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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXVI, NUMBER 3
JUNE 2014

Reflections on the Career of The Hon. Gary P. Caruso

Editor's note: The Hon. Gary P. Caruso retired from the Court of Common Pleas of Westmoreland County effective April 4, 2014, after twenty-eight years on the bench. He is putting that experience to use as a Mediator with noblemediation.

by *The Hon. Gary P. Caruso*

I have been asked to write a piece for *the sidebar* reflecting back upon my years on the bench. That may be a little difficult since I have always said that a judge's greatest asset, like a major league relief pitcher or an NFL quarterback, is a short memory. Therefore, I will not be able to regale you with pithy anecdotes.



▲
*The Hon.
Gary P. Caruso*

So what I thought I would do is thank those who have made my career such a wonderful ride. As always, when you attempt to thank specific individuals, there is always someone you will forget to thank and then be forever sorry for the oversight. But I will press on, nevertheless, thanking some specifically and some generally. The first person to acknowledge is my secretary, Anita (Grano) Vivio. She has been with me as a secretary since she was eighteen years old. Being a gentleman, I will not reveal her age, but needless to say, we have been together a long, long time. We

were together so long that she, like the character Radar in the TV series *M*A*S*H*, would know what I wanted even before I asked for it. I can't tell you how many times that she would be walking into my office with exactly what I was walking out to get. She would catch my mistakes before they got out of the office. She protected my calendar and saved me from myself. She made me look good. She managed the office impeccably. She handled the irate caller and the polite attorney with the same respect and courtesy. She was simply the best!

Next, I want to thank my colleagues on the bench, especially those who were on the bench when I was first elected. Although I was thirty-seven years old and had only thirteen years of experience as a lawyer when elected, they never made me feel as though I did not belong on the bench. I never felt anything less than an equal in their eyes, even though that was far from the case at the time.

The President Judge at that time was Gilfert Mihalich. He was always ready to give sage advice and detailed instructions on a myriad of matters. I have always kept the notes I took at our first meetings and the written

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by *The Hon. John E. Blahovec*

I didn't know Gary Caruso very well prior to our 1985 election campaign. I'd see him at Bar functions or around the Courthouse, and he was friendly toward me as he was to everyone. I do have a vague recollection of him wearing white belts and white shoes in the 1970s, or I could be confusing him with the guys in the male chorus on "The Lawrence Welk Show," but I digress.



During the campaign, I got to know Gary and his family pretty well. We listened to each other's speeches so often that we had them memorized. As I listened to Gary's speech, the one point that always resonated with me was his belief that service on the bench was a calling, a vocation, and not merely a job. Even though I heard it from him dozens of times, I became convinced he really meant what he said. Over the next twenty-eight years, he proved the sincerity of his speeches. I came to love the guy like a brother.

From our 1985 election campaign to our retention campaigns in 1995 and 2005, that love has endured. Yet, as the song says, "Love Hurts." Imagine hordes of female voters, some of them quite stout, knocking you down and stepping on you to

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President's Message

Doing Good Even Better

by Joseph W. Lazzaro, Esq.

As a young man, when I struggled to make a decision or I questioned the laws of life, my father would offer me advice. His advice still guides me today. A Philadelphia-area dentist, Dr. Samuel Lazzaro was a well-read, scholarly—and thoughtful—man. My dad sometimes recalled lines for me from Shakespeare's *Hamlet*, such as Polonius talking with his own son:

*Beware of entrance to a quarrel, but being in,
Bear't that the opposed may beware of thee.*

What great advice for our profession.

Don't argue needlessly. The alternatives to fighting work well in most cases. So, choose your battles wisely and rarely, even if you are good at fighting and even if you are accustomed to winning.



Importantly, when you do need to step into the fray, give it all you've got. Stand up for your cause. Stand up for your client. Or, stand up for yourself.

And then fight hard!

THE CHALLENGE OF LEADERSHIP

I was fortunate to know Shakespeare's wisdom through my father. I was likewise fortunate to discover that the same wise sense of respect, coupled with commitment, appears to be shared by my colleagues on the Westmoreland Bar Association's current Board of Directors.

Last month, the new Board held its first meeting together. I assumed the Board leadership and found there were no timid wallflowers sitting on this Board. At the same time, there were also no whiners. No grumblers. No boisterous blowhards. Rather, I discovered a dedicated group of attorneys who respect each other's differences and opinions. We debated a list of tough issues, and by no means found easy agreement on those issues. We instead found a Board of individuals who are committed to moving this organization forward. Each director, in his or her own way, showed genuine commitment to finding the best answers to the issues and problems before us, and the strength to see our decisions fulfilled.

That is important because we face some serious challenges as a Board this year. For instance:

- The demographics in Westmoreland are rapidly changing as new, technology-reliant attorneys join our fold while

- many older, more traditional practitioners are retiring. Our Association needs to modernize quickly if we are going to properly serve the new makeup of our Bar.
- We own our Association's building on Pennsylvania Avenue, but it is old, dated, and in need of some costly maintenance and modernizing to help it properly serve our members.
- Proposals are being circulated in the Pennsylvania Legislature that could dramatically, and negatively, impact our Bar Association's cash flow. Where do we find the new income sources to ensure our future prosperity?
- The current decline of the American economy, with a markedly growing gap between the upper and lower income levels, is leaving an increasing number of poor individuals and poor families without legal services. How do we best answer that essential need?

“Choose your battles wisely and rarely, even if you are good at fighting and even if you are accustomed to winning.”

STEPPING UP TO THE CHALLENGE

Several Board members have already taken steps to address these and other challenges. They have committed their valuable time to the difficult volunteer work needed to better our profession and to better our Westmoreland community. It is comforting to know that I am starting this job and this Presidential term from a position of strength and support within our Board.

At the Annual Meeting on April 7, 2014, at Rizzo's Banquet Hall, we saw the largest number of WBA members ever assemble for a meeting. That attendance showing was a good thing. There were spirited debates on the direction of our Bar Association, and a call to renew our commitment to the ethics and values of our profession, and service to the least fortunate among us.

That show of attendance at April's meeting confirmed the strength that exists within the Westmoreland Bar Association. Our strength will be lasting if your participation—in committees, pro bono, social activities and leadership—also remains strong.

It is now up to this Board to show that your confidence in us was well placed.

Thanks, Dad.

Remembering Barry Gindlesperger

Editor's note: Barry B. Gindlesperger passed away on Friday, March 21, 2014. He is survived by his daughters, Mandy Gindlesperger and fiancé, Joshua Salyer, and Marissa Miller and fiancé, Justin Wall; grandchildren, Dylan Zerfoss, Xander and Tanner Salyer, and Paetyn and Aubree Wall; and girlfriend, Theresa Litzinger.

by Darrell J. Arbore, Esq.

"I always found Barry to be kind, gracious and a gentleman." So said his friend and colleague, Pittsburgh attorney Mark Flaherty, and so said many, many others who knew him.

Barry grew up in Hollsopple, Somerset County, Pa., and graduated from North Star High School. Barry's father, who died at a very young age, was an executive with Bethlehem Steel in Johnstown, and Barry's mother, who is also deceased, was an elementary school music teacher.

Barry inherited his mother's love of music. He gravitated toward music as a child and became an accomplished piano and guitar player. In fact, he could

play any musical instrument. In high school, he earned extra money giving piano lessons to both school children and adults. He continued to give music lessons throughout his lifetime to anyone who wanted to learn to play.

Barry also loved basketball and was a member of his school team. Although his time on the court was generally limited, Barry was extremely dedicated and was a big basketball fan throughout his life.

Barry was passionate about the outdoors and took full advantage of growing up in rural Somerset County, where he had instant access to its wildlife and natural wonders just by stepping out his back door. He loved to hunt, fish, and hike the nature trails in

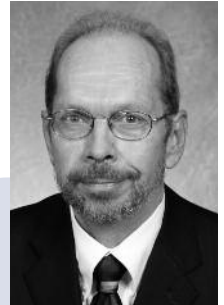
the Laurel Highlands region. He was an avid hiker and fisherman his entire life.

But most of all, Barry was a scholar. He graduated at the top of his high school class, scored a perfect 1600 on his SAT test, and was a National Merit Scholarship finalist. As a high school student, he led tiny North Star High School to a championship on Senior High Quiz, a television show aired on Channel 6 out of Johnstown.

He graduated from the University of Pittsburgh at Johnstown, where he was a stellar student graduating with honors. While there, he continued to demonstrate his love of music by playing the bass guitar in several regionally popular rock & roll bands that performed in the bars and clubs and on the Holiday Inn circuit.

His intellectual gifts served him well in other ways—he was incredible at Jeopardy! or Trivial Pursuit, and routinely got the highest score in trivia games played at Buffalo Wild Wings and eating establishments and sports bars all over western Pennsylvania.

Rather than going directly to law school after college, Barry took a detour, pursuing his love of the outdoors and taking a full-time position with the Pennsylvania Fish Commission, where he worked for several years until he entered law school in 1985. At the end of each work week, while employed by the Fish Commission, Barry moonlighted



▲ Barry Gindlesperger

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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.



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Remembering Barry Gindlesperger *continued from page 3*

playing the bass guitar with rock & roll bands in venues all over western Maryland, and central and eastern Pennsylvania. Ultimately, one of the bands he played with cut a professional record, which Barry proudly hung on his office wall.

Barry moved from Somerset County in 1985 so he could attend law school at the University of Pittsburgh. For three years, Barry commuted by bus back and forth from Greensburg to Pitt Law School in Oakland. Not surprisingly, once again, he maintained his high academic standards by being named to the Law Review and by earning membership into the highly prestigious Order of the Coif.

Directly out of law school in 1988, Barry was employed as an associate at Fisher Long & Rigone, until he pursued a career as a sole practitioner in 2000, which path he continued right up until the day of his death. As a sole practitioner, he specialized in bankruptcy law, primarily representing

debtors. In addition to his solo practice, Barry donated many hours volunteering as a pro bono attorney on behalf of the Westmoreland Bar Foundation, representing clients in a variety of legal matters, including bankruptcy law.

Barry maintained his love of the outdoors his entire life. Up until about ten years ago, Barry enjoyed waking up on the weekends and riding his motorcycle back to Somerset County on any random back road he would happen upon. In addition, although he could not hit a golf ball straight to save his life, Barry got out and played golf as often as his schedule allowed. He enjoyed the hours of serenity on the course and never ever complained about his lack of playing ability. His enjoyment of the outdoors was such that the actual score of the game was irrelevant to him.

Finally, Barry's greatest joy in life was gathering all his family together and taking an annual vacation to

Raystown Lake. Barry loved the natural beauty of the lake and life in the cabin. He especially loved taking his two wonderful daughters, Mandy and Marissa, whom he loved deeply, and later his grandson out to explore the natural beauty of the woods surrounding the lake and sharing his love of the water with his children.

Barry was a very interesting, likeable, artistic soul who loved music, nature, law, and his family. Unfortunately, like many with artistic temperaments, and like many lawyers, his life was cut short by his inability to care as much about his own health and wellness as he did about the beauty of life and the people he touched in his practice and in his family.

Hopefully, Barry is in a better place, surrounded by those things he loved—music, nature, and his mother and father.

Unfortunately, not even heaven will be able to help his golf game. 🏌️



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New Leadership Elected, Awards Presented at Annual Meeting

At the Annual Membership Meeting of the Westmoreland Bar Association held on Monday, April 7, at Rizzo's in Crabtree, Pa., Joseph W. Lazzaro assumed the office of president.



▲ Joe Lazzaro

As Vice President, General Counsel and Corporate Secretary of Keystone Collections Group, Joe concentrates his practice in local taxation law compliance, collection law, data security, and government relations.

He completed his undergraduate work in journalism at Penn State University and obtained his law degree from the University of Pittsburgh School of Law.

Joe succeeds John K. Greiner, a partner in the Greensburg law firm of Tremba, Jelley & Kinney, and will serve a one-year term as President.

OTHER ELECTION RESULTS

Maria E. Soohey was elected Vice President for the 2013–2014 term.

Daniel J. Hewitt and Beth L.F. Orbison were chosen to sit as Directors on the board. Other board members include President-Elect Harry F. Smail, Jr.; Directors Timothy C. Andrews, John M. Noble, Patrick T. Noonan, and James P. Silvis; Past President John K. Greiner; Treasurer L. Christian DeDiana; and Secretary/ Executive Director Diane Krivoniak.

Joyce Novotny-Prettiman was elected to the Membership Committee and Zachary J. Kansler was elected to the Building Committee. Both will serve five-year terms.

AWARDS GIVEN AT MEETING

Michael J. Stewart, II, was presented with the Outstanding Young Lawyer Award for outstanding leadership and distinguished service to the legal profession and the community; and the ADR Committee was named Committee of the Year (see page 6).

John M. O'Connell, Jr., was named Pro Bono Attorney of the Year in recognition of his noteworthy volunteer legal representation of indigent Westmoreland County residents (see page 7). 🐾



▲ WBA Past President David S. DeRose presented the Outstanding Young Lawyer Award to Michael J. Stewart, II, at the WBA Annual Meeting held in April.

Michael J. Stewart, II

OUTSTANDING YOUNG LAWYER

At the Annual Meeting of the Westmoreland Bar Association, Michael J. Stewart, II, was recognized as the 2014 Outstanding Young Lawyer. This award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community.

Stew has been a member of the Westmoreland Bar since 2010. He is the immediate Past Chair of the WBA Young Lawyers Committee, a member of the Ned J. Nakles American Inn of Court, and the Pennsylvania and Florida Bar Associations. Within the community, Stew serves on the board of the Greensburg YMCA and is a member of the Greensburg Rotary.

An associate with the Greensburg law firm of Stewart, McArdle, Sorice, Whalen, Farrell, Finoli & Cavanaugh, Stew concentrates his practice in the

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New Leadership Elected, Awards Presented

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areas of estate planning and administration, family law, real estate, and taxation. He earned a B.S. from Penn State University, a law degree from the University of Pittsburgh School of Law, and an LLM in taxation from Georgetown University Law Center.

Q CONGRATULATIONS, STEW. WHAT DOES THE AWARD MEAN TO YOU PERSONALLY?

A Personally, it was the culmination of a two-year journey. The award sort of symbolizes the relationships that I've made and the bonds that I've formed with other bar association members over that time. It also is a reminder to me of how lucky I was to simply be in the right place at the right time. When I took the job as Chair, I had a solid group of older young lawyers who stayed involved and acted as a sort of advisory council for me, and I also had a number of lawyers who were just starting their careers and were anxious to take our ideas and plans and actually carry them out.

Q WHAT DOES THE AWARD MEAN TO YOU PROFESSIONALLY?

A Receiving the award was truly an honor. Receiving that type of recognition from the bar association was humbling, but to hear the words that David DeRose and John Greiner had to say about me meant more to me than the award itself.

Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A Everyone involved did a great job of keeping it a surprise, so I didn't know I was the recipient until I realized about halfway through David DeRose's introduction that he was talking about me. Diane Murphy can vouch for the award being a surprise as she enjoyed watching my cheeks turn red as David continued speaking. Honestly, it felt great. I don't know how else to describe the feeling.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A Don't think about receiving any type of awards. If you do the right things and work hard, people will notice. 🍷

ADR Committee COMMITTEE OF THE YEAR

The ADR (Alternative Dispute Resolution) Committee was chosen as Committee of the Year at the WBA Annual Meeting held on April 7, 2014. Chair John M. Noble accepted the award on behalf of his committee members, who include: Timothy Andrews, Kyle Baxter, The Hon. Meagan Bilik-DeFazio, The Hon. Michele Bononi, The Hon. Gary Caruso, Dara DeCourcy, Lee Demosky, David DeRose, The Hon. John Driscoll, Gary Falatovich, Douglas Farrell, The Hon. Christopher Feliciani, John Greiner, Timothy Kinney, Joseph Lazzaro, The Hon. Anthony Marsili, Patrick Noonan, Joyce Novotny-Prettiman, Jessica Rafferty, The Hon. Christian Scherer, James R. Silvis, Harry Smail, Maria Soohey, Michael Stewart, Allison Thiel, Peggy Tremba, Susan Williams, and Harvey Zalevsky.

Nonmembers who serve on the committee include Patricia Elliott, County Controller Jeffrey Balzer, and Prothonotary Christina O'Brien.



▲ WBA President Joseph W. Lazzaro presented the Committee of the Year Award to ADR Committee Chair John M. Noble at the WBA Annual Meeting held in April.

Q CONGRATULATIONS, JOHN. WHAT DOES THE AWARD MEAN TO YOU, AS COMMITTEE CHAIR, PERSONALLY?

A It was very rewarding for the Committee to have identified certain ADR goals in 2013 and achieve each of them within the year. Specifically, the creation of the Westmoreland Mediation Academy, providing updated 40-hour Family Law ADR training (with 17 attendees), establishing a Custody Mediation "Orientation" Program, updating the Prothonotary "notice" sheet to include an ADR option, including ADR within the Westmoreland County Law Library "Pathfinder" List and addressing the pro se and "packets" issues—plus presenting a May "Lunch

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and Learn” to the Family Law Committee on “How to use ADR in your Family Law Practice.”

Q WHAT DOES THE AWARD MEAN TO YOU AND YOUR COMMITTEE PROFESSIONALLY, AS MEMBERS OF THE WBA?

A The recognition acknowledges the ADR Committee’s collective efforts in 2013–14 and confirms the WBA Board’s continuing unanimous support of promoting Alternative Dispute Resolution within the Association.

Q HOW DID YOU FEEL UPON LEARNING YOUR COMMITTEE WAS THE RECIPIENT?

A The ADR Committee has grown to be one of the largest and most active Committees within the Bar. We experienced a very active year with many very well-attended and extended (3–4 hour) meetings—including much-welcomed participation from our Bench as well as from members of the Family Law Committee and the WBA Board. Taking on some very difficult/controversial issues, Committee members worked very diligently to consider all points of view. In light of the above, the ADR Committee was well-deserving of the recognition.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A Set your goals. Put in the time and effort.

In conclusion, the ADR Committee welcomes all WBA members. If you are interested in promoting ADR/mediation within your particular area of practice, please contact ADR Chair John Noble and/or join us at the next meeting. 🌸

To view additional photos from the Annual Meeting, and other WBA events, visit wbaphotos.shutterfly.com.

foundation focus

John M. O’Connell, Jr., Named Pro Bono Attorney of the Year



At the annual meeting of the Westmoreland Bar Foundation held on April 7, 2014, John M. O’Connell, Jr., a founding partner of O’Connell & Silvis in Greensburg, was named the 2014 Pro Bono Attorney of the Year. This award is given to the attorney who has provided noteworthy volunteer legal representation to indigent Westmoreland County residents.



▲ *John M. O’Connell, Jr. (right) accepts the 2014 Pro Bono Attorney of the Year Award from The Hon. Gary P. Caruso (left) at the Annual Meeting of the Westmoreland Bar Foundation held April 7 at Rizzo’s Banquet Hall in Crabtree.*

John has been a Pro Bono volunteer since 2008. He has concentrated his volunteer hours in landlord/tenant issues, which has saved many clients from losing their housing.

Recently-retired President Judge Gary Caruso made the award presentation. He detailed John’s dedication to his clients and indicated that John epitomizes the “gentleman” lawyer, always being well-prepared and dedicated to his clients’ interests.

John is past president of the Westmoreland Bar Association and received the President’s Award for Professionalism in 2002—the WBA’s highest honor.

Q CONGRATULATIONS, JOHN. WHAT DOES THE AWARD MEAN TO YOU PERSONALLY?

A It makes me smile to think that all of these hours were not wasted. I was especially happy that my wife could join me for dinner when I got the award.

Q WHAT DOES THE AWARD MEAN TO YOU PROFESSIONALLY?

A It is rewarding to be recognized by my peers as having done something worthwhile.

Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A Happy and grateful.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A Keep up the good work.

Q WHY ARE YOU INVOLVED IN THE PRO BONO PROGRAM?

A What we do as lawyers is more than a business; it always has been and I hope will continue to be a profession. The old adage, “To those to whom

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foundation focus

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much is given, much is expected.” As attorneys we are in a position to help people who do not have the knowledge, skills, or financial ability to help themselves. Participating in the Pro Bono Program gives us the opportunity to help these people. 🌱

Pro Bono Program Supports the Arts

The Pro Bono Program is seeking bright, committed legal professionals who have a passion for arts and culture.

The Volunteer Lawyers for the Art Program (VLA), a 501(c)(3) organization that provides legal assistance to low-income artists and small arts organizations for arts-related legal needs, has invited the Pro Bono Program of the Westmoreland Bar Foundation to join the Allegheny County Pro Bono Program to provide limited representation to artists with legal needs.

Attorney Larry Castner, volunteer director of VLA, met with the WBF Pro Bono staff to outline the opportunities available for Westmoreland Bar Association members. The kinds of cases that VLA typically handles for arts organizations include: copyright, intellectual property, contracts, nonprofit compliance, facilities leases, insurance and tax matters and liabilities of board of directors. Volunteer attorneys receive news about volunteer opportunities via group e-mail from Director Castner.

Franklin Regional Earns District Mock Trial Trophy



Franklin Regional Senior High School earned the District 1 Mock Trial trophy by defeating Penn-Trafford High School in the finals of the annual competition held at the Westmoreland County Courthouse in early March. This year's competitors also included Derry Area, Greensburg Salem, Kiski Area, Somerset Area, Southmoreland, and Valley High Schools. Franklin Regional advanced to the Regional competition held in Washington County, and placed second to Altoona Area High School. Altoona went on to win the statewide competition held in Harrisburg in late March.

Franklin Regional's team included: (left to right) Teacher Advisor Jesse McDonnell, Ryan Bailey, Bianca Li, Juliana Landis, Jonathan Lockwood, Victoria Zhang, Adam Schwab, Emily Ahlstrom, Anishaa Sivakumar, Corinne Baker, and Attorney Advisor Charles R. Conway. 🌱

To learn more about volunteer opportunities or to access a volunteer application, call 412-391-2060 or visit pittsburghartscouncil.org/resources/volunteer-lawyers-for-the-arts. Westmoreland County arts organizations can also apply for pro bono representation through this website. 🌱

LawSpeak

“Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded, because they flatter the people, in order to betray them.”

— Justice Joseph Story, 1833

Volunteers for Justice

The Pro Bono Program extends thanks to all the attorneys who volunteered their time from January through March 2014: Maria Altobelli, Mary Baloh, George Butler, Clare Dooley, Amanda Faher, Rebecca Fenoglietto, Charles Fox IV, Mark Galper, Nancy Harris, James Horchak, Daniel Joseph, Karen Kiefer, Aaron Kress, Maureen Kroll, Elsie Lampl, James Lederach, Irene Lubin, Allan Lundberg, Shirley Makuta, William McCabe, Philip McCalister, Zachary Mesher, Paul Miller Jr., David Millstein, Debra Nicholson, John O'Connell, Jr., Gino Peluso, Dennis Persin, Corey Sacca, James Silvis, Andrew Skala, Robert Slone, Mark Sorice, Michael Stewart II, William Wiker, Susan Williams, and Ron Zera. 🌱

Spotlight on Allison Thiel



Editor's note: Allison Thiel is the new Chair of the WBA Young Lawyers Committee. Her one-year term began at the 2014 Annual Meeting, held April 7 at Rizzo's Banquet Hall in Crabtree. Allison is Judge Driscoll's law clerk.

Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

A Like most of the local kids, I worked summers at Idlewild Park. I also worked retail and had various internships.

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

A This was hard to narrow down, there have been quite a few. Two immediately came to mind.

1) A mother in one of our cases, who was unhappy with the order, crumpled up a piece of paper and threw it at me, only to take it back and flatten it out because she realized that she needed it. She then got angry and called me a "stupid law lady."

2) A Plaintiff once told me that she couldn't look at me while we were talking because my eyes were two different colors and she believed that I had powers.

Q WHAT QUALITY DO YOU MOST LIKE IN AN ATTORNEY?

A Trustworthiness.

Q WHAT HAS BEEN YOUR FAVORITE JOURNEY?

A My four years in Happy Valley.

Q WHAT IS YOUR GREATEST REGRET?

A Only spending four years in

Happy Valley, unlike many of my friends, who managed to draw it out to at least five years.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A My grandfather and grandmother, Joe and Marcy Snyder, and the most patient man I've ever met, Judge Driscoll.

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

A As a new attorney myself, I'd say be open to all advice.

Q WHAT IS THE BEST ADVICE YOU EVER GOT?

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Spotlight on Allison Thiel

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A Move back to Westmoreland County.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Loving what I do and the profession that I chose.

Q WHEN AND WHERE WERE YOU HAPPIEST?

A Any country concert and any Penn State and Steeler game.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My three dogs, Boomer, Nittany and Libby ... no, my new house ... wait, no, my dogs ... no, no, my house ... no, really, definitely, my dogs.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Lying, arrogance, clowns, and flying monkeys.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Shoes, clothes, and purses.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A I would like to be able to rap.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Loyalty and a sense of humor.

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

A Rock star or veterinarian.

Q WHAT IS YOUR MOTTO?

A It's not worth it if you aren't happy. 🐾

Important notices from the ...

WESTMORELAND COUNTY COURT ADMINISTRATOR

In April 2014, the Supreme Court of Pennsylvania directed all county courts of common pleas to "clean up" our civil court dockets. In response, the Court Administrator's Office and the civil court judges are drafting a civil case management system that will accomplish the following objectives:

- Early court intervention in all civil cases, as well as provisions for continuous control;
- Annual administrative purges for cases in which there has been no activity for over two years;
- A system for addressing all "older" cases.

Pursuant to Pa. Rule of Judicial Administration No. 1901, notice will be given in the Westmoreland Law Journal that a case will be terminated—or purged—if there has been no activity in the case for over two years. In other instances in which case activity appears to have been dormant for an extended period of time, case management conferences will be held, at the conclusion of which a case management order will be entered.

If you receive a Notice from the Court Administrator's Office asking

you to report on the status of your case, please respond to that request promptly. 🐾

PENNSYLVANIA CLE BOARD

By Supreme Court order, Pa.R.C.L.E. Rule 108 (e) has been changed to increase the amount of credits lawyers may earn via alternate delivery methods from four to six credits annually. The board also adopted a regulation change to increase the ethics component of the annual CLE requirement from one to two credit hours. The total number of CLE credits required annually will remain twelve hours.

The amendments to the rules and regulations will take effect with CLE compliance periods that begin in 2014 and have requirement deadlines in 2015.

The ethics credit increase marks the first significant modification to the CLE requirement since 1996 when the total requirement expanded from nine credits to twelve. The new provisions for distance learning will provide lawyers the option of completing up to half of their annual requirement through distance learning and computer-based education.

For more information about these changes, visit www.pacle.org. 🐾

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JANUARY 2014 TRIAL TERM

Of the twenty-one cases listed for the January 2014 Civil Jury Trial Term, nine settled, and twelve were continued. No jury trials were held.

MARCH 2014 TRIAL TERM

Of the twenty-two cases listed for the March 2014 Civil Jury Trial Term, seven cases settled, fourteen were continued and one jury trial was held.

IN RE: CONDEMNATION OF THE PROPERTY OF RONALD L. REPASKY, JR., LOCATED IN THE CITY OF GREENSBURG, WESTMORELAND COUNTY, PENNSYLVANIA BY GREATER GREENSBURG SEWAGE AUTHORITY

**RONALD L. REPASKY, JR., FEE OWNER AND BLAST-TEK, INC., TENANT, TOGETHER CONDEMNNEES/PLAINTIFFS
V.**

**GREATER GREENSBURG SEWAGE AUTHORITY, CONDEMNOR/DEFENDANT
NO. 7947 OF 2005**

JURY TRIAL VERDICTS



BY
MONIQUE LAFONTANT MEARS,
ESQ., AND AMY DEMATT, ESQ.

*Cause of Action: Eminent Domain—
Condemnation—Appeal from
Board of Viewers*

This condemnation case arises out of a declaration of taking authorized by the Municipality Authorities Act of 2001, P.L. 287, No. 22, Sec. 1, *et seq.*

On October 18, 2005, the governing board of the Greater Greensburg Sewage Authority (GGSA) filed a Declaration of Taking. GGSA had authorized taking

a permanent easement on property of Ronald L. Repasky (leased to Mr. Repasky's tenant, Blast-Tek, Inc.), for purposes of placing an equalization tank and related equipment necessary for a sewer system. In addition, a twenty-foot easement was taken for and during construction. The property subject to the taking is located at or in the vicinity of 757 South Main Street, Greensburg, Westmoreland County, Pa. By stipulation, at trial, the claim on behalf of Blast-Tek, Inc., was withdrawn.

The property subject to the taking consisted of three contiguous parcels. During the construction phase, Plaintiff and his tenant, which used the subject property for loading, unloading, and as a storage facility, suffered interference with parking, use of loading docks, and general operation of business. In addition, Plaintiff contended that grading on his property altered the flow of water to the detriment of the property. Plaintiff's expert proposed three alternative

continued on page 12

G

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Daniel Joseph

Jury Trial Verdicts *continued from page 11*

measures with correlating costs to remediate the problems of drainage that existed after condemnation: Plan A cost \$72,605, Plan B cost \$51,905, and Plan C (which was not recommended) cost \$23,245. Plaintiff testified that he estimated the diminution in value to his property to exceed \$150,000.00. Defendant's expert was precluded from testifying based on his method of appraisal which was not in conformity with the unity of use doctrine.

The jury found in favor of the Plaintiff/Condemnee in the amount of \$115,000.00.

Trial Dates: March 5-7, 2014

Plaintiff/Condemnee's Counsel:

Robert P. Lightcap and Amber Leechalk, Latrobe

Defendant/Condemnor's Counsel:

John M. O'Connell, Gbg.

Trial Judge: The Hon. Christopher A. Feliciani

Result: Plaintiff/Condemnee

MAY 2014 TRIAL TERM

Of the twenty-one cases listed for the May 2014 Civil Jury Trial Term, one case proceeded to a non-jury trial, one case was dismissed, one case went to binding arbitration, three cases settled, fourteen cases were continued and one jury trial was held.

**TD LASH ENTERPRISES, LLC
AND TODD LASH, PLAINTIFFS
V.**

**PAUL FISHER, IT/D/B/A
PAUL FISHER INSURANCE
SERVICES, LLC, DEFENDANT
NO. 6766 OF 2009**

*Cause of Action: Negligence—
Negligent Misrepresentation*

This negligence case arises out of an alleged failure to advise as to the coverage issued under an insurance policy covering Plaintiffs' rental property after a fire loss.

In 2006, Plaintiffs, Todd Lash and T.D. Lash Enterprises, LLC, sought

insurance coverage from Defendant, Paul Fisher Insurance Services, LLC, for property located at 740 Thompson Avenue in Donora, Pa. The property consisted of ten separate apartments, to be used by Plaintiffs as rental property.

On July 20, 2006, Penn-America Insurance Company issued an insurance policy, through Defendant, Paul Fisher Insurance Services, LLC, for the rental property for approximately \$332,000.00, with an 80% co-insurance penalty. On July 21, 2007, there was a fire on the property which destroyed several of the rental units. Plaintiffs made a claim under the Penn-America insurance policy for damages to real and personal property in the amount of \$554,556.47. Penn-America paid \$195,661.61 for damaged and lost property.

Plaintiffs alleged that Defendant failed to adhere to the standard of an ordinary prudent professional by providing \$195,661.61 in coverage and not \$332,000.00, as allegedly represented by Defendant. Plaintiffs also alleged that Defendant breached his fiduciary duties to Plaintiffs by not advising Plaintiffs prior to the date of loss that the premises were not fully

covered for fire loss, and for loss of rents. Further, Plaintiffs alleged that Defendant failed to adequately explain the co-insurance provision of the policy and make recommendations for reducing or eliminating risk and exposure after a fire loss.

In its New Matter, Defendant alleged that Plaintiff Todd Lash, as a student and teacher of the "Real Estate Riches and Wealth Builders Program," was a knowledgeable purchaser of insurance and that Defendant provided Mr. Lash with the amount and type of insurance he requested. Defendant moved for judgment in his favor based on the economic loss doctrine, and also raised contributory negligence as a defense.

The jury found the Defendant negligent but determined that his negligence was not a factual cause of the Plaintiff's harm.

Trial Dates: May 14-16, 2014

Plaintiff's Counsel: Anthony C.

Mengine and Brittani R. Agona Hassen, Pgh.

Defendant's Counsel: Sheila M.

Burke, Pgh.

Trial Judge: The Hon. Christopher A. Feliciani

Result: Defendant 🍀

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To-Wit: Sometimes A Bad Notion

by S. Sponte, Esq.

I arrived at the courtroom a few minutes before nine, signed in, and took a seat near the rear. I was fifth on the argument list, so I knew I would have a wait.

Now, I'm not the most patient soul in the world—two play for me is more than enough—but this kind of waiting doesn't bother me. After all these years I still enjoy listening attentively to powerful legal arguments and the rousing, intellectual colloquy between court and counsel they oftentimes engender. Being quite familiar with both the judge and the lawyers in front of me, I had come prepared, and, as the first argument commenced, I took out my iPad to catch up on Words With Friends.

I was thus happily ensconced when I noticed the courtroom door open slowly, gingerly even, as an old friend and colleague quietly slipped in. He

noticed me as well, and came over and took the two seats next to me. He needed both seats because under his arms he was carrying several overstuffed folders.

“It's risky, this kind of conjoining. While passion makes for a wonderful sword, it regrettably makes for a lousy shield.”

His eyes were uncharacteristically glintless, the knot in his tie askew. He just sat there, staring vacantly, catatonically, at the front wall, looking for all the world like Max Schmeling at the brutal and very hasty end of his second fight with Joe Louis. Something was amiss.

By the noon hour, neither of our cases had been reached, so we joined each other for lunch at my favorite local French eatery, *Sans Merci*. As the three of us—me, him and his enormous

file—sat down, he began to talk.

“This file has just drained me,” he said. “Look at the size of it, it's already seven years old. I can't do it anymore. This needs a younger lawyer, I'm completely exhausted.”

The file was indeed immense, suggesting some kind of cause célèbre. I could sense from my colleague's demeanor, the way he constantly rolled his shoulders, the way he persistently rubbed his hand back and forth behind his neck, that I had before me

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 - Registered over 300 Federal and Pennsylvania trademarks
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Bachelor's degree in Engineering from New York University
Master's degree in Electrical Engineering from Drexel University
J.D. from Temple University
Chemistry studies at University of Pittsburgh
Registered Professional Engineer (Pennsylvania)
Formerly Assistant Professor at Villanova University
Formerly Doctoral Candidate in Mathematics at Bryn Mawr College

To-Wit: Sometimes A Bad Notion

continued from page 13

yet another tragic example of a lawyer who had hitched his passions and emotions to a client's difficult crusade.

It's risky, this kind of conjoining. While passion makes for a wonderful sword, it regrettably makes for a lousy shield. It leaves the soft psychological underbelly exposed to the slings and arrows of outrageous justice; denied motions pierce the skin, adverse opinions skewer the heart, the body creeps inexorably south in a handbag.

Still, I have always loved a crusade. Time was I'd attach to every cause that came through the door. I was very much the Lone Ranger then, except that I kept getting shot. I didn't remember that part from my Saturday morning cowboy shows.

Though I now treat lawyering like a business, I still get hungry for a crusade now and again. Nothing gets the blood flowing better than the bloodletting of a defendant who richly deserves it. Unless you're Bela Lugosi, however, you can't make a steady diet of it. It's too tiring.

"If you're that emotionally involved, perhaps some therapy would help," I said to my distressed colleague as he sat there moaning.

"Oh, please," he replied, "it's a condemnation case, I could care less. I just need a young associate to carry the file around. It's damned heavy. Got any Advil?"

Oh, please, indeed, I had been projecting again. Nonetheless, I took something very important away from our encounter. The restaurant's special that day was *Guess What à l'Orange*. It's my favorite thing on the menu, and I was just starving. 🍷

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

Annual Ceremony Held

WBA Presents New Members to Bench, Bar



▲ On Wednesday, March 17, 2014, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President John Greiner, and an invocation by the Rev. Marnie Abraham, each admittee was introduced to the court by a member of the association.

The new members presented to the court were (from left to right): Clare Dooley, presented by Michelle Shuker; Nicole LaPresta, presented by John Greiner; Stefani Lingafelt, presented by Mike Stewart, II; James Natale, presented by Bob Slone; and Erica Laughlin, presented by Joyce Novotny-Prettiiman.

Following the presentation to the court, Mike Stewart, II, and Bill McCabe greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. President Judge Gary P. Caruso then spoke on behalf of the court.

A reception for the new admittees was held in conjunction with the WBA St. Paddy's Day Celebration at The Rialto in Greensburg immediately following the ceremony. 🍷



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Westmoreland Revisited

The Trial of George Fitzsimmons

by *The Hon. Daniel J. Ackerman*

The principal players who would appear in court at the trial of George J. Fitzsimmons would have lifted the spirits of a Hollywood casting director: a martial arts enthusiast who was being brought before the bar of justice on multiple homicide charges for the second time in four years; a prosecutor from a small northern county, for whom this would be the trial of a lifetime; a nationally known defense lawyer, who was as close as any lawyer gets to being a household name; and, a veteran judge who had served an interim appointment as a justice on the Pennsylvania Supreme Court, and one whose patience and rulings were not to be taken lightly.



▲
The Hon. Daniel J. Ackerman

THE CAST ASSEMBLES

It was July 1975 when the defense lawyer and former Marine pilot—this time a passenger in one of his three aircraft—touched down on the runway at the Latrobe airport. Exiting with him were an investigator (a former Massachusetts State Police Lieutenant) from his plush law office in downtown Boston (where, with a flick of a switch, wooden panels at the top of the walls would recede, exposing light fixtures to facilitate the use of television cameras, in the event they were needed); and his third wife, Lynda, an attractive woman with blonde hair and a soft voice which carried a pleasant accent from the place she originally called home, New Zealand. The small, out-of-state entourage would be rounded out with the arrival of Buffalo attorney, Herbert Siegel, counsel for the bank/trustee which managed Fitzsimmons' finances following a New York court decree which found him incompetent.

F. Lee Bailey (the F is for Francis) had just turned 42, four years older than the man he had flown in to represent. Prior to this, he had gained attention from his post-trial representation of Dr. Sam Sheppard, the Cleveland physician who had been erroneously convicted of killing his wife; and for also undertaking the case of Albert DeSalvo, known as the “Boston Strangler.” Now he was here to defend George Fitzsimmons of Buffalo, N.Y., and, more recently, Roulette, Potter County, Pa.

While Bailey flew in on his turbo-prop Commander, Harold B. Fink, the district attorney of Potter County, drove the 166 miles from Coudersport to Greensburg in his Plymouth sedan. He brought his staff with him: a 19-year-old secretary and a first-year law student intern. In his seven years as district attorney, this would be his first homicide trial. He wryly told reporters, “We are a team of youth and inexperience.” When pressed about what type



▲
The trial of George Fitzsimmons was covered thoroughly, from all angles, by the Greensburg Tribune-Review and other news outlets.

of criminal cases arose among the 16,000 inhabitants of his county, he replied, “We have a good wife beating almost every Saturday night ... and the burglary of a hunting camp or two.”¹ It appears that he was embellishing his role as an underdog; and, at least in monetary terms, he certainly was that, if you cared to compare his \$8,000-a-year salary with Bailey's \$40,000 fee.

Judge Earl S. Keim, with 17 years of judicial experience, would preside over the trial. Venue had been changed to Westmoreland County when it became apparent that the pool of jurors in Potter County was unlikely to produce twelve people unbiased enough to form an impartial body. After the transfer, and to the surprise of some, Bailey and Fitzsimmons waived a jury trial. Bailey later explained that delving into Fitzsimmons' past was necessary for a psychiatric defense, but once a jury learned of his past, “That would be the ball game.”

THE DEFENDANT'S HISTORY

In the early innings, so to speak, the defendant, as a soldier in South Korea, took up weight lifting and became a karate enthusiast. One newspaper article noted, “Fitzsimmons in 1961 came off active duty with the U.S. Army, where one physical training instructor described the 6'1" 170-pound health faddist as a ‘walking weapon.’”

Sunday seemed to be a bad day for George Fitzsimmons. On a blustery cold Sunday morning in January 1969,

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¹ “Good” is used idiomatically, meaning “substantial,” rather than “desirable” or “beneficial.”

The Trial of George Fitzsimmons *continued from page 15*



◀ Richard H. Galloway, at the right, along with the author, served as local counsel for the defense. F. Lee Bailey (center) is also flanked by Buffalo psychiatrist Richard Wolin. Below, Potter County District Attorney Harold B. Fink consults with Westmoreland County ADA Louis Ceraso. Photos by J.R. Downs for the Tribune-Review.



times how he might blow his top, or give a chop, but at the same time because of their own fear, they gave good write-ups on his chart, because they knew he was going to court and this would be favorable and get him out, thus the fears for one year would be over."

George, who lived with his parents in Buffalo, engaged in an argument with his father over George's desire not to attend church that morning. The disagreement ended with the 64-year-old paper executive falling to the floor, his skull crushed and his brain hemorrhaging from two karate chops. George's 60-year-old mother suffered the same fate. Arrested in St. Louis, he was tried in Buffalo for the murder of his parents and was acquitted by reason of insanity.

During a pre-trial psychiatric examination, he expressed no regret for his actions, calmly explaining that his parents had attacked him because they wanted to commit suicide. "They were older people," he said. "They were probably asking for it, you know."

As a result of the verdict, he was committed to Buffalo State Hospital for treatment. After 34 months, a board of psychiatrists reviewed his record, took note of his good behavior, and concluded that he had made "a satisfactory adjustment at Buffalo State Hospital." In March 1973, he was discharged.

Later, it was reported that unnamed employees of the hospital suggested that the favorable reports concerning Fitzsimmons' adjustment had been doctored out of fear of the patient. A reporter was told:

"Tension became high with employees. They mentioned many

Apparently, not everyone was tense around George, for shortly after his release, he married Beverly Kaplan, who also had been a patient at Buffalo State. He and his bride moved to Pennsylvania to start a new life together in Coudersport, with \$2,000 and a stipend of \$500 a month, all part of the \$125,000 he had inherited from his late parents, since his acquittal by reason of insanity did not trigger New York's slayers' act.

Having been adjudged incompetent, his finances were controlled by the Bank of Buffalo, as his trustee. A temporary residence was found with a compassionate aunt and uncle, Euphresia and DeAlton Nichols, who found a place for their nephew not only in their home, but also in their wills, for they had named him as their sole heir while he was still in the hospital, with the hope that their funds might perpetuate his care. Too late to be of benefit to those who cared about him, a Buffalo homicide detective would later comment, "All I can say is, it doesn't pay to be a relative of George Fitzsimmons."

The honeymoon lasted all of two months. In July 1973, George turned on Beverly, administering a beating requiring her hospitalization. After her discharge, she testified at her husband's

preliminary hearing and then fled back to Buffalo, never to return, the road back to Coudersport blocked by her fear. But her absence didn't preclude a conviction at trial for assault, and once again, the dedicated aunt and uncle came forward to post bond pending sentencing, which would never take place. At age 41, Beverly died three days short of the end of the year from a cause seemingly unrelated to the injuries inflicted by her husband. Earlier, she had filed two civil actions against him—one for divorce, and the other for personal injuries which averred, among other things, "severe nervous shock."

HISTORY REPEATS ITSELF

George had been nervous, too. On yet another Sunday—November 18, 1973, to be exact—he prepared himself a healthy lunch, packed a suitcase, and drove to Buffalo, where he would place a call to his attorney. Whether he was aware of it or not, the broken tip of his uncle's hunting knife protruded between the lid and base of his hastily packed suitcase. In the telephone call, he explained that he had used the knife in self-defense to kill his elderly aunt and uncle, who had been trying to poison him by putting arsenic in his food. He asked the lawyer to tell the police where their bodies could be found.

Fitzsimmons' interrogation by Buffalo homicide detectives was recorded on a 30-minute videotape with the assurance that it would not be used against him at trial. The prosecution honored that promise, but at trial, Bailey introduced the tape as a defense exhibit, to demonstrate his client's flat, unemotional, even matter-of-fact, rendition of the killings, which supported Bailey's contention that his client, once again, was insane at the time of his acts.

This was a point of contention between the attorney and client, because Fitzsimmons continued to argue, both in and out of court, he was sane, and as a result, on several

occasions, he unsuccessfully tried to fire Bailey. During the exchanges of record between the defendant and the court, Fitzsimmons sounds articulate, reflecting, perhaps, his two years of college. In press photographs taken at the time, his facial expressions appear calm and thoughtful; he looks like someone about to speak after giving some consideration as to what he would say. His eyes are dark and deep set, with long dark hair which came down over his collar and the nape of his loud plaid sport coat; neither his hair nor his clothes were out of place in the 1970s.

The nonjury trial lasted six days—July 7–11, and 16, 1975. Surprisingly, at the end, Bailey told the judge that this had been his longest trial to date (O.J. was still in the distant future). It produced no fireworks: all participants (except the defendant and his counsel) seemed to get along famously with each other, and when it concluded, Bailey and the judge couldn't compliment each other enough.

When watching the trial, one had to be impressed with Bailey's seemingly photographic memory, for he neither took nor referred to notes. He also waived cross-examination of most of the prosecution witnesses, no doubt because neither the manner of death nor the identity of the perpetrator were ever in question; but also because cross-examination can be useless, if not harmful, where it simply results in a retelling of the witnesses' direct testimony.

The primary witnesses, of course, were three psychiatrists, one called by the prosecution and two by the defense, who were fully cross-examined as to their opinions on the defendant's mental state. And here, Harold Fink relied upon Westmoreland County Assistant District Attorney Louis Ceraso, who was assisting him, to do the questioning. All three doctors agreed in their diagnoses that George Fitzsimmons suffered from paranoid schizophrenia. Where they disagreed was whether his mental impairment was such that it met the test of the *McNaughton Rule*: that legal insanity

existed only when there was an inability to differentiate between right and wrong.


It became clear that the court was being asked to entertain two parallel and competing defenses—one by Bailey and the other by Fitzsimmons, for to George Fitzsimmons, the mantle of sanity seemed a more desirable goal even than that of not guilty. He had waived an insanity defense against advice of counsel, and then insisted on testifying in his own behalf.

His narrative, offered in a "deep bass, self-assured voice," according to one reporter, depicted him out walking


and jogging the countryside from 11 a.m. until 4:45 that Sunday afternoon; and upon returning home he found the bodies of his relatives. He offered the opinion that whoever killed his aunt and uncle was the same unknown person who had shot the large maple tree in their front yard.

He said the three-foot-diameter tree was struck by a gunshot a month or so earlier causing a five-foot crack in its trunk, and that his aunt had the tree cut down because she didn't want the neighbors to know that the tree had

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The Trial of George Fitzsimmons *continued from page 17*

been shot. “They (his aunt and uncle) knew about the tree and should have taken precautions,” he suggested.

He explained that the blood on his clothing, which was found draped over a chair in his second-floor bedroom, probably came from some of the Nichols’ nine cats walking through the blood on the first floor and tracking it upstairs. The confession to the police in Buffalo, he described as part of a “publicity plan,” put forth by attorney Siegel (counsel for the bank/trustee which managed Fitzsimmons’ finances).

His testimony ended with the court’s noon recess, after which Bailey informed Judge Keim that he now had an ethical responsibility to offer the video of the confession into evidence, and follow it with testimony from Buffalo psychiatrist Richard Wolin, who would explain how the defendant’s demeanor in the video supported his conclusion that Fitzsimmons was not responsible for his acts due to his mental illness. Having just listened to Fitzsimmons’ bizarre account of the events, the judge allowed the defense to proceed as requested.

THE VERDICT

The verdict was handed down December 20, 1976, 17 months after the testimony closed. This provided more than an ample opportunity for the court to review the psychiatric records and briefs, but in all likelihood, this was the earliest date Bailey could fit into his schedule, for in the interim he had immersed himself in the defense of Patty Hearst—the 19-year-old granddaughter of billionaire publisher William Randolph Hearst—who had been kidnapped for ransom by a terrorist group known as the Symbionese Liberation Army, and who allegedly had converted to her captors’ cause and actively participated in the armed robbery of a California bank—a case which put Bailey on the cover of *Time* magazine.

It seems that everyone understood that no matter what verdict was returned, George Fitzsimmons would never be free.

Judge Keim found Fitzsimmons guilty of the murders and imposed two concurrent life sentences (to his credit he didn’t try to gild the lily by running the sentences consecutively, as if the

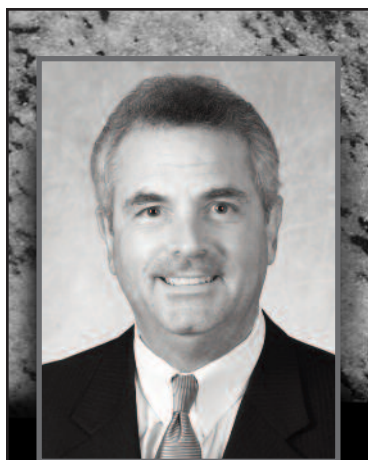
defendant, like a mythical cat, carried more than one lifetime in his bag). There is a reported anecdote that Fitzsimmons told the judge that he preferred prison to a mental hospital because “the movies are better in prison.”

Post-conviction motions were filed and denied, and on April 10, 1980, the Pennsylvania Supreme Court entered a per curiam order affirming the judgment of sentence. Fitzsimmons filed a Post-Conviction Act petition alleging ineffective assistance of counsel—a tall order when counsel has appeared on the cover of *Time*, and the petition went nowhere.

In 1999, 23 years after his trial, George Fitzsimmons, at age 62, died at the State Correctional Institution at Dallas, Pa. 🐾

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Michele@noblemediation.com

Founding Member Honored at April Meeting

Inns Remembers Bob Johnston

by Diane Krivoniak, WBA Executive Director

I am not sure if Bob Johnston ever heard or read the quote from mythologist Joseph Campbell, “Life is without meaning. You bring the meaning to it,” but in Bob’s search to make sense out of his life, I would think that this could very well have been his personal mantra. In particular, Bob’s devotion and passion for our local Inn of Court, years before he knew cancer would number his days, makes me believe that Bob knew and lived with just this kind of understanding.

On Wednesday, April 16, the members of the Ned J. Nakles American Inn of Court paused for a moment—a glorious moment—to honor their founder, Robert I.



▲ Diane Krivoniak and Bob Johnston

Johnston, for his vision in making the local Inn everything it is today. As Inns members and friends stood one after another to share personal stories about what Bob said and did for them, a common thread seemingly knitted us together to complete a quilt-like masterpiece of a life lived to serve others—through examples of mentoring, moments of listening, offers of help, instances of humor, and opportunities for teaching.

As for me, I worked so often and so closely with Bob when he served any number of leadership roles with the Westmoreland Bar Association, the Pennsylvania Bar Association, the Inns and the Trial Academy that I feel especially lucky to have known him. In some of our conversations, Bob would remind me that he used to be an SOB. He spoke openly about what kind of lawyer he was when he first came to Westmoreland County in order to illustrate how a person can change. He knew that he made few friends, but several enemies. That was before my time and before he became the Bob who inspired so many of us, so deeply.

I think Bob allowed himself to dance—so terribly!—in the BarFlies productions, laugh so graciously at imitations of his speech patterns, volunteer so readily to dress as a Christmas tree at the Dinner Dance, and take so humbly to crutches and then a cane, so that we could see his imperfections. He did not want us to see him as a superhero or better than any one of us. Yet he was any one of us; any one who dares to take the time to seek meaning in our lives and in others’ lives—no matter our handicap, our limitations, our ego. The Inn was the best example of what Bob felt we could each become as human beings, as lawyers, and as friends.



▲ Bob Johnston’s family, including his wife, Jacque (fourth from left), were invited to the April 16, 2014, Inn of Court meeting for a celebration of Bob’s contributions to Inns. His portrait now hangs on the top floor of WBA headquarters next to that of Inns co-founder Ned J. Nakles, for whom the local Inn was named in 2000.

If you are not an Inns member, please know that you are missing opportunities for growth and community that you will find nowhere else in the legal profession. If you are a member of the Ned J. Nakles American Inn of Court and you have slipped away from participating, why not recommit? Don’t cheat yourself out of this experience. Cherish it, as its founder so preciously did. You won’t regret it. 🌸

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The Hon. Gary P. Caruso *continued from page 1*

instructions that he gave me when I was first elected. They never failed to serve me well. He was always willing to meet and discuss any issue and the way that it might best be handled. His counsel was invaluable.

Every judge that I have had the privilege to work with on our bench has made my job easier. They have all been very accommodating and willing to step up and provide help and support when I needed it. Each has worked very hard to maintain the excellent reputation that our bench has in Western Pennsylvania. When a bench has the reputation that our bench has, it makes the job of everyone on that bench easier. The lawyers are appreciative of the manner in which our bench operates and as a result treat all of us with the traditional respect that a court should have.

Of all the judges I have served with, the one that I feel the closest to is John Blahovec. That, I am sure, is because we have been together from the beginning and have continued together through all of the changes

that have occurred over the years. We have, in a sense, travelled the same path and have relied upon each other to find our way. He has always been there for me and I only



Fun times were always on the agenda for Judge Caruso at Bench/Bar Conferences over the years, whether it was performing with the BarFlies (top), singing with the band (above), or just relaxing (right).

hope I have returned the favor. I will be forever grateful.

I also want to thank the lawyers of the Westmoreland County Bar and the lawyers from surrounding counties for all of the help they have provided to me in my effort to perform my job as a judge. It may surprise lawyers to know that judges are actually very appreciative of the research presented



and help provided to them by the lawyers appearing before them. I also want to thank them for the respect and deference they have shown me over all of my years on the bench.

I would be remiss if I also did not thank all of the people who work in the row offices, the law library, the cafeteria, the judicial information services, and the administrative offices in the courthouse. They are so kind and helpful. They would go out of their way to meet any request for assistance. I must also thank the Sheriff's Department and the Park Police for their service and protection. I want to also single out Joyce in the mailroom for some praise and thanks. She is always ready with a kind word and blessing.

There is also a group that is often overlooked and perhaps taken for granted that also deserve a big thank you. Those are the people who work in the maintenance department. They make the courthouse a clean, well maintained, and comfortable place to work.

I want to deeply thank the various people that have served on my staff over these many years. When I was first elected, my staff was made up of Anita, Tom Vivio (court reporter),

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Judge Caruso, Rich Victoria, Tim McCormick, and Judge Pezze at the WBA Annual Meeting in 2006.

Zeke Nicholas (tip staff), Theresa Shearer (tip staff), Alice Davis (minute clerk), and Richard Victoria (law clerk). That was quite a crew. It was like our little family. Unfortunately, like all families, we lost members over the years. I have been so fortunate that every person that has come on board afterward has been a perfect fit. They have all been like the spokes on a well balanced wheel allowing the wheel to roll true. There was nothing that they would not do to support me and make my job easier. Having people like that to work with made coming to work a pleasure.

Although every member of my staff over the years has been important to my success, there is one that I must single out. That would be my friend since seventh grade, my former law partner and then my law clerk, Richard Victoria. For those of you who know Richard, you will understand when I say that he never allowed me to get a big head. He kept me grounded. He is not a “yes man” by any stretch of the imagination. People have said that I remained the same person that I was before I was elected. If that is true, I owe that attribute to Richard.

So, thank you all. If I missed anyone, I am sorry. 🍷



Rich Victoria, Anita Vivio, and Judge Caruso at his Retirement Tribute earlier this month.

continued from page 1

get closer to the handsome Italian with the wavy hair. I bear the scars of high-heeled shoes on my feet. I bear the scars of handbags swung wildly in a frenzy to get closer to Gary.

A few of you might remember me as a skinny young attorney, barely 150 pounds soaking wet as I entered the campaign. (Note: If you do remember me that way, you may be experiencing severe memory problems.) The repeated beatings suffered at the hands of Gary’s admirers became a threat to my very survival. What to do?

I decided that in addition to favoring handsome guys, women also

we would find our way to the other’s chambers and we’d talk over the problem. Gary has proved to be one of the most thoughtful, insightful, deliberate, and wise people I have ever met. He never backed away from a difficult assignment, and many of those came his way.

Bernie Scherer took us under his wing. Shortly after our election, Bernie took us to DiSalvo’s Restaurant in Jeannette for lunch to make us feel at ease. When Bernie died unexpectedly, Gary and I spent a couple of hours on the phone telling Bernie stories and reminiscing about the times we shared with Bernie.



Judges Driscoll, Blahovec, Mihalich, Pezze, Ackerman, McCormick, Loughran, and Hudock with Judge Caruso (center) in Harrisburg when he assumed the Presidency of the Pennsylvania Conference of State Trial Judges in 2000.

love guys who love their cooking. So I ate and ate at every event we went to together. Eventually, the ladies sat at a table and fed me large amounts of food *before* they went after Gary. That saved my body from injury, but it helped turn me into the rather portly old gent who stands before you today. Female voters often would comment: “Compared to Gary, that Blahovec is a homely guy, but that homely fat guy sure can eat!” Yes, Love Hurts.

When Gary and I were elected in November of 1985, the first thing we did was go together to meet with Gil Mihalich who would be our President Judge. Our purpose was simple. We wanted direction on what we could do to prepare to “hit the ground running in January” so we would not let Gil or any of our other colleagues down. I was assigned to Family Court which was my choice after winning the coin flip. Gary would handle civil and criminal and any other difficult task that would come up in any other area.

Over the next twenty-eight years, I would not see Gary every day, but when either of us had a troubling question of law, or ethics, or procedure,

I watched with pride as Gary moved through the chairs of the Pennsylvania Conference of State Trial Judges, eventually becoming President of the Conference. Everyone in the Conference came to know and respect Gary. He was often a presenter at educational programs and was often selected by the various Chief Justices to handle special committee assignments. He has an influence and a presence recognized all around the state.

My wife and daughters came to know Gary through the campaign and over the years. Marylou and I had the privilege of dancing at Gary and Patty’s beautiful daughter Natalie’s wedding and we had the honor of having Gary preside at our daughter Rachel’s wedding. Rachel became very close to Gary over the years she worked at the Courthouse, but their friendship started with a shared interest in basketball and has been enhanced since Jarred turned Rachel into a Notre Dame fan. Gary was the first Notre Dame fan I could stand to be around for any length of time. I’m getting used to Jarred now too.

continued on page 22

continued from page 21

Over the past couple of years, we began to discuss retirement plans. Gary made it clear he was looking at 2014 to end his judicial service. One thing became clear to me—I could not see myself on a Court of Common Pleas of Westmoreland County that did not contain the Honorable Gary P. Caruso.

This may be the last time I have a chance to write about Gary, so I think it is only fair to clean up the only real contentious issue that has ever come between us. Did you ever wonder what the “P” in Gary P. Caruso stands for? It stands for PLUNKING. That is the practice of voting only for your candidate, no matter how many slots are open.

Now, I can understand plunking in a hotly contested election to avoid diluting your vote and helping an opponent, but in a *retention* election! I remember election night in November of 1995 standing next to Jim Antoniono as we watched the returns come in and hearing Jim say: “They’re plunking the hell out of you in Monessen.” In Greensburg, my home area, I received an 80% “yes” vote and my friend, Gary, received an 81% “yes” vote. In Monessen, the results were like this:

Blahovec	70 Yes	10 No
Caruso	106 Yes	14 No
Blahovec	67 Yes	4 No
Caruso	92 Yes	4 No

In Monessen, 452 of Gary’s friend and relatives voted for him and not for or against me. In Greensburg, 17 of my friends and relatives voted for him and not for or against me.

I have worked with some outstanding people over my career and I am proud to call many of them my dear friends. Each of them hold a special place in my heart. But Gary Caruso is the big brother that I never had even though he looks ten years younger than I do. He has been there for me any time he was needed over the past twenty-eight years. I am proud of the time we served on the bench together and I am proud to be his friend. I wish him well in his new career as a Mediator, but frankly with his ability, his patience, and his wisdom, he is sure to be successful at anything he chooses to do. I will miss him greatly, but so will the bar and the people of Westmoreland County.

Accidents of time and place occur which put us into contact with special people who become a part of us. These people enrich and enhance our lives and are truly a gift from God. I am grateful for the gift of my time with Gary Caruso and I treasure the memories of where we have been together and I look forward to the future we face in friendship. I guess being objective, we never really looked that much alike, even though a lot of people thought so. I’d like to believe that we worked well together and honored the oath we were privileged to take together and administer to each other.

I give my friend, Gary, the highest compliment one judge can give another: I would absolutely trust him to make a decision of great importance to me or my loved ones. I do love you, my friend. To tell you the truth, I plunked for you myself all three times. 🍀

Actions of the Board

NOVEMBER 14, 2013

- Membership Committee recommendation accepted as presented: Laura Caravello—associate.
- Approved 2014 WBA budget.
- Approved Fee Dispute Committee’s proposed rule change that allows for video or phone testimony on approval by the panel chair.
- Approved purchase of new AED and expenditure to update training of WBA staff.
- Reviewed new policy of WBF Trustees: only the Chair of the WBF or his/her designee may speak on behalf of the WBF.
- Approved ADR Committee written report with specific approval of these action items:
 - Updated Family Mediation Training set for February 2014 by Pittsburgh Mediation Group.
 - Creation of The Westmoreland Mediation Academy of Qualified Mediators.
 - WBA staff to document ADR inquiries and refer all callers to ADR Chair until policy is set regarding referrals.
 - Qualified WMA volunteers to provide monthly/ bi-monthly ADR “orientation” free of charge for family court referral, pursuant to Pa. Rule 1940.
 - Modification to existing pro se litigation instructional packet to include mediation component.
 - Creation of separate pro se mediation instructional packet.
 - Inclusion of ADR component into existing CHILD program materials.

JANUARY 16, 2014

- Endorsed the formation of the Westmoreland Mediation Academy and the adoption of its bylaws which encourage the professional development of mediation lawyers.
- Learned that the Prothonotary has declined the distribution of pro se custody packets from their office.

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- Approved moving \$25,000 to the Private Wealth Investment/Pershing account and to revisit the fund balance for a possible additional deposit into that fund at the March or April meetings.
- Heard report on e-filing project. WBA representatives are still meeting with the Prothonotary as they continue to consider costs and best-suited e-filing systems.
- Approved an expenditure of up to \$10,000 to hire Architect Morris to draft official plans for the renovation of the first floor of the building for the purpose of a CLE/Large Meeting Room so that something concrete can be presented to the membership for a vote at the Annual Meeting.

FEBRUARY 20, 2014

- Membership Committee recommendation accepted as presented: Ryan Cribbs and Tim Scelsi—participating.
- Adopted policy where President or his/her designee determines when any board member(s) running for judge should recuse themselves from board business and not be involved in any discussion that directly relates to the judicial race, using the definition of “judicial candidate” as the first day that petitions are circulated, or the date that the candidate makes the announcement to run for office, whichever is earliest.
- Adopted policy where it supports the recent amendments to the Judicial Code of Conduct whereby issues of PROFESSIONALISM by Judicial Candidates are outlined. That language is as follows
 - B. *Campaign conduct.*
 - (1) Candidates, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:
 - (a) Should maintain the dignity appropriate to judicial office, and should encourage members of their family to adhere to the same standards of political conduct that apply to them;
 - (b) Should prohibit public officials or employees subject to their direction or control from doing for them what judges are prohibited from doing under this Canon; and except to the extent authorized under subsection B (2) or B (3), they should not allow any other person to do for them what judges are prohibited from doing under this Canon;
 - (c) Should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent their identity, qualifications, present position, or other fact.

where in the world IS THE WBA MEMBER?



Last October, while attending the American College of Trial Lawyers Annual Meeting in San Francisco, Ned and Connie Nakles made time for a little sightseeing at the iconic Golden Gate Bridge.

SAN FRANCISCO, CALIF.

- Agreed to develop an appropriate plan to educate the public about Court of Common Pleas judicial elections.
- Agreed to share the proposed bylaw changes with the Planning Committee and indicate that these bylaws will be voted on at the next quarterly meeting.
- Agreed that WBA board and e-filing committee members should continue to investigate whether the possibility exists for the WBA to make an initial investment in procuring an e-filing system for Westmoreland County that would be contingent on reimbursement and a future income stream to the WBA.
- Agreed to continue to research the issue of whether improving the physical plant and communications technology, including videoconferencing, would attract more webinars, PBI seminars, and other legal gatherings to the WBA and whether such action would be cost-effective.
- Agreed to expand the Membership Committee's duties to recruit nonmembers and that a list of ideas for doing so be generated and shared with the board.

MARCH 20, 2014

- Agreed to award the ADR Committee the Committee of the Year award for the work that they did in moving mediation into the family court.
- Agreed to finalize the language of the Order of Court that would increase court-appointed fees from \$45/hour to \$60/hour, and to submit to President Judge Caruso for his review and signature ahead of the annual meeting. 🇺🇸



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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

- 4** Courthouse closed in observance of Independence Day
- 15** Family Law Committee, Noon
- 16** Membership Committee, Noon
Elder Law & Orphans' Court Committees, Noon
- 22** [CLE] My Cousin Vinny, Noon to 2:45 p.m.

AUGUST

- 11** [CLE] Bridge the Gap, 9 a.m. to 1:15 p.m.
- 19** Family Law Committee, Noon
- 20** Membership Committee, Noon
Elder Law & Orphans' Court Committees, Noon
- 27** [CLE] Life Happens, Suffering Is Optional, Part 2
- 29** [CLE] Video Compliance Period Seminar

on the move?

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

Be sure to inform the WBA as well, so you don't miss any important mail or e-mail communications.

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.

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My Cousin Vinny

2.5 Substantive credits available

Tuesday, July 22, 2014

12:00 pm - 2:45 pm

WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 21, 2014.

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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724-834-6730, or

by email at westbar.org@verizon.net

Bench/Bar attendees who did not receive CLE credits for this seminar at Stonewall Resort are eligible to receive 2.5 FREE substantive credits.

The film deals with two young New Yorkers traveling through rural Alabama who are put on trial for a murder they did not commit, and the comic attempts of a cousin, Vincent Gambini, a newly minted lawyer, to defend them. Much of the humor comes from the contrasting personalities of the brash Italian-American New Yorkers, Vinny and his fiancée Mona Lisa, and the more reserved Southern townspeople.

Attorney Panelists: Maria Altobelli, Timothy Andrews, Ned Nakles, Jr., Joyce Novotny-Prettiman

2.5 SUBSTANTIVE Credits are available toward your annual CLE requirements.

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

July 22, 2014 Bench/Bar Replay — My Cousin Vinny

Name: _____

Attorney I.D. # _____

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Phone: _____

Please register me:

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

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Pre-Registration Fees

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2.5 substantive credits available = (\$75)

Non-Members - \$50 per credit hour

2.5 substantive credits available = (\$125)

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm July 21, 2014.**

**Monday,
August 11, 2014
9:00 am - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA
office by 12 pm August 10, 2014)
CLE Credit

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

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

WALK- IN:

CLE Credit
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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.

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Bridge the Gap — August 11, 2014

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Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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Card # _____

Expiration Date _____

Three digit security code on back of card _____

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*** 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)

*** 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 10, 2014.**

Emotional Intelligence: What is it and why it should matter to you!

— LIVE — 1 FREE Ethics Credit



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Emotional intelligence (EQ) is the ability to identify, understand and manage emotions in positive ways.

Benefits can include:

- ◆ Lower stress response
- ◆ Improves communication
- ◆ Overcome challenges
- ◆ Defuse conflict
- ◆ Better attitude
- ◆ Healthier behaviors/habits

Topics of Discussion:

- Discuss the key skills that build emotional intelligence
 - Creating a pause by choosing Awareness/Mindfulness
- Experiential time will be provided for techniques

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**Wednesday,
August 27, 2014
4:00 pm - 5:00 pm
WBA Headquarters**

1 *FREE*
CLE
Ethics Credit

Presented by: Elizabeth Minerva RN, HSMI, CWHC
Excela Health
Well Being Center for Mind/Body Health

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

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August 27, 2014
Emotional Intelligence: What is it and why it should matter to you.

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Address: _____

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Friday

August 29, 2014

WBA Headquarters

9 am - 4:00 pm

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12:00 pm August 28, 2014)
CLE Credit

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

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WALK-IN:

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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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Session 1 — 2 Substantive Credits

9:00 am – 11:00 am (Video from 4/23/14)

2014 Personal Injury and Auto Law Update

- ♦Significant developments in case law
- ♦Subrogation issues including the SMART Act
- ♦Development of post Koken procedures and guidelines in UM and UIM cases

Speaker: Michael D. Ferguson, Esquire
Ferguson Law Associates

Session 2 — 2.5 Substantive Credits

11:15 am – 1:45 pm (Video from 6/12/14)

My Cousin Vinny

The film deals with two young New Yorkers traveling through rural Alabama who are put on trial for a murder they did not commit, and the comic attempts of a cousin, Vincenty Gambini, a newly minted lawyer, to defend them.

Attorney Panelists: Maria Altobelli, Timothy Andrews, Ned Nakles Jr., Joyce Novotmy-Prettiman

Session 3 (Video from 6/13/14)

2:00 pm - 3:00 pm

1 Substantive Credit

3:00 pm- 4:00 pm

1 Ethics Credit

Family Law Mediation

Panelists:
The Honorable Michele G. Bononi
The Honorable Meagan Bilik-DeFazio
Attorneys:
Gary A. Falatovich
J. Douglas Farrell
Timothy B. Kinney
John M. Noble
Margaret A. Tremba

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 29, 2014 Video Compliance CLE

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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)

Sign me up for:

- Session 1 – 2 substantive credits no credits
 Session 2 – 2.5 substantive credits no credits
Session 3 2:00 - 3:00 pm 1 substantive credit
 3:00 - 4:00 pm 1 ethics credit
 no credits

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

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

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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 28, 2014.**