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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
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JUNE 2016

Tim Hewitt's 1,000-Mile Journey Raises \$8,000 for Bar Foundation

**“But I would walk
five hundred miles
And I would walk
five hundred more
Just to be the man who
walked a thousand miles
To fall down at your door
– The Proclaimers”**

by Pamela Ferguson, Esq.

Except in rhetorical hyperbole, most of us would never promise to walk 1,000 miles for anyone. But Tim Hewitt is not like most of us. When the Board of Directors of the Westmoreland Bar Foundation asked him if they could solicit pledges for every mile he traveled in this year's Iditarod Trail Invitational, he graciously said “yes.” That promise netted the Pro Bono Program more than \$8,000.

Not only did Tim complete the journey as promised, he won the race and set a record for the fastest foot time in Iditarod history: 19 days, 9 hours, and 49 minutes. Described as one of the “toughest athletes in the world” by “Fitter for Life” author Ed Mayhew, Tim has braved subzero degree weather, blinding and impassable snow, ice, blowholes, wild animals, illness, and injuries trekking the 1,000

miles from Knik to Nome not just once, but nine times! Since the foot race's inception in 2001, Tim has won eight times—a feat to which no other racer has even come close.

If you're wondering what would possess anyone to want to walk 1,000 miles across the Alaskan wilderness once, let alone nine times, you're not alone. It's certainly not for money or fame, because there are no prizes awarded and no media coverage to speak of outside of a smattering of local papers and outdoor enthusiast blogs. When asked by Evan Erickson from KSKA-Anchorage Public Radio in March of 2015 why he keeps returning, Tim replied: “People say, are you nuts, why do you keep going back? But every time, it really is a different experience. Every time you get to Nome, you think I'm never doing this again, it's ridiculous, and within a month or two there's magnetism about just being out there in the wilderness.”

Tim claims this is it—he's done—but he's said that before. Craig Medved, an Alaskan journalist who has written about Tim and his adventures on the

Iditarod Trail, is skeptical that this is Tim's last hurrah. After this year's race, Craig quoted Tim as saying: “There's nothing more for me to prove. I don't think I'm capable of doing any better. It was the best trail ever; I've got the north (trail) record, the south record, the overall, the unsupported. I've got all the records nobody wants.”

Except the bike record, Craig reminded him. Tim has never ridden his fat bike to Nome. He tried in 2015, but was forced to quit the trail before reaching the Yukon River. Tim had intended on trying to ride again this year, but the mild weather forecasts beckoned him to try the foot race one more time to beat his twenty-day record set in 2011. As we now know, Tim made the right decision: another record-breaking feather in his cap and a much-needed financial boost for the Pro Bono Program.

Financial solicitations are always difficult; however, that's the bread and butter for nonprofits. With dwindling grants, the Pro Bono Program is operating at a deficit this

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Tim Hewitt

President's Message

Back to the Future

by John M. Noble, Esq.

I've always been the type to keep at least one eye on the rearview mirror any time traveling forward. So, when I began this presidential journey, I looked back to my several predecessors from more than a decade ago. One thing seems quite clear: the more things seem to have changed,

the more they have stayed the same. See for yourself.



■ “We need to be generally concerned about our clients. We need to worry about providing quality services to them. We need

to be honest at looking at proposed legislation not from the viewpoint of whether it is taking away business from us but rather, is it leaving our clients unprotected?” —WBA President Richard Flickinger, 2000.

■ “I dare you to join the WBA, attend the events we schedule and then try to say that you didn't enjoy or get any benefit from being a member. You may get your cake from your office, but the Westmoreland Bar Association is certainly the icing on that cake.” —WBA President Diane Murphy, 2001.

■ “More and more, clients are obtaining limited legal information and authority from the internet for *pro se* representation and subsequently we are asked to review their attempt at self-representation. Unfortunately, most of the time it is after the fact and we are left to clean up their mess.” —WBA President Diane Murphy, 2001.

■ “Times are a-changing, as we well know. Multi-disciplinary practice, multi-jurisdictional practice, increasing *pro se* litigants, non-legal service providers, self-service legal forms and information—the list goes on and will continue to expand.” —WBA President John Campfield, 2001.

■ “The rule of law is of prime importance in our society, the rule of law will not be the subject of rapid change. The profession and ‘business’ of law, however, will be. We must devote our resources to understanding the challenges, envisioning needed measures, and pursuing them without fail or hesitation. Then, we will be upholding our oath to the law and to ourselves as lawyers.” —WBA President John Campfield, 2001.

■ “What we now see is the vanishing of leisure time and the ‘treadmill syndrome’ of running harder to stay in place. The paradox and irony of modern work and modern life is that increased wealth and education, which should enable us to understand the value and

importance of time, bring a greater sense of tension about time. We find ourselves caught in a consumption syndrome, focused on concepts that attempt to consume more time within the finite entity of what I call ‘human time.’ Multi-tasking is one of these new concepts. But is multi-tasking an answer or a problem?” —WBA President John Campfield, 2001.

■ “1. Read all the rules that tell lawyers how to play nice. These include, but are not limited to the Rules of Professional Conduct.

These rules instruct us on how to be nice to our clients and the Judges—something we should have known if we had any common sense.
2. Pay particular attention to Pa.R.C.P. 1023.1, also known as the

‘put up or shut up’ rule. In other words, don't waste everyone's time and money initiating a lawsuit that has more holes in it than a slice of Swiss cheese, based on ‘facts’ pulled out of thin air. It ain't nice, can cost your client money, it can cost you money and you're going to get some Judge really upset. 3. Be nice to the lawyer on the other side, even if it kills you. In a small county such as ours, when it comes to lawyers interacting with lawyers, what goes around comes around.” —WBA President Aaron Kress, 2003.

■ “Our association always needs fresh ideas to pass along, and I hope you'll be active on the committees and in running for office. If there is something you believe our

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“We certainly continue to struggle with the issue of “to change or not to change?” We will continue to work diligently to be on the right side of the evolution.”

got news?

Do you have news to share with the sidebar? Making Partner? Engagement? Marriage? Birth? Moving? Retiring? Anniversary? Milestones? Awards? Community Involvement? Accomplishments? Email westbar.org@westbar.org and we'll publish your news in the next available issue.

David Millstein Receives 2016 Louis J. Goffman Award

by Pamela Ferguson, Esq.

David Millstein was chosen as this year's recipient of the Pennsylvania Bar Foundation's Louis J. Goffman Award for his work as the Director of the Westmoreland Bar Foundation's Pro Bono Program. Founded in 1989, the Louis J. Goffman Award recognizes an individual and/or organization each year for exemplary dedication to addressing the legal needs of the poor and disadvantaged.



Pamela Ferguson

Only two members of our Bar Association have received this prestigious award: David, and Milton Munk in 2005.

Anyone who knows what David has done for the WBF Pro Bono Program would not be surprised that he is this year's recipient. Prior to 2013, the Pro Bono Program met the growing legal needs of our community's impoverished residents through the volunteer services of a mere 10% of our local attorneys. After assuming the position of Director, David expanded the Pro Bono Program into an efficiently-run legal clinic that handled roughly 700 cases last year and has volunteer help from many different members of the local bar.

“Success isn't measured by personal achievements or financial gain, but by how much you help others.”

Recognizing a desperate need to address the issues of the ever-increasing number of *pro se* parties navigating uneducated and uniformed through custody court, David helped reorganize the Pro Bono Custody Attorney Program. Through this program, eligible clients are afforded legal representation at the custody conference level to encourage consent custody orders and relieve the court's burgeoning custody caseload. This program has been credited with reducing the number of unrepresented litigants by 20%.

During the forty-plus years David has been a practicing attorney, his focus has been on helping others, particularly those who are less fortunate. He is the personification of justice for all, not just justice for those who can afford it, and the exemplification of the dedication the American Bar Association was encouraging from all lawyers when

Rule 6.1 of the Model Rules of Professional Conduct were promulgated.

In Rule 6.1's aspirational statement, the

ABA encouraged all lawyers to render at least 50 hours of free legal services each year to persons of limited means or to organizations designed to address the needs of people of limited means. Providing free legal services for the indigent is at the core of maintaining a free and equitable legal system and is an inherent aspect of the legal profession. David's commitment far exceeds 50

hours, but who's counting? According to David, success isn't measured by personal achievements or financial gain, but by how much he helps others.

The awards ceremony took place during the Pennsylvania Bar Association's Annual Meeting on May 12 at the Hershey Lodge. David was presented with a commemorative plaque and a monetary contribution, which he donated to the Westmoreland Bar Foundation to further fund the Pro Bono Program. ■

QA
The WBA's Executive Director Diane Krivoniak has a candid conversation with Pro Bono Director David Millstein.

Q DAVID, YOU WERE THE FOUNDER AND DIRECTOR OF THE DUQUESNE UNIVERSITY LAW SCHOOL CIVIL RIGHTS CLINIC FOR SEVERAL YEARS. HOW DOES THIS CURRENT PRO BONO WORK COMPARE TO THE WORK YOU DID FOR THE UNIVERSITY?

A Doing civil rights work can cut across a wide range of endeavors that may or may not have an economic component to them. The pro bono work is, by its nature, intended to benefit those who cannot otherwise afford representation. Admittedly, it's mostly landlord/tenant, divorce, support and custody, social security,

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Remembering Elizabeth Bailey

Editor's note: Elizabeth Bailey passed away on Friday, January 29, 2016. She is survived by many close friends in Murrysville and the surrounding communities. Memorial contributions may be made to the Redstone Benevolent Care Fund, 126 Matthews Street, Greensburg, PA 15601, or a favorite charity.

by Beth Orbison, Esq.

At the time of her death in January at age 95, Elizabeth Bailey was the oldest practicing attorney in Pennsylvania, having practiced law for 68 years. When she graduated from Duquesne Law School in 1948, she was the 76th woman admitted to the Allegheny County Bar Association. The options for a female lawyer at that time were limited and her first job was searching titles with Lawyers' Title Company. A year later, she joined the law practice of James Tallant in Murrysville, and they practiced law together for 46 years until Mr. Tallant's death in 1994. Elizabeth recalled the disadvantages faced by her gender in those early years, saying, "Everyone paid attention when Mr. Tallant would talk, and I could say the exact same thing, and no one listened. Now a lot of people listen and seek advice." Indeed they did.

She was known for treating her clients with respect and her opponents with civility. Judge McCormick recalled a trial involving a lawsuit over shoddy workmanship in which Elizabeth's adversary was an unschooled, bombastic Russian cabinet-maker, who insisted on representing himself. Although this *pro se* litigant presented more than the usual challenges, Elizabeth handled herself—and him—with manners and grace. Of Elizabeth, Judge McCormick said, "She was a gentlewoman in the best sense of the word, with a quiet, unassuming personality and a great intellect." In fact, she could recite to the Court the metes and bounds in a Deed description by memory.

Judge Ober remembered the time Ms. Bailey filed a petition on behalf of an undocumented immigrant who was seeking some sort of novel legal relief. When Judge Ober asked Elizabeth on what legal authority she based her argument, she answered in the direct,



Photo courtesy of the Penn Franklin News.

unapologetic, no-nonsense way that she was well-known for, and said, "I have none. It just seems like the right thing to do." And Judge Ober did the right thing, and granted the petition.

But I knew another side of Elizabeth.

We didn't meet, and subsequently develop a mutual affection for one another, because we had the law in common. We met about 16 years ago in a 12-week-long Tai Chi class. In those 12 weeks, she persuaded me that I should pursue the practice of yoga, something I'd not tried before, but a practice she'd begun in her mid-70s after hip replacement surgery. She insisted that I go back home with her one evening where she would lend me a yoga mat, give me a brief demonstration, and direct me to the best yoga instructor in the area. And this marked the beginning of our friendship. We'd see one another two times a week on average in yoga class and attend weekend workshops together taught by internationally known instructors.

Most remember Elizabeth as reserved, proper, and fairly buttoned-up, but occasionally I saw another side. One time I hesitated to pay a hefty fee to attend a weekend yoga workshop conducted by a swarthy, muscular, temperamental, arrogant yogi from Greece. But Elizabeth insisted we go, saying

Looking for a special way to remember someone?

**births deaths
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passing the bar**

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

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



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Remembering The Hon. Charles E. Marker

Editor's note: The Hon. Charles E. Marker died Friday, March 11, 2016. He is survived by his wife of 59 years, Bunny Marker; daughter, Joyce L. Maybach, of New Stanton; daughter, Teri J. Selestak (John), of St. Louis; son, Scott Charles Marker (Diane), of Greensburg; daughter, Melanie K. Mesich (Joseph), of Greensburg; five grandchildren, Alissa, Jordan, Jonathan, Scott, and Charlie; brother-in-law, Bardo P. Galloro, of Greensburg; and a number of nieces and nephews. Memorial contributions can be made to the Adelphoi Village or Hempfield No. 2 Volunteer Fire Department.

by The Hon. John E. Blahovec

The Honorable Charles E. Marker died on Friday, March 11, 2016. This outstanding man was known to so many friends, colleagues, and citizens simply as Charlie Marker. He was a distinguished Judge, Family Court pioneer, Divorce Code expert, Family Court Administrator, prominent lawyer, great cross-examiner, loving husband, devoted father and grandfather, loyal friend, and trusted colleague. So many fine qualities made up this individual but they all are contained in those two words, Charlie Marker.

I was privileged to know him first as a hero, then as a boss, then as a mentor, then as a colleague, and finally as a dear friend. Charlie Marker was one of the most important people in my life and his guidance and influence and wisdom will be with me until we meet again. It is my honor to share some thoughts with you about the Charlie Marker I was privileged to call my friend.

Charlie was born January 29, 1932, in Pitcairn, the son of the late Robert and Flora E. Marker. He graduated from Trafford High School in 1949. His love for Trafford was known by anyone who knew him. He received his bachelor's degree in 1953 from the University of Pittsburgh and his law degree from Ohio Northern University School of Law in 1956. Charlie helped so many Westmoreland County students attend that school that in Westmoreland County, Ohio Northern

was commonly known as—you guessed it—the Charlie Marker School of Law.

After two years of Army duty at Fort Knox, Ken., Charlie began working with another legendary Trafford lawyer, A.C. Scales, and became a partner in the Scales law firm. Subsequently, Charlie practiced law for many years with his dear friend Clarence McBride in the law firm Marker and McBride.

“His most lasting legacy may be the thousands of children—delinquent, dependent, and those caught in the maelstrom of custody disputes—whose lives he changed for the better.”

In addition to his private practice, Charlie was also hired as Westmoreland County's first Family Court Administrator. It became his job to help litigants resolve custody disputes if possible, and if not, it was his duty to submit a recommended Order to the court until a trial could be held. His “temporary orders” became final on numerous occasions because they were well reasoned, sensible, and fair, and always based on his almost intuitive understanding of the best interest of the children involved. Over the years we have called those preliminary custody proceedings such names as



conferences, hearings, conciliations, mediations, etc. In Charlie's day, we all simply called them—you guessed it—Charlie Marker hearings.

Charlie was a Family Court pioneer. In 1979, he was elected to the Court of Common Pleas of Westmoreland County and was assigned the county's first full-time Family Court Judge/Juvenile Court Judge. He served with distinction until his retirement in 2009. Despite his crushing Family Court/Juvenile Court schedule, Charlie accepted the call of his judicial colleagues to serve a five-year term as President Judge beginning in 1991.

Charlie established the First Youth Commission in Westmoreland County and honored the community participants by hosting an annual Youth Commission banquet. He enthusiastically supported Juvenile Court week and hosted an annual Scholar-Athlete Awards dinner. In 1983, he received the Juvenile Court Program Of The Year award, and the following year he received an award, presented by the National Council of Juvenile and Family Courts of America, for the Most Outstanding Volunteer Program in the Juvenile Court of America. In 2004, Adelphoi Village honored Charlie's career of dedication to Juvenile Justice by dedicating the Judge Charles E. Marker home in Latrobe. His other awards and recognitions are too

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Meet Jessica Turberville

The Westmoreland Bar Association welcomes the newest staff member, Jessica Turberville, who started with the bar association in December 2015.

A Westmoreland County native, Jessica is a graduate of Norwin High School, WCCC legal assistant program, and the paralegal program at CCAC. She was hired as the administrative assistant upon Cathy Klosky's retirement in November.

Jessica brings nine years of experience as a legal secretary for one of our Irwin/North Huntingdon attorneys, Tim Dawson, who also happens to be a Norwin grad. Jessica's background in law has prepared her perfectly for our Lawyer Referral Service and her organizational skills have helped declutter and modernize our paper-filled office. She has endeared herself to the staff and our members with her quick wit, easygoing attitude, and her ability to work with multigenerational professionals.



At left: Bob, Tessa, and Jessica Turberville.

Jessica and her husband, Bob, reside in (you guessed it) North Huntingdon with their "just" one-year-old daughter, Tessa. Stop in to say "Hi!" or send her a welcome-to-the-bar email at westbar.org@westbar.org. ■

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Back to the Future *continued from page 2*

association is not addressing, please contact me. If you have ideas about how we can be more appealing to non-members, please let me know. More importantly, getting to know your colleagues and Judges on a personal basis is invaluable and, frankly, a lot of fun." —WBA President Jim Silvis, 2005.

■ "Our local Bar Association functions only because we have the revenue from the Legal Journal to keep us solvent. With the increase in communications systems and the updated technology, the Law Journal, as we know it, will go by the wayside and that revenue stream is expected to be dramatically curtailed. For that reason, the Planning Committee and the Board have been working diligently over the past three years to put money into investments that will grow and eventually endow the

Bar Association so the programs and operations will be able to continue." —WBA President Rebecca Brammell, 2006.

■ "... [F]ind in your fellow colleagues at the Bar the wisdom of their experience. Take a few minutes to share your concerns with the other lawyers and if you need help ... ask." —WBA President Rebecca Brammell, 2006.

Given the still very relevant past-presidential messages above, we certainly continue to struggle with the issue of "to change or not to change?" Along with the current WBA Board, we will continue to work diligently to be on the right side of the evolution. ■

Did you know? The final volume of the Westmoreland Law Journal published in bound, book format was Vol. 95 in 2013. All compilations of weekly opinions beyond 2013, as well as those from 2011-2013, are available in fully searchable PDF format at www.westbar.org/bound-volumes.

New Leadership Elected, Awards Presented at Annual Meeting



WBA Past President Maria E. Soohey hands the ceremonial gavel to WBA President John M. Noble at the Annual Membership Meeting held on Monday, April 4, at Rizzo's Banquet Hall.

At the Annual Membership Meeting of the Westmoreland Bar Association held on Monday, April 4, at Rizzo's Banquet Hall in Crabtree, John M. Noble assumed the office of president.

As principal of noblemediation in Greensburg, John concentrates his practice in civil arbitration and mediation. He completed his undergraduate degree at Washington and Jefferson College and earned his law degree from the Duquesne University School of Law.

John succeeds Maria E. Soohey, General Counsel and Chief Financial Officer of Aestique Medical Center, and will serve a one-year term as President.

OTHER ELECTION RESULTS

James P. Silvis was elected Vice President, and John M. Ranker was chosen to serve a three-year term on the Board of Directors. Other board members include Directors Daniel J. Hewitt and Margaret Maloy Tremba; Past President Maria E. Soohey; Treasurer L. Christian DeDiana; and

Secretary/ Executive Director Diane Krivoniak.

Sharon N. Wigle and David S. DeRose were elected to the Membership and Building Committees, respectively. Both will serve five-year terms.

AWARDS PRESENTED AT MEETING

Kristen C. Weidus was presented with the Outstanding Young Lawyer Award for outstanding leadership and distinguished service to the legal

profession and the community; and the Young Lawyers Committee was named Committee of the Year.

Jason N. Huska was named Pro Bono Attorney of the Year in recognition of his noteworthy volunteer legal representation of indigent Westmoreland County residents.

Outstanding Young Lawyer

Kristen C. Weidus

Committee of the Year

Young Lawyers Committee

At the Annual Meeting of the Westmoreland Bar Association, Kristen C. Weidus was recognized as the 2016 Outstanding Young Lawyer. This award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community.

A member of the Westmoreland Bar Association since 2012, Kristen is the immediate Past Chair of the WBA Young Lawyers Committee, which was honored as Committee of the Year for 2015-2016.

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New Leadership, Awards *continued from page 7*

An associate with Ruder Law Offices in Pittsburgh, Kristen resides in Greensburg. She earned a B.A. in English, with a minor in ethics, from Hiram College, and earned her J.D. from The University of the District of Columbia David A. Clarke School of Law.

Q CONGRATULATIONS, KRISTEN. WHAT DOES THE OUTSTANDING YOUNG LAWYER AWARD MEAN TO YOU PERSONALLY?

A The award means a great deal to me. As a Pennsylvania, and more specifically, Westmoreland County transplant (being originally from Ohio), I feel very fortunate to have been so warmly welcomed to this county's legal community. I see this award as a tangible reminder that I am in the right place, and that I have found my home, both personally and professionally.

Q WHAT DOES THE AWARD MEAN TO YOU PROFESSIONALLY?

A It solidifies for me the importance of following your passions.

I went to law school with the goal in mind of practicing in the fields of disability rights, special education, and school law. Professionally, this year I made the difficult decision to move to a firm whose office is in Pittsburgh, but that affords me the opportunity and encourages my continued presence and practice in Westmoreland County. This firm, Ruder Law, practices exclusively in the areas I continue to passionately pursue. I am humbled and appreciative each time I receive a referral from a Westmoreland County colleague, and this award reminds me that I can remain a valued part of the legal community in this county, no matter where my primary office is, and that the WBA recognizes my commitment, as well.

Also, I believe that by recognizing me in this way, the Bar Association has given me a significant professional



The award winners showing off their hardware (from left to right): Kristen C. Weidus, Outstanding Young Lawyer; Allison Thiel, Past Young Lawyers Chair, Committee of the Year; and Jason N. Huska, Pro Bono Attorney of the Year.

opportunity—my name is spreading and for a young lawyer wishing to develop a lasting impact in her field, this is extremely important, and appreciated.

Q HOW DID YOU FEEL UPON LEARNING YOU WON BOTH THE OUTSTANDING YOUNG LAWYER AND THE COMMITTEE OF THE YEAR AWARDS?

A Upon receipt of both awards, I felt honored and humbled. All of the young lawyers on the committee worked very hard this year, and I feel truly fortunate to have worked with such an incredible group. Also, I recognize that without the work of each and every member of the committee, we would not have achieved the things we did, which I believe were worthy of being recognized in this way.

I believe that my participation in and interaction with the other young lawyers on the committee, both this year and since I began practicing in Westmoreland County, has helped me become the lawyer that I am today. So in short, without all of the young lawyers I've had the pleasure of working with, I would not have achieved the individual award, and I am so grateful for each of them.

Q DO YOU HAVE ANY ADVICE FOR FUTURE CANDIDATES FOR THE AWARDS?

A The best advice I can give is to fully immerse yourself in the Bar Association, and take advantage of the opportunities membership provides. There are so many incredible lawyers in this county, and by actively engaging with the WBA you can learn a great deal. Also, if a young lawyer has a strong desire to be a positive impact on the legal community, and the county as a whole, I truly believe WBA membership is a great place to start. ■

Pro Bono Attorney of the Year

Jason N. Huska

At the annual meeting of the Westmoreland Bar Foundation held April 4, 2016, Jason N. Huska, an associate with Ferguson Law Associates in Latrobe, was named the 2016 Pro Bono Attorney of the Year. This award is given to the attorney who has provided noteworthy volunteer legal representation to indigent Westmoreland County residents.

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

A I was very happy to receive this award. My mother and father always taught me that you should help those less fortunate and stand up for those who weren't able to stand up for themselves, whenever the situation calls for it, so to receive this award truly meant a great deal.

Q WHAT DOES THE AWARD MEAN TO YOU PROFESSIONALLY?

A Professionally, I feel that this award is an incredible honor. I think that most of us, when we are called to the practice of law, have an inherent desire to help others, and have a belief that our legal system is a fair one. That our system should and does allow for the "little guy" to get a fair shake. To be recognized by my colleagues with an award that exemplifies these ideals is truly an honor.

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

A I was surprised and humbled. I was surprised because I had no idea that I was a candidate for the award, so when I heard Judge Blahovec describing this year's award winner, I was thinking, "Wow, that guy sounds familiar." But, in all seriousness, I was also humbled by the recognition. Our Bar Association and profession in general have no shortage of members who are committed to their community and consistently give of themselves, whether in donating time or money, and I know that many of us also provide pro bono legal representation from time to time for the less fortunate client whose case, for whatever reason, strikes a chord within us.

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

A The only advice that I would give is to look within ourselves from time to time. We are, as a group,

blessed to have the careers that we do, and for many of us, we owe these careers to the communities we serve. So if we look within ourselves and feel grateful for what we've been given, maybe we can give back from time to time utilizing our unique set of skills.

Q WHY ARE YOU INVOLVED IN THE PRO BONO PROGRAM?

A My involvement in the Pro Bono Program allows me to pursue the ideals that led me to the practice

of law in the first place: specifically, wanting to help others and wanting to help someone to ensure they are treated fairly when involved in a dispute.

The representation of Pro Bono clients can, at times, be challenging, but it is also very rewarding; and if anyone else is considering getting involved with the Pro Bono Program, I cannot recommend it highly enough. ■

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Remembering Elizabeth Bailey *continued from page 4*

that it was worth paying the premium for the weekend workshop just to look at him.

She was self-effacing. Elizabeth had been practicing yoga for almost 10 years when a young man, comparing himself to her, complimented her on her mastery of the handstand pose. She looked at him and said, “Well, no wonder, you’ve only been practicing yoga for two years. Don’t worry about it.” Yet at the time she was in her late-80s, and this young man was in his mid-30s, and she failed to see the irony in the situation. She executed many yoga poses beautifully, but well into her 80s, she would occasionally fret about the fact that she hadn’t mastered the hand stand, and explained to me that she would practice in the evenings at home by propping her feet up on the bed, hands down on the floor, and kicking up to the ceiling. She never gave up.

Although never a mother herself, she had the maternal instincts of a caregiver—nurturing, supportive, generous, and encouraging. Because she didn’t hesitate to deliver unfiltered criticism or a frank opinion, a compliment or a word of encouragement from Elizabeth meant so much more. She was cool, but she could be very warm.



At left: Elizabeth Bailey at the University of Pittsburgh, 1941. Above: Elizabeth Bailey demonstrating the dhanurasana in Sanskrit or “the boat pose” in 2004 at age 83.

In her late-80s and far from being ready to do anything as unproductive as to retire, she joined the Murrysville law firm of Creenan & Baczkowski. The change required her to adapt to their office’s way of doing things, which had its challenges for a woman as independent and self-driven as Elizabeth, a woman who had been her own boss for a long time.

Walt Baczkowski quipped that when internal office issues arose, he and Jim Creenan would invite Ms. Bailey to join them for dinner at her favorite Italian restaurant. But before beginning any serious discussion, they’d order her a Black Russian, her favorite drink, which ensured that discussions would be more friendly and therefore, go more smoothly. At the conclusion of the discussions, Ms. Bailey would look at Walt very seriously and ask, “Am I going to be fired?” Little did she know that it was Walt and Jim who feared she would fire them.

Ms. Bailey’s perspective on her career was this: “I have not done great things, only numerous little things which most people have appreciated, and I appreciate their appreciation.” With genuine humility, she believed that the most rewarding part of her career as a lawyer was the opportunity to help others. The goal was never the fee.

Her paralegal of many years, Patty Kennedy-Zafred, who was also a dear friend and support to Elizabeth, particularly in her final years, said that when Elizabeth realized that she wasn’t going to work anymore, which was just a few months prior to her death, she was ready to go. Her work was her life.

Elizabeth Bailey was the last surviving member of her family. But she leaves behind a legacy of dear friends, fellow attorneys, generations of grateful clients, and a marvelous example of longevity, self-sufficiency, generosity, energy, and spirit.

Elizabeth, I am grateful that you were in my life, and wherever you are, I hope you’re still working on your handstand. ■



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New Members Presented to Bench, Bar at Annual Ceremony



New members of the WBA were presented to the bench and bar on March 30, 2016. From left to right: Claire E. Throckmorton, Christopher Skovira, Lisa C. Peluso, Michael W. Hilliard, Christina Gongaware, Adam N. Quatrini, Kenneth F. Noga, Jane Myhers (also shown in inset), Marco F. Sylvania, Richard J. Lorenz, and Nicholas R. DiNardo.



On Wednesday, March 30, 2016, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President Maria E. Soohey, and an invocation by the Rev. Marnie E. Abraham, each admittee was introduced to the court by a member of the association.

The new members presented to the court were: Nicholas R. DiNardo, presented by Lawrence D. Kerr; Christina Gongaware, presented by The Hon. Rita D. Hathaway; Michael W. Hilliard, presented by Lawrence D. Kerr; Richard J. Lorenz, presented by Richard H. Galloway; Jane Myhers, presented by Lawrence D. Kerr; Kenneth F. Noga, presented by Brian D. Aston; Lisa C. Peluso, presented by James Irwin; Adam N. Quatrini, presented by Vincent J. Quatrini, Jr.; Christopher Skovira, presented by Scott E. Avolio; Marco F. Sylvania, presented by The Hon. Michele G. Bononi; and Claire E. Throckmorton, presented by Lawrence D. Kerr.

Following the presentation to the court, Kristen Weidus and Michael J. Stewart greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles

American Inn of Court, respectively. President Judge Richard E. McCormick, Jr., then spoke on behalf of the court. A reception for the new admittees was held at The Rialto in Greensburg immediately following the ceremony. ■

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William Shakespeare
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Remembering The Hon. Charles E. Marker

continued from page 5

numerous to list, but his most lasting legacy may be the thousands of children—delinquent, dependent, and those caught in the maelstrom of custody disputes—whose lives he changed for the better.

A source of Charlie's strength was his beloved wife of 59 years, Bunny. Everyone who knew Charlie knew how inseparable they were. Charlie was the proud father of Joyce L. Maybach, Teri J. Selestak, Scott Charles Marker, and Melanie K. Mesich, and he especially doted on his five grandchildren, Alissa, Jordan, Jonathan, Scott, and Charlie.

Charlie also had an extended family at the Courthouse, including Judge Earl S. Keim, Judge Gilfert M. Mihalich, his long-time secretary Rita McFeeley, his Minute Clerk Jesse Marto, and his tipstaves, Joe Yeneral and Alda McCartney. They were a warm, caring, loyal group and they made any appearance in Charlie's chambers a pleasure. Mike Stewart, Charlie's trusted friend and outstanding law clerk, worked with Charlie to explain and interpret the new Divorce Code, making new law that became relied upon around the state. All-Counts Officer Jack Mansour settled economic issues in divorce cases like Charlie used to settle custody issues. It was a busy chambers with a lot of great people who went out of



Bunny and The Hon. Charles E. Marker at the 2000 Holiday Dinner Dance.

their way to help and welcome Westmoreland County's second full-time Family Court Judge in 1986.

Charlie's encouragement and tutelage changed my life and helped me achieve a goal I never dreamed I could reach. I have always said that without Judge Marker there would never have been a Judge Blahovec. Charlie made me believe I could do the job, and he never stopped teaching and guiding and correcting, right up until the time I went to his home to discuss my retirement. The education he afforded me, together with his friendship, has been priceless.

For all the children and families he helped over the years, I am sure Charlie has found a special place in Heaven. I miss him, I miss his smile, and I miss his wisdom, and for all the things he taught me and for all of his kindnesses to me and my family, I always will. ■

Tim Hewitt's 1,000-Mile Journey Raises \$8,000 for Bar Foundation

continued from page 1

year. Unfortunately, a great mission does not guarantee sustainability. Adaptation of fund-raising methods is imperative in this growing global economy where the world is getting smaller and the competition for limited donors is high. That is why Tim's pledge money is so appreciated. A private person who has broken more records and overcome more physically demanding and life-threatening hurdles than any of us will ever experience in a lifetime, if at all, Tim recognized the need and was willing to help.

While the race is over and the pledges are in, it's never too late to help. We can't promise to walk a 1,000 miles; but in a few steps, we, too, can make a difference. ■

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Photo by Jill Homer

Tim Hewitt's triumphant finish at 11:48 pm AST.

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Spotlight on Zach Kansler

Editor's note: Zach Kansler is the new Chair of the WBA Young Lawyers Committee. His one-year term began at the 2016 Annual Meeting, held April 4 at Rizzo's Banquet Hall in Crabtree. Zach is an associate with Tremba, Kinney, Greiner & Kerr, LLC, in Greensburg. Other election results for the Young Lawyers Committee included Zachary Mesher, Chair-Elect; Timothy Miller, Treasurer; and Nicole LaPresta, Secretary.



Q WHAT JOBS HAVE YOU HELD PRIOR TO BECOMING AN ATTORNEY?

A I have had part- or full-time jobs since I was about thirteen. These included doing general maintenance work, excavation, landscaping, snow

resort lift attendant, and working as a lead lifeguard at Camelbeach Mountain Waterpark in the Poconos.

Q WHAT IS THE QUALITY YOU MOST LIKE IN AN ATTORNEY?

A That they are reasonable.

Q WHAT IS YOUR FAVORITE JOURNEY?

A Something simple, like walking the dog with my wife on the trails in Duff Park, Murrysville.

Q WHAT IS YOUR GREATEST REGRET?

A Not being able to see my grandmother one last time before she passed away.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A My parents. They have given up so much to get me where I am today.

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

A Just stay calm. It takes a few years, but you will become more comfortable with and confident in your legal abilities. But never get cocky.

Q WHAT IS THE BEST ADVICE YOU EVER GOT?

A Judge Caruso once told me, when I was in my second year out of

continued on page 14



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Spotlight on Zach Kansler *continued from page 13*

law school, just to deal with the stress and it will get better. He told me that the first five years are always the most difficult—the early mornings, late evenings, learning the law, and learning who you are as an attorney. But when you get through those tough years, it becomes much easier and enjoyable. He was right.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Marrying my wife.

Q WHEN AND WHERE WERE YOU HAPPIEST?

A Sitting in a lawn chair in the creek in my backyard with friends, family, and the dogs, listening to music and drinking some good homebrew.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My homebrew “sculpture.” It is a fully pumped home brewing setup.

it's a boy!



Congratulations to Zach Kansler and his wife, Kelsey, who welcomed their son, Finley James Kansler, on May 25, 2016. He weighed 6 pounds, 12 ounces, and measured 20.5 inches.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A When people speak like an authority about things that they do not understand.

Q WHAT ARE YOUR FAVORITE HOBBIES?

A Brewing beer, gardening, and working on things, like cars or our house.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A I would like to be more skillful with mechanical and electrical tasks.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Honesty and loyalty.

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

A Brewmaster.

Q WHAT IS YOUR MOTTO?

A I have two: “Don’t worry about what you cannot change,” and “Every day is a holiday.” ■



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MARCH 2016 TRIAL TERM

Of 17 cases listed for the March 2016 Civil Jury Trial Term, two settled, eleven were continued, one was discontinued, one was tried in a non-jury trial, and two resulted in a jury trial.

STEVEN LIVELY, JR.**V.**

**JOHN DONALDSON
AND TR TRUCKING &
EXCAVATING, INC.
NO. 5850 OF 2011**

*Cause of Action: Negligence—
Personal Injury*

On September 21, 2009, at approximately 7 a.m., Plaintiff was driving his truck on New Salem Road in Uniontown when he was struck in the rear by a truck being driven by Defendant John Donaldson, an employee of Defendant TR Trucking & Excavating, Inc. As a result of the collision, Plaintiff alleged he suffered various injuries, including an annular tear with disk herniation at T7-T8 and chronic pain syndrome. Plaintiff alleged Defendants were liable for the accident and requested monetary damages as compensation for his injuries, including loss of income since 2009 of over \$1 million, as he claimed to be permanently unable to perform his previous job as a pipeline welder.

Defendants alleged the collision was minor and Plaintiff's injuries were not serious, but merely a cervical strain and sprain. Defendants further argued that Plaintiff's complaints were totally subjective with no objective findings by medical tests.

Trial Dates: March 14–16, 2016

Plaintiff's Counsel: David M. Landay, Pgh.

Defendants' Counsel: Sharon L. Bliss, Wexford

Trial Judge: The Hon. Anthony G. Marsili

Result: After a three-day trial, a 10-2 verdict was entered in favor of the Defendant and against the Plaintiff.

**JURY TRIAL
VERDICTS**

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

VINCENT J. BREZOVIC**V.**

**ERIE INSURANCE EXCHANGE
NO. 3869 OF 2006**

Cause of Action: Breach of Contract

On May 15, 2005, Plaintiff's residence at 446 Westland Drive in Greensburg was destroyed by fire. The property was insured for loss by Defendant. Pennsylvania State Trooper Andolina, the investigating fire marshal, testified that because gasoline was spilled at the foot of the basement stairs and in two separate locations in the master bedroom, the fire was ruled arson.

Plaintiff made a claim under the homeowner's insurance policy for the loss. Defendant refused to pay,


accusing Plaintiff of igniting the fire and citing an exception in the contract that did not require coverage for a loss intentionally caused by the insured. Plaintiff argued because he was never criminally charged with arson, Defendant breached the insurance contract by failing to pay on the claim.

Trooper Andolina testified there was insufficient evidence to seek criminal charges against Plaintiff.

Defendant counterclaimed for breach of contract alleging Plaintiff violated the contract through fraud and misrepresentation. Despite the absence of criminal charges, Defendant argued there was sufficient evidence that Plaintiff had motive and opportunity to set the fire.

Shortly before the fire, Plaintiff's wife requested a divorce and obtained exclusive possession of the residence. She testified on behalf of Defendant, stating Plaintiff had threatened that she could not live in the house if he could not live in the house. Also, Defendant argued Plaintiff, who normally traveled between Greensburg and North Carolina for business, was in town during the weekend of the fire despite a lack of business in the area at the time. Defendant also knew Wife would not be in town the weekend of the fire.

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Jury Trial Verdicts *continued from page 15*

In addition, the person who set the fire left objects sentimental to Wife on the master bed, right below a gasoline can that still contained gasoline. Defendant argued the only people who were aware of the sentimental value of those objects were Wife and Plaintiff.

Since Wife had an alibi for the weekend in question, argued Defendant, Plaintiff had to have been the one to set the fire for revenge against his estranged Wife. Under Defendant's theory, the only reason why Plaintiff was never criminally charged was because he refused to submit to the investigator's interrogation or a polygraph test, after initially agreeing to do so.

Plaintiff testified there was no motive for him to set the fire, because at the time he still believed he and Wife would reconcile. Also, he spent the entire night of the fire at his brother's residence in Oakland. Plaintiff's brother testified he would have known if Plaintiff had left the residence during the night because an alarm would have sounded when any exterior door or window was opened. Plaintiff argued the condition of the master bedroom and the items taken

from the residence indicated the fire was set to cover up a burglary.

The parties stipulated to damages, agreeing Defendant would pay Plaintiff \$102,487.34 in the event the verdict was in Plaintiff's favor; and Plaintiff would pay Defendant \$123,612.81, the amount paid out to Wife for her share of the insurance proceeds plus expenses, in the event the verdict was in Defendant's favor.

Trial Dates: March 14–16, 2016

Plaintiff's Counsel: Bruce H.

Gelman, Law Offices of Bruce H. Gelman, Pgh.; and Thomas A. Will. Thomas A. Will & Associates, Pgh.

Defendant's Counsel: Arthur J. Leonard, Robb Leonard Mulvihill, Pgh.

Trial Judge: The Hon. Christian F. Scherer

Result: Verdict in favor of Defendant in the amount of \$123,612.81. The jury found that Plaintiff caused the fire at his residence.

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

MAY 2016 TRIAL TERM

Of 15 cases listed for the May 2016 Civil Jury Trial Term, five settled, eight were continued, one was transferred to arbitration, and one resulted in a jury trial.

PORT VUE PLUMBING, INC.

V.

MOUNT PLEASANT TWP. MUNICIPAL AUTHORITY NO. 1289 OF 2013

Cause of Action: Breach of Contract

Plaintiff entered into a contract with Defendant on or about November 2010, to upgrade and expand its sanitary sewer system. Said upgrade included a wastewater treatment facility and three pump stations.

Plaintiff alleges that, while the contract was to be completed by November 2011, occurrences not caused by the Plaintiff delayed the completion until approximately September or October of 2012. Plaintiff alleges that the Defendant did not provide it with full payment of its final bill and therefore Defendant breached the contract. Plaintiff claimed said breach caused monetary damages in the amount of approximately \$510,000 and requested a verdict in its favor.

Defendant alleges it was Plaintiff that caused some of the delays regarding the completion of the contract and therefore it was Plaintiff who breached the contract. Defendant therefore claims that it was permitted under the terms of the contract to reduce the final payment to Plaintiff, and accordingly requested a verdict in its favor.

Trial Dates: May 9–11, 2016

Plaintiff's Counsel: David Raves, Pgh.

Defendant's Counsel: Chad I.

Michaelson, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: After a three-day trial, a 10-2 verdict was entered in favor of the Defendant and against the Plaintiff. ■



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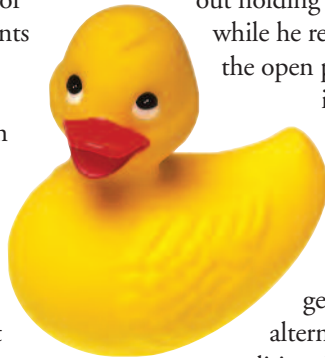
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To-Wit: Then It's A Duck

by S. Sponte, Esq.

I was in no hurry to open the envelope because I really didn't want to read the opinion inside. Call it a hunch, lawyer's intuition if you will, but as Han Solo is fond of saying during his own moments of rising terror, I had a bad feeling about this.

The subject at hand was an unopposed change of name proceeding, as cut and dried a matter as there is in the law. My client had certainly met the nominal burden of proof required by statute, but instead of just simply signing the pro forma order I had prepared, something any knowledgeable and experienced judge would have done in a heartbeat, His Honor announced that this matter presented him with complex issues which required intense



legal analysis and that he would accordingly have to ponder his decision.

As my understandably perturbed client and I stood while Judge exited the courtroom, I noticed he walked out holding his gavel in one hand while he repeatedly smacked the open palm of his other with its head; he was also foaming slightly at the mouth, and as I realized when I finally read the opinion, such body gestures, perhaps alternatives to the more traditional and familiar form of digital gesticulation, were indeed infallible predictors of the result.

"I'm denying this petition," His Honor had written, "because Petitioner's current surname shines as a bright yellow star in tribute to

his nationality. Changing it would be a grievous insult to both his Swiss heritage and his Swissy friends. Further, if God had intended this petitioner to have a different name He would have had him born to different parents."

"Swiss heritage?" "Swissy friends?" Did His Honor hate the Swiss? Was he a closet Suissaphobe? Oddly enough my client isn't Swiss, he comes from Alsace-Lorraine, but apparently for Judge that was close enough. His playing of the God card troubled me as well. Isn't that sometimes the most common refuge of bigots?

There may, however, be another explanation. Judge has only recently been elected to the bench and did

continued on page 22




G

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Daniel Joseph

Westmoreland Revisited

Why Albert Gallatin?

We know the name, but not much more about this Western Pennsylvania lawmaker, Treasury Secretary, and diplomat.

by The Hon. Daniel J. Ackerman

An hour's drive south of Greensburg will bring you to the Friendship Hill National Historic Site, situate upon a forested tract which was within Westmoreland County until 1786



The Hon. Daniel J. Ackerman

when, for better or worse,¹ the General Assembly gave birth to the new county of Fayette. A winding drive through the pines and hardwood leads to an isolated hilltop crowned by the stone mansion house built by Albert Gallatin in 1801, with several

subsequent additions that give the finished home a somewhat ungainly appearance. It is no Monticello or Montpelier, but for the western frontier it was an imposing structure, and the young immigrant who built it on the 400 acres he purchased in 1786 would become an intimate friend and trusted advisor to the owners of those more imposing mansions, Thomas Jefferson and James Madison.

AN IMMIGRANT'S TALE

Albert Gallatin was born January 29, 1761, the only son of an aristocratic family in the city state of Geneva (in present-day Switzerland); but by age 9, he was orphaned and thereafter was raised by a caring and devoted woman who was his father's cousin. A family trust ensured a classical education, but he was adrift as far as his professional

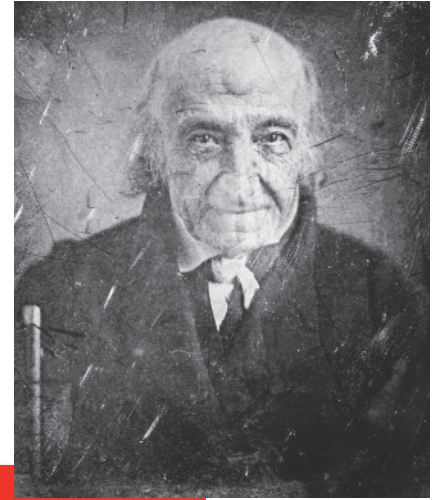
aspirations were concerned. His grandmother prodded him to consider a military career, as the family had distinguished itself in the profession of arms—Voltaire joked that the Gallatins had been killing themselves in the service of the French for a couple of centuries—but Albert, who was slight of stature and bookish, was not so disposed.

That is not to say that he lacked spirit or the taste for adventure. He was impressed by the essays of Rousseau, also a Genevan, favoring the rejection of materialism, and a belief that man's happiness is best found by living in his original state of nature—which Albert concluded could be found in America.

He and two of his teenage friends dreamed of such an adventure, but only two, Albert, then 19, and Henri Serre, without a word to their families, booked passage on a ship bound for Philadelphia.

Their itinerary, however, was altered by the events of the American Revolution, which was then in progress, and the ship's destination was changed to Boston, where they entered upon a futile attempt to obtain employment (Albert could look forward to an inheritance from his late parents, but he was not eligible to claim it until he attained the age of 25). With no prospects in Boston, the two young scholarly types moved on to Maine, then a part of Massachusetts, where they were employed for a year as woodcutters.

Perhaps cutting wood on a full-time basis was too much of a return to one's natural state, so in October 1781, with the war ending for all practical purposes due to the British capitulation at Yorktown, the two returned to Boston and found positions as French



Daguerreotype of Albert Gallatin, original probably by Anthony, Edwards & Co.

tutors. For Albert, this would evolve into his first real employment as a French teacher at Harvard College. Henri eventually made an unfortunate decision to seek his fortune in Jamaica, where he would die of fever a few years later.

In 1783, Gallatin met a Frenchman in Boston: Jean Savary de Valcoulon, a collections agent for a French capitalist who had provided money and goods to the state of Virginia during the Revolutionary War. Savary arrived in America speaking no English, and was charged with the task of collecting debts due his principal from the state. In order to do so, Savary hired Gallatin as his interpreter, and the two headed for Richmond.

The collection efforts must have been lucrative, for Gallatin wrote that he intended to buy lands in the Ohio River valley, and more in Virginia when he came into his inheritance. Shortly thereafter, he obtained a one-quarter interest in a warrant purchased by Savary to 120,000 acres

¹ Christopher Hays in a letter to William Moore, President of the Supreme Council of Pennsylvania, warned, "If the New County should take Place Westmoreland County will be Totally Ruined, and in a short Time will Become Easy Pray to the Enemy."

in western Virginia, to be paid for at a later date. While in Richmond, he became acquainted with a number of prominent persons, including John Marshall and Patrick Henry. Marshall, then still a practicing lawyer, extended to the young interpreter the opportunity to study law in his office, though Gallatin decided to decline.

His interest in these outlying lands drew him to the frontier to survey and to evaluate the area for future business possibilities. With his purchase of acreage along the Monongahela River in 1786, his plans for the building of Friendship Hill, and his marriage² to Sophie Allegrè in May 1789, he must have felt that the dreams which motivated his coming to America had come to fruition. But in October of the same year they were married, Sophie died, and the grieving newlywed buried her as she requested in an unmarked grave overlooking the river.

There was no turning back, however; this was to be his home despite the loneliness caused by

² Sophie's mother, who maintained a boarding house where Gallatin lodged, initially opposed the marriage saying that she didn't want her daughter dragged around the borders of Pennsylvania with some uncouth man who mutters English like a Frenchman and who was only a schoolteacher in Cambridge.

Sophie's loss, for he had started to put down roots. After Pennsylvania's ratification of the United States Constitution in December 1787, Gallatin, an Anti-Federalist who feared the Constitution would allow for a monarchical government, had been elected in August of 1788, at age 27, as a delegate to a Pennsylvania convention which would propose constitutional amendments to the U.S. Constitution. A year after that, in the same month that Sophie died, he had been elected as a delegate to the state constitutional convention.

MR. GALLATIN GOES TO WASHINGTON

Two years later, and a year after Sophie's death, he was elected to the Pennsylvania House of Representatives, where he served for three consecutive sessions. He was an active voice, both in and out of the legislature, for the farmers in his district who opposed the excise tax imposed by the new federal government—opposition which would lead to the Whiskey Rebellion in western Pennsylvania, a development he did his best to defuse. And then an odd series of events transpired.

Initially, members of the U.S. Senate were elected, not by the electorate, but by the state legislatures;

and in February 1793 Gallatin was literally drafted by his colleagues in the legislature to fill a Senate vacancy, notwithstanding his contention that he was legally ineligible to serve.

The constitutional requirement for the office at the time provided that a senator must have been a citizen of the United States for nine years at the time of his election. Gallatin pointed out that he took the oath as a citizen of Virginia in October 1785, and therefore fell short of the nine-year requirement.

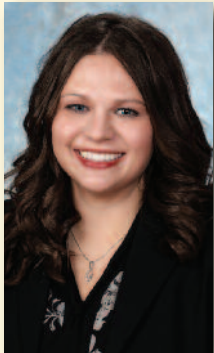
The legislature obstinately disregarded this technicality and elected him anyway. He dutifully assumed his seat in the Senate and then, as he had predicted, was ousted by the Senate on a 14-to-12 party line vote for failure to meet the citizenship requirement.

The year he left the Senate also held a promise of better times, for he met Hannah Nicholson, the daughter of a distinguished naval officer, from New York, whom he would marry in 1794. He was thirty-two years old, and she was twenty-five. Their marriage, which brought forth two sons and three daughters, would last 55 years.

His popularity had remained intact notwithstanding the Senate debacle, and in 1794 he was elected simultaneously to house seats on both the state and federal levels. After some political machinations, he took his seat in Congress.

Albert Gallatin, though a quiet gentleman, was not one to hold back his opinions, and within ten days of taking his seat he proposed the creation of a committee to "superintend the general operations of finance." The resolution, which created what would later be known as the House Ways and Means Committee, was adopted in a mere four days and Gallatin was appointed as one of the fourteen members. He is also remembered for his opposition to the Alien and Sedition Act (1798), which was an ill-fated attempt to silence anti-government speech.

continued on page 20



Galloway-Monzo, P.C.
is pleased to announce that
Allison Thiel, Esq.,
formerly the judicial law clerk to
**The Hon. John J. Driscoll, has joined
the firm and will be practicing at their
newest location of 204 West Main Street,
Ligonier, as well as the Greensburg office.**

Ms. Thiel is a native of Ligonier and has been practicing since 2010. She is a graduate of Penn State University and Widener University School of Law. Allison is an active member of the Westmoreland County Bar Association having served as chair of the Young Lawyers Committee, co-chair of the Bench/Bar Committee and is a board member of the Ned J. Nakles American Inn of Court. Allison was also named the Outstanding Young Lawyer of the Year in 2015.

Ms. Thiel can be contacted at 724-238-6000 or www.gallowaymonzo.com.

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Why Albert Gallatin? *continued from page 19*

IN CHARGE OF THE FINANCES OF THE UNITED STATES

In 1796, Thomas Jefferson, then the vice president under John Adams, wrote to James Madison that the finances of the country were beyond understanding, and expressed his desire that “our Gallatin would undertake to reduce the chaos to order and present us with a clear view of our finances.” As a result, Gallatin produced 170 pages detailing every aspect of the economy which he simply titled, “A Sketch of the Finances of the United States.”

Gallatin’s financial acumen made him the obvious choice to head the Treasury when, in 1800, Jefferson defeated the sitting president, John Adams. It was a position he would hold for fourteen years under both Jefferson and his successor, James Madison.

At the time of the transfer of the capital, in 1800, from Philadelphia to Washington, the Treasury was the only domestic department of the executive branch, and was the biggest department in the federal government. The total number of all federal employees in Washington was 125, of which 80 worked for the Treasury; and the department also included 1,200 clerks and agents scattered around the country. During his first six years at the Treasury Department,



A statue of Albert Gallatin, who served as Secretary of the Treasury for fourteen years under Thomas Jefferson and James Madison, stands outside the Treasury Department in Washington, D.C.

sound policies brought stability and reduction of the national debt, but this success was upended by Jefferson’s ill-conceived attempt to avoid taking sides during the Napoleonic War by the passage of the Embargo Act of 1807, legislation which Gallatin opposed and which resulted in a self-inflicted wound upon the economy.

The capstone of Jefferson’s first term was the Louisiana Purchase for \$15 million with Albert Gallatin handling

the financing, as it was not a cash transaction. Rather, the U.S. provided France with \$11.25 million in six-percent loan stock which was not redeemable for fifteen years. The remainder of the purchase price was spent in the United States to satisfy American claims against France.

Two years prior to the acquisition of the Louisiana territory, Jefferson sent a letter to Captain Meriwether Lewis, who was stationed in Pittsburgh, offering him a position as the new president’s secretary. The selection of an army officer was explained directly: “Your knowledge of the Western country, of the army and all of its interests & relations has rendered it desirable ... that you should be engaged in that office.”

In addition to the annual salary of \$500, residence in the “President’s house,” a servant and a horse, Jefferson noted that the position “would make you know & be known to characters of influence in the affairs of our country, and give you the advantage of their wisdom.” The frontier and westward

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expansion was already foremost on the president's mind.

One of the "characters of influence" Jefferson referred to was Albert Gallatin, who would eventually work with Lewis in calculating the necessary financing of what would become Lewis' Corps of Discovery.

One of Gallatin's many interests was collecting maps, and he had one made for Captain Lewis which was a composite of what was then known about the United States, the Missouri River, and the northwest coast on the Pacific Ocean—with some speculation as to what might lie in-between.³ Lewis' appreciation of Gallatin's efforts was apparent when Lewis named the three rivers which met, in what is now southwestern Montana, to form the Missouri River, the Jefferson, the Madison, and the Gallatin.

Gallatin's talents and usefulness were not confined to the Treasury. During the War of 1812, after his tenure as secretary expired, President Madison appointed him to lead, first, a delegation to St. Petersburg to explore Tsar Alexander's proposal to mediate the conflict, and then, the U.S. delegation which was charged with direct negotiations with the British in an attempt to end the war. The result of the second assignment was the Treaty of Ghent—which historians credit as his greatest achievement—which secured the peace; though word of the signing did not reach America soon enough to avoid the Battle of New Orleans.

On his return to America, Madison appointed him as minister to France, a position in which he adroitly served—having never lost his European manners—for seven years, enhancing the U.S. relationships with that country.

The year 1825 found Gallatin out of government

and back at Friendship Hill, a place which had seen little of him during his government service. He and Hannah, to be frank, had had enough of the isolation in this sequestered corner of Pennsylvania, which he regarded as a "troublesome and unproductive property," and moved to a rented house in Baltimore, leaving their sons with the responsibility of selling it—a task which took seven years. It eventually sold for \$3,500.

In 1826, yet another president called upon his services. This time, it was John Quincy Adams, who sent him to London to negotiate, among other things, the setting of the borders for Oregon and Maine. While the discussions resulted in an improvement of relations with England, settlement of the border issues would not be finally resolved for years. This was the last of his service to the government. Wholesale changes were made when Andrew Jackson was elected; these changes did not include Gallatin, who viewed Jackson as a crude bully.

THE FINAL YEARS

At age 70, he and Hannah moved to New York City where they found themselves to be a good fit in its cosmopolitan setting. There, between 1830 and 1849, he was a prolific writer on financial issues; pursued his interest in education by being one of the founders of New York University and its first president; was the first president of the National Bank of New York; served as president of the New York Historical Society; and pursued his study of American Indians and other native peoples, which had been a hobby through most of his adult life, and led to his founding of the American Ethnological Society.

A fuller life is hard to imagine. Hannah passed away in the spring of 1849, and Albert died the same year on August 12, at age 88.

EPILOGUE

I used the question "Why Albert Gallatin?" for this article because it is one I had to wrestle with when I started to write. While he was a

lawmaker, he wasn't a lawyer, and his relationship to Westmoreland County is, as you have seen, extremely tenuous. But, as I learned, he was one of the most impressive figures to ever call western Pennsylvania his home, and yet how little his accomplishments and service to the nation are known. It was, in the end, a pleasure to get to know him, even at this distance. ■

SOURCES

- Ambrose, Stephen E. *Undaunted Courage: Meriwether Lewis, Thomas Jefferson, and the Opening of the American West*, Simon & Schuster, 1997.
- Dugan, Nicholas. *Gallatin: America's Swiss Founding Father*, NYU Press, 2010.
- Franklin, Ellis. *History of Fayette County, Pennsylvania*, L.H. Everts & Company, 1882.

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³ The map is on display at Friendship Hill.

David Millstein Receives 2016 Louis J. Goffman Award *continued from page 3*

unemployment, real estate taxes, bankruptcy, and a few other areas, but its aim is to pay attention to the needs of the have nots in this world and there is a particular kind of gratification that can only come from not being paid on purpose.

Q I BELIEVE THE PHRASE “PRO BONO” MAKES MANY ATTORNEYS CRINGE. THEY OFTEN COMMENT THAT THEY EACH DO THEIR OWN SHARE OF PRO BONO, WHETHER IN FEES OWED BUT NEVER COLLECTED OR THROUGH THEIR CHURCH AND CIVIC RESPONSIBILITIES. WHY SHOULD WBA MEMBERS CARE ABOUT THE WORK OF THE WBF PRO BONO PROGRAM?

A Almost every lawyer that I know does some form of free work, for church or synagogue, for Boy/Girl Scouts, for any one of thousands of organizations that lawyers belong to as

part of their social, religious, or community lives. Some even represent the country clubs they belong to. It's worthy work, except maybe for the country club, but it's not pro bono, not in the truest nature of the concept.

We lawyers are charged with the responsibility to assist those less fortunate, it's just that some of us are more charged up than others. I don't consider working for one's church or bowling league to be in the same category as helping the less financially well off members of society.

I think the reason why many lawyers cringe at the thought of pro bono work is that it is frequently not very tidy. The nature of the work requires you to get your hands dirty, to go back to the rudiments of lawyering, district justice courts, less educated clients, quarreling that doesn't involve corporate counsel, mergers, no

insurance negotiations, tedious chores for sometimes tedious people, and it often takes a lot of patience and a lot of time.

Q YOU HAVE HAD OTHER SUCCESSES AS A LAWYER, WITH YOUR TEACHING, YOUR PHILANTHROPIC ACTIVITIES, AND YOUR S. SPONTE ARTICLES, PUBLISHED IN BOTH THE PENNSYLVANIA AND THE WESTMORELAND BAR PUBLICATIONS. DOES RECEIVING THE GOFFMAN AWARD HOLD ANY SPECIAL MEANING FOR YOU?

A Of course. First, it's an acknowledgement from my peers that my work is appreciated. That means a great deal. Second, doing pro bono work requires a certain generosity of spirit. It's always nice when that gets recognized.

Q I WAS WITH YOU IN THE BEGINNING WHEN YOU HAD A MEETING WITH THE FAMILY COURT JUDGES TO OUTLINE A PLAN TO HELP THE BENCH WITH THE OVERWHELMING REQUESTS FOR EMERGENCY CUSTODY ORDERS. HOW HAS THAT PROGRAM WORKED FOR PRO BONO AND WHAT HAS BEEN THE OVERALL RESPONSE ABOUT THE REVAMPED PRO BONO PROGRAM FROM THE JUDGES?

A It has been a success. We have been instrumental in cutting down on *pro se* representation. That means there are less unrepresented clients bickering in the halls of family court and more lawyers doing it. But cases get moved more efficiently and more judiciously with representation than without, and in that regard we've helped.

Q WHAT HAS BEEN THE MOST SURPRISING INSIGHT THAT YOU HAVE ENCOUNTERED AS THE MANAGING DIRECTOR OF THE PRO BONO PROGRAM?

A I've had a lot of cooperation from the Bench and from District

To-Wit: Then It's A Duck

continued from page 17

not come to it with a whole lot of lawyering experience. Perhaps it's possible then that His Honor's bizarre decision in this matter is simply a consequence of that lack.

In my search for comprehension, I reread the transcript of the hearing. “So help me out here,” His Honor had remarked to my client at its outset. “What's it like to be from the land of cheese?”

“I wouldn't know,” my client replied, “I've never been to Wisconsin.”

At some later point in the hearing, Judge remarked to my client, “I'm not sure I understood correctly what you were just saying. Perhaps you could yodel it for me.” Something was starting to smell bad here.

Now, every opinion gets unavoidably filtered through a Judge's brain, and

as the facts and the law appurtenant thereto wend their way through that process they are always raped by the mind. Sometimes that's a good thing, sometimes it is not, but when the byproduct of that enigmatic ruckus breaks from reality, one needs to take notice.

When the look, smell, walk, and talk of things tell you a judge sees the world with vision so scarred that his condition and the human condition will never see eye-to-eye, what do you do? With little cases like this, the ones no one can afford to appeal, the ones driven more by pragmatism than principles, there isn't much to be done. All you can do—the best you can do—is point and say, “Duck!” ■

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Justices. They all recognize the need for this work, both for the results obtained and for preventing the courts from getting bogged down with unrepresented clients. I'm grateful for the interest a few judges have shown; it will help enormously regarding the long-term viability of the office and in changing the culture of the legal profession with respect to this work.

Q WORD ON THE STREET IS THAT YOU HAVE CLOSED OR ARE CLOSE TO CLOSING YOUR PRIVATE PRACTICE. SO WHAT WILL HAPPEN WITH PRO BONO WITHOUT YOUR OVERSIGHT/ INVOLVEMENT?

A I do intend to give up office space at the end of the year. I do not intend to fully retire. I will do some selective cases and will continue with Pro Bono for a while yet.

Q TALK ABOUT THE CHANGES THAT YOU HAVE MADE TO THE PROGRAM SINCE YOUR ARRIVAL IN 2013. WHAT CHANGED AND HOW HAS THAT IMPACTED THE LEVEL OF SERVICE TO THE CLIENTS?

A There are two significant changes. The most important involves the hiring of the staff. Amanda Stein and Terrilyn Cheatham are superb at running the office. Kudos to the Westmoreland Bar Foundation for hiring them and for slowly getting their pay to appropriate, or nearly appropriate, levels. Next, because I'm the Director, I meet face-to-face with many clients to initially assess their problems. Sometimes I can help them, sometimes not, but that they get to

talk to a real live lawyer who listens to them is a very valuable and appreciated experience. They leave the office hopefully thinking that someone will listen to them and offer them some advice, and I feel grateful that I'm the one who gets to do it.

Q HOW BEST CAN THE BAR MEMBERS SUPPORT THE PRO BONO PROGRAM? WHERE ARE THEY NEEDED?

A The support from our local colleagues has been impressive. Because everyone knows I do this as a volunteer, most of the colleagues I ask to take a case now and again say yes. I appreciate it very much. Occasionally though, a tough case comes along, something that will take a will and an effort to resolve. That is where we need the most help, and luckily, to date, our colleagues have come through. I need it to continue.

Q YOUR WORK AS A PRIVATE PRACTITIONER WAS MOSTLY IN THE CIVIL RIGHTS AREA. WHAT BACKGROUND DID YOU HAVE IN RUNNING A PRO BONO PROGRAM?

A Well, that's actually not entirely true. I spent a lot of years doing personal injury, real estate, and family law; I didn't start to concentrate on civil rights until maybe twenty years ago. Although I had no experience in running a pro bono program, I had plenty of experience doing the kinds of cases it involves. As for the administrative stuff, I still don't know squat about that. Fortunately, you and Amanda and Terrilyn do. ■

it's a boy!



Congratulations to Adam Gorzelsky and his wife, Kaitlin, who welcomed their son, Landon Nicolas Gorzelsky, on March 20, 2016. He weighed 6 pounds, 12 ounces, and measured 18 inches.

BRIEFLY SPEAKING



Former WBA member **Rabe F. Marsh III** sends word that he is officially retired. "I enjoyed my experiences as a member of the Westmoreland Bar Association, my fellowship with members of the bar ... but as they say, I'm retired: no office, no secretary, no business phone, no clients, and no fees." He and his wife, Diane, are now living in Cranberry Township, Butler County. ■



Erica Laughlin, a Director with Strassburger McKenna Gutnick & Gefsky, has been named a "2016 Lawyer on the Fast Track" by *The Legal Intelligencer*, the country's oldest law journal. Each year, *The Legal Intelligencer* asks the legal community to nominate Pennsylvania attorneys under the age of 40 to be named part of the next generation of great lawyers. Nominations are reviewed by a six-member judging panel of evaluators from across the state. Erica is one of 35 attorneys in Pennsylvania selected to receive this honor. Resident in the firm's Pittsburgh and Greensburg offices, Erica practices civil litigation in state and federal courts. ■

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CALENDAR OF EVENTS

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

JULY

- 4** Courthouse closed in observance of Independence Day
- 13** Real Estate Committee, Noon
- 18** [CLE] Trial and Error: The Charles Goldblum Case, Noon to 2:45 p.m., 2.5 substantive credits available
Board Meeting, 4 p.m.
- 19** Family Law Committee, Noon
- 20** Elder Law & Orphans' Court Committees, Noon

AUGUST

- 8** [CLE] Bridge the Gap, 9 a.m. to 1 p.m., 4 ethics credits available
- 10** WBF Scholarship Awards Ceremony, 4 p.m., Judge Feliciani's Courtroom
- 16** Family Law Committee, Noon
[CLE] New Lawyers Bootcamp: How to Get Emails, Texts, Social Media and other Electronically Stored Evidence Admitted, Noon to 1:15 p.m., 1 substantive credit available
- 19** WBA Annual Summer Picnic, 4:30 p.m., Chez Noble Resort Spa and Gaming Casino
- 25** [CLE] Video Compliance Seminar, 9 a.m. to 2:45 p.m., 3 substantive and 2 ethics credits available

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Trial & Error: The Charles Goldblum Case 2.5 Substantive credits available

Monday, July 18, 2016

12:00 pm - 2:45 pm

WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 15, 2016.

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WBA Members- \$30 per credit hr.

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July 18, 2016 Bench/Bar Video Replay — Trial & Error: The Charles Goldblum Case

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**Monday,
August 8, 2016
9:00 am - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:
(Must be prepaid & received at the WBA
office by 12 pm August 5, 2016)
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As a courtesy of the Westmoreland Bar Association, this seminar is being offered **FREE** to **newly admitted attorneys** who are required to complete the Bridge the Gap program by their first CLE compliance deadline.

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

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Bridge the Gap — August 8, 2016

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To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm August 15, 2016.**

**Tuesday,
August 16, 2016
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

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Non-Members - \$50 per credit hr.
Young Lawyers - \$15 per credit hr.

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**Thursday,
August 25, 2016
WBA Headquarters
9 am - 2:45 pm**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12:00 pm August 24, 2016)

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WBA Members - \$30 per credit hr.

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Session 1 — 1 Substantive Credits

9:00 am – 10:00 am (Video from 5/24/16)

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- Intended and unintended consequences.
- Recent legislative efforts.
- The ethics of expungement pro bono

Speaker:

David K. Trevaskis, Esquire

Session 3 — 1 Ethics Credit

12:30 pm – 1:30 pm (Video from 6/10/16)

Whose File Is It Anyway?

Amy has focused her practice on professional liability claims, particularly with respect to lawyers, insurance agents and real estate professionals. She also counsels lawyers and professionals in Professional Responsibility and Professional Ethics matters, as well as representing lawyers in matters involving compliance with the Rules of Professional Conduct.

Speaker:

Amy J. Coco, Esquire

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Session 2 — 2 Substantive Credits

10:15 am – 12:15 pm (Video from 4/14/16)

Personal Injury

- A review of significant case law developments.
- Strategies for handling complex of difficult Subrogation issues.
- Procedural requirements for properly settling a Wrongful Death and Survival Action.
- Discussion of the nuances of engaging in pre-litigation settlement negotiations with insurance claims adjusters.

Speaker:

Michael D. Ferguson, Esquire

Session 4 — 1 Ethics Credit

1:45 pm – 2:45 pm (Video from 6/10/16)

PA Disciplinary Board Primer: Keep Calm & Follow the Rules

This CLE will review the purpose of the PA Disciplinary System, the application and enforcement of the PA Disciplinary rules, the forms of discipline and the resources available for Pennsylvania lawyers to ensure adherence to the rules. Review of recent “hot topic” disciplinary cases will also be discussed to illustrate the application and enforcement of discipline under the Pennsylvania Disciplinary Board.

Speakers:

Lawrence M. Kelly, Esquire & Angelea Mitas, Esquire

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

August 25, 2016 Video Compliance CLE

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour

Non-Members - \$50 per credit hour

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers
(practicing 10 years or less)

Sign me up for:

Session 1 – 1 substantive credit no credits

Session 2 – 2 substantive credits no credits

Session 3 – 1 ethics credit no credit

Session 4 – 1 ethics credit no credit

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To qualify for pre-registration, please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601,
by 12:00 pm August 24, 2016.

Incorporating Digital Forensics in Legal Practice

Presented by PATC Tech

— LIVE — 1.5 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion include:

- Introduction to Digital Forensics in Professional Practice
-Criminal Law, Family Law, Litigation and eDiscovery.
- Legal process for data
-Subpoena, Court Orders and Search Warrants.
- Sources of **electronic information** and methods of data acquisition
-Computers, mobile devices, email, website, networking hardware, social media, cloud storage, IP addresses, call detail records.

Speaker:

Scott Lucas, PATC Tech, Forensics Expert

Scott is a US Army veteran and retired Pennsylvania State Police Trooper, serving 7 years as a member of the Computer Crime Unit, he successfully investigated and prosecuted a myriad of crimes, up to and including Criminal Homicide. Since his retirement from the PSP, Scott has been instructing public agency personnel from around the country in all aspects of digital forensics and computer related crime. Scott has testified extensively in state and federal proceedings, and has been qualified as an expert witness in Digital Forensics in both state and federal courts.

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.

September 14, 2016

Incorporating Digital Forensics in Legal Practice - Presented by PATC Tech

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

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Pre-Registration Fees

CLE Credit:

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

Non-Credit:

- \$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 13, 2016.**

**Wednesday,
September 14, 2016
12:00 pm - 1:30 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 13, 2016)

CLE Credit

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

Non-Credit

\$10 Flat Rate

WALK- IN:

CLE Credit

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

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

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

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

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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.

Using Collaborative and Mediation Skills To Achieve Successful Outcomes in Family Law Cases

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion include:

- Importance of collaborative law and mediation training to your dispute resolution skill set.
- Preparing yourself and your clients for successful discussions.
- C.A.R.P.E. D.I.E.M. method of resolving divorce and child custody matters.
- Dealing with Pro Se parties.
- Benefits to your clients and your practice of methods to be discussed.

Speakers:

Abby De Blassio, Esquire

J. Douglas Farrell, Esquire

One (1) Substantive Credit is available toward your annual CLE requirements.

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

September 20, 2016

Using Collaborative and Mediation Skills to Achieve Successful Outcomes in Family Law Cases

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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

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

Card # _____

Expiration Date _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

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

Non-Credit:

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

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm September 19, 2016.**

**Tuesday,
September 20, 2016
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 19, 2016)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

WALK- IN:

CLE Credit

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

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

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Fax: 724-834-6855

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E-Discovery Ethics: Emerging Standards of Technological Competence

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board of Continuing Legal Education

This hour-long, luncheon session addresses e-discovery ethics and the standards of technological competence that have begun to emerge. Starting with a brief presentation outlining the ABA Model Rule 1.1 and all the areas of legal ethics impacted by technology, the presentation then focuses on the e-discovery element, by reviewing the 9 e-discovery skills recently articulated by the California Standing Committee on Professional Responsibility and Conduct to define e-discovery competence. A practical discussion of each skill follows, with specific references to e-discovery local rules and practices in U.S. Court, Western District of PA. Throughout the focus is on e-discovery skills required for ethical competence and how these skills can be developed and/or acquired.



Speakers:

Chief Judge Joy Flowers Conti

•U.S. Court, Western District of PA (SKYPE)

Richard N. Lettieri, Esquire

•E-Discovery Counsel, Lettieri Law Firm, LLC

One (1) Ethics 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.

October 6, 2016

E-Discovery Ethics: Emerging Standards of Technological Competence

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

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

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

Card # _____

Expiration Date _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour

Non-Members - \$50 per credit hour

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm October 5, 2016.**

**Thursday,
October 6, 2016
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 5, 2016)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

WALK- IN:

CLE Credit

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

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

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Greensburg, PA 15601

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Guardianship Basics

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion:

- How To File A Petition.
- How To Serve & Why.
- Laurel Legal Services, Inc. Role For Alleged Incapacitated Persons Over 60.
- What To Ask At The Hearing.
- Necessity Of Expert Testimony For Guardianship.
- General procedure

TRENDING:

With more and more Baby Boomers hitting their “golden years” be prepared for guardianship issues to protect those who can no longer protect themselves.

Speakers:

- **Kathleen Kemp, Esquire**
Managing Attorney, for Laurel Legal Services, Inc.
- **Todd Turin, Esquire**

One (1) Substantive Credit is available toward your annual CLE requirements.

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

OR submit the form below.

November 17, 2016
Guardianship Basics

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Pre-Registration Fees

CLE Credit:

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- Young Lawyers - \$15 per credit hour

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To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm November 16, 2016.**

Thursday,
November 17, 2016
12:00 pm - 1:15 pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

CLE Credit

WBA Members - \$30 per credit hr.
Non-Members - \$50 per credit hr.
Young Lawyers - \$15 per credit hr.

Non-Credit

No Charge

WALK- IN:

CLE Credit

WBA Members - \$40 per credit hr.
Non-Members - \$50 per credit hr.
Young Lawyers - \$15 per credit hr.

Non-Credit

No Charge

Westmoreland Bar Association

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