



Reflections On A Career

Editor's note: Last month, The Hon. Donetta W. Ambrose retired from the United States District Court for the Western District of Pennsylvania after sitting on its bench for 17 years. Before her appointment to federal court, Judge Ambrose had the distinction of being the first woman elected to the Westmoreland County Court of Common Pleas, where she served from January 1982 through November 1993. We invited her to share her thoughts on her distinguished career.

by The Hon. Donetta W. Ambrose

Over forty years ago, I walked up the front steps of the Westmoreland County Courthouse for my appointment with the admissions committee of the Westmoreland Bar Association. Those were the days when all aspiring lawyers had preceptors and were screened by the Bar Association to determine their moral fitness and character to practice law.

Early for my appointment, I climbed the stairs to the second floor and entered Judge Sculco's courtroom where Lou Ceraso was trying a criminal case. I had known Lou practically my whole life, but watching him in the courtroom that day, he took on a whole new persona as he walked around the well, making telling points with his razor-sharp cross-examination.

I was mesmerized. I remember thinking that day that the greatest thing anyone could be was a lawyer and, over forty years later, I still think that today.

I started law school in 1967 with no clear idea of what lawyers actually did. My parents were bright, supportive, and hard-working but had to leave school early to help their families during the Depression. We did not have a family lawyer. I expected that I would teach English at my high school alma mater after college graduation. In fact, my high school principal had guaranteed me employment.



▲ WBA President Donald J. Snyder, Jr., and WBA President-Elect Michael J. Stewart flank The Hon. Donetta W. Ambrose, who was the guest of honor at the Holiday Dinner Dance held on Saturday, December 4, 2010, at the Fred Rogers Center at Saint Vincent College in Latrobe.

“Giving life to the words of our Constitution is an awesome and humbling experience.”

The Hon. Donetta W. Ambrose

Well, the best laid plans of mice and men often go astray. As a freshman, I developed a close friendship with Carol Los (the late Judge Carol Los Mansmann of the Third Circuit Court of Appeals) and she inspired and encouraged me to pursue a career in the law.

I loved law school. It was the best academic experience I ever had. David Millstein was in my study group and he can attest to the fact that I was never happier or more self-righteous than

when I had just finished making a course outline for Antitrust or Con Law.

My legal career has been magical and I have been the beneficiary of the best luck a gal could have. At a time when many doors were closed to women in the profession,

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President's Message

Civics 101

by Donald J. Snyder, Jr., Esq.

The election of 2010 is over. Whether your candidates won or lost, the true test is whether the winners will take office and settle down to address the hard tasks of governance or will merely continue



the campaign into the next cycle. Said another way, do the people who fill the chairs of the national, state, and local elected positions—and those who put them there—have a rudimentary grasp of their place in the whole scheme of governance, and will they exert the effort to be effective?

In her Side Bar article appearing in the November/December 2010 issue of *The Pennsylvania Lawyer*, PBA President Gretchen Mundorff offers a view of these questions that demonstrates her firm grasp of both the world we live in and the role for lawyers in that world. She observes that our system of government will continue to work only if we impart to our children the understanding of our democracy, the levels of government, the separation of branches of government, and the checks and balances that are built in at every level. Quoting Justices Souter, O'Connor, and Kennedy for the proposition that the principles of democracy and the Constitution have to be taught, she sounded the alarm and identified the PBA's responses:

... (When) retired U.S. Supreme Court Justice David H.

Souter began his address to the House of Delegates of the American Bar Association by saying, "Civic education in the United States is not good enough and we have to do something about it," he immediately got my attention. As I listened to his words, delivered in his unassuming and quiet New England demeanor, his passion for this issue became clear.

You cannot preserve what you do not revere. You cannot protect what you do not comprehend. You cannot defend what you do not know.

Justice Anthony M. Kennedy

He told us how concerned he is "about the risk to our constitutional government when a substantial portion of the American populace simply fails to gain the understanding of how the government works." I was surprised to learn that about two-thirds of the people in the United States cannot even name the three branches of our national government. "This is something to worry about," he said. And I agree. Justice Souter challenged the audience of

lawyers and judges, asking us "to consider the danger to judicial independence when people have no conception of how the judiciary fits within the constitutional scheme."

I urge you to take some time to reach out to your local school this year during the PBA "Celebrate the Constitution" programs, "Civics Academy" and "Project Citizen" and Law Day programs. I leave you with this moving thought from Justice Kennedy: "We must remember that it's not just [public] officials [such as] the president who have the obligation to preserve, protect and defend the Constitution. It's all of your obligations. But you cannot preserve what you do not revere. You cannot protect what you do not comprehend. You cannot defend what you do not know."

"Civic education in the United States is not good enough, and *we* have to do something about it."

As lawyers, we tend to focus our interest on the judicial branches of government. Yet, the rule of law works through every level and we are in a fortunate position to impart our knowledge of government to our children. It is not a partisan political effort, but rather an effort to ensure that future generations will understand the value of our system of government. I am asking you to participate in these efforts and join in the PBA's emphasis.

We owe it to ourselves, and especially to our children. 🇺🇸

Get Connected in Greensburg!

WBA members are welcome to stop in the WBA offices and log on to our free wireless network to conduct business online. The Westmoreland County Courthouse also has free wi-fi in the lobby and the Commissioner's Meeting Rooms.

Remembering Our Colleagues

S. Wayne Whitehead

Editor's note: S. Wayne Whitehead passed away on June 12, 2010. He is survived by his wife, Linda; several nieces and nephews; and a sister-in-law, Renolda Whitehead.

by James E. Whelton, Jr., Esq.

I have always considered myself to be a very fortunate guy. I've been fortunate in my personal life and in my professional life as well, and one of the reasons I count myself professionally fortunate is that I knew Wayne Whitehead. He was my friend and mentor, and he taught me much.

Like many of his generation, Wayne came from a family of lawyers. His father founded the practice that would become known as Whitehead & Whitehead, and his brother, Howard, practiced with him for many years. As

was also typical of his generation, Wayne practiced law with diligence, integrity, and honesty all throughout his fifty-four year career. While some take those attributes for granted, Wayne embodied them. When you dealt with Wayne, you never had to think twice. He was unrivaled in his knowledge of real estate and estate matters, and his word was his bond.

In what seems almost a lifetime ago, I had just enough gumption to leave a secure position as Judge Hudock's administrative law clerk, a job that did not cause me to lose any sleep over such things like overhead, support staff, deadlines, trial strategy, and client development. Although I had little in the way of experience practicing law, Wayne had a kind heart and took me in even before we met. From Wayne, I learned the things I didn't learn in law school—how to do a title search using the Russell Index, how to actually do a closing, and how to appear before a court for the audit of an account for a decedent's estate. I also learned those

intangible attributes that we, especially as members of the Westmoreland Bar Association, can fortunately take for granted from all our local colleagues—I learned how to be a professional. Wayne encouraged me to immediately become active in the WBA where he had proudly served as president.

Although Wayne could easily be described as a quiet, easygoing man, he was always very busy. Although "the office" was in Greensburg, Wayne insisted upon keeping an office at his home in North Huntingdon where he would regularly see clients well into the evening. He was a proud and generous supporter of his alma mater, Franklin & Marshall, Class of 1953, and he took advantage of every opportunity to convince a high school student or their parents of the benefits and value of an F&M education. Wayne also served as solicitor for Manor Borough for 34 years, was active in his church, and the local library. He was also always very active with his beloved Manor Bank where, during his tenure as president, he guided it as it expanded into a two-branch bank! And in between all of this, he seemingly always wanted to cut his grass. He had this lawn that he fretted over, insisting with pride that he mow himself despite the ribbing he would take from all of his friends and colleagues at lunch.

Simplicity is a word that might aptly describe Wayne. He didn't need fancy, although he could well have had

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▲ Wayne Whitehead

Memorial Gifts Recognized

The Westmoreland Bar Foundation accepts contributions in memory of someone who has died, to mark a special occasion, or to honor an achievement. When you honor a Westmoreland County attorney with a gift to the foundation, it is used to provide pro bono services to the indigent of Westmoreland County. Memorial and tribute contributions can be made by check, payable to the Westmoreland Bar Foundation.



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- Given by **Richard Flickinger, The Hon. John Blahovec, and The Hon. Debra Pezze** in memory of **J. David Caruthers**.
- Given by **QuatriniRafferty** in memory of **Wayne Whitehead**.
- Given by **QuatriniRafferty** in memory of **James Gaut**.

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@westbar.org. the sidebar welcomes 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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it. He neither desired nor possessed extravagant things. The most extravagant thing I ever knew Wayne to do was to buy a Thunderbird convertible. What made it extravagant was that he already owned two perfectly good cars at the time, and to Wayne that Thunderbird was an extravagance.

Wayne enjoyed baseball and was a true, die-hard Pittsburgh Pirates fan. He and his wife, Linda, went to those games year after year, always hoping each season would be “the” season. Like most Pirates’ fans of the last twenty years, Wayne didn’t need a pennant—just a respectable finish. Although Wayne and Linda enjoyed travelling, in more recent years they found themselves heading more and more to their condo at Myrtle Beach. As the years passed and the frailties of age caught up with Wayne, his golf game (which he would candidly admit wasn’t much) went by the wayside, and he found himself simply enjoying the

warmer weather of South Carolina with Linda by his side.

As my professional career developed and took its own path, Wayne and I remained close. He was available at anytime and, much like our early days together, proved himself a consistent and valuable source of guidance. I shall miss him and always count myself among the most fortunate for having known him and for having learned so much from him. 🐦

James R. Gaut

Editor’s note: James R. Gaut passed away on July 20, 2010. He is survived by his wife, Marilyn; two daughters, Dr. Susan L. Nelson and her husband, Richard, of Newport, Vt., and Lynn M. Gaut, of Scottdale; and two grandchildren, Quinn and Sydney Nelson.

by Jon Lewis, Esq.

My friend, Jim Gaut, practiced law for almost fifty years. Beyond his reputation as a trustworthy and consummate professional, he was known as a gentleman, sportsman, musician (flautist), and an active churchman; but, above all, he was known as a family man. We ate lunch together for 36 years. These lunch gatherings began in 1961 at the Modern Tea Room, and over the years, outlasted at least eight or ten Greensburg restaurants, ending at the Rialto—the only one still in business. Among our friends long gone from the table are Dave Cook, Dave Fink, Paul Welty, Henry Waltz, Jack Lyons, Joe Mitinger, John Pollins, and Bill



▲ Jim Gaut



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Caruthers. This group didn't just eat together: we played cards, went hunting, fishing, and socialized. And, unlike the rest of us, Jim rarely repeated the same joke on Friday's weekly Joke Day.

When hunting, Jim was the only one who saw a turkey in the wild at camp. On those occasions when we would play cards at Bill Caruthers' A-frame, Jim was always prepared with fishing gear in the trunk. As he walked to the lake across from Bill's place with his fishing rod in hand, we knew the fish were in trouble, even without bait on a hook.

Jim was a second-generation lawyer. He moved into his father's practice a few months after his father passed away. His father's secretaries, Kate and Eleanor, trained him, and when I had a question, I would hike up two flights from my office in the Coulter Building to his for their help. They were with him approximately 33 years, and maybe another 20 with his dad. Now his daughter, Lynn, is carrying on the tradition for a third generation.

Jim was well known for his superior legal work in real estate, estate, and bank matters. Like most of his generation, all of his work was done without the use of a computer. In addition to

his Greensburg office, he maintained an evening office in his hometown of Scottsdale. It was a place where he would, on occasion, counsel some of his more colorful clients. One, who could not drive a car because of a DUI, rode up and down the alleyways driving a lawnmower. Periodically he would drop the deck and mow the lawn.

Jim was a solicitor of Scottsdale Bank and Trust for many years. He volunteered his services and participated in numerous hearings for the Disciplinary Board, was counsel to the Redstone Presbytery, and was an Elder of his church. He was a gentleman lawyer whose word was his bond. I never heard him use a cuss word. The only time he raised his voice was when a soon-to-become-former client raised his voice to his secretary.

If we all have our vices, Jim's was gambling, on the smallest of scales. First, every year he sold \$2 gun raffle tickets to our lunch table on behalf of his hunting camp. No one ever won. We assumed the camp raffled that same rifle year after year after year. Second, was playing the lottery with the rest of us. We all put a dollar in per week, sharing the rare and miserly profit.

Jim and his wife, Marilyn, were married 48 years. They have two wonderful daughters: Susan, a veterinarian, with his two grandchildren, and Lynn, who took over the practice. 🐾

J. David Caruthers

Editor's note: J. David Caruthers passed away on October 11, 2010. He is survived by his wife, Elizabeth; two daughters, Maggie Yakovac and her husband, Joel, of Columbus, Ohio, and Anne Caruthers, of Alexandria, Va.; his brother, William F. Caruthers, II, and his wife, Donna; his sister, Ann C. Taylor, and her husband, James, of Julian, Pa.; sisters-in-law, Jeanne Dyer, Peggy Logan, and Mary Stevens; brothers-in-law, Pete, Joe, and Andrew Meister; and several nieces and nephews.

by John Sweeney, Esq.

I am writing this on a cold Thanksgiving Monday knowing that our friend, David, should be out in the woods in hunter's orange waiting for the perfect shot. As it seems he did with everything else, he approached his hunting escapades with zeal and passion. Among the photos we collected from his office here at the Public Defenders Office after his passing were several of him at the rear of his Jeep Cherokee, beaming at the deer sprawled out in the back.

In 1992, I was hired as an assistant public defender and shared an office with him. Over the next nearly two decades we also shared a great deal of conversation about clients, children, cases, golf, judges, ADAs, and many other subjects. Those of us who worked with him quickly became aware of his tenacity in representing

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▲ Dave Caruthers

Past speaker at the National Business Institute's "Complex Bankruptcy Issues" seminar.

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Remembering Our Colleagues *continued from page 5*

his clients. As many of his colleagues came to know, confrontation was not something he shied away from, particularly if it meant a better result for his clients, public and private. No one was immune from his ire if he felt that his position was in some way being discounted. However, I also had the privilege of overhearing him on the phone patiently explaining untenable situations to family and friends of clients with empathy and grace.

Several of our bar's young attorneys did summer internships in our office under his tutelage. He routinely required that they each prepare a narrative of their experiences so he could write a more complete and accurate report to their respective advisors.

New attorneys in our office found they could rely on David for advice, guidance, and reassurance as they struggled along the rocky road of indigent defense. No question was

dumb and no answer was demeaning. He reveled in their success as much as he did his own.

Saying we were stunned by his death barely begins to scratch the emotional surface of our loss. He and his wife, Liz, had raised their two lovely daughters, one now in the first years of a marriage and new career, and the other just finishing college and starting her first job. His pride in his daughters was immeasurable, and the only times he could be rendered speechless or red-faced were in response to jokes about "the Caruthers girls." And while his daughters were an important part of his life, he was nonetheless enjoying the empty nest and the time it provided for him and

Please plan to join the WBA at the annual Memorial Service in May to pay tribute to our friends and colleagues who have passed on.

his wife. Whether it was hunting, playing golf, riding his motorcycle, or enjoying time with family, Dave did it with gusto.

My last conversation with Dave was the Friday before his death when I called to ask if he wanted to meet for lunch. I had forgotten he was obviously well into the event when I called. Yet he was kind enough to talk a little about a disappointing and frustrating trial I had finished the previous day and commended me on my efforts, stating, "Good job keeping that jury out for what—45 minutes!?" Quintessential David.

The list of losses from his passing is so long and his time here was so very short. I wish I had something more profound to say about the friends we lose to death and how we endure such fathomless losses, but for now, all I can say is that I miss my friend and will for a long, long time. 🐾

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Reflections On A Career

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Lou Manderino, a Westmoreland County lawyer and Dean of Duquesne Law School, plucked me from obscurity to serve a two-year clerkship with him: first, on the new Commonwealth



▲
*Judge Ambrose's
1978 WBA directory
photo*

Court, and second, on the Pennsylvania Supreme Court.

Lou gave me the best advice I ever got, urging me to return to my roots, which I did after a two-year stint with the Pennsylvania Attorney General.

Once I was back home, practicing law with Ray, I had the idea that I wanted to

be an Assistant District Attorney, but I really didn't know how to make that happen. In retrospect, I realize that I just wore down Al Nichols. I was relentless and badgered him every time I visited the courthouse. He gave me a chance and I became the first woman Assistant District Attorney in Westmoreland County. Working in that office was a great experience.

In the next few years, with tremendous support from my family, my colleagues, and the community, I had the good fortune to become the first woman judge of our county. I remember the unbelievable press coverage the first time I sat as a judge. What did they think was going to happen?

While I miss Westmoreland County and my many friends and colleagues, my time on the United States District Court for the Western District of Pennsylvania has been the high point of my career. After my hearing before the Senate Judiciary Committee (which, incidentally, was attended by most of the citizenry of Arnold), my son turned to me and said, "Gee, Mom, next year you'll get to decide who prays at graduation." And, wouldn't you know, that is exactly a decision I was called upon to make several months later. Giving life to the words of our Constitution is an awesome and humbling experience. I am honored to be a member of the Third Branch and I know that nowhere else in the world but in the United States could a second-generation citizen from a family without power and privilege attain this goal.

Finally, on a personal note, practicing law in Westmoreland County brought me the love of my life. Judge David Weiss was the matchmaker and I will forever be grateful for his persistence and perspicacity. For the past thirty-eight years, Ray has been my anchor and the wind beneath my wings. Our son, JR, and his wife, Eliza, both New York lawyers, are expecting their first child, our grandson, by the end of the year. I look forward to this new chapter of my life. 🌸

Donetta and Me

by Ray Ambrose, Esq.



▲
Ray Ambrose

AN UNLIKELY REMINISCENCE

Donetta and I were probably as unlikely a duo to end up husband and wife as any two people in

Westmoreland County. She was the superstar of Arnold High School, Class of 1963, its valedictorian and head majorette. She went on from there to graduate with honors from Duquesne University.

Inspired by her sorority sister, The Hon. Carol Los Mansmann, to become a lawyer, she attended Duquesne University Law School where she made law review and eventually graduated second in her class. My own academic résumé is much shorter. Suffice it to say, I do have a law degree.

After her law school graduation, she went to work in Monessen as a law clerk to The Hon. Louis Manderino. He had been a professor of hers at law school before he became one of the initial judges of the then-newly-formed Commonwealth Court. When Judge Manderino was elected to the Pa. Supreme Court, she followed him as his clerk.

Although she seemed destined to make her mark for her prowess at writing stirring zoning opinions, the most significant aspect of this phase of her life turned out to be her occasional penchant for lunch or breakfast at Johnson's Coffee Shop in Monessen.

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Got News?

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Donetta and Me *continued from page 7*

While Donetta was setting the world on fire as a law clerk, I had rented a third-floor walk-up office in the heart of the downtown New Kensington business district and had started off on a career handling those mundane things upon which every small-town lawyer cuts teeth.

One day, in the summer of 1971, a new client named Rosebud (honestly) walked through my office door. She was the estranged wife of a local businessman and she sought my services to obtain her divorce. She did not come alone. She was carrying my destiny with her.

We older lawyers may remember that before the advent of no-fault divorce, it was the practice to have a Special Master appointed to

hold a hearing to determine who in a marriage had transgressed and caused the innocent and injured spouse's life to be burdensome and intolerable. Judge David Weiss, then the President Judge, appointed Donetta to serve as my Special Master, a position that, almost forty years later, she has yet to relinquish.

Remember Johnson's Coffee Shop? Well, Judge Weiss hailed from Monessen and he frequently shared coffee and a sandwich with Justice Manderino and Donetta there. He had taken quite a fancy to Donetta and, from time to time, supplemented her paltry state salary with Master's appointments.

Donetta was from Arnold, just a stone's throw from New Kensington. Since she was clerking for Justice Manderino in Harrisburg, she only came home on weekends, and that's when she wanted to schedule the

divorce hearing. As an eligible young bachelor, I always had other plans, or at least fantasies, for my weekends and I decided to ask the court to replace her as Special Master. I waited an hour to ask that favor of Judge Weiss, but when I finally got his ear, he said, "She's a nice young woman and you might want to take her out to dinner."

Although Donetta and I had a pleasant-enough conversation after Rosebud's hearing, I doubted very much that anything could come of it. We said our goodbyes and went about our lives.

However, when she came back to the office to sign the Master's Report, we talked for awhile and somewhere during that second conversation the slightest spark was lit.

New Year's Eve was coming and I needed a date. Judge Weiss' words echoed in my ears and so I called her. Much to my surprise, she accepted my invitation to attend the 1972 New Year's Eve Ball at Hill Crest CC. Following a whirlwind courtship, we were married on August 19, 1972, and we've had a wonderful life ever since. We have one son, also an attorney. He lives in Brooklyn and practices with the SEC. He is married to a beautiful woman who is also an attorney and, like her mother-in-law, a superstar lawyer.

Say what you want about us Ambrose boys, but we sure know how to pick the cream of the crop. Somewhere near New Year's Day, always an auspicious day for Donetta and me, we will have our first grandson. Donetta and I are thrilled beyond belief. 🍀

“Judge David Weiss appointed Donetta to serve as my Special Master, a position that, almost forty years later, she has yet to relinquish.”

The Bar Has Been Set High

by David S. DeRose, Esq.

In 1982, I had the privilege as a young attorney of serving as judicial law clerk to the newly elected Donetta W. Ambrose, the first female judge of the Court of Common Pleas of Westmoreland County. For the next nine years, I benefitted tremendously, both personally and professionally, from this association, as well as from the fine staff of individuals whom she had selected to work within her office.

My connection, however, with the good Judge began long before 1982. We both grew up in the small Westmoreland County town of Arnold. She was then Donetta Wypiski of Woodmont Avenue and I lived on Alcoa Drive, about one block away. Despite the six-year age gap between us, I knew the name Donetta at an early age. In fourth or fifth grade, I became the paperboy for the Wypiski family and watched and listened as Donetta set the academic world on fire at the top of her class at Arnold High School and at Duquesne University, both undergraduate and law school.

I enjoyed getting to know Donetta's father, Chester (known affectionately to the locals as "Tettters," why, I do not



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know!) and her mother, Mary, who was just a delightfully bright, warm, and engaging lady, who always made sure there was a tip for the paperboy each week! We can talk all we want about Donetta's preparation for the Bench through her years as the law clerk to Pennsylvania Supreme Court Justice Louis L. Manderino, her time with the Pennsylvania Attorney General's Office, and her five years in the Westmoreland County District Attorney's Office, but becoming a great judge, in my opinion, was more about her character and the values instilled in her at an early age by her parents. I do not want to take anything away from her father, but Donetta possesses so many of her mother's best qualities and that has served her very well throughout her career.

I also had the benefit of learning much about the Judge from my own family. My mother was Donetta's high school English teacher and she always marveled at Donetta's academic prowess and what all of the faculty



▲ *David DeRose and The Hon. Donetta W. Ambrose at the 2006 WBA Annual Meeting.*

observed as her limitless potential. Of course, I also heard about Donetta from my brother, Lou, who was always competing with Donetta for top seed in the Arnold High School Class of 1963. The Judge finished as the "Hertz" of that class, and the DeRose boy came in as "Avis"—No. 2, but always trying.

Working with Donetta as her law clerk gave me a personal insight into all that makes her so special. She possesses a tremendous work ethic and

she is a very quick study. She has an uncanny ability to size up a situation and the people in it. She is not only well versed in many areas of the law, she is very well read. All of these qualities and that pragmatic nature of hers, add to her ability to render fair and informed decisions. Working for her was easy. The Judge is also a copious note-taker. In those days, I would have the benefit of a yellow legal pad or two detailing everything I needed to know to assist her in drafting an opinion.

The Judge is a genuinely caring and compassionate person, who has a deep and abiding faith and always tries to craft decisions that are fair and made with empathy for the plight of those who come before her. This is not meant to imply that she is some type of pushover! She is a marvelous student of the law and knows how to apply the law in a decisive manner—firmly, but fairly.

Judge Ambrose is a consummate professional. The daily manner in

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which she comported herself and the dignified way she addressed tough cases and difficult people has left a lasting impression on me. She would go out of her way to assist attorneys who practiced before her and help educate the young attorneys who, perhaps, were struggling with their cases. It was always very satisfying to me to hear attorneys who had come from other counties remark that the Judge and the staff had been so very courteous and understanding, making their jobs that much easier and their travel to Greensburg a pleasure.

The Judge has a great sense of humor. (She needs that since she is married to one Ray Ambrose, who affectionately refers to her as “The General.”) In all sincerity, Ray is a special person about whom I cannot say enough good things!

Over the years, there were situations in her courtroom that provided laughter for months and years to come. If my recollection serves me well, on one occasion, the late John Pollins, Esquire, was appearing before her and, in his own inimitable way, had forgotten to extinguish the pipe that he so often carried into the courthouse, before placing the pipe in his suit coat pocket. The Judge observed smoke rising from Mr. Pollins’ suit which, of course, caused her some concern, but I am not sure that Mr. Pollins missed a beat in continuing with the argument he was making to her that day.

There was also a time right before Christmas when the staff had all gone home for the day when there came “a-knocking at the chamber door.” I greeted people who appeared to be part of a motorcycle contingent, wanting to know if the Judge

would marry two of them. I asked the Judge if she would do that and she agreed, marriages always being something fun for a judge to do. These folks were shocked, I think, that this judge was a SHE. What were they expecting, I wondered, with a name like Donetta plastered across the corridor? The couple then asked me what the Judge charged for the ceremony. I explained, with the Judge listening, that there was no fee and the group immediately began cheering and shouting right in the middle of the first-floor hallway: “No fee, no fee, whoopee! (expletives deleted)” Maybe you had to be there, but there was no way for us to keep a straight face. The Judge married the couple and the groom asked me if I was a lawyer and did I handle criminal cases. I replied that I was, and that I did! On their way out of the courtroom, they proclaimed that they might be needing a good criminal attorney just to get out of the courthouse

without being detained! We laughed for a long time about that.

There was also a divorce case that had a litigant by the first name of Donetta—not exactly the most common of names. Despite the repeated use of the name Donetta during direct- and cross-examination of this witness, and the less-than-flattering subject matter concerning certain sexual proclivities, the Judge stayed focused during the proceedings, but had much to smile about when she returned to her chambers.

On another occasion, the now-Judge Dick McCormick was closing to a criminal jury and pointed right at the Judge, and exclaimed: “This case ain’t over until the fat lady sings.” Well!

At a sentencing hearing, the defendant came into Court that morning with a T-shirt reading: “Sticks and stones may break my bones, but whips and chains excite me.” The Judge asked this man if he had worn

that shirt specifically for her benefit, considering she controlled the length of time he was to spend behind bars. Thinking back on this puts me in mind of Attorney Gambini (Joe Pesci) in the movie “My Cousin Vinny,” where he, clad in his 19th-century tuxedo, informs the judge that he has worn “this ridiculous thing” just for him. I could go on, but ...

This extremely talented, bright, even-tempered, good-natured and sincere lady is someone I am deeply proud to have worked for and honored to call my friend. For those who have followed and will follow this jurist onto the Court, the bar has been set extraordinarily high. May you and Ray have many, many, wonderful years ahead, Judge. 🍀

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My Friend, Judge Ambrose

by Dan Joseph, Esq.

During my professional career, I have encountered numerous women with numerous names. There have been several Susans, dozens of Debbies, any

number of Anns, and an occasional Ophelia, but there's only ever been one Donetta.

As unique as her name may be, it is far exceeded by the uniqueness of her character, her kindness, her intellect, and her charm. As she steps down as Chief Judge of the Federal

Court for the Western District of Pennsylvania to assume senior judge status, many, no doubt, will choose to speak of her professional accomplishments. I, however, have been asked to write this article from a more personal perspective because it is from that perspective that I know her best.

Donetta and I first became friends in law school at Duquesne. We then both went on to clerk for Justice Louis Manderino on the Pennsylvania Supreme Court, and following our respective clerkships, we each took jobs in Greensburg—she, with the District Attorney, and I, with the Public Defender.

For years, we lived several houses away from each other, and our sons were born six months apart. We drove together to work, mostly in my car

because I hated riding in her Studebaker Pacer. Before leaving for work, she would come out of her house talking to her husband, Ray. She would continue to talk as she walked towards the car, she was still talking as she got into the car, and she continued to talk during the entire drive. Now, I can certainly hold my own in just about any conversation with just about anyone, but with her, I've never had a chance. While she has proven time and again what an exceptional jurist she is, her real forte is talking, and in that regard she is world-class, both in speed and endurance.

Although her professional stature is unquestionably impressive, I'm guessing she has never been taken with her own credentials. To all who have known her, she has never been "Judge Ambrose"; she has always been "Donetta." In fact, that may be one of

her greatest and most telling accomplishments. On many occasions I've introduced her as "Judge Ambrose," and she would always say, "Please, just call me Donetta." In a courtroom or other professional setting, she accepts "Judge" or "Your Honor" or even "the Honorable" but in social settings and with friends, it's always been, "Just call me Donetta."

I leave it for others to gauge her professional accomplishments, to evaluate her opinions and to figure out her role and influence as a jurist. Those things count for a lot, but more importantly to me, she is my friend, and in that regard she has never been, nor will she ever be, reversed.

Although her daily presence will be missed on the federal bench, we friends will greatly appreciate that now we have more time to talk with her—or at least listen to her talk at us. 🌟



▲ Dan Joseph

LawSpeak

They utter mere words;
with empty oaths they make
covenants;
so litigation springs up like
poisonous weeds;
in the furrows of the field.

— Hosea 10:4



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A Brief Conversation with Judge Ambrose

by David J. Millstein, Esq.



▲ David Millstein

an outstanding and distinguished career as a lawyer and jurist, and when *the sidebar* decided to do this series of pieces to commemorate her retirement as a full-time jurist, I saw it as the perfect opportunity to see her again, to catch up on some of our personal stuff, and to have lunch and talk.

It was good to see my old friend and law school buddy Judge Ambrose again. Since she left the Westmoreland County bench for a seat on the federal bench in Pittsburgh, I haven't seen her much. As we all know, she has had

"Tell me," I asked her after we took care of our personal exchanges, "what do you deem to be your most significant accomplishment as a judge?"

"I think it's my participation in the Judicial Conference Committee on Criminal Law. It's comprised of one member judge from each circuit. I was appointed by Chief Justice Rehnquist and we deal with the policy of criminal law. Also, I serve as a RISE (Reintegration into Society Effort) Judge, and in that capacity I meet with nine prison releases and the RISE team once a month to talk about their issues and to help them reintegrate into society. It's been a very fulfilling effort."

"Tell me about your most interesting trial."

"It was years ago, a homicide case in Westmoreland County. John Peck was the ADA and Tom Ceraso represented the defendant—a dentist charged with killing

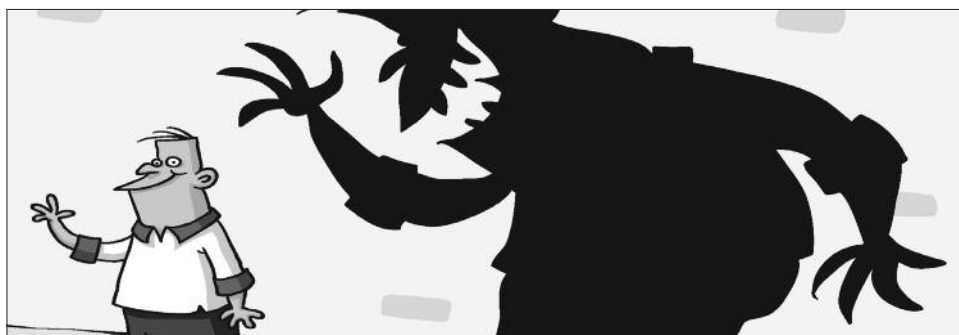
his wife. People were hanging from the rafters to hear the testimony. Even the decedent's card club came to stare menacingly at the defendant. He was convicted and I sentenced him to life imprisonment. He's still in jail."

"Now that you've stepped down from Chief Judge to a senior judge position, what do you see for the remainder of your career?"

"Well, I'm not going to retire. I have several months to decide if I want to stay on as a senior judge, and I still have two multi-district cases and over two hundred civil cases to dispose of. As a senior judge, I would be obliged to carry a caseload equal to 25% of that of a full-time judge, and I'm uncertain if I want to do that. But I've been a judge for a long time and I'm reluctant to leave my comfort zone. I'm terrified of going back to a private practice,

continued on page 14

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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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September 2010 Civil Trial Term

Jury Trial Verdicts

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

Of thirty-four cases listed for the September 2010 Civil Jury Trial Term, five settled, twenty were continued, two were held for the next trial term, one was transferred to arbitration, one non-jury trial was scheduled, one non-jury trial was held, and four cases were tried to verdict. The four jury verdicts for the September 2010 civil trial term are summarized below.

**LORI L. MILLER AND
WILLIAM B. MILLER,
HER HUSBAND**

V.

**BRIAN NEMUNAITIS, D.O.
NO. 9264 OF 2006**

*Cause of Action: Medical Professional
Liability—Negligence—
Loss of Consortium*

On October 26, 2004, Plaintiff-Wife had a Caesarean section (C-section) performed by the Defendant-Physician at Westmoreland Hospital. Plaintiff alleged that, during the repair of a left vaginal laceration (a known complication that occurs in C-sections), Defendant injured the left ureter. Defendant argued that said action was an accident and did not breach the standard of care.

Plaintiff and her husband filed an action against Defendant, asserting claims of negligence and loss of consortium. Both parties retained medical experts. The jury found, by a 10-2 decision, that Defendant was not negligent.

Plaintiff's Counsel: Andrew J. Leger, Jr., Pgh.

Defendant's Counsel: M. Brian O'Connor, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of the Defendant.



RALPH COLORITO, JR.

V.

**GIANT EAGLE, INC.
NO. 7136 OF 2007**

*Cause of Action: Personal Injury—
Slip and Fall*

On June 26, 2007, Plaintiff fell while walking down an aisle in a GetGo convenience store in North Huntingdon. Plaintiff filed a complaint alleging that the fall was the result of an accumulation of a slippery and soapy liquid substance on the floor, which caused his injury, a non-displaced patella fracture of Plaintiff's left knee. Plaintiff's medical expert testified as to Plaintiff's injuries,



which were limited in duration to a period of a few months. Defendant denied negligence and asserted the contributory negligence of the Plaintiff. Defendant further disputed the extent of Plaintiff's injuries.

The jury found, in an 11-1 decision, that Defendant was not negligent.

Plaintiff's Counsel: Jeffrey A. Pribanic, Pgh.

Defendant's Counsel: James F. Rosenberg, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of the Defendant.

MICHELE CALDWELL

V.

**NATHAN QUERRY AND
NOBLE L. WARD, JR.
NO. 7593 OF 2003**

*Cause of Action: Negligence—
Motor Vehicle Accident*

On December 8, 2001, Defendant Nathan Querry was operating a vehicle on Route 30 at or near its intersection with Lowry Avenue in Jeannette, Hempfield Township. The vehicle was owned by Noble Ward, Jr. Defendant attempted to make a left turn from Route 30 East onto Lowry Avenue when his vehicle was struck by Plaintiff's vehicle. As a result of the accident, Plaintiff claimed injuries to her upper and lower back, as well as hip and pelvic area, including a labral tear.

Defendant maintained that the Plaintiff's injuries and damages were the result of independent causes over which Defendant had no control and did not participate.

Plaintiff's Counsel: William J. Wiker, Gbg.

Defendant's Counsel: Kenneth Ficerai, Mears, Smith, Houser, & Boyle, P.C., Gbg.

continued on page 14

Jury Trial Verdicts *continued from page 13*

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict in favor of Defendant and against Plaintiff. The jury found that the injuries complained of by Plaintiff were not caused by the collision that occurred on December 8, 2001.

**KIMBERLY K. ULERY AND
THOMAS ULERY
V.
NATIONWIDE MUTUAL
INSURANCE COMPANY
NO. 1246 OF 2006**

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

Plaintiffs Kimberly and Thomas Ulery were insured under a Nationwide Mutual Insurance Company automobile insurance policy. On February 19, 2004, Mrs.

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

Ulery was involved in a rear-end collision. As a result of the accident, she sustained serious injuries including a spinal cord contusion and shearing injury, resulting in paralysis on the left side. Following the motor vehicle accident, Plaintiffs made a claim for underinsured motorist benefits.

Nationwide Insurance asserted that it was not liable to Mrs. Ulery for underinsured motorist coverage due to the fact that a valid form rejecting underinsured motorist coverage was executed. Plaintiffs acknowledged the rejection of underinsured benefits form but argued that Mr. Ulery's signature on the rejection form was a forgery.

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

Defendant's Counsel: Daniel M. Taylor, Jr., Swartz Campbell LLC, Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict in favor of Defendant and against Plaintiffs. The jury found that the signature on the Rejection of Underinsured Motorist protection form was not a forgery. 🐾

A Brief Conversation with Judge Ambrose

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but I have been approached by several law firms to join up and do mediation or trial strategy work. I would do that, but I won't do actual litigation."

"For you, what has been the best and the worst part of the job?"

"I've loved the diversity of cases that a federal judge gets to do, but for me, the hardest part has been the sentencing of convicted criminal defendants. I've had to make some heartbreaking decisions. There have been too many criminal defendants who never had a shot at a decent life, and I've always found that so upsetting. And let me tell you this, if I ever came to think that sentencing wasn't the hardest thing I had to do, I'd know it was time to leave the bench.

"The best thing about the sentencing guidelines is that it sends a white collar criminal to jail the same way it sends a disadvantaged black kid from Larimer. At least there's equality in that."

"It was really great to see you again, Donetta, and to have lunch together again. We haven't had the chance to do that for a long time. You gonna finish that dessert?"

"No, you can have it."

"Thank you, Your Honor." 🐾

where in the world are THE WBA MEMBERS?



Dick Boyle (left), Ned Nakles, Jr. (center), and Jim Antoniono (right) were three of more than four hundred hikers who completed

the Rachel Carson Trail Challenge on June 19. The Challenge is a 34-mile long, one-day, sunrise-to-sunset endurance hike on the brutal Rachel Carson Trail, which stretches between Harrison Hills Park and North Park in Allegheny County. With temperatures in the upper 80s during the day, and heavy rain in the evening that swelled creeks and drenched the weary, Dick, Ned, and Jim finished the Challenge with times of 14:33:54, 14:33:49, and 14:48:55, respectively.

RACHEL CARSON TRAIL CHALLENGE

To-Wit: Contempt of Court

by S. Sponte, Esq.

It was the moment litigators adore, the exact moment I had been rehearsing incessantly for months. I had just propounded to Opposing Party the one question that would turn this trial upside down, that would discredit, embarrass, and humiliate him, that would *eo instante* dispatch him and his misbegotten case to eternal damnation, vilification, and despair. Oh, oh, oh, I do so love the judicial process.

So intently was I waiting for the answer, so engrossed in the pending carnage, that at first I didn't see Judge motioning for counsel to approach the bench. Waiving away the court reporter who then approached with us, he said, "Gentlemen, have either of you noticed that you're both wearing the same neckties?"

I wish I could say I was surprised

by His Honor's goofy and ill-timed perspicacity, but I wasn't. The last time I tried a case in his courtroom, he interrupted my closing to show slides of his hometown on the planet Zoltar.

I also wish I could say that when it comes to our local bench this judge sits alone at the splintered end, but I can't say that either. We also have a judge who believes that all male defendants should be incarcerated, even in civil matters, another who believes Abe Lincoln speaks to him from beyond, still bemoaning his wife's love of the theater, and yet another whose passion for animal husbandry almost got him arrested a couple of years back.

It's sad to say, but this current flock of local judges bears little resemblance to the judiciary I encountered when I was first admitted to practice some forty years ago. Fresh out of law school and then still impressionable,

I wanted, needed, my judges to all be of the right stuff, to be the Learned Hands, the Brandiseses, the Cardozos, and Holmeses I had studied in class.

If, in reality, any judge ate too much, drank too much, passed gas, and fell down, well, I neither knew it nor wanted to. I put them all astride pedestals of my own fancy and swabbed them with the luster of my hopes and dreams, wholly determined to let them adjudicate cases impervious to the fatal toxin of familiarity.

Ah, but the stalwarts I once knew are off now on eternal recess, their luster but a fading pall. They've been replaced several times over by invading

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To-Wit: Contempt of Court *continued from page 15*

hordes of contemporary colleagues, many of whom I've known personally for years. Oh, they're competent enough, some even occasionally bright and intuitive, but it's of no never mind to me.

These are the same folks I used to drink with, dance with, dine with, the people I've shared the most vulgar and obscene jokes and gestures with.

Like everyone else, they have nooks and crannies, secret places where secrets abide. To most, they are judges, but I see them as common fellow travelers whose furtive innards are as familiar to me as a well worn map, and do I really want my cases decided by someone whose best thoughts emanate from the southern hemisphere?

I think not. I want my judges more sacrosanct than that, more fabled than foibled, above the fray, not part of it. Had I known early on who of my colleagues were headed for the bench, I would have avoided them like the plague.

But that's the problem with Zoltarians now, isn't it? They're so much like us that even after years of singing "Melancholy Baby" with your arms around them, you still can't tell who they are, even when they're singing way off key. 🍷

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

New Member Sketches



SACHA A. KATHURIA has been admitted as a participating member of the WBA. She earned a bachelor of arts degree in International Affairs and History from George Washington University, and a master's degree in Public/International Affairs from the University of Pittsburgh, before earning her J.D. from Duquesne University. She is General Counsel with International Group Marketing in Greensburg.

ELSIE R. LAMPL has joined the WBA as a participating member. Elsie earned her undergraduate degree in Professional Writing from Carnegie Mellon University, and her juris doctor degree from the University of Pittsburgh. She is a sole practitioner with an office on South Maple Avenue in Greensburg.

JUSTIN P. SCHANTZ was admitted to the WBA as a participating member. He earned a B.A. in Political Science/Decision Science from Carnegie Mellon University, and earned his J.D. from the University of Pittsburgh. Justin is an associate with Law Care in Greensburg.

MICHAEL J. STEWART, II, son of WBA member Mike Stewart, has been admitted as a participating member of the WBA. He earned a bachelor degree in Economics from Penn State University, and a J.D. from the University of Pittsburgh. Earlier this year, he completed Georgetown University's Master of Laws in Taxation program. Michael is an associate with Stewart, McArdle, Sorice, Whalen, Farrell & Finoli in Greensburg.

NICOLE A. WILCZYNSKI has joined the WBA as a participating member. Nicole earned her undergraduate degree in Criminal Justice/Sociology from Mercyhurst College, and her juris doctor degree from the University of Detroit Mercy. She and her husband, John, and their infant daughter, Olivia, have settled in Export after recently relocating from Michigan. 🍷

Looking to hire or be hired? The Westmoreland Bar Association operates an informal placement service for paralegals, legal secretaries, and attorneys by collecting résumés and forwarding them to potential employers at no cost. Contact Bar Headquarters at 724-834-6730 or westbar.org for more information.

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AlterEgo: David Regoli, Attorney David Regoli, Baker

by Beth Orbison, Esq.

While man may not live by bread alone, Attorney David Regoli will tell you that it's the perfect complement to the practice of law.

When he was a little boy, David observed a weekly ritual: every Sunday morning after church let out, he would race to the Nicola Mazziotti Bakery where he would get in line with dozens of others waiting to buy whole loaves of traditional Italian bread and rolls and other dessert treats for the week. He grew up on this bread. In fact, he didn't know that there was such a thing as sliced bread until he started grade school. And when he came home from college at Arizona State during vacation breaks, he never returned without a few loaves of bread from Mazziotti's. Little did he know that someday he would be a



▲ Carmella Mazziotti and David Regoli at the Mazziotti Bakery in Arnold.

proud owner of that bakery.

As an Italian immigrant, Nicola Mazziotti lamented, "I like everything in America, but the bread I don't like." So in 1958, he left his job at the mill, and built brick hearth ovens in the

garage behind his home. There, he and his wife, Carmella, founded the bakery on Constitution Boulevard in Arnold that would become a staple in the community.

continued on page 18

G

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Duke George



Daniel Joseph

AlterEgo: David Regoli *continued from page 17*

When Nicola died suddenly in 1993 in a car accident while delivering bread in Pittsburgh's Strip District, Carmella continued to operate the bakery with the help of family members. But in 2004, with her grandchildren moving on to pursue other interests, she could no longer handle the demands of the business on her own and the doors to the bakery were closed.

Along came David Regoli, his uncle, Sonny Zampogna, and boyhood friend, Nick Lombardo. David's experience in the food industry began when he was fifteen years old running a funnel cake concession stand with his brother and sister at local carnivals. Nick, a masonry instructor at a vo-tech school, Sonny, who owns a welding and hydraulics business, and David enjoyed cooking together in their leisure time, making sopressata, Italian Easter bread and raviolis. Sonny was also mechanically inclined and was interested in getting into a new line of business.

The old brick ovens in the Mazziotti Bakery were replaced with modern stainless steel deck ovens that have the capacity to bake and steam

100 loaves of bread at a time. Nick and Sonny restored the machinery that had sat quietly, collecting dust over the previous five years. Carmella, now 87 years old, came out of retirement, bringing with her

“Nobody’s happy when they go to see a lawyer. Here, people are happy when they walk in. I give them a beautiful loaf of bread. And they are happy when they leave. It’s very gratifying work.”

the original recipes to make bread, friselles, pizzelles and pepperoni rolls, and, most importantly, her passion for baking.

David primarily handles the administrative and financial end, with the help of Jen, Nick's wife, but he also rolls up his sleeves and bakes Syrian bread, banana bread, and his personal

specialty, chocolate chip cookies.

“I come here to work in the evening and before I know it, it’s 2 o’clock in the morning,” says David.

“The bakery is a great stress reliever.” Comparing his work in the law office to his work in the bakery, he explains: “Nobody’s happy when they go to see a lawyer. Here, people are happy when they walk in. I give them a beautiful loaf of bread. And they’re happy when they leave. It’s very gratifying work.”

“There’s so much more to it than running a business,” says Jen.

In its newest incarnation, the bakery also makes pastries and homemade donuts. Two delivery trucks are on the road every day, supplying twelve or so grocery stores and a few restaurants. From Wednesday night through Sunday, the bakery is never closed.

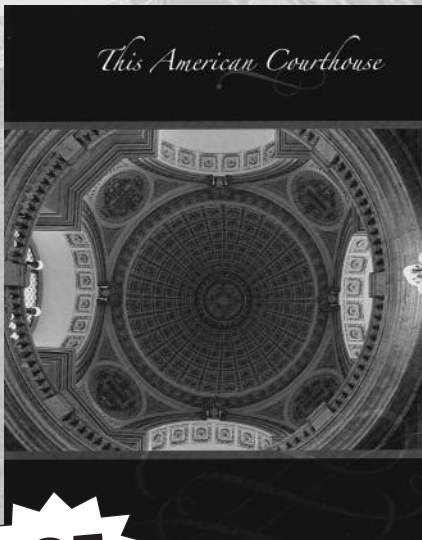
The atmosphere in the bakery is of a large, happy family. Everyone has a job and everyone gets along. David’s 13-year-old son, Antonio, and 7-year-old daughter, Isabella, are learning to lay and cut the dough from Carmella, who tirelessly works around the clock to maintain the quality of the baked goods and the reputation that she and her husband built over the years.

Customers remember the bakery from their childhoods and are delighted that this local institution has been resurrected. Once again, parishioners flock in after church on Sundays. And David feels blessed to be a part of it. 🍞

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Written to commemorate the 100th anniversary of the Westmoreland County Courthouse in 2008, **“This American Courthouse: One Hundred Years of Service to the People of Westmoreland County,”** includes many vintage photos and chapters on the construction of the Courthouse, the early legal community, and the history of the Westmoreland Bar Association. **Contact the WBA at 724-834-6730 to order yours today. Quantities are limited.**



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Westmoreland Revisited

Just A Minute

by The Hon. Daniel J. Ackerman

Prior to the adoption of the name “court assistants,” these invaluable aides were known as tipstaves and minute clerks. The former, accommodating the needs of counsel and the public in the courtroom; the latter, recording not the testimony, but the skeletal structure of the court proceedings, which produced something akin to a combination railway timetable and a sports program, so that one could later identify the players along with the times of their arrival and departure.



▲
The Hon. Daniel J.
Ackerman

The results of the proceedings remain cryptic, usually nothing more than “order entered,” or “sentence imposed.” The shelves in the Office of Records Management hold long rows of these minute books, stretching back, judge by judge, into the distant past, with more recent books still under the auspices of the prothonotary.

One is left to wonder over the meaning of this vast body of information, for it is likely that in preparation of this article I am one of the few non-minute clerks to look into these pages so meticulously kept and yet so widely ignored.

According to our court administrator, Paul Kuntz, there is no law requiring the creation of minute books, but they are kept through judicial custom, which varies from county to county.

Perhaps you would like to see what they contained. Give me a date or two and I’ll see what I can find. What’s that? July 25 and 26, 1974? OK, well here are those dates in the minute book kept for President Judge David H. Weiss, at pages 179–182. Since 1974 is only a little more than yesterday, I will delete the names of the parties and use initials, even though this is a public record.

JULY 25, 1974

In The Court of Common Pleas, Criminal Division, Westmoreland County, The Honorable David H. Weiss, P.J. Presiding

Court Convened 9:00 A.M.

Court Clerk: Lee Marino; Court Reporter: Joe Smolich.

Commonwealth v. D.P., No. 1210 July Term 1974,
Charge: Surety of the Peace. Assistant D.A.—John Driscoll.
Defendant appears with his counsel—None. 9:05 A.M.
Case dismissed.

Commonwealth v. A.H., No. 1168 July Term 1974,
Charge: Surety of the Peace. Assistant D.A.—John Driscoll.
Defendant appears with his counsel—None. 9:10 A.M.
Case dismissed.

[Now you have the idea of the basic format, so I’ll speed things up by paraphrasing the proceedings which followed.]

BY 9:15 A.M., sentence had been imposed on G.M.S. for involuntary sexual intercourse and corrupting minors, noting John Driscoll as the A.D.A.; Irving Bloom as defendant’s counsel and Jim Aujay as the probation officer. **9:40 A.M.**, a hearing concluded in *Commonwealth v. L.U.* on the charge of surety of the peace. The A.D.A. was Robert Weisgerber; the defendant’s counsel, Tom Ceraso. Case dismissed.

10:00 A.M., *Commonwealth v. M.M.*, on the charge of surety of the peace. A.D.A., Robert Weisgerber; defense counsel, none. Bench warrant issued for failure to appear.

10:15 A.M., *Commonwealth v. L.M.* and *Commonwealth v. L.P.* called for sentencing on defendants’ conviction for robbery. A.D.A., Robert Weisgerber; defendant’s counsel, Jerry McClain. Case continued until court en banc hears motions for a new trial.

11:00 A.M., *Commonwealth v. R.A.*, on traffic signal or sign interpretation. A.D.A., Pat Mahady; defendant’s counsel, Dante Bertani. Case dismissed.

continued on page 20

HOW STRONG ARE YOUR ADVISOR’S STRATEGIES?



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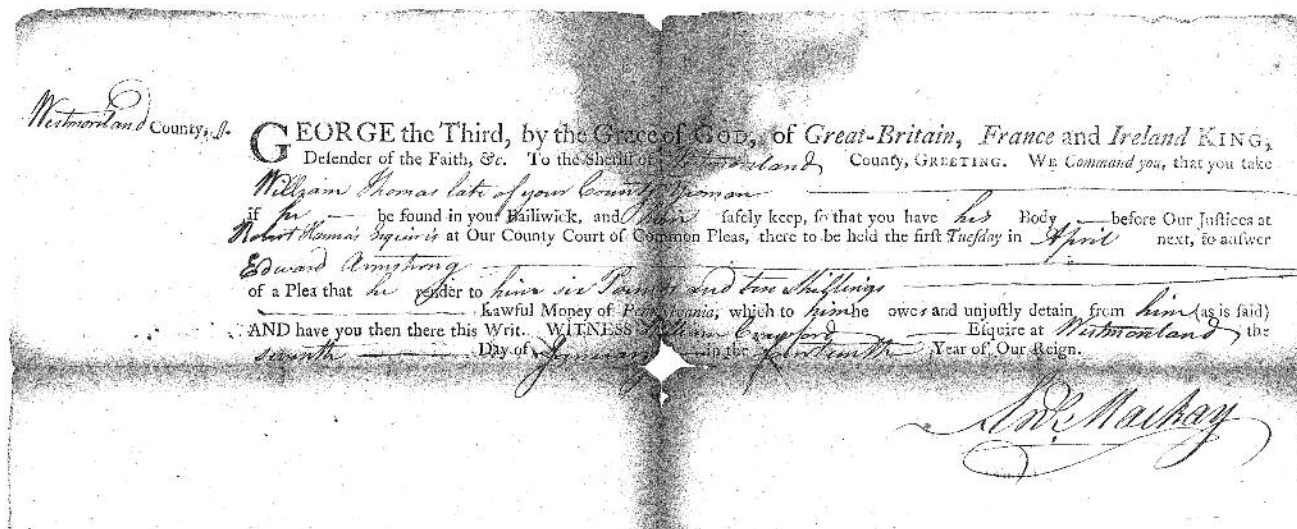
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Just A Minute continued from page 19



▲ This body warrant, filed at the April Term, 1774, and many other pre-Revolutionary War documents, can be found in the Office of Records Management at the Westmoreland County Courthouse.

11:15 A.M., *Commonwealth v. H.E.C.*, on charge of loitering and prowling at night. A.D.A., Pat Mahady; no defense counsel. Case to go to the grand jury.
Court adjourned 12:00 Noon

JULY 26, 1974

Court convened 9:15 A.M.

A moment of silence in memory of: Senator Wayne Morris, Rabbi Max Nussbaum, and Jerome (Dizzy) Dean.

[You may think this is not in the record, but it is. The judge was a compassionate man who took note of all whose passing came to his attention. He was also a great baseball fan. Dizzy Dean, the last National League pitcher to win 30 games in a season, died July 17, 1974.]

9:20 A.M., *Commonwealth v. C.E.H.*, sentencing on conviction for robbery, A.D.A., James Conte; defense counsel, Al Bell, P.D.; and probation officer, George Boyerinos.

Juvenile Division

Court convened 9:45 A.M.

Court Clerk, Lee Marino; Court Reporter, John Reno.

[With the juvenile hearings the record is even thinner. No mention is made in regard to counsel on either side. Prior to adjournment at 12:30 P.M., the court addressed four cases each involving an alleged delinquent child. In one, a bench warrant was issued, the other three simply show "order made."]

While at the Office of Records Management, its director, Lucy Yakulis, was kind enough to suggest that I look at some of the pre-Revolutionary War records. One item which caught my eye was a most impressive body warrant filed at the April Term, 1774. It reads:

Westmoreland County, ss.

George the Third, by the Grace of God, of Great-Britain, France and Ireland KING, Defender of the Faith, &c. To the Sheriff of Westmoreland County, GREETING. We command you, that you take William Thomas late of your county, Yeoman if he be found in your Bailiwick, and him safely keep, so that you have his Body before Our Justices at Robert Hanna's Inquiry at Our County Court of Common Pleas, there to be held the first Tuesday in April next, to answer Edward Armstrong of a Plea that he render to him six Pounds and ten Shillings Lawful Money of Pennsylvania, which to him he owes and unjustly detain[s] from him (as is said) AND have you then there this Writ. WITNESS William Crawford, Esquire at Westmoreland the seventh Day of January in the fourteenth Year of Our Reign.

[Illegible] MacKay

Don't you wonder if the sheriff ever caught William Thomas? 🐾

We Blog All About It

Located online at www.westbar.org/blog, the WBA Blog reports news about the Westmoreland Bar Association, notices from the county offices, event information, legal news on both the local and national level, and much more for our readers. And we're doing it well. In a recent article about bar association blogs (<http://tinyurl.com/ababarblogs>), the American Bar Association says the WBA Blog is "worth emulating" for other bars considering a blog! 🐾

LAWYERS ASSISTANCE COMMITTEE CASE STUDY

For some attorneys, finding a balance between their professional and personal lives can be difficult. In an effort to educate attorneys and judges about the resources available to help with the stressors of the profession, the Lawyers Assistance Committee is asking WBA members to share their stories anonymously, so anyone going through similar life experiences can feel less alone and hopefully seek help. One member's story follows.

Q WHAT WAS GOING ON IN YOUR LIFE THAT WAS MAKING YOU FEEL OUT OF CONTROL?

A I had too much work. I could not work enough hours each day to meet deadlines. I felt like I was on a treadmill running ten miles an hour. The biggest problem is that I could not escape work. My work-related obligations were constantly on my mind. Although I was exhausted, I was taking drugs to sleep.

Q WAS THERE ONE INCIDENT THAT LET YOU KNOW THAT YOU NEEDED TO CHANGE YOUR LIFE?

A Yes. I worked one year on my birthday until 10:00 p.m. My wife was upset whenever I arrived home because my kids had waited until 10:00 p.m. to wish me a happy birthday. They were in bed by the time I arrived home. My wife and children had planned to take me to dinner for my birthday.

Q WHAT WAS THE FIRST STEP YOU TOOK TO MAKE A CHANGE?

A I called a professional counselor. I knew I could not change myself without some insight from a detached individual.

Q HOW DID YOU SEEK HELP?

A I simply called and made an appointment.

Q DID YOU LET ANYONE KNOW THAT YOU WERE LOOKING TO MAKE CHANGES/SEEKING HELP?

A I told my wife I was going to change, but she was very skeptical.

Q HOW LONG DID IT TAKE FOR YOU TO ACTUALLY SEE POSITIVE CHANGES IN YOUR LIFE?

A I would say that I did not see anything constructive for about six months. The steps involved in gaining control of your practice are very small and incremental. Stopping or controlling a speeding locomotive takes time and effort.

Q WHAT KINDS OF CHANGES DID YOU MAKE AND IN WHAT KIND OF TIMEFRAME?

A I stopped working on weekends. This was a huge step because I had always worked every weekend for over 15 years. I then stopped making appointments in the evening. (Incidentally, in over one year, I do not believe I have lost one client by refusing to meet anyone in the evening.)

Q WHAT ADVICE CAN YOU GIVE TO OTHER ATTORNEYS WHO MAY BE EXPERIENCING THE SAME CHALLENGES THAT YOU WERE EXPERIENCING?

A The best thing I started doing was saying "no." It sounds easy, but it is very hard to say no to paying clients. For years, I always thought I "could squeeze in another client." If someone comes into your office and you think the situation is one that is going to be problematic, then you must have enough wherewithal to say, "no, thank you."

Q HOW DO YOU KNOW THAT YOU WON'T BE RETURNING TO THAT LIFESTYLE? DO YOU HAVE



*lend a hand
when able
take a hand
when needed*

ANY SAFEGUARDS IN PLACE TO ENSURE THAT?

A I simply cannot go back to a situation where work comes first. I have sacrificed already too much with my wife and children. I pray daily for insight and strength in order to prevent a relapse. I also rely heavily on my secretary. She has a very good ability to read people quickly. She readily informs me to stay away from a difficult client or to remove myself from representation which is proving too difficult.

Whenever you care more about your cases than your clients, you need to step away and regain your sense of priorities. Everything suffers if you work too much, including your relationship with your wife, children, and God, your physical and mental health, sleep, and your general enjoyment of life. 🌿

More information about the Lawyers Assistance Committee is available through the WBA. All contacts are confidential.

BRIEFLY SPEAKING

Kroll Accredited by VA



▲ Maureen Kroll

Maureen Kroll was accredited as an attorney for the Department of Veterans Affairs (VA) in September 2010. As an accredited attorney, she is able to help veterans and their widows who may be eligible to

receive benefits, such as the aid and attendance pension benefit, surviving dependents, non-service connected pension and dependency and indemnity compensation for surviving dependents of veterans with service connected disability. This is a free service to those who qualify, except if the claimant files a notice of disagreement in the case.

“I look forward to providing this necessary and often unknown service to our veterans and their families,” Maureen says. 🐾

on the move?

Don't forget! Pa.R.D.E. Rule 219(d)(1)(ii) requires that every attorney shall provide his or her current office and residence address, each of which shall be an actual street address or rural box number, to the Disciplinary Board. All changes in address must be reported to the Attorney Registrar within thirty (30) days after such change.

Actions of the Board

JULY 21, 2010

- Accepted Membership Committee recommendations: Roxanne Eichler, associate.
- PBA is sponsoring a “Know Your Credit Rights” educational program in October; WBA will assist them by distributing literature about the new credit card regulations.
- Agreed to partner with Rep. Krieger’s office to offer an educational program on Advanced Directives at the Greensburg Garden and Civic Center in September.
- Voted to allow expenditures to record technology seminars for future podcast airing; Social Media Lunch and Learn is already posted on WBA website as a podcast.
- Funding for custody representation for pro bono clients is unavailable; clients will be placed on a waiting list for the remainder of 2010.
- YL Report: Technology seminar on Kindle and iPad is scheduled for the Fall, a YL softball game is being scheduled for the WBA Young Lawyers and Washington Bar members, and a Lunch with the Judges will be set for September or October.
- LAC Committee is working on a flyer to be included in all CLE materials that will explain about the Bar Family Assistance Committee, LAC, and the state LCL committees.
- Bylaws Committee met to suggest additional bylaw changes.
- WBF Trustees have agreed to have Trustee Jim Antoniono explore filing a “cy pres” with the courts asking for the lawyers auxiliary funds to be transferred to the Trustees to be used to continue the mission of the auxiliary.
- Agreed to continue to move forward with hosting Wills for Heroes, but as a pro bono endeavor and not how the program was originally proposed.

AUGUST 2010

No meeting held.

SEPTEMBER 15, 2010

- Accepted Membership Committee recommendations: Elsie Lampl, Sacha Kathuria, and Jennifer DeFlicht, participating; Greg Taddonio, associate.
- Agreed to solicit bids for the 2010 accountant’s review of the WBA finances with bid to include pricing for a full audit and to solicit two or three accounting firms.
- UPL chair Aaron Kress has been taking action against out-of-state lawyers who are running legal advertising in the law journal by sending a “cease and desist”-type letter.
- Bench/Bar survey results show that members wish to try a new venue.
- Learned that 220 members had their photos taken for the new directory.
- Agreed to hold the annual judges/bar leaders meeting on Wednesday October 20 at 4 pm, and to include the following on the agenda:
 - Arbitration levels
 - Court-appointed attorneys
 - Review of retention trends
 - St. Vincent College inquiry

OCTOBER 20, 2010

- Met with the judges for the annual judges/bar leaders meeting and discussed the following topics: raising the arbitration limits; increasing court-appointed fees; using ID cards for WBA members to allow them to bypass Courthouse security; and reviewing retention election numbers.
- PBA is raising their dues by \$10; agreed to increase local WBA dues by \$5, which will make our total dues billing \$335 for our members.
- Agreed to circulate information about the PBA PAC automatic monthly contributions available at the October 22 quarterly meeting.
- WBF bylaws dealing with bar family assistance program will be pulled until written opinion is received by nonprofit/tax attorney, Penina Leiber, who is counsel for the ACBA and their similar program. 🐾

wba

Bylaws Changes Passed at Fall Quarterly Meeting

Changes to the Westmoreland Bar Association's bylaws were voted on and passed at the Fall Quarterly Meeting held on Friday, October 22, in Megan's Suite at The Palace Theatre in Greensburg. Bylaws Committee Chair Tim Geary presented the suggested bylaw changes with an explanation of each proposed change. Those changes are summarized below; the full bylaws are available to WBA members online at www.westbar.org/bylaws.



▲
Tim Geary

WBA BYLAWS CHANGES

- Article III, Section 2: Allows participating members to either work or reside in Westmoreland County in order to qualify for membership.
- Article III, Section 2: Delete first sentence, fourth paragraph: "Should any Participating Member fail to maintain a principal office or principal place of employment within Westmoreland County, that member shall be reclassified as an associate member."
- Article III, Section 2: Delete "Members of the Armed Service so classified" and change to "Members of the Armed Service while serving in active duty"
- Article IV removes "luncheon" restriction for quarterly meeting so that quarterly meetings can be held any time of day.
- Article IV replaces "At each stated meeting of the association" with "At the annual meeting of the association"
- Article IV removes "Report of Executive Director" from annual meeting
- Article V, Section 7: Requires submission of written resignation when board member resigns from WBA board
- Article V, Section 7: Change "is declared of unsound mind" to "is declared to be an incapacitated person"
- Article VI, Section 6: Change "audited" to "evaluated"
- Article IX, Section 1: Add Executive Committee and its description as a new classification of committee
- Article IX, Section 2 adds clarification and direction to the application for board of director's position.

- Article IX, Section 3: Change "Lawyers Concerned for Lawyers" to "Lawyers Assistance Committee" to differentiate it from the state committee
- Article IX, Section 3: Disband Memorial Committee and blend their assignment with Historical Committee
- Article IX, Section 4: Add Parent Counsel/Guardian Committee as a substantive committee
- Article XIII, Section 3: Add e-mail language to allow this form of communication for the distribution of bylaws.

WBF QUARTERLY MEETING

The Westmoreland Bar Foundation Quarterly Meeting was called to order at the conclusion of the WBA Quarterly Meeting.

WBF Chair Judge Daniel J. Ackerman thanked the WBA members who volunteer with the Pro Bono program and indicated that attorney participation in 2010 increased by 24% from 2009.

Although changes to the WBF bylaws were slated for a vote, Judge Ackerman announced that the bylaws are still under review: Foundation trustees are taking a second look at the proposed bylaw changes to ensure that they are in line with the IRS regulations regarding a 501(c)(3) public charity.

The membership agreed to table the vote on the WBF bylaws until a later date. 🐾



▲
*The Hon.
Daniel J.
Ackerman*

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www.westbar.org

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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**.*

JANUARY

- 6** Membership Committee, Noon
- 12** Real Estate Committee, Noon
- 17** Courthouse closed in observance of Martin Luther King, Jr., Day
- 18** Planning Committee, 4 p.m.
- 19** [CLE] New Child Custody Legislation, Noon to 1:15 p.m.
Board Meeting, 4 p.m.
- 20** Elder Law & Orphans' Court Committees, Noon

- 24** Young Lawyers Lunch with the Civil Court Judges, Noon
- 27** WBA Winter Quarterly Meeting, 4 p.m., Greensburg Garden & Civic Center

FEBRUARY

- 15** [CLE] Complex Pension Valuation Issues for Equitable Distribution, Noon to 1:15 p.m.
- 21** Courthouse closed in observance of Presidents Day

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.

Looking for an inexpensive and effective marketing plan for 2011? You found it.



Lawyer Referral Service of the Westmoreland Bar Association

The Lawyer Referral Service is now accepting applications for 2011.

If you are a full-participating member of the WBA and need an application, call 724-834-6730.