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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
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E-Filing

Prothonotary's Vision About To Become A Reality

by Pamela Ferguson, Esq.

In the September 2013 issue of *the sidebar*, Westmoreland County Prothonotary Christina O'Brien expressed her vision for a future that included voluntary electronic filing. She admitted that her vision, still in its infancy, had many obstacles to overcome before implementation could begin: a vendor and program had to be chosen; technical issues involving the capacity of the system to handle voluminous or oversized documents had to be resolved; and legal procedures for addressing e-filing disputes, filing errors, and *pro se* party filings had to be established. These were daunting tasks that, for some, would have been sufficient justification for a change in vision—but not for Christina. Instead, she spent the next two years visiting other prothonotary offices across the state in search of the perfect program and the appropriate vendor.

After her research revealed systems that were too difficult to navigate and too basic to facilitate e-filing for a county of our size that has over 1.5 million legal files, 100 subtypes, and 2,000 actions per subtype, Christina concluded that a new program, tailor-made for our county, was the only way to achieve her vision.

Since the entire system needed to be upgraded to accommodate e-filing, easier public access to civil dockets became a second component of her vision.

Knowing that the new program had to offer a more user-friendly access and establish protocols and procedures for e-filing, she decided to remain with their vendor of twelve years, CSDC. "We chose CSDC because they know the data and we have established a good working relationship with them," she explained.

Completion of the new system and the launch of voluntary e-filing is scheduled for January 2018. The public access upgrade went live on July 5, establishing a different method to access civil and family court dockets.

No longer accessible through the same portal that offers access to Register of Wills documents and tax records, Prothonotary files are now available only through a separately established portal that requires payment of a \$50 monthly, or \$240

yearly, subscription fee. Payment of the subscription cost may be made by credit or debit card or electronic check (for an additional \$2 fee).

Registration for subscriptions will require the establishment of an account. For those who do not want to subscribe, access to civil and family

court dockets may still be obtained on the computers in the Prothonotary's Office or at the law library.

With completion of her vision within reach, Christina recalls the many difficulties she, her deputy Prothonotary, Lori Campbell, and the members of the WBA E-Filing Committee faced over the past two years. Legislative rules that require

the maintenance of digital, paper, and microfilm documents made establishing an e-filing system a logistical nightmare.

"Who would have thought it would be so difficult?" Lori wondered.

"It is our hope," Christina said, "that current legislation passes, eliminating the need for paper

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Prothonotary Christina O'Brien

President's Message

Debate With Spirit, Not Rancor

by Timothy C. Andrews, Esq.

More and more we seem to be living in polarized times; for some, that means listening only to points of view that match up with their own thinking.

Are lawyers immune from this approach? The answer is obviously no. Yet lawyers are trained not only to recognize weaknesses in their own



arguments but to imaginatively and sympathetically reconstruct the best argument that could come from the other side.

From the beginning of law school, we are asked often to defend an

argument we don't believe, or pretend to be a judge whose values we may dislike. We are trained to see the world as our opponents do. We are taught that even the grandest principles have restrictions and limits. The adversarial system is premised on the concept that if every person has their say, justice and truth will emerge.

There are rules that require us to be civil in our dealings with the court and our colleagues. The ethical concerns underpinning these rules have enabled us to overcome some of the deepest divides in our society. Thurgood Marshall, while acting as a civil rights lawyer, could do things in a courtroom that no black man could do in any other kind of forum. This included cross-examining a white woman in court and practicing law in small segregated towns in rural Maryland during the early days of the Civil Rights movement. Regardless of the societal bigotry of the times, the legal profession treated him as a lawyer, first and foremost.

Recently, a polarizing conservative writer, Charles Murray, was shouted

down at Middlebury College in Vermont, and not permitted to give his speech. Granted, Mr. Murray had written books such as "The Bell Curve," where he implied that social efforts to help the disadvantaged were wasted. He has been accused of racism by the Southern Poverty Law Center, and has espoused several controversial concepts. However, Mr. Murray spoke at the Yale Law School twice during the past two years where students and faculty engaged him in conversation. Although students held a separate event to protest his appearance, when he spoke, he spoke without interruption.

There is a strong and important debate in our country and in our local communities regarding values. We, as lawyers, need to remember our training and remember how

important it is to recognize the other side of the debate no matter how divergent from our own. As lawyers, we can set an example on how to engage in spirited debate without rancor. We can disagree on numerous

issues and do so with great conviction, but when the debate is over, the trial finished, there is nothing wrong with acknowledging the opposite side with civility and perhaps friendship. ■

“We are trained to see the world as our opponents do. We are taught that even the grandest principles have restrictions and limits. The adversarial system is premised on the concept that if every person has their say, justice and truth will emerge.”

Author's note: The concept of this message as well as some of the information was obtained through an article by Heather Gerken, Dean of the Yale Law School.

Tim Andrews

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 North Pennsylvania Avenue, Greensburg, PA 15601.



Westmoreland Revisited

Family Practice

Firms that include more than one family member are not rare, but five siblings at the bar at the same time is a WBA record.

by *The Hon. Daniel J. Ackerman*

In 1906, James J. Mahady and his wife, Katherine, set up housekeeping on Weldon Street in Latrobe, where, during the same year, their first child, Regis, was born.



The Hon. Daniel J. Ackerman

The proud father, J.J., as he was known, was an ambitious traveling salesman marketing sewing machines in an eight-county area without the convenience of a motor vehicle. Both were dedicated to their church and community service,

and they would prosper, both in business and as a family.

Six years later, at age 32, J.J. entered the commercial bond and real estate business, known as the J.J. Mahady Real Estate and Insurance Agency. Seven more children would round out the family and J.J. and Katherine saw to it that they would be educated at some of the best universities in the country.

Of the eight children, five would be trained as lawyers. With law degrees from Dickinson, Harvard (2), Penn, and Catholic University, one by one, they were admitted to the bar in Westmoreland County: Regis in 1933, Paul in 1934, Henry in 1943, Jane in 1948, and Tom in 1949. All would enter the Latrobe firm of Mahady & Mahady, founded by the two older brothers, Regis and Paul.



Photo from the December 22, 1997, issue of Around Latrobe magazine.

Thomas, Paul, Jane, Regis, and Henry Mahady were admitted to the bar in Westmoreland County between 1933 and 1949. The five siblings comprised the Mahady & Mahady law firm in Latrobe.

Setting up a law practice in the depths of the Great Depression may not have sounded like a good idea, but as one lawyer who did it once said—lawyers at the time had it better than most, for money was so scarce that people were willing to litigate over small amounts which in better times they might have just written off. The Mahadys' practice persisted through the Depression, the war which followed (in which three of the brothers served), and the decades thereafter.

REGIS MAHADY

As the patriarch of the family following his father's death, and as

senior member of the new law firm, Regis Mahady anchored the practice through these more tumultuous times, such as when his brother and only partner, Paul, entered active duty in the army in August of 1940. It was Regis, who became prominent in the fields of real estate and banking, who kept the practice going while finding time to lecture at Saint Vincent



Regis Mahady, 1971

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the sidebar

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor should be sent c/o WBA, 129 North Pennsylvania Avenue, Greensburg, PA 15601-2311, fax 724-834-6855, or e-mail westbar.org@westbar.org. the sidebar welcomes submissions from members or non-members. Please submit to the Articles Editor, c/o WBA. Back issues from 2000 to the present and a comprehensive, searchable index are available online at www.westbar.org/thesidebar.

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Family Practice *continued from page 3*

College; to actively serve his church and the Knights of Columbus; and to preside as a national officer with the Ancient Order of Hibernians. As his eulogist, Lawrence E. Moore, would note: "Regis, no matter the circumstances, remained calm and unperturbed. He never raised his voice in anger. He was always smiling and, so far as I know, he never uttered a harsh word."

PAUL MAHADY

As noted, after six years in the practice of law, Paul Mahady left to join the army more than a year before Pearl Harbor, and would serve throughout the Second World War with distinction, highlighted by his rise in the Quartermaster Corps to the rank of Lieutenant Colonel, where he coordinated domestic industrial output to meet the needs in the European theater, including the Normandy Invasion. For his efforts he was awarded the Legion of Merit, the highest military honor bestowed upon non-combatants. By the time he separated from the service he bore the rank of Colonel, and prior to his death he was raised to the rank of Brigadier General in the Pennsylvania National Guard.

Returning to civilian life, Paul embarked on the dual careers of practicing law and as a professor of political science at Saint Vincent College; it was soon apparent to many that he was a natural for public office.

In 1955, he was elected to serve Westmoreland County in the Pennsylvania Senate. Described as "tall and stately and of courtly manners," he was re-elected four times,

and retired after providing 16 years of service.

Other community contributions included his efforts to secure a national charter for AMVETS; and with his brothers, the establishment of the Westmoreland County Savings & Loan Association and a Latrobe radio station, WTRA, later WCNS. Both he and his brother, Regis, would be eulogized at the same WBA Memorial Service in 1974.

HENRY MAHADY

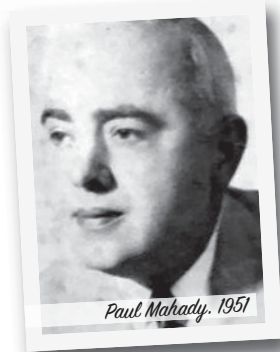
As a recent graduate of Harvard Law School, Henry Mahady, who was admitted to the bar in 1943, had little time to practice his chosen profession for world events dictated otherwise and he enlisted in the navy. As a Lieutenant Jr. Grade he served at various naval installations in the U.S. as a personnel officer for naval aviation and was eventually charged with mustering and deploying antisubmarine patrols in the North Atlantic and Sargasso Sea. On separation from the service in 1946, he held the rank of Lieutenant Commander and proceeded to join his brothers in their Latrobe office.

The family bent toward community service was not lost on him for he would eventually serve, in addition to various civic organizations, as National Commander of the AMVETS; as Chairman of the Pennsylvania Veterans Commission from 1976 to 1980; and on various Presidential commissions in the area of business development. All of these

brought him into contact with many of the great and near-great of his time, as may be seen in the nearby *Around Latrobe* photo of Henry with President Eisenhower.

In reading Jon Lewis' 1990 eulogy for Henry, I learned that during his college years Henry was a student thespian who acted and sang in Gilbert and Sullivan productions, which isn't surprising, for he had a robust presence and a wit which was unsurpassed by any member of our bar.

Others worked with him more closely than I, but I had the pleasure of occasional dealings with him and once we served as co-counsel for two defendants charged with burglary which, because of him, was a delight. He was



Paul Mahady, 1951



Henry Mahady, 1986



Around Latrobe magazine featured the Mahady siblings in its December 22, 1997, issue. On the cover is President Dwight D. Eisenhower with Henry Mahady, the National Commander of the AMVETS and Chairman of the Pennsylvania Veterans' Commission from 1976 until 1980.

like Dickens' character Mr. Micawber, who lived in hopeful expectation of favorable results.

Just days before the trial date, Henry made an oral motion for a continuance where he explained to Judge Sculco that a postponement of the trial was needed because his client was a painter, and part of the fee arrangement was that the defendant was to paint his office; and since the work had just begun, Henry foresaw that after a verdict his client might not be in a position to complete the job. Even a strict jurist like Judge Sculco could not resist such a practical argument or the bravado with which it was presented.

The verdict has long left my memory, but when the case did go to trial it produced another example of the Mahady wit. When the assistant district attorney, Gilfert Mihalich, offered his closing remarks to the jury, he urged them not to be distracted by the preceding closings from the defense, which though fallacious, were skillfully and cleverly made by two gifted lawyers. At which, Henry

looked at me and, in a stage-whisper, said, "My boy, they don't talk that way about us at the snack bar."

The practice of law without a sense of humor would be a dreary thing indeed, and no one displayed the trait better than Henry Mahady.

JANE MAHADY MCINTYRE

Admitted to our bar in 1948 after graduating from the University of Pennsylvania Law School and after serving as a school teacher in Indiana County during the war, Jane Mahady McIntyre was the last surviving member of J.J. and Katherine's immediate family. She practiced with the family firm here, and also in Philadelphia.

Like the rest of her siblings, she served her country by entering government service—as an attorney—first in the Office of Counsel of the Small Business Administration, and then as Assistant General Counsel in the Army Corps of Engineers in Washington D.C., a position she held until her retirement.

Jane received honors from both the Pennsylvania and Philadelphia Bar Associations and by her alma mater, Seton Hill College, for her lifetime efforts on behalf of women.

It was Jane who provided so much of the family history for the *Around Latrobe* article, which was a principal source of what you are reading. Her last years were lived in Portland, Ore., where she died in 2004.



THOMAS R. MAHADY

Thomas R. Mahady, the last to be admitted to the bar in 1949, died at age 53 in the midst of an accomplished, and still promising career.

At the 1971 memorial service, Calvin Pollins referred to him as "the first lawyer to die of that Latrobe

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Family Practice *continued from page 5*

family [which had] more lawyers in the same generation in one family than any in the United States—competent, cheerful and fair, I can say well of him.”

A veteran of the Army Air Corps in the Pacific theater, Major Mahady was awarded the Bronze Star. After his return to civilian life, Tom was an active and well respected litigator who in his spare time volunteered his services as a Judge Advocate and state Commander of the AMVETS, and as President of the Latrobe Volunteer Fire Department.

In the courtroom and in his dealings with other lawyers, George “Dobey” Lynch called him the “Happy Warrior” —“a big man with an even bigger

smile.” He offered some cogent advice to lawyers who represent clients who are out for blood: “Listen, always remember,” he once told a colleague, “they can’t pay you enough to get personal.”

It was good advice then, and even better advice today.

THE MAHADY LEGACY

Regis, Paul, Henry, Jane, and Tom were from a different generation, courteous and gracious, and the promulgation of the Rules of Civility would have been something they would have regarded as redundant.

Fortunately, some of their offspring are still engaged in the law with us: Suzanne and Patrick Mahady, Henry’s daughter and son, still carry the banner of Mahady & Mahady; and Tom’s son, Michael Mahady, is a Magisterial District Judge in Unity Township. We might well envy them for their memories. ■

SOURCES

- McIntyre, Jane Mahady, and Lynch, George M. “The Mahady Tradition.” *Around Latrobe*, Vol. IV, No. 3, December 22, 1997.
- WBA Memorial Service Transcripts from:
 - 1971, for Thomas R. Mahady; contributors: Calvin E. Pollins, George M. Lynch, Judge David H. Weiss, George Berry, Richard F. Flickinger, and John W. Pollins, III.
 - 1974, for Regis F. Mahady; contributors: Richard L. Jim, Richmond H. Ferguson, Jr., and Lawrence E. Moore.
 - 1974, for Paul W. Mahady; contributors: Bernard F. Scherer, Gene E. McDonald, and Albert A. Kovach.
 - 1990, for Henry J. Mahady; contributors: Jon Lewis and Robert Slone.



Thomas Mahady, 1951

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E-Filing

Prothonotary's Vision About To Become A Reality

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documents.” Until then, the Prothonotary’s Office will continue to maintain paper and microfilm documents for judges and the Pennsylvania Historical Museum Commission as statutorily mandated.

Christina hopes that lawyers will benefit from the “real-time” system that allows 24-hour access to all documents as soon as they are filed, and from the establishment of a personal page that offers chronological access to all documents filed under each e-filer’s account. Unlike public access, there is no monthly subscription fee to establish an e-filing account.

“We want to keep our office current. It is our hope that these changes are the steps in the right direction to make that a reality,” she said. ■

JULY 2017 TRIAL TERM

Of the twenty-one cases listed for the July Civil Trial Term, twelve were continued, two were withdrawn, four were settled and three went to trial.

**MARK AND DENISE MERRILL,
INDIVIDUALLY AND AS
HUSBAND AND WIFE
V.
STATE FARM FIRE AND
CASUALTY COMPANY
NO. 1890 OF 2012**

Cause of Action: Breach of Contract

Mark and Denise Merrill filed a complaint against State Farm Fire and Casualty Company alleging breach of contract. The parties stipulated that the Plaintiffs held a home insurance policy with Defendant. Plaintiffs made a claim under said policy for hail damage sustained to their roof during a storm on March 21, 2011. Defendants denied payment on the claim, and Plaintiffs alleged that said denial breached the insurance policy. Plaintiffs sought damages based on the cost they expended in replacing the roof.

The parties disagreed on the existence of hail damage to the roof, and both had public adjusters testify on their behalf. Defendant also presented testimony of an expert roofer that failed to find hail damage upon inspection of the roof.

The jury found that Plaintiffs failed to prove by a preponderance of the evidence that their roof required replacement as a result of the March 21, 2011, hail storm. A molded verdict was entered finding in favor of Defendant, State Farm, and against Plaintiffs.

Trial Dates: July 10–11, 2017

**JURY TRIAL
VERDICTS**

BY BETH ORBISON, ESQ.,
JAKE ORESICK, ESQ.,
LEEANN PRUSS, ESQ.,
AND EMILY SHAFFER, ESQ.

Plaintiffs' Counsel: Bruce Gelman, Law Offices of Bruce H. Gelman, LLC, Pgh.

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

Trial Judge: The Hon. Chris Scherer

Result: Verdict in favor of the Defendant.

**ROBERT RAGLIN
V.**

**MAXINE ZAVATCHAN
NO. 3693 OF 2015**

Cause of Action: Negligence

Plaintiff filed a Complaint against Defendant alleging negligence. The lawsuit was based on a fall that occurred on August 23, 2013, at

Defendant's residence. Plaintiff was helping Defendant move furniture and hook up cable. These actions required access to Defendant's basement through a trapdoor in the living room floor. The trapdoor was left open, and Defendant backed up and fell through the trapdoor and into the basement. As a result, Plaintiff suffered injuries to his shoulder and sought damages for medical bills, lost wages, and pain and suffering.

Plaintiff relied on the testimony of Defendant in setting forth the facts that occurred on the day of his fall. According to Defendant, Plaintiff was assessing whether a television was straight when he backed up and fell into the open trapdoor. She indicated that Plaintiff visited her home in the past, was aware of the trapdoor, and had repeatedly accessed the basement through the trapdoor. Defendant also testified that she shouted at Plaintiff to stop backing up, but he did not hear her before he fell.

Plaintiff chose not to testify on his own behalf. Defendant then made a motion for a compulsory non-suit, as the evidence presented in Plaintiff's case in chief failed to establish that Defendant breached a duty of care owed to Plaintiff or that Plaintiff's fall was caused by any actions of

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Julius Caesar

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- Personal & Financial

Jury Trial Verdicts *continued from page 7*

Defendant. The Court granted Defendant's motion. As a result, the matter was not submitted to the jury and Plaintiff's claim was dismissed.

Trial Date: July 12, 2017

Plaintiff's Counsel: Pro Se

Defendant's Counsel: Thomas W. Smith, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Chris Scherer

Result: Grant of Defendant's Motion for Compulsory Non-Suit.

KAREN REECE
V.
LAWRENCE KLEIN
V.
ARNOLD L. FARKAS
NO. 143 OF 2014

Cause of Action: Negligence

On September 2, 2013, Plaintiff Karen Reece was a passenger on a motorcycle owned and being operated by Original Defendant Lawrence

Klein. As they were riding on S.R. 217 in Black Lick Township, Indiana County, Plaintiff alleges that the motorcycle was speeding out of control and collided with a Ford pickup truck being driven by Additional Defendant Arnold L. Farkas, which was making a left-hand turn. Plaintiff suffered numerous injuries, including a burst fracture of her first lumbar vertebra and transverse process fractures of several thoracic vertebrae. Plaintiff further alleges that she is unable to work since the accident and therefore lost her income of \$38,000 per year. Accordingly, she was seeking monetary

damages for outstanding medical expenses, past and future lost wages, and pain and suffering.

Original Defendant alleged that he was not speeding, that Additional Defendant caused the accident, and that Plaintiff's injuries were not disabling. Additional Defendant alleged that Original Defendant's speeding was the cause of the accident.

Trial Dates: July 17–19, 2017

Plaintiff's Counsel: Jason M. Schiffman, Schiffman Firm, LLC, Pgh.

Original Defendant's Counsel: Warren D. Ferry, Champion, Pa.

Additional Defendant's Counsel: Diane Blackburn, GEICO, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: The jury found Original Defendant 100% liable and awarded Plaintiff \$17,583.55 for unpaid medical expenses and \$20,000 for pain and suffering. ■

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New Member Sketches

The following new members have been approved by the Membership Committee and Board of Directors.

STEPHANIE A. BALEST has been admitted as a participating member of the WBA. She earned a bachelor degree in Political Science from Duquesne University, and her J.D. from New York Law School. Stephanie is an associate with Tremba, Kinney, Greiner & Kerr in Greensburg.

GINA D. CERILLI has joined the WBA as a participating member. Gina earned her B.A. and M.B.A. from Philadelphia University, and her J.D. from Duquesne University School of Law. In 2015, she was elected to a four-year term as Westmoreland County Commissioner, and is the Chair of the Board.

THOMAS F. COCCHI, JR., was admitted to the WBA as a participating member. He earned a bachelor degree in Finance/Politics from Saint Vincent College, and earned his J.D. from Duquesne University School of Law. He is an associate with King Legal Group, LLC, in Greensburg.

MELANIE DI PIETRO, SC, has been admitted as a participating member of the WBA. Sister Melanie received her bachelor degree in political science from Seton Hill University, a master degree in urban studies from Occidental College, a juris doctor from Duquesne University and a doctorate in canon law from the University of St. Thomas in Rome. Sister Melanie is Of Counsel with Tremba, Kinney, Greiner & Kerr in Greensburg.


MATTHEW S. FEINMAN has joined the WBA as an associate member. Matthew earned his bachelor and master degrees in business from Full Sail University, and his J.D. from the University of Pittsburgh School of Law. He is a sole practitioner in Pittsburgh.

WAYNE B. GONGAWARE has rejoined the WBA as a participating member. He earned a bachelor degree in English Lit from Penn State, and earned his J.D. from the University of Pittsburgh School of Law. After 27 years as an assistant district attorney, Wayne was nominated by Gov. Tom Wolf to be the district judge for North Huntingdon, Irwin, and North Irwin. Wayne went on to win both primaries this past May and will serve a six-year term.

KELLY N. MCGOVERN has been admitted as a participating member of the WBA. She earned a bachelor degree in Political Science/Psychology from the University of Pittsburgh at Greensburg, and her J.D. from Ohio Northern University's Claude W. Pettit College of Law. Kelly is employed by Consol Energy via Solvaire Technologies in Pittsburgh.

HILLARY WEAVER has joined the WBA as a participating member. She earned her B.A. in Political Science from the University of Pittsburgh, and her J.D. from Duquesne University School of Law. Hillary is an assistant district attorney for Westmoreland County. ■



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To-Wit: Smithereens

by S. Sponte, Esq.

Do you ever walk into a courtroom absolutely confident you're not only going to win, but that you're also going to smash the opposition into a gazillion smithereens? If you entertain that fantasy more than once in a forever, you've been practicing law less than five minutes.

The fantasy of a smithereens victory is a hard one to contain. Yet sometimes the law and the facts do stop squabbling with each other and instead reach out in a promise of transcendent love. Then everything you say and do, including some things that would never have otherwise occurred to you on your least obtuse day, joyfully coalesce to fix the opposition's wagon beyond repair; and that's when it hits you, as it almost never does in any other way, that, oh, oh, oh, don't you just love being a lawyer.

But no matter how blissful that dangling promise of ecstasy may be, it remains an eternal truth that successful affairs of the law, like those of the heart, are never unilaterally fruitful. Were that not the case, we'd never have to leave the house. Instead, even a smithereens victory depends upon

“When it comes to the law, it's not hard to be wrong, but it is hard to be that wrong.”

the assent of another, typically a member of the judiciary, through whose brain cells our efforts must first pass and then emerge with barnacles of felicitous inclinations attached. Achieving that kind of success does not require a genius on the bench, only someone whose intellectual limitations do not exceed your own.

Appurtenant to all of this, I recently found myself presented with a genuine smithereens opportunity. My client was charged with violating a municipal ordinance, and while it was only a summary offense, it did implicate the First Amendment, my favorite professional thingy. The facts were simple and the law fit like a tailored suit. All that was required was for the district justice to have either a rudimentary knowledge of the applicable law or a willingness to learn it. Unfortunately, she possessed neither, and as soon as I raised the issue it became clear that she was unlikely to acquire either attribute any time soon.

“The first what?” she said.
“The First Amendment, Your Honor,” I replied. “You know, the

continued on page 12



G


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Daniel Joseph

To-Wit: Smithereens *continued from page 11*

Bill of Rights, the Constitution.”

“You can’t raise that in my courtroom,” she said.

“And the reason for that would be ... ?” I queried.

“Because I said so,” she replied with a defensive sneer.

“Would Your Honor care to look at these cases I’ve brought?” I inquired. “They’re written in English.” Even as I said it, I knew that that bit of snappy banter had no chance to carry the day.

“Your client is guilty,” she bantered right back, “no matter what the facts or the law say.”

Now when it comes to the law, it’s not hard to be wrong, but it is hard to be that wrong. Her profoundly unconsidered ruling gave the phrase “minor judiciary” an intellectual implication I had not been obliged to think of for quite a while.

So confident was she of her ruling that she felt no need to permit any defense testimony. Instead, she rose from the bench and hastened out of the courtroom with such vigor that her judicial robes swiped over the miniature scales of justice that had been perched askew on her desk, knocking them to the floor with a soulless clang.

My years at the bar have taught me never to expect a Brandeis, Frankfurter, or Cardozo. However, this particular incident not only lowered my expectations to new heights, it also caused my hope for a smithereens victory to evaporate more suddenly and startlingly than the helium from a burst

county fair balloon. I was the one in smithereens and so depressed that I felt the need for some professional counseling.

“Und why are you so troubled?” Dr. Schwarzkorn asked me.

“I was robbed of my smithereens victory,” I told him, “by a judge who neither knew nor cared about the law.”

“Und how long have you been practicing?” he asked rhetorically.

From this, two truths emerged. The first was something I have long known, that the number always determinative of a judicial election has never been the IQ of a candidate but rather the total votes of those mindless of it. The second was that therapists have a higher hourly rate than I do.

I stand reminded of an English barrister of the early twentieth century who, on the occasion of his retirement, summarized his career as follows: “Half the cases I won I should have lost, and half the cases I lost I should have won. So all in all, I guess justice was done.”

Though his view of things was detachedly global, it nonetheless offers some solace. Further, when the strictures of our profession smash us to smithereens, we always have our common prayers for relief to bind us one to the other, and there’s a bit of solace in that as well. So belly up to the bar, my colleagues, the next round is on me. The cost of therapy being what it is though, only ginger ale if you please. ■

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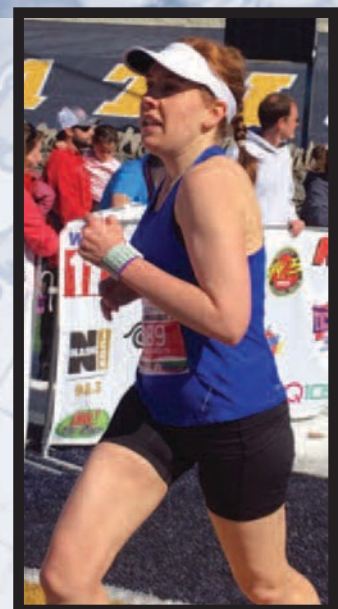
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where in the world IS THE WBA MEMBER?

Jessica Rafferty ran the Glass City Marathon in Toledo, Ohio, on April 23, completing the course in 3:29:46—an average of 8:00/mile—and placing 4th in her age group. This photo was taken about 25 yards from the finish line. Her time qualifies her for the 2018 Boston Marathon on Monday, April 16.



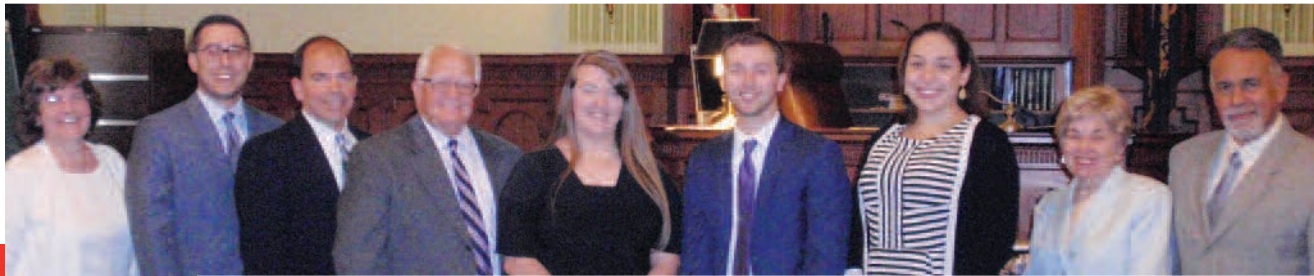
TOLEDO, OHIO

foundation focus

Law School, Mock Trial Scholarships Awarded



Mock Trial Scholarship winners Aislinn Lowry and Adam Schwab.



Four law school scholarships were awarded recently by the Westmoreland Bar Foundation Board of Trustees for the 2017-18 school year. From left to right: Trustees Diane Murphy, Richard Lorenz, Todd Turin, and Dick Galloway; scholarship winners Elizabeth Echard, Jared Quinn, and Chelsie Rimel (Drew Rummel not shown); and Trustees Dr. Kathleen Kelley and Judge Christopher A. Feliciani.

The Westmoreland Bar Foundation awarded four law school scholarships and two Mock Trial scholarships to Westmoreland County residents for the 2017-18 school year. An awards ceremony was held on Thursday, August 10, in The Hon. Christopher Feliciani's courtroom at the Westmoreland County Courthouse.

LAW SCHOOL SCHOLARSHIPS

Elizabeth Echard from New Stanton and Chelsie Rimel from Mt. Pleasant each were awarded the Donald Hankey Memorial Scholarship. Attorney Hankey was a sole practitioner in New Kensington and a member of the Westmoreland Bar Association for more than 65 years.

Elizabeth Echard is a graduate of Duquesne University with a B.S. in Sociology and is a first-year law school student at Duquesne University School of Law.

Chelsie Rimel is a graduate of Pennsylvania State University with a B.A. in Economics. She is a second-year student at William & Mary Law

School in Williamsburg, Va. Thanking the Bar Foundation for the scholarship, Chelsie said, "I enjoyed getting to meet you all and it was wonderful to come back to where I developed my desire to pursue the legal profession. The scholarship money greatly helps me with my travel expenses as I interview for internships in different cities."

Drew Rummel from Apollo was awarded a blended scholarship from the Wayne Donahue Memorial Scholarship and from the Donald Laird Hankey Memorial Scholarship. The Donahue Scholarship is named for Attorney Wayne R. Donahue, a sole practitioner from New Kensington

continued on page 14

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Law School, Mock Trial Scholarships Awarded

continued from page 13

and a lifelong resident of western Pennsylvania. Drew is a second-year law school student at Duquesne University School of Law and a graduate of the University of Pittsburgh at Greensburg with a B.S. in Biology.

Jared Quinn from New Stanton was awarded the Honorable David H. Weiss Memorial Scholarship. Named for the former President Judge of the Court of Common Pleas in Westmoreland County, the endowment is awarded to a University of Pittsburgh law school student. A second-year law school student, Jared also received his B.S. in Marketing from the University of Pittsburgh.

MOCK TRIAL SCHOLARSHIPS

Mock Trial Scholarships are made possible through the generous donations of members of the Westmoreland Bar Association, appropriately titled the Founding Fellows. Over \$60,000 was raised in 2000 by this group to assure that two \$1,000 college scholarships could be awarded each year to deserving mock trial participants.

This year's Mock Trial Scholarship winners are Adam Schwab and Aislinn Lowry.

Adam Schwab is a 2017 graduate of Franklin Regional High School. Adam is attending Carnegie Mellon University

to pursue a degree in Chemical Engineering. He is the son of Joseph and Kimberly Schwab and resides in Export.

Aislinn Lowry is a 2017 graduate of Greensburg-Salem High School and a member of the winning county, regional, and state Mock Trial team. Aislinn is attending Youngstown University to study Musical Theatre, and plans to use the scholarship award to study abroad as she pursues her bachelor degree. She is the daughter of Kathy and Michael Lowry and resides in Greensburg. ■

Transforming American Democracy

Law Day Introduces Students to the 14th Amendment

Today the Fourteenth Amendment stands among the most often cited and most litigated of constitutional provisions. It has supported and inspired landmark civil rights legislation, including laws that bar discrimination in education, employment, and housing. As the theme for this year's Law Day celebration, it provided the opportunity for 30 Westmoreland County attorneys and judges, and more than 2,600 students across 12 school districts to explore the many ways that the Fourteenth Amendment has reshaped American law and privileges or immunities of citizens of the society.

Thank you to the following volunteers who made Law Day a success:

- Maria Spina Altobelli
- Katherine Bandemer
- Jack Bergstein
- Magisterial Judge Jason Buczak
- Magisterial Judge Charles Conway III
- Eric Dee
- Jennifer DeFlicht
- Amy DeMatt
- David DeRose
- Trent Echard
- Alaine Generelli
- Sherry Magretti Hamilton
- Kelly Tua Hammers
- The Hon. Timothy Krieger
- Larry Loperfito
- Phil McCalister
- Elizabeth McCall
- Wayne McGrew
- Zachary Mesher
- Faith Mileca
- Lisa Galloway Monzo
- Joyce Novotny-Prettiman
- Judith Petrush
- Dwayne Ross
- Kerri Shimborske-Abel
- Michael Stewart
- Michael Stewart II
- Kristen Weidus
- William Wiker
- Leslie Uncapher Zellers ■



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Actions of the Board

MARCH 16, 2017, AND APRIL 17, 2017

- Approved web design bid from CentraTech and authorized payment of fees as set forth in proposed contract.
- Took action to implement a QuickBooks online payment plug-in if it is compatible.
- Accepted Membership Committee recommendation: Thomas Cocchi, participating.
- Agreed to ask CPA Jeff Anzovino to complete the 2016 financial compilation and the 990.
- Confirmed that a \$1,000 check would be presented to Greensburg Salem Mock Trial team to travel to National Competition in mid-May.
- Agreed to place a 1/8-page ad in the SummerSounds booklet in the amount of \$250.
- Approved expenditure to cover costs for the Young Lawyers' participation in the Zone 6 Caravan at the Back Porch Restaurant as split among the bar associations in the zones and above the \$500 amount allotted by the PBA for the YL caravan.

MAY 18, 2017

- Heard report from Focus Group Chair Pete Cherellia and approved the continuation of the project for 4-5 working groups: Activities, LRS, Mentor, Website, Community Outreach, or CLE.
- Voted to terminate current SEP plan and hire CPA Iezzi to develop a new plan with Private Wealth Advisors.
- Voted to send the retention ballot regarding Judge Rita Hathaway's retention election to all bar association members with the exception of judicial members.
- Agreed to advertise PBI seminars held at WBA headquarters in *the sidebar* and on website.
- Agreed to invite Focus Group members to attend the Planning Retreat; Chair Cherellia to determine which members should be invited.

JUNE 22, 2017

- Accepted Membership Committee recommendations as presented: Jeremy Samek, Stephanie Balest, Sister Melanie DiPietro, Gina Cerilli, Kelly McGovern, participating; Matthew Fineman, associate.
- Approved \$2,000 to cover expenses for the Bocce event on July 21 at Jeannette Italian Club.

JULY 20, 2017

- Voted to hire Pam Mattucci as special recording secretary for the purpose of the July meeting.
- Voted to acknowledge Past President John Noble's resignation from the board and declare the office vacant.
- Voted to acknowledge the receipt of Margaret Tremba's letter of resignation from Vice President and declare the office vacant.
- Accepted Membership Committee recommendation: Hillary Weaver, participating.
- Accepted Ms. Novotny-Prettiman's report that she reviewed the bank statements as outlined in the check review policy.
- Directed Mrs. Krivoniak to obtain bids on replacement of two A/C units and notify board.
- Agreed to discuss the possibility of having the Fall Quarterly Meeting in

conjunction with AOPC presentation on the required changes in court policies, effective January 2018, and to offer the CLE free to members.

- Voted that *the sidebar* editorial staff provide the Board of Directors a copy of its proposed publication no less than five days prior to the publication date.
- Approved disciplinary action WBA 2017 001. ■

on the move

Amy Cunningham has closed her office temporarily due to illness and has asked that you contact Andy Skala at 724-221-6886 or Allison Burnett at 713-478-7339 for assistance.

Jeff Pavetti officially retired from the practice of law as of May 1.

Sam Rosenzweig moved to inactive status as of July 1.

Mike Hilliard has relocated to Lancaster where he is an associate attorney with Brubaker Connaughton Goss & Lucarelli LLC in their financial services department.



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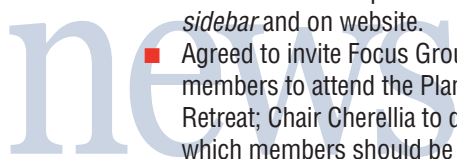
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CALENDAR OF EVENTS

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**.

SEPTEMBER

- 26** [CLE] Untangling UM/UIM Auto Coverage, Noon to 1:15 p.m., 1S
- 27** [CLE] Debt Issues and How It Relates To Your Practice, Noon to 1:15 p.m., 1S
- 28** [PBI CLE] Administering an Estate in PA - A Step by Step Guide, 9 a.m. to 4:40 p.m., 5S 1E

OCTOBER

- 4** WBA Fall Quarterly Meeting & V.P. Election, 4 to 5:15 p.m., Campana Chapel, University of Pittsburgh at Greensburg
- 9** Courthouse closed in observance of Columbus Day
- 12** Ned J. Nakles American Inn of Court, 5 p.m.
- 17** Family Law Committee, Noon
- 18** Membership Committee, Noon

- 19** [PBI CLE] 21st Annual Family Law Update, 8:45 a.m. to Noon, 3S
- 24** [CLE] New Changes To The Pennsylvania DUI and License Suspension Statutes, Noon to 1:30 p.m., 1.5S
- 25** [CLE] Taking Control of Your Financial Destiny, 4:30 to 5:30 p.m., Westmoreland Museum of American Art, 1S
- 26** [PBI CLE] 24th Annual Auto Law Update, 12:15 to 4:30 p.m., 3S 1E

save the dates!

- December 2:** Annual Holiday Dinner Dance
- December 12:** Dinner with Santa Party

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- Stock Options and Grants.
- Restricted Stock Units.
- Stock Appreciation Rights.
- Annual Bonuses.
- Qualified and Non-qualified Deferred Compensation Plans.
- Employee Stock Purchase Plans.

Speakers:

***Heather J. Baranowski, CPA/ABV/CFT, MST, CVA**
Litigation Director, BDO Dispute/Advisory Services

***John Petrancosta, CPA/ABV/CFF, CVA, CFE**
Senior Manager, BDO Dispute Advisory Services

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

October 17, 2017
Executive Compensation

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CLE Credit:

- WBA Members - \$30 per credit hour
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Non-Credit:

- FREE

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 October 16, 2017.**

Tuesday,
October 17, 2017
Registration: 11:30-12:00
Seminar: 12:00 pm - 1:15 pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 16, 2017)

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New Changes To The Pennsylvania DUI and License Suspension Statutes

— LIVE — 1.5 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion:

1. New Ignition Interlock options in lieu of License Suspension.
2. Changes in mandatory sentencing calculations in DUI cases.
3. Impact on License Suspensions for serious traffic violations.

Speakers:

Michael D. Ferguson, Esquire

Ferguson Law Associates

Timothy Andrews, Esquire

Former Prosecutor & 30 Years' Experience in DUI and WBA President

1.5 Substantive Credits are available toward your annual CLE requirements.

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October 24, 2017

New Changes To The Pennsylvania DUI and License suspension Statutes

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- \$10 Flat Rate
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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 October 23, 2017.**

**Tuesday,
October 24, 2017
12:00 pm - 1:30 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 23, 2017)

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Taking Control of Your Financial Destiny

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Presented by:

*Paul J. Brahim, CFP, AIFA and Chair and CEO
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Museum of American Art
221 N. Main Street,
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October 25, 2017

Taking Control of Your Financial Destiny

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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 OCTOBER 24, 2017.**

**Wednesday,
October 25, 2017**
Registration - 4:00 pm
CLE - 4:30 pm - 5:30 pm
Reception - 5:30 pm - 6:30 pm

Seminar Fees:

PRE-REGISTRATION:

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Court Ordered Co-Parenting and Visitation Services and Medicaid's Guidelines for the Funding of Mental Health Services

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Coordinated by the WBA Family Law Committee

Topics of Discussion include:

- Guidelines for co-parenting services
- Guidelines for supervised visitation services
- New (ATSA) Association for the Treatment of Sexual Abusers psychosexual assessments prior to adjudication and/or conviction
- Medicaid's definition of "medical necessity".

Speaker:

Cynthia L. King, MSSA, LCSW, LISW-S
King and Associates, Inc.

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November 14, 2017

Court Ordered Co-Parenting & Visitation Services & Medicaid's Guidelines for the Funding of Mental Health Services

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129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm November 13, 2017.**

**Tuesday,
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12:00 pm - 1:15 pm
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Current United States Supreme Court Civil Rights Decisions



An accredited provider for the PA Board of Continuing Legal Education

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A discussion of current United States Supreme Court Civil Rights decisions.

Speaker:

David J. Millstein, Esquire

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November 28, 2017

Current United States Supreme Court Civil Rights Decisions

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**Tuesday,
November 28, 2017
12:00 pm -1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

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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.

[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

Privacy Convenience

Find them both at **RAVENWOOD**

We would like to invite you to experience the Ravenwood community located in Hempfield Township, Greensburg PA. In 2012 the construction process of this unique housing development was completed. Over 19 homes have been constructed and more are ready to begin soon. The development is located on 96 acres of pristine countryside. Ravenwood is made up of only 44 homesites on this abundant acreage. There are views of the historic Laurel Mountains or graceful rolling hills of a neighboring 18 hole golf course. Ravenwood offers homesites ranging from just under 1 acre of land to over 9 acres, with all underground public utilities. Homesite prices start at \$75,000. Whether you are just beginning the journey with your new family or starting a new chapter in the story of your life, Ravenwood is the answer for anyone wishing to customize their home to fit their lifestyle. This distinguished wooded development will afford you the ability to build the life you always dreamed you would give your family. It will be an affordable investment that will provide you and your loved ones a bright future. A lifetime of happiness begins here.

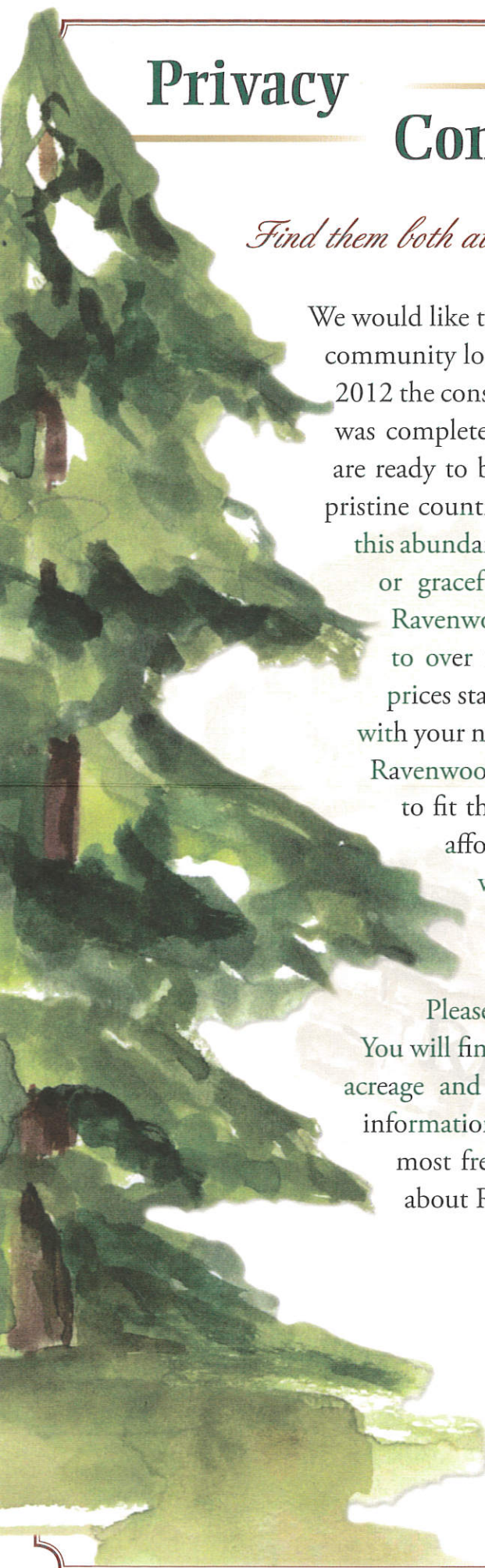
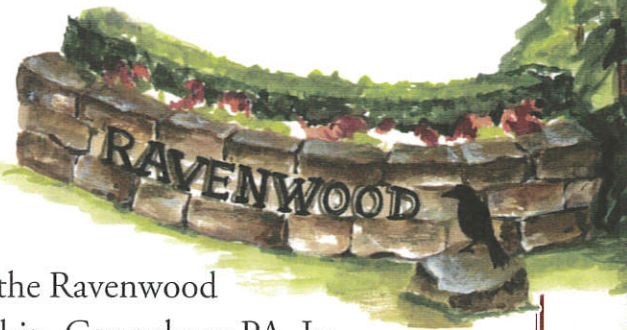
Please visit our website at www.ravenwoodhomes.com. You will find more information regarding each available lot, including acreage and orientation within the development. Also included is information about the surrounding area and answers to some of the most frequently asked questions. Please contact us to learn more about Ravenwood, and to schedule your own personal tour.

We look forward to hearing from you soon.

RAVENWOOD

Marino, DeNunzio, Marino Developers
For more information, call Rick DeNunzio
724-837-7262

www.ravenwoodhomes.com



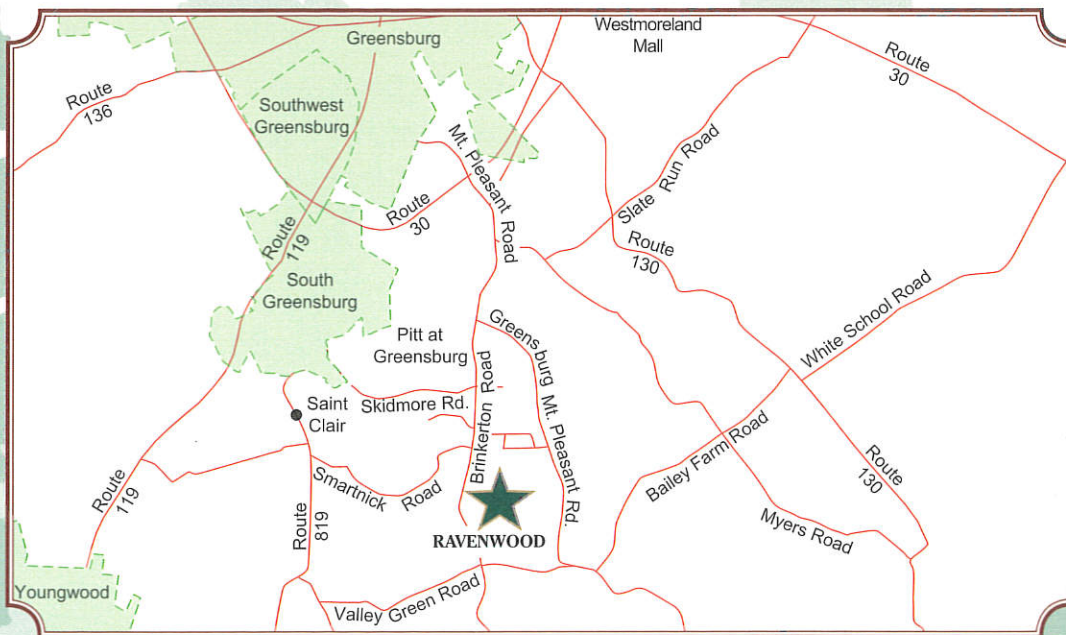
*You are invited to experience the tranquil beauty
that awaits your discovery... a place called home!*

RAVENWOOD



Seclusion and tranquil privacy and yet convenient to all the places you need to be, Ravenwood's location offers the best of both worlds. You are just minutes away from downtown Greensburg, malls, shopping, restaurants, cultural and recreational amenities. Ravenwood's proximity to Route 30, The Pennsylvania Turnpike, Route 66 Tollway and I-70 provides easy access to Pittsburgh and all of your destinations.

The peaceful wooded beauty of country living with city convenience – your home at Ravenwood – the perfect fit for your lifestyle.



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www.ravenwoodhomes.com

Visit Our Website for Directions