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THE NEWSLETTER OF THE WESTMORELAND BAR ASSOCIATION
VOLUME XXIV, NUMBER 6
JANUARY 2013

Reflections on the Career of The Hon. John J. Driscoll

Editor's note: The Hon. John J. Driscoll retired from the Court of Common Pleas of Westmoreland County effective December 31, 2012, after eighteen years on the bench. He served as the Westmoreland County District Attorney from 1982–1994.

by The Hon. Joseph A. Hudock

by The Hon. John J. Driscoll

I received a note from Beth Orbison requesting a “farewell” piece for *the sidebar*, an ominous request. As I begin to write this, I note that it is to be in by November 21; and today is the 27th. So, with apologies for my lateness, I will write a few lines, hoping to be granted leave to proceed *nunc pro tunc*.¹ (I am usually on the other end of late submissions.)

As I begin this, I am sitting in the Social Security Administration local office, number 24 in line, awaiting my turn to submit forms—in my case, Medicare Eligibility forms—prior to the close of open enrollment. This is open enrollment time, but after December 7 (fittingly) penalties attach.

So, a few thoughts, randomly uttered.

The first lawyer I came to know well was Tom Anton. Even though I was just a teenager, Tom was unfailingly gracious, warm and interested in me. Probably our long, enjoyable pre-law friendship prompted me to consider our profession as something appealing. Many years later, with only 2½ hours left before I had to head out for Naval Candidate School in Newport, R.I., he would move my admission before a hastily convened court in President Judge Weiss’ courtroom, at exactly noon. As I passed through a randomly recruited receiving line, receiving congratulations from all, the last person to shake my hand was Tom. Into my palm, he inserted a \$100 check as my “first fee.” I stuck it in my coat jacket, and departed for whatever the Navy would require, not to return for four years.² Later, I had the check framed and have never passed by it without thinking of Tom and how much he meant to me. I look at it today and am reminded of how the small things can make a big difference in life, and wonder whether I would have even thought of a career in law had I not known and been encouraged by Tom.

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¹ Editor's note: Motion granted.

² About a week or so later, Reg Belden, Alan Berk, Jim Kopelman, and Tom Cole were admitted.

On the auspicious occasion of Judge John Driscoll’s retirement after more than three decades in public office, I have been asked to write some words about John, whom I’ve known for more than 40 years. In reviewing my experiences with him over these many years, I can’t help but notice that certain themes

come up again and again: John’s loyalty, friendship, kindheartedness, and genuine love for his fellow human being. For the legions of people who know



him like I do, and call him a good friend, this comes as no surprise.

I first met John in 1970 when he joined Avra Pershing’s law office in Greensburg. I had been working there since 1968 upon my return to Greensburg after a stint as a Navy lawyer. At that time, Avra Pershing was the dean of defense counsel in Westmoreland County and had a very busy practice. I found that Avra’s office was a great one to gain experience in litigation. Avra’s practice was mainly insurance company defense work, which led one way to state that we had

continued on page 11

President's Message

Yes, Virginia, There Is ...

by David S. DeRose, Esq.

Yes, Virginia, there is a Santa Claus. Santa Claus, a/k/a Captain Richard Galloway, arrived on the top floor of the WBA offices (I think by way of a BMW named Rudolph) on a Thursday evening in early December to a tumultuous welcome by more than 30 wide-eyed youngsters.



One little guy proclaimed that *our* Santa was the one and only Santa, the real jolly old elf. This put me in mind of John Payne in "Miracle on 34th Street" declaring his client, Kris Kringle, to be Santa Claus to an astonished New York City courtroom. This assertion was supported by the U.S. Post Office (a branch of the Federal government) in delivering mail addressed to Santa Claus to Mr. Kringle—and only to Mr. Kringle. We, the Westmoreland Bar Association, officers of the Court of Common Pleas, have declared our Richard Galloway, Santa Claus, and I am so pleased that we did.

Santa Dick gives me another reason in my President's column to tell you what a privilege it is to be a member of this wonderful organization. This was a great gathering for young and old—the kids, their parents, and grandpa and grandpa! I only wish more of

you could have been a part of it. It epitomizes what is so special about the WBA.

There is nothing more satisfying than to see a child's eyes light up, which caused me to think back to days past when thoughts of Santa coming down the chimney and delivering a two-gun holster, cowboy hat, fire truck, or soldier gear was as good as it gets! There was a wholesomeness and simplicity to those things in my youth



▲ Santa Dick, his two lovely elves (at left), and two of his biggest fans.

and our gathering with Santa Dick brought it all back to life.

That same intensity permeated the room, although I am sure the "lists" were filled with electronics and much larger price tags than years ago. The innocent smiles and laughter of the children, the friendly chatter in the room full of anticipation, and Santa's most agreeable nature and cautionary instructions to his charges, all made the world right that evening.

I hope this season brought smiles and laughter to all of you and your families and that the positive energy

generated at this time of year will carry forward in this New Year reinforcing the collegial spirit that binds us together.

So ..., "Yes, Virginia, there is a Santa Claus ... Thank God! he lives, and he lives forever. A thousand years from now, Virginia, nay, ten times ten thousand years from now, he [we are pulling for you, Captain Dick!] will continue to make glad the heart of childhood." And the hearts of we adults! 🍷

Sincerely,



WBA President David DeRose (right) enjoying the Holiday Dinner Dance along with Silent Auction Co-Chairs Joyce Novotny-Prettiman (left) and Jessica Rafferty (center). Proceeds from the Westmoreland Bar Foundation Silent Auction go directly to providing operating funds to the Pro Bono Program, which provides legal help for low-income Westmoreland County residents.

Remembering H. Nevin Wollam

Editor's note: H. Nevin Wollam died Saturday, May 5, 2012. He is survived by his wife, Mary; two sons, Gerald and his wife, Debbie, of Albuquerque, N.M.; and Doug and his wife, Debbie, of Kansas City, Mo.; a daughter Patricia, and her husband, Tim Mason, of Greensburg; four grandchildren; and five great-grandchildren.

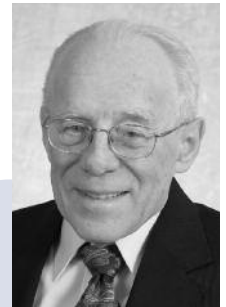
by P. Louis DeRose, Esq.

When Nevin Wollam died on May 5, 2012, at age 89, a lifetime of research on the Westmoreland Bar Association came to an end. Even though Nevin retired in 2005, after more than fifty years of practice, he continued to work on his life's great project—the history of our Bar Association, and each and every lawyer who had ever been a member.

The written records, minutes, and articles collected by the Bar Association and Nevin, himself, resided in his house. He and I collaborated on a chapter for the 100th anniversary of the Westmoreland County Courthouse book in 2008 named "This American Courthouse." Collaborating is a bit of a misnomer, because in our work sessions, I was the scrivener while Nevin, from his head and his notes, dictated most of the primary material.

He told me he was frustrated that he might not have enough time to complete the history of the members he had been compiling for forty years. In truth, it was more work than one mortal could do in a lifetime. But he wasn't known as the "Tiger" lightly—in a 2005 interview, someone asked Nevin what his motto was and he answered: "Never give up."

Nevin was the past-Chair of the WBA Historical Committee, and, for many years, was Chair of the Municipal Law Committee. He had been President of the WBA in 1974–1975 and later a member of the House of Delegates of the Pennsylvania Bar Association.



▲ Nevin Wollam

A World War II veteran, Nevin served in the Army in England, Germany, and Japan. After the war, he graduated from Washington and Jefferson College and the University of Michigan Law School. Nevin is survived by his wife, Mary, as well as two sons and a daughter. He also leaves behind almost five hundred fellow members of the Bar Association; and, hopefully, a few equally-as-dedicated members who will continue his life's project. 🇺🇸

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.



H. Nevin Wollam will be among those remembered at the WBA 51st Annual Memorial Service to be held at the Courthouse in May 2013. Please plan on joining us to honor our colleagues.

CORRECTION

Frank Schiefer is the Recorder of Deeds of Westmoreland County. We spelled his name wrong in the last issue of the sidebar and apologize for the error.



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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November 2012 Civil Trial Term

Jury Trial Verdicts

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

Of nineteen cases listed for the November 2012 Civil Jury Trial Term, five settled, eleven were continued, one was stayed, one proceeded to a non-jury trial, and one jury trial was held.

**ROBERT CAMILLI AND MARCIA CAMILLI,
HUSBAND AND WIFE**

V.

**PRIVATE INDUSTRY COUNCIL OF
WESTMORELAND/FAYETTE, INC., A CORPORATION
OR OTHER SIMILAR BUSINESS ENTITY, T/D/B/A
HEAD START OF FAYETTE COUNTY; DIANE FIGG,
AS ADMINISTRATRIX OF THE ESTATES OF
DOM MONGELL, A/K/A DOMINIC MONGELL,
DECEASED, AND SUSAN MONGELL, DECEASED
NO. 8998 OF 2007**

Cause of Action: Negligence—Personal Injury—Premises Liability

On December 16, 2005, Plaintiff Husband slipped and fell on a patch of ice as he stepped from his delivery van onto the parking lot that was used by the Head Start Program (operated by the Defendant Private Industry

Council), and owned by Defendants Mongell. He sustained an injury to his right shoulder, and required surgery. In addition, he lost earned income.

Plaintiffs presented the expert testimony of a meteorologist concerning the weather conditions on the day in question. They argued that Defendants, as owners and occupiers of land, breached their duty of care to the Plaintiff in the maintenance and use of the land and failed to protect him from foreseeable harm caused by the dangerous condition of an accumulation of ice.

At the conclusion of Plaintiffs' case, Defendants made a motion for a compulsory non-suit, arguing that Plaintiffs failed to prove that Defendants were negligent under the "hills and ridges" doctrine. See *Rinaldi v. Levine*, 176 A.2d 623 (Pa. 1962). The motion was granted.

Plaintiffs' Counsel: Joyce Novotny-Prettiman, QuatriniRafferty, P.C., Gbg.

Defendant PIC's Counsel: George N. Stewart, Zimmer Kunz, PLLC, Gbg.

Defendants Mongell's Counsel: Dennis J. Slyman, Gbg.

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

Result: Verdict for the Defendants. 🏆

NED J. NAKLES, JR.
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Pennsylvania Super Lawyers
Pittsburgh Magazine: Best Trial Lawyers
in Westmoreland County
Philadelphia Magazine: Top Attorneys
in Pennsylvania

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

practice tips

by The Hon. Daniel J. Ackerman

Neil Simon's play, *The Odd Couple*, was a Broadway hit and enjoyed an extended life in both film and on television, because in the exaggerated characters of the obsessive Felix Ungar and the slovenly Oscar Madison, we could see snippets of ourselves and those around us. The play emphasized a divide in human nature which has likely always been there, but one that seems now more apparent. It can be found in all walks of life, and the legal profession is no exception.



Recently, a law clerk in another county told the judge that the defense attorney would not be filing a brief in opposition to the plaintiff's motion for summary judgment because counsel believed that defendant's previously filed answer was adequate, and he wanted to save the client money (Oscar always did have a big heart). Now, there is an idea; make it cheaper for the client by offering abridged service. If Felix Ungar had been the lawyer, however, I suspect that he would still have provided the court with a concise and orderly brief containing a few relevant citations to case law and statutes, and perhaps would not have charged the client for its preparation. Fortunately, in the real-life adaptation of Mr. Simon's play, we (including judges) are free to cast ourselves in whichever role we choose.

How often we have been told that preparation is the key to effective representation; yet the few Oscars at the bar see no need for such tiresome efforts, and choose to "wing it," suggesting that the court simply needs to recognize the fairness of their argument without citing any authority; or they stand before the jury box offering up the same memorized platitudes about jury service, the burden of proof, and all the other boilerplate which they have used over and over again since their first trial, failing to recognize that seldom does one size fit all.

Oscar was an appealing, likeable character, seemingly immune to worry; but if he had been a lawyer rather than a sportswriter, we know that he would be chronically late for court; belatedly, or never, returning his clients' telephone calls; seeking one continuance after another on the ground that he was not ready; failing to appear at the call of the list; and presenting more than his share of *nunc pro tunc* petitions—shortcomings that could never be attributed to the uptight Felix, were he a member of the bar.

Felix, of course, also made himself a nervous wreck in his pursuit of perfection—a state that, of course, is not

Let's Hear It For Felix

desirable in a lawyer, but I would suggest that need not be a side effect of our profession. For with plodding research and preparation, the Felix-like lawyers are likely to find a certain satisfaction in the knowledge that they have not missed a Statute of Limitations or the deadline for filing a motion—a satisfaction which is often elusive to the under-prepared.

Finally, the remaining distinction between these two lovable characters was their appearance. At the bar, however, there is little contrast in this area: lawyers are always well dressed, at least for court. But if we were looking for role models, of the two, we would do better to emulate Felix. There are present members of the bar I could offer as positive examples, but not wishing to appear to be playing favorites, I will simply ask you to recall the late, impeccable Tom Ceraso, who always looked the part of a successful lawyer—which he was—and whose desktop was reportedly free of all files and clutter. Rather than the lawyers, it is the clients and witnesses who need a clue concerning appearance. I know we now dress more casually, but there is a time and place for everything. When I was a practicing lawyer and a client would ask how they should dress for court, I would say, "Dress like you're going to church." What could I possibly tell them today? 🍀

where in the world IS THE WBA MEMBER?



This photo was taken of me in front of Yankee Stadium before the Yankees' American League Division Series game on October 11 against the Orioles. I am holding the last sidebar issue—handy reading on the B train from Manhattan to the Bronx.

— Judi Petrush

NEW YORK, NEW YORK

bookmark What Have You Been Reading?

by James R. Antoniono, Esq.

I am a very eclectic reader. At any given time, I might be reading Umberto Eco or one of the books written by the very prolific writer W.E.B. Griffin. Although I enjoy reading both fiction and non-fiction, my favorite books are historical fiction. Colleen McCullough's series starting with "The First Man of Rome," begins in 110 BC; eight volumes and about 6,000 pages later, you have traveled through 68 years of fascinating history to 42 BC. On the advice of a friend, I have just started reading "Wolf Hall," by Helen Mantel. So far, she has written two books in the series, and they cover the times of King Henry VIII and Thomas Cromwell. The second book is titled "Bring Up The Bodies."



▲
Jim Antoniono

My favorite authors are Hemingway, Clavell, Ludlum, Tom Wolfe (even though he is terrible at writing endings for his novels) and David McCullough. Endings, in general, are my pet peeve with fiction: there are only a few authors who know how to write a good ending.

PHYSICS OF THE FUTURE ❖ by *Michio Kaku* ❖ This is a book about how science will shape our lives by the year 2100 in the following areas: computers, artificial intelligence, medicine, nanotechnology, energy, travel, wealth, and humanity. The author looks at each of these areas in three time periods: Near Future, the present to 2030; Mid-Century, 2030 to 2070; and Far Future, 2070 to 2100. My father was born before the first plane flew and lived to see a man on the moon; this book gave me a peek at what my grandchildren might see during their lifetimes.

A WALK IN THE WOODS ❖ by *Bill Bryson* ❖ Over the past ten years or so, a number of individuals have suggested that I read this book. I regret not doing so sooner. This is NOT a book I would recommend to anyone who is serious about hiking the Appalachian Trail. It is, however, a great read about two guys who are unprepared for the hike, but have a great time making the effort. (They never do hike the whole trail.) The author is a great storyteller and will leave you in stitches at various points in the book. I can't wait to read other books by this author; if they are at least half as good as this book, they will be great reads.

UNBROKEN ❖ by *Laura Hillenbrand* ❖ This is a true story about the life of Louis Zamperini, a great runner who competed in the Berlin Olympics and would surely have been the first man to break the four-minute mile, if it were not for WWII. Louis became an airman and was shot down over the Pacific. What Louis endured while in the Pacific Ocean was just a prelude to what was to come as a Japanese

POW. As I read this book, my mind would constantly think of Christ. Walthour, and how I wish I could sit down and talk to him about what Louis had to endure as a prisoner, and whether he knew about Louis and his POW camp through his involvement with the Japanese War Crimes Trials. It is no wonder that Christ., throughout his life, wanted nothing to do with anything Japanese.

HALF BROKE HORSES ❖ by *Jeannette Walls* ❖ Jeannette is best known for her book "The Glass Castle," a story about her mother. This is a follow-up book about Jeannette's grandmother, and is just as well-written as "The Glass Castle." Anything written by Jeannette would be a good read. She will be speaking in Pittsburgh as part of the Robert Morris Speakers Series in February.

SILESIAN STATION ❖ by *David Downing* ❖ This novel is the first of four books by the author covering the life of a British journalist living in Berlin in 1939, prior to the start of WWII. By the end of the fourth book, you are in Berlin as the war comes to an end. The book gives you some interesting insight as to how America viewed Germany prior to and during the early part of the war, and what life was like for the Jewish people and all non-Germans under Hitler. I especially enjoyed reading these books, having lived in Berlin for 2½ years in the mid-1960s.

THE GIRL WITH THE DRAGON TATTOO ❖ by *Stieg Larsson* ❖ This book, like the one above, is really one story

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written in the form of multiple books. Although the main character is Lisbeth Salander, there are a number of interesting characters in these books. I think I enjoyed this story because Sweden is the setting and it is a country on my bucket list of places to visit.

SEAL OF HONOR ❖ *by Gary Williams* ❖ This is the true story about Lt. Michael P. Murphy, USN. Lt. Murphy was a Penn State alumni who became a Navy SEAL after graduation and was killed in action in Afghanistan. Lt. Murphy became the most celebrated Medal of Honor winner since WWII. A memorial honoring Lt. Murphy was recently dedicated on the Main Campus of Penn State by Old Main. This is a difficult book to read without shedding a tear or two.

TOO BIG TO FAIL ❖ *by Andrew Ross Sorkin* ❖ This book is about the 2008 financial crisis, and it would be a real thriller, if it were not a true story. Despite being a story about financial institutions, it is a hard book to put down—our country was so close to financial collapse. This book gives a blow-by-blow, minute-by-minute description of what occurred. The author, amazingly, had access to an incredible amount of information about all of the players and the behind-the-scenes events that occurred.

THERE IS A RIVER, THE STORY OF EDGAR CAYCE ❖ *by Thomas Sugrue* ❖ I have tried to read anything I can find about Edgar Cayce, who had to have been one of the most amazing individuals to have lived in the 20th century. Cayce's psychic ability to diagnose illnesses, have out-of-body experiences, etc., was unequalled.

A RUMOR OF WAR ❖ *by Philip Caputo* ❖ This book is a memoir of the author's 16 months in Vietnam. It is about the reality that is war, from boredom to bravery. This book would have made good fiction, but for the fact that it is a true story. 🐾

Barking Up the Wrong Tree

Letters to the Judge

Your honor, Sir,
I have just pointed out to my cellmate, Jeeter, an item in the paper regarding a case being debated before the Supreme Court concerning just what and who you might expect to find on your front porch.

It seems that a Florida policeman was out for a bit of a stroll with his dog, "Franky," and Franky, being all dog, exercised what is a dog's right: to sniff at all of the world's odors. This, and his curiosity, led him to strain and pull on the end of his leash, dragging that officer right up onto the front porch of someone's house. And when Franky pressed his nose against the doorjamb, he became rather high-strung and unstable, so the officer knocked at the door in the hope that the occupant might explain just what there was about this particular peeling doorjamb that would cause his dog such angst.

When no one appeared to answer that rather straightforward and simple question, the officer scooped up Franky and together they were off to the magistrate's office to explain to that official just what had Franky so unnerved. The magistrate believed the best way to find an answer—and thereby spare Franky from neurosis—was to issue a search warrant, which, upon the execution of the same, revealed, to the officer's relief, that on the other side of that front door there was nothing more than a bunch of cannabis plants.

The Court is now going to have to tell us who has a right to visit your porch. The state's attorney argued that if there is a reasonable expectation of finding Girl Scouts, Halloweeners, and kids selling grapefruit for the band at your front door, why exclude K-9 police officers? And homeowners who don't like dogs should be up front about it and post a sign saying, "No dogs allowed."

Jeeter thinks that is simplistic, since dogs, even police dogs, are not taught to read, and the officer may just stand on the sidewalk and unleash Franky, who will head to the porch like a furry unmanned drone. Jeeter thinks the only recourse for the law-abiding homeowner is to tie their pit bull to the front railing.

Your friend,
Ricky H. Benbow, Sr. 🐾



Lawyers' Exchange

(Free to all members of the WBA)

INTERNSHIP WANTED My name is Jacqueline Jones and I am currently a pre-law student at the University of Pittsburgh looking for an internship in the field of law. I can be reached at 412-977-5628 or jhj15@pitt.edu.

foundation focus

Dennis Persin Honored with PBA Pro Bono Award



▲ Jonathan McAnney, Co-Chair, ACBA Public Service Committee, (left) and David Trevaskis, PBA Pro Bono Coordinator, (right) with 2012 PBA Pro Bono Award winner Dennis Persin.

Dennis N. Persin was named the 2012 Pennsylvania Bar Association Pro Bono Award winner at joint awards ceremony held with Allegheny County in November. In his remarks, PBA Pro Bono Coordinator David Trevaskis said, "As funding for legal aid programming faces cuts in these hard economic times and the number of persons needing such service grows, the work of pro bono attorneys, here in Allegheny County and around the Commonwealth, provides access to justice for many who otherwise would be without legal representation."

Trevaskis says Dennis understands the importance of service. "Dennis is an unemployment compensation hero. Whenever he is available, he willingly agrees to take a case. His conviction and dedication to helping the indigent is his true asset to the program."

Dennis' clients agree. "I was very depressed when I lost my job," one said. "I have no one, no family, and no other means of supporting myself. Welfare would have been my next step. Thanks to Dennis, the decision was reversed and I was granted my benefits." 🐾

Volunteers for Justice

The Pro Bono Program extends thanks to all the attorneys who volunteered their time from July through December 2012: Steven Allias; Timothy Andrews; James Antoniono; Ross Bash; Suzanne Bash; Jack Bergstein; Linda Broker; Richard Bruni; John Bumbaugh; George Butler; Peter Cherellia; Debra Cribbs;

BRIEFLY SPEAKING

Vincent J. Quatrini, Jr. and Dennis B. Rafferty were honored with the Westmoreland County Historical Society's Arthur St. Clair Historic Preservation Award at an awards dinner held in October. According to the Historical Society, Vince and Dennis were honored for their "significant contributions to the preservation of the important historic fabric of Westmoreland County by the adaptive reuse of historic buildings in Greensburg and Latrobe for their legal offices." The Seventh Ward School building on East Pittsburgh Street in Greensburg, which was built in 1908, was bought in 1985 and has been completely renovated to house the main office of QuatriniRafferty while preserving its architectural details. In 1996, the duo purchased the Citizens National Bank in downtown Latrobe. With the expertise of local craftsmen and contractors, the original grand atmosphere of the 1926 building has been restored.



Amy Cunningham; Eric Dee; Rebecca Fenoglio; Karen Ferri; Richard Flickinger; James Fox; Charles Fox IV; Mark Galper; Timothy Geary; Jeffrey Golembiewski; Dennis Gounley; John Greiner; Melissa Guidy; James Horchak; Karen Kiefer; Maureen Kroll; Irene Lubin; Shirley Makuta; Philip McCalister; Elizabeth McCall; Zachary Mesher; Paul Miller, Jr.; David Millstein; Debra Nicholson; John O'Connell; Gino Peluso; Dennis Persin; Jessica Rafferty; Matthew Schimizzi; Mark Shire; Andrew Skala; Harry Smail Jr.; Thomas Smith; Mark Sorice; Michael Stewart; Michael Stewart II; William Wiker; and Ronald Zera. 🐾

To-Wit: Glory Be

by S. Sponte, Esq.

Now, I've never been what you might call a God-fearin' man. Sure, there's plenty of anecdotal evidence to support the belief in the existence of a Higher Being, but even if such a Deity is to blame for the creation of our species, I've never been fully convinced that at any time thereafter He or She maintained any significant interest in the project.

Because of recent events, however, I am no longer certain of my incertitude; and no, I am not referring to the just-concluded Presidential election. Rather, I'm referring to a phone call I received a couple of days ago from a client.

"This just isn't working out between us," he had said. "I was very disturbed that you recommended yet another inadequate offer of settlement and I'm going to find a new lawyer to take my case in a different direction."

Now, by "inadequate," he was referring to the most recent settlement offer which encompassed all of his damages, all of his costs, and all of his counsel fees. Nonetheless, he had taken umbrage at my recommendation to accept it and he was not about to let his ire be overcome by rational thought.

**“Me want more,”
he had said.
“Why?” I queried.
“Because me do,”
he replied.”**

At the outset, I had had high hopes for both this client and his cause. Both began to wane as he turned down one reasonable proposal after another.

"It's a terrific offer," I had advised him this last time.

"Me want more," he had said.

"Why?" I queried.

"Because me do," he replied.

Now, when it comes to getting fired, I'm just like you: I don't like it. Unlike you, though, I'm not used to it.

So I sat there at my desk awhile, looking for my "woe is me," but it was nowhere to be found. Instead, as if driven by some deeply imbedded psychological refrain, my toes began to tap, taking my knees with them; my upper body followed suit, and the next thing I knew, I was jumping up and down, arms flailing about, hands pivoting back and forth, fully caught up in the self-same ecstasy of the healed invalid under a come-to-Jesus tent.

"Hallelujah, hallelujah," I shouted. "Glory be." My secretary, drawing what was, for her, the only sensible

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Intellectual Property Law Patents, Trademarks, Copyrights

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- Obtained patents in all major countries, including European Union, Japan, China, U.K., Germany, Brazil, Mexico, etc.

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

To-Wit: Glory Be

continued from page 9

conclusion possible from the ruckus, charged into my office with a fire extinguisher to put out the conflagration she always suspected I would someday start in my filing cabinet.

“I haven’t heard you whoop like that in ages,” she said, and yeah, she was right. I rarely whoop in the office anymore; then again, I rarely have my prayers answered in the office anymore either.

I know I should have fired this client as soon as I realized how irrational he was, but I just hate ruthlessly abandoning any client who pays the bill every month like clockwork; it’s a matter of principal. I also know that going to trial on a case that can be settled for a more-than-fair amount is one of the unholy of all professional sins.

And it was there—piteously trapped between the rocks and hard places of my own devise—that I might have remained, had it not been for the blessed intercession of a Deity who, *mirabile dictu*, smiled at me.

Why I was chosen to receive such divine beneficence while so many suffer the slings and arrows of outrageous clients alone I haven’t a clue, but God knows I deserve it, and can I have an “Amen.”

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New Member Sketches

TYLER J. JONES has been admitted as a participating member of the WBA. He earned his undergrad degree from Seton Hill University, where he majored in Political Science, and his J.D. from the University of Pittsburgh. Tyler is an associate with Mary Ann Petrillo in Irwin.

ZACHARY KANSLER has joined the WBA as a participating member. Zachary graduated from Lebanon Valley College with a degree in Political Science, and earned his juris doctor degree from Albany Law School. He is an associate with Tremba & Jelley in Greensburg.

KRISTEN C. WEIDUS was admitted to the WBA as a participating member. She earned a B.A. in English, with a minor in Ethics, from Hiram College, and earned her J.D. from The University of the District of Columbia David A. Clarke School of Law. Kristen is an associate with Tremba & Jelley in Greensburg. 🍀

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The Hon. John J. Driscoll *continued from page 1*

When I returned from naval service, I had two children and couldn't afford to dilly-dally. I went to 127 North Main Street with Avra N. Pershing and was immediately given 21 arbitration files, most of them subrogation claims, all set for hearings during my third week of employment. I can still remember those cases, and how difficult it can be to obtain an award when your witnesses refuse to comply with subpoenas and your client doesn't want to miss work just to benefit the insurance company.



▲
Avra N.
Pershing

I thought I was doing pretty well during my first year. I met all of the older lawyers, second-seated Mr. Pershing in trials, had a lot of assignments from the firm, learned to take depositions, attended settlement conferences, etc. I also felt quite important and needed, as Mr. Pershing would assign to me a lot of the non-insurance work—I handled land contests, a big private nuisance case in Ludwig, an adverse possession case from Norvelt, not to mention cases before the DJs—and properly each night turned in my daily time sheet.

We were expected to submit 42 units (7 hours) of billable time. It all seemed too good to be true. It was. At the end of the year, I was given a statement of account, showing that my "draw" had exceeded my billings by \$7,400. I was in debt!!! I learned that my time could be charged off or under-billed while Mr. Pershing billed at the higher hourly rate—actually, a very practical lesson in the operation of a law firm. Needless to add, over the next few years I worked hard to bring my account into balance.

(The SSA office has just called out "24" so I have to break off here and submit my application for Medicare Part B. I have blocked out this thought since LBJ enacted this legislation in 1965.)



▲
The Hon. Joseph A. Hudock and
The Hon. John J. Driscoll

Another comment on my time with Mr. Pershing: There, I met an associate who was gracious and generous with his time, knowledgeable and "on top of things," quite naturally skilled, and, in sum, an excellent lawyer. We became friends, and, over the next 40+ years, raised our children together, shared professional careers, and talked about everything—law, politics, religion, people, etc. (but never sports, because he knew nothing about sports), and now have breakfast together with our wives each Sunday at Valley Dairy. If there was anyone who ever influenced my views and thoughts, it was that man—Joe Hudock. (If he reads this, he'll quickly say he's not to be blamed and can not be held responsible for the things I say.) To this day, I can't avoid laughing at his jokes, even though I have heard them a thousand times.

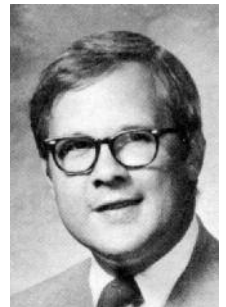
In 1975, I moved to the Coulter Building. Joe had gone with Henry Waltz (now long departed, but an example of the busy, effective lawyers that have lived and practiced law in our county), and then into the suite where we practiced together for about two years. By 1977, Joe was a candidate for the bench, and we were both introduced to the chaos and tension of political campaigns. Joe's campaign is one of my most vivid and exciting memories. He ran on the unheard-of theme, "Respect For Law, Respect For Courts." This

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been hired to defend insurance companies against unscrupulous widows and orphans.

One day, Avra called an office meeting and announced that a new man, one John Driscoll, would be joining us. I soon learned that everyone in Greensburg knew John, and more importantly, they liked him. Because I didn't know John, I immediately wondered whether I had been living under a rock.

Our friendship then developed almost immediately since John and I had followed similar career paths. We both had been officers in the U.S. Navy, and we both had young families and struggled to make ends meet.



▲
Judge Driscoll,
circa 1978

The first thing I noticed about John was he had learned well the disciplines the Navy taught him. He came to the office meeting with several pads of paper, several pens, and strict attention to everything that transpired. The rest of us were bored with the meetings. One of the members, Ron Leslie, would write obscenities on the sole of his shoe, and, at the appropriate time, would cross his legs in such a way so that the message was beamed at John Driscoll. John cracked up and had to excuse himself from the meetings.

Avra assigned John to try several arbitration cases, and John learned quickly. Avra then assigned him to try cases in Common Pleas Court and he was equally adept at that, employing his legal education and law review experience from the University of Pittsburgh's School of Law.

By the mid-1970s, John and I had left Mr. Pershing's office and found ourselves practicing law together in our own office we set up in the

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The Hon. John J. Driscoll *continued from page 11*

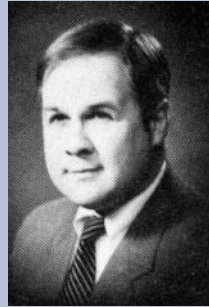
theme resonated. (Lawyers, more than any other group, know how fragile are our institutions of civil governance.) To this day, I remember more about his campaign than I do my own.³

When Joe was sworn in on December 29, 1977, two of the most important people in my life entered—Corinne Myers and Tony Marsili. Corinne had just finished a six-month course at BCI (Business Careers Institute) and was referred to me by the school's director, Tony Caletri, whom I had met in Rotary. Two weeks later, Tony, now Judge Marsili, entered. Tony had just graduated from Duquesne Law School and was awaiting the results of his bar exam. The three of us ran the practice until well into 1981, when I found myself a candidate for the District Attorney's position. (A fact more accidental than purposeful.)

I was elected in 1982 and put Corinne in charge of the administrative end of things; hired Bob Johnston to be First Assistant; later put Tony in charge of daily operations; hired long-time, distinguished State Police Detective-Sergeant Tom Tridico to be Chief Detective; and began life as the DA.

I learned from all of them. Bob, as you can imagine, was a fully formed, highly competent trial lawyer (he had been an assistant DA in Allegheny County). Bob was determined that our cases would be well-prepared and that we would appear timely in court and ready to actually try cases that needed to be tried. (Of course, this was exactly the opposite of the Public Defender's view, which was to try a case only if it couldn't be continued!) This meant taking on Dante Bertani. In this engagement, we won some and lost some, and, in the midst of it all, became friends.

Life in the DA's office could merit a piece much more extended than this. The best part, though, was working with dedicated, hard-working people. The secretaries and administrative support staff made things go and corrected a lot of mistakes that the rest of us made. After Bob, Al Bell became First Assistant; John Peck became Senior Trial Assistant; and many others (all of whom have gone on to outstanding careers) took on important roles—Tim Andrews, Judith Cizek, Peggy Picking (now Senior Deputy Assistant U.S. Attorney), Dennis Kistler (now a section head in the Attorney General's Office), then a whole generation of successors: Wayne Gongaware, Jim Fox, Donna McClelland, Terri Faye, Rita Hathaway (now Judge), Mary Beth Taylor, Tami Bernstein, Mike Ferguson, Larry Koenig, Tom Grace, Jack Christin (Senior Counsel to ebay), James McIntyre (now Chief Deputy of the Multnomah County District Attorney's Office), Amy Keim, Greg DeFloria, Emily Smarto, Chris Scherer (now Judge), Allen Powanda, Bill McCabe, Dan Myshin, Rob Boyer (now with the U.S. Department of Justice), Pat Noonan (former Asst. U.S. Attorney, now Deputy Counsel to the University of Pittsburgh), Bill Gallishen, Tim Geary, Larry Loperfido, Leslie Uncapher, John Greiner, Maria Danaher, Pat Merlino, Karen Patterson, Barb Jollie, and many others to whom I am indebted for their wonderful service. Though we transformed to a full-time staff, many part-time prosecutors made significant contributions—



▲ Judge Driscoll's 1985 WBA portrait

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³ There are a few memories I'd like to suppress. On March 1, 1977, our son, Patrick, was born. My wife and the new baby came home March 2. That night, Joe and I went to a candidates' night at the Italian Hall in Monessen. Jim Sepesky was challenging Tom Dalfonso for the mayor's office and there were to be 400 people there. I should never have left my wife alone at home with four children that night. She has forgiven me, but has not forgotten.

Coulter Building on Main Street. Along with insurance defense work, we would take almost any case that walked in the door. John's natural skills as a "people person" served him well in client development, and he was quite the rainmaker. I also recall that he easily and frequently became fast friends with many of the people coming in and out of our office. In fact, I think John's gregarious nature and good heart caused him to almost single-handedly send through college many salesmen's children with the commissions from the law books and yellow pages ads he bought from them.

Despite the ups and downs of a small-firm civil law practice in the 1970s, John and I remained good friends. Perhaps this friendship and loyalty is best illustrated by our experiences during my initial run for office. In 1977, I decided to run for one of the two judicial spots that were open in the fall election for Common Pleas Court. I told John about it, and without hesitation, John jumped in with both feet. He was valuable in obtaining the signatures on the petitions, and he spread the word about me quite well. John then vigorously campaigned for me, again spreading the word of my candidacy to his hundreds of friends and acquaintances he inevitably had in every VFW and fire hall in the county.

John's tireless work on my behalf, however, would soon create a serious problem for him. At that time, one of the endorsed candidates for judgeship was an assistant district attorney. John also was an assistant district attorney, and he saw no conflict in wearing my campaign button to work. I cautioned him that that didn't sound like a good idea, but John assured me that the people in his office were reasonable and fair and he could safely wear my campaign button. Several days later, he came into my office ashen-faced and announced, "Because of you, I have been fired."

It did not matter that John had a wife and several small children, that he had completed four years of active duty in the Navy, or that he spent one year in Vietnam away from his wife and children while the rest of us watched the progress of the war on television from the comfort of our living rooms. What mattered was that he had apparently stuck his finger in the eye of one of the thugs who was running the Democratic Party in Westmoreland County at that time.

Fortunately, for all concerned, I won the election that fall and was able, as one of my first official acts, to name John Driscoll as my law clerk. This was no act of charity. John had excellent research and writing skills and I was happy to have him close by my side as we struggled together to do our jobs.

Having experienced some of the good and the bad of politics, by 1981, John decided to work on a campaign again, but this time for himself, as he sought the position of District Attorney. Despite great odds against him, John prevailed and commenced a career in the DA's office that lasted multiple terms with multiple campaign victories. While DA, John led an efficient office where many current and well-respected Westmoreland County lawyers worked to convict criminals and help keep our community safe.

All the while, our friendship continued, and in 1989, when I decided to run for one of the two seats open on the state Superior Court, once again, John enthusiastically jumped into the fray and was invaluable. He helped me financially, he used his army of friends to spread the word about me, and he even drove me to many campaign events throughout the state.

One of these events was the state democratic dinner in Harrisburg. John and I drove



▲ *Judge Driscoll and his wife, Anne, at the 2001 Holiday Dinner Dance.*

down to Harrisburg and checked into the Red Roof Motel (this was a low-budget campaign). Following the meeting, at which John shook hands with everyone in the room, we decided to have a nightcap before retiring. We drove up and down the highway looking for a bar, and the best we could come up with was one that had a rather full parking lot, but most of the vehicles were motorcycles.

I walked in, and the first thing I noticed was a young woman standing at the bar. The man next to her was

decked out in gold chains, earrings, tattoos, and had his hand firmly planted on her rear end. We were in a biker bar!

I went up to the bar, all the while trying to remove my tie so as not to look like an undercover police officer. The bartender growled at me, "What do you want?"

I used the best growl I could muster and replied, "Gimme a beer." He reached into the cooler, pulled out a bottle of beer, and slammed it down on the bar so hard I thought he broke the bottom of the bottle.

He then turned to John and said, "What do you want?"

What I heard next caused my whole life to pass before my eyes. I heard John ask, "Oh ... do you have any wine spritzers?" All I could imagine at that point was that we would die that night and they would find our bodies in the dumpster with empty wine bottles stuffed into unmentionable places.

The bartender replied, "Nah, we ain't got none of that sh*t." Thankfully, John settled for a beer and the crisis dissipated.

By 1994, John had decided that he wanted a change, so he sought an appointment to a vacancy on the Court of Common Pleas. He obtained it, and then campaigned for the position the next year. Not surprisingly, John again used his natural people skills and heartfelt sincerity to get the votes of Westmoreland County's residents to propel him to another election victory. These same skills, along with his natural intelligence and legal skills, have served John throughout the last 18 or so years as he has presided over civil, criminal, and family court.

But John has truly found his niche in the Family Court Division of
continued on page 14

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The Hon. John J. Driscoll *continued from pages 12 and 13*

John Blahovec (now Judge), Pat Mahady, Jerry Fajt, Bruce Tobin, Gino Peluso, Tom Himler, and Jerry Little, all significant contributors.

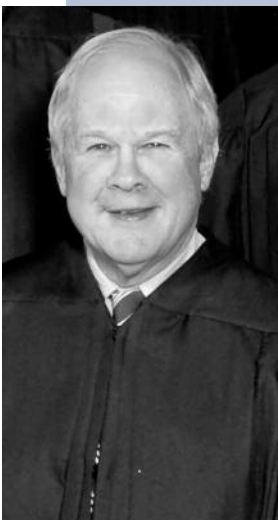
Our District Attorney's Office is different from most. It has a corps of detectives who support the mission of the District Attorney and provide valuable assistance to municipal police departments. Since 1986, the bureau has been capably led by Mike Brajdich. His leadership for over 25 years has been a foundational component of law enforcement in our county. I came to rely on him—as does John Peck—and I always have thought that he is just the type of fellow soldier you want at your side when the incoming artillery fire is heavy.

When reflecting on foundations, I think of John Peck, to whom I assigned the Lesko and Travaglia cases in 1985. John has prosecuted those matters for 27 years and, as far as I know, has never sought a delay of any scheduled event in any court, state or federal. John became DA in December 1994, the day after I left. He is disciplined, determined, and effective. He has quietly built an excellent office and an outstanding personal trial record. (John is unusual. He leaves his house before 6:00 a.m. daily, and is in church—actually in my church in Greensburg—by 6:40 for daily Mass. Last year, he gave me a book of spiritual daily readings, for use at the early morning Mass. I was struck by the irony: he generously helps me to save my immortal soul, then spends his day litigating death for others.)

When I first entered my new judicial office in December 1994, I felt a bit saddened at my departure from the DA's office, but Judge Marker welcomed me with a complete list of custody cases, PFAs and non-support petitions. Since then, except for two years in criminal court, I have been in family court. I returned to family court from criminal court partly on the suggestion of Judge Marker, but also because I was having difficulty maintaining focus during the incessant guilty plea colloquies, even though I thoroughly enjoyed my trials, motions, and the legal issues. There have been days when I have questioned my decision, but I have to say, I have learned so much from the people who have found themselves in family court. Like many judges, I would prefer decisions to be made outside of court proceedings, by parents and families themselves, possibly with assistance from social workers and therapists. In cases I have decided, I have been

appreciative of the judge's power, but would have liked a bit more judicial wisdom.

I am often asked whether one's view of things changes after becoming a judge. Perception of people's needs becomes acute. I value, more than ever, the lawyers who bring clients' causes before the Courts, and I have been privy to many conversations among my fellow judges in which they genuinely discuss and question cases, decisions, rules, and outcomes. I feel part of a time-honored, important, and necessary profession. We are expected to serve our client's interests, to comply with many rules and traditions, to submit to scrutiny of our professional affairs at any time, to perform pro bono work, and be financially self-sustaining. Ours is not a profession for the lazy or faint-of-heart. I am proud to be a participant. I just don't know where these 40+ years have gone. 🍷



the Court of Common Pleas, and he eventually served as the Administrative Judge of the Westmoreland County Juvenile Court. Those who have witnessed John in action are impressed by the colloquies he conducts with juveniles. Perhaps it is John's deep religious faith, his love of his own wife and family, and genuine concern

for people that causes John to excel in dealing with the emotionally draining, yet extremely important, work in our juvenile and family court.

I could not write about John without discussing his wife and family from whom he receives great strength.

John has a lovely wife, Anne, but for some strange reason I believe she has taken a dislike to me. It all goes back to the night several years ago when Anne brought their fourth baby home from the hospital and John went out campaigning with me. My efforts to explain to Anne that all of us must make some small sacrifices in order to obtain good judges went to no avail. She says she has forgiven, but she does not forget.

Years ago, I bought my first station wagon and was so proud of that vehicle. It was yellow in color and had fake wood-grain strips on the side, which were really made of vinyl paste. Nevertheless, I was very proud of my new vehicle. My wife and I drove over to John and Anne's house to pick them up to go to dinner. Anne reached inside the back door to open the lock, and the whole mechanism came off in her hands. Without missing a beat, she said, "As I always say, you get what you pay for."

John and Anne have five children of whom they are rightfully proud. All are super achievers in their chosen

▲
Judge Driscoll and John Peck at the 2001 Holiday Dinner Dance



A retirement tribute celebrating Judge Driscoll's many years of service to Westmoreland County was held on November 19, 2012, at Megan's Suite at The Palace Theatre in Greensburg. WBA members can view more photos online at wbaphotos.shutterfly.com.



fields, and each has been served well by the foundation of love, faith, and family that John and Anne have provided for them.

Finally, John's service to the community is an impressive and significant part of his life. For decades, John has been involved in a multitude of activities, including serving as a trustee of the Excelsa Westmoreland Hospital; as a past president of Rotary Club of Greensburg; as a member, director, and solicitor of the Westmoreland Chamber of Commerce; and as a long-time member of the Pitt-Greensburg advisory board.

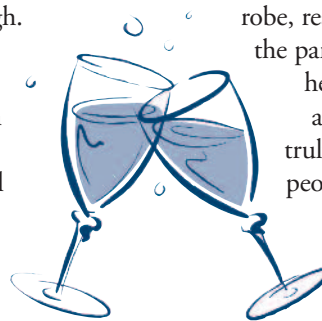
In fact, in 2010, John received the University of Pittsburgh Legacy Laureate Award. The award was

established to honor University of Pittsburgh alumni for their outstanding personal and professional accomplishments. It is the highest honor bestowed on alumni of the University of Pittsburgh. The President of the University of Pittsburgh at Greensburg, Dr. Sharon P. Smith, stated, "We are pleased that Judge Driscoll has received the Legacy Laureate Award and believe he personifies the values we treasure in the Pitt Pledge—integrity, mutual respect, and concern for others."

You will also find John on many weekends and holidays officiating at a

wedding ceremony or giving a speech to a charitable organization. While many Judges dread spending a July Saturday officiating at a wedding in a public park, in a judicial robe, reading vows written by the participants, John's good-heartedness cuts through any cynicism, and he truly enjoys being part of people's celebrations.

John has had a distinguished career and is deserving of the many awards he has been given. I am proud to call him my friend. He is indeed deserving of a wine spritzer toast, but unfortunately, I cannot find a recipe for wine spritzers. 🍷



Westmoreland Revisited

The Darr Mine Disaster

by The Hon. Daniel J. Ackerman

On Christmas Eve, 1907, the coroner allowed the release of the bodies from the temporary morgue. On the doorways and windows of homes in Jacobs Creek, Van Meter, and Smithton in Rostraver Township, the usual rudimentary seasonal decorations were replaced by black wreaths. Horse-drawn wagons would take most of the remains two miles to a non-denominational cemetery where four 112-foot rows had been chiseled from the cold ground to receive the unadorned caskets purchased by the Pittsburgh Coal Company at a cost of \$12 each. Those identified as Roman Catholic were taken to Connellsville, some eighteen miles to the south, for interment.

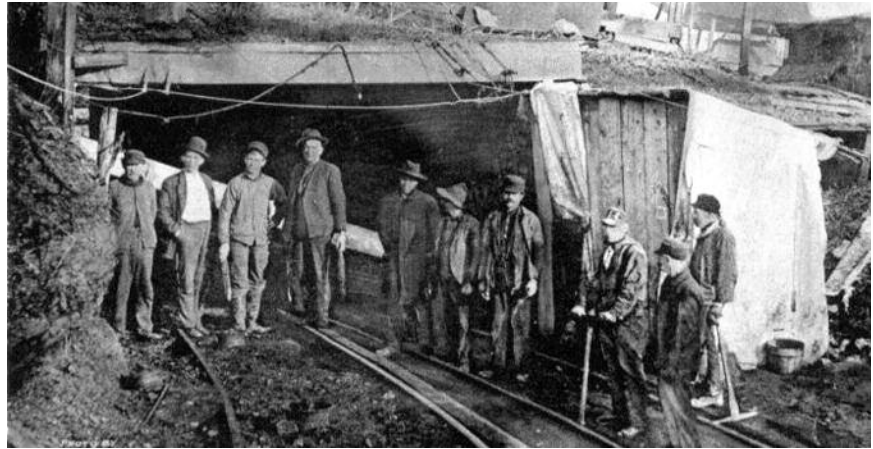


▲ The Hon. Daniel J. Ackerman

Five days earlier, on the morning of December 19, 240 miners—men and boys—entered the Darr Mine to begin another shift with the common purpose of extracting bituminous coal to feed some of the more than 10,000 coke ovens operated at 48 different locations throughout the county. Only one made it out.

THERE CAME A RUMBLING SOUND

A normal complement would have consisted of about 400 workers, many of whom were among the 1.5 million immigrants who had entered the United States since the beginning of the year. But on this winter morning, only 240 reported for work. The mine had been closed for two days before in celebration of the Feast of Saint Nicholas, and many of the eastern European miners, who were followers of the Orthodox faith, added an extra



▲ Miners who were members of one of the rescue teams prepare to enter the slope entry to the Darr Mine following the explosion on December 19, 1907. [Photo credit: Don Lancaster, Indiana, Pa., via patheoldminer.rootsweb.ancestry.com]

day to their leave, most to attend church, since on the Julian calendar, the actual feast day fell on the 19th.

About a half hour before noon, the tenth train of loaded cars was brought out to the tippie. Then, as the New York Times would report, “*there came a rumbling sound, followed immediately by a loud report and concussion that was felt for a radius of several miles. At the same time there came out of the mouth of the mine an immense cloud of smoke and dust that floated across the Youghiogheny River.*”

The concussion broke windows in Jacobs Creek on the far bank, and struck like a dagger the hearts of those still at home, for there was no doubt what the sound and vibration meant. In the town, the immediate reaction was to rush to the scene, but the only means of crossing the river at that point was by way of a “sky ferry,” a basket-like car hanging from a cable spanning the river, in which men could pull themselves back and forth, and it could accommodate only six people at a time.

Before the terrible reverberation, the cloud of dust, and the panic which

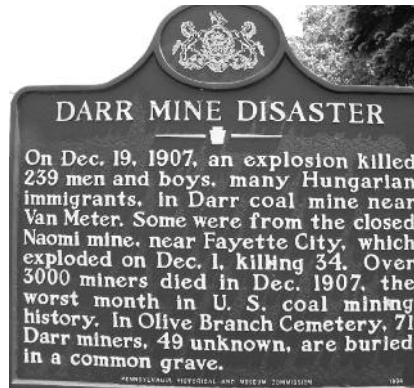
gripped the community, the Darr mine of the Pittsburgh Coal Company—located on the west bank of the Youghiogheny and adjacent to the tracks of the Pittsburgh and Lake Erie Railroad—was the company’s largest, with a daily output of 2,000 tons. Its equipment was updated and included its own complete electrical plant. One of the oldest mines in the field, it had been producing coal for 65 years.

Mine accidents, of course, were always a threat, and 1907 was on its way to becoming the deadliest year on record for miner fatalities. However, it could be rationalized that there were also more mines and miners than ever before, and this was a modernized mine, the company’s flagship. There was no reason to fear that a disaster on the scale of what had occurred nearly 16 years earlier, on January 27, 1891, when 109 miners were killed in Mount Pleasant Township’s Mammoth mine, would reoccur at Darr.

Before 11:30 that morning, a pumper, Joseph Mapleton, realized he was running short on oil and left his worksite where most of the miners were to begin a long uphill walk

toward the mouth of the mine's slope opening and the engine room beyond to get more. He recalled: "I was near Entry No. 21 when I heard an awful rumbling. I started toward the entry, but the next instant I was blinded and for a little time I did not know anything. Then I got to the side entry and worked my way out." After having some wounds quickly dressed, he would join the rescue parties being organized by mine superintendent William Kelvington, which would shortly include a hundred men.

To the dismay of the rescuers, they encountered a collapse of the mine roof 1,500 feet in from the mouth, which blocked any prompt access to the men who they knew had been working a mile and a half beyond. Of the 240 men who had entered the mine that morning, Mapleton would be the sole survivor. The realization of this fact was more than could be borne by some: one man "went insane" and committed suicide, while a wife and mother who lost her husband and two sons tried to drown herself in the river.



▲ A Pennsylvania Historical and Museum Commission Historic Site Marker on Route 981 commemorates the Darr Mine disaster.

CAUSE AND EFFECT

The search for survivors would eventually give way to the search for the cause. Three reports would address the issue: one from the company's engineers and experts; another in the form of a verdict from a coroner's jury; and a third from the Pennsylvania Department of Mine's inspectors. All reached different conclusions.

The company's submission found that on the morning of the explosion, the fire boss found a roof fall in one section of the mine which he considered dangerous, since the fall could possibly liberate gas, and he had the section fenced off. It concluded that this was the area where the explosion originated. The bodies of five miners were found in the forbidden section, some 200 feet or more beyond the fencing. The authors of the report were of the opinion that the blast was caused when these workmen crossed through the danger barrier and the open flame on their head lamps came in contact with escaping gas. Since the miners entered the forbidden area without the knowledge or consent of their employer, the report exonerated the owners of any responsibility for the eruption.

Within a month of the explosion, a jury of six "good and lawful" men assembled by Westmoreland County Coroner Charles A. Wynn returned a verdict on the cause of the disaster.

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The Darr Mine Disaster *continued from page 17*

The inquest was held January 16–18, not in the newly opened courthouse, but at Smithton, two miles north of Jacobs Creek. The witness list contained twenty-two names, one of which was the mine superintendent, William Kelvington. Joseph Mapleton, the sole survivor, was not mentioned.

THE JURY'S FINDINGS

The jury had viewed, among others, 52 bodies of unknown white males of unknown residence and age. Nineteen miners were never found; it was presumed that their bodies were buried under roof falls and debris. The remainder of those which were capable of recognition, ranged in age from 14 to 56.

The jury's verdict was that all the deaths were *"from an accidental explosion of gas ignited by an open light at an initial point which we are unable to determine owing to a difference of opinion between the inspectors and experts... We find the Bituminous Mining Laws of Pennsylvania were fully obeyed by all those having charge of the said Darr Mine for the Pittsburg Coal Company."*

Then, however, as if the jury were not completely satisfied with its decision, the verdict went on to cite the necessity of addressing a long list of suggested improvements: rigid compliance with the mining laws; additional safety legislation; the use of flameless explosives; better ventilation;

miner safety education; reduction of coal dust; stricter penalties; more inspectors; the search of miners for combustibles before allowing them to enter the mine; and the exclusive use of locked safety lamps.

The jury's call for more inspectors was coupled with a statement which hit a nerve as evidenced by the report subsequently issued by the Department of Mines. For the verdict went on to say: *"[A]s this mine was not inspected for over three months previous to June 15, 1907."*

The Department's report contained a somewhat heated rejoinder questioning how the supposed lack of inspections at a time six months before the explosion could have in any way contributed to the disaster, when an additional inspector was assigned to the mine in June and inspections were conducted on June 15 and 16, September 12 and 13, and on December 9. In fact, the report stated that yet another inspection would have been made at Darr on the day of the explosion, but the inspector had been called away to further examine the adjoining Banning mine.

The report goes on: *"At every important coroner's inquest held in Western Pennsylvania of late years to inquire into the causes of accidents that resulted in serious loss of life, an effort has been made by the Coroner to lay blame upon the inspector by assuming that he did not do his full duty."*

A DIFFERENT CONCLUSION

As we have seen, company investigators blamed a few errant miners, and the coroner's jury concluded that this was simply an accidental explosion; but the investigators from the Department of Mines reached an entirely different conclusion: they faulted the management of the mine.

"We are of the opinion that had well-known safeguards, such as ample and efficient ventilation, the use of safety



▲ *The miners and their fate are recalled by a stone memorial in the Olive Branch Cemetery in Belle Vernon. The marker was erected in 1909 by the Hungarian-American Federation.*

explosives, the thorough wetting and laying of dust, the use of locked safety lamps, the employment of shot firers, and the maintenance of rigid discipline been employed in the Darr mine, this calamity would not have occurred."

EPILOGUE

Three decades would pass before the legislature would enact Pennsylvania's Workman's Compensation Act. In 1907, an employee or his heirs could bring a common-law action against a negligent employer, but that was seldom done if they or their family members wished to thereafter be gainfully employed. And there is no evidence that the survivors thought litigation was an option. Instead, as was the custom of the day, the company might offer some form of monetary compensation, the amount being left to its discretion. Here, the Pittsburg Coal Company paid \$300 to widows or parents for each of those lost; an amount which would be worth \$7,317 in today's economy.

Operations in the mine would resume in 1910, but the name, which was now odious, was changed to "Banning No. 3 Mine." By 1913, it

LawSpeak

"Although the legal and ethical definitions of right are the antithesis of each other, most writers use them as synonyms. They confuse power with goodness, and mistake law for justice."

— Charles T. Sprading,
*Freedom and Its
Fundamentals*

was producing 155,000 tons a year (down from approximately 500,000 prior to the disaster), and when the tonnage fell to 30,000 in 1919, the mine was closed. The miners and their fate are recalled by a stone memorial in the Olive Branch Cemetery in Belle Vernon, erected in 1909 by the Hungarian-American Federation, and by a Pennsylvania Historical and Museum Commission Historic Site Marker on Route 981, which runs past the cemetery. 🍷

SOURCES

- Beveridge, Scott, "Fight for the Living," Observer-Reporter, Washington, PA, 21 April 1991.
- Ciotola, Nicholas P., "The Darkest Month: Coal Mining Disasters of December 1907," Western Pennsylvania History, Winter 2007-2008.
- Lee, George Frye, "Westmoreland County History from a Mount Pleasant Township Perspective," Baltzer Meyer Historical Society, 1999.
- "Mine Explosion Entombs 250 Men," New York Times, 20 December 1907.
- Pennsylvania Department of Mines, "Report, Part II, Bituminous 1907," Harrisburg Publishing Co., State Printer, 1908.
- United States Mine Rescue Association, "Darr Mine Explosion," 17 July 2012. <<http://www.usmra.com/saxsewell/darr.htm>>.
- Westmoreland County Coroner's Record, Vol. 4, pp. 1-186.

Can't wait to read the sidebar? We can e-mail it to you.

Be among the first to receive new issues of the sidebar when you sign up for e-mail delivery. Send an e-mail to susan.zellner@westbar.org and ask to subscribe to the e-sidebar. When a new issue is published, you will receive a PDF via e-mail immediately.

Actions of the Board

SEPTEMBER 12, 2012

- Learned that the Civics Education program is set to kick off on September 28 at Noon with Diane Persin in attendance to train the volunteer attorneys.
- Voted to hire a marketing coach to work on phase one and phase two of marketing/coaching proposal, with ultimate goal of completing phase three when appropriate.
- Agreed to accept Nominating Committee recommendation to hold a meeting for interested board candidates to better explain the expectations for board service.
- Agreed to hold a retirement event for Judge Driscoll in conjunction with the fall quarterly meeting at 4 pm on a weeknight and to invite only WBA members in addition to the judge's family and staff.
- Heard YL report that 18 members registered for the golf outing on September 27.
- Heard recap on the Antietam trip complimenting Don Rigone and Ralph Conrad for their expertise in the tour and agreed that a Gettysburg talk would be appropriate for the anniversary of that battle next year.
- Met with PBA management staff to address concerns about unit county status, PBA dues increases, and PBA budget. No action taken.

OCTOBER 22, 2012

- Accepted Membership Committee report as presented: Casey Kryster, participating.

Got News?

Do you have news to share with the sidebar? Making Partner? Marriage? Birth? Anniversary? Accomplishments? Send us a fax at 724.834.6855 or e-mail us at westbar.org@westbar.org, and we'll publish your news in the next available issue.

- Met with the sidebar editor David Millstein, and decided that members could opt-in to receive the sidebar by e-mail only.
- Agreed to approach Sheriff's office about an increase in Sheriff Sale advertising rates for the Westmoreland Law Journal, which were last raised in 1993.
- Learned that the first two task forces will meet ahead of Thanksgiving and that Mr. Demosky will take the lead for the New Members, while Mr. Lazzaro and Mr. Greiner will work with the values group.
- Reminded board members that Judge Fischer will be traveling on November 5 to the WBA for a one-hour CLE, beginning at 3 p.m.
- Heard report from Building Committee on recommended changes in the bar association building to make better use of the first floor and the CLE floor.
- Learned that the PBA YL caravan event is set for December 4 at The Meadows Bowling Arena in Washington County.
- Confirmed that the Quarterly Meeting is set for November 19 at Megan's Suite at The Palace Theatre to celebrate Judge Driscoll's retirement. 🍷

wba news



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

www.westbar.org

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 PERMIT #678

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

- 21** Courthouse closed in observance of Martin Luther King Jr., Day
- 23** Ned J. Nakles American Inn of Court, 5 p.m.
- 31** [CLE] Trial Tips In Action 2013, 5 p.m., 1.5 optional substantive credits

FEBRUARY

- 6** [CLE] Trial Tips In Action 2013, 5 p.m., 1.5 optional substantive credits
- 12** [CLE] Trial Tips In Action 2013, 5 p.m., 1.5 optional substantive credits
- 14** Membership Committee, Noon

- 18** Courthouse closed in observance of Presidents Day
- 19** Family Law Committee, Noon [CLE] Trial Tips In Action 2013, 5 p.m., 1.5 optional substantive credits
- 20** [CLE] Social Media in Employment and Personal Injury Litigation, Noon to 1:15 p.m., 1 optional substantive credit
- 21** [CLE] Trial Tips In Action 2013, 5 p.m., 1.5 optional substantive credits
Ned J. Nakles American Inn of Court, 5 p.m.

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



Trial Tips in Action 2013 — a chance to earn FREE CLE credits

Volunteers are needed to score high schoolers as they demonstrate courtroom proceedings in a **Mock Trial**. Your participation as a juror in this trial tips in action seminar qualifies you for **1.5 free CLE substantive credits per session**. Only 12 jurors are needed for each session, so return the registration form as soon as possible. No walk-ins can be accepted.

Trial Tips in Action (Mock Trial)
Westmoreland County Courthouse
January 31
February 6, 12, 19, 21
5:00 pm
Courtrooms #3, #5 & #7

WBA Trial Tips in Action Seminar Registration Form

Fax 724-834-6855 or mail completed form to: WBA, 129 North Pennsylvania Avenue, Greensburg, PA 15601

Please check the appropriate area :

Register me as a juror for the trial advocacy seminar, **I do want** 1.5 FREE CLE substantive credits per session.

Register me as a juror for the trial advocacy seminar, I do **NOT** want CLE credit.

Name _____

Address _____

Email address _____ Telephone _____

For those wishing CLE credit: Attorney I.D.# _____

All sessions are scheduled to begin at **5 pm**, please plan to arrive 15 minutes prior .

Please choose 1 or more sessions you wish to serve as a juror:

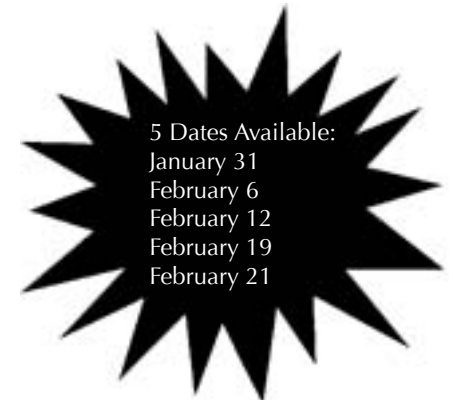
Thursday, January 31 _____

Wednesday, February 6 _____

Tuesday, February 12 _____

Tuesday, February 19 _____

Thursday, February 21 _____



PLEASE NOTE:

The total time frame for each session will be approximately 1 hour and 45 minutes.

Jurors will receive 1.5 FREE CLE substantive credits for an entire session.



SORNA - Juvenile Sex Offenders Registration

A must for any attorney representing a juvenile under this act

— LIVE — 1 Substantive Credit Available

What court appointed juvenile counsel and private counsel need to know.

- Learn the serious implications of the newly enacted Sex Offender Registration and Notification Act (SORNA) as it pertains to the federal Adam Walsh Act
- Learn who is a juvenile offender and what offenses are covered under SORNA
- Receive a copy of the Admissions Colloquy to be used in a SORNA Case

Speakers:

The Honorable Michele G. Bononi

Administrative Judge for Juvenile in Westmoreland County Court of Common Pleas

Mark E. Ramsier, Esquire

Assistant Public Defender

FREE for those not wishing CLE credit.

One (1) Substantive Credit is 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.

February 6, 2013	SORNA
Name: _____	<input type="checkbox"/> Enclosed is my check made payable to the Westmoreland Bar Association.
Attorney I.D. # _____	<input type="checkbox"/> Bill my <input type="checkbox"/> MasterCard <input type="checkbox"/> VISA <input type="checkbox"/> DISCOVER for \$ _____ (Amount).
Address: _____	Card # _____
Email: _____	Expiration Date _____
Phone: _____	Three digit security code on back of card _____
	Credit Card Billing Address _____
Pre-Registration Fees	Non-Credit:
CLE Credit:	<input type="checkbox"/> FREE
<input type="checkbox"/> WBA Members - \$30 per credit hour	
<input type="checkbox"/> Non-Members - \$50 per credit hour	
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 February 5, 2013.	

**Wednesday,
February 6, 2013
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm February 5, 2013)

CLE Credit

WBA Members- \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

• FREE

WALK- IN:

CLE Credit

WBA Members- \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

FREE

Lunch will be provided.

Westmoreland Bar Association

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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



Social Media in Employment and Personal Injury Litigation

1 Substantive Credit

**Wednesday,
February 20, 2013**

12:00 pm - 1:15 pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:
(Must be prepaid & received at the WBA office by 12 pm February 19, 2013)
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)

Lunch will be provided.
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We've all heard about the Facebook post showing a picture of the plaintiff in a personal injury case dancing while his case claims debilitating injuries; or the employee who sues a prospective employer because she claims that material from her website was used to illegally deny employment. What we may not realize is how widespread the practice of "screening" potential employees by visiting their websites has become, and when those practices become illegal.

This session will investigate the scope and pervasiveness of social media in litigation in federal court, especially employment and personal injury litigation. Evaluating the use of social media before, during and after employment, from both the employer's and employee's perspective, this session provides a framework through which several technological challenges may be considered; like preservation and collection, authentication and admissibility, searchability and review.

Speaker: Richard N. Lettieri, Esquire
Lettieri Law Firm LLC

One (1) SUBSTANTIVE Credit is 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.

February 20, 2013 Social Media in Employment and Personal Injury Litigation

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

Attorney I.D. # _____ Bill my MasterCard VISA DISCOVER for \$ _____ (Amount).

Address: _____ Card # _____

Email: _____ Expiration Date _____

Three digit security code on back of card _____

Pre-Registration Fees Non-Credit: Credit Card Billing Address _____

CLE Credit: \$10 Flat Rate

WBA Members - \$30 per credit hour Waived for Young Lawyers (practicing 10 years or less)

Non-Members - \$50 per credit hour

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 February 19, 2013.**



ECHOES OF THE WAR

150TH ANNIVERSARY

GETTYSBURG



The American Bus Association is calling Gettysburg the top destination for 2013! Why not add this to your Summer Vacation plans?

The Battle of Gettysburg was the turning point of the American Civil War. Many historians agree that it was on these hallowed grounds that our nation was saved.

Join the WBA on Saturday, June 8th, as former WBA member Ralph Conrad and current member Don Rigone lead a tour of the Gettysburg battlefield for WBA members and their guests.

A block of rooms has been reserved for Friday and Saturday nights at 1863 Inn of Gettysburg at a starting rate of \$140/night, which includes breakfast. Attendees will need to make their own reservations by calling 866-953-4483 and booking a room from the WBA block. The bus will depart at exactly 8:30 am on Saturday, June 8th, from the hotel. Tour guests will be responsible for their own transportation to the hotel, all hotel charges, and their own food.

150TH ANNIVERSARY GETTYSBURG

Yes, I will attend the Gettysburg tour on June 8th.

WBA member name _____

Name(s) of family member(s) _____

Mail to WBA, 129 N. Pennsylvania Avenue, Greensburg PA 15601, fax 724-834-6855,
or e-mail westbar.org@westbar.org by Friday, February 22, 2013.



Auto Law/Personal Injury Update 2013

1 Substantive Credit

— Live —

**Wednesday,
March 20, 2013
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm March 19, 2013)

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.

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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

Auto Law/Personal Injury Update 2013

◆ Rundown of Significant Developments in Auto and Personal Injury Cases

Speaker: Michael D. Ferguson, Esquire

Ferguson Law Associates

One (1) SUBSTANTIVE Credit is 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.

March 20, 2013 Auto Law/Personal Injury Update 2013

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 _____

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour

Non-Members - \$50 per credit hour

Non-Credit:

\$10 Flat Rate

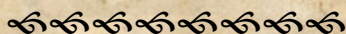
Waived for Young Lawyers (practicing 10 years or less)

Credit Card Billing Address _____

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 March 19, 2013.**



You are cordially invited to attend the
Presentation of New Members
of the
Westmoreland Bar Association
March 27, 2013

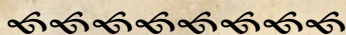


The court en banc will recognize the newest members of the WBA at the annual New Members Ceremony scheduled for Wednesday, March 27, in Ceremonial Courtroom #3 at the Westmoreland County Courthouse at 3:00 p.m.

Attorneys eligible to participate in this presentation:

Suzanne M. Bash
Nelson D. Berardinelli
K. Casey Crytzer
Holly Lynn Deihl
Trent A. Echard
Shane M. Gannon
Tyler J. Jones
Zachary J. Kansler

Erin Larimer
Michael D. Lazzaro
Erin M. Leonard-Salas
Timothy Miller
Rolf Louis Patberg
Maura S. Spillane
James T. Stockstill
Kristen C. Weidus



Please join us for a complimentary reception at the "New" Rialto following the ceremony.

**RSVP by March 20, 2013 to the Bar Office 724-834-6730
or register online at www.westbar.org.**



Subrogation and Medicare Issues in Personal Injury Cases

Topics of Discussion

- Health Insurance Liens
- DPW Liens
- Workers Compensation Liens
- Child Support Liens
- Medicare Liens
- Medicare Set Asides

Speakers:

Michael D. Ferguson, Esquire

Ferguson Law Associates

Travis W. Smith, Esquire

Burns White LLC

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.

Subrogation and Medicare Issues in Personal Injury Cases

April 17, 2013

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Pre-Registration Fees

CLE Credit:

- WBA Members - \$30 per credit hour (2 credits = \$60)
- Non-Members - \$50 per credit hour (2 credits = \$100)

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 _____

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 April 16, 2013.**

Wednesday,

April 17, 2013

12:00 pm -2:15 pm

WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm April 16, 2013)

CLE Credit

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

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

Non-Credit

\$10 Flat Rate

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

WALK- IN:

CLE Credit

WBA Members- \$40 per credit hr. (2 credits = \$80)

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

Non-Credit

\$20 Flat Rate

Waived for:

- Young Lawyers (practicing 10 years or less)

Lunch will be provided.

Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

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724-834-6730, or by email at westbar.org@westbar.org



Wednesday,

April 24, 2013

WBA Headquarters

9 am - 4:15 pm

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA
office by 12:00 pm April 23, 2013)

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

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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

Session 1 — 1 Substantive Credit

9:00 am – 10:00 am (Video from 3/20/13)

Auto Law/Personal Injury Update 2013

w Rundown of Significant Developments in Auto and Personal Injury Cases

Speaker: Michael D. Ferguson, Esquire, Ferguson Law Associates

Session 2 — 1 Substantive Credit

10:15 am – 11:15 am (Video from 2/6/13)

SORNA - Juvenile Sex Offenders Registration

• Learn the serious implications of the newly enacted Sex Offender Registration
and Notification Act (SORNA) as it pertains to the federal Adam Walsh Act

• Learn who is a juvenile offender and what offenses are covered under SORNA

• Receive a copy of the Admissions Colloquy to be used in a SORNA Case

Speakers: The Honorable Michele G. Bononi

Mark E. Ramsier, Esquire

Session 3 — 2 Substantive Credits

11:30 am – 1:45 pm (Video from 4/17/13)

Subrogation and Medicare Issues in Personal Injury Cases

w Health Insurance Liens

w DPW Liens

w Workers Compensation Liens

w Child Support Liens

w Medicare Liens

w Medicare Set Asides

Speakers: Michael D. Ferguson, Esquire, Ferguson Law Associates

Travis W. Smith, Esquire, Burns White LLC

Five (5) SUBSTANTIVE and One (1) ETHICS Credits are available toward your annual CLE requirements.

April 24, 2013 Video Compliance CLE

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Sign me up for:

Session 1 – 1 substantive credit no credits

Session 2 – 1 substantive credits no credits

Session 3 – 2 substantive credits no credits

Session 4 – 1 substantive credit no credits

Session 5 – 1 ethics credit no credits

To qualify for pre-registration, please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601,

by 12:00 pm April 23, 2013.

Session 4 — 1 Substantive Credit

2:00 pm – 3:00 pm (Video from 9/18/12)

Trying the Divorce Case

• The Settlement Conference and Applicable Local Rules and Forms

• The Divorce Master's Process

• The Practitioner's Point of View

• The Court's Perspective

Speakers:

Hon. Michele G. Bononi

J. Douglas Farrell, Esq.

Mary E. Mears, Esq.

James R. Silvis, Esq.

Margaret A. Tremba, Esq.

Session 5 — 1 Ethics Credit

3:15 pm – 4:15 pm (Video from 1/26/12)

Sex with Clients: Honor in the Profession

“Sex with Clients” is about honor in the profession. The lurid title
is meant to attract lawyers’ attention to the notion that the personal
interest of the lawyer can create a conflict of interest, even when the
personal relationship with a client is somewhat short of sex. We will
discuss the genesis and effect of Pennsylvania’s new rules of conduct
concerning a lawyer’s romance with a client.

Speaker: Mark D. Yochum, Esquire

Professor of Law, Duquesne University School of Law

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour

Non-Members - \$50 per credit hour

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers
(practicing 10 years or less)

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 _____
