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THE NEWSLETTER OF THE WESTMORELAND BAR ASSOCIATION
VOLUME XXIV, NUMBER 2
APRIL 2012

New Leadership Elected, Awards Presented at Annual Meeting

At the Annual Membership Meeting of the Westmoreland Bar Association held on Monday, April 2, at the Greensburg Country Club, David S. DeRose assumed the office of president.



▲ WBA President David S. DeRose

An associate with the Greensburg law firm of Quatrini Rafferty, David is a lifelong Westmoreland County resident.

A graduate of Pennsylvania State University and the Duquesne University School of Law,

David joined the WBA in 1977 and concentrates his practice in the areas of Family Law, Estate Planning, and Real Estate.

He succeeds Michael J. Stewart, a partner in the Greensburg law firm of Stewart, McArdle, Sorice, Whalen, Farrell, Finoli & Cavanaugh, and will serve a one-year term as President.

OTHER ELECTION RESULTS

Joseph W. Lazzaro was elected Vice President for the 2012–2013 term. John M. Noble and Timothy C. Andrews were chosen to sit as Directors on the board. Other board members include President-Elect John K. Greiner; Directors Harry F. *continued on page 8*

President's Award for Professionalism Presented to Gene E. McDonald

Recognized for his dedication to the practice of law, service to his community, and his integrity and civility as a lawyer, Gene E. McDonald was presented with the President's Award for Professionalism at the WBA Annual Meeting on April 2, 2012.

A retired partner in the Latrobe law firm of McDonald, Snyder and Lightcap, Gene is a graduate of St. Vincent College and the University of Pittsburgh School of Law.

"Gene McDonald is most deserving of this award," said Mike Stewart, Past President of the WBA. "The President's Award symbolizes recognition by his peers for his professionalism and skill as a lawyer. His leadership within our bar foundation is most impressive, as is his involvement within the community as a past school board member, mentor to school students, and community volunteer."

Gene's partner, Don Snyder, delivered the following address at the Annual Meeting. It is reprinted here with his permission.



▲ Donald J. Snyder, Jr., presents Gene E. McDonald with the President's Award for Professionalism at the 2012 WBA Annual Meeting.

Professionalism is defined in Black's Law Dictionary as the practice of a learned art in a characteristically methodical, courteous, and ethical manner. Stated another way, professionalism is the conduct, aims, or qualities that characterize or make a professional person. Our Bar Association has established an award that is not given every year, but rather only when

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President's Message

We Are ... The WBA!

by David S. DeRose, Esq.

The WBA isn't just the name of an organization or a building on Pennsylvania Avenue in Greensburg; it is a living, breathing being. To borrow from my alma



mater—WE ARE ... THE WBA! It lives and grows through us—we live much of our professional life through it.

I am privileged and honored to be a member of this Association and

to serve on its Board of Directors. Today, however, some in our profession do not see the relevance of a professional association. I think of them as misguided! Fortunately, they are the few.

My father was a member of this Association from the time he returned home after World War II until his death in 1981. He served on the Board of Directors and was President of the Board a little more than forty years ago. My dad loved this Association and that was quite obvious to my brothers, Lou and Tom (both attorneys), and to me, as we grew up. The Association wasn't just any group. This was a group of well-educated, highly motivated professionals who were leaders in their communities and who were successful in serving their friends and neighbors in need of legal help.

The WBA afforded those generations of lawyers the opportunity to connect face to face. They learned about each other's spouses and families, their politics, their likes and dislikes; and consequently, they developed a respect for each other and this Association that not only benefitted them as individuals but the people they served. Although advocates and adversaries at times, the bonds and friendships that

they developed as members of our Bar created a collegial atmosphere which went a long way to amicably resolving cases. Their word was their bond—a phone call was sufficient to seal a deal.

These attorneys, and those before them, paved the way for all of us. We have built on that foundation and have expanded that legacy. We are larger, more dynamic, and in so many ways better than we were forty years ago. We are a highly respected Bar Association in this state.

We are very successfully utilizing our committee system, the Ned J. Nakles American Inn of Court, and CLEs to keep all of us up-to-date with both substantive and procedural issues in a variety of practice areas.

We are participants in a strong Pro Bono and reduced-fee program that ensures that the least able among us has access to our legal system. We are reaching out to each other in tough times through our Lawyers Assistance Committee and the efforts of our Executive Board.

Through our Unauthorized Practice of Law Committee, we are policing those who have decided to pervert the profession by preying on the unsuspecting public.

We are in the process of initiating a civics education program for young and old alike that would put lawyers in the classroom or meeting rooms to explain our legal and judicial systems.

We are the Young Lawyers who reverse-mentor in technology!

As in the past, we are members of charitable boards, Little League coaches, elected council and school board members, solicitors, church council participants, first responders, and military personnel. And, the list goes on ...

Maybe, most importantly, we are a WBA that gathers together at lunch-and-learns, quarterly meetings, admission ceremonies, holiday parties, committee events, planning retreats,

memorial services, young lawyer meet-and-greets, the Bench/Bar Conference, etc., all of which give us an opportunity to grow, both personally and professionally.

Even though we now have nearly 500 members of our Bar, more than double the membership

that we had when I began practice, we are and will continue to be an organization that is relevant, as long as we take the time and put forth the effort to make this possible.

As it was in years past, the Bar Association must be the vehicle that we use to facilitate our continued educational growth, to foster camaraderie, and to develop respect and trust among us, which in turn, goes a very long way to ensure a better justice system for all. Therefore, attend a meeting or event, participate in a committee or mock trial, join the Inn

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“As it was in years past, the Bar Association must be the vehicle that we use to facilitate our continued educational growth, to foster camaraderie, and to develop respect and trust among us, which in turn, goes a very long way to ensure a better justice system for all.”

Remembering Terry Van Horne

Former WBA member Terry E. Van Horne died Monday, January 30, 2012, after a short illness. He is survived by his wife, Jacky (Mondale) Van Horne; stepson, Jason (Becky) Girardi; and granddaughter, Gianna Girardi, of Dallas, Texas; as well as numerous nieces, nephews, and cousins.

by *The Hon. Donetta W. Ambrose*

I had the good fortune of knowing Terry Van Horne for over sixty years. Our friendship began in 1951 when Terry was moved midyear from his kindergarten class to my first grade classroom. He was a superstar from the very beginning.

Because we were alphabetically connected (Van Horne and Wypiski were almost always seated next to each other), and because we were neighbors, we spent much of our youth together—sitting next to each other in class, walking to and from school and performing together in the Arnold High School Marching Band. Fortunately, for me, our

friendship lasted for the rest of his life.

While Terry was proud to have been a member of the legal profession, his true calling was a career in public service. His political life began when he was elected to Arnold City Council in 1976. A few years later, he made the bold decision to run for the state legislature representing the 54th district. I cannot emphasize how bold this decision was. Terry was decidedly not the establishment candidate.

Despite all the pressure and entreaties from “the old machine” to pull out, Terry remained firm. He was supported by an army of volunteers from Arnold, a new kind of machine, indefatigable and driven. Against all

odds, Terry won a decisive victory, winning all but two precincts in the entire district and losing those by only a few votes. Terry had delivered a breath of fresh air into the smoke filled rooms and politics as usual had come to an end in the Alle-Kiski valley.

He then began a twenty-year tenure in the State Legislature where he served with distinction and with more integrity than any of us had been accustomed to expect from a public servant. He was devoted to his constituents and steadfast in both his commitment to good government and to making this Commonwealth a better place.

Though devoted as he was to his career, Terry was also a man of many passions. His knowledge of sports trivia is legendary. He and Bob Tatr co-hosted WKPA's Saturday morning Sports Talk Show for many years. He was a loyal fan to the teams he loved, sticking by his Duquesne Dukes through the years but saving his special loyalty and devotion for his beloved Pirates.

The start of baseball season was his favorite time of year. While most of us for many years now have anticipated a new baseball season with skepticism, Terry always greeted each new season with enthusiasm and boundless hope. He could recount every play of the Pirates' fourteen playoff appearances, their nine pennants, and their five

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▲ Terry Van Horne
[Photo: Joe Appel, Tribune-Review]

Looking for a special way to remember someone?

Births • Deaths • Marriages • Anniversaries Making Partner • Passing the Bar

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

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



the **sidebar**

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

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*President's Message***We Are ...
The WBA!** *continued from page 2*

of Court, volunteer for Pro Bono or the Civics Education Program, run for the Board of Directors, and/or remain active in your communities and churches—maintain the tradition. Give the WBA a face and an identity, both within and without.

And, by all means, pick up the telephone and call or stop in to one of our offices just to chat. Make it personal. E-mail and all of our electronic communications are great tools, but they cannot replace hearing someone's voice or putting a face with a name. That timeless interaction went a very long way to making our organization what it is today. Hopefully, our word is our bond and we can still seal a deal with a phone call!

Finally, I would be remiss in not commenting on the year ahead as your Bar President. I want to continue to promote our Association and our members with the enthusiasm and dedication that Michael Stewart, our outgoing President, brought with him to the Board and continues to exhibit now. Thank you, Mike—it has been my pleasure serving with you.

It, in fact, takes a team to operate our Bar. The Board of Directors is only a part of that team. It is also important to recognize the contributions of our staff, Julia, Cathy and Susan, without whom much of what we do would not be possible.

I also want to thank and compliment our team leader, our Executive Director, Diane Krivoniak. I am looking forward to working with her this year, but I cannot emphasize enough how important she is to our Association. Diane was recently recognized on a statewide basis by winning the Arthur J. Birdsall Award given by the Conference of County Bar Leaders to an outstanding Bar Executive Director. The award was long overdue since Diane's dedication, knowledge, enthusiasm, and personality have all come together to give us a consistent leader who has shepherded the growth of our Association, its programs, its membership, and its outreach for more than twenty years.

WE ARE ... THE WBA! 🌟

Yours respectfully,


**Remembering Terry
Van Horne** *continued from page 3*

world championships, and he was certain every year that this year there would be a turnaround.

Terry demonstrated the same loyalty to his many friends. I do not know anyone who had more friends claiming to be his best friend. He was the one we all went to, and he never disappointed.

His passion for his hometown of Arnold was beyond measure. Just days before he fell ill, he began his dream job as Arnold's City Clerk, a position he cherished as a culmination to his long public service career.

Above all, Terry loved his family. His wife, Jacky, was clearly the love of his life, and his son and daughter-in-law, Jason and Becky, made Terry and Jacky the happiest grandparents in the world when they gave birth to Gianna last spring.

I will miss my dear friend. I will miss our frequent political discussions. We were always totally in sync—both dyed-in-the-wool Democrats. I will miss his presence at all the remaining key events we would have shared with our friends.

But he leaves all of us who knew him well with joyful memories. Terry continues to live on in my heart because he taught me the kindness and love of a true friend. 🌟

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QA

A Conversation with The Hon. Gary P. Caruso, President Judge

Editor's note: On January 3, 2012, Judge Caruso was commissioned by the Governor to serve as President Judge of the Court of Common Pleas of Westmoreland County for a five-year term, succeeding Judge John E. Blahovec.

Q UPON BEING ELECTED PRESIDENT JUDGE, WAS THERE ANYTHING IN PARTICULAR THAT YOU IMMEDIATELY THOUGHT THAT YOU WOULD WANT TO CHANGE?

A No. I don't want to fix things that may not be broken. Unless I hear complaints, I don't want to change for the sake of change alone. Our system works fairly well, so I'm not assuming the position of President Judge with any particular agenda.

Q MANY PEOPLE ARE UNAWARE OF THE SPECIAL FUNCTIONS THAT A PRESIDENT JUDGE SERVES. AS PRESIDENT JUDGE, DO YOU ACT IN A SUPERVISORY CAPACITY OVER THE OTHER JUDGES?

A The President Judge is the executive and administrative head of the courts. My job is to make sure that everyone is working appropriately in his or her judicial assignment. I act

as the ex officio supervisor of certain departments.

In other words, I'm the supervisor of the supervisors if he or she needs authority to act or guidance. As President Judge, I supervise the judicial business of the court, including the magisterial district judges and all court personnel, which includes the Court Administrator's Office, the Office of Adult Probation and Parole, the Domestic Relations Office, and the juvenile system. In addition, I am responsible for promulgating all administrative rules and regulations.¹

Q CAN YOU DELEGATE RESPONSIBILITIES TO THE OTHER JUDGES IN YOUR CAPACITY AS PRESIDENT JUDGE?

A Yes, I do delegate. When an issue arises that needs to be addressed,

¹ Pa.R.Crim.P. No. 116 provides: "The President Judge shall be responsible for ensuring that the judicial district is in compliance with the Pennsylvania Rules of Criminal Procedure, other rules, and statutes, applicable to the minor judiciary, courts, clerks of courts, and court administrators." Pa.R.C.P.M.D.J. No. 17 deals with the supervision of Magisterial District Courts by President Judges.

I may assign a judge to help work on a committee that's related to that issue.

For example, I recently assigned two judges to work on a committee that is assisting the Clerk of Courts in the collections process in that Office. The Clerk's Office wanted the Court's input and cooperation as they try to improve the process of collecting fines, costs, and restitution in criminal cases. A judge's perspective is useful in this kind of project.



▲ The Hon. Gary P. Caruso

Q TO WHAT EXTENT DO YOU ACT AS A LIAISON BETWEEN THE COURTS AND THE COUNTY EXECUTIVES?

A I bring issues to the County Commissioners' attention that affect the operation of the courts. Personnel issues and salary board issues are the types of things that I may bring to the Commissioners' attention.

An example of an operations issue we just worked on is one where many people complained that the county Park Police had a policy that would not permit attorneys, parties, and witnesses to enter the building until 8:30 a.m. Many people were displeased with this rule because people had to wait outside in inclement weather, in addition to being late for their court appearance.

I asked Judge Marsili to work with the Park Police to resolve this issue, and the problem was resolved with the cooperation of the Park Police and the Westmoreland County Commissioners.

The courthouse doors now open at 8:15 a.m.



Judge Kelley Retires from Bench

The Hon. James R. Kelley retired from the bench of the Commonwealth Court of Pennsylvania at the end of 2011. The 21st judge to serve on the Commonwealth Court, Judge Kelley was appointed by Governor Robert Casey in 1990 to fill the unexpired term of Judge Francis A. Barry. Judge Kelley was elected to a full term in 1991, and had served as a senior judge since 2002. (See the December 2001 issue of the sidebar.)

Judge Kelley has been in public service for over four decades. He served as a Westmoreland County Commissioner from 1968–1974 and was in the Pennsylvania State Senate from 1974–1988. 🐾

Q&A: Judge Caruso

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Q DO YOU THINK THAT THE OPERATIONAL NEEDS OF EACH OF THE SECTIONS—CIVIL, CRIMINAL, AND FAMILY—ARE BEING MET?

A I've not received any recent complaints from any of these divisions. I'm presently unaware of any unresolved difficulties. But, as they arise they will be addressed.

Q BASED UPON WHAT WE HEAR AND READ IN THE NEWS MEDIA, JUDGES, AT TIMES, ARE LITERALLY UNDER FIRE. DOES THAT CONCERN YOU?

A We hear more and more often about increasing acts of violence in the courts. Both judges and prosecutors are targets of violence. Recently, in Washington State, a judge was stabbed and a deputy was shot.

In Westmoreland County, we've increased security and taken affirmative steps to make the courthouse more secure for the people that must use the courts. But it's an ongoing concern.

The Court Administrator's Office has scheduled a meeting in April as part of the ongoing review that we conduct to make sure that we are doing what we need to do to address safety concerns.

Q HOW DOES IT FEEL TO BE PRESIDENT JUDGE?

A It is an honor to be selected by my colleagues to serve in this capacity. But I think I can speak for all my colleagues when I say that we look at serving as President Judge as our obligation to fulfill, rather than as a position to which we aspire.

Being President Judge requires you to interact with many different people on a variety of issues, which personally, I find enjoyable. It makes every day interesting and very busy. 🌿

Annual Ceremony Held

WBA Presents New Members to Bench, Bar



▲ *New members of the WBA were presented to the bench and bar on March 21, 2012. From left to right: Daniel R. Schimizzi, Kathleen A. Caruthers, Allison E. Thiel, Charles J. Grudowski, Adam J. Long, Zachary Mesher, and Ian Petrulli.*

On Wednesday, March 21, 2012, the Westmoreland Bar Association presented its new members to the court.

Following a welcoming address by WBA President Michael J. Stewart, and an invocation by Harry F. Smail, Jr., each admittee was introduced to the court by a member of the association.

The new members presented to the court were: Kathleen A. Caruthers, presented by her father, William F. Caruthers, II; Charles J. Grudowski, presented by Robert H. Slone; Adam J. Long, presented by his father, Wesley T. Long; Zachary Mesher, presented by Rebecca A. Brammell; Ian Petrulli, presented by Kenneth B.

Burkley; Daniel R. Schimizzi, presented by his father, Richard W. Schimizzi; and Allison E. Thiel, presented by her mother, The Hon. Denise Snyder Thiel.

Following the presentation to the court, Kerri Shimborske-Abel and Nancy L. Harris greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. The Hon. John E. Blahovec then spoke on behalf of the court.

A luncheon buffet reception for the new admittees was held in the Commissioners' Meeting Rooms at the Courthouse immediately following the ceremony. 🌿

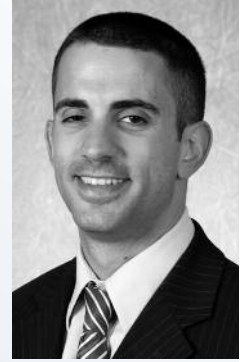
LawSpeak

"There must be respect for the Constitution—which means the Supreme Court's interpretation of the Constitution—or we shall have chaos. We cannot possibly imagine a successful form of government in which every individual citizen would have the right to interpret the Constitution according to his own convictions, beliefs and prejudices. Chaos would develop. This I believe with all my heart—and shall always act accordingly."

— President Dwight D. Eisenhower. Personal letter to Edward Everett Hazlett, Jr., 22 July 1957

Spotlight on Don Rega

Editor's note: Don Rega is the new Chair of the WBA Young Lawyers Committee. His one-year term began at the 2012 Annual Meeting, which was held April 2 at the Greensburg Country Club. Don is an associate with Tremba & Jelley, LLC, in Greensburg.



Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

A My father owns a family business, so I didn't have much of a choice other than work at his restaurant.

Q WHICH WAS YOUR FAVORITE AND WHY?

A Working at the restaurant (by default).

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

A Two years ago, I heard an argument during motions court wherein the husband claimed the joint bank account shouldn't be disbursed to wife because it contained the money from his fantasy football league. This past season I made sure to keep my fantasy football league's money in a separate account, just in case ...

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

A Honesty.

Q WHAT IS YOUR FAVORITE JOURNEY?

A My daily walk from my office to the Courthouse.

Q WHAT IS YOUR GREATEST REGRET?

A I don't believe in regrets.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A My parents. Through hard work and dedication they provided me with every opportunity to be successful in life.

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

A Our county has some of the most helpful and insightful attorneys; don't be afraid to ask questions and learn as much as you can from them.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Graduating from law school and being admitted to the Pennsylvania Bar.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A Sitting on my couch with my wife and daughter, watching TV and drinking one of John Hauser's home-brewed beers.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My iPad. I don't think I could survive a day without it.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Snow in April. As a matter of fact, it's snowing right now.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A With the current gas prices, I'd say it's a full tank of gas.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A To travel back in time and experience the greatest events in history as they occur.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Loyalty. Everyone needs those friends that will drop everything to help you out.

Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A My father. He has owned and operated a successful business for nearly fifty years.

Q WHAT IS YOUR MOTTO?

A Faith, Focus, Finish. 🐾

where in the world IS THE WBA MEMBER?



"I just returned from a humanitarian trip to Havana, Cuba. This is a photo of a 50's restored Buick and me in a neighborhood in Havana. Many vehicles of this era are seen throughout Cuba."

—Jack Bergstein

HAVANA, CUBA



New Leadership Elected, Awards Presented at Annual Meeting *continued from page 1*

Smail, Jr., Lee R. Demosky, and Maria E. Soohey; Past President Michael J. Stewart; Treasurer L. Christian DeDiana; and Secretary/Executive Director Diane Krivoniak.

Scott E. Avolio was elected to the Membership Committee and Richard F. Flickinger was elected to the Building Committee. Both will serve five-year terms.

AWARDS GIVEN AT MEETING

Gene E. McDonald was presented with the President's Award for Professionalism for his dedication to the practice of law, service to his community, and his integrity and civility as a lawyer (*see story on page 1*).

Dennis N. Persin was named Pro Bono Attorney of the Year in recognition of his noteworthy volunteer legal representation of indigent Westmoreland County residents. Kerri Shimborske-Abel was selected as the Outstanding Young Lawyer, and Timothy C. Andrews accepted the Committee of the Year award on behalf of the Criminal Law Committee. Their achievements will be celebrated in the June 2012 issue of *the sidebar*. 🌟

Gene E. McDonald *continued from page 1*

appropriate to the member who best demonstrates the qualities of professionalism that we hold as truths in the practice of law in Westmoreland County. In a profession that is constantly changing, these tenets of professional conduct are aspirational but have endured the test of time.

Our honoree today has essentially retired, so we look at him for what he stood for during his years of practice, in the manner in which he has transitioned to the elder statesman status that he now enjoys. He was a founding member of the Westmoreland Bar Foundation and completed the application process for its 501(c)(3) tax exempt status. He served on the Board of the Westmoreland County Community College and was recently honored to serve as the Chairman of the 40th Anniversary Fund-Raising Committee. One former County Commissioner pointed to the College as the most important accomplishment of county government.

As a lawyer, our honoree today had the ability to see through the petty legalisms that sometimes cloud our judgment or that we use to justify ourselves. In this discernment, he was, on countless instances, able to reach a conclusion that was both practical and just. In advocating on behalf of a client or a cause, he was tenacious but always kept the pragmatic approach that could see a conclusion that would be a benefit to the client.

His approach to many situations that came before him as the trusted counselor to individuals, corporations, or municipalities reflected the calm and confidence in his abilities that can only come to one who faced death as a young Marine in the Pacific and returned. It was only in recent years that he managed to tell about those harrowing experiences directing naval

artillery fire in an unarmed scout plane. He told these stories not to extol himself, but so all of us could understand what his generation faced and conquered. He was and always will be a Marine.

He came home and raised his family with his lovely wife.

He is also a proud Bearcat and has never gotten away from the Benedictine tradition that enabled him to obtain and excel in his college career. Saint Vincent may have benefactors who have given more in dollars, but our honoree has always been the standout protégé of those teachers and monks who entered his life as a scholarship student there. A Methodist boy in a Roman Catholic institution may seem ironic to the casual observer, but he melded those traditions and has brought those critical thinking skills to his tasks as a lawyer. His alma mater recognized that fact when it bestowed upon him an honorary doctorate degree.

A number of lawyers were mentored or sponsored by our honoree. Those of us who have practiced with him come to appreciate the breadth of his character more than those who have not simply because of our proximity. It is sometimes difficult, especially in these times, to find out about someone who is not a self-promoter and is self-effacing, yet most skillful. But day-to-day contact has made all of us believers in him and the Bar Association's action today acknowledges his contribution for over 60 years.

So, without further words, it is my last official duty as a member of the Board of the Association and as Past President and my utmost and personal pleasure to announce the awardee of the Professionalism Award, my friend, colleague and partner, Gene McDonald. 🌟

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foundation focus

Greensburg Salem Recaptures County Mock Trial Trophy



Pro Bono Offices Relocated to Courthouse



▲ After finishing second in 2011, the Greensburg Salem High School Mock Trial Team recaptured the Mock Trial trophy by defeating defending champion Franklin Regional in the county-wide competition held in late February at the Westmoreland County Courthouse. This year's competitors included Kiski Area High School, Mount Pleasant Area High School, Penn Trafford High School, Southmoreland High School, and Valley High School.

Effective March 30, 2012, the Pro Bono Program of the Westmoreland Bar Foundation can be found on the fourth floor of the Westmoreland County Courthouse, 2 North Main Street, Greensburg. The phone number remains 724-837-5539; the fax is still 724-837-4221; and you can reach Iva via e-mail at imunk@verizon.net.

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foundation focus *continued from page 9*

Please Do Feed the Animal



Next time you visit the WBA, be sure to bring some food for Miss Piggy, who has taken up residence on Cathy Klosky's desk. Miss Piggy prefers cri\$ green\$ in large denomination\$ (she has been known to accept ¢oins, too) and is being fattened up for the Silent Auction at this year's Holiday Dinner Dance on December 1. Whoever has the highest bid will take Miss Piggy—and all her contents—home. So, please do feed the animal. All proceeds will

benefit the Westmoreland Bar Foundation programs. 🍷

Scholarship Deadlines Approach

The Westmoreland Bar Foundation is accepting applications for three law school scholarships and one court reporting scholarship for Westmoreland County residents for the Fall school year. The deadline for submission for all scholarships is on or before June 20.

The Complete Court Reporting Service Scholarship will be awarded to a Westmoreland County resident who is enrolled in the court reporting program at the Community College of Allegheny County (CCAC). The

law school scholarships are also for Westmoreland County residents who are enrolled at various law schools.

Applications are available through the schools' financial aid offices, or call the WBA at 724.834.6730, or visit www.westbar.org/wbf_scholarships. 🍷

Volunteers for Justice

The Pro Bono Program extends thanks to all the attorneys who volunteered their time from January through March 2012: Mary Baloh, Richard Bruni, Faith Burns, George Butler, Brian Cavanaugh, Debra Cribbs, Sandra Davis, Rebecca Fenoglio, Charles Fox, IV, Adam Gorzelsky, Dennis Gounley, James Horchak, Deborah Jackson, Maureen Kroll, Irene Lubin, Shirley Makuta, Paul Miller, Jr., David Millstein, Debra Nicholson, Gino Peluso, Dennis Persin, Andrew Skala, Robert Slone, Mark Sorice, and Ron Zera. 🍷

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To-Wit: Back In Black's

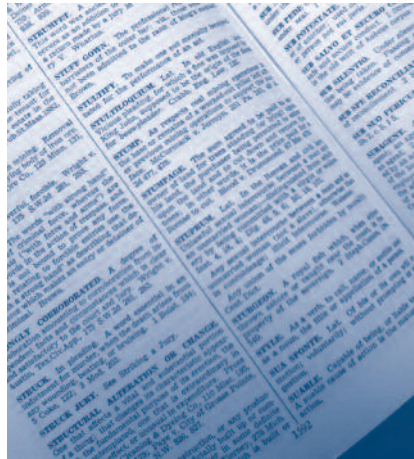
by S. Sponte, Esq.

From time to time, my body reminds me that its absolute imperviousness to illness exists only in my mind. So I am now confined to home while I recover from both a nasty cold and its concomitant and far more demoralizing rip in my fantasy system.

With a modicum of time on my hands and having already had my daily fill of Mozart, I've once again turned to my trusty and well-thumbed copy of Black's Law Dictionary. It's a habit I first developed in law school to impress my professors. Even back then, I was of the hope that nothing better conveys the false luster of intellect than an amplitudinous vocabulary.

There's really no end to the variety of knowledge available in that faithful old tome, but in truth I found most

of the actual definitions to be exceedingly obtuse. Thus, what follows is admittedly laced with my interpretations. If I have strayed from complete historical and etymological



accuracy now and again, I'm nonetheless confident that I have captured the actual spirit in which these words or phrases were used. I hope you approve.

I know Black would.

DELUSION—An irrational and incorrigible belief in the existence of the impossible, such as a plaintiff's verdict in a medical malpractice case.

IN TERMINUS TERMINATIBUS—The length of time it takes for a jury to come back with a verdict.

JURY OF GOOD AND LAWFUL MEN—See Delusion, *supra*.

LEGATARY—A secretary with great gams.

DE RECTO PATENS—An adverse result in a patent case.

SPEEDY TRIAL—See Delusion, *supra*.

FILIUS NULLIUS—The first of the Roman judges to issue all of his

continued on page 12



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Pittsburgh Magazine: Best Trial Lawyers
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To-Wit: Back In Black's

continued from page 11

decisions in written form. Also, Latin vernacular for “illegitimate child.”

According to legal scholars, the vernacular definition leapt into usage at the same time as the judge's first opinion.

OUTSUCKEN MULTURES—

An ancient Scottish term which originally had something to do with paying for the grinding of corn but which has become more notable as the phrase Scottish soldiers hollered at their English oppressors during battle.

SAEVITIA—In Roman law, grounds for divorce arising from any marital cohabitation which presents a spouse with the risk of bodily harm. The term derives from a notorious second century B.C. case in which Inexhaustibus Saevitia sought divorce from his wife, Scissoria.

CARROTED FUR—1. Fur that has been treated with nitrate of mercury.

2. What's left over after the warren explodes.

POSTERIORITY—An Old English term meaning the opposite of priority, it has as its derivation the medieval motions court custom of making the lawyers with the largest buttocks argue last.

UNGELD—In Saxon law, an outlaw. In Kentucky law, an extraordinary act of gluing.

FORCHEAPUM—Current pay scale for law school graduates.

IGNORANTIA—A rare subspecies of the Arachnida order Spideria Tarantulum, its bite immediately causes its victims to run for public office.

HOC LUNGER AD JUDICIA

PROHIBITIO—Latin for “no spitting at the judge.” 🐾

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pba news

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The Hon. D. Michael Fisher, Chair of the PBA's Federal Practice Committee, invites all members interested in federal practice to join the PBA-FPC. Its mission is to promote professionalism, communication, and cooperation between lawyers who practice in federal courts and members of the Federal Judiciary. There are meetings at the two PBA Committee/Section Days each year, which members may attend in person or via conference call.

Intellectual Property Law

Patents, Trademarks, Copyrights

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Bachelor's degree in Engineering from New York University
Master's degree in Electrical Engineering from Drexel University
J.D. from Temple University
Chemistry studies at University of Pittsburgh
Registered Professional Engineer (Pennsylvania)
Formerly Assistant Professor at Villanova University
Formerly Doctoral Candidate in Mathematics at Bryn Mawr College

March 2012 Civil Trial Term

Jury Trial Verdicts

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

Of twenty-four cases listed for the March 2012 Civil Jury Trial Term, five settled, sixteen were continued, one was stayed and two jury trials were held. There were two jury verdicts during the March 2012 civil trial term.

**ROBERT HUNKER AND
ANN HUNKER, HIS WIFE**

V.

**NICOLE KUFTIC
NO. 4537 OF 2006**

*Cause of Action: Negligence—
Motor Vehicle Accident*

On June 6, 2004, Plaintiff Robert Hunker stopped his vehicle on Main Street in West Newton, Westmoreland County, waiting for oncoming traffic to pass in order to make a left turn onto Third Street. Defendant Nicole Kufitic was operating a pickup truck approaching behind Plaintiff. Defendant failed to stop and collided with the rear of Plaintiff's vehicle. As a result of alleged injuries to his neck and upper and lower back, Plaintiff claimed damages for unreimbursed medical bills and pain and suffering. Because Plaintiff did not miss work as a result of the subject accident, there was no claim for lost wages or impairment of earning capacity. Plaintiff's wife claimed loss of consortium.

Defendant conceded liability in causing the accident. Plaintiff maintained that the injuries for which he was treated, and for which he will require future treatment, were caused by the collision. Defendant argued that Plaintiff's injuries were minor. After conducting an independent medical examination of the Plaintiff, an orthopedic surgeon opined that Plaintiff sustained cervical and lumbar strains related to the accident, which were appropriately treated through December 10, 2004. However, he



concluded that any treatment after December 10, 2004, was related to Plaintiff's pre-existing degenerative disk disease, which was symptomatic before the accident occurred.

Plaintiff's Counsel: Dennis B. Rafferty, Quatrini Rafferty, P.C., Gbg.

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 Plaintiffs and against Defendant. No damages were awarded to Plaintiffs.

**LACIE McCABE, NOW KNOWN
BY MARRIAGE AS LACIE RIFFLE**

V.

**RYAN FRANCIS OHRT
NO. 387 OF 2006**

*Cause of Action: Negligence—
Motor Vehicle Accident*

On January 27, 2005, Plaintiff Lacie McCabe, n/k/a Lacie Riffle, was traveling on State Route 217 in Derry Township, Westmoreland County, when the vehicle she was operating was struck in the rear by a vehicle driven by Defendant Ryan Francis Ohrt. As a result of the collision,

Plaintiff alleged that she suffered injuries to her cervical spine, headaches, lumbar pain, right shoulder pain, sleep deprivation, impaired memory, depression, and two shoulder surgeries. In addition, she received physical therapy.

Plaintiff maintained that the injuries prevented her from returning to her employment as a bank teller, and from pursuing her intended career in the field of Corrections after obtaining her bachelor's degree in criminology. Plaintiff claimed damages for medical expenses, loss of enjoyment of life, loss of income and impairment of earning capacity, and pain and suffering.

The Defendant admitted his negligence, and admitted that the motor vehicle collision was the factual cause of the injuries to Plaintiff's neck. In addition, the Defendant conceded that the Plaintiff suffered economic damages for medical expenses related to her neck injuries in the amount of \$5,234.45. However, the Defendant denied that the collision caused her shoulder injuries, and maintained that her injuries did not constitute a serious impairment of a body function as that term is defined by the limited tort statute.

The jury found in favor of the Plaintiff and found that Plaintiff's injuries constituted a serious impairment of a body function.

Plaintiff's Counsel: Robert W. King, King & Guidy, Gbg.

Defendant's Counsel: Donna Marie Flaherty, Law Offices of Twanda Turner-Hawkins, Pgh.

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

Result: Verdict in favor of Plaintiff as follows: Medical expenses, \$5,234.45 (related to neck), \$5,371.70 (related to shoulder); lost earnings, \$36,862; pain and suffering, \$10,000. 🍀

Westmoreland Revisited

Agent, Servant, Employee, Child

A Look at Child Labor through the Early Twentieth Century

by The Hon. Daniel J. Ackerman



▲ The Hon. Daniel J. Ackerman

In the August 2011 issue of *the sidebar*, this space contained an article which looked at the Coal Strike of 1910. A few months ago, when visiting the Westinghouse Castle in Wilmerding, I realized that there was a facet of that industrial story which I had overlooked. The “castle,” in an earlier incarnation, was built to serve as a recreational and social site for employees of Westinghouse Air Brake, and is now a museum dedicated to the memory

of George Westinghouse and the industries he created in the Turtle Creek Valley in the late 19th and early 20th centuries. There, I came upon a photograph of a group of boys, perhaps eleven to fourteen years of age, lined up in uniform attire, as boys today might for a group picture of their Little League team; but these were not little baseball players, they were youthful coal miners.

CHILD LABOR NOT UNUSUAL

Our social memory is exceedingly short, and we forget to what extent, only a few generations ago, the coal industry—and for that matter, all industries, businesses, and agriculture—relied upon the use of child labor. Nor do we recall the need their families had for the small amount of money their children would bring home.

Child labor is not just deeply ingrained in our history; it was common in all societies. For agricultural communities in particular, working children were not only common, but expected. Even today in farm families



▲ Children of the mines. [Photo by Lewis Hine. Courtesy of Henry Bowden, Lora Hearn, and the Turtle Creek Valley Historical Society.]

most children are willing, if not eager, to emulate the tasks performed by their parents or older siblings. However, the advent of the machine age demonstrated that work was no longer circumscribed by physical strength, and the use of child labor grew beyond the farm and into the realm of mechanized industry.

In writing about our first president, biographer Ron Chernow illustrates the point:

“Though a planter, Washington was receptive to labor saving gadgetry, even if it meant using female and child labor. In January 1790 he viewed the operation of a new threshing machine and came away enthusiastic. ‘Women or boys of 12 or 14 years of age are fully adequate to the management of the mill or threshing machine,’ he wrote in his diary.”

It was the industrial revolution which took child labor in a new direction, creating a need for such

labor, beyond the home, for employers and families alike, while at the same time initiating a growing revulsion against it in the public mind.

In colonial America, child labor was often not simply a matter of a hard choice arising out of a need for extra income, for there were those children born into the bondage of slavery or indentured servitude. It was also a practice of long standing in England and other European countries which accompanied the migration to America. And, it undoubtedly was encouraged as well by the Puritan work ethic, which frowned upon idleness in any person.

However, it was a practice that was easily exploited and abused, and one in which the child had no voice. It was a system in which the young workers would sacrifice not only their childhood, but frequently their health or lives.

THE FACTORY ACT OF 1802

In Britain, which would soon thereafter have the distinction of

being the first country to abolish the slave trade, the Factory Act of 1802 was the first attempt by government to regulate child labor. With hindsight, Parliament's goals were modest, to say the least. Among other things, the legislation provided:

- Factory owners were to furnish two sets of clothing for each child;
- Maximum work hours for children ages 9 through 13 were set at eight; for ages 14 to 18, maximum work hours were set at twelve;
- Children under 9 were to receive instruction in factory schools;
- Children were not to be worked before 6 a.m. or after 9 p.m.;
- Children were to be given 90 minutes off daily for meals;
- Children were not to sleep more than two to a bed;
- Children were to receive an hour's instruction in Christianity each Sunday; and,
- Factory owners were required to treat their infectious diseases.

It was, at best, a starting point for subsequent legislation, and was, to a

large extent, merely an aspiration that was broadly ignored because the act contained no provisions for inspections needed for enforcement.

Thirty-four years later, Massachusetts would pass the first state child labor law which called for child laborers to receive three months of schooling. It was not until 1842 that Massachusetts saw fit to regulate hours. In fact, it could be argued that in the century which followed the Factory Act of 1802, conditions in which children toiled would not substantially improve, notwithstanding legislation. It is estimated that by 1810, two million American school age children were working 50 to 70 hours a week; this, at a time when the population of the United States was only 7.2 million.

Here in Pennsylvania, in the early 19th century, the industry, apart from agriculture, which most utilized child workers was textiles, centered in Philadelphia and Pittsburgh. The 1820 census revealed that of 1,100 workers employed in Philadelphia's nine textile mills, 40 percent were children.

Surprisingly, at that time, Pittsburgh also had what is now a scarcely remembered textile industry. The Pennsylvania Historical and Museum Commission (PHMC) took note of one Pittsburgh mill where children 8 to 12 years old were employed on twelve hour shifts, six days out of seven, for a wage of \$1.00 a week. Poor work or lack of attention to duties under these dire conditions could also bring physical reprisals or the withholding of wages.

At the same time, in the early decades of the 19th century, nascent trade unions began to take note of child labor and called for legislative bans. Their motives would have been both altruistic and economic, for child labor was becoming so pervasive, due to its low cost, that it was shrinking the market for adult labor.



continued on page 16

G

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Agent, Servant, Employee, Child *continued from page 15*

If we look ahead to the year 1880, when the first national labor statistics became available, we see that the participation rate of children, age 10 to 15, in the labor force was 32.5% for males, and 12.2% for females. When viewed separately, agricultural rates were even higher. These participation rates would decrease with time, but not as rapidly as one might think. By 1900, young boys, 10 to 15 years



old, were still more than a quarter of the labor force at 26.1%, and girls of the same age, 6.4%. It wasn't until 1930 that this age group reached single digits for both sexes (6.4% for boys and 2.9% for girls). Looking at the statistics another way, a George Mason University study concluded that 19% of all children between the ages 10 and 15 were employed in 1890.

PENNSYLVANIA'S FIRST CHILD LABOR LAW

Pennsylvania enacted its first child labor law in 1849, barring children under 12 from working in the dangerous textile factories, and limiting a child's labor to 60 hours a week. Again, desultory enforcement mechanisms would render the legislation ineffective. The machinery found in 19th century factories, with their open, fast-running belts and gears, unshielded by safety guards, always posed the threat of mutilation or death for attendant workers whether they were children or adults. And, of course, the hazards of the mining industry were always apparent, to employers, parents and children. All were unaware at the time, however, of the insidious toll that children would pay in later life from the fumes and toxins found in the industrial environment. Nor were

death or crippling injuries attended by any form of compensation.

Time and again in writing about state child labor laws, the word "ineffectual" is used by observers and historians. This, in part, was due to the complicity of parents, who, out of necessity sought the child's income to stay afloat, and who often would lie about their child's age to circumvent the laws. The PHMC *Historic Pennsylvania Leaflet No. 43* uses, as one example of evasion of the law, the statement of a former breaker boy [one who cleans and inspects coal], John Glabis:

"I started working in 1917 when I was ten years old. I know it was illegal. But there were eight of us in the family. My dad was dead and somebody had to go to work."

There were other jobs in the mines deemed suitable for children. Door boys were posted to sit in the dark of the mines for hours on end to open and shut the mine doors as mule drawn pit cars passed from one part of the mine to another. And driver boys were engaged in dumping coal from the cars.

Nor were girls spared from bolstering family income. The PHMC leaflet quotes Helen Corbin, who started working at an ice cream parlor at age 13:

"I worked from 10 A.M. to 10 P.M. I slept there because of my hours. My salary was \$5 per month."

ACTIVISM LEADS TO REFORMS

The fact that legislation was not producing the results intended caused others to make these intolerable conditions a public issue as the 19th century gave way to the 20th. Awareness was stirred by activists such as Grace Abbot, Jane Adams, and Lewis Hine. The latter was hired in 1908 by the National Child Labor Committee, a private entity founded

in 1904. Hine was employed as an investigator, but his principal contribution was as a photographer. His powerful images of children in their working environment, their poverty, and the disabilities they sometimes incurred, moved the public and provided historical documentation. The photograph mentioned in the opening paragraph of this article is by Lewis Hine. It was the work of such individuals that led to more meaningful legislation, but it would be slow in coming.

THE KEATING-OWEN ACT OF 1916

The impotency of state legislation moved Congress to pass the Keating-Owen Act of 1916, which prohibited merchandise made in factories employing children under the age of 14, or which worked older children more than an eight-hour day, overnight, or more than six days a week, from entering interstate commerce. A United States Attorney, W.C. Hammer, took an appeal to the Supreme Court when a federal district court found the law unconstitutional in an action brought by Ronald Dagenhart, a North Carolina cotton mill worker who didn't want his two young boys, who also worked at the mill, to lose their jobs.

Prior to *Hammer v. Dagenhart*, 247 U.S. 251 (1918) the Court had held that the Commerce Clause permitted congress to bar from interstate commerce goods or services which were "inherently evil," and accordingly had upheld legislation barring interstate traffic in lottery schemes, prostitution, and liquor. However, in this case, the Court made a distinction, since there was nothing evil or immoral about the cotton entering the stream of commerce from the Carolina mill. Further, the Court held that child labor was an internal matter, subject to regulation only by the states, and affirmed the district court's determination that the federal act was

unconstitutional. Justice Oliver Wendell Holmes dissented, but his opinion remained unheeded until the decision in *Hammer* was overruled 23 years later by *United States v. Darby Lumber Company*, 312 U.S. 100 (1941).

While Pennsylvania courts would eventually recognize lawsuits brought on behalf of injured child laborers, it was perceived that they were not covered by the new workman's compensation law. In a common pleas decision out of Allegheny County, *Ayers v. Dunlap Company*, 27 Pa. D. 552 (1918), the defendant company contended that it could not be sued by the plaintiff for the severe injuries which 15-year-old Thomas Ayers had sustained from a stamping machine; rather, the company argued that the plaintiff's only remedy was to seek worker's compensation. The court rejected this argument finding that worker's compensation was available only to those parties to an employment contract, and since minors could not enter into a valid contract, young Thomas was not entitled to worker's compensation.

CONCLUSION

And so it went for most children throughout history. It wasn't until the economic upswing which followed World War II that the attitudes of legislators, judges, parents, employers, and the public coalesced to bring about a meaningful ban on child labor. We are only two or perhaps three generations beyond the waning days when children worked in factories and mines. Yes, you may have pulled the strap of a canvas bag to your growing shoulder to deliver the *Sun-Telegraph* or the *Greensburg-Tribune*, set pins in the local bowling alley, caddied at the country club, or mowed your neighbors' lawns; but children of prior generations would have viewed these tasks as a lark, a mere diversion in a happy childhood. 🐣

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BRIEFLY SPEAKING



Vincent Quatrini, founding partner of Quatrini Rafferty, P.C. was recently inducted into the College of Workers' Compensation Lawyers class of 2012. Vince was administered the oath and presented a certificate at the annual meeting held in San Antonio, Tex. The College of Workers' Compensation Lawyers has been established to honor those attorneys who have distinguished themselves in their practice in the field of workers' compensation. Members have been nominated for the outstanding traits

they have developed in their practice of twenty years, or longer, representing plaintiffs, defendants, serving as judges, or acting for the benefit of all in education, overseeing agencies, and developing legislation. These individuals have convinced their peers, the bar, bench, and public that they possess the highest professional qualifications and ethical standards, character, integrity, professional expertise, and leadership. They have a commitment to fostering and furthering the objectives of the College and have shown significant evidence of scholarship, teaching, lecturing, and/or distinguished published writings on Workers' Compensation or related fields of law.

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New Member Sketches

BRUCE A. ANTKOWIAK has been reinstated as a participating member of the WBA. He earned a degree in Political Science from Saint Vincent College, and his J.D. from Harvard. Since July 1, 2011, Bruce has been general counsel to Saint Vincent College and Archabbey and is the Director of the Criminology, Law and Society Program, and Coordinator of the Pre-Law Program. He and his wife, Barbara, live in Pittsburgh.

CHARLES J. GRUDOWSKI joined the WBA as an associate member. Charles earned his undergraduate degree in Finance from Penn State, and his juris doctor degree from Pitt. He is a founding partner of Grudowski & Thompson in Pittsburgh.

CORI J. KAPUSTA was admitted to the WBA as a participating member. She earned a B.A. in Journalism from Indiana University in Bloomington, Ind., and earned her J.D. from Duquesne University. Cori is an associate with Goldberg, Persky & White, P.C., in Pittsburgh. She and her husband, Jeff, live with their children, Tyler and Callie, in Delmont.

ZACHARY MESHER was accepted as an associate member of the WBA. He earned a degree in Sports Management from Robert Morris University, and his J.D. from the University of Akron. A resident of Belle Vernon, Zack is employed by

Orrick, Herrington & Sutcliffe in Wheeling, W.Va.

IAN PETRULLI joined the WBA as a participating member. Ian earned his undergraduate degree in Latin American Urban Development/Spanish from Indiana University in Bloomington, Ind., and his juris doctor degree from Villanova. He works for Holiday Travel International in North Huntingdon.

MATTHEW SCHANDLER was admitted to the WBA as a participating member. He earned bachelor of science degrees in Mechanical Engineering and Physics from Penn State, and a J.D. from Duquesne. Matthew is employed by Bechtel Marine Propulsion Corp. in West Mifflin. He and his wife, Kathryn, live with their son, Zachary, in North Huntingdon.

DANIEL SCHIMIZZI, son of WBA member Richard Schimizzi and brother of WBA member Matt Schimizzi, is a participating member of the WBA. He earned a degree in History/Political Science/Administration of Justice from the University of Pittsburgh, and his J.D. from Duquesne. He joins his father and brother as an associate at Schimizzi Law Associates in Greensburg.

ROBERT H. STONE, JR., joined the WBA as a participating member. Robert earned his undergraduate degree in History/English from The Ohio State University, and his juris doctor degree from the University of Akron. He is an associate with Cassidy & Associates in Greensburg. He and his wife, Jo Anne, live in Ohio.

JOSEPH C. TKOCS was admitted to the WBA as a participating member. He earned a B.S. in Sports Medicine and an M.B.A., MIS Concentration, from Indiana University of Pennsylvania, and earned his J.D. from Duquesne University. Joseph works for Balint Brown & Basri in Pittsburgh. 🐾

Actions of the Board

JANUARY 18, 2012

- The WBA board met with the judges of the Court of Common Pleas with the following discussion:
 - Desire to move forward with exploring e-filing for the courts. CA Kuntz agreed to research other counties and then report back.
 - Early entrance to Courthouse. Judges agreed to issue a court order to allow attorneys and their clients 8 am entrance to the Courthouse when they have court matters.
 - Two-day Bench/Bar Conference. Judges agreed that one day would focus on judges involvement so judges could attend for that portion of BBC.
 - Orphans' Court monitoring project. Judge Caruso indicated that he would like to initiate the program to see what results when attorney volunteer monitors are in the picture.
 - Pro Se. Judges asked about possibility of establishing a pro se help desk at the courthouse—manned or unmanned.
 - New member ceremony. Agreed that midweek lunchtime ceremony would work.
- Membership Committee report accepted as submitted: Ian Petrulli and Matthew Schandler, participating.
- Reviewed Planning Report with commitment from President Stewart to continue to work towards these stated goals.
- Learned of a speaker at a proposed cost of \$4,000 to moderate the Nuremburg documentary. She is the daughter of the man who made the documentary and comes highly recommended by the Harrisburg Jewish Federation who hosted a CLE and a community showing of

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wba

And Baby Makes ...

Don and Kristen Rega welcomed their first child—a daughter named Stella Rose—into the world on March 3, 2012. Stella was 6 lb and 18³/₄ inches long. Don is an associate with Tremba & Jelly, LLC, in Greensburg, and is the current Chair of the WBA Young Lawyers Committee.



the documentary. Board agreed to move forward on this with possible spring date.

- President Stewart will appoint Activities Committee members.
- Reappointments to the PBA House of Delegates will be made for Mr. Munk, Mr. McCabe, and Mr. Johnston.
- Agreed to pay for day-tour bus for a WBA outing at Antietam Battlefield with Don Rigone and Ralph Conrad as tour guides.
- Voted to elevate Gene McDonald and Carol Sokolski to honorary membership status.
- Learned that Young Lawyers will hold a YL meeting on January 31 at 4:30 pm at Headkeeper to plan activities for 2012.
- Heard that Mr. D. DeRose continues to meet with Lawyers Abstract leadership to discuss the possible move to the first floor of the WBA. Architect Morris has submitted revised plans for the renovation of that floor.
- Activities Committee is now being appointed with the task of working on the Bench/Bar Conference, Dinner Dance, and any other event that the WBA seeks to plan.
- The Lawyers Meeting Room in the Courthouse should be completed mid-year.
- An Antietam Trip is planned and “letter of interest” is included in the sidebar. A bus has been tentatively booked, as agreed to by the WBA.
- Learned that the Professionalism Award will be awarded this year to Gene McDonald and will be presented at the Annual Meeting.
- Agreed that the Criminal Law Committee should receive the Committee of the Year Award, with Tim Andrews as Chair.
- Voted to hire Shanta Accounting Services for the 2011 WBA review.
- Learned that the Young Lawyers will hold a lunch and learn with the civil division judges on February 23 at noon. They are also working on a technology CLE for April 4.
- Heard report on the Orphans’ Court Monitoring Project: Five volunteers will try this on a trial basis. A meeting with Carol Petrusky from the Orphans’ Court office is set for next month and the volunteers will get their assignments.
- Heard that Mr. DeRose continues to meet with Lawyers Abstract leadership to discuss the possible move to the first floor of the WBA. The biggest concern is the lack of storage space.
- Accepted the advertising/sponsorship policy as presented and noted that this policy will be placed into the policy binder and circulated to all other law-related entities. 🐦

FEBRUARY 22, 2012

- Membership Committee report accepted as submitted: Zach Mesher, participating.
- Learned that 55 members did not pay dues; drop notices will be mailed at the end of March.
- Decided to move the Nuremburg Film date to the Fall. The Jewish community has a large event on April 26; also, colleges have indicated that they cannot help us with attendance as their students will be completing their classes and preparing for finals.

correction^s AMPLIFICATIONS

- **Bedford Springs Hotel**, the site of the 2012 Bench/Bar Conference, was mentioned in our December issue as having as one of its amenities, a “30,000-square-foot Springs Eternal Spa.” The word “Eternal” was incorrect; it should have read “Ethanol.” Those members who smoke are advised not to do so for several hours after receiving treatments.
- **Philip Muscatine** was inadvertently omitted from our “New Member Sketches” in December. Mr. Muscatine was reinstated to membership in the WBA after an unsuccessful attempt to market his services on Groupon.
- **Jury Trial Verdicts** reported in the February issue will be the last unabridged offering in this space. In future issues, readers should assume that all verdicts were for the defense, unless they are advised to the contrary on the front page or by a special commemorative edition.
- **Dick Galloway**, as noted in the February “President’s Message,” “had no burning desire to become a lawyer.” The quote, however, was incomplete, for Mr. Galloway had further elaborated that he thought the practice of law was, “well, OK,” and so in 1975 he turned down an offer to become a junior executive at Microsoft.
- **The CLE** offered March 14, “An Argument Against Civility: A Judicial Perspective,” is now available on CDs at the bar association office. 📻



Westmoreland Bar Association
 129 North Pennsylvania Avenue
 Greensburg, PA 15601-2311

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**.*

MAY

- 9** Building Committee, 8:30 a.m.
Real Estate Committee, Noon
- 10** Membership Committee, Noon
- 11** Pro Se Task Force, Noon
- 15** Family Law Committee, Noon
- 16** [CLE] Negotiating Addendum Clauses in Oil & Gas Leases, Noon to 1:15 p.m.
- 17** President's Outreach Lunch, Sharky's Café, Latrobe, Noon
- 21** Planning Committee, 4 p.m.
- 22** President's Outreach Lunch, Villa Ballanca Ristorante, Lower Burrell, Noon
Dine Around: The Back Porch, 6:30 p.m.

28 Courthouse closed in observance of Memorial Day

30 President's Outreach Lunch, Jacktown Ride and Hunt Club, Irwin, Noon

JUNE

6 President's Outreach Lunch, Clubhouse Grille at Cedarbook Golf Course, Belle Vernon, Noon

14 Courthouse closed in observance of Flag Day

14- 26th Annual Bench/Bar

15 Conference of the Westmoreland Bar Association, Omni Bedford Springs Resort

19 Family Law Committee, Noon

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.



www.facebook.com/westbar

Please join us in remembering our friends and colleagues at the



***Westmoreland Bar Association's
50th Annual Memorial Service***

Westmoreland County Courthouse, Courtroom #3

Wednesday, May 23, 2012

At 12:00 pm



In remembrance of:

Robert Wm. Garland

John F. Kradel

Mike R. Rubinoff

Jack R. Sparacino

Andrew G. Uncapher, Jr.

Terry E. Van Horne

Joanne Ross Wilder



Kindly notify the bar office in advance if you intend to share a special memory.

Following the service, a complimentary luncheon will be held in the Commissioner's Meeting Rooms.

2012 WBA Memorial Service Registration

Fax 724-834-6855 or

Return to WBA

129 North Pennsylvania Avenue, Greensburg, PA 15601

_____ I will attend the Memorial Service on Wednesday, May 23, 2012 at 12 pm in Courtroom #3.

Name (please print) _____

JOIN US FOR THE WBA MEMBER

ANTIETAM BATTLEFIELD TOUR



THE TOUR IS ON! SIGN UP TODAY!

SATURDAY, SEPTEMBER 8, 2012

On September 17, 1862, on what became known as the "bloodiest day in American history," Union and Confederate armies engaged in a battle near Sharpsburg, Md. On **Saturday, September 8, 2012**, former WBA member Ralph Conrad and current member Don Rigone will lead a tour of the Antietam National Battlefield for WBA members and their guests.

As in past battlefield tours, a block of rooms will be reserved for Friday night at a hotel in either Hagerstown or Frederick, Md. Rooms will also be available for those wishing to stay over

on Saturday. Touring members are asked to arrive at the hotel on Friday evening for an overnight stay so the group can board the bus and promptly leave the hotel parking lot at 8:30 a.m. on Saturday.

Hagerstown, Md., is an easy 2 1/2 hour drive from Greensburg; Frederick, Md., is about 15 minutes further east.

The WBA will cover the cost of the tour bus. Tour guests will be responsible for their own transportation to the hotel, all hotel charges, their own food, and a nominal fee at the Antietam National Battlefield.

THE ITINERARY

The day-long tour will cover part of the Battle of South Mountain (September 14, 1862), and all major parts of the Antietam National Battlefield. As in the past, we will attempt to schedule a mid-day lunch break at the Bavarian Inn in nearby Shepherdstown, Md.

After completion of the tour in the afternoon, the group will return to the hotel around 5:00 p.m. For those planning to stay over Saturday night, a group dinner may be arranged.

Harpers Ferry, W.Va., is located a short distance south of Antietam National Battlefield, for a self-guided tour on Sunday, September 9.

ANTIETAM BATTLEFIELD TOUR SATURDAY, SEPTEMBER 8, 2012

YES, I will definitely participate in the Antietam Battlefield Tour.

WBA member name _____

Name(s) of guest(s) _____

Mail to WBA, 129 N Pennsylvania Ave, Greensburg PA 15601-2311, fax 724.834.6855, or e-mail westbar.org@westbar.org by Friday, June 29, 2012.



The Science Behind DUI and Field Sobriety Testing

2.5 Substantive credits available

Tuesday, July 10, 2012

Wednesday, July 18, 2012

12:00 pm - 2:45 pm

WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 9 or July 17)

CLE Credit

WBA Members- \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

Waived for Young Lawyers
(practicing 10 years or less)

WALK-IN:

CLE Credit

WBA Members- \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers
(practicing 10 years or less)

Pizza and soda will be provided.

Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at

724-834-6730, or

by email at westbar.org@verizon.net

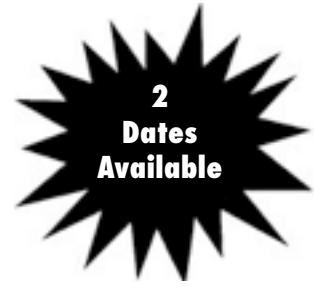
Bench/Bar attendees who did not receive CLE credits for this seminar at Bedford Springs are eligible to receive 2.5 FREE substantive credits for their attendance on July 10th OR July 18th.

Real-time demonstration of the science behind DUI and field sobriety testing.

Speakers:

Officer George Geisler, DRE — PA DUI Association

Trooper James Gregg — PA State Police



2.5 SUBSTANTIVE Credits are available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register.
OR submit the form below.

Bench/Bar Replay

The Science Behind DUI and Field Sobriety Testing

July 10 or July 18, 2012

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Please register me for:

July 10, 2012 Seminar

July 18, 2012 Seminar

FREE - I attended the Bench/Bar and did not receive CLE movie credits

Enclosed is my check made payable to the Westmoreland Bar Association.

Bill my MasterCard VISA DISCOVER for \$ _____ (Amount).

Card # _____

Expiration Date _____

Three digit security code on back of card _____

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour

2.5 substantive credits available per day (\$75)

Non-Members - \$50 per credit hour

2.5 substantive credits available per day (\$125)

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers
(practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office,
129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm July 9, 2012 or July 17, 2012.**



Handling a Criminal Case Beginning to End

2 Substantive Credits Available

Tuesday,
July 17, 2012
12:00 pm - 2:15 pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 16, 2012)

CLE Credit

WBA Members- \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

Waived for Young Lawyers

(practicing 10 years or less)

Free for WBA Criminal Law Comm. members

WALK- IN:

CLE Credit

WBA Members- \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers

(practicing 10 years or less)

Free for WBA Criminal Law Comm. members

Lunch will be provided.

Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled,

please contact the WBA Office at

724-834-6730, or

by email at westbar.org@westbar.org

Learn how to handle a criminal case from the initial phone call through trial.

Topics of discussion:

- ❖ Preliminary Hearings
- ❖ Pretrial Motions
- ❖ Guilty Pleas
- ❖ Sentencing
- ❖ Engagement Letters or Fee Agreements
- ❖ How to Get Your Fees
- ❖ Court-Appointed Cases

Presenters:

The Honorable John E. Blahovec

The Honorable Charles R. Conway III

Timothy C. Andrews, Esquire

Judith Potoka Petrush, Esquire

FREE for WBA Criminal Law Committee Members not wishing CLE credit.

Coordinated by the WBA Criminal Law Committee

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register OR submit the form below.

Two (2) **SUBSTANTIVE** Credits are available toward your annual CLE requirements.

July 17, 2012
Handling a Criminal Case Beginning to End

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Enclosed is my check made payable to the Westmoreland Bar Association.

Bill my MasterCard VISA DISCOVER for \$ _____ (Amount).

Card # _____

Expiration Date _____

Three digit security code on back of card _____

Credit Card Billing Address _____

Pre-Registration Fees
CLE Credit: 2 Substantive Credits Available

WBA Members - \$30 per credit hour (2 credits = \$60)

Non-Members - \$50 per credit hour (2 credits = \$100)

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

FREE-I am a member of the WBA Criminal Law Committee

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, by 12 pm July 16, 2012.

Westmoreland Bar Association Forensic DNA Pathology

— An accredited provider for the PA Board
of Continuing Legal Education



— Live —

2 Substantive Credits Available



Karl D. Williams, MD, MPH
Allegheny County Medical Examiner

Dr. Karl E. Williams, MD, MPH, was appointed Medical Examiner of Allegheny County in January of 2007. Originally trained in Forensic Pathology in Allegheny County, he has over 20 years of expertise consulting on forensic cases and managing forensic laboratory staff.

Come hear how Forensic Biology has been revolutionized by DNA STR (Short Tandem Repeats) analysis. STRs offer the advantage of short analysis time, a high degree of discrimination, and the ability to look at small and degraded DNA samples. Samples as small as skin from under the nails of a victim, or cellular material left behind by casual contact (touch evidence) can be compared to possible contributors. Dr. Williams will detail the manner in which this new technology has changed forensic cases.

Under Pennsylvania law, the Medical Examiner has the power of subpoena and attachment, and may compel any witness to attend an open inquest into any death within the Medical Examiner's jurisdiction.

Two (2) Substantive Credits are available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register. OR submit the form below.

Forensic DNA Pathology

July 24, 2012

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Enclosed is my check made payable to the Westmoreland Bar Association.

Bill my MasterCard VISA DISCOVER for \$ _____ (Amount).

Card # _____

Expiration Date _____

Three digit security code on back of card _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour (2 credits = \$60)

Non-Credit:

\$10 Flat rate

Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm July 23, 2012.**

**Tuesday,
July 24, 2012
9:30 am -11:30 am
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 23, 2012)

CLE Credit

WBA Members- \$30 per credit hr.
Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

• Waived for Young Lawyers
(practicing 10 years or less)

Complimentary pizza & soda will be served at 11:30 am

WALK- IN:

CLE Credit

WBA Members- \$40 per credit hr.
Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

• Young Lawyers (practicing 10 years or less)

Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at

724-834-6730, or

by email at westbar.org@westbar.org

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Diane E. Murphy

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