

Back issues from 2000 to the present and a comprehensive, searchable index are available online at www.westbar.org/thesidebar.

**THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXVIII, NUMBER 4
AUGUST 2015**

Inside the Public Defender's Office

The Inevitable Journey of Wayne McGrew

by Beth Orbison, Esq.

On April 2, 2012, Wayne McGrew stepped into the shoes of Dante Bertani, who had been Westmoreland County's first and only Public Defender for more than 42 years. Under Wayne's guidance, the Office of Public Defender has transformed and grown, as Wayne and his assistants strive to provide legal representation to indigent persons accused of committing crimes.



▲ Wayne McGrew

So who is Wayne and what is his vision for the future of the Public Defender's Office?

Q WHAT JOBS DID YOU HAVE AS A LAWYER PRIOR TO ASCENDING TO YOUR POST AS PUBLIC DEFENDER?

A After graduating from law school at Ohio Northern University in 1993, I worked for three law firms before joining the Federal Bureau of Investigation in 1997. My responsibilities, as a special agent, included investigating organized crime in New York City.

Larissa's and my plan to marry brought me back to Westmoreland County, where I grew up. So I did a

short stint as an attorney at Laurel Legal Services, and then began working as an Assistant District Attorney in 2002. I worked for John Peck for over four years, before leaving for a private practice, with 60% of my practice devoted to criminal defense work. I did this for over six years before accepting the appointment as P.D.

Q HOW DID THE PAST INFLUENCE THE JOB YOU NOW DO AS P.D.?

A I think I have a well-rounded view of the criminal justice system because I've been involved in all three aspects of the system: investigating, prosecuting, and defending. And in that order. I also have a business degree—a finance degree—so this job utilizes all of my training in both business management and criminal law.

Q HOW DO YOU SEE OR DEFINE YOUR JOB AS P.D.? AS AN ADMINISTRATOR, AS A LAWYER REPRESENTING CLIENTS, OR AS A SOUNDING BOARD FOR THE ASSISTANTS?

A It's all three, but I'm primarily an administrator. However, because of our workload and the relatively small staff, I represent clients, too. When I want more than one attorney on a case—for example, in a homicide—I'll enter my appearance as co-counsel with one of the assistant public defenders. Or when we're short-staffed because of illness or workload, I'll cover

magisterial district justice hearings for a day, or appear in court as necessary.

Q TO WHAT EXTENT IS THE WORK OF YOUR OFFICE A TEAM EFFORT?

A Sometimes there will be four or five people in my office discussing issues that have come up with our clients. We'll brainstorm, sometimes even at the spur of the moment. Everyone can learn from everyone else, and it's an effective way to stay fresh in the law and practice. I'm very pleased with this dynamic; it works well that way. I want all the attorneys here to know I have an open door policy.

Q HAVE THERE BEEN MANY CHANGES IN THE OFFICE SINCE YOU CAME ON BOARD?

A Yes, some little changes, but mostly internal.

For example, when an attorney picked up a file to cover for another attorney at the last minute, we often ran into a problem with that attorney not knowing enough about the case. So now we put an easy-to-spot yellow card in the file that notes exactly what's been done so far in a case. It's a quick reference card that gives you a sense of what's occurred to date, for example, whether there's outstanding discovery, whether there has been a plea offer, whether there are outstanding pre-trial motions, etc.

continued on page 8

President's Message

Take Advantage of Technology

by Maria E. Soohy, Esq.

Our lives are now driven by technology. It is no longer a surprise that technology is, and has been, affecting our law practices. It is such a great time to be a lawyer, because we can take advantage of technological advances, and embrace the opportunities that come with them.

Think for a moment about the speed and magnitude of the change. One example that comes to mind is how Google has evolved from a search engine to a "crystal ball," predicting everything from stock market crashes to spikes in flu infections in the upcoming winter months. As lawyers,

we can now call clients anywhere in the world from anywhere we happen to be, and have their files right on our phones. That means we have the freedom to practice from a beach if we want, and service clients globally.

Technology has also forced us to compete with those who are not lawyers. One of the biggest examples of this

is LegalZoom, a company that has taken legal technology and made it available, affordable and accessible. While we all know that the product is far from perfect, it has changed the playing field. Clients do not have to come to us for certain forms, and while we all know cheaper is not necessarily better, we can no longer charge whatever we want, as clients seek out alternatives in the marketplace.

Instead of reacting negatively, it is important to take advantage of the opportunities competition brings. However, to do that, we have to think differently. The market is demanding full services, one-stop shopping if you will. Yet our rules prevent us from partnering with others even if partnering made sense. We at minimum have to find a way to co-exist with the likes of LegalZoom and Rocket Lawyer. If we are going to compete, we have to use technology to help us lower our own costs of delivering legal services. This is not difficult in that if we decide to run a nontraditional firm, we may find we only need a laptop, a cloud service provider, and a phone line. Some who read this will not agree. Others may somewhat agree, but will choose to function under the old model of service delivery. Of course, there is nothing wrong with that. The traditional practice model requires secretaries, bricks, and mortar. The point is that if you want to work from your house in this day and age you can; and if you don't want to, you have to find a way to use technology to keep costs down.

As we change at lightning speed, let's not lose sight of the fact that counseling and advice is the real value of being a lawyer. Clients have to trust us. We gain the trust through relationships, and yes, relationships still matter. No one will take our advice if we are not trusted.

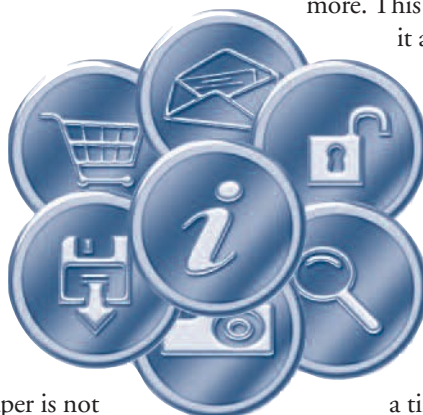
In order to compete, we need to be thinking of ways we can take advantage of markets that remain untapped. There are many people who need legal services and do not get them. We need to use technology to tap into a market, whether it is a market in another county that lacks your expertise, or perhaps simply attracting new clients in your own back yard.

We know that technology is here to stay. Yes, people's faces are buried in their phones, but they are corresponding with clients, doing case research, managing projects, setting appointments, communicating with their staff, and much more. This communication will not change. Accept it and embrace it, if you have not already done so.

Many of you have read, "Who Moved My Cheese?", the simple parable by Spencer Johnson that reveals the truth about change and how to deal with it. One of the mice characters at one point concludes, "The quicker you let go of old cheese, the sooner you find new cheese." It is an old book that takes less than an hour to read and contains a timeless message. Recently I searched for

my copy and re-read it. I am glad I did, and probably should have just read it online because it took me longer to find it than it did to read it.

Your Bar leaders are forming a technology task force and examining how best to assist you. Considerations include providing access to education, information, and technology tools that are essential for practicing in the future. We, as lawyers, do have a say in how the practice of law will look in the coming years. You will hear throughout my messages that "together" we can effectuate positive change. Some of the biggest changes are upon us, and together, we will seize the opportunities that come from embracing the changes and being business smart. We must not underestimate the current impact of technology on our practices, and we have to be ready to deal with the long-term challenges that the legal profession will face. If you have any interest in serving on the technology task force, please contact me, as your input is welcomed. ■



Remembering The Honorable Irving L. Bloom

Editor's note: Judge Irving L. Bloom passed away on Wednesday, February 11, 2015. He is survived by his former wife, Diane Karp (Rudov), and their four children, Cara Bloom and son-in-law, Richard Carufel, of Wilmington, N.C., Joel Bloom and daughter-in-law, Jody Shapiro, of Forest Hills, Ellen Bloom, of Seattle, Wash., and Steven Bloom and daughter-in-law, Robyn Neft, of Moon; Norma Chase, his companion of 12 years; three granddaughters, Stella, Addie, and Sydney; and stepgrandson, Bradley. Memorials may be made to Lawyers Concerned for Lawyers (LCL), 55 Central Blvd., Camp Hill, Pa., 17011.

On February 11, 2015, Irving L. Bloom, the great storyteller, the lover of life, passed away. Until illness got the better of him well into his 80th year, Irv worked a full schedule as a Workers' Compensation Judge, an appointment he received in 1994. How he came to that position is a story all by itself, as it both marked him as a lawyer of keen intellect and provided him with a second chance at the profession he so loved. It was also a topic, one of many, that he, in the true most Irving of fashions, could expound on endlessly, and did.

Irv's career began in 1959 when he graduated from the University of Pittsburgh School of Law. He joined the Westmoreland Bar Association in 1961 and served as Solicitor for the Greensburg-Salem School District in 1970. From 1976 through 1985, he also served as the solicitor for Westmoreland County.

For many years, Irv was a trial attorney, an aspect of the law he truly loved. "The courtroom was Irv's stage," recalls Vince Quatrini, one of his closest friends. "He grew animated while closing to a jury. In defense of a client, whether it be a moonshiner from the Laurel Ridge, a flasher from somewhere in Arnold or Jeannette or

Hunker, a hometown burglar, or an individual charged with driving under the influence of alcohol while riding a horse, Irv would passionately thump the large white Bible that he prominently displayed under his arm

“Irv came from a bygone era, an era of attorneys, a breed of legal practitioners, who blended the nobleness of the profession with a leisurely capacity to enjoy the journey.”

as he closed the jury, sometimes quoting verses of truth and justice in his effort, if necessary, to keep the jury from paying any attention at all to the facts in the case.”

Many who knew Irv remember him for his brilliance. He utilized his encyclopedic knowledge and photographic memory to enunciate his rulings on objections. He quoted Shakespeare and the Bible to add interest and levity to his judicial decisions. His other interests included

his love of jazz, good Irish bourbon, and the Civil War. He, along with Don Rigone and Ralph Conrad, led Westmoreland Bar Association tours of battlefields in Gettysburg and Antietam and always concluded, much to Ralph's and Don's chagrin, with his renditions of Civil War battle songs.

Norma Chase, his companion for the past twelve years, refers to Irv as a “meat and potatoes kind of guy without being white bread.”

The two were regular dates at most Westmoreland Bar Association events, and the joy that each gave the other was evident in what Norma characterizes as certain juvenile elements to their personalities. “The words we lived to hear were, ‘Did you really do that?’” she says. “Even if it was something so outlandish that we wouldn't have done it, we still liked the idea that people couldn't be sure, knowing us, without asking. The serious words we lived for were, ‘I like the way you said that.’”

Irv's adult children referred to him as the Comeback Kid and Judge Ada Guyton explains: “As Irv received help during a crucial period in his life, [he] believed that he could help others by using himself as an example of what could be done when you were willing to face your problems and work through the difficulties. Judge Bloom spent hours talking with individuals

continued on page 4



▲ Judge Irving L. Bloom

the sidebar

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

Back issues from 2000 to the present and a comprehensive, searchable index are available online at www.westbar.org/thesidebar.

EDITORIAL BOARD

David J. Millstein, Esq., *Editor*

Beth Orbison, Esq., *Assistant Editor*

The Hon. Daniel J. Ackerman, *Waterjudge*

Pamela Ferguson, Esq., Daniel J. Hewitt, Esq., Terence O'Halloran, Esq., Susan C. Zellner, *Associate Editors*

Diane Krivoniak, *Managing Editor*

Remembering The Hon. Irving L. Bloom

continued from page 3

through Lawyers Concerned for Lawyers. However, he did not limit it to just that. Judge Bloom was willing to take time to help anyone with a problem without judging the individual.”

He was a 20-year volunteer with LCL and traveled often to outside counties to help a colleague in need. “Many people thought that Irv went to Philadelphia to help with other judges’ caseloads or to write findings or do mediations because he was so good at them,” says Vince. “But one of the reasons he would accept such assignments was to meet on his own time with colleagues—either judges or attorneys—who were in crisis. That was something that he did almost daily.”

As Vince remembers, “Irv came from a bygone era, an era of attorneys, a breed of legal practitioners, who blended the nobleness of the profession with a leisurely capacity to enjoy the journey, to pause and to share quiet moments with colleagues in the middle of a workday.”

“He was a listening ear to so many people, myself included,” shared Norma at the WBA memorial service. “I will miss him terribly. There is some comfort in knowing that I am not alone in missing him.”

Irv is survived by his four children, Cara, Ellie, Joel, and Steven, who are now the keepers of his endlessly wonderful and wonderfully endless stories. ■

IRV Talks

by Joyce Novotny-Prettiman, Esq.

There are certain people who very quietly go about helping others and their efforts are largely unnoticed to many people around them. These people help others even though that role is not glamorous or easy. These people help others because they have a special way of making a difference. Judge Irving Bloom was just that type of person.

As a volunteer with Lawyers Concerned for Lawyers (LCL) on the local and state level, Judge Bloom quietly went about the business of helping others. Over the years, he helped many people who found themselves in situations that were very much like situations that Judge Bloom faced during his lifetime. He was able to help others because of where he came from—and rather than remain on the sidelines, he made himself available to listen and to guide. The conversations he was willing to have were complicated and uncomfortable, but that did not stop him from offering a helping hand, even knowing that many times his efforts would be rejected. He was willing to plant the seed that help is available and he was willing to take a chance that the seed of knowledge he planted would be a lifeline.

Those of us who have been on the WBA Lawyers Assistance Committee miss Judge Bloom very much. We know we can’t replace him, but we also know we need to carry on his mission. We will honor Judge Bloom by carrying on his message, but we want to turn up the volume! We want to be sure that everyone who may have a problem with an addiction of any kind knows that there is help available.

To that end, we are sponsoring a series of education and wellness seminars called “IRV Talks” to honor the memory of Judge Irving Bloom, who never forgot who he was, where he had been, and how to help others in need.

Mark your calendars! The first IRV Talks seminar will be held on **Tuesday, November 17**, at the Greensburg Garden and Civic Center from 4:30 to 6 p.m., and will be open to attorneys and their families, as well as the public. LCL Deputy Director Laurie Besden and LCL volunteer Mark Flaherty, Esq., will be panelists for a frank discussion of drug and alcohol addiction and how it can affect anyone, even high-functioning professionals. Attorneys who attend can earn one free ethics CLE credit, and a light reception will follow. *Formal invitations will be sent soon.*

Future IRV Talks seminars will continue to focus on issues impacting Westmoreland County and the programs that are available to help those in need. ■

Promise 
Hospice™

121 N. Main Street

Suite 310

Greensburg, PA 15601

Phone: (724) 515-5251

Fax: (724) 382-4312

www.promisehospice.com

Promise 
Concierge Service™

JULY 2015 TRIAL TERM

Of thirteen cases listed for the July 2015 Civil Jury Trial Term, four settled, four were continued, two were discontinued and three resulted in a jury trial.

**ROBERT C. TINSLEY AND
MARA TINSLEY, HIS WIFE**

V.

**RUSSELL H. MOORE, JR.
NO. 1345 OF 2012**

Cause of Action: Intentional Tort

On August 5, 2011, Plaintiff Robert C. Tinsley was at the property of his deceased father, Charles Tinsley, located in New Stanton. At that time, Plaintiff alleges that he was removing various items of his father's and wanted to proceed to see if any items were left in the shed on the property. Plaintiff then alleges that the Defendant, Russell H. Moore, Jr., Plaintiff's brother-in-law, was also there and that Defendant tried to prevent Plaintiff from entering the shed by physically attacking Plaintiff.

JURY TRIAL VERDICTS



BY BETH ORBISON, ESQ.,
SHANE M. SARVER, ESQ.,
AND EMILY SHAFFER, ESQ.

Plaintiff alleges he suffered injuries and damages, including, but not limited to, a shoulder injury that required surgery on October 25, 2011. Accordingly, Plaintiff sought monetary damages from Defendant.

Defendant countered that Plaintiff Robert C. Tinsley was the aggressor and initiated the altercation. Defendant further alleged he was merely defending himself and his wife by trying to subdue Plaintiff. Also, Defendant denied

Plaintiff was seriously injured or had any substantial damages as a result of the incident.

Trial Date(s): July 8-9, 2015

Plaintiffs' Counsel: James N. Falcon,
Youngwood

Defendant's Counsel: Michael E.
DeMatt, Turin & DeMatt, P.C., Gbg.

Trial Judge: The Hon. Anthony
G. Marsili

Result: Verdict in favor of
Defendant.

ELIZABETH THEODORAN

V.

**BAHUBALI HOSPITALITY, LLC,
D/B/A HOWARD JOHNSON INN
NO. 6011 OF 2013**

*Cause of Action: Negligence—
Personal Injury*

On December 8, 2012, Plaintiff stayed overnight in a hotel room at the Howard Johnson Inn in New Stanton, now known as The Garden Inn. A few hours after she returned home, she noticed multiple red welts that were

continued on page 6



Take charge of your *financial* future.

Since 1894 Ameriprise Financial has helped millions of Americans feel more confident about their financial future. As an Ameriprise financial advisor, I remain true to our vision of always putting clients first. Discover the one-to-one attention you deserve, call me today at 724.600.0170.



Timothy M. Henry, CRPC®, AWMA®

Financial Advisor

232 W. Otterman Street
Greensburg, PA 15601
timothy.m.henry@ampf.com
ameripriseadvisors.com/timothy.m.henry

Ameriprise 
Financial

Jury Trial Verdicts *continued from page 5*

painful and itched, all over her body. A doctor who examined her two days later opined that she suffered from bedbug bites. Because Plaintiff is allergic to insect bites, it took almost six months for her to fully recover.

Plaintiff's boyfriend, with whom she resided, testified that they never had any problems with bedbugs at their home.

Both the owner and a hotel housekeeper testified that although they have eradicated bedbugs in other rooms at the hotel, they never had any bedbugs in the room in which Plaintiff spent the night. Furthermore, Plaintiff did not see any bedbugs in the hotel during her stay; she did not feel herself being bitten while at the hotel; she did not notice any marks on her body when she left the hotel in the morning; and she did not find any bedbugs in her luggage.

Trial Date(s): July 13-14, 2015

Plaintiff's Counsel: Richard T. Haft, Rewis & Yoder, P.C., Pgh.

Defendant's Counsel: David A. Young, Dell, Moser, Lane & Loughney, LLC, Pgh.

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

Result: Verdict in favor of Defendant.

IN RE: CONDEMNATION OF RICHARD H. KING'S PROPERTY NO. 6065 OF 1998

Cause of Action: Eminent Domain

In this condemnation proceeding, the Condemnor, West Penn Power, filed an application with the Pennsylvania Utility Commission on or about April 1, 1996, to acquire a right-of-way through Richard H. King's airport property (now known as the Greensburg-Jeannette Regional Airport) for an electric transmission line. The electric line towers were installed on Mr. King's property at the southern end of the airport's sole runway, which runs in a north-south direction. At the time of the taking in February of 1999, the airport was operated as a regional class airport.

At trial, Mr. King presented testimony in the form of expert witnesses that the highest and best use of his airport property at the time of the taking was as a business class airport. Mr. King presented evidence that he intended to accomplish this by extending the current north-south runway, but that the towers rendered this plan untenable due to their location at the end of the runway. As a consequence, Mr. King estimated the diminution of the value of his property taken by West Penn Power to be between \$750,000.00 and \$1,000,000.00.

West Penn Power disputed Mr. King's contention by offering expert testimony that Mr. King's plan to extend the north-south runway was neither physically nor financially feasible. Furthermore, West Penn Power contested the testimony presented by Mr. King that he intended to turn the airport into a business class airport by extending the current north-south runway. In doing so, West Penn Power introduced evidence that Mr. King's initial plan when the taking occurred was to install an east-west runway, not to extend his current north-south runway. West Penn Power used residential land values to estimate Mr. King's damages at \$5,000.00.

Trial Date(s): July 14-17, 2015

Condemnee's Counsel: Michael J. Colarusso, Albert G. Feczko, Jr., Pgh.

Condemnor's Counsel: Bernard P. Matthews, Jr., Gbg.

Trial Judge: The Hon. David A. Regoli

Result: Jury awarded Mr. King compensatory damages in the amount of \$50,000.00. ■

Lawyers' Exchange

(Free to all members of the WBA)

EXPERIENCED ATTORNEY SEEKING NEW FIRM AFFILIATION Trial and administrative law experience. Varied background including, but not limited to, criminal defense, school law, corporate, and environmental practice. Contact Diane Krivoniak at the WBA, 724-834-6730 or dk.wba@westbar.org. Résumé available.

RESEARCH OR CONTRACT RATE WORK performed for employment law and contract law. If you need research performed or want me to work on one of these cases at a contract rate, please call Sharon Wigle at 724-423-2246 or e-mail jjwigle@wpa.net.

LEASE SPACE AVAILABLE Fully-renovated professional office spaces available one block from Westmoreland County Courthouse. Space from 1200 to 6000 sq. ft. Separate meters for gas and electric. Water, sewage and snow removal included. Rent is negotiable. Call Terri Faye at 724-875-2269.

REFERRALS ACCEPTED Contracts and business law. Also will do research and writing for attorneys. Contact Terrilyn Cheatham at the Westmoreland County Pro Bono Office —724-837-5539.

Westmoreland County Jury Trial
Verdicts from 2000 to the
present are available online at
www.westbar.org/verdicts.

When Westmoreland County looked to fill the position of Director of Adult Probation, **SHARON BOLD** was the logical choice. She started as a probation officer in 1989, then moved up the ladder, receiving promotions in 2009 to supervisor, 2010 to deputy director, and February of 2015 to Interim Director. As Director, Sharon oversees 85 employees in the Adult Probation Office, including the deputy director, supervisors, probation officers, probation officer aides, and clerical staff; prepares budgets and grant applications; completes state statistical reports and annual court reports; organizes training for staff members; approves parole applications and expungements; and reviews applicant information and pre-sentence investigations.

While seemingly burdensome tasks, Sharon is well-equipped for the job. She has a bachelor's degree in Sociology, with a concentration in Criminology from Indiana University of Pennsylvania, and 26 years of experience in adult probation, including experience overseeing the Day Reporting Center (DRC), and participating in policy and procedural development and implementation of Westmoreland County's first Drug Court.

From January 2012 through February 2013, while serving as

who's who@ THE COURTHOUSE

BY PAMELA FERGUSON, ESQ.

Deputy Director, Sharon oversaw the DRC—a court-ordered program that offers services to help offenders overcome drug and alcohol addictions, address mental health issues, and learn life skills. Sharon worked closely with the staff of two probation officers, two aides, one full-time deputy sheriff, and staff from Southwestern Pennsylvania Human Services (SPHS) to provide offenders with services and intensive probation supervision in one location.

Sharon used her experience with the DRC when Judge McCormick asked her to be a member of the Drug Court Committee, established over a year ago in response to demands for alternatives to incarceration for those who commit offenses associated with drug and alcohol use. As a committee member, Sharon participated in the study and determination of the efficacy of starting a drug court in Westmoreland County. Over the past several months, Sharon, Drug Court Coordinator Eric Leydig, probation staff, and Judges Feliciani and Bilik-DeFazio have developed policies and procedures for the Drug Court's implementation.

Currently under the auspices of Judge Feliciani, the Drug Court offers offenders an opportunity to participate in intensive drug and alcohol treatment in lieu of incarceration. Despite their similar missions—to offer alternatives to incarceration for those struggling with drug and alcohol addictions—the DRC and Drug Court programs are different. The DRC's purpose is to provide offenders with services in one location (SPHS treatment services); Drug Court allows offenders to choose from different providers. While intensive, the DRC's program lasts, on average, six months; Drug Court participants remain in the program



▲ Sharon Bold

for a minimum of eighteen months. Offenders in the DRC are monitored solely by the probation office, whereas Drug Court participants are monitored by probation and the Court.

As Director, Sharon will continue to work with Judge Feliciani and Judge Bilik-DeFazio to facilitate services through the probation office in the hope that intensive therapy and monitoring by the court and probation office will help those afflicted with addictions turn their lives around and reduce their rate of recidivism.

Despite these exciting new developments in adult supervision, there are still issues to be addressed. Budgetary limits, and an increasing number of offenders on supervision, and an officer/caseload ratio well beyond the recommended state standards are Sharon's biggest challenges—daunting challenges, to say the least, but not impossible to overcome.

Communication is important and Sharon encourages attorneys representing clients on probation to contact the Adult Probation Office: "If you have a question about your client's supervision don't hesitate to call. Officers are very knowledgeable and even if they can't answer your question, they will forward your question to someone who can." ■

Consider being a SCORE volunteer counselor!

**Business Experience, Counseling Skills?
Looking to help new and small business clients?**

**SCORE "Counselors to America's Small Business" is
America's premier source of FREE and CONFIDENTIAL
small business advice. We are looking for volunteers!**

**For more information,
Call 724-539-7505
Email score@email.stvincent.edu
www.westmoreland.score.org**

SCORE 
FOR THE LIFE OF YOUR BUSINESS

Wayne McGrew *continued from page 1*

Also, with the help of an outside software vendor, we're in the process of developing a new case management system that will be integrated with CPCMS (Common Pleas Court Management System), the jail, and the magistrates. Each attorney will have a homepage dashboard with a tickler system. All client files will be automatically updated with Court Orders, etc. Templates of the most common letters and requests for information that we send will be

available, and fields will be filled in for each client as needed. This should cut down on secretarial time significantly.

We now have video-conferencing with clients in the county jail, enabling us to securely consult with incarcerated clients. It allows for much more attorney/client interaction. It's more efficient. And there's not as much wasted time packing up files, driving to the jail, waiting for the inmate to be brought to the conference room, and so on. We're hoping to begin remote

conferencing in the state institutions soon, too.

Although we have the same staffing level as we had 20 years ago, I converted one administrative assistant position into a research and writing position. This person also manages a database with current legal research on recurring topics in criminal law.

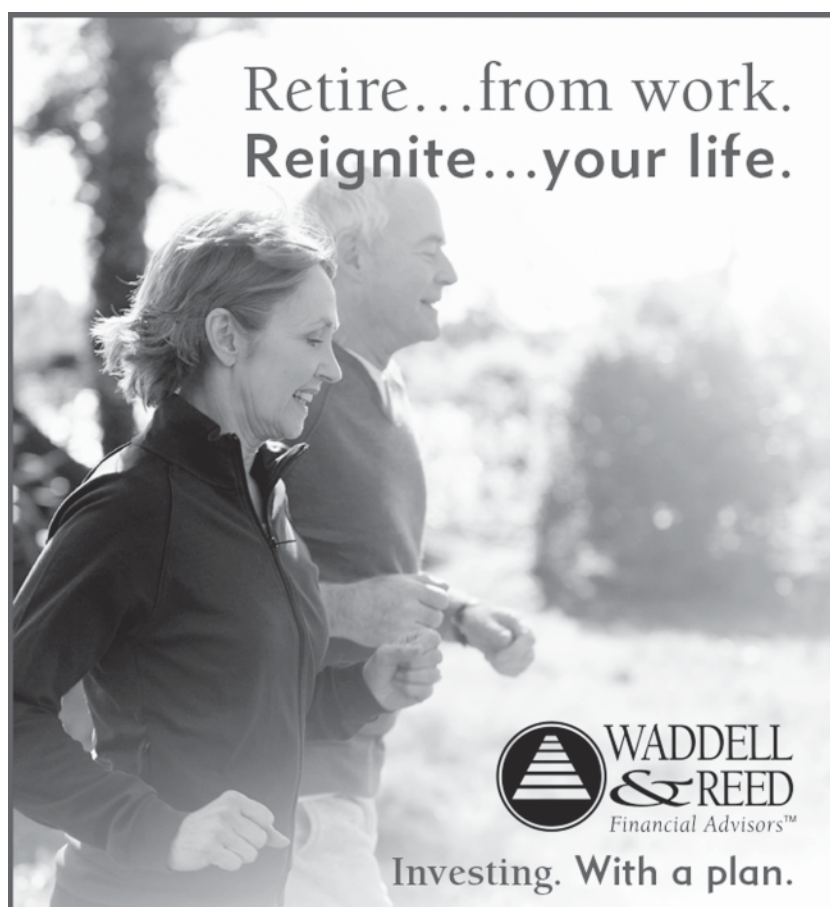
Q HOW DO YOU FEEL ABOUT THE DEVELOPMENT OF SPECIALTY CRIMINAL COURTS, LIKE DRUG COURT OR VETERANS' COURT?

A From the time I was in the D.A.'s Office, I've been an advocate of specialty courts. John [Peck] and I attended an informational session in Harrisburg when the drug court concept was first being considered and implemented in other jurisdictions. I know it can be very beneficial, and to that end I've assigned one of our newest attorneys, Tamara Mahady, to serve on the county's drug court task force.

But what I think we also need is a Mental Health Court. Pennsylvania woefully underserves its citizens who suffer with mental illness; it's just as much a problem as the drug epidemic. In the absence of a formal program, I've had to be creative in coming up with alternative dispositions for defendants with mental health issues. In one instance, Judge Bell granted our request for "mental health release" for an inmate in the county jail. Torrance State Hospital wasn't willing to keep him, but this man clearly needed help. Similar to work release, he left the jail each morning for therapy and returned in the evening, for 3½ months. And the warden was willing to go along with it.

Q ONE FINAL QUESTION—WHAT DO YOU READ IN YOUR SPARE TIME?

A The last book I read was "Courage and Consequence." However, right now, with the birth of my son, my reading choices are more along the lines of "Good Night, Moon." ■



Retire...from work.
Reignite...your life.

WADDELL & REED
Financial Advisors™

Investing. With a plan.

Lindsay Turchetta, AWMA
Financial Advisor

2016 HIGHLAND AVE
GREENSBURG, PA 15601
P: 724.493.9473
lturchetta@wradvisors.com



Westmoreland Revisited

Taps: Remembering Those Who Served in World War II

by The Hon. Daniel J. Ackerman



Photo by yeowatzup from Kallenburg-Lindau, Germany [CC BY 2.0 (<http://creativecommons.org/licenses/by/2.0/>)], via Wikimedia Commons

This year marks the 70th anniversary of the end of the Second World War. In recent years, the media has continued to remind us how quickly the veterans of this, the greatest of all conflicts, who once numbered 11 million, are leaving us. From time to time, we have featured in this space sketches dealing with lawyers or public officials from our county who have gone off to war: Arthur St. Clair, John White Geary, and Richard Coulter, to name a few. Certainly, their stories would have been noteworthy even if they had never left civilian life, but the fact that they represented and defended our country added an extra dimension, which set them apart.

With the recent passing of both Gene McDonald and Pat Costello, we began to wonder if we were coming to the end, or perhaps had even seen the end, of bar members who participated in the nation's defense between 1941 and 1945; and we thought it now fitting to present a roll call of those now gone, in order to remember them once again.

What follows is not intended to be more than an overview, and cannot, by any measure, be viewed as comprehensive; for there is no preexisting list of WBA members who were in the service at that time. We are, however, fortunate to work with what we have, which are the transcripts of remarks and observations made at various WBA memorial services for deceased members of the bar.¹

The association initiated these services in 1960 at the behest of former President Judge David H. Weiss. It's unfortunate that the services and the transcribing of the eulogies did not begin earlier, for it is likely that there were members who died in the war or in the years thereafter prior to

1960 who will go unmentioned. Such omissions, and any which might be found in the transcripts, will gladly be corrected in subsequent issues if readers will call them to our attention.

The first service in 1960, and many of those which followed, reached back beyond the Second World War, noting the passing of Judge Richard D. Laird and Harry E. Cope, who served during the Spanish American War, as well as seventeen World War I veterans: Fred B. Trescher, John Goehring Gaut, Judge John M. O'Connell, Paul J. Abraham, John Scott Van Kirk, Charles E. Vogel, Thomas Lynch, Jr., Vincent R. Smith, John A. Walls, Paul A. Robinson, Richard P. Cope, Andrew S. Romito, Edgar Hammer, John Edward Kunkle, Jr., Harry L. Allshouse, Harold R. Bair, and Harold A. "Sandy" Stewart.

The late bar members who were veterans of World War II are listed below according to the year of their memorial service, their military branch, and in most instances are accompanied by a word or two about their participation in the war as recalled by their surviving friends and colleagues.²

Now, seven decades distant from the end of the conflict, we may heed the quote from *Richard II* offered by Calvin E. Pollins, the longtime chair of

continued on page 10

¹ Transcripts are available to members of the bar at www.westbar.org/memorial_service. They are not, however, complete. There were years where a transcript was either not made or not delivered to the WBA, or where they simply cannot be found. Some gaps have been filled with information taken from *the sidebar*, which began publishing in 1988, and from recollections by various members of the bar. Some of this information was obtained through the efforts of Edgar P. Herrington, Jr., Stuart J. Horner, Jr., James E. Kopelman, Donald J. Snyder, Jr., Robert P. Lightcap, Todd T. Turin, Patrick H. Mahady, Nathan F. Abromson, Judge Christopher A. Feliciani, Judge Gilfert M. Mihalich, District Judge Michael R. Mahady, and Earl S. Keim, II.

² More could be said about each of these veterans, but the speakers at the memorial services naturally focused on their professional lives. Some spoke only in passing about wartime experiences, others offered more detail, such as rank, theaters of service, etc.

Taps: Remembering Those Who Served In World War II

continued from page 9

the memorial committee, at the opening of the 1974 service: *"For God's sake let us sit upon the ground and tell sad stories of the death of kings."*

Those of whom we speak include:

UNITED STATES ARMY

David Nelson Denman (1960), Captain, Air Corps.

Joseph Latella (1962), recipient of the Bronze Star, interpreter in the Allied military courts in Italy.

Leonard J. Cowan (1964), Captain, Quartermaster Corps.

Edward Stefl (1966), served in both European and Pacific theaters.

Edward B. Doran (1968), officer, Ordnance Division.

Frank Ezerski (1969), served in the Pacific theater with the 25th Infantry Division.

James Patrick Herron (1969), Air Corps Commandant, Gore Field, Montana, served as a judge advocate at the Nuremberg Trials.

Thomas R. Mahady (1971), Major, Air Corps, Pacific theater, recipient of the Bronze Star.

John K. Best (1974), officer, Air Corps.

Paul W. Mahady (1974), Lieutenant Colonel, Quartermaster Corps. Coordinated domestic industrial output to meet the military needs in the European theater, including the Normandy Invasion. Awarded the Legion of Merit, the highest honor bestowed upon non-combatants. Separated from the service as a Colonel and elevated to the rank of Brigadier General in the Army Reserves.

John D. Lyons (1976), European theater.

Wayne R. Donahue (1976), 8th Army Headquarters.

Edwin J. Morrell (1976), Judge Advocate Corps.

Paul L. Shrum (1977), Brigadier General, Infantry.

Henry Abromson (1979), Master Sergeant, Philippine theater, Philippine Liberation Ribbon with Bronze Star.

Stephen B. Ewing (1979).

P. Louis DeRose (1982), Master Sergeant, Burma, China, and India theaters.

Carl Fisher (1988), Captain, 79th Infantry Division, Battle of the Bulge, the costliest action ever fought by the U.S. Army.

Avra N. Pershing, Jr. (1989), Air Corps, cryptographic specialist, headed military courier service in the South Pacific.

Richard S. Silvis (1993), Sergeant, served on the Army Council for Defense and Court Martial.

Edward S. Stiteler (1994), Air Corps, bombardier/navigator.

Paul Welty (1996).

Judge Robert H. Rial (1996), 11th Armored Division.

Thomas Anton (1998), North African theater.

Albert Nichols (1998), Air Corps.

William F. Caruthers, Sr. (2001), China, Burma, and India theater.

William F. Nee (2001), Air Force, pilot, shot down and wounded, German Prisoner of War.

Richard A. Harwick (2001), Air Corps, pilot, Pacific theater.

Christ. C. Walthour (2004), at the war's conclusion he joined the Allied prosecution team for the War Crimes Trials in the Pacific Theater.

David W. Cook (2006), 10th Armored Division, severely wounded by machine-gun fire at Trier, Germany, with injuries which required



Thomas Mahady



Paul Mahady



Henry Abromson



P. Louis DeRose



David Cook

treatment in U.S. Army hospitals for two and a half years. Received two Bronze Campaign Stars.

George W. Lamproplos (2008), officer, served as defense counsel for the General Court Martial, London. Involved in coordination of material for the Normandy Invasion.

Irving M. Green (2008), Master Sergeant, recipient of the Bronze Star. Wounded in the Battle of the Bulge; he was one of over 100,000 casualties in that action.

Frank P. Anto (2010), Air Corps, First Lieutenant, navigator, flew bombing missions out of England.

Robert Wm. Garland (2012), Air Corps, navigator on troop transports, flew in the Normandy Invasion.

UNITED STATES NAVY

Vincent E. Williams (1967).

Judge Earl S. Keim (1981), based upon his experience in the manufacture of maritime valves, he was commissioned Lieutenant Commander near the war's end and stationed in Washington.

William T. Dom (1988), Lieutenant Commander, commanding officer of landing craft in both European and Pacific theaters.

Emmett C. Boyle, Jr. (1989), Lieutenant/pilot, European and African theaters.

Henry J. Mahady (1990), Lieutenant Jr. Grade, served at various naval installations in the U.S. as a personnel officer for naval aviation. Eventually charged with mustering and deploying

antisubmarine patrols in the North Atlantic and Sargasso Sea. Separated from the service as a Lieutenant Commander.

Philip J. Corbin, Jr. (2001).

John M. Noel (2003), served on landing craft in the Pacific theater.

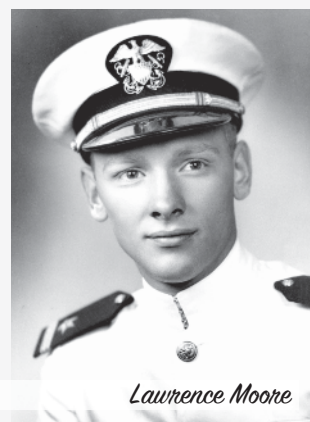
Lawrence E. Moore, Jr. (2006), Ensign on the cruiser *Montpelier*, the first U.S. vessel to enter Japan after the dropping of the atomic bombs.

George E. Berry, Jr. (2010), Lieutenant, executive officer on LST³. On D-Day, his ship was sunk by a German mine. Twelve were killed, and he and many others were wounded.

B. Patrick Costello (2015), fighter pilot, his squadron was stationed in California awaiting deployment in the Pacific theater when the war ended. Retired from the Naval Air Reserves as a Lieutenant Commander.

continued on page 12

³ Landing Ship, Tank, a vessel 327 to 400 feet long, manned by 98 to 125 naval personnel, capable of transporting more than 200 troops and 10 to 20 30-ton tanks. Of the 1,051 produced during the war, 145 were made by Dravo Corporation at its Neville Island facility in Pittsburgh.



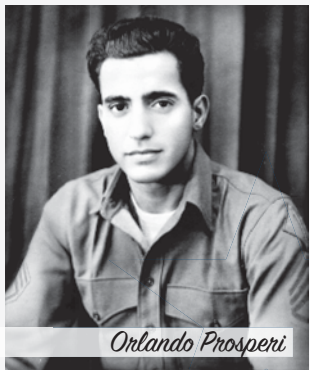
Taps: Remembering Those Who Served In World War II

continued from page 11

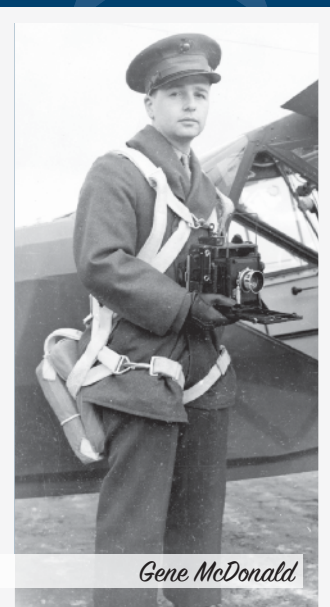
UNITED STATES MARINE CORPS

Orlando N. Prospero (1986), Gunnery Sergeant and forward observer, First Marine Division. On Peleliu he was wounded by “friendly” artillery fire which he had called in when a white phosphorus shell fell short. Later he participated in the 82-day campaign to take Okinawa which produced 62,000 American casualties.

Gene E. McDonald (2015), First Lieutenant/pilot, First Marine Division. Flew reconnaissance missions to direct naval batteries to their targets at Cape Gloucester, Peleliu, and Okinawa; recipient of the Air Medal and Distinguished Flying Cross with three battle stars.



Orlando Prospero



Gene McDonald

These men, drawn into the cauldron of total war, were called upon to put their futures on hold, and to leave family, friends, and community behind for remote shores. Whether the sound of fire was near or distant, their lives had to adjust to unanticipated change. Some of that change would be negative, if not horrific. Yet for many, over time, the apostolic assertion that “suffering produces perseverance; perseverance, character; and character, hope,” would prove to be true. Their experiences provided a new perspective, so when they returned to their studies or practice, they were less daunted by obstacles for they were able to recall a time in their youth when the odds were not as good and the stakes were higher.

The intent of this article is to cause us to pause and reflect upon the contributions and sacrifices of those members of the bar who served in this global conflict and are no longer with us. But fortunately there are worthy exceptions: **Edgar Paul “Ted” Herrington, Jr.**, 93, who now resides in Virginia and is a volunteer at Colonial Williamsburg, was a Staff Sergeant, radio operator/gunner in the 5th Army Air Corps, 64th Bomb Group, and was stationed in New Guinea, flying 350 hours on night patrols over water in a B-24, and bombing Japanese naval bases and vessels. His plane was the first to bomb Japanese installations in the Philippines. He was twice the recipient of the Air Medal along with five Asiatic-Pacific Theater campaign awards.

And when Japan surrendered, there was a young Army Air Corps Cadet stationed at Lowry Field in Denver, who had lost his brother, Leonard, to the war, and who was awaiting pre-flight training. He also can be spoken of in the present tense: former **President Judge Gilfert M. Mihalich**. ■



“Kissing the War Goodbye,” by Lt. Victor Jorgensen – US archives.

Author’s note: V-J Day, and the spontaneous celebration which ensued, is one of my clearest childhood memories. One can only imagine the myriad emotions which swept through those who wore the uniform that day.

Sixty-five years later, my wife, Becky, and I visited a rural churchyard on a small island off the coast of Sweden. Only one other couple, who were putting flowers on a grave, were within sight; and may I dare say, they appeared to be perhaps a decade older than us.

Before they departed, we spoke, and learning that we were Americans, the husband shook my hand and said, “We want to thank the Americans for what they did in the war, for if it had not been for them we would have lost our freedom and would have been swallowed up with the rest of Europe.”

I was a poor proxy to be the recipient of such thanks—it rightly should have gone to those listed above and the millions like them. But, let us keep in mind, as the old gentleman demonstrated, it is never too late to express gratitude. ■

To-Wit: Very Well Done

by S. Sponte, Esq.

It was going to be a difficult hearing, no doubt. Judge didn't like my client, my client didn't like Judge; I didn't like Judge, Judge didn't like me, and my client and I weren't all that crazy about each other. It had all the makings of a perfect storm.

At precisely ten o'clock, His Honor took the bench with his law clerk at his side. I would have given him full marks for punctuality had not the hearing been scheduled for nine.

"Let's get on with it," he said. "I'd like to find your client guilty before lunch." There was no doubt that Judge had cited my client for contempt and scheduled this hearing for the sole purpose of ripping my client a new one, and it was my charge to see to it that my client left the courtroom with naught but the same one he had entered with, not counting me.

The law clearly favored my client and the hearing went well; but for the judge, and, trust me, he was an enormous but, the outcome seemed assured.

Sure enough, at its conclusion Judge gruffly dismissed the contempt citation and exited the courtroom. My client stood to say something but my kick

I liked the applause, no matter the source, because it was just that, applause, and I bet you know why.

to his shins convinced him his silence would be sufficiently thunderous.

As I was leaving, client in tow and intact, the tipstaff approached me. "From the judge's law clerk," he said, and he handed me a sticky note which read: "Very well done." I nodded my head appreciatively to the law clerk and walked out.

"Very well done." Huh! As I started the drive back to my office, I stuck the note on the dashboard of my car; when I got back I stuck it to my desk, and when I went home that night I stuck it to my bedpost, forgetting for the moment that someone very special to me might misconstrue the meaning of the unfamiliar handwriting.

I didn't know the law clerk, I have no idea if he's a clever guy or a raving loony; sometimes in this business it's hard to tell the difference. But I liked the applause, no matter the source, because it was just that, applause, and I bet you know why.

Who but us understands what we do? Who but us gets the clever argument, the artful cross examination,

continued on page 14



Intellectual Property Law Patents, Trademarks, Copyrights

NILS H. LJUNGMAN, JR. NILS H. LJUNGMAN & ASSOCIATES
724-836-2305 nhla@earthlink.net ljungmanandassociates.com



- Over 30 years of practice before the U.S. Patent and Trademark Office
- 95% success rate in obtaining U.S. patents with over 1600 U.S. patents issued (overall average success rate for all U.S. patent practitioners is 46%)
- Registered at Canadian Patent Office with over 300 patents issued
 - Registered over 300 Federal and Pennsylvania trademarks
 - Obtained patents in all major countries, including European Union, Japan, China, U.K., Germany, Brazil, Mexico, etc.

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

To-Wit: Very Well Done

continued from page 13

the brilliant brief, the expert wheedling and cajoling of a jury? And when was the last time a client said to you, “Great summation,” or “Terrific brief”? Who but us knows “wow”?

Was my performance “wow”? I don’t know. I prepared well and I got the right result; but in the end that result, as results always do in this profession, depended entirely on how things got filtered through someone else’s brain, and I never know where that brain has been. If my client had been found in contempt would my performance still have been a “wow”?

A few weeks later my client called. “Can we talk about the case?” he inquired. Was there to be applause?

“Sure,” I said, “what’s up?”

“You told me I hadn’t done anything wrong,” he went on, “that the law was clear and that this should be a slam dunk, right?”

“Yep,” I said, “that’s what I told you.”

“Then why was your bill so high?”

I still have that sticky note, though I’ve moved it from my bedpost, where it had no chance, to my shaving mirror. I see it now every morning when I shave and it always says the same thing: “Very well done.” I repeat it out loud to myself several times, I take the razor away from my neck, and then I go to work. ■

© 2015, S. Sponte, Esq.

LawSpeak

“Persons who would never dare to instruct a cardiovascular specialist on heart surgery have no qualms about instructing their lawyers on when and how to prosecute appeals of highly technical cases.”

— Ruggero J. Aldisert, Senior United States Circuit Judge

Update on *Windsor/Whitewood*

by Pamela Ferguson, Esq.

As noted in the June issue of the sidebar (“*Windsor, Whitewood, and What You Need to Know*,” pg. 9), the caveat for attorneys representing same-sex married couples (1) to be cognizant of discrepancies in eligibility requirements for federal benefits and (2) to determine whether the benefit is based on the “residency test” or the “ceremony test” is now moot as same-sex marriage is now legal in all 50 states and Puerto Rico. Citing a violation of the Due Process Clause, SCOTUS in *Obergefell v. Hodges*, 576 U.S. ____ (2015), held that because the right to marry is protected by the 14th Amendment and Ohio’s ban on same-sex marriage was unconstitutional, James Obergefell could not be denied his request to have his dying spouse’s death certificate acknowledge their legally obtained marriage from Maryland.

Writing for the majority, Justice Kennedy held:

“The fundamental liberties protected by the Fourteenth Amendment’s Due Process Clause extend to certain personal choices central to individual dignity and autonomy, including intimate choices defining personal liberty and belief... They seek not greater dignity but the benefits of marriage: financial benefits, the ability to adopt children as a couple, recognition as next of kin when a partner is hospitalized and the opportunity to express their love in a legally binding commitment.”

While it is certainly a “win” for gay-rights activists and renders moot the dichotomy created by the “ceremony” and “residency” tests, Judge Kennedy’s opinion did not address the issue of whether same-sex bans are a form of gender-based discrimination. Thus, same-sex spouses employed by private employers are left vulnerable to being denied employment and health benefits. Not until Senate Bill 300 and House Bill 300 are passed, adding “sexual orientation” and “gender identity or expression” to the Human Relations Act, the Commonwealth’s non-discrimination statute, will benefits be guaranteed to same-sex spouse employees in the private sector. ■

Life is Taxing, so why Go it Alone?

Federal ♦ State ♦ Local TAX Disputes and Resolutions
♦ Wills ♦ Estate Planning

Attorney John A. Cochran,

Master of Science in Taxation and C.P.A. with 29 years of Experience

140 S. Main Street, Suite 301
Greensburg, PA

TEL: 724-216-5180

FAX: 724-420-5464

john@jacochranlaw.com

New Member Sketches

CHRISTOPHER L. HARKINS, JR., has been admitted as a participating member of the WBA. He earned a B.A. in History from Clarion University, and his J.D. from Syracuse University. Chris is a sole practitioner in Lower Burrell, and lives in New Kensington.

RICHARD J. LORENZ has joined the WBA as a participating member. Richard earned a degree in Political Science from Duquesne University and his J.D. from the University of Pittsburgh. An associate with Galloway Monzo, P.C., in Greensburg, he and his wife, Maree, reside in Latrobe.

ADAM QUATRINI, son of WBA member Vince Quatrini, was admitted to the WBA as a participating member. He earned a B.A. in Political Science from Dickinson College, and earned his J.D. from Duquesne University. Adam is an associate with QuatriniRafferty in Greensburg, and lives in Pittsburgh.

MICHAEL S. RUSSELL has rejoined the WBA as a participating member. He earned a B.A. in Political Science from Grove City College, and his J.D. from Regent University School of Law in Virginia. A sole practitioner in Murrysville, he and his wife, Rachel, have four children and live in Spring Church.

ANDREW M. SNYDER, son of WBA member Marvin D. Snyder of Mount Pleasant, has joined the WBA as a participating member. Andrew earned a degree in History from The Pennsylvania State University and his J.D. from Capital University Law School in Ohio. Andrew is practicing law with his father and living in Mount Pleasant. ■



It Was A Long, Long, Long, Long Time

Four generations of Longs gathered at Long & Long LLC in Greensburg— Wesley T. Long (2nd), B. Earnest Long (1st) holding Barrett E. Long (4th), born April 4, 2015, and Adam J. Long (3rd).

USI AFFINITY

This is where lawyers go for protection.

Call 1.800.327.1550 now for your FREE quote.

Or go to www.mybarinsurance.com/pba

Call today for more information on the insurance products available to Westmoreland Bar Association members.

As a national leader in legal insurance, USI Affinity is proud to carry the endorsement of the Westmoreland Bar Association.

Sometimes even attorneys need a little counsel of their own. That's why they turn to USI Affinity, the company that has been advising attorneys on insurance for 75 years. We know more about what attorneys need and can offer a variety of insurance options for firms of any size.

We go beyond professional liability to offer a complete range of insurance solutions covering all of your needs.

USI Affinity's extensive experience and strong relationships with the country's most respected insurance companies give us the ability to design customized coverage at competitive prices. Coverage includes:

- * Lawyers' Professional Liability
- * Business Insurance
- * Medical & Dental
- * Life & Disability
- * Personal & Financial




"Helping You Control Your Health Insurance Costs Since 2002"

As an independent health insurance broker, we are able to shop carriers and plans every year. Our job is to ensure you are getting the best price and coverage for you and your clients. Your goals are our #1 priority! We have been the health insurance broker of the Westmoreland Bar Association and members since 2008.

What We Offer:

- Small Group Plans
- Medicare Advantage Plans
- Individual Plans
- Supplemental Plans

For a Free Quote Call or E-mail Today:

Bob 724-312-3454
 Valerie 724-312-2762
 E-Mail rjswann.insurance@gmail.com
 Web www.rjswanninsurance.com

My First Bench/Bar

Mountaineer Measures Up

by *Shane M. Sarver, Esq.*

As a new member of the WBA, I was excited to attend my first Westmoreland County Bench/Bar Conference this past June at the Mountaineer Casino, Racetrack and Resort. Unfortunately, I didn't get to the conference until Thursday and wasn't able to attend the previous night's group dinner and live horse races. However, from everything I heard from my young lawyer colleagues, Victor Myers, Megan Little, and Allison Thiel, the evening was a blast, from the dinner to the horse races to the after-party.

When I arrived the following day, I was greeted by an all-you-can-eat buffet for lunch, which did not disappoint. I then attended the *Seinfeld* and *Breaking Bad* CLE, which explored the different legal issues embodied in several episodes of these hit TV series. Presented by



▲ *Emily Shaffer, Shane Sarver, Victor Myers, Megan Little, and Richard Lorenz enjoying their first Bench/Bar Conference.*

Ned Nakles and Tim Andrews, as well as President Judge Richard E. McCormick, Jr., this was the first CLE of my young legal career that captured my attention from beginning to end.

From there, I attended the conference's Vendor Hours segment, where I got the chance to meet and network with local legal sponsors, all while collecting a number of free items and drinks (by the end, probably too many drinks). After Vendor Hours, I took a trip to the Young Lawyers' suite, which

was furnished with complimentary food and drinks, making for a great place for the young lawyers (and even some "middle-aged lawyers"— you know who you are) to hang out.

Next was the Outdoor Reception and Bar-B-Q, filled with great food and even better entertainment. Judge Feliciani and "The Band" put on a great show for all in attendance and kept the party going late into the night. This was my favorite part of the day. Not only because of the food,

G

GEORGE AND JOSEPH

ATTORNEYS AT LAW

**Representing clients in
Westmoreland, Allegheny,
Armstrong, Butler, Indiana, Clarion,
and surrounding counties**



**Personal Injury
Medical Malpractice
Criminal Defense**



10 Feldarelli Square
2300 Freeport Road
New Kensington PA 15068
Phone: 724.339.1023
Fax: 724.339.3349
www.georgeandjoseph.com



Duke George



Daniel Joseph



entertainment, and company, but because I got the chance to see Tim Andrews, Diane Krivoniak, and others break it down on the dance floor.

The following morning, I was put to work as part of the Judges Q & A panel. Along with Judge Feliciani, Judge Bononi, and Magisterial District Judge Conway, I had the pleasure of presenting on recent civil court topics in Westmoreland County, including Judge Regoli's Court in the Classroom program and the county's updated civil division purge process.

In all, my first Bench/Bar turned out to be a great experience. I really enjoyed getting to interact with my fellow colleagues in a casual setting, while taking advantage of the great CLEs the Bench/Bar had to offer. I can confidently say I look forward to doing it all over again next year. ■



HOW STRONG ARE YOUR ADVISOR'S STRATEGIES?



Hopefully, strong enough to handle typical market volatility.

After all, isn't that why you hired an advisor? At Private Wealth Advisors, we employ tactical asset allocation in designing a strategy for our client's investment portfolios. This strategy is designed to produce a less volatile portfolio while enhancing the possibility for greater returns. And doesn't everyone want a portfolio that solid. Call us. We would like to share our strengths with you. 800.245.5339 or visit www.pwaua.com.

WWW.PWAUSA.COM



Our investment strategy does not assure profit or guarantee against loss.

where in the world ARE THE WBA MEMBERS?



Mike and Pam Ferguson at the Villa D'Este on Lake Como, Cernobbio, Italy, June 2015. Cernobbio is located about 25 miles north of Milan on the border with Switzerland. Its highest peak is Monte Bisbino, at 1,325 meters.

LAKE COMO, ITALY

Let's Go South (on Main Street)

by Terry O'Halloran, Esq.

Over the years, 911 Green Street on the corner of South Main in Greensburg has been the home for a number of eating establishments. In the mid-1960s, it was known as the Corner Bar and Grill. In the ensuing half-century, it has morphed into many different forms: Egidio's,



▲ Terry O'Halloran

DePaul's, Legends, Putters, Solstice, and now, **La Paz**.

La Paz bills itself as a "cantina" which puts it in rare company in these parts. Our local history with Mexican restaurants has left me with a reaction so deep that I have sworn off going to ANY restaurant named after a Spanish-sounding island. "Never again!" I told myself. I got fed up with being rushed out the door 30 minutes after I arrived with the implicit plea to "next time, just come in, pay the cashier, and get out instead of wasting our time by feeding you."

And up until just a couple of years ago, Taco Bell kept their Truth-In-Advertising noses clean by touting how their food was "cheap," never claiming to be "good."

So the opening of La Paz carries the fight against history with it. But I hear that La Paz is run by the same chef who manages One Eleven on Pennsylvania Avenue in Greensburg. That means this venture has good credentials, at least.

It seems like it was about a year from the closing of Solstice to the opening of La Paz, and upon entering the place, you can understand why. A LOT of "redo" greets you! All done in appropriate Mexican yellow and bright accents, there's even a life-size Montezuma-type meme to stare at you while you eat. (It's on their website so you can see it ahead of time if you're afraid of surprises.)

Now I understand that a lot of the reason Mexican restaurants seem to rush you is that they can pre-make the meals so all they have to do is move the numbered plate (matching the number on the menu) from the refrigerator to the microwave and two minutes later—"Hasta la vista, baby!"—dinner's ready. La Paz has a MUCH better arrangement—the food was made to order.

Beginning with the nacho chips and homemade salsa that was placed on the table first thing when we arrived, the food was never even close to a disappointment! That may sound like damning with faint praise, but take into account the background of our experiences. The tortillas for my fajita combo of beef, chicken, and grilled shrimp were freshly baked. Mrs. O had the fish tacos, which she claimed to be very tasty. And they were ample enough to ask for a take-home box for the uneaten portion.



By chance, we arrived on a Tuesday which meant we could order two tacos (good-sized things they were!) for \$2—which we did—and \$3 margaritas (on the rocks) which were, frankly, delicious.

In reading other reviews of this place, I sense a pattern has emerged where the people really like the food and, if there is a problem, it seems to be with the service. Honestly, I had no complaints with the service.

Our waiter, Bernardo (probably "Fred" when not working), seated us immediately upon our arrival and I never felt we were waiting for anything as we progressed through the meal. He was friendly and answered my questions with a smile. That ALWAYS makes my meal taste better, you know. And we were never rushed!

There is outside seating and even a small glassed-in "porch" for only two tables. And the bar area is inviting and comfortable if you choose to eat in there.

For me, the measure of a good restaurant is thinking when I leave, "Gee, I'd like to come back here." In those terms, La Paz passed the test. There are a couple of mole dishes on the menu that are crying to be eaten.

So maybe the secret, after all, is naming it after a city in Baja instead of an island. Brilliant! ■



Who's got your back—and your back pocket?

Just ask our 40 million State Farm® customers. With State Farm behind you, you can look forward to what's ahead. Like 97% customer satisfaction with claims – plus discounts up to 40%.*

GET TO A BETTER STATE. CALL ME TODAY.

Kris Feliciani,
State Farm Agent
 724.925.1700 office
 724.925.1307 fax
 410 Burton Ave., Suite A
 Youngwood, PA 15697
kris@callkris4insurance.com



State Farm Mutual Automobile Insurance Company
 State Farm Indemnity Company, State Farm Fire and Casualty Company
 State Farm General Insurance Company
 Bloomington, IL

BRIEFLY SPEAKING



Charles W. Jelley was appointed as an Administrative Law Judge with the Pennsylvania Department of Education in Harrisburg. He took office on Monday, July 13, 2015. Charley was formerly a partner with Tremba, Jelley & Kinney in

Greensburg. The firm has been renamed Tremba, Kinney, Greiner & Kerr.

it's a boy!



*Congratulations to **Kerri Shimborske-Abel** and her husband, Greg, who welcomed their son, Nolan, into the world on June 18, 2015. Nolan was 8 lb. 9 oz. and 20 inches long. Kerri is a Director with Zimmer Kunz in Greensburg.*

Actions of the Board

JUNE 18, 2015

- Accepted Membership Committee report as presented: Andrew Snyder and Matthew Russell, participating members.
- Voted to begin a monthly contribution of \$2,000 to the Pershing account.
- Voted to provide \$2,500 to cover the expenses of the YL pool party, which is tentatively set for August 21.

wba news

got news?

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

On The Move ...

WILLIAM F. CARUTHERS II recently has moved his law practice to 518 Main Street, Irwin, PA 15642. He can be reached at 724-382-5722 or carulaw@yahoo.com.



OUR DISCIPLINED INVESTMENT APPROACH HAS MADE US TRUSTED BY OUR COMMUNITY SINCE WE OPENED OUR DOORS.

- FIDUCIARY SERVICES
TRUSTS, ESTATES AND GUARDIANSHIPS
- PORTFOLIO MANAGEMENT
INDIVIDUALS, BUSINESSES AND NON-PROFITS
- RETIREMENT INVESTING
IRAS AND 401K ROLLOVERS



cbthebank.com

724.836.7670 • 19 NORTH MAIN STREET, GBG PA 15601

The Investment products being offered are NOT insured or guaranteed by the FDIC or any other government agency. They are NOT bank deposits or obligations of any bank. These products are NOT guaranteed by any bank and ARE subject to investment risk including the possible loss of principal.

You want to change the world? Here's where you start. It's time to take a look at the future. And redefine what it means to practice in a rapidly changing landscape. Evolving to keep pace with today's legal needs and tomorrow's challenges, the new Lexis Advance[®] platform is your best place to start. Go ahead and change the world. Lexis Advance is right with you.

Learn more at lexisnexis.com/comingsoon.

#BeUnprecedented

Contact:
Ralph Zatezalo
LexisNexis
Territory Manager -
Pittsburgh and Western PA
ralph.zatezalo@lexisnexis.com
cell - 724-584-3047



CAN ONE ATTORNEY CHANGE THE WORLD? WATCH ME.

LexisNexis, Lexis Advance and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. © 2014 LexisNexis. All rights reserved. LA2014-4-2



129 North Pennsylvania Avenue
Greensburg, PA 15601-2311

www.westbar.org

PRESORTED
STANDARD
U.S. POSTAGE
PAID
GREENSBURG, PA
PERMIT #678



CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters unless otherwise noted. Visit www.westbar.org for more information about activities and CLE courses, or to **register online**.*

SEPTEMBER

- 3** WBF Trustees, 4 p.m.
- 7** Courthouse closed in observance of Labor Day
- 9** Real Estate Committee, Noon
- 15** Family Law Committee, Noon
- 16** Membership Committee, Noon
Elder Law & Orphans' Court Committees, Noon
- 29** Ned J. Nakles American Inn of Court, 5 p.m.
- 30** [CLE] Practical Approaches to Estate Administration, Noon to 2:15 p.m., 2 substantive credits available

OCTOBER

- 2** [CLE] Addiction and the Impact on Families, 11:30 a.m. to 1:30 p.m., 1.5 substantive credits available
- 12** Courthouse closed in observance of Columbus Day
- 15** Board Meeting, 4 p.m.
- 20** Family Law Committee, Noon
- 21** Membership Committee, Noon
- 29** Ned J. Nakles American Inn of Court, 5 p.m.

You are not alone.

One in three lawyers will need our help at some point during their careers.

Since 1988, we have helped over 6,000 attorneys in need.

A WORD ABOUT CONFIDENTIALITY

We understand your concerns about privacy and confidentiality. LCL is equally sensitive about your career and your license.

We know it is hard to ask for help. LCL discreetly provides resources, support and information.

Your call to us and the help we provide is confidential. You incur no expense or any other obligation by calling LCL.

We can often help when others cannot.

1-888-999-1941

Lawyers Concerned for Lawyers

Practical Approaches to Estate Administration

— LIVE — 2 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

**Wednesday,
September 30, 2015
12:00 pm - 2:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 29, 2015)

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

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

The focus of this seminar is on the practical dynamics of administering an estate — from start to finish.

If you are new to estate practice or looking for a refresher course with pragmatic practice tips, join us for a discussion of:

- ◆ Avoiding Surprises and Minefields - Should you open that Estate?
- ◆ Practical Tips to keep the process moving efficiently
- ◆ The Dynamics of administering and selling Estate Realty
- ◆ Executor Fitness Issues and Removal Proceedings
- ◆ Bumps in the Road/Unique Statutory Quirks
- ◆ Creating Satisfied Clients and Heirs

Attorney Speakers:

Richard F. Flickinger

John K. Greiner

Jeffrey A. Pavetti

**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.

September 30, 2015 Practical Approaches to Estate Administration

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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

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

Card # _____

Expiration Date _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

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

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

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm September 29, 2015.**



An accredited provider for the PA Board of Continuing Legal Education

Addiction and the Impact on Families

— LIVE —
1.5 Substantive Credits Available

Hosted by the training committee of the Westmoreland “Children’s Roundtable.”

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

The “Addiction and the Impact on Families” training will cover several areas of focus around how chemical addiction can have an impact on the families served through the Family Court Dependency and the Child Welfare systems.

— Agenda —

This panel style presentation, with local experts in the area of addiction, will:

- Describe how drug or alcohol use can become an addiction
- Define addiction as a disease
- Explain the physical and brain chemistry that occurs in this disease
- Discuss the perspective and observances from a local law enforcement perspective

The panelists will also review specifically:

- How the roles within a family change
- How addiction can impact an individual
- The family’s ability to function

Panelists & Topics:

Tim Phillips

- ◆ Mechanics of Addiction

Tony Marcocci

- ◆ Law Enforcement and Drug Prevalence

Carmen Capozzi

- ◆ Family Perspective: Sage’s Army

Cheryld Emala

- ◆ Provider Perspective

Patricia Elliott, Esquire

- ◆ Dependency Attorney Perspective

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.

Addiction and the Impact on Families

October 2, 2015

Name: _____

Attorney I.D.# _____

Address: _____

Email: _____

Phone: _____

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

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

Card # _____

Expiration Date _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

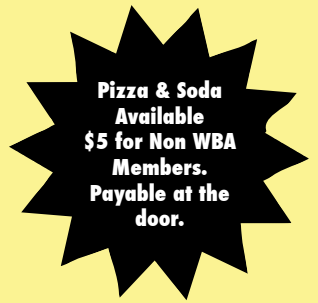
- WBA Members - \$30 per credit hour (1.5 credits = \$45)
- Non-Members - \$50 per credit hour (1.5 credits = \$75)

Non-Credit:

- FREE
- Yes, please count me for pizza & soda

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 1, 2015.**

**Friday,
October 2, 2015
11:30 am -1:30 pm
WBA Headquarters**



Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 1, 2015)

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

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

Legal Aspects of Philanthropy

Location: Community Foundation of Westmoreland County
Greensburg Garden and Civic Center

— LIVE —

2 Substantive Credits Available



An accredited provider for the PA Board
of Continuing Legal Education

Join us for an evening of reflection, skill-building, and camaraderie
hosted by The Pittsburgh Foundation's experienced team:
Jennie Zioncheck & Kelly Uranker

This Workshop will deepen your knowledge of charitable giving—the values that drive it, the complexities of engaging multiple generations, and the options available to you and your clients. Shaping your own philanthropic vision will equip you with the knowledge and insight needed to discuss philanthropy with confidence.

Topics of Discussion:

- Planned Giving
- Charitable Trusts
- Tax Strategies

Light Refreshments
will be served.

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.

October 27, 2015

Legal Aspects of Philanthropy

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Pre-Registration Fees

CLE Credit:

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

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

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

Card # _____

Expiration Date _____

Credit Card Billing Address _____

Non-Credit:

- \$10 Flat Rate
- Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office,
129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm October 26, 2015.**

**Tuesday,
October 27, 2015
4:00 pm - 6:00 pm
**Community Foundation of
Westmoreland County
Greensburg Garden & Civic Center
951 Old Salem Road, Gbg. 15601**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 26, 2015)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

WALK- IN:

CLE Credit

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

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

"Irv Talks" – CLE series in honor of Judge Irving L. Bloom

Location: Greensburg Garden and Civic Center



1 FREE
Ethics Credit

Fall Quarterly
Meeting

WBA Fall Quarterly Meeting

**Tuesday,
November 17, 2015**

4:30 - 5:30 pm

Greensburg Garden & Civic Center
951 Old Salem Road
Greensburg PA 15601

The Lawyers Assistance Committee of the WBA has committed to offer a series of "Irv Talks" in honor of Judge Bloom, who worked to help struggling lawyers with their addictions, depression, and stress related problems, both locally and throughout the commonwealth.

Westmoreland Bar Association
129 North Pennsylvania Ave.
Greensburg, PA 15601
724-834-6730
Fax: 724-834-6855
www.westbar.org

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

Sooner or later nearly everyone struggles with how to help a parent, child, colleague or client who has a problem with alcohol, pain killers or tranquilizers. Two lawyers who have been down that path and are now dedicated to helping others will share their stories and discuss how you can help someone in distress.

Speakers:

Laurie Besden, Esq. – Deputy Executive Director, LCL
Mark Flaherty, Esq. – LCL President

1 FREE
Ethics
Credit

Open to the public. Guests are welcome and encouraged to attend.
Reception to follow.

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 17, 2015 "Irv Talks"

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

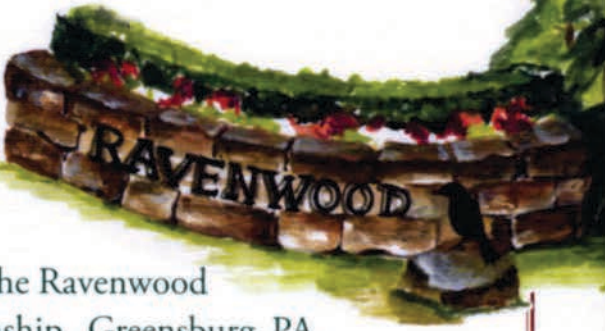
Please return this form to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601,
by November 16, 2015.

LOCATION:
Greensburg Garden
and
Civic Center

Privacy

Convenience

Find them both at **RAVENWOOD**



We would like to invite you to experience the Ravenwood community located in Hempfield Township, Greensburg PA. On June 21, 2011 ground was broken on this unique housing development which is now complete. The development is located on 96 acres of pristine countryside. Ravenwood is made up of only 44 home sites on this abundant acreage. There are views of the historic Laurel Mountains or graceful rolling hills of a neighboring 18 hole golf course. Ravenwood offers home sites ranging from just under 1 acre of land to over 9 acres, with all underground public utilities. Home site prices start at \$75,000. Whether you are just beginning the journey with your new family or starting a new chapter in the story of your life, Ravenwood is the answer for anyone wishing to customize their home to fit their lifestyle. This distinguished wooded development will afford you the ability to build the life you always dreamed you would give your family. It will be an affordable investment that will provide you and your loved ones a bright future. A lifetime of happiness begins here.

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

We look forward to hearing from you soon.

RAVENWOOD

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

www.ravenwoodhomes.com



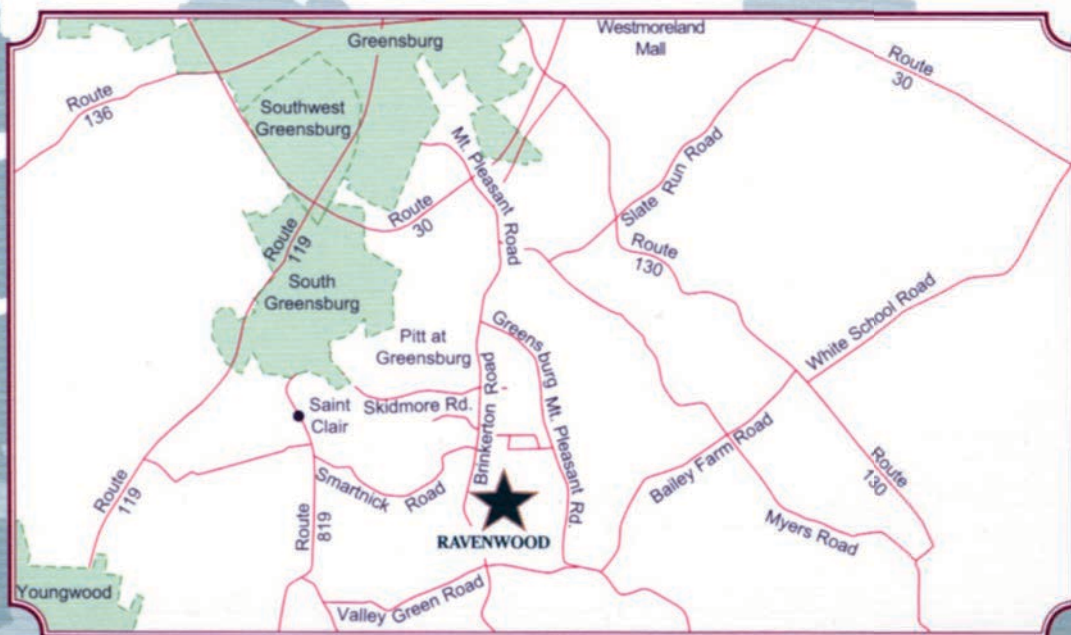
RAVENWOOD

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

16 Homesites Remaining

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

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



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

www.ravenwoodhomes.com

Visit Our Website for Directions

Electronic Digital Billboards On Route 30 in Greensburg, PA



Advertise effectively right here!



- These billboards are strategically located within one of the most heavily traveled sections of Route 30.
- The two billboards are located on Route 30 near the Route 119 and Route 30 intersection. One billboard can be viewed from eastbound travel on Route 30 and the other can be viewed from westbound travel on Route 30.
- The billboards operate 24 hours a day and are 12 feet by 24 feet in size.
- Approximately 50,000 cars drive by this location each day.
- Use the latest in technology to maximize the results and value of your advertising campaign budget.
- When you personally see the billboards you will immediately recognize the stunning, eye-catching, and impressive advertising qualities they possess. Take a drive by to see for yourself.
- Each viewing is 7.5 seconds long, this will give you 60 views per hour, 1440 views per day.
- Take advantage of the chance to advertise affordably in Westmoreland County's prime retail district.
- Your ad can be changed and you can run different ads at the same time.

Contact us today to learn more about this great advertising opportunity!

DeNunzio Properties
724-837-7262