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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXVI, NUMBER 4
SEPTEMBER 2014

Reflections on the Career of The Hon. Alfred B. Bell

Editor's note: The Hon. Alfred B. Bell retired from the Court of Common Pleas of Westmoreland County effective July 18, 2014, after fourteen years on the bench.

by Henry Lee Moore, Esq.

It was December 2, 1990, when Al Bell, Sam Testa, and I met in Al's basement for a political meeting to begin organizing for the 1991 judicial election. Little did I know then what I know now—that it would take three grueling election cycles, and ten years before “my pal Al” would be sworn in as a jurist on the Westmoreland County Court of Common Pleas.

During those ten years, never have I met so many wonderful people who truly love Al, Bonnie, and Brittany. Al's wife, Bonnie, is a county court reporter, and Brittany is their very beautiful daughter and the apple of her dad's eye. I have known Al for approximately 30 years now and his devotion to his family and his dedication to his job are attributes I only wish I had.

Most of you are probably familiar with Al's professional career: first, as an Assistant Public Defender for Dante Bertani, then as an Assistant District Attorney and First Assistant District Attorney for John Driscoll (now Senior Judge) and current DA John Peck, before ascending to the

bench. However, few of you, if any, are familiar with the Al Bell I know personally. Here are my thoughts.

They say you can count the number of true friends you have in life on one hand. How true. If that is the case, Al Bell would be my index finger.

Let me explain.

On the night my mother died, “my pal Al” and Mike Brajdich (current Chief of the Westmoreland County Detective Bureau) were the first two people at my back door. They loved my mother dearly and she loved them. I can't tell you

how much that still means to me to this very day 23 years later. Sadder still, Al's mother had died one month earlier. It was an extremely stressful and difficult time. The recent election loss only amplified the situation. The

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by Dante Bertani, Esq.

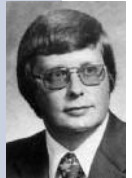
I have known Al Bell for forty years, first as a defense attorney in the Public Defender's office for eight years from March 25, 1974, until January 4, 1982; then as a prosecuting Assistant District Attorney from 1982 until his election to the bench in 1999.

Al Bell has always been a “no nonsense” type of lawyer and judge, true to the tradition of a long-ago TV personality, *Dragnet's* Sergeant Joe Friday, “Just the facts, ma'am, nothing but the facts!”

As a defense lawyer, Al was hard working and diligent in the preparation of his cases and his representation of his clients in court. He did not complain about the caseload, or the seriousness or difficulty of the case (often the short notice to prepare for hearings or trial because of the substantial caseload). He dug in and did what was necessary in the best interest of his client.

As a prosecuting Assistant District Attorney, Al Bell did not hold anything back. He did not play games. He considered the facts and

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SPECIAL REPORT

Mediation's Place in Family Court:
**That Was Then,
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President's Message

Time Is Money— And A Whole Lot More

by Joseph W. Lazzaro, Esq.

My cardiologist, Dr. Subhashish Pal, gave me good news last week following a successful stress test of my heart.

With the great-health go-ahead, I immediately planned for more time on the kayak, more time cycling, more time fishing with my son, and more time doing all of the activities that

I love with my wife, my children, and my friends.

Our time is precious. If you are a member of the WBA, I know that your time is also particularly valuable.

In my last column, I asked you to consider

gifting some of *your* valuable time to our Association. You could devote that gift of your time by participating in the committees that you care about, in pro bono, in Bar social functions, and in leadership roles during this challenging time for the WBA.

With pride, I report to you that our members are doing more than just stepping up to the plate—we are doing so enthusiastically.

Last month, **Bill McCabe**, **Dan Joseph**, and **Tim Geary** led the Planning Committee to tackle some of the major projects of our Association, including:

- Cultivating alternative income generators for the WBA, headed by **Jim Antoniano**;
- Guiding our Board of Directors and the Building Committee with new priorities for building usage, upkeep, and the preservation of its value, headed by **John Ranker**;
- Creating a better, more workable structure for our Board of Directors,

its leadership ascension, and the election process,

headed by **John Ward**.

To underscore the importance of these Planning Committee projects, any income disruption to the WBA caused by potential legislative changes or state-wide bar association policies/practice changes would constitute a major financial blow to our Association. An income disruption is a real risk, and our Board is focused on preparedness for long-term prosperity.

Our most valuable asset—our building—must be well cared for and should be used to its best potential. Our Board is taking the long-awaited steps to preserve its value, and to meet the rapidly changing dynamics, needs, and requirements of this Association.

As for the Board structure and election process, many have found it to be cumbersome and awkward for professionals who are trying to volunteer their time. We want and need future volunteers from our profession to continue to devote their valuable time as leaders here. To accomplish that goal, our organization must remain an inviting, apolitical, and modern conduit of professionalism and collegiality.

Those above projects in no way diminish the importance of our commitment to the pro bono work in our profession. Under the new leadership of **David Millstein**, our commitment to pro bono is serious and substantial. Over 244 visitors sought assistance in the WBF Pro Bono office in August. With David's leadership, all those who need and qualify for help are really finding help. That help comes in important ways, including from WBA members who signed up to donate their time because

they believe in the professional value of devoting their time. It comes from their good hearts. Over 60 attorneys have pledged to devote at least 1/2 day to do pro bono service, and the number of dedicating attorneys rises each week!

Past president **Mike Stewart** focused much of his leadership on promoting attorneys' commitment to education in our local schools. It was likely his commitment that stimulated this year's outpouring of support for Law Day visits to the Westmoreland school districts where about 4,000 students experienced great education delivered by over 50 of our members teaching in local classrooms—opening young minds and freely sharing the values of law that we hold dear.

While these great altruistic efforts are being advanced in our community, President-Elect **Maria Soohy** has been working hard to make the practice of law easier—and more efficient and modern—in our county by leading the Bar's E-Filing Committee to assist and partner with Westmoreland County Prothonotary Christina O'Brien in advancing the County's court filing system in technology and automation. Other counties across Pennsylvania have moved forward by introducing electronic filing systems. Westmoreland County could potentially offer breakthrough progress in the near future.

The Westmoreland Bar Association is often recognized as a leader among Pennsylvania's 67 counties. This year, your dedication and commitment to our Association are putting us on the cutting edge of professional progress.

With pride and thanks to you,



SPECIAL REPORT

Mediation's Place in Family Court: That Was Then, This Is Now

by Pamela Ferguson, Esq.

Twenty-five years ago, under increasing pressure to address the unique needs of a changing family demographic by providing a non-adversarial means of resolving family disputes, Pennsylvania's Legislature turned to mediation. Citing studies showing the harmful effects of pitting parent against parent



▲ Pamela Ferguson

on the emotional well-being of the parties and their children, our Legislature decided it was finally time to follow those states that had already discovered the benefits of mediation.

Fifteen years earlier, California's Legislature, cognizant of a rapidly increasing court caseload and the potential for mediation to reduce the acrimony between the parties and the emotional stress on their children, enacted the first law in the country mandating mediation in child custody disputes. Its entrance into uncharted waters proved to be worthwhile. In 1982, one year after the law's enactment, former San Francisco Superior Court Judge Donald B. King praised the statute for its great efficiency: "In one year there were fewer hearings than there had been in a single day under the old system." (King, "Handling Custody

and Visitation Disputes Under the New Mandatory Mediation Law," *Cal. Law*, January 1982 at 41.)

Notwithstanding the obvious benefit to the courts' burgeoning calendar, mandatory mediation was not without its opponents: advocates for victims of physical and mental abuse cried foul when they discovered that battered women were being subjected to mediation and victimized again by their abuser.

"Given these circumstances, agreements made through mandatory mediation are not the product of negotiations between parties of equal bargaining power. What should be a mutual agreement is in reality a series of concessions by the wife under duress." (Charlotte Germane, Margaret Johnson, and Nancy Lemon, "Mandatory Custody Mediation and Joint Custody Orders in California: The Danger for Victims of Domestic Violence," *1 Berkeley Women's L.J.*, 175 (1985).)

Despite these concerns, California refused to change their mandatory mediation requirement. Instead, they included language permitting the victim to be either "accompanied by a support person" or "separated from the abusive parent" at the mediation.

“A growing body of research suggests that mediation may be the more satisfactory and desirable means of conflict resolution in these cases.”

In response to favorable statistics, other states followed California's lead, enacting their own mediation programs. Pennsylvania, slow to enter the race, enacted Act 20 in 1996 (codified at 23 Pa.C.S. § 3901, et seq.). Careful to avoid the pitfalls of California's program, Pennsylvania's Legislature refused to mandate statewide mediation, electing instead to allow local courts to choose to mediate or not; exempted victims of domestic violence and child abuse; and ordered mediation attendance only with the consent of the parties. As guidance, the Supreme Court of Pennsylvania was mandated to establish statewide guidelines and rules to govern county mediation programs.

The Domestic Relations Committee of the Pennsylvania Supreme Court was directed to make recommendations for statewide rules and regulations in conjunction with input from mediator-members of the Family Law Section of the Philadelphia Bar Association, who had conducted studies of mediation programs in Florida, Maine, New Jersey, North Carolina, and Virginia.

On January 30, 1997, the Family Law Committee of the Philadelphia Bar Association provided the Supreme

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SPECIAL REPORT**Mediation's Place in Family Court:****That Was Then,
This Is Now***continued from page 3*

Court with their recommendation: (1) that the Supreme Court implement a statewide divorce and custody mediation program and establish policies that encourage judges, masters and hearing officers to inform litigants of the option to use mediation; (2) that an alternative dispute resolution service be established responsible for promoting mediation programs in the court system for training mediators, monitoring funds for ADR programs, for collecting statistics and preparing written evaluations for the Supreme Court; (3) that the Supreme Court fund the divorce and mediation programs by a combination of tax dollars, filing fee revenues, federal IV-D funds and any other appropriate means; (4) that the Supreme Court establish standards for mediators, including post graduate degrees, practical experience, training and CLE and pro bono credits; (5) that mediators' compensation and attorney involvement be determined by each individual county; and (6) that a statistical report be provided to the Supreme Court annually to determine the efficacy of the program.

It was further recommended that the Bench and Bar of each county be educated on the benefits and appropriateness of mediation in order to effectively establish and promote a mediation program in their county. York County, already utilizing a mandatory mediation program, was cited as a model for the rest of the state, while Allegheny County's newly established "Generations Program" bore "watching."

Responding to Act 20's mandate, the Supreme Court of Pennsylvania promulgated Pa.R.C.P. 1940.1-9,

incorporating the recommendations of the Philadelphia Bar Association's Family Law Committee and noting in the Explanatory Comments that "Many share this frustration with the adversarial system and a growing body of research suggests that mediation may be the more satisfactory and desirable means of conflict resolution in these cases. Mediation offers more flexibility both in terms of the subject matter that may be discussed during mediation and the range of solutions available to the parties. Effective mediation also assists the parties in shaping their own framework for future discussion and resolution of conflicts that rise following separation and divorce ... Statewide uniformity of practice and procedure is essential for successful mediation in Pennsylvania."

THAT WAS THEN, THIS IS NOW.

Today's mishmash of disjointed custody procedures bears little resemblance to the uniform statewide mediation program envisioned by our Legislature eighteen years ago. Of the 67 counties across our Commonwealth, 34, including Westmoreland, offer no mediation, 28 offer court-ordered mandatory mediation; and 5 offer voluntary mediation.

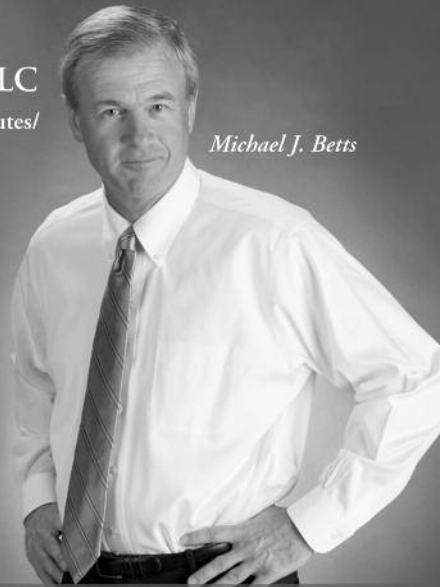
Of the 33 counties offering mediation, some interpret the statute literally and order only orientation mediation (Chester, Allegheny), while others (McKean, Potter, Pike), recognizing the benefits of allowing the parties to reach an agreement on their own, order participation in mediation sessions; twelve offer mediation orientation before the conciliation conference (Crawford, Allegheny, Armstrong, Clarion) and fifteen offer mediation after the conciliation conference (Fayette, Centre, York, Schuylkill); some use public defenders (Susquehanna), judges (Northampton), counselors/psychologists (Lehigh, Jefferson, Clarion) or Mediation Centers (Union, Snyder) as mediators; some allow counsel to accompany their clients to the mediation (Indiana) while others do not (Union, Snyder, Lehigh, McKean).¹

Despite the lack of uniformity, mediation seems to be working in the 33 counties that offer it: Allegheny County's "Generations Program," implemented in 1997, "goes pretty seamlessly," according to Custody Department Manager, Amy Ross.

¹ The counties listed have been selected from a larger list to highlight the differences in procedure.

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The parties must attend a 2¹/₂-hour mediation orientation with a professional mediator, who has completed 40 hours of training and complied with the requirements of 1940.4, to learn about mediation and to discuss their options for settlement. Counsel is not permitted to attend, but is required to prepare the Memorandum of Understanding (Settlement Agreement) if one is reached. The parties may retain the mediator for an additional six hours for a reduced fee of \$100 per hour.

“Statistics indicate that up to 48% of all custody cases are resolved through mediation. Concerns from the members of the Bar are few and are addressed by the Court Relations Committee comprised of family law members and court administrators,” Ross explained.

Court personnel from the other 32 counties offering mediation expressed similar sentiments: significant reduction in cases going to trial; quick resolution of conflicts; less emotional distress for the parties and their children; and

efficient handling of *pro se* cases. With protections afforded domestic and child abuse victims and opportunities to litigate if negotiations breakdown after the mediation orientation, why are there still 34 counties, including Westmoreland, without mediation programs?

“Despite the lack of uniformity, mediation seems to be working in the 33 counties that offer it.”

The absence of a formal mediation program in Westmoreland County is not for lack of trying. In 1997, the Executive Board of the WBA established an Ad Hoc Committee on Family Court Mediation for the purpose of consulting with Family Court judges, hearing officers, attorneys, and other individuals involved in Family Court matters

to determine the efficacy of offering mediation as an alternative to litigation. Also at that time, the WBA Executive Board passed a resolution expressing its support of mediation programs in Family Court.

After implementation of Pa.R.C.P. 1940.1, *et seq.*, in 1999, members of the WBA Alternative Dispute Resolution Committee, the Family Law Committee, Family Court judges, then-President Judge Charles H. Loughran, and Court Administrator Paul Kuntz met to discuss local rules that would allow for the formation of a custody mediation program. As a result, on February 3, 2000, the Westmoreland County Court *en banc* adopted Local Rule 1915.4-4, which allows parties, prior to the Custody Conciliation, to file with the Family Court Administrator an Election to Proceed through Mediation.

Recognizing a potential need for a pool of mediators from which family law litigants electing to proceed with voluntary mediation could choose, the

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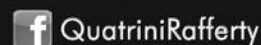


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SPECIAL REPORT

Mediation's Place in Family Court:

**That Was Then,
This Is Now***continued from page 5*

WBA, in the January-February 2000 issue of *the sidebar*, sought local lawyers who satisfied the qualification requirements of Pa.R.C.P. 1940.4 to act as mediators: "The WBA believes that mediation of Family Court matters is the way of the future. The cost, expense, and effects of protracted litigation warrant giving this form of alternative dispute resolution a try. Our enlightened Family Court bench has recognized custody mediation as a step in the right direction. With their continuing cooperation and involvement, together with the involvement of the members of our Bar Association who seek the amicable resolution of disputes in this area, this program can

be a stepping stone to a more expansive mediation process."

THAT WAS THEN, THIS IS NOW.

Notwithstanding the Bar Association's enthusiastic affirmation of mediation and the court's promulgation of Local Rule 1915.4-4, the implementation of a formal mediation has proven to be difficult.

Concerns were raised by some members of the Bar Association's Family Law Committee that a program comparable to Allegheny County's "Generations Program" would impede their ability to advocate on behalf of their clients, and by members of the bench that mandating participation in extra-judicial mediation would impede parties' access to the court or deter them from filing due to additional costs.

While a true believer in the benefits of resolving custody issues in a non-adversarial forum, Judge John Driscoll expressed concerns that families dealing with mental health issues, physical abuse, and addiction needed judicial intervention and

would not benefit from mediation. Acknowledging the legitimacy of these concerns while affirming his support for voluntary mediation, Court Administrator Paul Kuntz cited timing and the lack of a concrete plan as possible reasons why a mediation program wasn't implemented.

THAT WAS THEN, THIS IS NOW.

Due to the increasing availability of local mediation training seminars and a renewed interest by members of our Bar to expand their practice to include mediation, a group of lawyers and members of the Family Court Bench have decided once again to open the proverbial can of worms.

John Noble, Peggy Tremba, Doug Farrell, Tim Kinney, Gary Falatovich, Judge Michele Bononi, and Judge Meagan Bilik-DeFazio presented a CLE to this year's Bench/Bar attendees to raise awareness and solicit support for a formal mediation program in our county. Within the past few years, several mediation training sessions have been offered through our Bar

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Association to Westmoreland County lawyers. To date, 30 lawyers have completed the training and are compliant with the requirements of Rule 1940.4.

On October 31, 2013, the WBA ADR Committee approved the formation of the Westmoreland Mediation Academy to provide experienced mediators, who are compliant with the minimum requirements of Rule 1940.4, for custody mediation. It is the hope of the founding members of the Mediation Academy—Peggy Tremba, John Noble, Gary Falatovich, Lee Demosky, and Doug Farrell—that more attorneys will complete the mediation training and satisfy the requirements for membership in the Academy, so enough mediators will be available to meet the demands for mediation if the option becomes formally available in custody disputes.

While no formal mediation plan is on the table at this time, consideration is being given to whether mediation should be incorporated into the custody process. Over the past few weeks, Judges Bononi and Bilik-DeFazio have ordered mediation orientation in select cases. Judge Bononi looks forward to feedback from those parties ordered to attend

to aid in her assessment of the costs and benefits of mediation.

A total of 23 cases have gone to mediation orientation so far, most with favorable responses. One participant was glad for the opportunity, stating that she didn't want to wait around for someone else to decide her future. Another participant stated that he would have liked to have been ordered to participate prior to the conciliation and pre-trial conference. For those individuals who found mediation to be the appropriate forum to resolve their custody disputes, the consensus has been that mediation can significantly decrease the cost of protracted litigation and effectuate a faster resolution.

Court Administrator Paul Kuntz is also interested in reviewing the results, and has proffered his thoughts on how mediation might work: "I believe that the time for mediation orientation is after we have had the chance to determine which cases remain unresolved after conciliation. I would be interested in pursuing pre-conciliation mediation if the mediators are willing to facilitate consent agreements during or after the orientation session."

With no promise of a formal mediation program being implemented, Peggy Tremba was asked why she

decided to invest her money and time in the pursuit of a program that might, once again, lack the support to get it past the trial stage: "We (lawyers) have an ethical and professional responsibility to our clients to not drag their cases out for years and years," she replied. "There is an obligation on the part of attorneys to discuss and explore the benefits of ADR."

In response to complaints that the Mediation Academy is merely a business venture established to benefit a select few, Gary Falatovich responded, "The mediation orientation sessions are being conducted by Mediation Academy members and others with mediation training, without compensation, on Thursday evenings and Saturday afternoons. During the orientation, they stress the need to include attorneys in the mediation process."

WBA Director and ADR Chair John Noble added, "We're not trying to corner the market; we're trying to change the culture."

Time will tell if mediation is right for Westmoreland County. It's been 33 years since California enacted the very first custody mediation law and 25 years since Pennsylvania enacted Act 20. But, that was then, this is now. 🌟



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- Volunteer, Jessica Rafferty

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Remembering Gene E. McDonald

Editor's note: Gene E. McDonald passed away on Thursday, April 24, 2014. He is survived by his wife, Mary Jo; four children: Lynda, and her husband, Dr. Robert Flannery; Joanne, and her husband, Louis T. Congelio; Gene E. McDonald Jr., and his wife, Kathleen; and Cheryl A. McDonald Oshnock; five grandchildren, Joseph M. Gera, Annie Jean McDonald, Shannon M. (Congelio) Richardson and her husband, Major Matthew E. Richardson (USMC), Justin T. Congelio and Andrew G. Oshnock; three stepgrandchildren, Joshua Dias, Dr. Robert Flannery and his wife, Kristie, and Dr. Ryan Flannery and his wife, Jessica; two great-grandchildren, Marcus E. Richardson, and Ella G. Richardson; and one stepgreat-grandchild, Kaelyn Flannery.

by Robert P. Lightcap, Esq., and Donald J. Snyder, Jr., Esq.

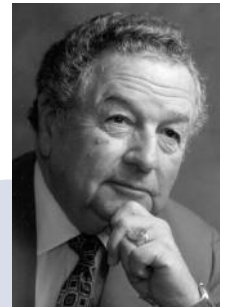
If ever a man exemplified the values of the "Greatest Generation," it was Gene McDonald. As an aerial spotter in World War II, he flew at extremely low altitudes over Japanese lines—in planes akin to a Piper Cub and at speeds less than 90 miles an hour—armed only with a pistol, a set of binoculars, and a radio. His mission: to relay enemy positions to the U.S. Naval ships, who were waiting to be told where to aim their artillery.

Gene joined the Marine Corps in 1943, shortly before his graduation from Saint Vincent College. After going through officer candidate school, he was assigned as a Second Lieutenant to the famous Marine First Division, and participated in the Island Hopping Campaign, including stops in Cape Gloucester, the Battle of Peleliu (the bloodiest

battle in the Pacific in World War II), and Okinawa. Despite many harrowing experiences, including being in at least three planes which were hit so badly that they had to be scrapped upon landing, Gene emerged from World War II physically unscathed. He was discharged in 1946 as a First Lieutenant with various awards, including the Air Medal and a Distinguished Flying Cross with three battle stars. The Marine First Division received four Presidential unit citations for the battles in which Gene participated. Given his experiences in battle, Gene never doubted the decision of President Truman to use the atomic bomb to bring the war in the Pacific to a close.

These experiences influenced everything that Gene did for the rest of his life. In the legal profession, his military experience formed his approach to the many situations that came before him as legal counsel to individuals, corporations, and municipalities. He had the calm and confidence in his legal abilities that only one who has faced death, and returned, can possess.

Gene McDonald was born in the town of Coral, Indiana County, into a family of modest means. He never knew his father, who was killed in a mining accident shortly before Gene was born. He spent most of his youth in Derry, raised by an aunt and uncle. After graduation from Derry Township High School, Gene was able to attend Saint Vincent College only because he was awarded a full tuition scholarship. Gene never forgot how fortunate he was to have received this financial support, and in return he became a lifelong donor to the college. Although other



▲ Gene E. McDonald

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benefactors may have given more dollars to Saint Vincent College, Gene's legacy was as the standout protégé of those teachers and monks who molded him into the leader he would become. A Methodist boy in a Roman Catholic institution may seem odd to the casual observer, but Gene melded both traditions to become a critical thinker who always had the good of his community in mind when he acted. Saint Vincent was so appreciative of the work that Gene did for the college, the Benedictine Society, and the community, that it honored him as one of its Alumni of Distinction and awarded him an Honorary Doctorate of Law in 1996.

After graduating from the University of Pittsburgh School of Law in 1949, Gene immediately went to work for Scales and Shaw, undoubtedly because one of the senior partners of that firm, Henry Shaw, was the most prominent lawyer from Derry in those days. In 1952, John Lightcap asked Gene to be his partner, and the Latrobe firm of Lightcap and McDonald was born. This relationship continued to the date of his death, with the current name of the firm being McDonald, Snyder & Lightcap. During his 62 years with the firm, Gene mentored a number of Westmoreland County lawyers who were affiliated with the firm as either an associate or a partner, including: Ned Nakles, Sr., Larry Moore, Richard Jim, Bernie Scherer, Jim Kelley, and Chuck Mason; together with its current members, Don Snyder, Bob Lightcap, Jim Conte, Dan Hewitt, Amber Leechalk, Dan Hudock, and Lou Congelio. As a member of the Westmoreland Bar Association, he served on various committees and was responsible for establishing the Westmoreland Bar Foundation, the Association's charitable arm. The Bar Association honored Gene with its Professionalism Award in 2012, recognizing his contributions as a fine example of the honorable practice of the profession.

Gene McDonald's almost 65-year professional career concentrated primarily in corporate and municipal law. In addition to representing Saint Vincent College, Gene served as general counsel to Commercial Bank in Latrobe, Latrobe Construction Company, and Newcomer Products. His principal corporate client was Latrobe Steel Company, for which he served many years as general counsel and corporate secretary. Gene used to say that his proudest accomplishments for Latrobe Steel were two-fold: first, in planning and then spearheading the defense to various unilateral takeover attempts by corporate raiders who were active in the '70s; and second, in becoming a national



▲ *Gene McDonald served as an aerial spotter in World War II.*

spokesman for the United States Specialty Steel Industry in attempting to halt the "dumping" practices in which many foreign steel producers were engaged in the '70s and '80s. This work involved many trips to Washington, D.C., where Gene worked closely with the Specialty Steel Caucus and offered testimony before various House subcommittees.

In the municipal law area, Gene served as the solicitor for the Westmoreland County Airport Authority, the Borough of Latrobe, the Derry Township School District, and Cook Township. As solicitor, he shepherded what is now the Arnold Palmer Airport through all of its growth, from its almost "cow pasture" condition

in the early '50s, through the construction of its modern terminal building and the runways that are capable of handling commercial jet traffic, and eventually, the commercial airline service that is available today. He was the solicitor for Latrobe during the Borough's major flood control and urban renewal projects. While the solicitor for

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CAN ONE ATTORNEY CHANGE THE WORLD? WATCH ME.

Remembering Gene E. McDonald *continued from page 9*

the Derry Township School District, he handled the very difficult and potentially explosive merger of the Derry Township, New Alexandria, and Derry Borough School Districts.

Gene's contributions to the community were unparalleled. It would be impossible to list all of the community groups for whom he served as a trustee, board member or officer, and for which he received many awards. Probably his most gratifying community work was with the Westmoreland County Community College, for which he served as a member of the Board of Trustees for many years, serving in all offices, including as Chairman of the Board. This association caused him to become involved with community colleges at both the state and national level, serving as the Chairman of the Pennsylvania Federation of Community College Trustees, as well as the Chairman of the National Board of Community College Trustees, and presenting papers at national and regional conferences. Gene was also instrumental in the establishment of the Westmoreland County Community College Foundation,

which has generated substantial funds for student scholarships over the years.

Politically, Gene was a lifelong Republican. Although he never ran for public office, he was influential in the Republican Party and was a member of the Pennsylvania Society.

“Gene melded both Methodist and Roman Catholic traditions to become a critical thinker who always had the good of his community in mind when he acted.”

Notwithstanding his party choice, many Democrats in public office sought his advice. For example, over the years, Gene became a close confidant and advisor to long-term Congressmen John Dent and John Murtha.

For several years prior to his death, Gene was unable to engage any longer in the practice of law due to

his deteriorating health. Nevertheless, periodically he continued to come into the office and engage in conversations with his fellow lawyers. Despite his ailments, and almost until the very end, his mind was ever sharp and he demonstrated an intelligent knowledge of local and national current events. Moreover, his sense of humor never left him. The twinkle in his eyes that we saw over the years was still there to the end.

On a personal note, in December 1943, while on leave prior to his deployment to the war in the Pacific, Gene married his high school sweetheart, Mary Jo VanWey. Together, Gene and Mary Jo had four children, five grandchildren, and two great-grandchildren. In December of 2013, they celebrated their 70th wedding anniversary.

Gene McDonald was a great lawyer and an active community leader. He was well respected by his colleagues, and especially the Judges, as evidenced by the fact that he served as Chairman of the Retention Committees for three Westmoreland County Judges. We both are forever indebted to Gene for the sage advice that we received from him over the years. He will be sorely missed. 🌹

Authors' note: Some of the materials of this remembrance were obtained from an article about Gene in the magazine "Around Latrobe," Fall, 2007 Issue No. 47.

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— Robert A. Heinlein,
science-fiction author
(1907-1988)

QA

A Conversation with Family Court Special Master Henry Moore

Editor's note: On January 6, 2014, after fourteen years as Judge Bell's law clerk, Henry Moore assumed the position of Family Court Special Master, taking over for Mary Mears, who retired at the end of 2013.

Q IS THERE AN EXPERIENCE IN YOUR LIFE THAT PREPARED YOU FOR YOUR NEW ROLE AS CONCILIATOR AND FACT-FINDER?

A My twenty years of teaching college. If you can get through to eighty kids in a classroom, you can get through to two litigators.

Q SINCE YOU HAVE BEEN A SPECIAL MASTER, WHAT HAS BEEN YOUR GREATEST CHALLENGE?

A My biggest challenge has been getting the parties to focus on

settling their divorce at the All Counts Conferences. Not all parties want to settle; some want to keep fighting, believing that divorce litigation is about winning. I tell them in the very beginning that there are no winners and that I adhere to the wise words of Judge Tim O'Reilly: "The mark of a good settlement is when both parties walk away unhappy."

Q WHAT HAS BEEN THE MOST UNUSUAL ISSUE YOU'VE HAD TO ADDRESS?

A I was asked to decide the parties' custody/visitation schedule of their pets.

Q WHAT DO YOU DO IN YOUR FREE TIME?

A I don't have a lot of "free" time. I work 70-80 hours a week.

In addition to being a Special Master and representing private clients, I teach business law and criminal justice classes at Penn State Greater Allegheny



Campus and the University of Pittsburgh at Greensburg, and chemistry, mathematics, and statistics at the Westmoreland County Community College (WCCC).

I'm also a Eucharistic Minister and Lector at Immaculate Conception Roman Catholic Church in Irwin.

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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

A Conversation with Henry Moore *continued from page 11*

Q WHEN DID YOU DECIDE TO BECOME A LAWYER?

A I didn't decide to pursue a law degree until after I was out in the workforce for several years. I obtained my undergraduate degree in Chemistry and graduate degree in Mining and Energy Engineering (Chemical and Petroleum Engineering Department Graduate School of Engineering) from the University of Pittsburgh in 1983 and 1987, respectively. In 1984, I was

hired by the U.S. Department of Energy to work on the Strategic Defense Initiative, which included some limited work on the Space Shuttle Program. After obtaining my Master's degree at Pitt, I decided that I wanted to follow a different path, so, instead of pursuing a Ph.D. in Engineering, I enrolled in night classes at Duquesne Law School.

Q WAS IT DIFFICULT RETURNING TO ACADEMIA?

A It was difficult to change my mindset. During the day I was a mathematician and scientist where everything was black or white, right or wrong. At night, I was a law student where everything was (and still is) gray.

Q DID YOU PRACTICE LAW AFTER GETTING YOUR JURIS DOCTORATE?

A Yes. Because the political arena was changing, I decided that it was time for me to leave the Department of Energy. In 1994, thanks to the benevolence of the late Congressman Jack Murtha and the late Terry Jordan, Esq., I was asked to clerk for Workers' Compensation Judge Jack Kenney. I remained in that position for five years, then left to enter private practice. I worked with Ken Burkley until 2000, when I was hired as Judge Bell's law clerk. I stayed with the judge for fourteen years, leaving this past January to assume the Special Master position.

Q ARE YOU ENJOYING YOUR ROLE AS A SPECIAL MASTER?

A I am. It's certainly not boring. As Rick Harrison from *Pawn Stars* says, "You never know what's going to walk through the door."

Q DO YOU HAVE A MOTTO THAT YOU LIVE BY?

A I do. It's from *The Godfather*: "Never get angry. Never make a threat. Reason with people." 🍷



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To-Wit: True Confessions

by S. Sponte, Esq.

It was the third of June, 1:45 p.m., when the phone rang, just as it always has to these past twenty-four years at this exact same date and time. I picked up the receiver without waiting for my secretary to answer; I already knew who it was and what he was going to say.

"I'm going to get even with you," Bill said again in that iconic alcoholic slur of his, "even if it takes me the rest of my career."

I didn't remind him that his career was already over; that would have only infuriated him more. I know he's been retired now for exactly ten years because that's how long he's been calling me collect.

On that date twenty-four years ago, I skinned him like a sloshed bunny. It wasn't hard to do, because in those days, that's what he was; inebriated was the only state in which he practiced.

We had a difficult litigation case then and I got him to stipulate certain facts which, had he been doing more thinking than drinking, he would never have agreed to. I could never have proven some of those facts, but I intentionally went to his office and presented them to him right before lunch when I knew his Sirens would be wailing. He signed without reading them and bolted out the door for lunch. That rapacious hunger ultimately cost his client more than half a million dollars and him his partnership in his firm; to this day he's still a bit, shall we say, miffed.

His annual call doesn't bother me; I'm actually glad he still has any memory left at all. What does bother me is this haunting doubt I still have that maybe I did something wrong, that maybe I took undue advantage of his condition.

My doubt in this regard has bothered me so much that some time back I sought therapy to help me sort it out.

"So, tell me about your mother," Dr. Risotto asked as soon as I lay down.

"This isn't about my mother," I replied, "it's about a professional matter."

"So you say," he said.

Therapy didn't accomplish much, other than to firm up my suspicion that my mother loved my brother more than me.

Discussing the matter with my colleagues over the years hasn't helped much either. A few are of the notion that what

I did was well within the fairness parameters of an adversarial system but most decline to answer in favor of racing back to their offices to review any current cases I had with them.

Last night, Leonard, the first and only lawyer I ever worked for, came to me once again in a dream. He was

wearing boxing shorts, not a pretty sight, and he was climbing into a boxing ring with Bill.

When the bell rang, Bill wobbled into the center of the ring where Leonard leveled him with a solitary right to the chops. Bill staggered to the ropes, looked me straight in the eye and said, "Drink Responsibly." He then dropped to the canvas and was counted out.

As Leonard climbed out of the ring, I threw a robe over his shoulders and asked if he thought Bill was drunk.

"If he was, he shouldn't have gotten into the ring," Leonard said. "Send the check to my office."

It certainly seemed an easy problem for Leonard to solve, so easy in fact that it seemed to be no problem at all. I'm glad he approved, his opinion has always meant a lot to me. Someday it may help. 🍷



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I Was Glad I Had Come

My First Bench/Bar Conference

by Kelly M. Eshelman, Esq.

Being new to Westmoreland County, I was a bit apprehensive about attending the 2014 Bench/Bar Conference at Stonewall Resort in Roanoke, W.Va., without a travel buddy. However, I was immediately put at ease. Within moments of arriving, I had already been greeted by two members of our bar association and was headed to the Wednesday evening dinner. At dinner, I was invited to join a group of bar and bench members for a delicious meal and lively conversation. I was glad I had come.

The group of diners all headed to the Young Lawyers' Hospitality Suite directly after our meal. This is where I first heard the story about the eyebrow-waxing-as-a-spectator-sport-to-raise-money-for-charity of years past and ideas for upcoming charitable fund-raisers at the Hospitality Suite. One generous man offered to have a Brazilian wax for the benefit of the Order. Most of us agreed we would pay NOT to see that. The Young Lawyers dominated the beer pong tournament, but the only-slightly-older lawyers gave them a



▲ *Hiking (the author is second from right in photo), CLEs, and a casino night were just some of the events at the 2014 Bench/Bar Conference held in June at Stonewall Resort in Roanoke, W.Va.*

fantastic run for their money. We stayed at the Hospitality Suite into the wee hours. I was glad I had come.

The weather on Thursday morning was sunny and warm, so after breakfast with other bar members, I joined a small group of bench and bar members in the lobby for a planned hike. We all loaded into a van and were dropped-off about a mile from the "overlook" of the resort. We were not able to locate a trail from the overlook back to the resort, so we forged our own. Well, we crossed a small grassy area to get to the road so we could follow it back to the resort. It was a nice walk with pleasant folks. I was glad I had come.

"My Cousin Vinny" was the topic of the CLE seminar offered that afternoon. There was relevant commentary offered on the movie, popcorn, and refreshments. It was a fun way to pass the afternoon since the weather had turned stormy. After the CLE and after most of the golfers had returned from a morning on the resort's golf course, the vendors' room was open for us to enjoy. There were MANY vendors



giving away lots of stuff. I love stuff. There were also refreshments sponsored by the vendors. I was glad I had come.

Thursday evening the resort offered a tour of the Stonewall Jackson Lake on the *Little Sorrel*. Even though it was drizzling rain, it was still a beautiful tour of the lake. Many members of the bench and bar were on the boat, and the Young Lawyers brought refreshments for us to enjoy while cruising.

After the tour of the lake, there was a luau planned on the patio, complete with a pig roast and leis. The weather moved us inside where we had the yummy roast pig and accompanying food and drink, while everyone got lei'd, but the DJ had to wait until later at the casino room. That's right, there was a casino room! The best part about the casino room was that we all used house chips to gamble so no money had to change hands. As far as I could tell, every person in that room

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JULY 2014 CIVIL TRIAL TERM

Of twenty-two cases listed for the July 2014 Civil Jury Trial Term, five settled, fourteen were continued, and three resulted in jury trials.

GERARD ASSOCIATES ARCHITECTS

V.

**DONALD J. AND GLORIA M. IVILL, HUSBAND AND WIFE
NO. 5693 OF 2011**

Cause of Action: Breach of Contract

Plaintiff, Gerard Associates Architects, alleges that the Plaintiff and the Defendants, homeowners Donald and Gloria Ivill, entered into an oral contract in 2006, with the Plaintiff agreeing to perform architectural and design services for the design of Defendants' residence located in Belle Vernon, Westmoreland County. The amount in dispute is \$56,137.50.

Plaintiff alleges that the Defendants have not paid that invoice. Defendants allege that they have no obligation to pay that invoice and that no oral contract existed between the Plaintiff and the Defendants.

Trial Date: July 7-8, 2014

Plaintiff's Counsel: William D. Clifford, Pgh.

Defendant's Counsel: D. Matthew Jameson III, Pgh.

JURY TRIAL VERDICTS



BY

MONIQUE LAFONTANT MEARS, ESQ., AND AMY DEMATT, ESQ.
EDITED BY BETH ORBISON, ESQ.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Plaintiff in the amount of \$56,137.50, against Defendant Husband.

DAVID CHILKO

V.

CHRISTOPHER S. PATTERSON AND MICHAEL M. CORSETTI

V.

**KEVIN J. CHILKO AND JOSEPH R. CHILKO, INDIVIDUALLY
NO. 669 OF 2009**

*Cause of Action: Negligence—
All-Terrain Vehicle Accident*

This negligence case arises out of an alleged All-Terrain Vehicle (ATV)

accident that occurred on February 13, 2008, in Washington Township, Westmoreland County.


Plaintiff David Chilko, his brother, Kevin Chilko, and their father, Joseph Chilko, were lawfully on property owned by Kevin Chilko, when they encountered Defendants Christopher S. Patterson and Michael Corsetti, who were riding all-terrain vehicles on the property. After an initial encounter amongst the parties, at which time the Chilkos warned Defendants that they were riding on private property, Defendants drove away. Defendants maintained they did so in an alleged attempt to flee from the Chilkos, who threatened them. The Chilkos disputed this version of events.

Defendants, upon recognizing that they would not be able to exit the property via their intended route, agreed to drive back the way they had come without stopping. While in the process of so doing, Defendants again encountered the Chilkos, passing them on the ATVs. Plaintiff David Chilko fell or was knocked down and was injured, breaking his left wrist and injuring his head and legs. David Chilko maintained that his injuries resulted from being struck by the ATV operated by Defendant Patterson. Defendant Patterson maintained that Plaintiff David Chilko swung a large stick or bat at the approaching ATVs and tumbled down a ravine, thereby causing himself injury.

The characterization of both encounters was disputed at trial. Plaintiff maintained that Defendants knowingly trespassed and that a gun held by David Chilko was discharged into the air during the second encounter. Defendants maintained that they were accosted and threatened by Plaintiff and that Kevin Chilko aimed and fired a gun directly at Defendant Patterson.

Plaintiff's negligence action asserted a claim of negligent operation of the ATV against Christopher Patterson, and a claim that Defendant Corsetti

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Jury Trial Verdicts *continued from page 15*

instigated, encouraged, or promoted Patterson's alleged reckless driving towards the Plaintiff, thereby causing the accident. Defendants each filed New Matter alleging the affirmative defenses of duress and justification. Defendant Christopher Patterson joined Kevin Chilko and Joseph Chilko as additional defendants on the theory that their negligent and/or intentional actions in blocking egress from the property, attempting to batter Christopher Patterson, and aiming and firing a gun at Defendant Patterson were the cause of the Plaintiff's injuries.

Following presentation of the Plaintiff's case-in-chief, Joseph Chilko was voluntarily dismissed from the lawsuit. At the close of all evidence, upon motion of counsel for Defendant Corsetti, the Court entered a directed verdict in favor of Michael Corsetti, dismissing him from the case.

Trial Date: July 14, 16-18, 2014

Plaintiff's Counsel: Allan C.

Lundberg, Lower Burrell

Defendant Patterson's Counsel: Scott Mears, Jr., Gbg.

Defendant Corsetti's Counsel: David K. Trautman, Pgh.

Additional Defendants' Counsel: Dennis E. Shean, Lower Burrell

Trial Judge: The Hon. Christopher A. Feliciani

Result: The jury found Defendant Patterson 35% causally negligent, Additional Defendant Kevin Chilko 10% causally negligent, and Plaintiff Chilko 55% causally negligent.

RICHARD A. STOKER

V.

ANN M. YUTZ

ANN YUTZ AND ROBERT YUTZ

V.

**RICHARD STOKER AND
SUPERIOR WELL SERVICES, INC. /
SUPERIOR WELL SERVICES, LTD.**

**LIBERTY INSURANCE
CORPORATION T/D/B/A LIBERTY
MUTUAL INSURANCE COMPANY,
AS SUBROGEE OF SUPERIOR
WELL SERVICES, INC.**

V.

ANN YUTZ, AN ADULT INDIVIDUAL

V.

**RICHARD STOKER
CONSOLIDATED AT
NO. 5141 OF 2010**

*Cause of Action: Negligence—
Automobile Collision*

These consolidated cases arise out of an automobile collision that occurred on August 7, 2008, on Route 66, near its intersection with Route 119 in New Stanton. Richard Stoker was operating a Peterbilt 379 industrial truck owned by Superior Well Services, driving north on Route 66. Ann Yutz had stopped her Jeep Laredo in a white striped area adjacent to the slow lane of travel, near the exit ramp of Route 119 onto Route 70 West. After she entered the slow lane of Route 66, the driver's side rear of her vehicle was struck by the passenger side front of the vehicle operated by Mr. Stoker. Mr. Stoker testified that a passenger in a phantom black Nissan truck,

driving erratically, had thrown a drink out of the window, causing liquid to splatter on the Stoker vehicle prior to the occurrence of the accident. Following the accident, the Stoker vehicle

crashed into a hillside and caught fire. The Yutz vehicle rolled over several times.

Both Mr. Stoker and Ms. Yutz filed lawsuits seeking damages for personal injuries arising out of the accident. Liberty Insurance Company, a subrogee of Superior Well Services, Inc., sought reimbursement for damage to the Superior Well Services vehicle and pumping equipment. The parties agreed to bifurcate the issues of liability and damages and try the case as to liability only.

At trial, Mr. Stoker maintained that he was confronted with a sudden emergency in that the liquid thrown from the phantom vehicle had splattered on his windshield. He further claimed that Ms. Yutz was negligent for failing to merge her vehicle properly onto the roadway. Ms. Yutz questioned the existence of the phantom vehicle, and argued that Mr. Stoker had negligently failed to observe her vehicle and violated the assured clear distance ahead rule. Accident reconstructionist David Bizzak, Ph.D., P.E., testified on behalf of Mr. Stoker. Accident reconstructionist Daniel R. Aernie, P.E., testified on behalf of Ms. Yutz.

Trial Date: July 7-9, 2014

Plaintiff Stoker's Counsel: Donald J. Feinberg, Philadelphia, and Eric L.B. Strahn, Reading

Defendant Stoker and Superior Well Services' Counsel: Joseph V. Lesinski, Pgh.

Plaintiff Ann Yutz and Robert Yutz's

Counsel: Maria Spina Altobelli, Gbg.

Defendant Ann M. Yutz's Counsel: Joseph A. Hudock, Jr., Pgh.

Liberty Insurance Corporation's Counsel: Rhonda F. Harris, Paoli

Trial Judge: The Hon. Christopher A. Feliciani

Result: Verdict in favor of Plaintiff Richard A. Stoker and against Defendant Ann Yutz, attributing 15% liability to Mr. Stoker, and 85% liability to Ms. Yutz. 🐾

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Westmoreland Revisited

Anne Royall, A Common Scold

by The Hon. Daniel J. Ackerman

The title of this offering is admittedly unfair, for while our subject was indicted, tried, and convicted of this most archaic offense, this vibrant and pugnacious daughter of Westmoreland was much more: a child of the frontier, who witnessed the burning of Hanna's Town; a woman who married into a landed Virginia family; an author of travel books; the country's first well known female journalist; an iconoclastic publisher; and a friend, acquaintance, or enemy of many of the great or near-great of the 19th century. A journalist generations removed from her time would refer to her as the "grandmother of the muckrakers." She was a character of contradictions, certainly a scold in the minds of many, but never common. The stone atop her grave reads: Anne Royall, Pioneer Woman Publicist, 1769-1854, "I Pray That the Union of These States May Be Eternal."



▲
The Hon. Daniel J. Ackerman

EARLY LIFE

At age three, Anne, who a half-century later would crisscross the then-existing states (all east of the Mississippi), notebook in hand, as the author of the country's first travel guides (there would be nine in all), was already on the move. She, her parents, William and Mary Newport, and her infant sister set out from the family home in Baltimore on Braddock's Road, intent on settling on the affordable land offered in Westmoreland County. At journey's end, the Newports purchased a previously built cabin on a bluff known as Mount Pisgah, which overlooked the junction of the Loyalhanna and the Conemaugh River as they flowed into the Kiskiminetas, near the present town of Saltsburg. The year was 1772.

Sometime in the decade which followed, her father died or disappeared in the wilderness. Records on the frontier were sparse and ill kept, and illiteracy was high, but it is strange that Anne, who eventually became a prominent writer, wrote nothing about his passing or, for that matter, about her subsequent step-father, who we know only by his surname, Butler.

What we now call home was a dangerous place during the Revolution and an isolated cabin posed added dangers for a widow and two girls. The county seat at Hanna's Town with its stockade offered more security, and the new residents in the town's thirty structures clustered on the Forbes Road included Butler, Mary, and her daughters. News of the surrender of Cornwallis' army at Yorktown was hopeful, but it did not result in the cessation of hostilities.

On Saturday, July 13, 1782, thirteen-year-old Anne and her sister, who would have been close to ten, were hurriedly ushered into the stockade by their mother on the report that a sizable force of about a hundred Indians, allies of the British, had been sighted in the area. The subsequent exchange of gunfire at the stockade resulted in a lone fatality among the settlers: sixteen-year-old Peggy Shaw. The invaders, however, were more than content in slaughtering the livestock and torching the town.

After the burning of Hanna's Town, Anne's mother, whether from death or desertion, found herself once again a widow. Having had enough of the hostile frontier, Mary took her daughters by the hand and left the county on a road leading to the Upper Valley of the Shenandoah, in the hope of finding a better life.

LIFE IN VIRGINIA

There, in 1782, Mary Butler found employment as a cook at the farm of Colonel Andrew Anderson, who during the war had been in command of a regiment at Fort Pitt. While for Mary the position was a welcome improvement

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Anne Royall: A Common Scold *continued from page 17*



▲ On July 13, 1782, 13-year-old Anne Royall witnessed one of the final battles of the Revolutionary War—the burning of Hanna’s Town by a raiding party of Indians and their British allies.

from her former life, there was a growing resentment in Anne at being a member of the servant class and the class segregation enforced at day-long Sunday services at the Presbyterian Church. Both nurtured an aggressive streak in Anne’s personality.

When Anne was eighteen, Mary took a position as housekeeper at the newly built manor house on the plantation of Captain William Royall, near Sweet Springs, Va., a village about forty miles northwest of Roanoke, on what would later become the boundary between Virginia and West Virginia. There, Anne, who unlike her mother was able to read, was fascinated by an entire room devoted to the Captain’s books. Her eagerness to learn resulted in the master of the house—a bachelor and member of Virginia’s General Assembly—tutoring her in literature, history, and politics; a teacher-student relationship, which along with a rather unconcealed cohabitation, went on for a decade.

According to her biographer, Bessie Rowland James, Anne, who was two inches short of five feet tall, “had none of her mother’s good looks. Her face was lean, hair drab, and her mouth a narrow line that curled with a mocking smile rather than with joy or amusement.” Her description as plain,

however, was apparently offset by her vitality and intellect and in 1797, William, who was in his mid-fifties, and Anne, age 28, were married.

It was a marriage marred by William’s alcoholism—a condition which killed him fifteen years later in 1812. Anne left the plantation, which would be sold at auction, accompanied by five slaves, and purchased a lot in Charleston on which she built and operated a tavern. Her widowhood was complicated by a lawsuit brought by William’s niece and nephew who claimed that Anne had forged the Captain’s will which gave Anne a life estate to his property, consisting of close to eight thousand acres, seven slaves, and various livestock. Five years after her husband’s death, a jury decided the matter in Anne’s favor.

There was, however, scant time for her to relish the verdict. The plaintiffs filed an appeal and the tavern was proving to be an unsuccessful investment. When a new trial was ordered, and with creditors pressing her, she decided that she would need to look elsewhere for some form of success. So at age 48, she turned her gaze to the Alabama territory, where only recently the Cherokees had been “encouraged” by the government to move from their ancient homeland to tracts across the Mississippi.

LETTERS FROM ALABAMA

Taking two horses, one for herself, the other for Davy, the one slave she had not sold off to pay her debts, she started down a muddy path which would take her 400 miles. Each evening, she would recount the day’s events and observations in long letters which she sent back at the request of

Mathew Dunbar, a young law student in a Charleston law office who owed much of his earlier education to books borrowed from her late husband’s library. In one letter, she related an evening visit to the tavern at which she was lodged by a man in a frock coat who wore a sword at his side: the hero of New Orleans, Andrew Jackson. She did not think the general to be handsome, but found him, “easy and affable.” These letters were saved by Dunbar, who bundled them and sent them to Anne in Huntsville. They would later be published under the title, *Letters from Alabama*.

BACK IN COURT

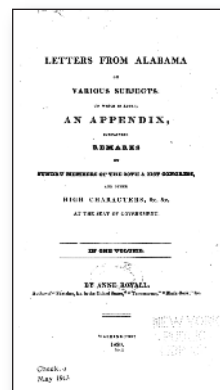
Anne returned to Virginia for the retrial of the will contest in 1819. The first attempt resulted in the withdrawal of a juror (a mistrial), and the second in the jury’s finding that William Royall died intestate. The will was invalidated. Anne had lost. She was now entitled only to the widow’s dower of one-third of the estate, with two-thirds going to the plaintiffs. And, if that was not enough, the judge imposed what she called “iniquitous costs” on the defense.

As far as the judge was concerned, she said, “He is an old man—walks, talks and bobs his head up and down. I do not admire old men for judges. Give me a man in his prime of life while his blood is still

warm.” For Anne, it was now time to start over.

A DUAL PURPOSE

After her setback in court, Anne made two decisions: she would try to earn her living as a writer, and she would seek a pension from the federal government as a widow of a soldier of



▲ Each evening, Anne Royall recounted the day’s events and observations in long letters which were saved and published.

the Revolution. The pension application was rejected because of lack of documentation of William Royall's service. During the war, record-keeping of enlistments and discharges was haphazard at best, and it was also suggested that documents pertaining to him perhaps had been lost in a fire which devastated the records office in Richmond.

She next went about collecting affidavits from knowledgeable citizens attesting to her late husband's service, and, in case that failed to be sufficient, she went to Washington to lobby for a change in the pension law. She attempted to collar every lawmaker and official she could, including then Secretary of State, John Quincy Adams, in an effort to both explain her dilemma, and, while she was at it, to sell subscriptions to her presently incomplete work, *Sketches of History, Life and Manners in the United States*.

From Washington, she continued to travel on the east coast and through the Mid-Atlantic states. The purpose was to both gather material for *Sketches*

and sell subscriptions to potential buyers. Having next to nothing in the way of financial resources she was left to rely on the kindness of others.

“I do not admire old men for judges. Give me a man in the prime of his life when his blood is still warm.”

Her late husband had been a Mason and the quick telling of her predicament to members of the Masonic order, more often than not, was rewarded sufficiently to see her through to the next destination. Those who refused her help or to purchase a subscription might well have found their names in print when *Sketches* was later published.

A Baltimore theater manager declined to purchase a play she wrote, and the unfortunate man later found himself described in *Sketches* as “a

surly, ill-natured dog.” Her reputation for flattering subscribers and reviling those who turned her down preceded her. Associate Justice Joseph Story wrote his wife, “The famous Mrs. Royall ... had compelled the Chief Justice [John Marshall] and myself to buy to avoid castigation.”

Nor did she hesitate to describe a Presbyterian minister in Philadelphia as a “monster.” Not only had the clergyman refused to purchase a subscription to her book, but he was the organizer of the American Tract Society which sought legislation to end Sunday mail delivery and travel; and Anne, who demonstrated a life-long antipathy toward organized religion in general, and more specifically toward Presbyterians, railed against religious intrusion into the legislative process. The sole exception to her anti-religious bent seemed to be Unitarians and Universalists. 🌿

Stay tuned! Anne's tour continues in the October 2014 issue of the sidebar.



Take charge of your *financial* future.

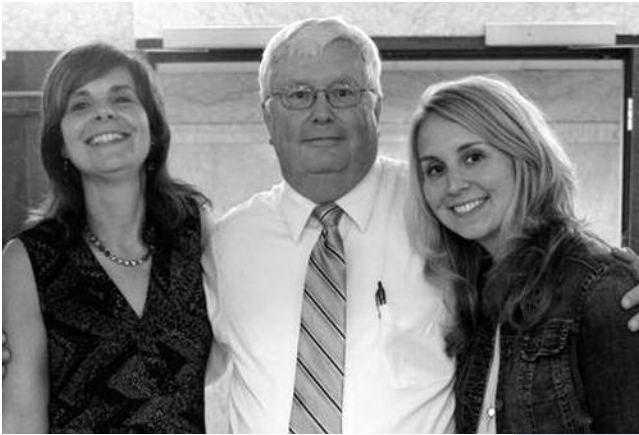
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 ameripriseadvisors.com/timothy.m.henry



The Hon. Alfred B. Bell *continued from page 1*



▲ Judge Bell with his wife, Bonnie, and daughter, Brittany, at his retirement party held at the Courthouse in July. Photo courtesy of Nicole Bononi.

character and compassion of “my pal Al” made all the difference in the world to me then, as it still does today. I became an adopted member of the Bell family and Al and Bonnie still affectionately refer to me as “our son.”

When Al was elected in November 1999, he chose his staff and I was among them. On January 2, 2000, when he took the bench, I could not have been more proud of my best friend and confidant. I was then, and still am today, forever grateful to him for what he did. He gave me a job when no else would and he taught

me more about the law than anyone else could.

Judge Bell’s passion for Family Court and his zeal for efficiency and promptness in Criminal Court are two distinguished qualities I have always admired. Some have rolled their eyes and poked fun at the *Cinderella Man* speech that Al routinely delivers when sentencing defendants as he encourages defendants to rise above and beyond adversity.

(The film, *Cinderella Man*, stars actor Russell Crowe as heavyweight boxing champion James J. Braddock, and tells the story of his life of hardship during the Depression.) I could not disagree more with the skeptics.

To demonstrate the compassion and fairness of “my pal Al,” I remember a proceeding that occurred only several weeks after he took the bench in 2000. A down-on-his-luck defendant was in the courtroom for a compliance hearing. After Judge Bell heard the evidence, he decided that he would release the defendant from incarceration.

The defendant promptly informed the Judge that he had no way to get back to New Kensington. The defendant explained that he could take the bus, but he didn’t have any money for the fare. The Judge asked him “if five bucks would cover it.” The defendant said it would (remember, this was the year 2000), and with that, Judge Bell reached in his pocket and handed the startled defendant a \$5 bill. The defendant said, “I’ve never seen a Judge do that before,” and gleefully took the cash.

Let me end with this personal note: I would not be half the man I am today without the tutelage, guidance, and friendship of “my pal Al.” When I got married in 1995, I gave a speech at my wedding that truly sums up my feelings for my old boss, colleague, and best friend. It went then, and still goes now, like this: “Chuck Moore, Sr., you are the Big Man. Chuck Moore, Jr., you are my Best Man. And Al Bell, you will forever be MY MAIN MAN.”

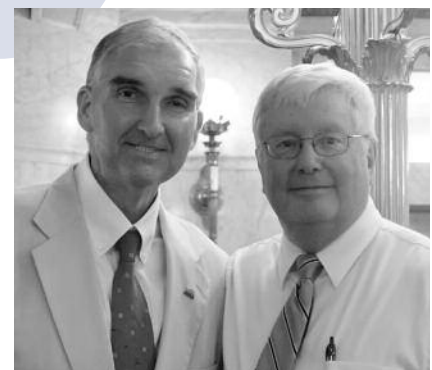
Best of luck in your retirement, Judge. You’ve earned it. 🍷



▲ Judge Bell, a/k/a “The Sermonator.” Photo courtesy of Nicole Bononi.



▲ Judge Bell entertains Inns members at a 2006 meeting.



▲ Henry Moore and Judge Bell. Photo courtesy of Nicole Bononi.

continued from page 1

issues and gave defense attorneys discovery material often before it was even asked for and followed through with what he perceived to be a reasonable offer—not always acceptable, but potentially possible.

As a Judge, he maintained his efforts to get to the facts and made great and detailed efforts to understand the background, cause, and possible rehabilitation of the particular defendant before him, often to the chagrin and impatience of the prosecution and defense attorneys. He remained true to his purpose, however, to find out what I believe is the most important question in a criminal case—



▲ *Dante Bertani and Judge Bell.*
Photo courtesy of Nicole Bononi.

“Why?”—and second, what is the best solution under the existing circumstances for not only the Defendant but for society in general!

Often Judge Bell’s bark was worse than his bite. If the “Why?” was capable of explanation and understanding, and the road to resolution was in the best interest of the client and society in general, the

Defendant was treated fairly. There was only one case in all those years where I substantially disagreed with him—but we can’t all be perfect.

But enough about the lawyer and the Judge, more important was and is his life as a good human being. Most important to Al Bell was and is his commitment to his family, to his father and mother who he took care of in their later years and to his wife, Bonnie, and his daughter, Brittany.

I believe the influence and commitment to family have been a driving factor in his efforts to be a good lawyer, to be a good judge, to succeed, and now his retirement.

I firmly believe Al Bell’s basic instincts, family

background, and then his experience first as a defense attorney getting to know and understand the trials and tribulations of ordinary people and followed by his term as a prosecuting attorney realizing the goals of society made Alfred B. Bell a fine Judge.

And yes, I have seen *Cinderella Man* a couple of times! 🐾

New Judges Fill Vacancies

Twenty-one judges, along with state and county officials, joined the public on July 21 at the Westmoreland County Courthouse to witness the ceremony in which David A. Regoli and Harry F. Smail, Jr., took seats on the court of common pleas. The commissioned, senior, and retired judges of our court were joined by Judge Donetta Ambrose (U.S. District Court), Judge Jacqueline Shogan (Superior Court), retired Judge James Kelley (Commonwealth Court), and President Judge Jeffery Manning, Judge David Cashman, and Senior Judge Robert Gallo (all of Allegheny County). Judge Ambrose administered the oath of office to Judge Regoli, and Senior Judge John Blahovec did the same for Judge Smail.

Both incoming judges are appointees of Governor Tom Corbett, and are the first judges in our county to serve by appointment since Judge Ober was appointed in 1997.

Judge Regoli, of Lower Burrell, is presiding over civil and orphans’ court matters in Courtroom No. 6, previously occupied by Judge Bell. His staff consists of Melissa Iarussi, secretary; Shane Sarver, law clerk; Maureen Pallone, court assistant; and Lisa Hauliska, court reporter.



JUDGE REGOLI

Judge Smail, of Greensburg, is adjudicating family court issues in Courtroom No. 10, previously occupied by Judge Bilik-DeFazio. His staff includes Kate Wiatrowski, secretary; Susan Zydonik, law clerk; Heidi Cooney, court assistant; and Jill Josey, court reporter.



JUDGE SMAIL

Both judges will serve under their appointments until the first Monday in January 2016; both are eligible to seek election in November 2015, when candidates for three judicial seats will be on the ballot. 🐾

Smail Appointment Leaves VP Vacancy

The WBA Board of Directors decided to take no extraordinary measures to fill the open Vice President position in the Bar leadership, voting unanimously at its regular meeting on August 21, 2014.

Governor Tom Corbett appointed former WBA President-Elect Harry Smail to serve as a Common Pleas Judge in June 2014. When he was sworn in on July 21, 2014, Judge Smail resigned his position on the Bar leadership. Following WBA Bylaws, former Vice President Maria Soohey assumed the position of President-Elect. The Bylaws do not address filling a Vice President vacancy.

President Joe Lazzaro requested that the Planning Committee study this Bylaw gap, and also make recommendations to the Board to improve its leadership structure, the number of Board positions and the election process.

“Many of the best, former leaders of this Bar Association currently serve on the Planning Committee,” Lazzaro said. “The Board looks forward to their advice and input in this process.”

The Planning Committee is Chaired by Bill McCabe and Co-Chaired by Dan Joseph. A special subcommittee for “Bylaw Changes” is headed by Tim Geary. 🐾

New Member Sketches

RYAN PAUL CRIBBS has been admitted as a participating member of the WBA. He earned a bachelor degree in History and Political Science from the University of Pittsburgh at Johnstown, and his J.D. from Duquesne University. An associate with Nakles & Nakles, he and his wife, Kristin, reside in Latrobe.

CLARE H. DOOLEY has joined the WBA as a participating member. Clare earned her undergraduate degree in History from Rice University, and her juris doctor degree from Loyola Law School. In addition to Pennsylvania, she has been admitted to the courts in California, the District of Columbia, and Texas. Clare has a solo practice in Greensburg and resides in Latrobe.

KELLY M. ESHELMAN was admitted to the WBA as a participating member. A veteran of the United States Air Force and the Hawaii Air National Guard, Kelly graduated from St. Leo College with a B.A. in Liberal Arts and from Penn State's Dickinson School of Law with her Juris Doctor. A solo practitioner with an office in Greensburg, Kelly lives with her husband, Daniel, in Northern Cambria.

JULIE K. FREEMAN has been admitted as a participating member of the WBA. She earned a bachelor degree in Urban Studies from the University of Pittsburgh, and her J.D. from Duquesne University. Julie is in-house counsel for the Lake Erie College of Osteopathic Medicine (LECOM) at Seton Hill. She and her husband, WBA member Irv Freeman, reside in Pittsburgh.

KEVIN G. HENDERSON has rejoined the WBA as a participating member, after a three-year hiatus. Licensed to practice in both Pennsylvania and Florida, Kevin is a graduate of the University of Pittsburgh and the University of Tulsa. He has a solo practice and resides in Ruffs Dale.

JAIME MARIE HICKTON was admitted to the WBA as a participating member. Jaime graduated from Seton Hill University with a degree in PoliSci/History and from Duquesne University's School of Law. She is a law

clerk for The Hon. Meagan Bilik-DeFazio, and resides in Monroeville.

ERICA L. LAUGHLIN was admitted as an associate member of the WBA. She studied Journalism and Psychology at Duquesne University before earning her J.D. at the University of Pittsburgh School of Law. An associate with Strassburger McKenna Gutnick & Gefsky, with offices in Pittsburgh and Greensburg, she and her husband, Nicholas, reside in Gibsonia.

RICHARD N. LETTIERI has joined the WBA as an associate member. Richard earned a degree in Philosophy from Lafayette College, and his J.D. from Duquesne University. He has a solo practice and resides in Pittsburgh.

JASON P. MCCONNELL was admitted to the WBA as a participating member. A graduate of Penn State with a degree in Advertising/P.R., Jason earned his J.D. from Duquesne University. He is General Counsel for C.A.R.S. Protection Plus in Murrysville. He and his wife, Kayla, live in Oakmont.

TIMOTHY J. SCELSI was admitted as a participating member of the WBA. A *magna cum laude* graduate of Slippery Rock University with a bachelor degree in Political Science, Tim graduated *cum laude* from Duquesne University's School of Law. He is an associate with Reeves & Ross, P.C., in Latrobe. Tim and his wife, Nicole, reside in Greensburg.

EMILY SHAFFER has joined the WBA as a participating member. She is a graduate of the University of Pittsburgh at Greensburg, with a degree in Communications, and the Duquesne University School of Law. She is a law clerk for The Hon. Anthony G. Marsili, and lives in Greensburg.



My First Bench/Bar

continued from page 14

was having a blast. Every so often, a whoop would break out from one of the gaming tables. I let a few out myself from the poker table. There were prizes given away at the end, which is always fun. I was glad I had come.

The Young Lawyers hosted a Hospitality Suite again on Thursday night. We did not even have a chance to get wound-up before the hotel management was relocating us to a more private suite. The evening was spent with various members of the bench, bar, and vendors chatting and enjoying refreshments where we would

not disturb the other hotel guests. I was glad I had come.

Bar and bench members shared breakfast on Friday, and many of us then attended the morning CLE, Family Law Mediation, which provided great information on the mediation program being developed in Westmoreland County. After the grand prize for the conference was given away, I headed back to Greensburg having met a lot of super nice people and having enjoyed their company and the conference events immensely, very glad that I had come. 🍷

Actions of the Board

JUNE 19, 2014

- Accepted Membership Committee report as presented: Kevin Henderson, Chuck Washburn, Jamie Hickton, Kelly Eshelman, Julie Freeman, participating; Richard Lettieri, associate.
- Agreed to invite Mike Passalinqua from Private Wealth Advisors and the Investment Committee to the August board meeting. (*E.D. note: Rescheduled.*)
- Voted to pay mileage and CLE costs for Young Lawyer Kristen Weidus to attend PBA Young Lawyers retreat.
- Agreed to hold quarterly meeting in early September and to honor 50-year members. (*E.D. note: Postponed.*)
- Agreed to invite Art Rooney to attend the fall quarterly meeting to be coordinated by John Noble, his law school colleague.
- Signed-off on conflict of interest and confidentiality policies.
- Adopted a capitalization policy as recommended by CPA Shanta, effective June 19.
- Heard report that the judges have been very supportive of the work that Pro Bono has been doing in managing pro se and emergency custody petitions.
- Learned that Custody representation has been temporarily halted by Pro Bono because they have expended more than the allotted amount for custody matters.
- Voted to allow the county to use one of the Lawyers Lounge offices.
- Heard report on court mediation and learned that Judge Biliik-DeFazio will be making referrals to the mediation academy before the conciliation hearing, which will result in a great more mediation orientation sessions.
- Agreed that the current/future board structure as outlined by the bylaws should be referred to the Planning Committee.

where in the world IS THE WBA MEMBER?



Dan Hudock went out for a stroll with some friends at the Chaminuka Lodge, while visiting his sister and family who live in Lusaka, Zambia.

LUSAKA, ZAMBIA

- Asked to have the building usage numbers from July–December 2014 documented by the hour.
- Voted to release \$5,000 to Architect Morris for work done on drawings for the first floor of WBA HQ.
- Voted to discontinue any paid business agreement with Marketing Coach.
- Agreed to have staff secure a date for United States Supreme Court admission trip to Washington, D.C.
- Decided that because Mrs. Soohey will now be President for the 2015 Bench/Bar Conference, she should have input on the location and activities and should work with Co-Chairs Adam Gorzelsky and Allison Thiel regarding the details.
- Agreed to adopt a resolution similar to Montgomery County's resolution to oppose sales tax on services. President Lazzaro volunteered to draft a resolution to be presented to the membership at the quarterly meeting.
- Agreed to consider holding a joint meeting/CLE with the Medical Society with a 4 pm reception.
- Mr. Noonan reported that he and Mr. Noble are conducting an in-depth look at the money that was invested in the building and also looking at what other counties are doing with their buildings.
- Discussed having an appraisal of the building to help with the money picture of the WBA building.

JULY 19, 2014

- Agreed to circulate the 990 and the accountant's review to all board members for their input.
- Discussed executive committee restructuring with Mr. Smail's appointment to judge. Agreed that Mrs. Soohey assumes the President-Elect position as outlined by the bylaws.
- Heard report that the WBA made a surplus on this year's Bench/Bar Conference.



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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**.*

OCTOBER

- 1** Bankruptcy Committee, Noon
- 3** Red Mass
- 8** [CLE] Defensive Driving, A Sentencing Diversion Program, Noon to 2:15 p.m., 2 optional substantive credits available
- 13** Courthouse closed in observance of Columbus Day
- 15** Membership Committee, Noon
- 21** Family Law Committee, Noon
- 23** Ned J. Nakles American Inn of Court, 5 p.m.
- 24** [CLE] Human Services in Westmoreland County: The Child Welfare System and Beyond, Noon to 1:30 p.m., 1.5 optional substantive credits available
- 29** Fall Quarterly Meeting, 4 p.m. (Tentative)

NOVEMBER

- 11** Courthouse closed in observance of Veterans Day
- 12** Real Estate Committee, Noon
Ned J. Nakles American Inn of Court, 5 p.m.
- 18** Family Law Committee, Noon
- 19** Membership Committee, Noon
Elder Law & Orphans' Court Committees, Noon
- 27** Courthouse closed in observance of Thanksgiving
- 28** Courthouse closed in observance of Thanksgiving

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.



An accredited provider for the PA Board of Continuing Legal Education

Defensive Driving A Sentencing Diversion Program

2 Substantive Credits

— LIVE —

The Defensive Driving Program offers Prosecutors, Defense Attorneys, and the Courts an alternative in sentencing for traffic cases and an opportunity to reduce case loads. The program provides drivers with a “second chance” through rehabilitating bad driving habits and poor judgment.

Topics of Discussion:

- Alternative means of rehabilitation
- Why Driver’s Training is important:
 - Complacency & Bad Habits, Mental & Physical Preparation, Crash Prevention
- Legal Impact:
 - Criminal & Civil Liability, DUI & Culpability
- Vehicle Dynamics:
 - Friction of Road Surface, Braking, Reaction Time, Stopping Distances and Speeding
- Special Situations & Hazards:
 - Cell Phone and Texting
- Seat Belts:
 - Physical dynamics of seat belts

Speaker: **John P. Rock**

Defensive Driving Specialists, Retired PA State Police Lieutenant and Accident Reconstructionist.

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

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

Defensive Driving - A Sentencing Diversion Program

October 8, 2014

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).

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Expiration Date _____

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Pre-Registration Fees

CLE Credit:

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

Non-Credit:

- \$10 Flat Rate
- FREE 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 October 7, 2014.**

**Wednesday,
October 8, 2014
12:00 pm -2:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 7, 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)

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

WHAT'S FOR DINNER?

FALL 2014
DINE AROUND

CAN YOU COOK?

YES, BUT I DON'T WANT TO.

I DON'T EVEN KNOW WHERE THE KITCHEN IS.

EXCELLENT! LET'S GO OUT!

DO YOU LIKE TRAINS?

IT DEPENDS.

WHO DOESN'T?

DO YOU LIKE GOOD FOOD AND STIMULATING DINNER COMPANIONS?

ARE YOU FREE OCTOBER 16?

YES!

AFRAID NOT.

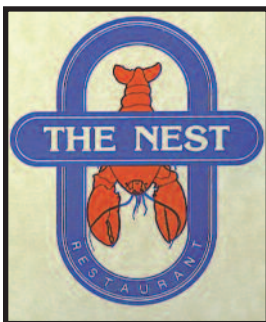
ARE YOU FREE NOVEMBER 4?

AFRAID NOT.

ARE YOU FREE JANUARY 14?

AFRAID NOT.

SERIOUSLY? NOBODY CAN BE THAT BUSY. CHECK YOUR CALENDAR AGAIN.



JOIN US AT THE NEST!
407 CLAY AVENUE, JEANNETTE



JOIN US AT JG'S TARENTUM STATION GRILLE!
101 STATION DRIVE, TARENTUM



JOIN US AT THE LIGONIER TAVERN!
139 WEST MAIN STREET, LIGONIER



the Bar office at 724-834-6730 to reserve your date(s). Start time: 6 p.m. • Cost: On own, as ordered from menu.

Join other bar members and their guests for **DINE AROUND**—an informal evening of food and conversation. Reservations are necessary and taken on a first-come, first-served basis. Register online at www.westbar.org, or call



An accredited provider for the PA Board of Continuing Legal Education

Human Services in Westmoreland County The Child Welfare System and Beyond

— LIVE —
1.5 Substantive
Credits Available

This seminar qualifies for required credits for those attorneys practicing in Dependency cases as required by Administrative Order effective January 1, 2011.

Hosted by the training committee of the Westmoreland "Children's Roundtable," this seminar will cover a lot of the who, what, where, when and how regarding human services in Westmoreland County, and will include a focus on helping professionals in the Child Dependency system understand the system so that they can better assist the children, families, or clients that they work with. This will cover an understanding of the system structure, how to find resources, some of the resources available, and others.

Topics of Discussion

- Who: who are some of the contacts to be familiar with human services in Westmoreland County
- What: a general overview of what services are available, both inside and outside of WCCB contracted services; what is the structure of human services in our county
- Where: where to turn to for finding resources for children, families or clients
- When: the time frames for some of the processes
- How: how services and treatment options are put into place; how to access the managed care system and what to expect

Speaker: **Dirk Matson, Ph.D.** — Director of Human Services, Westmoreland County

1.5 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.

Human Services in Westmoreland County
The Child Welfare System and Beyond
October 24, 2014

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

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 Bill my MasterCard VISA DISCOVER for \$ _____ (Amount).
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Pre-Registration Fees
CLE Credit:
 WBA Members - \$30 per credit hour (1.5 credits = \$45)
 Non-Members - \$50 per credit hour (1.5 credits = \$75)

Non-Credit:
 FREE

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm October 23, 2014.**

**Friday,
October 24, 2014
12:00 pm -1:30 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 23, 2014)

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

What every attorney needs to know about securing personal and professional data.

Speakers: **Stacey Ivot**
*VP Privacy/Data Breach Unit, INtegrity
First Corporation*

Stephen P. Moschetta, Esq.
The Moschetta Law Firm P.C.

FREE to Office Staff

— Topics of Discussion —

- Learn the safe way to travel with your laptop/smart phone and why free Wi-Fi may come with a price
- Discover FREE and easy ways to keep your data safe in the office and at home
- Improve employee cyber security awareness
- Master the art of creating a strong password and an easy way to remember it
- Solve common office security problems by simple changes in employee behavior
- Uncover why your trash may be more valuable than you think
- Lessen your chance of a privacy/data breach by applying technical risk management

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.

November 21, 2014

Secure-A-Day

Name: _____

Attorney I.D.# _____

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Phone: _____

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Card # _____

Expiration Date _____

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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 November 20, 2014.**

**Friday,
November 21, 2014
12:00 pm -1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm November 20, 2014)

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