rising to the Occasion *continued from page 1*

All told, it was the remarkable coalescence of caring, efficiency, cooperation, and goodwill that made for such a satisfying result. Between November 9, when the problem first became apparent, and March 31, when the smoke cleared, the entire backlog of divorce cases had been assigned to volunteer attorneys. Some brave colleagues even offered to do more than one.

Below is the list of all of our colleagues who volunteered their services to reduce the waiting list. The first nine had been regularly taking cases all along, the rest all responded affirmatively to the call to help.

Our thanks goes out to them for acting in the best traditions of the bar and for helping to preserve the WBA's reputation for professionalism, for caring, and for their willingness to do what's needed. Thanks also to the staff of the WBA, particularly Diane and Iva, to our colleagues at Laurel Legal Services, especially Kathleen, Sam and Leann, and to the Pro Bono



Committee of the Westmoreland Bar Foundation. It was, all in all, a remarkable achievement and one for which many of us can take considerable pride. Everyone involved gets cookies.

- Steve Allias
- Mary Baloh
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Spotlight on Michael Quatrini

Editor's note: Michael Quatrini is the new Chair of the WBA Young Lawyers Committee. His one-year term began at the 2010 Annual Meeting, which was held April 5 at the Greensburg Country Club. Michael is an associate with QuatriniRafferty in Greensburg.

Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

A Lifeguard for community pool and aquatic therapy. I also cut grass in the neighborhood and was employed by SeaBase Family Fun Center in high school.

Q WHICH WAS YOUR FAVORITE AND WHY?

A Easy choice. Lifeguard ... sun, pool, and free snack bar.

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

A A family friend got nabbed for speeding near Breezewood, Pa. As the new attorney in the office, I was dispatched to cover the hearing as a favor. En route to the hearing, irony struck in the form of red and blue lights in my rearview mirror ... and a hearing date of my own.

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

A Empathy and the willingness to listen.

Q WHAT IS YOUR FAVORITE JOURNEY?

A I was lucky enough to study in Italy twice: once in college and once in law school.

Q WHAT IS YOUR GREATEST REGRET?

A Not becoming a full-time lifeguard in Italy.

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

A Don't be afraid to ask questions. Sure, we are taught to analyze statutes and write briefs in law school, but the real training begins after you pass the bar and start practicing. And you will not find a more engaging and helpful set of teachers than the members of the WBA.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A It has yet to occur. Stay tuned.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A I don't think of perfect happiness as one, defined situation. For me, perfect happiness evolves as you reach different points of your life ... and can be achieved more often than once.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A Without a doubt, my wife, family, and friends. Each person adds something unique and meaningful to my life.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Pessimism, cinnamon, and the Baltimore Ravens.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Live sporting events. There is something about the thrill of a live



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An Open Letter to Ricky Benbow

by *The Hon. Joseph A. Hudock*



▲ *The Hon. Joseph A. Hudock*

Mr. Ricky Benbow
c/o State Regional
Correctional System
Harrisburg, PA

Dear Mr. Benbow: I read your open letter to me in the last issue of *the sidebar*. You claim that I disrespected you by stating that you did

not exist and that you are a figment of Judge Ackerman's imagination. I must confess that I did say that, but I now know I was wrong.

I hereby apologize to you and offer the following explanation for my conduct: I am a skeptic; I don't trust people. We skeptics are not born that way; Life's blows hammer us into that shape. It began when I came to the realization that both the Easter Bunny and Santa Claus were fake! All the adults who told me otherwise were lying to me!

I was shaken but not destroyed by this. In time, I learned to trust people again until I got to high school, and life clobbered me again. At that time, the airwaves were filled with ads for Bryl-creem hair groom. Over and over I heard a barbershop quartet singing this jingle:

Bryl-creem, a little dab'll do ya,
Use more, only if you dare,
But watch out, The gals will all
pursue ya,-
They'll love to put their fingers
through your hair.

Bryl-creem, a little dab'll do ya,
Bryl-creem, you'll look so
debonair.
Bryl-creem, the gals will all
pursue ya,
They'll love to RUN their fingers
through your hair.

Well, Ricky, I dared to use more than a little dab and I rubbed it in my hair like they said to do month after month. Do you know how many "gals" pursued me or ran their fingers through my hair? None, zero, nada!! Is it any wonder that I am a skeptic?!

Enough about me. Per your request, I have reviewed your file and find that after the Steelers' Superbowl win last year, you were convicted of public drunkenness and indecent exposure in a non-jury trial before Judge Ackerman. At trial, you waived a jury and told Judge Ackerman that he had defended your father on similar charges 38 years ago when the Judge was an assistant public defender, and that you considered him a "family friend."

Apparently, you were celebrating the Steelers victory at several places and you got, as you told the police, "stinko drunk." Somehow you found your way to the McDonald's in Murrysville, where coincidentally, earlier in the evening, Judge Ackerman had treated his wife to her birthday dinner. When you arrived, however, the only other patrons were a busload of elderly ladies from the Happy Manor Resthome. At some point, you proceeded to remove your clothes. You said it was too hot because the ladies had the manager raise the thermostat to 80 degrees.

That is no excuse for your conduct. As Judge Ackerman wisely observed,

if he "could sit there day after day for hours on end in a hot black robe, then you could, too."

And with respect to the "legal specialist" you consulted in Cell Block B, I do not agree with him that two or three elderly ladies shouting "take it off, take it all off!" amounts to entrapment.

I see no reason to reverse Judge Ackerman. But you may want to file a PCRA petition with him. He is now retired and has a lot of time on his hands. And he loves long, rambling briefs with lots of Latin phrases in them, like *ne exeat*, *tempus fugit* or *corpus juris secundum*.

Good luck and have a nice day.
Judge Hudock 🐦

Spotlight on Michael Quatrini

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sporting event that I cannot pass up. And potato chips. I love them.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A Some—and by some, I mean any—artistic ability.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Loyalty, insight, and the ability to make me laugh.

Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A My parents ... for too many reasons to put down on paper.

Q WHAT IS YOUR MOTTO?

A Be patient. Work hard. Treat others as you would want to be treated. 🐦

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Committee Reports

National Healthcare Decisions Day: Are You Prepared?

Elder Law & Orphans' Court Committees

If April 15 is tax day, then it naturally follows that April 16 is the day to discuss what Benjamin Franklin cited as the second certainty about life: death.

In 2008, April 16 was designated "National Healthcare Decisions Day," and attorneys were asked to join forces with healthcare professionals to encourage the clients/patients whom they "take care of" to think about the way that they want to live their lives, both in health and in illness. This year, you, as a WBA member, are being asked to make sure that your own healthcare power of attorney is executed and to encourage your family members to do the same.

MSNBC correspondent Keith Olbermann recently brought the end-of-life decisions to his audience by sharing the heart-wrenching details of his father's extended suffering following a half-year battle with infections and organ failure,



culminating in his father's desperate plea to end his long and tiring battle. "Last Friday night, my father asked me to kill him," Olbermann told his TV listeners. After much angst, Keith, along with his sister and the medical staff, worked to honor his father's end-of-life healthcare wishes, and on March 15, 2010, Theodore

Olbermann passed away.

"I urge you to—immediately, tonight if you can—have a conversation with your family members," implored Keith, "to be sure you know what they want. At least you will know that you had the conversation with them and whatever you are guesstimating as their illness progresses, you already talked to them about the essence of their situation and their healthcare desires as they approach the end of their lives."

Studies show that fewer than one-third of all adults have a living will or any kind of advance directive to make their healthcare wishes known in the event of catastrophe. Talking with family about healthcare wishes and

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I would be happy to accept referrals on Personal Injury and Wrongful Death cases. Reasonable referral fees are paid in accordance with the Code of Professional Responsibility.

Committee Reports *continued from page 7*

completing living wills while they are healthy is about living fully.

“Planning ahead is about preparing for the future today,” says Nathan Kottkamp, chair of the National Healthcare Decisions Day. “The simple act of creating an advance directive can turn out to be an incredible gift for loved ones in the event of an accident or severe illness.”

In support of the National Healthcare Decisions Day, the WBA planned the following:

- Hosted a radio show in partnership with Excelsa Health, which aired April 26 on WCNS.
- Circulated press releases to local media to encourage everyone to execute an advance directive and to contact their local attorney for assistance.
- Published this article in *the sidebar* to encourage each WBA member to execute his or her own advance directive, as well as ones for their family members.
- Write a “Practice Tips” article for the June issue of *the sidebar* about healthcare power of attorney and living wills.

Additional information, as well as sample forms, can be found at the following site: www.haponline.org/quality/eol/advance/.

WBA members are also asked to remind clients, friends, and family members that others need to know that you have signed this legal document. Your advocate, primary care physician, and attorney should be made aware that the advance directive exists and know its location. The PCP should also be given a copy of the document to include in the patient’s chart. 🌟

Fee Dispute Committee

Committee Needs Your Friends and Relatives

The Fee Dispute Committee of the Westmoreland Bar Association needs NON-attorneys to sit on our panels. Individuals are uncompensated and

can expect to be selected to serve on approximately one to three panels per year. Here’s a chance for your family and friends to gain an understanding of why you are such a whiner (or wiener).

MINIMUM REQUIREMENTS:

1. Over the age of 18
2. Read and understand English
3. Have own transportation
4. Pulse rate > 0

Send the names, addresses, and phone numbers of prospective members (after clearing it with them first) to:

Harvey A. Zalevsky
160 Ambrose Rd.
Stahlstown, PA 15687
724-593-3570

... or, better yet, have them contact me themselves. 🌟

Publications Committee

Yanity Named Law Journal Editor



▲ Gerald W. Yanity

Gerald W. Yanity has been named Editor of the Westmoreland Law Journal.

A WBA member since 1995, and a Case Editor since 1997, Jerry takes over for Susan Zydonik, who is now a clerk for Pennsylvania Supreme Court Judge Joan Orié Melvin in Pittsburgh. Jerry is a sole practitioner in Latrobe.

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 over 90 years. 🌟

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To-Wit: The Weight of the Matter

by S. Sponte, Esq.

Oh dear, what can the matter be?" my secretary murmured as she cautiously opened the door to my private office and peered in. Throughout our almost thirty-five years together, she has always had this uncanny intuition that alerts her when things are amiss, and I'm guessing that the sounds of my hurling files across the room and swearing like a trooper at the top of my lungs had tipped her off that there was a problem.

"What's the trouble?" she ducked.

Yes, there was a problem, but she couldn't fix it. In a way, she helped cause it. The problem was paper. Everywhere. Paper. Tons of it. On my desk. On my credenza. In my files. On my floor. In my briefcase. And when I realized that the one piece of paper I was so desperately looking for at the moment was not among the dozens

and dozens I had just frantically searched through, my pique suddenly peaked. I grabbed every file and every folder, every tablet, sticky note, and memo within reach, anything and

“They lie around in triplicate, sextuplicate, octuplicate, a massive, snorting assemblage of digital detritus leering at me in triumph at the success of their obfuscation.”

everything constructed of paper, and I flung all of it, together with invective, across the room.

Not yet sated, I turned to my secretary and said, "Now, please bring me all those files over there."

She stared at me with eyes agape in the same sad and doomed kind of way that a baby mouse stares at the plummeting owl. In short order, my entire office was a chaotic panoply of paper, myriads of the stuff fluttering to the floor in vengeful disarray.

"I'm going out to lunch," I then announced, suddenly famished, "and you can, too, as soon as you're done with all the filing."

Now, while I've always been bothered when I can't find what I'm looking for, lately it's gotten much worse. It seems that as both the computer age and my own have simultaneously advanced they've

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To-Wit: The Weight of the Matter

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combined to conspire against me with an inundation of paper that is both treacherous and insufferable. Letters, contracts, deeds, closing statements, they come by post office, FedEx, e-mails, and fax, they lie around in triplicate, sextuplicate, octuplicate, a massive, snorting assemblage of digital detritus leering at me in triumph at the success of their obfuscation. And they never go away.

It used to be that documents required effort to produce, careful typing and time, and as a result they were produced in far limited quantity. As befits any rare commodity, they were accorded suitable reverence. Today, what with the ubiquity of word processors, faxes, and copy machines, documents propagate faster than bunnies. They then lie around in endless and irritating array, pleonastic impediments to the result for which they were created. After all, how can we regard any one of them with import when there are so many?

So, armed with this insight and the exhortations of my secretary, I've made a momentous decision. Henceforth, if you want me to read any of your briefs, pleadings, contracts, correspondence, whatever, don't put them on paper. Sheepskin will catch my eye, vellum has a chance, but if it's on paper, it's kaput.

Besides, having the heft that it does, sheepskin or vellum is ever so much less likely to become airborne in my office. I'd appreciate it, and as for my secretary, well, she would be eternally grateful. 🐑

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Can't get enough Sponte? More articles are online at www.funnylawyer.com.

January 2010 Civil Trial Term

Jury Trial Verdicts

by Beth Orbison, Esq., Thomas L. Jones, Esq., and Monique J. Lafontant Mears, Esq.

Of 30 cases listed for the January 2010 Civil Jury Trial Term, 10 settled, 16 were continued, one was transferred to arbitration, one non-suit was granted, one was tried non-jury, and one jury trial verdict was entered.



by Plaintiff to Defendant-Son's father. The Defendant-Dottens asserted that Defendant-Son was a resident relative of his parents and, therefore, an insured for purposes of coverage under the State Farm policy.

Plaintiff denied that

Defendant-Son "lived with" his parents as that phrase is defined in the policy, and denied coverage.

Both parties introduced evidence of Defendant-Son's mailing address, his sleeping arrangements, the location of his personal belongings and effects, where he took his meals, where he did his laundry, and so on.

Plaintiff's Counsel: Daniel L. Rivetti, Robb Leonard Mulvihill LLP, Pgh.

Defendant's Counsel: Mark A. Smith, Pribanic & Pribanic, LLC, White Oak

Trial Judge: The Hon. Richard E. McCormick, Jr.

Result: The jury found that Defendant-Son lived with his parents at the time of the automobile collision. Declaratory judgment entered that Defendant-Son is an insured under his parents' policy. 🐑

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

v.

STEPHEN M. SIMKO, JR., THOMAS DOTTEN AND BEVERLY DOTTEN NO. 4372 OF 2008

Cause of Action: Declaratory Judgment

Defendant-Son was involved in an automobile collision with a vehicle driven by Defendant Thomas Dotten. The vehicle that Defendant-Son was driving was owned by an acquaintance and was insured under a policy that provided up to \$15,000 liability coverage, which was paid to the Defendant-Dottens.

The Defendant-Dottens made an excess liability claim under a State Farm insurance policy that was issued

LawSpeak

"It may well be argued that if all public men could be persuaded to remain silent for six months, the nation would enter upon an era of prosperity such as it would be difficult for even their subsequent utterances to damage."

— A.P. Herbert, "Free Speech—Why?" *Uncommon Law*

Top Ten Apps for Attorneys

Young Lawyers Anthony Bompiani and Michael Quatrini presented a lunch and learn on “Using Smartphones to Run a Law Office.” At that noontime presentation, they discussed a series of iPhone and BlackBerry applications that help make a mobile office possible. We include the iPhone apps here with a few websites for additional information:

- <http://lawyersuccesstips.com>
- <http://tinyurl.com/abajournal-bestiphoneapps>
- <http://www.sctrilaw.com/tech-trends-top-5-iphone-g3-applications-for-lawyers.html>

If you are in the market for a smartphone, Michael has offered to be a resource for BlackBerrys and Anthony for the iPhone. Contact them at mvq@qrqlaw.com or abompiani@bompianilawgroup.com, respectively.



BEST IPHONE APPS FOR ATTORNEYS:

1. **CC Terminal**

- \$.99 on App Store.
- Monthly fee of \$25.00, plus a percentage of charges.
- Runs credit cards for business purposes and deposits directly into business account.

2. **JotNot Scanner**

- \$4.99 on App Store.

- Scans documents for storing and e-mail

3. **FedEx Mobile (Also available for UPS)**

- Free App.
- Follow status of FedEx deliveries directly from iPhone.

4. **Dragon Dictation**

- Free App.
- Dictate text messages, e-mails, and notes directly to your iPhone.

5. **Dragon Search**

- Free App.
- Speak search terms into iPhone and immediately search Google, Wikipedia, iTunes, and Twitter.

6. **Quickoffice Mobile Office Suite**

- \$7.99 on App Store.
- Create, open, and edit Word or Excel documents.
- Establish drive on your Mac or PC via WiFi.

continued on page 12

G

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Daniel Joseph

Top Ten Apps for Attorneys

continued from page 11

7. **Cliff Maier Apps**

- \$2.99 on App Store.
- Pennsylvania Rules of Evidence, Federal Rules of Civil Procedure, patent laws, tax code, etc.

8. **Days Until**

- Free App.
- Keep track of deadlines for multiple events with alerts.

9. **Black's Law Dictionary**

- \$49.99 on App Store.
- Expensive and much like the original.

10. **ABA Journal**

- Free App.
- Read the latest legal news from the American Bar Association. 🌐

PBA InCite Is Well Worth Your Dues Dollars

Did you know that all participating members of the WBA and PBA may use the PBA InCite® program for free? Never heard of InCite? Launched in 2001, InCite is a customized legal research program from LexisNexis® and the Pennsylvania Bar Association.

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- Pennsylvania attorney general opinions
- Pennsylvania suggested jury instructions
- Pennsylvania state case law and ethics opinions
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Westmoreland Revisited

The Travail of John W. Geary

by *The Hon. Daniel J. Ackerman*

A WESTMORELANDER IN BLEEDING KANSAS

The Kansas Historical Society Museum and Library in Topeka is an unlikely place to look for information concerning a



▲ *The Hon. Daniel J. Ackerman*

Westmoreland County lawyer. Referring to John W. Geary as a Westmoreland County lawyer is, I admit, a bit of a stretch; for while he was trained in the law and admitted to the bar, he never practiced law as a profession. Instead, he followed a life of high

adventure and political achievement, which is not a bad alternative.

A museum aide told me that a portrait of John W. Geary had hung in an adjacent hallway before a recent renovation of the museum, but she did not know where it might be now. She had lost track of John Geary, just as we have.

John White Geary was one of five children born to Richard Geary, a school teacher and ironmaster, and his wife, Margaret White Geary, on December 30, 1819, near Mount Pleasant, Pa. He received his early education in this county and went on to Jefferson College.

The death of his father interrupted his studies when he left to work in order to pay his parents' debts. He returned and graduated in 1841. His academic talents were diverse; he was a student of mathematics, civil engineering, and law. In 1843, he married Margaret Ann Logan and they had three sons. After Margaret's untimely death in 1853, he married again, this time to Mary C. Henderson.

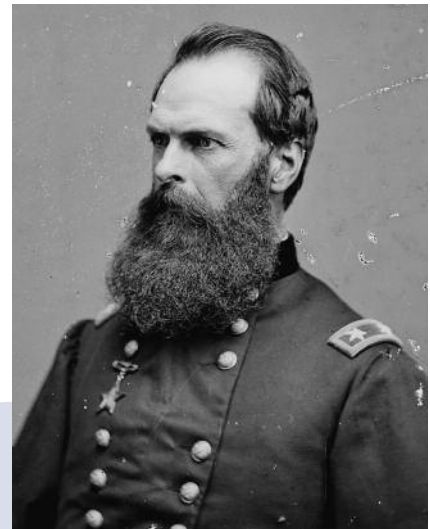
Employment as a civil engineer took Geary to Kentucky, and

subsequently he returned to this area as the superintendent and engineer of the Allegheny Portage Railroad.

His future, however, was molded by armed conflict. During the Mexican War, he became a captain of the Second Pennsylvania Regiment and served with distinction. An imposing figure at 6'6" tall and 260 lb, he made a compelling battlefield target; and between his service in Mexico and the later Civil War, he was wounded a total of ten times. When Mexico City fell to U.S. forces he was appointed as its military commandant with the rank of colonel.

Further rewards would follow his Mexican War service. In 1848, he was appointed postmaster of San Francisco and the city's last alcalde, a traditional Spanish magistrate with both judicial and administrative functions. Two years later, he became the city's first and, at age 33, youngest mayor. He took part in the creation of California's constitution. In 1852, due to the failing health of his wife, Mary, they returned to his Pennsylvania farm.

If his life back here was tranquil, it was also short-lived. After declining an offer to serve as the territorial governor of Utah, Geary accepted the appointment of President Franklin Pierce, as governor of the Kansas Territory on



▲ *Mount Pleasant native John White Geary was a lawyer, a politician, and a Union general in the American Civil War. This image was taken by renowned photographer Matthew Brady between 1862 and 1865.*

July 31, 1856. It was an invitation to a daunting task. A quarter of a century later, a Kansas newspaper would sum up the situation at that time:

No history will ever relate the real condition of the people of the Kansas Territory from the middle of April 1856, to the middle of September following.

continued on page 14

Lawyers' Exchange

(Free to all members of the WBA)

ASSOCIATE ATTORNEY WANTED Law office seeking associate level attorney with two-year minimum experience. Family law and criminal experience preferred. Send résumé and cover letter—Attn: Professional Placement, 602 Redmont Place, Greensburg, PA 15601.

VOLUNTEER OPPORTUNITY The SCORE office at Saint Vincent College is looking for an attorney to work with SCORE professionals in advising prospective business owners in the legal intricacies of starting up and operating a business. Any attorney who would like to volunteer for SCORE should contact Dr. Overly at 724-832-6889.

The Travail of John W. Geary *continued from page 13*

It was marked with a continuous round of murder, arson, and robbery by the pro-slavery guerrilla bands which during that season infected the Territory, with retaliations by the Free State men.

But a celebratory send-off was offered to Geary when more than a hundred men in Harrisburg tendered him a public dinner. In their correspondence to him they noted:

As Pennsylvanians, we rejoice in the elevation of one of our sons who so gallantly maintained the honor of her flags on the battlefields of Mexico, and who when in official position in California, reflected luster upon his native State by the prudence, honesty, tact and energy, which characterized his administration of various civil offices.

Geary graciously declined their invitation, “as my desire is to proceed at once to the field of my labors.” His field of labor would be known in history as “Bleeding Kansas.” The territorial governor who preceded him, Wilson Shannon, had resigned in frustration and disgust. In the seven years between 1854, when the Kansas-Nebraska Act was signed—creating the Territory of Kansas, opening it for settlement and prescribing that its status as a free or slave state would be determined by the popular vote—and the outbreak of the Civil War in 1861, six men would serve as territorial governor, with four “acting governors” thrown in for good measure. The office paid \$2,500 for a four-year term; but no governor served a full term.

When Geary arrived in Lecompton, the territorial capital, which today is not much more than a sparsely populated crossroad, the Free State town of Lawrence was under siege by pro-slavery elements and chaos reigned across the territory. His solution was to disband the ineffective local militia and replace it with federal troops, but a state of civil war persisted and the



▲ *A statue of John W. Geary was unveiled in Gettysburg, Pa., in November 2009.*

pro-slavery legislature thwarted every attempt by the new governor to reach a solution founded on compromise. Threats were made upon Geary's life and an assassination plot was devised by a man named William Sherrard, whose appointment to the office of sheriff had been blocked by the governor. Sherrard intended to confront and insult the governor in public, in the presence of Sherrard's cohorts, to a point that would provoke an assault by Geary. Sherrard would then shoot Geary and Sherrard's witnesses would attest that he acted in self-defense. When Sherrard's obscenities did not arouse Geary, he spit upon him, but Geary walked by, seemingly without taking notice, and the plot came to an unexpected end.

Upon James Buchanan's election as president, Geary submitted his resignation as a courtesy, expecting that the new president would reject it and he would be reappointed; but instead, after only six-months' service his resignation was accepted, and Geary, armed with two guns, left the territory under the cover of night, likely with the highest of mixed emotions. A Free State man assessing the Geary

administration while in office said, “He does as well as he dare do.”

Geary's experience in Kansas, while courageous and honorable, was the nadir of his public life, but his star would ascend in a few years when the passions existing in Kansas spread and the conflict became national. Returning to the army as the commanding colonel of the 28th Pennsylvania Infantry and rising to the rank of major-general, he followed a course that took him through the battles of Cedar Mountain, Chancellorsville, Gettysburg, Lookout Mountain, and Atlanta. Wounded a number of times, his greatest loss was the death of his son, Edward, in the field under his command in Tennessee.

Geary particularly distinguished himself in his service under Sherman at Atlanta. To those who would like to learn more about his role there, I recommend Russell Bond's “War Like the Thunderbolt.” Bonds, incidentally is an Atlanta lawyer.

After the war, he was a two-term Republican governor of Pennsylvania (1867-1873), who died three weeks after his retirement, at age 53. His remains are buried at the Mount Kalma Cemetery in Harrisburg.

There is a monument to John White Geary in Mt. Pleasant and a statue of him in the Gettysburg National Military Park. A county in Kansas bears his name as well as streets in San Francisco, Harrisburg, and New Cumberland, Pa. And there is a Geary Hall, a dormitory at the Pennsylvania State University. We should not lose track of him again. 🍷

Sources

- Socolofsky, Homer E., *Kansas Governors*, Lawrence, University Press of Kansas, 1990.
- Litteer, Loren K., *Bleeding Kansas*, Champion Publishing, 2002.
- John White Geary Collection, Kansas Historical Society, Topeka, KS, v.16, p.24.
- Rues, Tim, Site Administrator, Constitution Hall State Historic Site, Lecompton, KS.
- <http://www.lecomptonkansas.com>
- <http://en.wikipedia.org>

Actions of the Board

JANUARY 19, 2010

- Approved Membership Committee recommendations as follows: Corey Sacca, Matt Schmizzi, Stephen Crevak, James Lazar: participating.
- Agreed to solicit bids for replacement costs for fire system by another purveyor.
- Accepted Judge Bononi's resignation from the Laurel Legal Services board and appointed April Knizner to fill the unexpired term of Judge Bononi.
- Approved the use of the WBA building for a 40-hour mediation training which will take place in April at a cost of \$900 per attendee.
- Agreed to designate a CLE ad hoc committee, with Bob Johnston and David Millstein as members.
- Approved partnership with Excelsa Health for symposium on Patient Care to be held March 23 at the Fred Rogers Center at Saint Vincent College.
- Agreed to e-mail *the sidebar* ahead of the mailing so members can have access to information as soon as possible.
- Agreed to hold a raffle for a \$100 Seven Springs Resort gift certificate for anyone registering for the Bench/Bar Conference online.
- Learned that YL Chair Bompiani and Chair-Elect Quatrini will sponsor a series of technology seminars with the first topic, "Using Smartphones to Run your Law Practice," to be held on January 29.

FEBRUARY 16, 2010

- Approved Membership Committee recommendations as follows: Nicole Zicarelli, Sarah Wines, Richard Trankocy: participating.

where in the world IS THE WBA MEMBER?



Now that my husband has been made a visiting professor at London School of Economics, he goes to London about four times per year. On his November 2009 trip, I decided to tag along, even though I was barely recovered from

the swine flu when I left. He had to leave without me, because I still was sick when it was time for him to go, but I caught up with him. He was busy, but it didn't stop me from sightseeing without him. Here I am standing on a porch at the National Gallery, overlooking Trafalgar Square, with Big Ben in the background. I found a nice young American couple and prevailed upon them to snap my picture, despite the drowned-rat look.

—Peggy Hooker

LONDON, ENGLAND

- Approved the posting of "week-old" legal journals onto the public-access side of the website with a separate and password-protected area for subscribers, which will keep current and archived issues of the legal journal.
- Learned that Becky Brammell will be elected to the CCBL executive committee at this year's Conference of County Bar Leaders; agreed to cover the costs for Ms. Brammell to attend CCBL.
- Agreed to provide \$500 sponsorship to national mock trial competition which will be held in Philadelphia in May.
- Agreed to hold 2010 Dinner Dance at St. Vincent's Fred Rogers Center.
- Agreed to sponsor summer program at the University of Pittsburgh at Greensburg for 9th to 11th graders who are interested in a legal career. Program to include a courthouse tour.
- Agreed Building Committee should meet to consider whether Pro Bono office should be moved to the first floor of the WBA building. 🇺🇸

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CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters unless otherwise noted. Visit www.westbar.org for more information about activities and CLE courses, or to **register online**.*

- MAY**
- 12** [CLE] Review of Recent U.S. Supreme Court Civil Rights Cases, Noon to 1:15 p.m.
Membership Committee, Noon
 - 18** Family Law Committee, Noon
Dine Around: The Back Porch, Belle Vernon, 6:30 p.m.
 - 19** [CLE] Review of the Pennsylvania Association of Realtors 2010 Standard Agreement of Sale, Noon to 1:15 p.m.
Board Meeting, 4 p.m.
 - 20** 48th Annual WBA Memorial Service, Noon, Courtroom No. 3
Reception to follow in the Commissioner's Meeting Rooms

- 31** Courthouse closed in observance of Memorial Day
- JUNE**
- 2** Dine Around: Oakmont Country Club, 6:30 p.m.
- 3** Membership Committee, Noon
- 10** Bench/Bar Conference of the Westmoreland Bar Association, Seven Springs Mountain Resort
Conference begins at 8:30 a.m.
- 11** Bench/Bar Conference of the Westmoreland Bar Association, Seven Springs Mountain Resort
Conference concludes at 11 a.m.
- 14** Courthouse closed in observance of Flag Day

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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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