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THE NEWSLETTER OF THE WESTMORELAND BAR ASSOCIATION
VOLUME XXV, NUMBER 3
JULY 2013

Special Report

CLASH OF THE SEMI-TITANS



The Oldsters



The Youngsters

Editor's note: Our intrepid reporter attended the game and was bored out of his mind. What follows is a fictionalized, albeit far more interesting, account of the game.

It was an epic battle, to be sure, this most recent softball clash between the young and not-quite-as-young teams of WBA members. The date was May 31, 2013; the place was the baseball field at the University of Pittsburgh, Greensburg campus; the time, taking into account the significance of the

event, of no consequence. It is quite enough to note that this, the second annual meeting of youth versus less youth, possessed a timelessness of unparalleled synchronicity.

At 4:30 p.m., with the sportsters from both sides assembled and in their places, the match commenced. Mr. B. Aston, pitching for the Wizened Warriors (the "Oldsters") started off Mr. M. Schimizzi of the Ubiquitous Upstarts (the "Youngsters") with a slow lob. The pitch proved so effective that Mr. Aston, undaunted by the fact that

Mr. Schimizzi struck the ball with such force and effectiveness that it flew over the heads of both Oldster centerfielders and three of their left fielders as well, used it for every single pitch thereafter.

Following Mr. M. Schimizzi's mammoth crushing of the sphere, Mr. Aston settled down and retired three of the next nine batters to exit the first half of the first inning trailing by a mere seven runs.

"Don't let it get you down, boys," cheered Mr. Stewart, head coach of the Oldsters. "We'll easily make

this deficit up eventually." Fortune proved him to be approximately correct when Mr. Silvis Jr. walked and then stole second while Mr. D. Schimizzi, pitching for the Youngsters, opted to attend to a posterior itch. He then advanced to third on the infield out successfully pulled off when Mr. Nakles smashed a vicious roller back to the pitcher, and he remained there as Mistern Bronson and Noonan successively struck out on six straight deft slow lobs which, according to them, curved precipitously while approaching the plate.

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Clash of the Semi-Titans

continued from page 1



Mr. Aston was far more effective in the second inning, surrendering but six runs on one single, two hit batters, and one very lucky home run which was misjudged by the left centerfielder and sailed over his head by a mere fourteen feet. He might have escaped the frame yielding only two tallies but for the six errors committed by two infielders and four different outfielders on one play.

The score remained a close 10-0 until the bottom of the fourth inning when Mr. J. Boggs led off. A powerful hitter all season long, Mr. Boggs approached the batter's box with a grim determination and a thunderous bat. He justified his nickname as the King of Krush by swatting a deep fly ball over the head of Mr. Gannon in left field. By the time the ball had been retrieved and thrown back into the infield, Mr. Boggs was standing triumphantly, albeit winded, on first base.

Utilizing an unerring combination of skill, wizened talent, and plucky fatigue, the Oldsters crossed the plate eleven times that inning, leaving the daunted Youngsters to count themselves lucky their pitcher only hit fourteen straight

batters. The onslaught might have been considerably worse had not the plucky Mr. DeRose of the Oldsters, who singled up the middle, been called out for delay of game whilst running to first base.

"We need to treat every inning as if it were sudden death," Mr. Stewart, manager of the Oldsters, remarked after the inning ended, a sentiment echoed by every member of his team as they wheezed and clutched their chests with every swing of the bat and every gallop along the base paths.

By the end of the fourth inning, Fortune began to smile on the wily veterans as they closed the gap to a mere seven-run deficit. In the bottom half of the fifth inning, the Oldsters took final command of the game, scoring repeatedly on a skilled combination of seven walks, three Youngster errors, four hit batters, and a colossal single swatted deftly by Mr. Judge Feliciani who, as he first approached the plate, threatened to hold any Youngster player in contempt if they so much as even attempted to field any ball he might fortuitously strike with his bat. The end of that inning showed the Oldsters up by three runs, 16-13.

That proved to be the final score as both teams struggled to answer the bell in the eighth inning. Mr. Stewart of the Oldsters led off the bottom of the inning with a deep smash to center field, but darkness set in as he ambled at full speed to first base. Agreeing that discretion was indeed the better part of valor, the combatants decided to call the game before someone

got hurt worse than they already were. Mr. Stewart Jr. of the Youngsters immediately demanded a rematch, and despite Mr. Stewart Sr.'s admonition to shut the hell up, a rematch was agreed to. It will take place at Altman Field in Jeannette on some as yet unspecified date which, according to Mr. Stewart Sr., will be when Hell freezes over. 🐼

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Remembering Carol J. Sokolski

Editor's note: Carol J. "CJ" Sokolski died Monday, September 24, 2012. She is survived by her sister, Patricia Sokolski of San Francisco, Calif.; and four loving cats. Donations may be made in CJ's honor to the Monessen Volunteer Fire Department No. 2 or to the Washington Area Humane Society.

by Marnie E. Abraham, Esq.

If you attended the recent Memorial Service of the Westmoreland Bar Association, you already know that I wore slacks, and not a skirt—not out of disrespect of the bench and bar—but to honor my friend, Carol J. Sokolski, who never met a skirt that she liked.

CJ, as she preferred to be known, was born in Charleroi on January 3, 1943. Her father was Stanley Sokolski and her mother was Stella Kowalski. CJ may not have been born near a streetcar named *Desire*, but she was a pioneer, and her desire and determination to live and give a better

life played out throughout all her life. She loved Monessen and called it home, graduating from Monessen High School in 1960.

She was a pioneer. CJ worked in the local factory, and supervised some of you as you worked your way through college and graduate school. She cared for her dad for many years and also tended to many beloved cats—those she raised and those who stopped by for a meal and a warm place to stay.

She was a pioneer. In 1975, CJ earned her Doctorate of Law from Duquesne, becoming one of the first women in this area to do so. She joined Judge Ambrose and a select few other women in blazing a trail

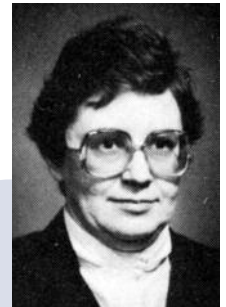
for those of us who followed. CJ never called herself a feminist. After all, she was ahead of the curve and ahead of that movement, too. CJ opened an office in Monessen, where she was a friend, caregiver, and counselor to her many neighbors. No one was turned away. She always remembered her humble roots and paid back (or was it forward?) each day.

She was a pioneer. After Judge Marker was elected to the bench, CJ became the Custody Hearing Officer in the family court of Westmoreland County. She took these duties seriously and always sought out the best interests of the children involved in separations and custody disputes. Along with the family court judges, CJ helped to standardize the custody conference system that still exists today. She was tough, had a wicked sense of humor, and loved her church, her family, her community, and the law. After her retirement from the family court, CJ learned how sick she was, but she wanted us to know it directly from her. No gossip line, internet, or neighbors would give us the news. She was brave in life and in death.

She was a pioneer.

On September 24, 2012, Carol J. Sokolski rode that streetcar from desire to the pearly gates.

I am honored to call her a colleague and a friend. May she be at peace and may her memory be eternal. 🌸



▲ CJ Sokolski, 1985 WBA Directory

Looking for a special way to remember someone?

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

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



the sidebar

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

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Remembering Robert A. Nedwick

Editor's note: Robert A. Nedwick died Thursday, March 14, 2013, after a two-year struggle with cancer. He is survived by his wife of 49 years, Annamarie; two daughters, Karen (Nedwick-Castro) and Amy (Meinert); two sons-in-law, Ric Castro and Kurt Meinert; and four grandchildren, Kyle, Brooke, and Brett Meinert, and Dylan Castro.



▲ Bob Nedwick, 2000 WBA Directory

by Ron Bergman, Esq.

I first met Bob Nedwick in the late 1970s when Denis Zuzik and I were doing defense work for Traveler's Insurance Company. Bob was a partner at a Pittsburgh defense firm then known as Meyer,

Darragh, Buckler, Bebenek & Eck. Even then, Bob was a seasoned trial attorney and handled most of the Westmoreland County work for the firm. Often civil suits had several defendants, and Bob and I would find ourselves representing different defendants in the same case.

As a younger attorney, I was often in awe watching Bob represent his clients. He was not theatrical. He was not a showman, but a faithful advocate for his client, and his representation, be it for an insurance company or an individual, was wholehearted and honest. He believed in presenting the facts and letting those facts speak for themselves. Perhaps that is why so many juries were persuaded to his point of view. Although always a vigorous advocate for his client, Bob was also courteous to other counsel and followed the rules to the letter.

It was not unlike Bob to compliment another attorney for a good piece of work, particularly younger lawyers. I know, because I was one of those young lawyers, and I shall never forget it; because of that compliment, I remember the name of the case we were trying. Years later, when we were together on the same side, he even

complimented an adverse witness. It was just his way.

I also never met a more thorough trial lawyer. He would immerse himself in every nuance of a case. His long-time friend and secretary, Aleta Keegan, says that if he were defending a bricklayer, by the end of the case Bob would be capable of building a brick wall himself.

Yet, as always, one cannot choose his own client. Bob defended a driver who had impaired vision (how he maintained a driver's license is a mystery). He and his beer distributorship had been sued by a poor woman whom he had run over with his beer truck; he thought that he had run over a cardboard box. I remember that case settling, but not before it went to trial and not before some gentle ribbing from us at the office.

During the 1980s, I had less contact with Bob, but knew that Meyer Darragh had splintered and Bob left the firm to continue to represent several insurance companies that wanted only him. He then opened his own office in Greensburg. As my defense practice evaporated, Bob would send me research work on his cases and eventually in the early 1990s, he invited me to work with him. I jumped at the chance, not only because I would continue to do the

work I loved, but also because I would be working with Bob day-to-day. That is when I met Aleta. She was Bob's secretary, both in Pittsburgh and here in Greensburg, for 20 years and his friend for more than 37. Here again, Bob was a lucky guy; he not only was doing the what he loved but he was doing it with a friend and secretary who knew what he wanted done before he did.

I also got to know Bob's personal side during those years. We would spend countless hours traveling to Cincinnati to wine and dine the claims reps or to other cities for depositions. Bob was an ardent Republican and I was a long-time Democrat. Yet we never took each other to task for our political differences; we respected each other's views. In spite of his political leanings, Bob was a vocal critic of the Iraqi War, but he expressed his opposition only in terms of the young men and women who had to fight it.

Bob was very much a devoted family man. He deeply loved and is survived by his wife, Annamarie, his daughter and son-in-law, Karen and Ric Castro, his daughter and son-in-law, Amy and Kurt Meinert, and four grandchildren, Kyle, Brooke, and Brett Meinert, and Dylan Robert Castro.

My memory is fresh even today recalling how emotional Bob was as he walked his daughter, Amy, down the aisle. Here was this nerves-of-steel courtroom lawyer struggling to fight back tears as he gave his daughter away.

Bob was also an avid Steelers fan, holding season tickets for a number of years. I always enjoyed our "Steelers talk" at the end of the day and most often on Monday mornings. He once confessed to me that he thought himself a good family man ... except for eight Sundays a year.

Bob was an unassuming man and an excellent lawyer, practicing the kind of law that is fraught with temptations to be otherwise. I shall miss him. 🍀

LawSpeak

"Justice will not be served until those who are unaffected are as outraged as those who are."

— Benjamin Franklin

May 2013 Civil Trial Term

Jury Trial Verdicts

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

Of twenty cases listed for the May 2013 Civil Jury Trial Term, six settled, ten were continued, and three jury trials were held.

MARSHA ESTES

V.

**CBL/WESTMORELAND, L.P.,
A PENNSYLVANIA LIMITED
PARTNERSHIP, ET AL.
NO. 10724 OF 2007**

*Cause of Action: Negligence—
Personal Injury*

On May 10, 2006, Plaintiff was shopping at Westmoreland Mall in Greensburg. While Plaintiff was in the Ritz Camera store, a young child in the common area of the Mall dropped a glass bottle that broke. Both a customer service coordinator



and a security guard for the Mall were nearby and heard the glass break. The customer service coordinator called mall maintenance to clean up the glass shards. The security guard also called mall maintenance, and began to walk to the site of the broken glass. At about the same time, or within approximately one minute, Plaintiff exited the Ritz Camera store and

stepped on the broken glass; she injured herself and required surgery.

Plaintiff alleges that Westmoreland Mall and the security company were negligent in failing to properly fulfill their duties and obligations to ensure customer safety. Plaintiff is seeking monetary damages.

Defendants deny that they were negligent and allege that they properly and fully discharged their duties and obligations to customers on the premises.

Plaintiff's Counsel: Mark A. Rowan, Connellsville

Defendants' Counsel: John F. Deasy, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Defendants.

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- Registered at Canadian Patent Office with over 300 patents issued
 - Registered over 300 Federal and Pennsylvania trademarks
 - 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

Jury Trial Verdicts *continued from page 5*

PAUL W. DAVIES
V.
ERIC MICHAEL SINGER
NO. 6092 OF 2005

*Cause of Action: Negligence—Personal Injury—
 Automobile Accident*

On August 18, 2003, Plaintiff was operating his vehicle on the Pennsylvania Turnpike, approaching the New Stanton exit in Westmoreland County. The Defendant was operating his vehicle directly behind the Plaintiff.

As Plaintiff began slowing down due to traffic conditions, Defendant's vehicle struck the rear end of Plaintiff's vehicle. Accordingly, Plaintiff alleges that he suffered various injuries and is seeking monetary damages as compensation, including lost wages of \$628,000 and medical expenses of \$7,636.

Defendant alleges that he was operating his vehicle in a lawful manner and was not negligent in causing the accident. The Defendant also contested damages as claimed by the Plaintiff.

A summary jury trial was conducted. (A jury in a summary jury trial consists of eight individuals; agreement by at least six of the eight jurors constitutes a verdict.)

Plaintiff's Counsel: Matthew W. Loughren, Pgh.

Defendant's Counsel: John A. Robb, Jr., Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Plaintiff for \$77,040 in lost wages and \$7,636 in medical expenses.

ROBERT GREECE
V.
H.M. DEMPSEY AND R.C. DEMPSEY
NO. 1595 OF 2007

*Cause of Action: Negligence—Personal Injury
 (on the issue of liability only)*

On July 27, 2006, Plaintiff was an employee of a window cleaning company. On that date, he completed a

job of cleaning the windows at the Defendants' home. As he left the yard area, Plaintiff tripped over a wooden obstacle on the ground and sustained injuries. He claimed that Defendants' negligence caused his injuries.

Defendants maintained that there were no material alterations to the property and denied the existence of a dangerous or defective condition that in any way contributed to the alleged occurrence.

Plaintiff's Counsel: Anthony W. DeBernardo, Jr., Gbg.

Defendants' Counsel: Marianne C. Mnich, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Defendants.

**TAMIE STEYER, AS GUARDIAN
 OF ALLYSSA WILSON**
V.
JACQUELINE BARNHOUSE
NO. 8106 OF 2006

Cause of Action: Negligence—Motor Vehicle Accident

On November 16, 2004, a vehicle operated by Defendant collided with a vehicle operated by Plaintiff. The collision occurred when Plaintiff's vehicle made a right hand turn onto Berger Road in Hempfield Township and Defendant's vehicle crossed the center line colliding with Plaintiff's vehicle. Minor Allyssa Wilson was a passenger in Plaintiff's car. As a result of the collision, Allyssa struck her head inside the vehicle. Plaintiff alleged that Allyssa sustained injuries to her ribs, neck, left shoulder, and the left side of her head. Plaintiff also claimed that Allyssa had headaches, that she suffered from dizziness, blurred vision, and loss of mental capacity, and that she experienced other cognitive problems as a result of the accident. Plaintiff sought damages for pain and suffering for Allyssa's injuries.

Defendant contended that Allyssa Wilson sustained only minor soft tissue injuries to her neck and back and that all of the conditions caused by this accident resolved when she was released from treatment by a chiropractor approximately six weeks after the collision occurred.

Plaintiff's Counsel: Joseph Massaro, Gbg.

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

Trial Judge: The Hon. Gary P. Caruso

Result: Verdict in favor of Plaintiff and against Defendant, but no damages were awarded. 🐾

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Spotlight on Mike Stewart II



Editor's note: Mike Stewart II is the Chair of the WBA Young Lawyers Committee. Although his official one-year term began at the 2013 Annual Meeting, held April 1 at Rizzo's in Crabtree, he had been serving as Interim Chair since Don Rega stepped down in 2012. Mike is an associate with Stewart, McArdle, Sorice, Whalen, Farrell, Finoli & Cavanaugh, LLC, in Greensburg.

Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

A After graduating from college, I worked for a year at the Vanguard Group, a mutual fund company based in Malvern, Pa., as a client relationship associate. I basically answered client phone calls all day. The questions ranged from which mutual fund was the best choice for

a client, to security settings for online transactions, as well as tax questions on buying and selling mutual funds.

One of my favorite jobs was working as a YMCA Day Camp counselor the summer after my senior year in high school and the summer after my freshman year in college.

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

A I have a lot of different nicknames, so sometimes other attorneys aren't sure what to call me. Ray Bitar and I were in Judge Scherer's courtroom for a contested motion, and I don't think Ray was sure how to refer to me, so he called me Mike, then Michael, Attorney Stewart, and then finally Stewie in a span of less than ten seconds. Judge Scherer then glanced at me with a smile on his face, and I couldn't help but laugh. I don't mind being referred to as Stewie in court though—even my mother calls me Stewie sometimes.

Q WHAT QUALITY DO YOU MOST LIKE IN AN ATTORNEY?

A I like working with attorneys who are honest and straightforward, and who return your phone calls or e-mails.

Q WHAT HAS BEEN YOUR FAVORITE JOURNEY?

A I studied abroad at the University of Sussex in Brighton, England, instead of staying at Penn State for my last semester of college. In England, colleges are on a trimester schedule, and I studied at Sussex for both the Spring and Summer trimester in 2005. For the month in between the two trimesters, I traveled from London to Barcelona, Zurich, Munich, Vienna, Prague, Berlin, Amsterdam, Maastricht, Luxembourg, Bruges, Brussels, and then back to London.

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Spotlight on Mike Stewart II

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For some of the stops, I stayed with friends I'd met at Sussex who went home for the break, and other times I would book a hostel a couple days before arriving in that city. I met so many interesting people over those 30 days, and I sampled the local food and drink in every city.

Q WHAT IS YOUR GREATEST REGRET?

A Not learning foreign languages when I was younger, and not taking more foreign language classes in college.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A My dad and Roger Federer.

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

A Keep a positive attitude. Sometimes being a young lawyer is stressful because law school does not teach you the practical things you need to know when practicing law, like the procedural differences between counties, or between state and federal courts, how to schedule motions or petitions before a judge, what details

to include or not include in a Complaint or an Answer, etc. Staying positive and digging for the right answers is key to being successful.

The other piece of advice I have is, if you don't know how to do something, ask a more-senior lawyer. It's easy for me because I work in a firm with more-experienced attorneys, but I've always found that attorneys who I've talked to at Inns of Court or who I've met through the Bar Association are more than willing to give advice to a younger attorney.

Q WHAT IS THE BEST ADVICE YOU EVER GOT?

A "Attitude is everything," from my Dad. No matter what situation you are in, there is always something positive you can find to focus on.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Winning the East Hempfield Elementary School Geography Bee as a fourth grader.

Q WHEN AND WHERE WERE YOU HAPPIEST?

A December 1, 2012, Rittenhouse

Square in Philadelphia when I asked my girlfriend—now fiancée—to marry me and she said yes.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My pair of White Air Jordan 7's with Michael Jordan's Olympics number "9" on the back.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Waiting. I don't like waiting in line, waiting in traffic, or doing anything that involves waiting for long periods of time.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A I don't really have one. At some point I will buy a Rolex watch.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A I would like to be an expert at playing a musical instrument. I think being able to entertain guests at a party by playing the piano would be pretty cool.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Loyalty. Two of my best friends I've known since elementary school. There are always times when we made each other mad or didn't agree with what one of us was doing, but we always supported each other.

Q WHAT PROFESSION, OTHER THAN YOUR OWN, WOULD YOU LIKE TO ATTEMPT?

A If I weren't a lawyer I would be a high school teacher or college professor. I participated in Law Day the last two years and I've really enjoyed teaching. I would also like to coach high school sports.

Q WHAT IS YOUR MOTTO?

A Don't have one. I'm open to suggestions. 🐾



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Law Day Volunteers Help Students Realize the Dream



More than forty volunteers from the Westmoreland Bar Association visited kindergarten, elementary, middle, junior high, and high schools in Westmoreland County from the end of March through the end of May as part of this year's Law Day campaign.

This year's theme was "Realizing the Dream: Equality for All," which strove to provide an opportunity to explore the movement for civil and human rights in America and the impact that it has had in promoting the ideal of equality under the law.

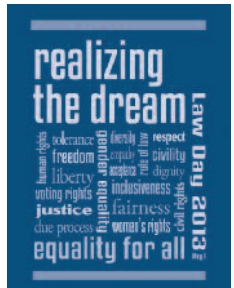
Sponsored by the Pennsylvania Bar

Association, Law Day sends judges and lawyers back to school for classroom visits in an effort to teach students about the law. More than 4,000 students throughout Westmoreland County were treated to presentations by the judges, attorneys, and magisterial district judges who volunteered this year.

We offer our sincere thanks to the following volunteers, without whom Law Day would not be possible:

- Maria Altobelli
- Jack Bergstein
- The Honorable Michele Bononi
- Rebecca Brammell

- Jennifer Dupilka
- Melissa Guiddy
- Christopher Haidze
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- The Honorable Rita Hathaway
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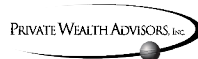
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- John Casario
- Leo Ciaramitaro
- Judith Cizek
- Meagan Bilik DeFazio
- David DeRose
- Judge Jason Buczak
- Rebecca Calisti
- John Casario
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- Meagan Bilik DeFazio
- David DeRose



Law Day 2013
Get the big picture(s) for Law Day and other WBA events online at wbaphotos.shutterfly.com

It's not surprising that **BETTY WARD** always wanted to be a librarian. Anyone who has ever sought Betty's help or guidance at the Westmoreland County Law Library will vouch for her vast knowledge of legal resource materials and her expertise on how to access them. In an age in which electronic information is burgeoning, her guidance in the field of legal research is invaluable. I have called upon Betty on numerous



▲ Betty Ward

occasions to help me locate sources; and in spite of my pestering, she granted me this interview. Betty Ward grew up near Scranton, Pa., and she attended Kutztown State College. Not far from there, she met her late husband, John Ward. After earning a

Master's degree in Library Science from the University of Pittsburgh, she served as a reference librarian at the Westmoreland County Community College, and then as the first employee librarian at the State Correctional Institution in Greensburg. She is a member of the Western Pennsylvania Library Association, Share Westmoreland (a group of libraries committed to sharing resources to improve the quality of Westmoreland County's library services), and the Pennsylvania Library Association.

Betty is refreshingly humorous about her profession. Her work at the state prison not only supplied some of her more interesting library experiences, but also gave her the opportunity to develop a library from scratch and to study at the State Law Library. Incredibly, she really did find a "shank" (blade) hidden inside a book pocket; another time, she discovered a hollowed-out reference book that was probably used to hide contraband. One time, while visiting her daughter, Meghan, at the University of Virginia, she saw the legal publishing company Michie's headquarters in Charlottesville.

who's who@ THE COURTHOUSE

BY AMY DEMATT, ESQ.

Upon delightedly pointing it out to her daughter, Meghan had to remind Betty not to get too excited, explaining, "It is just a publisher."

Simply put, Betty is good at what she does and has embraced her talent as a researcher. She told me that her high school librarian and mentor, Joan Diana, amusedly commented that when Betty worked at her school library while still a student, her classmates would seek out Betty for advice before asking Ms. Diana. Betty has maintained that approachable style. She continues to use her professional associations and contacts to keep abreast of new developments in research and to obtain materials not available in our own law library.

Betty comments that her career has spanned such interesting times for libraries as they continually adapt and

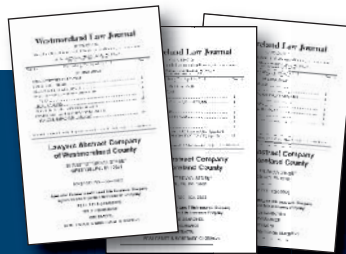
evolve with changes in technologies. To illustrate, she recalled that the Westmoreland County Law Library had the first facsimile machine in the entire courthouse. Acquired thanks to a state library grant, it was a hulking contraption, and people would stop by the library just to watch it work. Although it increased foot traffic in the library, it was a great way to get acquainted with co-workers in other departments, as the fax machine became an essential tool in communicating via document transmission.

Over the years, she witnessed improvements to Westlaw's on-line legal research and an increase in other electronic resources, which we have come to depend upon, from dial-up modems to e-books. The law library now offers a wide variety of on-line materials for its users. Last year alone, the law library's computers were utilized for over 18,000 Westlaw and Shepard's searches, and that's not counting all of the other on-line information that is available.

Betty is curious by nature and loves to travel. Her daughter lives near Lake Tahoe, which has led to her taking several trips out west. She has visited many National Parks, the Grand Canyon, and the California coast and wine country. She and her daughter have always enjoyed visiting historic sites and presidential homes. Several years ago, they enjoyed a memorable trip to Ireland. (Meghan was an Irish dancer even before *Riverdance* made its popularity soar.)

In describing her duties, Betty remarked, "I love my job. I feel blessed. It is so interesting and rewarding." She specifically asked me to note how appreciative she is to have her assistant, the equally friendly Cindy Woods, to assist her in helping with the library.

We who research and practice law in Westmoreland County are fortunate to have one of the best legal research resources in our own courthouse in Betty Ward. Thanks, Betty, for your continuing legal research help and advice! 🐾



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To-Wit: Look—Up In The Sky Again!

by S. Sponte, Esq.

As a child I always did—look up in the sky, that is—because I always hoped a superhero would be up there. That none ever were never stopped me from looking.

I've always loved superheroes, how they right wrongs, capture and punish transgressors, keep my world safe. I needed them as a kid and I need them no less now. Though their domain has primarily been the comics, at least there they proliferate like bunnies. Every fictitious city had them. Why, you could hardly walk down any fictitious city street without at least one of them single bounding over every building in sight. As for the smaller towns, you couldn't saunter past any corner where at least one

youthful super ingénue wasn't being bar mitzvahed or confirmed.

Nowadays they populate the movies as well. Go to any theater and you'll see Superman, Batman,

“This has always been a profession more replete with superheroes than anyone knows.”

Spiderman, Iron Man, Silver Surfer and Daredevil, just to name a few, displaying their superwares (or in the case of Tuperman, his Tuperwares) for all to see.

While it is the fictitious superheroes who have always garnered the notoriety, they are not without their real-life

counterparts in the legal profession. Since law immemorial, we have actually had

more than our fair share of superlawyers, and by that I don't mean the sort who callously buy their way into the trade magazines of the same name. No, I mean the ones who have powers and abilities far beyond those of mortal lawyers.

Unfortunately many of them, especially those who toil in less populous environs, are virtually unknown. I intend to change that right now. This has always been a profession more replete with superheroes than anyone knows. Consider the following:

continued on page 12



G

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Daniel Joseph

To-Wit: Look—Up In The Sky Again!

continued from page 11

P. H. AN TOM—A litigator par excellence, P.H. realized early in his career that he possessed the power to cloud the minds of all opposing counsel. He might have successfully practiced in anonymity his entire career had not so many of his opposition been elected to the bench where the affliction he had imposed upon them became readily apparent.

STEFAN “SPIDEY” ARAKNID—At one time just an ordinary family lawyer, Stefan was accidentally bitten by a radioactive client during a custody melee and was soon thereafter able to spray vitriol from his mouth and webbing from his wrists. It didn't make him a better lawyer but, by golly, after that his clients always paid his bills on time.

LULU “IRON LADY” GERHIG—A deft criminal defense attorney, Lulu eventually became so enflamed

whenever a guilty client was acquitted as a result of her consummate skill that she took to donning custom metal body armor and kicking the bejesus out of herself for her perfidious astuteness. She retired after a long and successful career and at her retirement dinner was heard to say “oof.”

Now let me tell you briefly about **MYRON “SHOCKYMAN” RABINOWITZ**. When he retired, he taught me his ability to administer massive electrical shock merely by touch. So, to a certain defense counsel out there, and you know who you are, do you really want to make me try this case or are you now ready to make me a decent offer? Oh, and don't worry, if we settle, I promise you won't have to shake on it. 🐜

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bookmark What Have You Been Reading?

by Robert P. Domenick, Esq.

FROM TEEN IDOL TO BRITISH FOREIGN MINISTER IN JUST 45 SHORT YEARS!

The latest book in my personal reading agenda is **"THREE DAYS IN MAY,"** a dramatic play by Ben Brown first performed on August 16, 2011.

It concerns three crucial days in 1940, when—extraordinarily—giving in to Nazi Germany was seriously considered by the War Cabinet of Winston Churchill.

How I discovered this work is a story that started with a song on the radio. I was driving and listening to 3WS-94.5 Radio. A song I somewhat remembered, titled "A Summer Song," was playing. I knew it was by one of the many British groups who were on the US pop charts after The Beatles debuted in America, but I did not remember who the artists were. A few moments of research on the computer identified them

as Chad and Jeremy. My curiosity was piqued. I wondered what Chad and Jeremy were up to in the 21st century. Are there second acts for teen idols?

It turns out that there are! Both Chad and Jeremy were from well-to-do families. In fact, Jeremy Clyde is a direct descendant of the Duke of Wellington of Waterloo fame. I found that Chad Stuart had stayed in the music industry and now teaches music in Sun Valley, Idaho. Jeremy Clyde had gone back to his original career choice of acting and has had a long run as a television, film, and stage actor in the United Kingdom. They still perform together several times a year. Some of the biographic materials mentioned that Jeremy was appearing in and getting rave reviews in a new play about London in World War II in which he portrays British Foreign Minister Lord Halifax.

Being a student of that era and a dedicated Anglophile, I went to amazon.com and ordered a copy of "Three Days in May," which is not in print in the US. The cast includes Warren Clarke, a well-known British actor who has played Churchill before, and Simon Ward, who was cast as former Prime Minister Neville Chamberlain. Ironically, Ward had played Churchill as a young man in the 1972 movie "Young Winston," but it seems that in 2011, he still had his hair and was too slim to portray "Old Winston."

The play opens on the morning of May 26, 1940. This is, without question, the darkest moment in nearly a thousand years of British history. The Germans have flanked a series of French fortifications known as the Maginot Line. On Day 3 of their invasion, they smashed through the French defenses at Sedan. On Day 10, they reached the English Channel, something they could not do in over four

years in World War I. The French and British forces are in full retreat with no prospect of reversing the situation. The French, as is their wont, have secretly begun to send inquiries to Hitler about terms of surrender. The British have no idea how they will get their army off the continent.

Winston Churchill is not yet the towering figure of the 20th century he will become. He has been Prime Minister for a mere sixteen days. He is a 65-year-old failed politician who got the job as Prime Minister mainly due to his nearly decade-long (and completely ignored) rantings that Hitler and Nazi Germany are a grave threat to Britain and Western Civilization.

The general public mostly remembers him from his disastrous tenure as First Lord of the Admiralty in 1916 when his Gallipoli campaign against the Turks was a total debacle. His current tenure at Admiralty during the German conquest of Norway was nearly as bad. The minority Labour Party views him as a reactionary relic of the 19th century. His own majority Conservative Party does not trust his unstable temperament, his proven unsound judgment, and his excessive drinking.

Still, being the 19th-century relic that he surely was, he knew plenty about imperialist ambitions; that is what set him apart from others in conservative circles in Europe who could not conceive of a right-wing threat.

continued on page 14



▲
Robert P.
Domenick

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Bookmark *continued from page 13*

The play centers around the five-member War Cabinet: Churchill; former PM Neville Chamberlain; Halifax; and two leaders from Labour, Clement Atlee and Arthur Greenwood. They seem to have few options. Either surrender, or fight on and lose. But an unexpected development arises.

Mussolini, not yet in the war, offers to help negotiate peace, for a price: control of Gibraltar, the island of Malta, and the Suez Canal, and with it, control of the Mediterranean region. Chamberlain and Halifax seem to think that this might be a way out of the crisis. Even Churchill gives lukewarm conditional support to having Halifax look further into the offer.

Much of the source material for this play comes from diaries kept by a young man named John Colville. Colville was a Private Secretary to the

Prime Minister, but his duties were akin to what we would know as a presidential aide.

Unlike the White House, where aides come and go with a change of administration, at 10 Downing Street, they are part of the permanent staff. Colville served under Chamberlain for two years, then with Churchill for the duration of WWII, and, finally, a year under his successor, Atlee, before joining the Diplomatic Service.

These diaries caused quite a stir when first published in the 1990s. It was never mentioned, even in Churchill's six-volume "History of the Second World War" that there was serious consideration to open "peace talks" with the Nazis.

After quickly rejecting that prospect, Churchill knew that to carry the day, he must separate

Chamberlain from Halifax, for if he had Chamberlain, he had the Conservative Party and then could carry Parliament to his view that they must fight on at all costs. The dialogue shows the brilliant job Churchill did of playing to Chamberlain's pride and his humiliation that he so misjudged Adolf Hitler at Munich in 1938 and was made to be a fool.

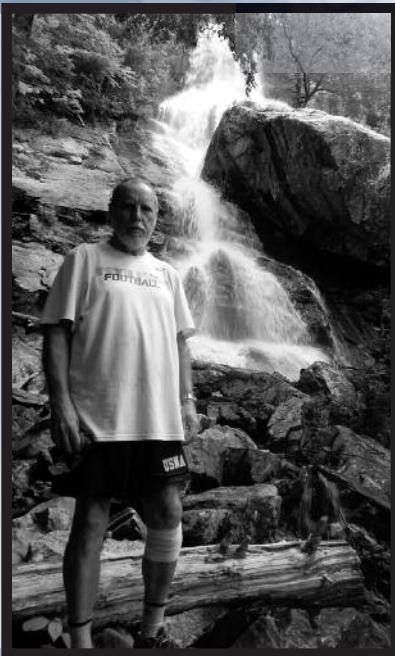
For the Prime Minister, it was rather elementary: if Britain goes down fighting, they will get no worse terms than if they give victory to Hitler "on the cheap," so to speak. Britain would have to hand over the Royal Navy, the Spitfire fighter plane, and accept a puppet government run by English Fascist leader Sir Oswald Moseley. Once they started down the path of "negotiations," there would be no possibility of turning back. The drama builds as Halifax continues to push for accommodation with Germany, through Italy, until Chamberlain finally stops him cold: "There are no more deals, Edward. No more Munichs!"

Hitler, to his dying day, never knew how close he came to winning the war between the 26th and 28th of May 1940. Churchill did not win the war in those three days, but he did not lose it, which, as it turned out, was everything.

As Americans, we should not overlook the possibility that in these three days, when we were not yet in the picture, a giant step was taken in a small room in central London that would alter the war's outcome. As Stalin said in a toast to Churchill in Moscow, he could think of no other instance in history where the future of the world depended on the courage of one man. He was right.

If anyone has an interest in reading more, I would recommend John Lukacs' magisterial "Five Days in London," as well as his follow-up book, "The Duel," which covers the 80-day period until the Battle of Britain. One would be hard-pressed to find a better historian and a better writer. 🐾

where **on** the **trail** IS THE WBA MEMBER?



At press time, Jim Antoniono had crossed the Mason-Dixon Line and reached the halfway point on the Appalachian Trail, having traveled over 1,000 miles in about three months. Even with a stress fracture, a few dislocated fingers, a wrenched shoulder, and two sore legs and feet, Jim has been hiking double-digit miles every day he's been on the trail. With over 1,000 miles to go, it's not too late to make a per-mile pledge of financial support to the WBF for each mile of the Appalachian Trail that he completes. Keep up with his stories, photos, videos, and progress online at grandpajimat.tumblr.com.

**THE APPALACHIAN TRAIL,
SOMEWHERE IN VIRGINIA**

Westmoreland Revisited

Last Will and Testament of Jeremiah Murry

by The Hon. Daniel J. Ackerman

If residents of Murrysville have any thoughts concerning the town's founder it is likely, if they recognize the name, and have some knowledge of local history, they may



▲
The Hon. Daniel J. Ackerman

envision a shopkeeper who owned a grist mill along the Turtle Creek; perhaps living in a rough log cabin. Certainly few would imagine an owner of vast tracts of land in two counties, some large enough that he called them plantations, who could boast that he could travel five miles without leaving his property, and who possessed at least one slave working in his brick mansion house. Such a portrait of the town's planner, however, is confirmed from his well drafted and detailed holographic will, which eventually spawned litigation and an opinion demonstrating the evolution in Pennsylvania law pertaining to wills.

EARLY LIFE

Fifty-six years prior to the Pennsylvania Supreme Court decision focusing on this document, a 22-year-old Jeremiah Murry arrived in America from Ireland. The year was 1781. While in the Cumberland Valley, he met and married Ann Montgomery, and the couple joined the westward migration taking place on the Forbes Road.

They ended their journey on the bank of the Turtle Creek in 1785 with the purchase of land, financed by the sale of what goods the couple had brought with them, and the construction of a cabin and a small

“The earlier decisions certainly gave to almost every imperfect scrap of paper written in contemplation of death, the efficacy of a testamentary disposition ...”

Chief Justice John Bannister Gibson

store. In time, both their household and possessions would flourish: a son and five daughters; a gristmill, sawmill, livestock, and warehouse; all complemented by the continual acquisition of more land.

Ann died thirty-four years after their arrival on the Turtle Creek, at a time when her husband was in the process of laying out a town and selling lots in Franklin Township. In the year following her death, 1820, the town was named Murrysville, and 61-year-old Jeremiah married Sarah Reppey, a 43-year-old widow, who supported herself and seven children by operating a tavern on the road to Pittsburgh.

POST MORTEM

Prior to his death on September 3, 1835, at age 76, Jeremiah suffered from rheumatism, a condition which interfered with his daily activities to such a degree that Sarah found that the responsibility of running Jeremiah's varied business interests fell primarily upon her.

As she was occupied with his enterprises, he was giving thought to

the disposition of his extensive possessions.

“In the name of God, amen: I, Jeremiah Murry, of the Township of Franklin, county of Westmoreland, and Commonwealth of Pennsylvania, being of sound mind and memory, but considering the uncertainty of life, do make, order and publish this, my last will and testament, in the manner and form, to wit:”

So began the eight-page document which was presented to the register of wills. All agreed that it was in Jeremiah's handwriting, but it was neither dated nor signed.

It was likely drafted some time before 1833. It contained sixteen specific devises or bequests to his wife, children, and grandchildren. While Jeremiah had one son and five daughters, the chromosomes swung the other way in the next generation which produced seven grandsons and one granddaughter. The children, for the most part, it would appear, did not wish to seem lacking in respect for their father, and five of the seven grandsons were named after him—John Murry and Mungo Dick being the only exceptions. (One grandson, Jeremiah Murry Burrell, which the testator spelled with one “I”, would take up the law, become a judge on our court of common pleas, and then a justice of the Territorial District of Kansas. (See *the sidebar*, February 2012, page 13.)

There were specific devises of real estate to his children and grandchildren which totaled 5,220 acres, with a directive to his executors to sell an additional 570-acre parcel and give each grandchild \$300 from

continued on page 16

Jeremiah Murry *continued from page 15*

the proceeds “payable in one year after their marriage or their being come of lawful age, which ever comes soonest.”

As for his wife, Sarah, Jeremiah made adequate provisions for her personal comfort, but did not display the largesse he had for his decedents. For her, the document provided a bequest of stock he held in a Pittsburgh water company, which at six-percent interest would pay her \$120 a year (about \$2,500 in today’s economy); the mansion house in which they resided; and the adjoining wood yard, garden, stable, smokehouse, and warehouse. It also provided her with a life estate in the home furnishings, with the power to will the same to any one or more of his children and grandchildren, as she may have thought proper. It also provided:

“I will that she gets 1 horse, saddle, and bridle. Her choice of all I have. Also a cow, her choice of the flock, and to have sufficient pasture for both cow and horse—and twelve cords of wood and two hundred bushels of coal laid in the yard every year in the month of October. She is also to have the black Girl during her life and at her death she is to go to Mrs. Dick [his daughter] until she is free...”

Later paragraphs provided for the purchase of “mourning” for each of his daughters, his widow, and his daughters-in-law, along with the disposition of various articles such as a likeness, a clock, a watch, and the payment of \$25 as the yearly rent of a church pew. There was no doubt that the decedent by this paper had covered all the property he owned; that the persons named as his children were all the children he had; and that he was of a sound and disposing mind and memory.

WHERE THERE’S A WILL, THERE’S LITIGATION

Murry’s children presented the document to the register of wills

who, by precept, formed a “feigned issue” to “determine whether a certain instrument of writing was or was not the last will and testament of Jeremiah Murry, Esq., lately deceased.” The alignment of the parties was one we can easily recognize: the children of the decedent’s first wife versus the decedent’s second wife.

The register, Alexander Johnston, granted letters of administration to the widow, Sarah, the designated defendant, conditioned upon the posting of a surety bond in the amount of \$20,000. A review of the register’s docket suggests that at the time, the average bond was only around a few hundred dollars. The bond which she and three sureties signed was the equivalent of a \$417,000 bond today.

Unfortunately, the records of the proceedings in our orphans’ court are not to be found; however, in the preamble to the opinion of the Pennsylvania Supreme Court in *Murry v. Murry*, we learn that the orphans’ court struggled with the issue, resulting in two trials. The first trial upheld the will—the position advocated by the children—but the verdict was set aside for reasons not explained by the high court. At the second trial, Judge Thomas White (whose portrait hangs above the jury box in courtroom number five of the Westmoreland County Courthouse) granted a demurrer and rendered judgment for the defendant widow. The children appealed.

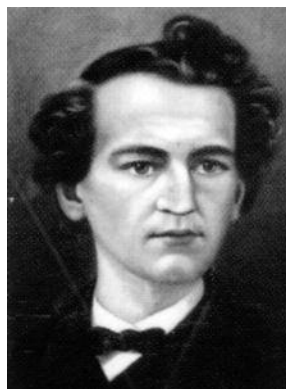
That a will lacking a signature should not be admitted to probate doesn’t strike us as an unusual decision, but it was not unheard of prior to a signature becoming a statutory requirement. In fact, on

appeal, Chief Justice Gibson does not even mention the absence of a signature in his opinion. Rather, the will was deemed defective because of the failure to name executors.

“As a statute has proscribed a particular badge of testamentary authenticity since the paper in contest was written, the decision

now to be made, must be of limited application as precedent... The earlier decisions certainly gave to almost every imperfect scrap of paper written in contemplation of death, the efficacy of a testamentary disposition; but the courts have, in a great measure, retraced their steps, [with the

result] that the writer must have intended the paper to operate as it stood, without a further act to complete it; and that this must appear from the paper itself... After devises of lands to children and grandchildren, [Jeremiah Murry] provides for others by legacies raised from lands to be sold. As he expresses it, ‘by my executors hereafter named;’ yet he proceeds not so far as to name any. Could anything more distinctively evidence the suspension of an intent to declare his whole counsel? That it was part of his scheme to provide for the execution of his will by his own agents, we have his own assertion; yet the intended provision remains unsupplied, and the deficiency is attributable to nothing, but a suspension of his purpose. Nor were the functions of those agents to be trivial or unimportant. They were to be discretionary in determining the time and manner of the sale and payments; in putting out a fund



▲ Jeremiah Murry, circa 1784

for the maintenance of the widow; and in applying the principal, should the interest fall short... By declaring a present intent to appoint those who were in his confidence, he declared it to be his intent not to trust to appointment by the law; and we must infer that executors would have been nominated, had his plan been carried out. [Had there been no reference to executors, it would not follow that the will was invalid]; but the stress laid upon it, shows it to be a matter of substance, even by the mitigated principles of our day."

Judge White's decision in favor of the widow and the finding that the document was not a valid will was affirmed. On February 21, 1838, one of the children brought a petition to the orphans' court seeking partition of the decedent's twenty-two tracts of land containing 4,400 acres, eighteen percent of what was then Franklin Township. A writ was issued directing William McKinny, high sheriff of the county to command "twelve free, honest and lawful men of his bailiwick," to go upon the lands in question to determine if partition could be made without prejudice to the whole, and if not, to value and appraise the same according to law.

When this seemingly prodigious task was complete, the lands were divided among the children and appraised at \$36,682. In order for Sarah to receive her widow's one-third share of \$12,227 (worth \$247,253 today) the children were ordered to post bonds insuring that they would make semiannual payments to Sarah for life equal to the interest which could be earned on her share. We may conclude that the order was consent decree, for it mentions that the appraisal of the real estate "has now been accepted by the several Heirs."

Sarah Murry subsequently left Murrysville to reside with her brother in Allegheny City (Pittsburgh's North Side) for the next eighteen years. She

died on September 2, 1857, at age 80, and was buried next to her first husband, Samuel. None of her seven children survived her. 🌿

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BRIEFLY SPEAKING



At its annual meeting held May 8–10, 2013, in Pittsburgh, the Pennsylvania Bar Association presented awards to lawyers throughout the state for outstanding leadership in the legal profession and longstanding membership in the association.



Senior Judge Joseph A. Hudock and Vincent J. Morocco were honored with the PBA's Fifty-Year Member Awards, for being association members for five decades.



David S. Pollock, was awarded a 2013 Special Achievement Award in part, for his dedication and commitment as editor-in-chief since 1995 of the *Pennsylvania Family Lawyer*, the official quarterly of the PBA Family Law Section now in its 35th year.



A posthumous award was given to **Robert I. Johnston** for special achievement for

work as a member of the Pennsylvania Bar Insurance Fund and Trust. 🐾

Actions of the Board

MARCH 20, 2013


1. Accepted Membership Committee report as presented: Emily Freed, Christopher Vincent, participating.
2. Reviewed and approved the check writing policy as originally adopted in 2008.
3. Designated President DeRose as Marketing Committee Chair.
4. Maria Soohey reported that the state's Lawyers Concerned for Lawyers currently does not give help to attorneys who have short-term physical ailments. Agreed to ask the Executive Director of LCL to attend a board meeting to discuss the services available through LCL.
5. President DeRose reported that past recipients of the President's Award met via phone and determined to present this year's President's Award to Bill McCabe.
6. Voted to recognize WBA members who volunteer with CASA, Law Day, APTP, and Civics Ed, at the annual meeting.
7. Agreed to place an ad in the Westmoreland County resource book that county commissioners are promoting to show our support; Diane Krivoniak will call West Media to learn the specifics before proceeding.
8. Croquet event committee will use "RAISING THE BAR" theme to highlight WBA activities. Tent will be decorated with photos depicting Law Day, Mock Trial, Civics Ed, etc.
9. Judicial Candidates Survey
 - a. Voted to use only raw data when issuing any press releases on the results of the judicial candidates survey.
 - b. CPA David Delisi has agreed to tabulate results.
 - c. Agreed that press release will be circulated to all local media with results as was previously approved.
 - d. WCNS owner John Longo has volunteered to air the candidates' night on his radio program and to possibly moderate if we should need someone.
 - e. Agreed that John Noble, as Chair of ADR Committee, will reach out to candidates to offer confidential mediation, as was previously approved by the WBA board.
10. President DeRose will send a letter to all Planning Committee members to report on action taken by board on all recommendations from the planning retreat.
11. Agreed to promote Tim's Walk at the annual meeting.
12. Agreed to partner with Rep. Krieger on a living trust seminar on May 23 at 10:30 am.



got news?

Do you have news to share with the sidebar? Making Partner? Marriage? Birth? Anniversary? Milestones? Awards? Community Involvement? Accomplishments? E-mail us at westbar.org@westbar.org, and we'll publish your news in the next available issue.

Tim's Walk Surpasses Goal



Even a 24-hour rain delay couldn't dampen the enthusiasm of WBA members at the first annual Tim's Walk, held at Twin Lakes Park in Greensburg in April. Friends and family of Tim McCormick gathered to help raise money for the Leukemia & Lymphoma Society's Tim McCormick Memorial Research Fund. Various WBA teams contributed generously to the \$59,000+ raised, smashing the pre-race goal of \$50,000. 🐾

APRIL 18, 2013

1. Membership Committee report accepted under the condition that Peter Borghetti's application be signed by a participating WBA member.
2. Agreed to hold the 2014 annual meeting at Rizzo's. Many positive comments were received about this location.
3. James P. Silvis has agreed to serve on Laurel Legal Services board to fill John Greiner's unexpired term.
4. Pat Noonan agreed to take over WBA check/bank reconciliation review from Lee Demosky.
5. Chris DeDiana and Maria Soohey agreed to co-chair the Law Practice Management Committee.
6. Agreed to e-mail judicial candidates survey results to the candidates 24 hours before sending to media.
7. Agreed to schedule an annual meeting with the county commissioners, similar to what we do with the judges.

8. Reviewed current board policies that board annually endorses: anti-trust, confidentiality, LAC confidentiality, conflict of interest; agreed to have board sign off on policies at board retreat.
9. Young Lawyer officers for 2013–2014 include: Dan Schimizzi, YL Chair-Elect; Allison Thiel, Secretary; and Adam Gorzelsky, Treasurer. Michael Stewart II is

serving his second year as President.

10. Asked Past-President DeRose to follow-up on the request to the county commissioners for an increase in court-appointed fees.
11. Memorial Service scheduled for Thursday, May 30, at Noon. Harry Smail volunteered to do the invocation/benediction; Past-President DeRose agreed to step in for President Greiner, who has a scheduling conflict; Lou DeRose will officiate.
12. Judicial Candidates Night is set for May 8. All candidates have agreed to participate. John Longo from WCNS will moderate. Board voted to cover the live feed costs for WCNS.
13. Discussed partnering with the Medical Society for a living will seminar as seen from the legal and medical sides. Joann Berquist, E.D. for Medical Society, and WBA Past-President DeRose will work on the date and panelists. 🍷

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.

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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**.

JULY

- | | |
|---|--|
| <p>16 Family Law Committee, Noon</p> <p>17 [CLE] Hot Coffee: Is Justice Being Served? Noon to 2:45 p.m., 2 optional substantive credits</p> <p>18 Elder Law & Orphans' Court Committees, Noon Board Meeting, 4 p.m.</p> <p>23 [PBI CLE Simulcast] Family Law 101, 8:30 a.m. to 4 p.m. <i>Register through PBI.</i></p> <p>29 [PBI CLE Simulcast] The Google-Powered Law Office, 9 a.m. to 4:15 p.m. <i>Register through PBI.</i></p> | <p>8 Membership Committee, Noon</p> <p>13 [CLE] Bridge the Gap, 9 a.m. to 1:15 p.m., 4 optional ethics credits</p> <p>15 Board Meeting, 4 p.m.</p> <p>20 [CLE] Building Your Digital Brand—Getting LinkedIn, Noon to 1:15 p.m., 1 optional substantive credit</p> <p>21 [CLE] Death, Disbarment, Disappearance—What Happens? Noon to 1:15 p.m., Lower Burrell City Hall, 1 optional substantive credit</p> <p>28 [CLE] Compliance Period Seminar, 9 a.m. to 4:15 p.m., 5.5 substantive and 1 ethics credit</p> |
|---|--|

AUGUST

- 2** [PBI CLE Simulcast] Violence in the Workplace, 8:30 to 11:45 a.m. *Register through PBI.*

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.



Bridge the Gap — Video 4 Ethics Credits Available

**Tuesday,
August 13, 2013
9:00 am - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA
office by 12 pm August 12, 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

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

As a courtesy of the Westmoreland Bar Association, this seminar is being offered **FREE** to **newly admitted attorneys** who are required to complete the Bridge the Gap program by their first CLE compliance deadline.

The program also serves as a great refresher for any attorney admitted to practice in Pennsylvania.

PROGRAM FORMAT

This four hour program produced by the PA CLE Board consists of the following sections.

- ◆ Introduction from the Chief Justice
- ◆ Communications
- ◆ Practice Management
- ◆ Fiduciary Requirements
- ◆ Overview of the PA Supreme Court Disciplinary System
- ◆ Outreach Programs & Resources

Four (4) ETHICS 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.

Bridge the Gap — August 13, 2013

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

* PRE-REGISTRATION Fees: 4 Ethics credits available

- I am a Newly Admitted Attorney — **FREE**
- \$30 per credit hour, WBA member
- \$50 per credit hour, Non-member

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 _____

*** 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 August 12, 2013.**



Building Your Digital Brand — Getting LinkedIn

— LIVE — 1 Substantive Credit Available

Digital branding via LinkedIn is now a requirement for many companies or individuals seeking qualified interns, employees and professionals. Knowing how to present yourself online validates your brand, builds your networks and provides data on referrals, potential customer interest and much more. For lawyers, LinkedIn is an essential tool for online branding.

This course is designed to:

- Help set-up your profile according to the types of clients you seek
- Build networks and authority that raises your brand and presence online

**** Bring your laptop so you can walk through the development of your profile and digital brand. ****

Speaker: **Skip Glenn**

Marketing Coach for WBA

Assistant Professor • Marketing at University of Pittsburgh at Johnstown

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.

August 20, 2013

Building Your Digital Profile — Getting LinkedIn

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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Pre-Registration Fees

CLE Credit:

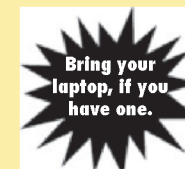
- WBA Members - \$30 per credit hour
- Non-Members - \$50 per credit hour

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 August 19, 2013.**

**Tuesday,
August 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 August 19, 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

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



Death, Disbarment, Disappearance—What happens?

— Live — **1 Substantive Credit Available**

Death, Disbarment, Disappearance—What happens?

Topics of Discussion

- Protecting Your Interests, Your Clients' Interests, and Your Estate's Interests in the event of your Disability or Death
- Practical Considerations of Conservatorship
- Conservator Rules in the Pa Rules of Disciplinary Enforcement, how they apply, and how ODC gets involved

LOCATION:
Lower Burrell
City Hall

Speakers:
James A. Horchak, Esq.
James Irwin, Esq.
Angelea Allen Mitas, Esq.

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.

Death, Disbarment, Disappearance—What happens?

August 21, 2013

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Pre-Registration Fees

CLE Credit:

- WBA Members - \$30 per credit hour
- Non-Members - \$50 per credit hour

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

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

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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 August 20, 2013.**

Wednesday,

August 21, 2013

12:00 pm - 1:15 pm

Lower Burrell City Hall

2800 Bethel Street, Lower Burrell PA

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm August 20, 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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724-834-6730, or by email at westbar.org@westbar.org



Wednesday,
August 28, 2013
WBA Headquarters
9 am - 4:15 pm

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12:00 pm August 27, 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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Session 1 — 2.5 Substantive Credits

9:00 am – 11:30 am (Video from 6/13/13)

Hot Coffee - Is Justice Being Served?

Hot Coffee examines the effect of tort reform on ordinary citizens who have given up Constitutional rights without knowing it. Using the infamous McDonald's spilled coffee case that resulted in a \$2-million jury verdict, the film seeks to set straight the complete facts behind the media attention and public relations campaign.

Moderator - Joyce Novotny-Prettiman, Esq.

Attorney Panelists: Maria Altobelli, Larry Loperfito, Ned Nakles Jr.

Session 2 — 1 Substantive Credit

11:45 am – 12:45 pm (Video from 3/20/13)

Auto Law/Personal Injury Update 2013

♦ Rundown of Significant Developments in Auto and Personal Injury Cases
Speaker: Michael D. Ferguson, Esquire, Ferguson Law Associates

Session 3 — 2 Substantive Credits

1:00 pm – 3:00 pm (Video from 4/17/13)

Subrogation and Medicare Issues in Personal Injury Cases

- ♦ 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

Session 4 — 1 Ethics Credit

3:15 pm – 4:15 pm (Video from 6/14/13)

Malpractice Avoidance

- ♦ Managing Client Relationships
- ♦ Client Files in the Digital Age
- ♦ Fee Agreements

Speaker: James R. Schadel, Esquire
Weinheimer, Schadel & Haber PC

Five and a half (5.5) SUBSTANTIVE and One (1) ETHICS 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.

August 28, 2013 Video Compliance CLE

Name: _____
Attorney I.D. # _____
Address: _____
Email: _____
Phone: _____

Sign me up for:

- Session 1 – 2.5 substantive credits no credits
 Session 2 – 1 substantive credit no credits
 Session 3 – 2 substantive credits no credits
 Session 4 – 1 ethics credit no credits

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.

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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 August 27, 2013.



Pension Options in Divorce

1 Substantive Credit

— Live —

**Tuesday,
September 10, 2013
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 9, 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)
WBA Family Law Committee members

WALK- IN:

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

Non-Credit

\$20 Flat Rate
Waived for: Young Lawyers
(practicing 10 years or less)
WBA Family Law Committee members

Pizza and soda will be provided.

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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

Coordinated by the WBA Family Law Committee

Topics of Discussion:

- ◆ Pension and Retirement Account Options as they relate to divorce, equitable distribution and marital property
- ◆ QDROs
- ◆ SERS and PSERS

Speaker: Michael Pisula, FSA, EA, MAAA
Phoenix Benefits Group, Inc.

FREE for WBA Family Law Committee Members 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.

September 10, 2013 Pension Options in Divorce

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

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

Card # _____

Expiration Date _____

Three digit security code on back of card _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

- WBA Members - \$30 per credit hour
- Non-Members - \$50 per credit hour

Non-Credit:

- \$10 Flat Rate
- Waived for:
 - Young Lawyers (practicing 10 years or less)
 - WBA Family Law Committee Members

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 September 9, 2013.**



A Review of Recent United States Supreme Court Civil Rights Decisions

— LIVE —

1 Substantive Credit Available

Topics of Discussion include, among others:

- *United States vs. Windsor* - Section 3 of the Defense of Marriage Act
- *Hollingsworth vs. Perry* - Sponsors of California Proposition 8

Speaker:

David J. Millstein, Esquire

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.

September 25, 2013

A Review of Recent United States Supreme Court Civil Rights Decisions

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 _____

Credit Card Billing Address _____

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)

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 September 24, 2013.**

**Wednesday,
September 25, 2013
12:00 pm -1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 24, 2013)

CLE Credit

WBA Members- \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

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.

[Westmoreland Bar Association](http://www.westbar.org)

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



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

GREENSBURG YMCA WELLNESS PROMOTION

WESTMORELAND BAR ASSOCIATION

**This GREAT opportunity is available for all
Westmoreland Bar Association members!**

Promotion includes:

- FREE one month Adult YMCA Membership
A \$36.00 value
The \$36.00 may also be deducted from Family & Single Parent Family Memberships
- Waiver of Joiner's Fee
A \$75 value
- Members of the Association only need to show proof of membership at the time of registration

Be Part of Something Bigger at the Greensburg YMCA

- All group exercise classes are free
- Free fitness orientation and health assessment
- Free child watch while you work out
- Discounts on a wide variety of quality programming

Greensburg YMCA
101 S. Maple Avenue
Greensburg, PA 15601
724-834-0150



www.greensburgymca.org



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

GREENSBURG YMCA MEMBERSHIP GREAT BENEFITS & GREAT VALUE

FACILITIES

- Cardio Center
- Cybex and Free Weight Center
- Two Group Exercise Studios
- Full Size Gymnasium
- 25 Yard Pool
- Warm Water Pool
- Jacuzzi
- Racquetball Courts
- Early Childhood Learning Center
(ages 6 weeks - 5 years)
- Female only Sauna
- Men's Locker Room Steam Room
- Locker Rooms and Men's Health Center
- Family Changing Room
- Chapel/Multipurpose Room
- Massage Rooms
- Gymnastics Center

PROGRAMS & SERVICES

- Free Group Exercise Classes
- Free Aquatic Programs
- Free Equipment Orientation
- Free Fitness Assessment
- Free Child Watch Services
- Access to the Drop N Go Child Watch
- Discounted Massages
- Lower Rates on Programs
- Youth Party Rentals
(Pool, Gym and Gymnastics)
- Facility Group Rentals
- School Age Child Care
- Summer Day Camp
- Access to hundreds of YMCAs via the
AWAY program
- FREE Wi-Fi



"I am glad that I joined the Y so long ago. I have made dear friends, became a stronger person, and can see that the lives of my children, grand children and great-grandchildren have been enriched by the YMCA."

-Betty Repasky member since 1942



Greensburg YMCA Two Week Guest Pass

Name: _____
Address: _____
Phone Number: _____
Email Address: _____
Date of Birth: _____

Policy: The guest must abide by the YMCA
Code of Conduct and sign waiver



Greensburg YMCA Two Week Guest Pass

Name: _____
Address: _____
Phone Number: _____
Email Address: _____
Date of Birth: _____

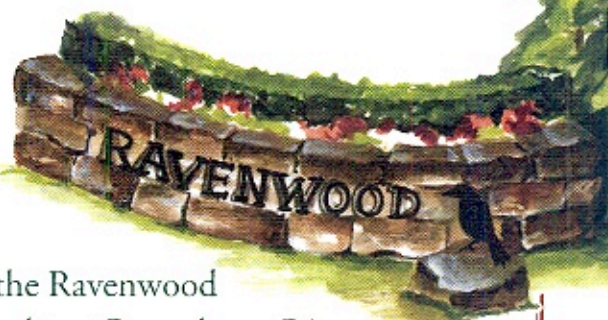
Policy: The guest must abide by the YMCA
Code of Conduct and sign waiver



Privacy

Convenience

Find them both at **RAVENWOOD**



We would like to invite you to experience the Ravenwood community located in Hempfield Township, Greensburg PA.

On June 21, 2011 ground was broken on this unique housing development which is now complete. The development is located on 96 acres of pristine countryside. Ravenwood is made up of only 44 home sites 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 home sites ranging from just under 1 acre of land to over 9 acres, with all underground public utilities. Home site 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.

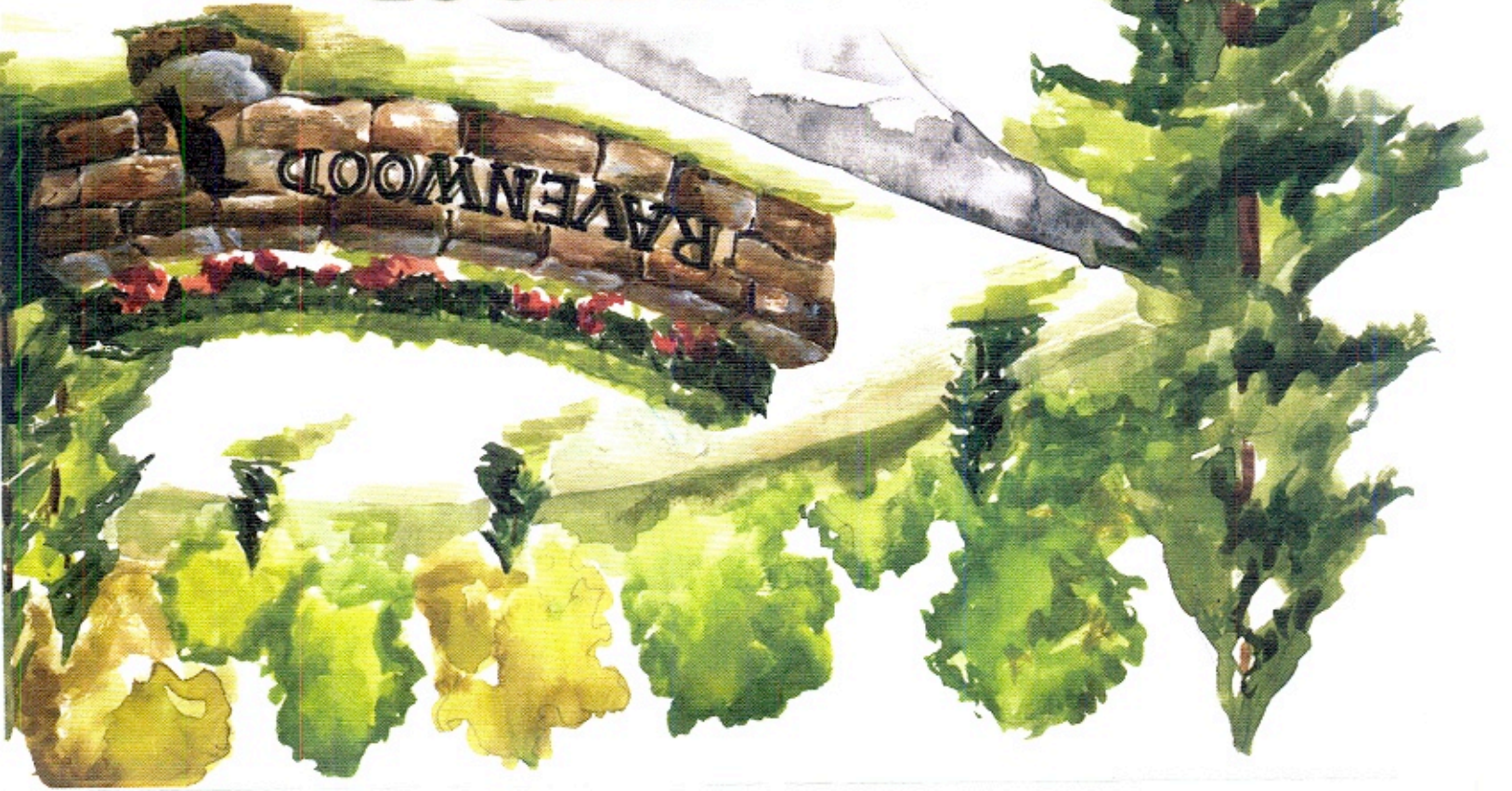
RAVENWOOD

Marino, DeNunzio, Marino Developers
(724) 837-7262 or (724) 837-3132

www.ravenwoodhomes.com

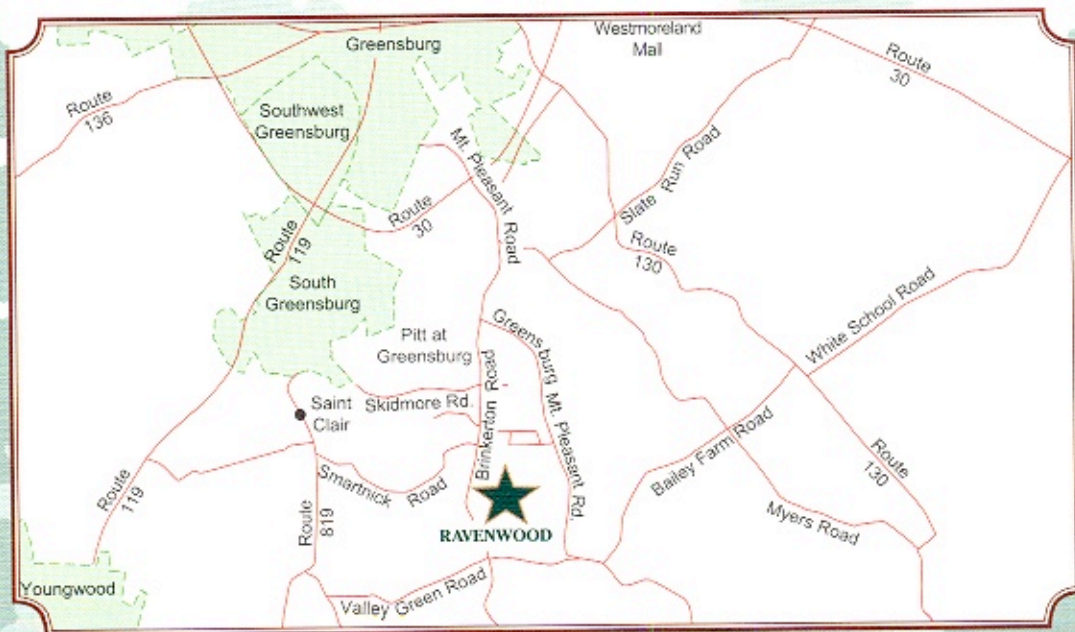
*You are invited to experience the tranquil beauty
that awaits your discovery... a place called home!*

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.



Marino, DeNunzio, Marino Developers • 724-837-7262 or 724-837-3132

www.ravenwoodhomes.com

Visit Our Website for Directions