



Lawyers In The Pulpit

by The Hon. Daniel J. Ackerman

Woe also to you lawyers! For you load people with burdens hard to bear, and you yourselves do not lift a finger to ease them. Luke 11:46.

Upon reading these words, the thought, though ever so lightly,



▲ The Hon. Daniel J. Ackerman

crosses our mind: "Oops! What have I gotten myself into?" However, if we read the footnote to the verse we learn that the lawyers referred to are not lawyers with offices, clients, and CLE credits to gather; rather, they are academics, instructors, and interpreters of the laws of the Hebrew Bible, often referred to as the Old Testament. Even with that said, the verse seems to have an unsettling effect upon us. Should we, therefore, be surprised to learn upon entering church, that in some instances, whether known to us or not, the person in the pulpit may be a lawyer?

My interest in the lawyer/clergy duology comes from one of my early mentors, Orlando Prosperi, who discreetly slipped away from his overseas office on the Via Veneto to enter a Roman seminary. When he emerged as a priest, his passion for the law was not in the least subdued, and

on one or more occasions he removed his clerical collar to enter the court as an advocate for the most reviled criminal defendants. On these pages you will hear from some of those among us who, at different times or simultaneously, have been drawn to both the bar and altar. Some have made a complete transition from law to religion, others practice both professions, and yet others have completed or are engaged in theological education, but are not yet practicing clergy.

ROSS BASH

Most of us know Ross Bash as a lawyer practicing in Delmont. Some of you know him from the Inns of Court, and those who know him well recognize that he is also a minister. He has managed to balance both professions to complement one another.



▲ Ross Bash

Before entering the ministry, Ross used his lawyer's skills, and continues to do so, in the church's judicial process, representing both plaintiffs and defendants, primarily in the forums of the Presbyterian Church, in which he is ordained, and also in ecclesiastical tribunals of other denominations.

He will tell you that in such systems there are two types of cases: "remedial"



and "disciplinary." Remedial cases involve disputes between church bodies, such as controversies between a church and the presbytery, the latter being roughly the equivalent of a diocese. As in civil courts, these disputes may be concluded through negotiation, or failing that, by trial. Disciplinary cases, on the other hand, involve charges of misconduct by the clergy. He notes, "The cases run the gamut from plea bargains (although church officials always seem to come up with a more savory term) to trials and appeals to higher jurisdictions." His writings on such procedures have been published in a national church magazine.

Since his ordination in 1988, Ross has taken to the pulpit and ministered to 14 or 15 congregations (he's lost count), in both the Presbyterian Church and the United Church of Christ; always as an interim minister, one who serves a church between the departure of a former pastor and the selection and installation of a new one;

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President's Message

Feedback

by Donald J. Snyder, Jr., Esq.

As every organization should do, the WBA solicits your response to the question, "Is the WBA responsive to your professional needs?" We want feedback. Now some of you will



remember feedback as the screeching noise that happens when a microphone is placed too close to the speaker system. Obviously, we are not soliciting that kind of noise. But as a practitioner in 2010 who faces the challenges of the struggling economy, changes in court procedures, strides in communications technology, and the attitudes of the general public toward lawyers in general, how do you define your professional needs and where does the WBA fit in?

The most critical economic crisis since the Great Depression—regardless of the cause or who is to blame—has had an impact on the practice of law. Clients who once were thriving are out of work, out of business, trying to avoid the consequences, placed under increased regulatory scrutiny, or just plain scared. All of you have seen it in one way or another. It is a changing landscape that affects who we serve, how we deliver the product, and how we bill for our services.

The legislature and the courts are constantly making changes that affect the practice of law. Some of these changes are dictated by technology and the attempt to manage the volume of information that enters the system. For example, we now have paperless filing in the federal courts, a new data sheet for civil cases in state court, and rule changes to streamline the process. The trend toward more efficiency is not

going to reverse. Fortunately, our local judges have been responsive to the WBA in considering the employment of electronic filing in our local courts. When it becomes manageable to do so, I expect that our local courts will embrace some form of mandatory electronic filing. Eventually, all of the courts are going to move in this direction.

On the positive side, when the appellate courts embrace electronic filing, we can finally dispense with the need to kill fifty trees in order to comply with the appellate courts' required number of briefs and reproduced records. On the down side, the public generally—and some of you—are not going to be equipped to handle the technology. The technology is there, and the law is going to follow, but what adjustments will you need to make in your practice and how can the WBA assist you?

A related area is the explosion in communications technology. We have devices that can remotely access our computer systems, find our location if we are lost, and alert emergency services if we are in distress. We also have access to research engines that are "state of the art" and threaten the existence of the print media and booksellers. CLE credits are available online, although you need to be careful. As often happens in transitions, the Pennsylvania CLE rules do not match the reality—be cautioned that you are limited in the number of CLE hours that you can take online

and that the balance must be earned in the traditional classroom setting.

We thank members of the Young Lawyers Committee who have attempted to bridge the technology gap. But whether you embrace the newest technologically sophisticated devices or not, they can't be ignored. Holding onto the past may relegate you to the same fate as the iron puddlers, the skillful people who knew how to make iron in small batches, but were rendered obsolete by the systems of production adopted by Carnegie, Frick, and company.

Attitudes toward lawyers in the judicial system are very different from when I first started to practice law. And, in part, we have ourselves to blame for this problem. Legal advertising in the

media has cast us as a bunch of sharks in the eyes of the public. In fact, most of us are not attack dogs waiting to go after the slightest lapse in conduct in order to make a fee. But the barrage of advertising sends this negative message without the counterbalancing message—most lawyers work toward the resolution of legitimate problems, including seeking redress for harm suffered by injured persons, rather than creating problems where none exist. The loftier message gets lost in the shuffle.

If you don't believe that the courts have lost respect, notice how people are dressed when they come through the doors of the Courthouse on any given day. Better yet, listen to the comments about the system from the

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McDonald Named Honorary Chairman of WCCC Scholarship Program

Westmoreland County Community College President Daniel Obara kicked-off the college's 40th anniversary celebration by announcing Gene E. McDonald, a Latrobe attorney and former WCCC trustee, as the honorary chairman at a scholarship program held Thursday, August 12, for students, parents and donors.

At a private reception, Obara recognized McDonald for his 30 years of service on the WCCC board of

BRIEFLY SPEAKING

trustees, which began with his appointment in 1974, four years after the college's founding in 1970. During his tenure, he held each office on the board, including chairman and leadership positions in community college organizations at the state and national levels.

His dedication to and advocacy on behalf of community colleges earned him the Association of Community College Trustees (ACCT) – Northeast Region Trustee Leadership Award in 1989 and in 1995, he was elected chair of its board of directors.

Obara said McDonald was “an institution builder who helped to craft

this college during his 30 years as a WCCC trustee.”

James Bendel, president of the WCCC Education Foundation board of directors, also announced that the foundation had established a “Gene E. McDonald 40th Anniversary Scholarship” which would be awarded next year.

Following the announcement, McDonald recalled that when the county commissioners were considering establishing a community college, he told them that Saint Vincent College, Seton Hill College, and the University of Pittsburgh-Greensburg sufficiently served the area.



▲ Gene McDonald

In 1974, the county commissioners asked him to serve on WCCC's board. He told them, “Don't you remember that I'm the guy who told you Westmoreland County didn't need another college?”

McDonald agreed to serve and helped WCCC to develop a strong financial base and effective management system during his early years, provided leadership as the college expanded its facilities at the Youngwood campus and established centers in Westmoreland, Greene, and Indiana counties. He was also instrumental in establishing the WCCC Education Foundation, which secures scholarships to financially support students in achieving their academic and career goals.

“In my life, nothing has given me greater satisfaction than my involvement with this college,” McDonald said. 🌿

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



the **sidebar**

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a term of service which can last months, or, in extreme cases, years. "It is," he points out, "intended, very purposely, to be a transitional type of ministry, one that requires what is



called in interim work as a 'non-anxious presence.' Essentially, an interim's 'job' is to put himself/herself out of a job by preparing the local church

to conduct an effective search process for a new pastor who will not be encumbered by the accumulated 'baggage' that might otherwise impede the local church from moving into its future with a renewed sense of mission and vision. I often compare it to being a forest firefighter; sometimes you just put out the fire, but other times you need to start a new fire or two to put out the old fires."

After college, Ross struggled, trying to decide between seminary and law school, and chose the latter; perhaps in part to avoid the appearance of copying his older brother who was then a seminarian. However, he recalls: "The draw of seminary never abated, so I enrolled in one course at Pittsburgh Theological Seminary a few years after I was admitted to practice. One course led to another, then another, then a couple more; altogether, it took me eight years (thus bettering Jacob by a year) of part-time and evening study to complete my M.Div. (Master of Divinity) degree."

He later obtained a Doctor of Ministry degree from Lancaster Theological Seminary.

Church camps are one of his interests, a subject on which he conducted a nationwide survey for his doctoral thesis, and which he later revisited in graduate work at West Virginia University, focusing

upon the integration of religious and environmental values. But Ross also has a personal interest; he met his wife at a church camp, they were married in its chapel, and over the years, their children and a grandchild have attended the same camp.

CLARK KERR

Clark Kerr, the pastor of the Latrobe Presbyterian Church, went from a full-time lawyer to a full-time minister. A 1980 graduate of Duquesne




▲ Clark Kerr

Law School, he practiced two years with Buchanan Ingersoll, and then with firms in Fort Lauderdale and Boca Raton, always as a commercial litigator. At age forty-three, married, and with a three-year-old son, he set the legal profession aside and entered the

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Daniel Joseph

Pittsburgh Theological Seminary as a full-time student, and took on a student pastorate as well. He had practiced law fourteen years. “Many folks,” he said, “were amazed with my change of profession, mostly as it involved money—what they perceived I was giving up.” It was not, however, a spur of the moment decision; his leanings in that direction were long-standing. However, “for a number of reasons (one of which was the fact that my Dad was a preacher), I ‘detoured’ into the law.”

With support from his family and friends, he felt God’s call had directed him to the right place. As for his “lawyer skills,” he found that they “transferred well—research and thinking, preparation, speaking, but maybe most importantly, listening.”

“During my ordination examination in the United Methodist Church,” he remembers, “one of our clergy asked—‘so how have you dealt with your journey from law to grace?’ An interesting question—both theologically and jurisprudentially.” Apparently, he dealt with it quite well. As a student pastor, he served the United Methodist congregations in Bradenville and Pleasant Unity; now he and his wife, Jane, are pleased to be back in their hometown of Latrobe.

On the day he was elected pastor at Latrobe, Richmond Ferguson, a church member, told Clark he came to “see if the congregation would really call a lawyer as their pastor!”



JAY W. LEWIS

There is another Latrobe connection on our list of lawyer/clergy: Jay W. Lewis, who resides there, now holds the administrative position of stated clerk of the Presbyterian Church’s middle governing body in Pittsburgh.

▲ *Jay Lewis*
His legal résumé recites his graduation from Dickinson Law School in 1970; four years with the U.S. Army’s Judge Advocate General’s Corps; seven years with Kennametal, eventually becoming secretary/general counsel; followed by twenty-three years with Parker/Hunter in Pittsburgh where he rose to the positions of secretary, general counsel, and senior vice-president and compliance officer.

He became an ordained minister in the Presbyterian Church (USA) in 1996, serving congregations in Johnstown and Mount Pleasant. He left Parker/Hunter in 2005 for his present church position.

When I asked whether there is a surprised reaction when he tells people he is both a lawyer and minister, Jay said:

“Yeah, there is. Usually it takes the form of someone (incredulous) saying: ‘I don’t know how

you can be a lawyer **and** a minister!’ That person, of course, is putting way too much confidence in the ‘goodness’ of ministers and way too much venom in the ‘badness’ of lawyers.

“But for me, it’s been a logical merger. When I was growing up, my family served several church denominations in conference and camping centers, and my expectation out of college was to go to seminary. I was diverted from that course by the deep pile library rug and the hushed researching associates of the Pittsburgh law firm for which my college alumni advisor worked. Then I met my wife, Bonnie, in church camping; her father and brother are ministers, and we’ve always been active in the various congregations with which we worshiped. Given an opportunity in my 40s to become a Sunday morning

pulpit supply, it was then a logical progression to attend seminary at night and become ordained as a minister some ten years later.

“The professional disciplines of lawyer and minister are extraordinarily similar. In both, one evaluates a stated set of facts against a standard (whether the

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“In both professions, sometimes you help, sometimes you don’t, but the ethical guidelines are the same: You do the best you can within the circumstances with which you have been given to work.”

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securities code or the Bible), establishes a position, organizes a presentation, enters a podium, and presents the case ... whether brief, sermon, closing argument,



or preaching makes no difference. In both disciplines, one is regularly and actively engaged in counseling, confidence-

keeping, solution seeking, and listening to and walking with persons in deep personal conflict and trouble. In both professions, sometimes you help, sometimes you don't, but the ethical guidelines are the same: You do the best you can within the circumstances with which you have been given to work.

"I've found that my corporate law background has been very helpful to ministry, particularly when dealing with/representing the church as a separate corporate entity within the broader civil society. Likewise, I've found

that a theological foundation can be very helpful in placing a legal question within the greater historical context of society.

"Overall, it's been a good combination."

WALTER F. CAMERON, JR.

If you represented a client in a license suspension appeal in the last two decades, you undoubtedly had a pleasant encounter with Wally Cameron (Walter F., Jr., if one wanted to be formal), who tried these matters for the Department of Transportation. If you haven't seen him lately, it is due to his promotion placing him in charge of PennDOT's western regional office. This is Wally's full-time occupation, but he shared with us his journey as directed by his faith.

"In 1992, I entered Pittsburgh Theological Seminary. The full-time program takes three years, the part-time evening program, six years. However, I was on the Moses plan, which took me twelve years to achieve a Master of Divinity degree in 2004."

That was not because Wally was inefficient; to the contrary, he and his

wife, Dutcheen (who you may remember as one of our court reporters), were, at the time, raising four children, and in addition to his work with the department, he did part-time pulpit supply. He has not pursued ordination, rather, he says, he is on what some have termed "call waiting."

"I do not know where God will lead, but the journey to-date has been interesting. Although I am not in the pulpit now, I have noticed that as I travel, I have engaged in a ministry of 'theological awareness.' Countless people knowing of my journey

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Feedback

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parties, the jurors, and witnesses. How do we help the profession and the Courts gain the respect they deserve?

Let us hear from you. Write, e-mail, telephone, or tell us in person. The WBA has been a valuable partner for generations of lawyers and needs to know how it can continue to be so in the future. We need feedback! 🐼

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want to engage in conversations about God, theology, and religion.

“I have had friends and acquaintances call me or stop me when they have problems in their lives ranging from health issues, to relationship issues, to legal issues. In all cases, they are looking for a ‘theological spin.’ Maybe I should tell them that my lowest grade in seminary was in pastoral care. At times, the conversations are, in retrospect, interesting, to say the least, and foreboding at worst.

“For example, a few years back, I had just finished a Friday license suspension day before Judge [Bernard] Scherer. The day was like any other license suspension day except at the conclusion of court, Judge Scherer asked me to join him in his chambers. I wasn’t sure what was in store for me, but since none of the opposing counsel were summoned, I knew

it wasn’t concerning the day’s proceeding.

“Judge Scherer knew I was a seminary student, in fact, he graciously provided me with some Hebrew tutorials while I was studying the language. But on that day, all he wanted to talk about was theology, eschatology, and ‘heaven.’ He was specifically contemplating his mortality and his belief in what was to come. Our conversation lasted over an hour. Later that weekend, he passed away. I believe God was a part of our conversation.”

While not currently “leading a flock,” Wally finds his seminary training useful, enabling him from time to time to discuss with others, who are so inclined, some of life’s ultimate questions with theological awareness.

Surprisingly, this article does not exhaust the list of lawyer/clergy in our area; for there are yet others who, for various reasons, were unable to respond to a request for input.

If there is anything to be learned from the experience of our contributors, it must be that the stereotypes often applied to the practitioners in both professions are most certainly erroneous. And what at first seems so permanent in our professional lives is, nonetheless, subject to change. ☹️

The following is a list of WBA members (past and present) who have answered the call to serve their faith. The list is, by no means, complete; it is based on our best knowledge. If you know of anyone we missed, please let us know.

- Marnie Abraham
- Fr. Martin Bartel
- Robert M. Carson, Jr.
- Percy K. Jones
- C. James Kutz
- Stephen Langton
- Phil McCalister
- Fr. Orlando Prospero
- Lisa Steimer (seminarian)



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Westmoreland County Sports Report

by John M. Hauser, III, Esq.

WASHINGTON, PA. — In a remarkable upset, the Westmoreland County Bad News Bears upset the Washington County Yankees, in a replay of that fateful 1977 game, held at the Washington County Pony World Championship Field.

At game time minus 45 minutes, Westmoreland's prospects for victory seemed precarious, to say the least, as the Westmoreland County young lawyers, who clearly did not contemplate the serious nature of this game, were just beginning to trickle into the Pony field parking lot to witness the end of Washington's batting practice.

Nicely attired in their matching uniforms, and sufficiently primed on pre-game pizza and beers, Washington's YLC looked poised for victory, while Westmoreland looked famished and downright ratty. Most of them having not eaten since lunch, Westmoreland's best had traveled nearly an hour over treacherous Interstate 70 to arrive at the game, and not a single pair of them were wearing even matching caps, let alone matching uniforms.

With the clock to game time ticking, batting practice for Westmoreland began with only Brad King, Jim Silvis, Matt Schimizzi, and yours truly in attendance. However, additional players began to trickle in throughout batting practice. And despite being famished and worn from a hard day's work, a different kind



The victorious Westmoreland County Bad News Bears (from L to R): Front: Michael Quatrini and Brad King; Back: Mike Stewart II, Jonathan Bompiani, Anthony Bompiani, John Hauser, Jim Silvis, Sara Flasher, Joshua Hall, Matthew Schimizzi, and Gary Alexander.

of hunger began to brew in eyes of the young lawyers from Westmoco. It was the Eye of the Tiger.

By game time, Westmoreland County totaled nine players in all—nearly a complete team. Better yet, Westmoreland's Young Lawyers proceeded one-by-one to the plate throughout the top of the first, compiling one run, then two more, and adding a fourth, and finally finishing with a five-run first inning. Sara Flasher and Gary Alexander arrived, making eleven players in all.

After beginning their batting order with two quick outs in as many pitches, Washington would settle down and answer with four runs in the bottom of the first, as their number five hitter—who was reputedly from Brainerd, Minn., and a direct descendant of Paul Bunyan—would hit his first of two walk-off home runs.

At the conclusion of the inning—as it does after the first round in Rocky (or any of the innumerable sequels)—orchestral music with a climactic tone and increasing volume began to play from an unknown source, and all participating and attending that day knew that the game was on.

Thereafter, the scoring began to settle down. In the three scoreless innings to

follow, both teams began to put on something of a defensive clinic. Still, the press box announcer was sure to keep things interesting with the occasional wisecrack. He also had some assistance from our own Diane Krivoniak, who, despite being denied a microphone, insisted on offering her own commentary with sufficient volume that all (really most) could hear.

In the fifth, the scoring would resume, but Westmoreland would retain the lead, and after seven innings, Westmoreland County had sealed the deal and defeated Washington by score of 9-8.

Still, refusing to call an end to the fun, and in light of some uncertainty regarding whether the game was to last seven or nine innings, the game was officially extended, by agreement, to nine. Despite Westmoreland's only fielding error in the bottom of the 8th, Westmoreland would not be denied. Refusing to surrender any additional runs in the final two innings, and manufacturing one additional run of their own in the ninth, Westmoreland, in epic fashion, secured a 10-8 Westmoreland County victory over the Washington County scoundrels.

Good job, team, on a job well done! I truly cannot wait until next year! 🍀

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To-Wit: Dark and Stormy Nights

by S. Sponte, Esq.

It was a dark and stormy night again last evening, just one of many I've had of late, and they're always the same. At three a.m., I'm sucked into involuntary consciousness by the raucous swells of lightning and thunder going off inside my head, and there I lay, fretting much against my will until way past dawn.

What with all this angst, all this turmoil, all this sense that I've committed a transgression for which I will most certainly fry in hell until crispy well done, you might properly conclude I'm practicing family law again. But you'd be wrong. This is all about a lawsuit I've recently filed. It's a wonderful lawsuit, creative, intelligent and aggressive, but those exemplary attributes, usually more than enough to pilot me through the turbulent emotional seas of litigation, have in

this instance been insufficient to save me from an inundation by night sweats.

My client is the plaintiff, an honest-to-God, oh-be-still-my-heart damsel

“How can I suggest another lawyer for this case when I am so despicably beset by the notion that there's no such thing?”

in distress, and the defendants are the usual suspects I enjoy excoriating, save one. He is both a colleague and—although he probably isn't anymore—a friend. I have never before sued a colleague, but unfortunately his conduct had placed him directly in the

line of fire, and what else was I to do?

Oh, I could have just said no. I could have proffered my client the opinion that, yes, she had a great lawsuit, and that, yes, she had sustained significant and needless damages at the hands of a misbegotten assemblage of bullies, villains, and small-town tyrants, but that, sorry, she would have to get another lawyer.

But how can I suggest another lawyer for this case when I am so despicably beset by the notion that there's no such thing? Such a dogged and egocentric mindset has its value, to be sure, but it carries with it that

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NED J. NAKLES, JR.
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To-Wit: Dark and Stormy Nights *continued from page 9*

accursed amalgam in which dark and stormy nights fester and thrive.

When I was an abecedarian, the notion of suing a colleague was unthinkable. Those were also the salad days of the minimum fee bill, a wonderfully insouciant conspiracy in restraint of trade which set forth the minimum fee a lawyer could charge for most services and included the admonition that charging less was evidence of unethical conduct. I thought it to be ridiculous, of course, but it did say something about the care and camaraderie with which we looked after our own. It was a grubby, illegal camaraderie, yes, but if then we were soldiers of fortune we were also soldiers of a common cause, and there was something of comfort in that.

And where has that comfort gone? How can I ever again have any peace

of mind, any sense of solidarity with my colleagues, when there are ghastly miscreants such as me going around suing us?

This morning I had a dream. There both of me stood as two knights at either end of the jousting field, one valiant in the finest chain-mail armor, spotless and shining and glinting in the sun, the other villainous in tin, besmirched by perfidious mire and shielding his eyes from the light. Rosalind drops her kerchief and at it we go. There's this titanic crash of horse, metal, and men, and then there's this dark and stormy thundering of the ether, and one of us wakes up and is alone. 🐾

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Red Mass Celebrated



Erie County Court of Common Pleas Judge John J. Trucilla (center) was the keynote speaker at the 43rd annual Red Mass held at the Bishop William G. Connare Center on Friday, September 24. Sponsored by the Diocese of Greensburg, the St. Thomas More Society, and Saint Vincent Archabbey, College and Seminary, the Mass was concelebrated by Bishop Lawrence E. Brandt (right) and Benedictine Archabbot Douglas R. Nowicki (left). The Red Mass dates back to the 13th century when it marked the official opening of the new term for courts in most European countries. 🐾

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July 2010 Civil Trial Term

Jury Trial Verdicts

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

Of thirty-six cases listed for the July 2010 Civil Jury Trial Term, ten settled, twenty-one were continued, two were held for the next trial term, one summary judgment was entered, and two cases were tried to verdict. The two jury verdicts for the July 2010 civil trial term are summarized below.

**DARLA J. TOTH
V.**

**DONEGAL COMPANIES, ET AL.
NO. 145 OF 2003**

*Cause of Action: Breach of Contract—
Underinsured Motorist Coverage*

On January 10, 2001, Plaintiff Darla J. Toth received physical injuries when she was involved in a motor vehicle accident with Charles Arthurs. Plaintiff recovered \$15,000.00 from Mr. Arthurs's insurance carrier for



those injuries. Because the liability insurance coverage under Mr. Arthurs's policy was inadequate to compensate Plaintiff for her injuries and damages, Plaintiff then applied for compensation under the underinsured motorist

provisions of her automobile insurance policy with Defendant Donegal. Defendant denied her request for benefits, stating that she had waived underinsured motorist coverage in 1997, when she made several changes to her automobile policy.

Plaintiff maintained that she never signed any papers to waive or decline underinsurance coverage, and claimed that at no time did she give her consent or authorize her former husband to sign her name. Plaintiff argued that the underinsured coverage was cancelled when her former husband forged her signature on the waiver forms. Defendant asserted that it owed no obligation to Plaintiff because a valid form rejecting underinsured motorist coverage was executed.

Plaintiff's Counsel: Darrell J. Arbore, North Huntingdon

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Jury Trial Verdicts *continued from page 11*

Defendant's Counsel: Scott A. Millhouse, Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C., Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict in favor of Plaintiff and against Defendant. The Court further directed that the determination of the amount, if any, of underinsured motorist benefits due be submitted to arbitration in accord with the provision of Plaintiff's insurance policy with Defendant.

**DEBORA B. URCEK
V.**

**RONALD R. HOWELL
NO. 5592 OF 2006**

*Cause of Action: Negligence—
Motorcycle Collision*

On August 8, 2004, Thomas Urcek was operating his motorcycle on State Route 6 in Warren County, Pennsylvania. Mr. Urcek's wife, Plaintiff Debora Urcek, was a

passenger on the motorcycle. Defendant Ronald R. Howell was operating a motorcycle immediately behind the Urcek motorcycle. The Urceks exited State Route 6 onto the ramp leading to State Route 62 and came to a complete stop at the stop sign located at the end of the ramp. As Mr. Urcek was stopped to observe traffic on State Route 62, the front portion of Defendant's motorcycle collided with the back portion of the Urcek motorcycle. As a result of the collision, Plaintiff was thrown from the motorcycle and allegedly sustained injuries.

Plaintiff maintained that she sustained post-traumatic migraine headaches as a result of the collision caused by Defendant's negligent

operation of his motorcycle. As a result of the injuries sustained, Plaintiff claimed damages of pain and suffering, diminishing or lessening of life's pleasures, and mental anguish. Defendant argued that Plaintiff had a long history of prior head injuries, headaches, and neck, shoulder, and back problems that pre-dated the subject collision.

Plaintiff's Counsel: Jeffrey D. Monzo, Galloway Monzo, P.C., Gbg., and Grey D. Pratt, Hanchak & Pratt, L.L.C., Pgh.

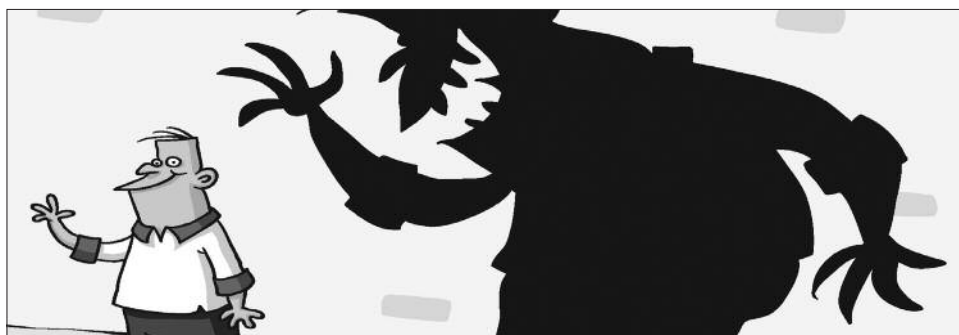
Defendant's Counsel: Scott O. Mears, Jr., Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Gary P. Caruso

Result: Verdict in favor of Plaintiff and against Defendant in the amount of \$2,003.76, representing only the amount of Plaintiff's unreimbursed medical expenses. The verdict did not compensate Plaintiff for any pain and suffering or other non-economic injuries. 🍀

**Westmoreland County Jury Trial
Verdicts from 2000 to the
present are available online at
www.westbar.org/verdicts.**

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* American Bar Association Standing Committee on Lawyers' Professional Liability. (2008). *Profile of Legal Malpractice Claims, 2004-2007*. Chicago, IL: Haskins, Paul and Ewins, Kathleen Marie.



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Letters to the Judge

Your honor, Sir, Jeeter, my cellmate, says he is going to sue. After dinner last night, he said a fly followed him back from the dining hall, and when he stood on his bunk to swat it, after it took its rest on the wall of our cell, he found his reach a little less than what was required to do in that particular fly, and he fell, somewhat headfirst, from his bunk and onto the floor.

When his blasphemies directed toward the winged insect ceased, he pulled himself up onto his bunk, his face covered with blood from his nose, and vowed to sue a litany of prospective defendants, including the jail for allowing conditions that enticed flies to dinner; the manufacturer of his bunk for not attaching a printed warning to his bunk alerting him against using it as a base for launching assaults against high flying and annoying creatures; and against the prosecutor, judge, and jury who put him here, not to mention his own sorrowful lawyer. He pointed out to me that one of his front teeth was chipped, and when I noted that it had been chipped as long as I could remember, he said he supposed so, but he had never been conscious of it until now, and surely, that ought to be worth something.

Your honor, I'm trying my best to talk him out of taking this ill-conceived course because as an informed citizen I am going to do whatever I can to advance the cause of tort reform in Pennsylvania. At the library a while back, I read with interest a piece in the paper that said flat out that your tort system was one of the principal causes of the economic downturn and the absence of reform was costing our commonwealth 55,700 jobs, more than a few of which might have been available to a clever fellow like me once I get out.

It states in the article that there is such a thing as the U.S. Tort Liability Index: 2010 Report, which ranks Pennsylvania 46th out of the 50 states in the quality of its "civil justice torts climate." Don't for a minute think that didn't set me back on my heels.

Louisiana had its oil spill and now we have an unfavorable climate. This harsh rebuke is the result of scientific evidence produced by precise measuring and carbon dating of "tort losses, numbers of tort lawsuits and lawyers, number of huge jury awards, and the presence of plaintiff-friendly judicial hellholes."


I told Jeeter that our system was teetering on the brink, showed him the article, and told him that if he filed suit we would surely plummet to last place. The only cure, according to the article, is legislative capping of noneconomic and punitive damages, reforming joint and several liability, and setting maximum contingent fees.

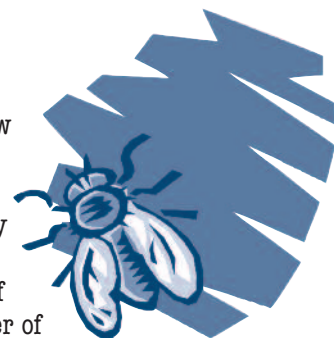
Jeeter, however, is never found wanting for a rejoinder. Pointing a bloody finger at me, he said that none of this could be confirmed according to his girlfriend's mother who recently retired from the courthouse, and who had read the self-same article. "Under the dome," he quoted her, "the last real plaintiff's verdict—that is, one that exceeded the offer—is said to have been delivered, by sheer coincidence, during the same week as Custer's defeat. The last and only remembered punitive damage award was for \$2,600 sometime in the 90s; and as for

the number of plaintiff's lawyers, most of them are now attending CLEs on probate law."

Jeeter then made a persuasive argument that even if these "much needed reforms" were in place, they wouldn't be a deterrent, as there was no cap low enough to be a discouragement to him; he wouldn't engage a lawyer; and he didn't intend to be agitated over joint and several liability, whatever that was.

Maybe he has a point, your honor. At least I know this: if there is such a place as a "plaintiff's hellhole" you'll never go there based on the verdicts in your courtroom.

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foundation focus

WBF Scholarships Awarded at Ceremony



The Westmoreland Bar Foundation awarded two law school scholarships and two college scholarships to Westmoreland County

residents at a ceremony held August 10, 2010, at the Westmoreland County Courthouse.

LAW SCHOOL

The Wayne R. Donahue Memorial Scholarship



Jaime Hickton, a second-year law school student at Duquesne University, was awarded \$2,100. She graduated from Seton Hill University

and is employed as a Juvenile Probation Officer with Westmoreland County. Jaime resides in West Newton. "In this current endeavor," says Jaime, "I have always felt a strong support from my family, friends, and co-workers, but it's hard to express my appreciation for the support of the Westmoreland Bar Foundation. I look forward to working in this community and hope to work alongside you all in the future!"

The scholarship is named for Wayne R. Donahue, a sole practitioner from New Kensington, who was a

lifelong resident of western Pennsylvania and an alumnus of Duquesne University and Duquesne University School of Law.

The Donald Laird Hankey Memorial Scholarship



This year's Hankey Scholarship was awarded to *Anthony Canzonieri* from West Newton. Anthony is a first-year student at Duquesne University

School of Law. He is a graduate of Westmoreland County Community College, and California University. Anthony served in the U.S. Army and was deployed to Iraq where he served as an Iraqi Police Liaison Team Leader until being wounded in action. He returned stateside where he secured a job with Vets4Vets and currently serves as Director of Southwestern Pennsylvania. Anthony was awarded \$2,500.

The scholarship is named for Donald Laird Hankey, a sole practitioner in New Kensington and a member of the Westmoreland Bar Association for more than 65 years.

MOCK TRIAL COLLEGE SCHOLARSHIPS

Mock Trial Scholarships are made possible through the generous donations of members of the Westmoreland Bar Association, appropriately titled the Founding Fellows. Over \$60,000 was raised by this group to assure that two \$1,000 college scholarships could be awarded each year to deserving mock trial participants.

This year's Mock Trial Scholarship winners are Matthew Kyper and Claire Stewart.

Matthew Kyper is a 2010 graduate of Penn Trafford High School. He is attending Penn State University to pursue a degree in Business. He is the son of Christyne and Timothy Kyper.



Claire Stewart is a 2010 graduate of Greensburg Salem High School, and a member of the winning county Mock Trial team. Claire is attending Dartmouth College to study Mathematics. She is the daughter of WBA members Nancy and George Stewart. 🐾



ABA Evaluates Pro Bono Program

Thank you to all the attorneys who took the time to meet with the American Bar Association during their August 26-27 visit. Your input was greatly appreciated and will be used in preparing the report for the Pro Bono Program. In our exit meeting, the ABA



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representatives all agreed we are fortunate to have such good participation by the attorneys in Westmoreland County, and also your desire to continue to improve the Pro Bono Program. Once again, thank you for your attendance at the meeting. 🌸

Volunteers for Justice


The Pro Bono Program extends thanks to all the attorneys who volunteered their time from July to September 2010.

- Jason Bertram
- Raymond Bitar
- Marla Blum
- Michael Bogush
- John Bumbaugh
- Brian Cavanaugh
- Eric Dee
- Michael DeMatt
- Rebecca Fenoglietto
- Richard Flickinger
- Charles Fox IV



The WBA Young Lawyers Committee held their second annual fund-raiser to benefit CASA of Westmoreland, Inc., on Wednesday, September 15, at The Headkeeper in Greensburg. More than 50 people attended, including CASA Board President Mary Ann Petrillo, YL Chair Michael Quatrini, and CASA Executive Director Mandy Welty.

- Michael Garofalo
- Dennis Gounley
- Melissa Guidy
- Maureen Kroll
- Morrison Lewis, Jr.
- Irene Lubin
- William McCabe
- Philip McCalister
- DeAnn McCoy
- Paul Miller, Jr.
- Donald Moreman
- Milton Munk, Jr.
- Debra Nicholson
- Andrew Skala
- Robert Specht
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- Joanne Wilder
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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**.*

NOVEMBER

- 10** [CLE] Ethical Considerations in Real Estate Representation, Noon to 1:15 p.m.
- 11** Courthouse closed in observance of Veterans Day
- 12** [CLE] Today's Technology for the Productive Lawyer, Noon to 1:15 p.m.
- 15** Dine Around: The Supper Club, Greensburg, 6:30 p.m.

16 Family Law Committee, Noon

17 Board Meeting, 4 p.m.

18 Elder Law & Orphans' Court Committees, Noon

25 Courthouse closed in observance of Thanksgiving

26 Courthouse closed in observance of Thanksgiving

DECEMBER

4 Holiday Dinner Dance

LAWYERS CONCERNED FOR LAWYERS CORNER

- The 12-step recovery meeting, exclusively for lawyers and judges, is in downtown Pittsburgh every Thursday at 5:15 p.m. For the exact location, call Pennsylvania Lawyers Concerned for Lawyers at **1-800-335-2572**.
- LCL has a new website at www.lclpa.org. 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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LawSpeak

"It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important."

— Dr. Martin Luther King, Jr.