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**THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXVIII, NUMBER 6
JANUARY 2017**

Remembering Joe Hudock

Editor's note: The Hon. Joseph A. Hudock passed away on Wednesday, December 14, 2016. He is survived by his wife of almost 51 years, Rita Giegerich Hudock; their four children, Joseph A. Hudock, Jr., and his wife, Maria, of Gibsonia; Dr. Ann Hudock and her husband, Dr. Robin Mearns, of Bethesda, Md.; Dan Hudock, of Greensburg; and Mary Piper and her husband, David, of Delmont; nine grandchildren; and numerous nephews and nieces. He is also survived by his brother, John Hudock and wife, Joanne, of Greensburg; and his sister, Mary McCloskey, of Greensburg.

by *The Hon. John J. Driscoll*

For me, the professional and personal life of Judge Joe Hudock has passed as if in a moment, though, again for me, it first began in 1970. Joe's professional life was remarkable. He practiced law for 11 years or so, was a trial judge for about 11 years, and an appellate judge for about 15. Each experience brought Joe in contact with experienced and able lawyers.

The county law practice world of the 1970s featured many particularly able lawyers, many of whom today are remembered only by the senior members of the bar—the Redlich brothers and their partners, Vince Morocco and Bob Cassol, the Scales and Shaw firm, which included Charlie Marker, Clarence McBride, Tom Ceraso, John and A.C., Jack Lyons, Jay Ober, and many others who rose to prominence in their own right; the Robinson, Fisher, and Long firm, Belden and Sensenich, Tom Anton, the firm of O'Connell, Silvis and Godlewski, and Costello and Snyder

(Dan, who later became a federal district court judge), and others. Among those lawyers, Joe, almost from the outset, was in the middle of the fray as an associate in the busy insurance defense practice of Avra N. Pershing, and he soon became known as a first-rate lawyer of integrity and ability. During those days, Joe would occasionally ponder how his life might have been different had he accepted the job with the Federal Trade Commission. I would argue, "What could be better than living in Greensburg?"

As a trial judge, Joe could efficiently tend to the daily matters presented, or preside in complex trials. He became recognized as consistent and competent in the entire spectrum of cases, whether criminal, civil, or family matters. At one point he handled all

the custody and non-support cases, and would later say that it took four judges to replace him.

In the third sector of his career, the appellate bench, he became known and respected by lawyers and judges throughout the state. His work was clear, well-reasoned, grounded ever so gently in accepted principles of the law. "Ever so gently" because Joe believed it was reasoning as applied to questions of law and facts that should support a case holding; Joe hated the retreat to judicial power and would joke that he would use the power of court only when reasoning failed him.



The Honorable Joseph A. Hudock

Joe's first campaign theme was "Respect for Law, Respect for the Court." He quietly and unobtrusively lived and embodied this theme to the very end. In today's quest for ethics, civility, courtesy, and professionalism, we need only look to the model lived by Joe. He was always easy to talk to, even in tense situations.

As in the life of anyone, it is the innumerable, daily acts and thoughts that give substance to one's biography.

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President's Message

CHANGE: THE FINAL FRONTIER

by John M. Noble, Esq.

THESE ARE THE VOYAGES
OF YOUR WBA BOARD OF
DIRECTORS.

ITS CONTINUING MISSION:
TO EXPLORE STRANGE NEW
WORLDS, TO SEEK BETTER
WAYS.

TO BOLDLY GO WHERE NO
BAR ASSOCIATION HAS GONE
BEFORE ...

Yeah, I know. But what did you expect?—especially from your chronic local lawyer/thespian—currently serving in the role of Starship Captain—who, in this month's episode, reports upon the WBA Board's most recent mission.



SHIP'S LOG: STARDATE 1.2017:

In every legal system I've explored since my entry in 1979, employees, administrative staff, associates and, yes, even law firm partners, are annually evaluated

and reviewed by Personnel/Executive Committees and/or Boards of Directors. I reported the Board's continuing internal assessment of long-time WBA practices in the last episode of *the sidebar*—including the costs/benefits of the WBA building, as well as the current performance review of the WBA staff, both of which have become unsettling issues to a few smaller sectors within the Federation. The following more closely reports upon the status of the Board's ED/staff evaluations.

Prior ship's logs reveal that most of you would have no reason to know

that this is not your Captain's maiden voyage in the management universe where, back in 1994, I was elected to the three-man Executive Committee that managed the Starship Meyer Darragh—then one of the top ten-sized Pittsburgh law firms—with 85 attorneys in five offices in two states. At the same time, I also had been Captain of the local MDBBE Greensburg satellite office—as well as serving as Director of Marketing and Business Development firm-wide.

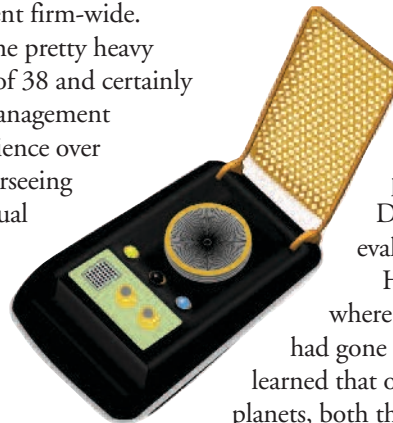
I was wearing some pretty heavy uniforms at the age of 38 and certainly gained a world of management and personnel experience over the many years. Overseeing and conducting annual evaluations and the related issues of job performance, raises, bonuses, reprimands, suspensions, firings, etc., of both lawyers and staff was never easy—but certainly comprised a necessary component of management responsibility. All crew members require timely job performance feedback, positive reinforcement or improvement plans where appropriate, specified goals and/or incentives—regardless of their tenure. Anyone in attendance at Ellen Freedman's WBA Quarterly Meeting CLE heard without ambiguity that little to no oversight of long-time employees is a time-proven recipe for peril—management 101.

Initially led by President Lazzaro and, followed by Madam President Soohey, your Directors pursued the joint mission of exploring the long-debated "building issue" but also the overall associated WBA staffing needs, job descriptions, and compensation, benefits, and pension packages.

As a result of the staffing inquiry, it was surprisingly disclosed that, not only had there not been any recent specific Board review of the staff, there were no staff self-evaluations, no documented Executive Director staff reviews submitted to any Board nor any written Executive Director performance evaluations conducted by any WBA Board. While the WBA Bylaws directly authorize Board review and evaluation of

the Executive Director, there is no record of it having been done over the past 27 years. Accordingly, a process for Executive Director and staff evaluations was developed.

Had we boldly gone where no Bar Association had gone before? Not really. We learned that our closest neighboring planets, both the Allegheny and Washington County Bar Associations, for example, have been perennially and routinely conducting internal performance evaluations of their respective Executive Directors and staff. In their worlds, employees submit self-evaluations, written staff performance evaluations are prepared by the reviewing Executive Director and submitted to the Board, then followed by face-to-face meetings. Similarly, the Executive Director is evaluated by a Personnel Committee—comprised of Board members who report to the Board followed by a meeting where any/all issues—good, bad and otherwise—are discussed and addressed appropriately—not for the purposes of personal affronts or so-called "witch hunts," but for the purposes of improving member services in the best interests of the Association.



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It's Your Chance To Be A Leader

The Westmoreland Bar Association's Nominating Committee is accepting applications from members who would like to serve in leadership positions with the WBA. These positions will be filled by election at the annual meeting on April 3, 2017.

The Nominating Committee will consider applicants for nomination to the office of Vice President of the Board of Directors.

The Nominating Committee also will consider applicants for the following positions:

- One opening on the Board of Directors.
- One opening on the Building Committee.
- One opening on the Membership Committee.

RESPONSIBILITIES OF AVAILABLE POSITIONS

The **Vice President** automatically succeeds the President-Elect at the expiration of the term of the President-Elect then in office, or if the office of President-Elect becomes vacant. In the absence of the President and President-Elect, the Vice President presides at any meetings and carries out the President's duties.

RESPONSIBILITIES OF BOARD MEMBERS

The Board of Directors ensures that the WBA's mission, services, policies, and programs are carried out. Applicants should have experience in WBA activities such as chairing a committee, attending bar functions, and being active in the bar community. In addition, they must be able to think clearly and creatively, and work well with people, individually and in a group.

Interested candidates should know that the responsibilities include attending each monthly board meeting, the annual board retreat, and planning retreat, all bar association and foundation activities, and serving at the president's request.

One position is available, for a three-year term. The Director will:

- Attend all board and appropriate committee meetings and special events.



- Serve on committees and offer to take on special assignments.
- Inform others about the Westmoreland Bar Association and its activities and functions.
- Assist the board in carrying out its fiduciary responsibilities, such as reviewing the organization's annual financial statements.

- Take responsibility and follow through on given assignments.
- Contribute personal and financial resources in a generous way according to circumstances.
- Open doors in the community.

RESPONSIBILITIES OF THE MEMBERSHIP COMMITTEE

The Membership Committee is the first point of contact that most applicants for membership will have with the WBA. One position for a five-year term is available. The Membership Committee member will:

- Attend monthly committee meetings.
- Personally interview and educate applicants on the workings of the WBA, including committee assignments, staff responsibilities, and new lawyer opportunities such as the mentor program, the Young Lawyers, and Pro Bono.
- Make recommendations for membership eligibility and class (participating or associate).

RESPONSIBILITIES OF THE BUILDING COMMITTEE

The Building Committee is responsible for maintaining the management and upkeep of Bar Headquarters. One position for a five-year term is available. The Building Committee member will:

- Attend quarterly committee meetings.
- Be knowledgeable about the utilization of Bar Headquarters for business and social functions.
- Help to develop the annual budget for operation of the building.
- Make recommendations to Board of Directors on matters of concern in building upkeep.

continued on page 4

EDITORIAL BOARD

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The Hon. Daniel J. Ackerman, *Senior Advisor in the Office of Communication Affairs*

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Emily Shaffer, Esq., Susan C. Zellner, *Associate Editors*

Diane Krivoniak, *Managing Editor*

It's Your Chance To Be A Leader continued from page 3

The Nominating Committee—Michael J. Stewart II, Chair, Samuel R. Coury, Terrance C. Ferguson, Charles R. Conway, Timothy C. Andrews, Maria E. Soohy, and Kristen C. Weidus—will meet after the application deadline to review applications, interview candidates, and prepare a slate of nominees to present to the Board of Directors and the membership of the Westmoreland Bar Association.

Any member interested in running for any of these positions should submit an application to the Chair of the Nominating Committee c/o the WBA. An application form is included with this issue of *the sidebar*; or you may download an application at www.westbar.org. A candidate may submit a completed application by first-class mail, fax (724-834-6855) or email (dk.wba@westbar.org).

The WBA must receive the application by 5:00 p.m. on Friday, February 3, 2017.

For more information about any of the positions, contact a Nominating Committee member. ■




We're Looking for Tech Geeks

Love Technology? Have an urge to share your knowledge about how to incorporate technology into the practice of law? Then the WBA needs you. A new task force has been launched by the WBA Board of Directors, and we are looking for lawyers who can help plan seminars to educate bar members about technology issues.


Contact Chair Bill McCabe at 724-331-2591 (he loves FaceTime!) or the WBA office at 724-834-6730 or westbar.org@westbar.org, if you are interested.

**APPLICATION DEADLINE:
FRIDAY, FEBRUARY 3, 2017, AT 5 P.M.**


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Want to Make a Difference in Westmoreland County?

The WBA is looking for WBA representatives to serve on the Laurel Legal Services Inc. Board of Directors. Two openings exist for three-year terms beginning in January 2017. Responsibilities include preparation for and attendance at all quarterly meetings, participation in one of three committees and financial contribution to LLS. All committee and board meetings are held at the LLS Greensburg office with a 6 p.m. start. Interested? Apply by calling the WBA office or by emailing dk.wba@westbar.org.

Lawyers' Exchange

(Free to all members of the WBA)

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Debbie Pfeifer Retires

Editor's note: After twenty-four years of service to Westmoreland County, Family Court Administrator Debbie Pfeifer retired on Friday, January 6, 2017. Jamie Kemp has been named the new Family Court Administrator.

Debbie Pfeifer began her career in 1993 as a victim witness advocate under the tutelage of then-District Attorney John Driscoll, the person she credits with teaching her the importance of fostering interpersonal relationships in the workplace. It is this lesson to which she attributes her success as Family Court Administrator.

When Driscoll was elected to the Common Pleas Court, Debbie left the District Attorney's Office and became his minute clerk. She remained in that position for the next fourteen years, moving with him to criminal court in 1996 and then back to family court in 1998. With each change in chambers, Debbie gained a different perspective, yet maintained the underlying value the judge had espoused as District Attorney and throughout his time on the bench: that respect and temperament are the pillars of success.

"Through observing Judge Driscoll's mannerisms and interactions with people, I learned the importance of treating people respectfully and helping those who cannot help themselves," Debbie said.

With each position she held as a county employee, Debbie followed the judge's example, discovering that success can be achieved only through respecting others' opinions and views and maintaining a high level of transparency, particularly in Family Court where attorneys, judges, and clients, sometimes with diametrically

who's who@ THE COURTHOUSE

BY PAMELA FERGUSON, ESQ.

opposed opinions and views, must work together to reach a resolution. This is not an easy task and has, according to Debbie, been her greatest challenge as Family Court Administrator: "Every judge has a different personality and different way of reaching a resolution, so it's important, as Court Administrator, to understand their personalities and work within their established parameters."

During the six years that Debbie has been our Family Court Administrator, she has met that challenge and set a standard for all who follow in her stead. To her successor, Jamie Kemp, she offers the following helpful hints: Establish a relationship with each judge and his/her staff; be cognizant of attorneys' schedules and coordinate dates before scheduling hearings; and do whatever you can to help each and every judge and attorney resolve any problems that arise. While she admits this may take an extra step or two on the part of the Court Administrator, it is worth it in the long run.

Going the extra mile is what has made Debbie so successful in her career. Amy DeMatt, Westmoreland County's Court Administrator agrees. "Deb has always done whatever it takes to help people, whether they are litigants, new law clerks, attorneys or other court staff," she says. "She's a pleasure to have around and her presence will be greatly missed."

While she is proud of her accomplishments and thankful for the people who have helped her along

the way, she is ready to move on to the next exciting phase in her life. She looks forward to spending more time with family and friends, especially her husband, Dan; son, Danny, and his girlfriend, Laura; and her granddog, Miles, a Golden Retriever who loves to go on long walks with "Grandma."

Born and raised in Mount Pleasant—home of the former Bryce Brothers' hand-blown crystal plant, Lennox Crystal plant and Mount Pleasant Glass Museum—it is only fitting that Debbie would acquire a passion for glassware. With more time on her hands, she plans on opening a booth at Saturday Treasures, an antique store in downtown Mount Pleasant

to sell from her glass collection. Partial to pink and green glass from Smith, Lennox, and Westmoreland, Debbie's collection, accumulated over years of attending estate sales and antique shows, should keep her busy for a while. She is even considering dabbling in online sales.

In excited anticipation of her last day, Debbie walked through the halls of the courthouse with a perpetual grin on her face—a grin that acknowledges the thrill of starting something new and the satisfaction of a job well done.

After years of watching her grow as an employee and a friend, Judge Driscoll offered the following on the eve of her retirement: "Everyone loves Debbie. She always seemed to have everyone's interests in mind, and, at the same time, had immense loyalty to the court system and her job. She was outstanding in the District Attorney's Office and in service to the courts and judges. She will be missed by all." ■



Debbie Pfeifer

SEPTEMBER 2016 TRIAL TERM

No cases were listed for the September 2016 Civil Jury Trial Term.

NOVEMBER 2016 TRIAL TERM

Of the eleven cases listed for the November 2016 Civil Jury Trial Term, four were settled and seven were continued, with no jury trials being held during the Civil Jury Trial Term.

JANUARY 2017 TRIAL TERM

Of the nine cases listed for the January 2017 Civil Jury Trial Term, three were settled and five were continued. One jury trial was held during the Civil Jury Trial Term.

ROBERT TROILO, EXECUTOR OF THE ESTATE OF SANDRA TROILO

V.

**WESTMORELAND COUNTY HOUSING AUTHORITY
NO. 3073 OF 2013***Cause of Action:**Wrongful Death and Survival*

Robert Troilo, executor of the Estate of Sandra Troilo, filed a complaint against the Westmoreland County Housing Authority alleging negligence. On February 4, 2013, Sandra Troilo, the 77-year-old mother of Robert Troilo, was found unresponsive due to carbon monoxide asphyxiation in her Eastgate Manor apartment, which was owned by Defendant. Ms. Troilo was found by her grandson, at which time he observed an open oven door, an oven knob turned to the "on" position, and an undergarment hanging from the knob. It was presumed that Ms. Troilo was using the stove to dry her clothing.

Plaintiff argued that the lack of adequate ventilation in the efficiency apartment caused Ms. Troilo's death by depleting the oxygen in the

**JURY TRIAL
VERDICTS**

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

room and creating carbon monoxide. Plaintiff further argued that Defendant was negligent because Defendant had a duty under the lease to ensure adequate ventilation in accordance with HUD regulations.

Defendant counter-claimed that Ms. Troilo was comparatively negligent in operating the oven with the door open. Defendant argued that the ventilation system was adequate, and the incident would not have occurred but for Ms. Troilo operating the oven in a non-standard manner.

Plaintiff presented testimony that the ventilation system in the apartment did not provide any access to fresh air. The heating and cooling system utilized recycled air from the inside, the bathroom did not have a window or a vent that vented air to the outside, the stove was not vented to the outside, the windows were energy efficient and installed for the purpose of preventing air flow, and the front door was practically sealed on all sides and the bottom. Plaintiff's expert testified that the continued operation of the oven caused a depletion of the oxygen in the room. Since there was no adequate air flow, the oxygen was not replenished in any manner, and as a result, the carbon monoxide level increased and resulted in Ms. Troilo's death. Although Defendant's expert argued that the incident would not have occurred if the oven door was in the closed position, the testing he performed still demonstrated a depletion of oxygen to a level deemed unsafe by OSHA.

Trial Dates: January 3–5, 2017

Plaintiff's Counsel: Alan T. Silko, Bridgeville

Defendant's Counsel:

Paul S. Mazeski, Pgh.

Trial Judge: The Hon. Chris Scherer

Result: Verdict in favor of the Plaintiff. The jury found that both Defendant and Sandra Troilo were negligent; however, only Defendant's negligence was a factual cause of Ms. Troilo's death. The jury awarded Plaintiff damages in the amount of \$868,430.25, which included stipulated damages for funeral costs and lost earning capacity, plus an award of \$750,000 in pain and suffering.

Prior to the verdict, Judge Scherer ruled that Defendant qualified as a commonwealth agency. As a result, sovereign immunity applied and limited the verdict to \$250,000. ■



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Spotlight on Greg Nichols

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

A Shine boy at an auto dealership; Postman (Irwin post office); Foundry worker (Sensenich Foundry, Irwin, Pa.); Lifeguard; Clerk at the Document Room (U.S. Capitol Building); Iron worker.

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

A Practicing with Irv Bloom and Freddie Dent. Great lawyers, but every day was a hoot.

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

A Integrity, honesty, and a sense of humor.

Q WHERE DO YOU LIKE TO TRAVEL?

A Chatham on Cape Cod.

Q WHAT IS YOUR GREATEST REGRET?

A I have very few, but I wish my father

[Al Nichols] would have lived long enough to see his grandsons [Chris and Matthew Nichols] practice in Westmoreland County.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A I have none.

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

A Be honest and never lose your sense of humor.

Q WHAT IS THE BEST ADVICE YOU EVER GOT?

A Be honest and never lose your sense of humor.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Besides marriage and children, becoming a lawyer, getting Ken Burkley to join me in the practice, getting to practice with my two sons, and finding Dawn Parker at a very low point in my professional life.

Q WHEN AND WHERE WERE YOU HAPPIEST?

A Here, today (until tomorrow).

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My family.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Pretension, condescension, and hypocrisy.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A One week per year at Chatham on Cape Cod.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A Clairvoyance.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Friendship.

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

A Teaching/coaching.

Q DO YOU HAVE ANY PETS?

A None alive at this time.


Q WHAT DO YOU DO ON THE WEEKENDS?

A Sweat and get dirty/clean up and go to church and dinner.

Q WHAT IS YOUR MOTTO?

A "How the hell did this happen to me?" ■





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LawSpeak

"The mark of the educated man is not in his boast that he has built his mountain of facts and stood on the top of it, but in his admission that there may be other peaks in the same range with men on top of them, and that, though their views of the landscape may be different from his, they are nonetheless legitimate."

E.J. Pratt, poet (1882-1964).

Change: The Final Frontier *continued from page 2*

The above performance evaluation process has long been the accepted practice in any “real world” and the change to an annual documented performance evaluation of our Executive Director and the WBA staff is what your Board has been working toward, has developed, and has now commenced implementing. As you might expect, this change has not

been without conflict, resistance, and over-reaction. Sure, it would have been much easier to simply “do what’s always been done (or not done),” but your recent Boards have determined that continuing inaction is wholly inconsistent with the Board’s fiduciary obligations to the Association as well as being contrary to the following long-established WBA Mission Statement:

The Westmoreland Bar Association continues a long-standing tradition in FOSTERING EXCELLENCE in professional SERVICE TO ITS MEMBERS, to their clients and to the general community while engendering respect, civility, and camaraderie among the members of the bench and bar.”

(Emphasis added)

To this end, your Board’s mission-based pursuits mandated a thorough assessment of all long-practiced internal WBA operations for the purposes of improving and enhancing member benefits and services—first closely looking within as well as “outside of the box”—in order to maximize not only the costs but moreso the value of your WBA membership.

As John F. Kennedy once famously pronounced, “We choose to go to the Moon in this decade and do the other things, not because they are easy, but because they are hard ...” In this spirit, your Directors have chosen to explore and seek out a world of change from past practices—where justified—full well knowing that the frontier of change is hard. We choose to boldly go where we have not gone before—but where we must go in the best interests of the Association and its members.

These are the voyages of the Westmoreland Bar Association. As always, feel free to become informed and beam aboard with your thoughtful feedback and much-appreciated participation. ■

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To-Wit: Full Of It

by S. Sponte, Esq.

Give it to me straight, Doc,” I said, “I can take it.” Of course we both knew I was lying, but in this, as in all of my medical relationships, mutual pretense is a fundamental requisite. That’s why I always tell him I’m glad to see him and that’s why he always tells me I look thinner.

Truth is, I hadn’t been feeling great lately, nothing I could put my finger on or aim it at, but the thought of going to the office every day, nay, just the notion of leaving the house in the morning, had become increasingly more onerous. Yet again putting on the daily armor of litigiousness, yet again hoisting the professional lance of evisceration, yet again thrusting with the licensed sword of slaughter in pursuit of the ruination of other people’s lives and fortunes, well, it just didn’t seem like that much fun anymore.

My doctor removed the stethoscope from my nether regions, pushed his eyeglasses up onto his forehead and looked directly into my eyes. “How long is it now that you’ve been a lawyer?”

“Forty-six years,” I replied, repeating it again a bit more slowly, “forty-six years,” as if duplication fortified the feeling that lately it seems more like twice that long.

He nodded his head sagaciously. “I think you’re full of it,” he said.

“Of course,” I replied, “I’m a lawyer.”

“That’s not what I meant,” he answered. “Look it, everybody’s innerness has a finite capacity. It differs from person to person but when the detritus of our work fills up our innerness, we’re done, there’s no more room for any of it. I think that’s what’s happened to you; you’re just full of it.”

Like many truths, it was hard to hear. After spending almost half a professional century awash in a world that chronically weeps for fairness, a world endlessly in want of my

congenital abundance of large hankies, I can’t imagine being done.

As with so many appellate court decisions that have come my way, I yearned for a second opinion. So I sought out my old friend Professor Chaim Dunn, director of the Custer Institute Of Career Crises. If anyone

“I may not be as good as I once was, but sadly, poignantly, I’m still good enough to know it.”

would know something about this, he would. I explained my situation and, alas, he was very blunt. “If you don’t know when to quit,” he admonished, “you could get slaughtered.”

The truth is, I’m not the lawyer I used to be. I don’t enjoy it as much and as a concomitant truth I don’t do it as well. Perhaps I’ve spent too many years doing the research, the pleadings and motions, attending endlessly boring depositions, defending relentlessly worthless preliminary objections or summary judgment motions, and

perhaps, yes, I’m just full of it. I may not be as good as I once was, but sadly, poignantly, I’m still good enough to know it, and that more than anything else presages the decision.

When I was a little boy, I used to tie a kitchen towel around my neck as a cape and endlessly leap from the side porch. Every time I expected to soar, in aid of those in need of aid, and every time I never expected to land in the briar bushes below. That every time I did, though, wasn’t daunting enough to keep me from being a lawyer. It’s been the best way I could figure out how to soar, at least once in a while, and for that I will be endlessly grateful.

So while I’ll continue to work some, it really is someone else’s turn now at hero-hood. If you’re interested, give me a call. I still know villainy when I see it, my vocabulary remains virulently ripe, and I know for sure that I have a cache of those kitchen towels still around here somewhere.

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Remembering Joe Hudock

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Joe had an unending humor. In his last days, he told me, “The doctors say I have to have dialysis three times a week or I’ll die. I don’t want to do either!” But often his thoughts were of serious subjects—religion, moral issues, and the lives of people in troubled situations. He would pose provocative questions.

Joe could spin a tale of prep school or college experience that would leave you in stitches, or he would erupt into a song or poem, often fit only for a barroom, and usually about one. Those eight years at Saint Vincent gave him much more than just a sense of humor; his grounding in philosophy, theology, history, and literature made the study of law a natural fit. Joe’s law school classmates were outwardly expressive in their admiration of him and always laughed recalling their experiences with him. Joe’s class was marvelously successful, though there were only 19 who graduated with him. (In those years, about half the class flunked out after the first year.)

Joe and the late Judge Bernie Scherer developed a routine of meeting each Wednesday at 7:00 a.m. at the Mountain View Inn for breakfast. Their conversations were usually about



In 1985, the Court of Common Pleas of Westmoreland County was comprised of (clockwise from upper left) The Hon. Daniel J. Ackerman, The Hon. Charles H. Loughran, President Judge Gilfert M. Mihalich, The Hon. Joseph A. Hudock, and The Hon. Charles E. Marker, The Hon. John E. Blahovec, The Hon. Donetta W. Ambrose, The Hon. Gary P. Caruso, and The Hon. Bernard F. Scherer.

whatever Bernie was reading. (Once Bernie gave Joe an 800-page book on the history of the ancient Assyrians.) They followed their breakfast routine for about two years until Judge Scherer died suddenly. I then substituted for Bernie. After four or five months, Joe looked across the breakfast table at me and said he just hadn’t had an interesting breakfast conversation since Judge Scherer died.

Joe loved a martini and a steak. Several years ago, he, his beloved brother-in-law, Tom McCloskey, and I planned a grand summer evening: 18 holes at Timberlink and dinner at Sophie’s Eastwood Inn, long known for its martinis and steaks. Joe was not too crazy about the golf, but tolerated the 18 holes through the snake-infested woods willingly looking for lost balls. He put up with three hours of heat because Tom and I liked the golf. When we finally arrived at Sophie’s, Smokey, the owner, met us at the front door. He denied us admission because I was wearing Bermuda shorts. He said, “Even Arnold Palmer doesn’t get in here wearing shorts!” Joe was so mad that he wanted me to wait in the car! We went to a satisfactory dinner at the Road Toad instead, but Joe complained about it for years.

For several years, we and our wives, Rita and Anne, would go out to breakfast after 10:30 Mass at Our Lady of Grace Church. My wife and I loved this ritual and would look forward to Sunday breakfast with the Hudocks, even though, on every occasion, Joe would have to know the waitress’s name and then tell her how pretty she

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was. I would say, “Jeez! Can’t you leave these waitresses alone?” Over one thing or another, we laughed every Sunday.

My kids were always crazy about Judge Hudock; they thought he was the funniest dad around, certainly more so than their own. They loved their conversations with him. He could communicate with the young as well as anyone. Children know when you are being funny, but they are sensitive to adults who have a genuine interest in them. And my children knew the judge did. Children felt cared about, and lawyers felt listened to.

Joe’s humor, wit, and unruffled intelligence were the hallmarks of his character. He will be missed by his devoted and lovely wife, Rita, his four wonderful children, his nine grandchildren, and by his colleagues and friends. He was a very special friend to many, certainly to me. I am thankful for 47 years of a wonderful friendship. ■

Keep The Faith

by Joe Hudock, Jr., Ann Hudock, Dan Hudock, and Mary Piper

Several years ago, as the four of us children were talking at some family get-together, when each of us was at least a decade removed from college, we each realized that we had received the same sort of short letters from our father while in college and even after. The letters would arrive in the campus mailbox a couple of times a semester and inside would be a check with a simple sentence saying, “Here’s something to keep the wolves from your door.” Often the letter would also conclude with our father’s favorite and frequent encouragement to us whenever we concluded a visit with him or concluded some discussion where we sought his trusted advice. He would say, simply, “Keep the faith.”

These letters and our father’s favorite saying provide insight into his priorities, which were much greater than the responsibilities of his professional career. He loved his wife and children deeply and never missed any of his duties or obligations to them. He loved us so much that he was always frugal and saved for each child’s college education, so much so, that, for example, he had no misgivings about wearing \$15 cotton/polyester white dress shirts from the sale bin at Kaufmann’s or always buying his suits at a discount retailer. He also had no problem driving economical cars like a Ford Fairmont or a Dodge Aspen or a Mercury Sable, with no options and AM radios only.

Material things or prestige meant nothing to him. What mattered most was that he could provide for each of us and show his love through his many small sacrifices like these. We each also recall how whenever we would ask our father what he wanted for Christmas or his birthday, he would always reply,

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Remembering Joe Hudock

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“Four good kids.” He meant that. We each strive every day to give him his wish.

Our father’s advice to “Keep the Faith” was also something he truly meant and lived himself until his dying breath. He believed that with God’s grace, his life on this earth was just a prelude to eternal life in heaven. Toward that end, he sought out God’s grace with devotion, always seeking to be closer to God.

Perhaps his view of life can be understood by his long-held and often discussed fondness for the New Orleans jazz-style funerals. In these funerals, the tradition is that the family, friends, and a brass band accompany a coffin from the church to the cemetery, with the band playing somber funeral hymns or dirges. Once the body is “cut loose” and lowered into the grave, the band begins playing upbeat, joyful music like one of our father’s favorite songs, “When the Saints Go Marching In.” This change in music and mood signifies the end of the cares, worries, and suffering of the deceased and the person’s soul going to live in glory with Christ. The mourners and band then process back as far as

the deceased person’s house, with strangers joining in along the way in the celebration. At our father’s funeral reception, we hired a trumpet player to play, “When the Saints Go Marching In.” Twice. Dad, we rejoice in the end of your cares, worries, and recent sufferings here in this imperfect world.

But you should understand that our father’s love for his family and faith were not dour undertakings. Almost everything our father did, he did with his inimitable humor. For instance, when his health was failing in the last few years, he spent several stays in hospitals and nursing homes after serious surgical procedures. At one point, a doctor friend told him that his stays in the hospitals and nursing homes had given him a case of sarcopenia. We later learned this meant muscle atrophy. Without missing a beat, our father said, “You’re wrong! I’ve never been in



Judge Hudock’s sense of humor on display at the 1998 Holiday Dinner Dance.

a whorehouse!” When he was weak and nearly immobile and not permitted to shower without aid, a nursing home administrator asked him if “the girls had given him a shower?” He grudgingly said that they had, but that it wasn’t any fun because “he was the only one naked.” He once asked a nurse whom he thought was rough in maneuvering him from the bed to the wheelchair whether she had been trained in the German army.

Our mother was not immune either from his tongue-in-cheek humor. He would tell her from time to time that he always wanted a closed casket at his funeral so “his old girlfriends who showed up at the viewing wouldn’t throw themselves at the body.” In recent years, they would dine at one of two different Valley Dairy restaurants after church. He’d tell our mother that he didn’t want his favorite waitresses at the two different Valley Dairy restaurants to know about each other because they “might scratch each other’s eyes out” fighting over his affections.

Finally, our father was always very thankful of the support he received from the Westmoreland County Bar. We reiterate his thanks, and offer the family’s thanks, for the support in the 1977 Common Pleas campaign, the

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1987 retention campaign, the 1989 Superior Court campaign, and the 1999 retention campaign. We also thank you for your graciousness and hospitality when the Superior Court sat in special session in Westmoreland County in the early 1990s. At the receptions and social events, our father was proud to introduce his new judicial colleagues to the fine men and women of the local bar.

Know, too, that he often said that once he slipped away in 1990 to near anonymity in his Superior Court chambers north of Greensburg, he missed his interactions with his friends and colleagues of the bench and bar. In fact, for years, he would often sit in his easy chair watching the tape (later converted to DVD) of the BarFlies' 1989 Bench/Bar Conference production of "BarFly Ballads: A Revue in One Act." If you recall, this was a production that involved a satirical send up of each of the sitting county judges. He would laugh out loud at portions as he laughed with his colleagues and at himself.

We love you, Dad. We pray for you, and we shall keep the faith. ■

Joe Hudock: Friend and Phenomenon

by Ralph Kinney Bennett

Many knew Joe Hudock as a lawyer or judge. I knew him as a friend, one of a now-dwindling eclectic group whose Saturday morning coffee gatherings he had instigated years ago. It would be tribute enough to Joe to recall some warm and humorous anecdotes from those relaxed and pleasurable meetings. But Judge Joseph Hudock was a phenomenon too rare to not be remembered for the qualities that made him a truly exceptional person in both public and private life.

I was struck the first time I met him by his eyes. "Twinkled" is such a hackneyed term. But Joe's eyes twinkled. He had a very subtle but disarming charm and a large part of it lay in the simple fact that he paid attention to people. He listened. Not only with his ears but with those marvelous eyes. He had a keen intellect tempered by a deceptively complex and subtle sense of humor. In informal situations, one felt immediately comfortable in his presence. In a public setting or in the courtroom, one had a sense of trust and confidence in his judgment.

He was blessed with one of the most elusive Christian virtues—humility—and one of its most misunderstood—meekness. Joe didn't think he was humble. He just was. It was part temperament and part tuition. From his beloved father and mother, from the church and from the classroom, he had grasped the fundamental wisdom that on the ground before Almighty God he stood as low and as helpless as any other man.

Joe's meekness—he was utterly and selflessly unaware of it—was the meekness of Christ. There was no weakness in it at all. The English word is woefully inadequate to the precision of the Greek. Joe had that true, Biblical meekness—a virtue that has rightly been called, "the fruit of power." It was strength under control.

Yes, he had a temper. Yes, he could become exasperated. Yes, he had pet peeves. But in the end, Joe had the inner grace (it was genius, really) to discipline himself and develop an equanimity of spirit. This awareness of power, and the grace to temper it, made him a great and good judge. He always strove to be something all too rare in this day and age. He tried, in short, to be a gentleman. That he succeeded is precisely why he will be so sorely missed and so fondly remembered. ■

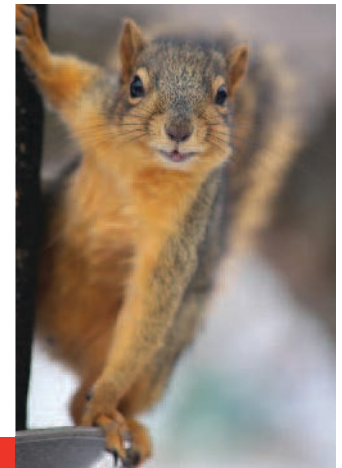
Editor's note: Mr. Bennett is a retired Washington editor for The Reader's Digest, covering national and international affairs for more than 30 years. Now a writer and editorial consultant, he serves on the board of Fort Ligonier and is an active volunteer firefighter with Ligonier Volunteer Hose Co. No. 1.

The Judge and Nutkin

by The Hon. Daniel J. Ackerman

He served deftly on our common pleas court from 1978 to 1989, followed by a distinguished career as an appellate judge on the Superior Court of Pennsylvania. Yet, after his retirement, Joe Hudock told me, only half in jest, that despite all the serious decisions he had made, and opinions he had written, he feared he would only be remembered for his opinion concerning Nutkin. Nutkin's time in this world was spent as a squirrel, and squirrels, at least not the tree-climbing grey variety, are seldom at the center of litigation.

The case was *Commonwealth v. Gosselin*, 861 A.2d 996 (Pa Super. 2004), which went viral after its publication. Google "Nutkin litigation," and it comes up. The fear that this decision would be his legal legacy was, of course, unwarranted: rather, it displays some of Joe's most endearing characteristics—humor, compassion, and restraint. Skipping over necessary digressions involving such things as the standard of review, statutory ambiguity, and conflicts of law,



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Remembering Joe Hudock

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the opinion is a lyrical tribute to a court's ability to correct a lack of prosecutorial restraint, delivered in the wry, low-key voice that made Joe so personable. What follows is a *Reader's Digest* abbreviation of the opinion, though you may not be old enough to know what that means.

“Nutkin’s early life was spent in a state of *ferrae naturae*, in the state of South Carolina, and as far as we can tell, in a state of contentment. She apparently had plenty of nuts to eat and trees to climb, and her male friends, while not particularly handsome, did have nice personalities. Life was good.

Then one day tragedy struck: Nutkin fell from her tree nest!

But fate was kind. Nutkin was found and adopted by Appellant and her husband ... and Nutkin became a family pet ... Life was good again.

Nutkin’s captivity and domestication were perfectly legal in South Carolina, possibly a reflection of that state’s long tradition of hospitality to all.

In 1994, Appellant and her husband moved to Pennsylvania and brought Nutkin with them. Life was full of promise.

Dark clouds began to gather, in November, 2002.” [It suffices to say that Nutkin’s presence in the Appellant’s home came to the attention of a game warden.] “The Game Officer acknowledged that the squirrel was too old and too tame to be released to the wild (A situation akin to that of an old appellate judge, like the undersigned, attempting to return to the boiling cauldron of the trial court after being tamed by years of peace and quiet above the fray. Chances of survival of both species are poor.) He offered to forgo citing Appellant if she would relinquish Nutkin to his control.

Appellant and her husband refused.

Nutkin would then learn the shocking truth that the cheery Pennsylvania slogan, “You’ve Got A Friend In Pennsylvania” did not

apply to four-legged critters like Nutkin.”

[A citation for the “Unlawful taking or possession of game or wildlife” was issued, followed by a \$100 fine plus costs issued by a district justice, and affirmed by the common pleas court at the conclusion of a *de novo* trial.

The relevant statute under which the Appellant was cited makes an exception for the possession of wild animals taken outside Pennsylvania if they are tagged or marked in accordance with the laws of the state or nation where the animal was taken; it was stipulated that South Carolina had had no tagging or marking requirements.]

“Hence, the lack of tagging or marking is in ‘accordance with the laws of the state ... where the wild animals were taken.’ Accordingly, we find that both elements of Section 2307(c) have been satisfied and, as such the exception applies here.”

Nutkin was spared, and her “family” undoubtedly was delighted that the court had a judge of Judge Hudock’s wisdom and character, just as we were delighted with him, as a lawyer and judge, for the same reasons, for more than five decades. ■

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The Hon. Joseph A. Hudock will be among those remembered at the Westmoreland Bar Association’s 55th Annual Memorial Service to be held at the Westmoreland County Courthouse in May 2017. Please plan on joining us to honor our colleagues.

Join WBA colleagues on **Thursday, January 26 at 3:45 p.m.** as we pause to reflect on three decades of judicial leadership in Westmoreland County. The ceremony will begin in the Ceremonial Courtroom where the Westmoreland Bar Association will present framed portraits of six Past President Judges to the county for hanging within these judges’ courtrooms. The Past President Judges have been asked to share a memory or two with attendees. A complimentary wine and hors d’oeuvres reception will follow and guests will have the opportunity to visit the courtrooms to view these new adornments to the Courthouse.

Westmoreland Revisited

The Ubiquitous Nathanael Greene

by *The Hon. Daniel J. Ackerman*

Upon reading *Valiant Ambition*, Nathaniel Philbrick's eye-opening history of the Revolution, which focuses upon two of the war's most dramatic figures, George Washington and Benedict Arnold, I was struck by the recurring references to Nathanael Greene, who seemed to appear at every turn and every location. What was true of his person, is true today for his name.



The Hon. Daniel J. Ackerman

Were you to visit all of the places named for Nathanael Greene, you would have to embark on a journey to 21 states—California being the farthest—in order to set foot in the 16 Greene or Greenville Counties, and the 24 cities, towns, or townships bearing his name; a list which, of course, fails to include innumerable streets, parks and schools. Apart from our own county seat, in Pennsylvania you will find the City of Greenville in Mercer County, and two Greene Townships, one in Franklin County, the other in Pike.

HOW NEW TOWN BECAME GREENSBURG

After the burning of Hanna's Town on July 13, 1782, the legislature appointed three successive commissions charged with the duty of constructing public buildings at a place to be chosen as the permanent site for Westmoreland's county government. Pittsburgh was considered, but the nod eventually went to the small settlement of New Town, three miles north of Hanna's Town, which had the advantage of

being on the Forbes Road, twenty miles from Fort Ligonier—a distance which was significant, because it was the span pack horses could travel in a single day.

The commissioners' choice of New Town occurred in 1786. On June 19 of that year, Nathanael Greene, a major general in the Continental Army, under whom a number of local militiamen had served, died in Georgia of sunstroke at age 44.

It is said that timing is everything: when word of Greene's death reached our area, and before summer was out, New Town, as a place name, was cast aside, and the nascent county seat became Greensburg. Yet the war had never brought the Rhode Islander—Greene—to Westmoreland County, so what was his broad appeal to the populace here and across the new nation?

GREENE'S BEGINNINGS

In October 1774, a number of men in East Greenwich, R.I., successfully petitioned the state assembly to recognize them as the state militia for Kent County. With no military experience, these shopkeepers and farmers took on the impressive-sounding mantle of the Kentish Guards.

Militiamen elected their own officers, and among their number was

a newly married 32-year-old private, a local ironmaster and merchant, a Quaker from a highly regarded and devout family who served as a deputy in Rhode Island's General Assembly. He could boast of no formal education beyond what was required for him to learn to read and write, yet in his youth, had read extensively on the military campaigns of Frederick the Great and Julius Caesar. Even so, Nathanael Greene's age, interest,

and status in the community proved insufficient justification for making him an officer, and he was passed over.

Greene's disqualification was physical—he had a limp—and was told that it detracted from the manly appearance of the company. Who could take a company seriously that was

led by an officer with a limp?

Writing to the unit's new captain, Greene gave voice to the hurt which he felt, saying that it was a "stroke of moi-tification" to learn that he was a "a blemish to those with [whom he] associated." Adding, "I confess it is my misfortune to limp a little but I did not conceive it to be so great."

Despite the affront, he stayed in the militia, and in less than a year, in what his biographer, Terry Golway, calls, "one of the great mysteries of the American Revolution," the private had advanced to become the brigadier

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Nathanael Greene portrait, painted from life in 1783 by Charles Wilson Peale.

The Ubiquitous Nathanael Greene *continued from page 15*

general in command of all Rhode Island's troops. But still, he had more to prove.

Greene's membership in the militia resulted in his expulsion from the Society of Friends, but his fervor for the Revolution prevented him from expressing, at least, outwardly any feelings of remorse or regret. Consistent with his rapid rise in the militia, Congress quickly awarded him the rank of brigadier general in the Continental army. There is insufficient space here to recount all the achievements of his short life as a field officer, quartermaster general, and as a strategic advisor to Washington, who valued his ability and insight so much that Greene was Washington's choice to succeed him if death or circumstance deprived him of command of the army.

Now the Continental army's youngest general, Greene joined Washington's staff in the siege of Boston and once the city was evacuated by the British in March of 1776, Washington made Greene the military commander of the city. Later in the summer, Greene was called from Boston to take part in the army's defense of New York City, a defense that many recognized as untenable in the face of the arriving British armada. Greene's initial advice to effect a quick evacuation (and even to burn the city) was not followed by his commander until the army had suffered extensive casualties, resulting in a harrowing last-minute escape on the heels of one of the worst defeats of the war—a defeat exacerbated by Greene's own unwise failure to heed his own advice by unsuccessfully attempting to defend Fort Mifflin on the Delaware River.

Chastened by the Fort Mifflin debacle, Greene came to believe that the smaller and inexperienced army could not win by taking and holding cities or by risking disaster with risky offensive maneuvers, and he, along with others, urged Washington to adopt a defensive strategy and fight



This bronze statue of Nathanael Greene, by sculptor and Ligonier native Chas Fagan, was erected in August 1999 in Greensburg's Saint Clair Park by The Westmoreland County Historical Society.

what they called a "War of Posts"—a position Washington would eventually adopt, but would often stray from with mixed results. The point was to place the army into positions where they could harass the enemy without risking its own destruction—the one thing which would be fatal to the Cause.

The wisest and most dramatic example of the army's departure from a defensive stance occurred at the end of 1776 with the surprise attack on

the Hessian camp at Trenton, followed almost immediately by another success at Princeton, both of which were in part prompted by the fact that the enlistments in many American companies were about to terminate. Two less happy examples of reverting to offense would later be seen at Brandywine and Germantown. In all of these engagements, Greene played a prominent role as an officer in the field.

FIGHTING GREATER THREATS THAN THE ENEMY

The almost derelict attitude of both Congress and the states in failing to provide personnel and supplies to the army proved to be practically a greater threat to the army's existence than the arms of the enemy.

With the start of 1777, personnel had shrunk to dangerous levels as Washington led his troops to winter quarters at Morristown, N.J. Then a small, but symbolic ray of light appeared, as described by historian David Hackett Fischer:

"On January 6, 1777, Pennsylvania troops from Bedford and Westmoreland Counties arrived at the Continental camp after a long and terrible march across the mountains in deep snow and bitter cold. It is a forgotten event in the war, but it was an American anabasis that caused great suffering and took many lives.... These welcome reinforcements kept the army in being, but barely so."¹

The winter at Morristown was a fine example of the use of a War of Posts. With the British garrisoned at Brunswick, N.J., the Continental army and New Jersey militia began a campaign which became known as the "Forage War." In the eighteenth century, an army lacking feed for its animals could not move. Washington reported, "If their Horses are reduced

¹ See Author's note on page 19.

this Winter it will be impossible for them to take the Field in the spring.”

So began a hit-and-run guerilla-type campaign across the countryside, attacking British foraging parties, which lasted to the end of March. The small but frequent attacks brought results. Even in January, Greene noted that “within a fortnight we have taken or killed of Howe’s army between two and three thousand men.”

In March, Washington sent Greene to speak to the Continental Congress to inform them of his strategy, and his report was not what the delegates had expected. Washington, Greene told them, did not necessarily intend to take a stand to defend Philadelphia if Howe chose to take it. His priority was not to occupy or protect places but to harass the British while preserving his own army.

As will be seen, survival in war rests on more than just battlefield results, and our narrative will move forward a year to the army’s encampment at Valley Forge in the winter of 1777–78. To a large extent, the suffering there

was a national self-inflicted wound caused by an abysmal system of supply, lack of co-operation from the populace, and a currency which was near worthless.

Those who had supplies which were desperately needed refused to sell to the army in exchange for devalued currency, and forced impressments were a nightmare. While the government was in possession of uniforms and blankets, it lacked the horses and wagons to transport them. Nothing seemed to work, and so the commander called upon the considerable talents of Nathanael Greene to assume the position of quartermaster-general.

It was a position which Greene neither sought, nor wanted. He coveted his reputation as a field officer, and told Washington, “Nobody ever heard of a quarter master in history.” The position was generally regarded as so difficult and onerous (it oversaw a bureaucracy of 3,000 people), that Congress offered a one-percent commission on the value of procurements, which was not uncommon

then, but today would be regarded as an obvious conflict of interest.

Always miserable in his new post, which he held for more than two years, Greene found it was not the dead end he had imagined. He still took to the field and was of valuable service in the battle of Monmouth, and his selection of staff and organizational abilities as quartermaster achieved, in Washington’s opinion, nothing less than the salvation of the army. As for action, more than enough of the war remained for that.

THE WAR MOVES SOUTH

It may be regional conceit, but it seems that when we think of military engagements in the Revolution we tend to focus solely upon New England and the Mid-Atlantic states. With the exception of Yorktown, our interest never seems to go below the Mason-Dixon line. In 1780, however, the south became a major concern.

On May 12, the American garrison in Charleston, S.C., under Major


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The Ubiquitous Nathanael Greene *continued from page 17*

General Benjamin Lincoln fell to the forces of Lt. General Sir Henry Clinton, who took 5,000 American prisoners. By numbers, it was the greatest defeat of the war. Then, on August 16, the Continental army under Horatio Gates was annihilated near Camden, S.C. The British and their Tory allies (it should be remembered that in this part of the country the conflict had become an actual civil war) appeared unstoppable in the southern theater.

A byproduct of these monumental failures was Washington's appointment, on October 14, of Nathanael Greene as commander of the Southern Department of the Continental army. It was an impressive title, but the Southern Department consisted of only 950 Continental infantry, 150 gunners and troopers, and 530 militia.

"The appearance of the troops," Greene wrote, "was wretched beyond description, and their distress, on account of lack of provisions, was little

less than their suffering for want of clothing and other necessities."

Reorganizing the army as he moved south, Greene defied military convention by dividing his army and adopting hit-and-run tactics. Cornwallis, the British commander, was compelled to engage in a prolonged chase of the two wings of the Continental army, which would adopt defensive positions, inflict what damage they could on the British, then concede the field and move on.

Greene put it succinctly, "We fight, get beat, rise, and fight again." It worked in wearing down the British forces to the point that they became ineffective.

In South Carolina, at a place called the Cowpens, Daniel Morgan, leading one of the wings of Greene's army, took a stand, killing or capturing 90% of the 1,100 British troops which attacked him. At Guilford Courthouse on March 15, 1781, Greene chose his

ground in what was one of the bitterest battles of the war. The Americans, true to form, eventually conceded the field and withdrew, but Lord Cornwallis had lost nearly 30% of his men. When word of the battle, which Cornwallis claimed as a victory, reached London, one member of Parliament tartly observed, "Another such victory would ruin the British army."

There would be another. On September 8, a savage battle was fought at Eutaw Springs—a draw by most accounts—but the British forces emerged so crippled that Cornwallis withdrew his army to Virginia, eventually seeking refuge in Yorktown.

THE SAVIOR OF THE SOUTH

The limping private received acclaim beyond his expectations. "Your popularity is now at its highest pitch," Lafayette told him. "You are the general every Body [speaks] of, and every one prides in your Maneuvers."



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Congress struck a medal in Greene's honor. Henry Knox, the army's chief of artillery, observed, "[Without] an army, without Means, without anything, [Greene] has performed Wonders;" and Robert Morris, the government's new superintendent of finance, praised Greene for his "Genius" in making do despite "the want of Men, Money, Cloaths [sic], Arms and Supplies." It is likely, however, that the accolade he prized most came from Washington, the man he most admired, which arrived during the dark days when the war's outcome was yet unknown, who wrote: "Amidst the complicated dangers with which you are surrounded, a confidence in your abilities is my only consolation."

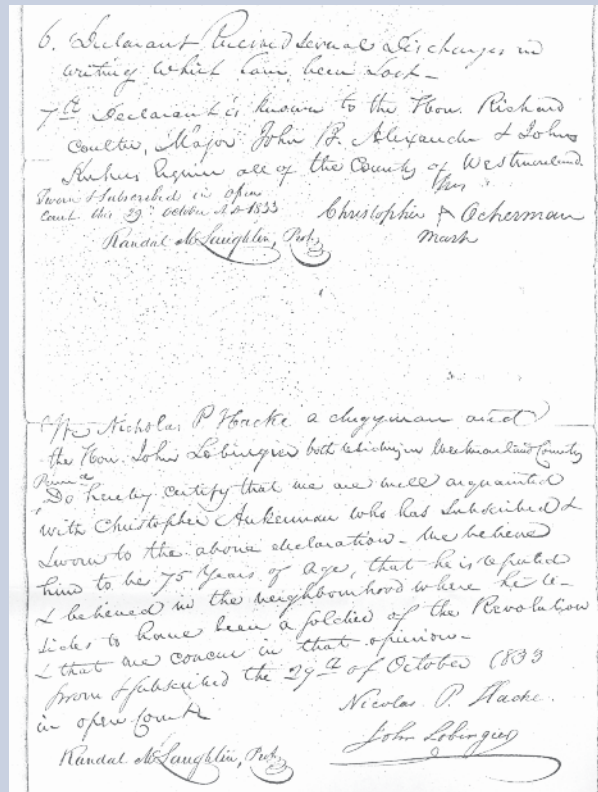
Greene was acknowledged as the savior of the American South. South Carolina made him a gift of a 25,000-acre plantation, and Georgia followed suit with a 2,000-acre plantation near Savannah—Mulberry Grove—which became the Greene home at war's end. There he settled down with his wife, Caty (Catherine Littlefield Greene), who had come to his side when the army went into winter quarters in the north. She, too, had experienced the bitter encampments at Valley Forge and Morristown, and her presence on these occasions produced their five children, four of which survived into adulthood.

Nathanael Greene had suddenly appeared on the stage of the Revolution and left his mark, and just as quickly, with the arrival of peace, he was gone. "The sudden termination of his life," Alexander Hamilton said, deprived the country of a "universal and pervading genius which qualified him not less for the Senate than for the field."

Hamilton's observation raises the unanswerable question, "What if?" ■

SOURCES

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Author's note: One of the Pennsylvania reinforcements who arrived in Morristown, N.J., in 1777, was an 18-year-old illiterate German-speaking private from Lycippus, Christopher Ackerman (1758–1845), who enlisted in the army in the fall of 1775. Following his arrival, he saw action in several engagements including one at Ash Swamp on February 23, 1777. Terms of enlistment for militiamen during the revolution were short—months, not years—and he was in and out of the service several times until his final tour on the frontier ended in 1779. He is buried alongside his wife of 59 years, Susanna (described on her tombstone as his "Consort") in a small cemetery containing about a dozen graves on land-locked acreage which they once farmed in Mount Pleasant Township.

In 1832, Congress passed a pension act for veterans of the Revolution. As record-keeping during the war was haphazard at best, those veterans who lacked or lost documentation of their service in the intervening decades could apply for a pension by filing an affidavit with the courts of common pleas, containing an acknowledgement from a reliable citizen that the applicant was known in the neighborhood where he resides as a veteran of the Revolution. On October 29, 1833, Christopher, at age 75, filed such an affidavit (bearing his mark), and the following year began receiving benefits of \$46.66 per annum. Those who acknowledged his reputation as a soldier of the Revolution were Nicholas P. Hacke, a clergyman, and The Hon. John Lobingier (shown above). Six generations later, our son, David Ackerman, who had entered the ministry, was called to his first church, Saint Paul's United Church of Christ in Mount Pleasant Township, the same congregation which Pastor Hacke had served 160 years before him. ■



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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**.*

JANUARY


- 25** [CLE] Trial Tips in Action, 5 to 6:45 p.m., Westmoreland County Courthouse
- 26** WBA Quarterly Membership Meeting, 3:45 to 6 p.m., Westmoreland County Courthouse

FEBRUARY

- 1** [CLE] IRV Talks: Depression and Other Health Issues in the Legal Profession, Noon to 1:15 p.m., 1 FREE ethics credit available for WBA members
- 2** [CLE] Trial Tips in Action, 5 to 6:45 p.m., Westmoreland County Courthouse
- 7** [CLE] Trial Tips in Action, 5 to 6:45 p.m., Westmoreland County Courthouse

- 9** [CLE] Navigating Casemaker, Noon to 1:15 p.m., 1 optional substantive credit
- 15** Elder Law & Orphans' Court Committees, Noon
- 16** [CLE] Trial Tips in Action, 5 to 6:45 p.m., Westmoreland County Courthouse
- 20** Courthouse closed in observance of Presidents Day
- 21** Membership Committee, 8 a.m. Family Law Committee, Noon [CLE] Trial Tips in Action, 5 to 6:45 p.m., Westmoreland County Courthouse
- 28** [CLE] Trial Tips in Action, 5 to 6:45 p.m., Westmoreland County Courthouse

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2017-2018

CANDIDATE INFORMATION FORM

Applications must be returned to the Westmoreland Bar Association by February 3, 2017.

I am interested in serving in a leadership role with the WBA and would like the Nominating Committee to consider me for candidacy. I understand that, if elected, I will be expected to attend all committee meetings and will be expected to accept and fulfill designated responsibilities.

I wish to run for the position of:

- Vice President
- Director (3 yr.)
- Membership Committee (5 yr.)
- Building Committee (5 yr.)

Nominating Committee Members:
If you have any questions, please contact them.

Michael J. Stewart II, Chair
Samuel R. Coury
Terrance C. Ferguson
Charles R. Conway
Tim Andrews
Maria Soohey
Kristen C. Weidus

Please provide the following information. Attach additional background information that you feel would be helpful to the committee.

Name: _____

Firm: _____

Address: _____

Phone: _____ Year admitted to practice: _____

Law School: _____ Year joined WBA: _____

Activities with the Westmoreland Bar Association (limit of 3):

1) _____

2) _____

3) _____

Other professional information (limit of 3):

1) _____

2) _____

3) _____

Signature: _____

Date: _____

Trial Tips in Action 2017

A chance to earn **FREE CLE credits**

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Trial Tips in Action (Mock Trial)
Westmoreland County Courthouse
6 Dates Available
January 25
February 2, 7, 16, 21 & 28
Courtrooms #3 & #5

Volunteers are needed to score high schoolers as they demonstrate courtroom proceedings in a Mock Trial.
Your participation as a juror in a “trial tips in action” seminar qualifies you for 1.5 free CLE substantive credits per session.

Only 12 jurors are needed for each session, so return the registration form as soon as possible.

No walk-ins can be accepted.

WBA Trial Tips in Action Seminar Registration Form

Fax 724-834-6855 or mail completed form to: WBA, 129 North Pennsylvania Avenue, Greensburg 15601

Please check the appropriate area :

_____ Register me as a juror for the trial advocacy seminar, **I do want 1.5** FREE CLE substantive credits per session.

_____ Register me as a juror for the trial advocacy seminar, I do **NOT** want CLE credit.

Name _____

Address _____

Email address _____ Telephone _____

For those wishing CLE credit: Attorney I.D.# _____

All sessions are scheduled to begin at **5 pm**, please plan to arrive 15 minutes prior.

Please choose 1 or more sessions you wish to serve as a juror:

- Wednesday, January 25
- Thursday, February 2
- Tuesday, February 7
- Thursday, February 16
- Tuesday, February 21
- Tuesday, February 28

PLEASE NOTE:

The total time frame for each session will be approximately 1 hour and 45 minutes.

Jurors will receive 1.5 FREE CLE substantive credits for an entire session.

Join us at Rialto for pizza or sandwiches following the competition compliments of the Westmoreland Academy of Trial Lawyers.



Depression and Other Health Issues in the Legal Profession

“IRV Talks” – CLE series in honor of Judge Irving L. Bloom

— LIVE — 1 FREE Ethics Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Depression and Other Health Issues in the Legal Profession

Wednesday,
February 1, 2017
12:00 - 1:15 pm
WBA Headquarters

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

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

If special arrangements are needed for the disabled, please contact the WBA Office at 724-834-6730, or by email at westbar.org@westbar.org

In this seminar, Christine Michaels from NAMI will educate attendees about the warning signs of depression; how, when, and where to seek treatment; and how to care for themselves in this high-stress profession. James R. Michael will share his story about depression and how it impacted his professional life. Jim was an attorney and WBA member for 21 years. He is currently preparing to Petition for Reinstatement.

- *61% of lawyers report having anxiety concerns.*
- *45% of lawyers report having depression.*
- *Due to shame and stigma, most lawyers do not seek help and mental health symptoms and conditions remain untreated.*

Speakers:

- *Christine Michaels, MSHSA
Executive Director, NAMI Southwestern PA*
- *James R. Michael*



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

February 1, 2017 “IrvTALKS”

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Please return this form to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601,
by January 31, 2017.

Navigating Casemaker

Bring Your Own Laptop for Hands-On Training

— LIVE —
1 Substantive
Credit Available



An accredited provider for the PA Board
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As a PBA member, you have free access to CasemakerPro. Why not attend the free training to learn more and to see what new features have recently been added to make this program an attractive option to your current program?

We invite you to bring your laptop to test drive this research tool for yourself. And feel free to bring or send your support staff professionals to explore this viable and cost-effective option to your current legal research tool..

Topics of Discussion:

- CaseCheck+
- CiteCheck
- Tip on searching within results
- Customize client folders
- Use the statute annotator feature
- Save searches and client history

Speaker: Elizabeth Swivel- PBA Director of Member Services

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.

February 9, 2017 Navigating Casemaker

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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 February 8,
2017.**

Pre-Registration Fees

CLE Credit:

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

Non-Credit:

FREE

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Bill my MasterCard VISA DISCOVER for
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**Thursday,
February 9, 2017
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA
office by 12 pm February 8, 2017)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

FREE

WALK- IN:

CLE Credit

WBA Members- \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

FREE

Lunch will be provided.

[Westmoreland Bar Association](#)

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How To Handle A DUI Case

— LIVE — 2 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

A comprehensive overview of DUI representation from pre-arrest through sentencing.

Speakers:

Michael D. Ferguson, Esquire

Ferguson Law Associates

Timothy Andrews, Esquire

Former Prosecutor & 30 Years' Experience in DUI



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

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

March 1, 2017

How To Handle A DUI Case

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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Pre-Registration Fees

CLE Credit:

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

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

Non-Credit:

\$10 Flat Rate

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 February 28, 2017.**

**Wednesday,
March 1, 2017
12:00 pm - 2:00 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm February 28, 2017)

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.

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Whether you're an "old timer" or a "newcomer" to real estate, the authors of *Fagnilli and Kosir On Deeds* will give you insight and guidance to the requisite parts of a deed and the requirements for effective and accurate drafting and delivery. Ms. Fagnilli is vice president and counsel in the Pittsburgh, Pennsylvania, office of Chicago Title Insurance Company. She has substantial experience in underwriting commercial transactions, as well as an expansive knowledge of agency underwriting issues. Mr. Kosir is of counsel to Meyer, Unkovic & Scott LLP, and is a member of the firm's Real Estate and Lending, Litigation and Dispute Resolution, Corporate and Business Law, and Construction Law Groups. He has significant civil litigation and general practice experience in all areas of real property law with extensive experience in all facets of real estate development, sales, construction, and leasing.

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.

March 23, 2017
Fagnilli And Kosir On Deeds

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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CLE Credit:

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

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Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm March 22, 2017.**

Thursday,
March 23, 2017
12:00 pm - 1:45 pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm March 22, 2017)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

WALK- IN:

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Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

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2017 Personal Injury Update

— LIVE — 2 Substantive Credits Available



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Topics of Discussion include:

- A review of significant case law developments.
- The growing role of technology in Personal Injury cases including black boxes, cell phones, social media and surveillance videos.
- Understanding and analyzing car insurance policies and coverages.
- Tips for handling the attorney-client relationship in Personal Injury cases.

Speaker:

Michael D. Ferguson, Esquire

Ferguson Law Associates



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

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

April 13, 2017

2017 Personal Injury Update

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Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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Pre-Registration Fees

CLE Credit:

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

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

Non-Credit:

\$10 Flat Rate

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 April 12, 2017.**

**Thursday,
April 13, 2017
12:00 pm - 2:00 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm April 12, 2017)

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WALK- IN:

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Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

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