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**THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
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Mentoring Matters

by Daniel Joseph, Esq.

After graduation from law school, and after taking the bar, we are still somewhat ill-prepared to enter the practice of law without guidance and assistance from those more experienced. The importance of mentoring, therefore, cannot be understated. The following are the mentoring experiences of myself, Dick Galloway, Jason Huska, and Emily Shaffer.



Daniel Joseph

I graduated from law school in 1972 and thereafter was extremely fortunate to have two outstanding lawyers, as well as a Supreme Court justice, to teach me how to become a lawyer.

When I graduated from law school, it was required that law students undergo a preceptorship. I wisely chose as my preceptor Attorney Phil Corbin. Phil had his practice in the Mellon Bank building in New Kensington, and since I was from New Kensington, it became an obvious choice for me.

I learned from him the meaning of professionalism and the importance of helping people, which included not always charging them for legal services. He explained that it was important that lawyers do good deeds for people in their community, and he stood out in that respect. He was a kind and



intelligent man whose career was cut short when he developed multiple sclerosis. Phil was highly respected in our community, and I always wanted to emulate him by conducting my law practice in a way where I would earn the respect of my community and clients.

Following my law school graduation, I was fortunate to secure a clerkship on the Pennsylvania Supreme Court with Justice Louis Manderino. There is not a day that goes by that I don't think of him and the lessons I learned from him. He was the great liberal on the court. Previous to serving on the Supreme Court, he had been the dean of Duquesne Law School and a judge on the Commonwealth Court.

Substantively, he taught me how to write and speak persuasively. I'll always remember the time he told me that the single most important aspect of being an effective trial lawyer was to know the rules of evidence. Philosophically I learned many things from him that I've applied in my daily life and practice.

Those are:

1. If it doesn't feel right in your gut, it's not right;
2. To thine own self be true;
3. Don't judge someone until you walk in their shoes;
4. A true friend will never ask you to do something that will compromise you.

It's really amazing how during the almost 50 years of my practice I have used those four philosophies time and time again and how they have benefited both me and my clients.

Last is Dante Bertani. After finishing my clerkship with the Pennsylvania Supreme Court, I received a position with the Westmoreland County Public Defender's office. I spent eight years in that office under the wonderful tutelage of Dante Bertani. He taught me the art and skill of actually trying cases. There was never a time he was too busy to put aside his work and help me with mine. He instilled in me, as well as other assistant Public

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LAW IN THE TIME OF COVID-19

In the Eyes of a Child, a Year Is a Lifetime

by Rebecca K. Fenoglietto, Esq.

Can we stand one more article about how the pandemic wrought havoc on society? What if we talk about children?

What if we talk about children in foster care?

Can we talk about children in foster care for a minute?

I represent parents whose children are in the child welfare system (Office of Children Youth and Families) in Allegheny County. I attended one of the last in-person juvenile dependency hearings in Allegheny County when the world shut down mid-March last year. It was a tense hearing and it was in front of the president judge. She was distracted and we could see that while she was hearing the case she was reading and answering emails. That part was

fine, because I won. However, not fifteen minutes after we walked out of the courthouse, we received what would be one of the first of many judicial emergency orders shutting



down the courts. My colleagues and I like to say that our case put her over the edge.

What happened in the months that followed, to families involved in the child welfare system, was disastrous in Allegheny County, but Westmoreland County managed to handle things much better.

Children who are placed in what we consider “traditional” foster care, i.e., non-relative care, have the right to see their parents unless there is some grave risk. In many circumstances, that contact is supervised by either someone from the county’s child welfare agency, or the foster care agency itself.

In Allegheny County, when the world shut down, those visits stopped. Families could no longer go to the offices of



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Rebecca K. Fenoglietto

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Office of Children Youth and Families (OCYF) to visit in a supervised setting in their visitation rooms. None of the foster care agencies would permit on-site visits and they would not provide transportation to the children so that they could go see their parents outdoors. OCYF was supposed to pass out laptops so that parents and their children could do “virtual visits,” but not every family got one. In fact, I don’t recall any of my clients getting one.

Imagine trying to bond with a baby over a “virtual visit.”

As time went on and daycares and then schools re-opened and we learned more about the virus and its effects on children, well ... nothing changed in Allegheny County. No visits. No transportation to visits.

I started keeping track of how many months that families hadn’t seen each other by posting it on Facebook. After about a half year it became too depressing and nobody believed me. After a year, I couldn’t believe it myself.

Think about what a year looks like in the eyes of a child. A year is a lifetime. Furthermore, children who experienced trauma in their home, then the trauma of being placed with strangers, were now further traumatized by being denied contact with their family, which could include siblings who remained in the home or were placed elsewhere.

Now try to assess the bond between parents and a child who haven’t seen each other in person for a year. If you practice in this area of law, you know that families only have a certain amount of time (about a year) to reunify before a child welfare agency changes the goal from reunification to something else, like terminating parents’ rights and allowing someone else to adopt, or finding permanency for that child in a different way. Some states, such as Wisconsin, considered passing laws suspending the timeline to termination. No such law exists in Pennsylvania, although one was passed in May 2021 to allow older children who would have aged out of the foster care system to remain and receive services.

Compare what happened, or didn’t happen, in Allegheny County to Westmoreland County.

In the spring of 2020, the visitation rooms at the Westmoreland County Children’s Bureau shut down. In-person visits also stopped at the juvenile shelter. Visits were virtual video visits. But families started to resume in-person visits after a few months, when the county went from the red phase to the yellow phase. In both

Westmoreland and Allegheny counties, the red phase ended on May 15.

“We followed the CDC guidelines for the different phases,” said Mary Ann Grec, one of the Children’s Bureau solicitors. “We relaxed our orders when the CDC relaxed its restrictions.” In Pennsylvania, when a county moved to the yellow phase, schools and daycares were permitted to re-open, with guidelines in place such as social distancing and mask-wearing.

In the summer of 2020, children in foster care in Westmoreland County were not permitted to travel with their foster families. After that, they were permitted to travel if the parents gave permission, because a trip meant that the children would need to quarantine for two weeks and would miss visiting with their parents for the length of the trip and then those other two weeks. Now, quarantine is not necessary and these children have more opportunities to travel.

One group in Westmoreland County still affected by COVID rules, however, are children placed in some group homes that contract with the county. Some of those homes still insist on children quarantining for two weeks even after, for example, a day trip to

Kennywood, if they are not fully vaccinated.

Another consideration that WCCB had to deal with was the lack of available services for parents, such as drug and alcohol and mental health counseling. These services came to a complete stop for incarcerated parents and moved to virtual sessions for everyone else. While parents did attend virtually, says Mary Ann, it’s just not the same and their progress toward reunification was hindered through no fault of their own.

But for the most part, because children weren’t isolated from their parents once Westmoreland County moved out of the red phase, it’s safe to say that those children’s traumas weren’t exacerbated as they were in Allegheny County.

In Westmoreland County, as of May 1, everything was back to normal for everyone involved in child welfare: families, caseworkers, foster agencies, and the courts. More importantly, children have had in-person access to their families for over a year. Allegheny County is slowly getting there, but the damage of isolating children from their families has been done. ■

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the sidebar

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor should be sent c/o WBA, 100 North Maple Avenue, Greensburg, PA 15601-2506, fax 724-834-6855, or e-mail westbar.org@westbar.org. the sidebar welcomes submissions from members or non-members. Please submit to the Articles Editor, c/o WBA. Back issues from 2000 to the present and a comprehensive, searchable index are available online at www.westbar.org/thesidebar.

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Playing Catch-Up from COVID

by Caitlin Bumar, Esq.

Courts across the United States are feeling the effects of the judicial backlog created by the COVID-19 pandemic that has besieged the country and the world for over a year. With the efficient deployment of effective vaccines, however, normalcy is beginning to return to all aspects of life.

On June 25, 2021, Governor Tom Wolf announced that 75% of adult Pennsylvanians had received at least one dose of a coronavirus vaccine. When the Pennsylvania Supreme Court ordered a full reopening of Pennsylvania courts as of July 6, courts across the state ramped up their efforts to return to pre-pandemic operations.

I spoke with two of our colleagues to find out how they have dealt with the transition and what they have taken from the tumultuous changes brought about by the pandemic.



Andrew Skala

Andrew Skala, of Skala Miller, PLLC, in Greensburg, found that proceedings in family and criminal court may have temporarily slowed during the pandemic, but they never really stopped. Even so, things are moving much more smoothly now without pandemic restrictions. Out of all of the pandemic alterations to normal practice, Andy believes the change most likely to stick around is conducting certain proceedings via videoconference. When asked if he thinks that's a good thing, the answer was "yes and no." People do find virtual hearings and meetings to be more

LAW IN THE TIME OF COVID-19

convenient, and they are a great cost- and time-saving measure, but Andy has found that hearings and conferences of all kinds are simply more productive in person. Sometimes the reality of seeing a judge in person is what it takes to show parties the gravity of their court case, or that a settlement or consent agreement is the best option.



Maureen Kroll

North Huntingdon attorney Maureen Kroll agreed that she did not see much backlog in family and orphans' court despite the temporary trial hiatus during the COVID-19 shutdown. For the most part, proceedings kept going,

albeit remotely. The biggest problem Maureen has encountered during the pandemic continues to be a delay in receiving records and correspondence from agencies.

Bankruptcy hearings have been successfully held by phone or Zoom. Maureen hopes that the majority of her bankruptcy hearings remain remote; it makes much more sense for a hearing that could last for a maximum of ten minutes than having to appear in person in Pittsburgh. There is enough consensus on this point that preliminary steps to request a permanent change to the bankruptcy rules to allow for expanded videoconference participation are in the works.

The biggest change for Maureen was the amount of time spent in her office as a result of so much less travel. Spending hours looking around the office gave her time to reassess the amount of unnecessary clutter. In Maureen's words, "Filing cabinets are

so yesterday!" She cleaned up the office and ditched the filing cabinets for a modernized, color-coded wall filing system. She began scanning and digitizing as many of her paper documents as possible. This was especially helpful as her assistant began working from home while Maureen was in the office. This arrangement allowed her assistant to be more efficient with her time, free of the "office busy work" duties of answering the phone and filing.

As the judicial system heads back into normalcy along with the rest of the country, members of our bar are moving forward and integrating lessons learned from the shutdown into their practices. ■

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Softball & Election & Awards & Rizzo's

On Friday, July 30, 2021, the Westmoreland Bar Association hosted a softball game, a special election and awards ceremony, and a picnic catered by Rizzo's, at Hempfield Park in Greensburg. The special election and awards ceremony were broadcast via Zoom so more members could participate.

Following the softball game in which Mike Stewart's team "crushed" the competition, the special meeting was called to order once a quorum of members was present both in person and via Zoom. Votes were submitted in writing for those attending in person, and via email for those attending on Zoom. Votes were counted on Monday, August 2, and Adam J. Long was elected Director (*see box at right*).

Once the business meeting was concluded, WBA President Judith Potoka Petrush presented the awards for Committee of the Year and Outstanding Young Lawyer, and recognized Patsy A. Iezzi, Jr., for his contributions to the association in the

James A. Horchak Accepts Position of WBA Treasurer



James A. Horchak assumed the office of Treasurer of the Westmoreland Bar Association at the June 9 board meeting. An attorney for 21 years, and a CPA for 26, Jim is an associate with QuatriniRafferty, P.C., in Greensburg, where he focuses on estate planning, probate & estate administration, litigation & appeals, and real estate law. A South Greensburg native, Jim earned his B.S. from Saint Vincent College and his law degree from Duquesne University. Jim succeeds Patsy A. Iezzi, Jr., and will serve a six-year term as Treasurer. ■

Adam J. Long Elected Director at Special Meeting



WBA President Judith Potoka Petrush called a Special Meeting of the Westmoreland Bar Association on Friday, July 30, 2021, to elect a director to fill the seat left vacant by the election of Maureen Kroll to vice president at the April 29 Special Meeting.

At the special meeting, which was held in person at the Softball Game & Picnic at Hempfield Park and virtually via Zoom, the quorum of attendees elected Adam J. Long to a three-year term as Director ending on April 1, 2024. Adam is a partner with Long & Long LLC in Greensburg. ■

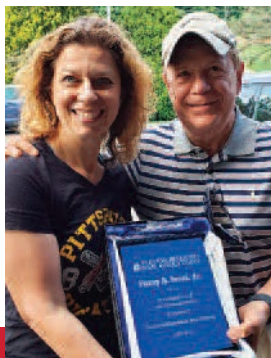
time he spent as Treasurer. Pat took over from L. Christian DeDiana in 2018, and stepped down in June to focus on his other obligations.

Committee of the Year and Outstanding Young Lawyer are typically awarded at the Annual Meeting in April. However, since the

Annual Meeting was held virtually this year, the awards were postponed until they could be presented in person.

President Judith Potoka Petrush announced that the **Family Law Committee** was chosen as Committee of the Year. With in-person gatherings prohibited or restricted, the committee pivoted and met via Zoom to keep up with the changing landscape of the family courts during the pandemic. Committee member Bruce Tobin accepted the award on their behalf.

Past Young Lawyers Chair **George C. Miller, Jr.**, was chosen as the Outstanding Young Lawyer of the Year. George kept the Young Lawyers connected virtually when it was impossible to meet, and arranged several outdoor, socially distanced events including a happy hour on the J.Corks patio, a softball game at Hempfield Park, and snow tubing at Seven Springs. ■



WBA President Judith Potoka Petrush presented awards to past Treasurer Patsy A. Iezzi, Jr.; Bruce Tobin, as a member of the Family Law Committee, which was named Committee of the Year; and George C. Miller, Jr. (and George C. Miller, III), who was named Outstanding Young Lawyer.

Do You E-File?

by Joyce Novotny-Prettiman, Esq.

After facing complications along the way, Westmoreland County has an electronic filing system up and running for attorneys to file civil and family court documents.



Joyce Novotny-Prettiman

Prothonotary Christina O'Brien has provided access to the e-filing system through her official website. E-filing has been up and running since March 23, 2021. The beauty of the e-filing system is that it is available 24/7. This means that litigants trying to make a deadline could take advantage of the ability to file documents after the physical office closes at 4 p.m. but before midnight.

Certain documents must still be filed in person, such as emergency motions, appeals, and protection from abuse petitions. There is also monthly maintenance performed on the system; the timing for the maintenance is noted on the e-filing log in page.

To access the e-filing system, use the link on the Prothonotary's page of the county website (co.westmoreland.pa.us/323/Prothonotary). In order to e-file, you will need to go through a registration process; however, there is no charge to register to use the system.

After you have registered, there is a \$15 fee for first-time filings and an \$8 fee for each additional filing in addition to the regular filing fees. There are also convenience fees associated with using debit cards (1%, or a minimum of \$1), credit cards (2.6%, or a minimum of \$1) or electronic checks (\$1.95). The system is expected to bring in \$200,000 in

new revenue to the county budget from fees assessed through the e-filing system, according to an article published in the April 21, 2021, issue of the Tribune Review.

The Prothonotary's Office does not expect that e-filing will become mandatory in the foreseeable future, and will continue to accept all documents for filing in person during regular business hours. There is also assistance being offered at the Prothonotary's office for non-attorneys who want to e-file.

The system is being used on a daily basis, but many local attorneys are continuing to file documents in person due to the additional filing fees charged for electronic filing. The Prothonotary's Office is more than happy to assist with any questions regarding the e-filing system and is open to suggestions that may improve the system. ■



Stephen L. Meyer

Patent Agent, USPTO Reg. 71312
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MAY 2021 CIVIL TRIAL TERM

Of the ten cases on the May 2021 Civil Jury Trial list, five settled, one was continued, one proceeded to a summary jury trial, and three proceeded to a jury trial.

CHRISTOPHER SHAW AND SARAH M. SHAW, HIS WIFE

V.

**DONALD SMATLAK
NO. 5515 OF 2018**

Cause of Action: Negligence

On May 23, 2018, Plaintiff and Defendant were driving in opposite directions on Colonial Manor Road approaching the intersection of Niagara Drive in North Huntingdon. A collision occurred between the two vehicles, and Plaintiff suffered multiple injuries including a ruptured disc requiring back surgery, radiculopathy into his left leg, numbness in feet, a left knee injury, and abrasions to his face and arm. The parties entered into a stipulation, agreeing that the matter would be resolved through the use of a binding, non-appealable summary jury trial on the issue of liability alone. Each party testified that the other crossed the yellow line and was responsible for the collision.

Trial Date: May 3, 2021

Plaintiff's Counsel: Richard J. Schubert, AlpernSchubert, P.C., Pgh.

Defendant's Counsel: Dwayne E. Ross, Reeves & Ross, P.C., Latrobe

Trial Judge: The Hon. Chris Scherer

Result: Verdict in favor of the Defendant.

**KENNETH C. SELLERS, III
V.**

**KENNETH J. BOERINGER AND
ALYSSA L. FARABAUGH
NO. 1875 OF 2019**

Causes of Action: Negligence

On May 16, 2017, Plaintiff was the rear-seat passenger in Defendant Boeringer's vehicle. Defendant Boeringer made a left turn from Frantz Road onto White School Road in Unity Township, and was struck on the driver's side by Defendant Farabaugh's vehicle, which was traveling straight on



JURY TRIAL VERDICTS

BY LEEANN PRUSS, ESQ.,
CAITLIN BUMAR, ESQ., AND
LISA GALLOWAY MONZO, ESQ.

White School Road. Defendant Boeringer's vehicle overturned; Plaintiff suffered injuries including a lacerated liver, ruptured spleen, and three hip fractures, all of which required surgery.

According to Defendant Boeringer, Defendant Farabaugh was responsible for the collision. Defendant Boeringer testified that he stopped at the stop sign on Frantz Road, which was at an angled, offset base of a T intersection onto White School Road. He could not see oncoming traffic from the stop sign, so he testified that he stopped a second time and looked both ways before turning left onto White School Road. He did not see Defendant Farabaugh's oncoming vehicle prior to the collision. Further, Defendant Farabaugh admitted that she was speeding on White School Road.

Defendant Farabaugh testified that Defendant Boeringer was responsible for the collision. She testified that although she may have been driving approximately 40 mph in a 35 mph zone, her actions were not the proximate cause of Plaintiff's injuries because she was in her lane of travel, she did not have a stop sign, and Defendant Boeringer suddenly pulled out in front of her oncoming vehicle. According to Defendant Farabaugh, Defendant Boeringer did not have a clear view of approaching traffic on White School Road before he made the left turn. Although she applied her brakes in an attempt to avoid the collision, she was unable to do so.

Trial Dates: May 10-11, 2021

Plaintiff's Counsel: Mark J. Homyak, The Homyak Law Firm, P.C., Pgh.

Defendant Boeringer's Counsel: Michael A. Weiner and Abby Hahn, Bennett, Bricklin & Saltzburg, LLC, Pgh.

Defendant Farabaugh's Counsel: Kenneth Ficerai, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Chris Scherer
Result: Verdict in favor of Plaintiff in the amount of \$200,000; 85% liability to Defendant Boeringer and 15% liability to Defendant Farabaugh.

**SUSAN CUENCA AS
ADMINISTRATRIX OF THE
ESTATE OF BIENVENIDO CUENCA
V.**

**LEE H. KOSTER, M.D. AND
LEE H. KOSTER, M.D., P.C.
NO. 2864 OF 2018**

*Causes of Action: Negligence—
Medical Malpractice, Survival Action,
Wrongful Death*

This case was a medical malpractice action for alleged failure to timely diagnose and treat prostate cancer. The Plaintiff's decedent, Mr. Cuenca, began treating with Dr. Koster in 2004 for urological issues. Beginning in January of 2015, Dr. Koster began measuring Mr. Cuenca's Prostate-Specific Antigen ("PSA") levels, finding them to be sporadically elevated over the course of the next year and a half. On August 1, 2016, Dr. Koster measured Mr. Cuenca's PSA level to be significantly elevated and he was prescribed an antibiotic. By late September of 2016, a biopsy was performed and Mr. Cuenca was diagnosed with prostate cancer. The cancer metastasized and Mr. Cuenca passed away on November 19, 2017.

Plaintiff argued at trial that Dr. Koster was negligent in that he was aware of Mr. Cuenca's heightened PSA levels since at least the beginning of 2015 and he did not timely order a biopsy while the cancer was still in an earlier, treatable stage. Defendants argued that Dr. Koster's treatment of Mr. Cuenca was entirely appropriate and in keeping with the urological standard of care for the treatment of men over 75 years old.

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Jury Trial Verdicts *continued from page 7*

Trial Dates: May 3-7, 2021

Plaintiff's Counsel: Megan E. Dirlam and Peter D. Giglione, Massa Butler Giglione, Pgh.

Defendants' Counsel: Paula A. Koczan, Weber Gallagher Simpson Stapleton Fires & Newby, LLP, Pgh.

Trial Judge: The Hon. Harry F. Smail, Jr.

Result: Verdict in favor of Defendants.

**FELICIA SCHROCK
V.
THERESA PHILLIPS,
ADMINISTRATOR OF THE
ESTATE OF JOHN L. LOEHNER
NO. 6043 OF 2018**

*Causes of Action: Negligence—
Premises Liability*

This case involved a slip and fall on an outdoor stairway. Plaintiff Felicia Schrock was a residential tenant in a multi-unit home owned by John L. Loehner. Plaintiff began renting the unit on the property in approximately 2006. The yard of the property contained outdoor steps which were constructed of railroad ties with a wooden handrail. It is unknown when or by whom the steps were built. Plaintiff used these steps weekly while walking from her unit to use the laundry facilities in the basement of the house. On May 6, 2018, Plaintiff slipped and fell on these outdoor steps located in the yard. On this occasion the handrail moved, and Plaintiff lost her balance and fell. She suffered a broken right foot and ankle, which necessitated surgery.

Plaintiff argued at trial that the stairs were in a serious state of disrepair, and that Defendant was negligent in failing to maintain the stairs in a safe manner. Plaintiff also argued that she put Defendant on notice of the dangerous condition, and that he did not repair it adequately. Defendant argued that he did not have notice of a problem with the handrail, and Defendant's expert

testified that the handrail was securely attached.

Trial Dates: May 10-12, 2021

Plaintiff's Counsel: Michael W. Landis and Jessica M. MacPhee, Lowenthal & Abrams, P.C., Bala Cynwyd, Pa.

Defendants' Counsel: Peter B. Skeel, Law Office of Kelly A. Morrone, Wexford, Pa.

Trial Judge: The Hon. Harry F. Smail, Jr.

Result: Verdict in favor of Plaintiff for \$20,000. The jury attributed 35% of fault to Plaintiff and 65% of fault to Defendant. The verdict was molded to \$13,000 based on the apportionment of contributory negligence.

JULY 2021 CIVIL TRIAL TERM

Of the seven cases on the July 2021 Civil Jury Trial List, four settled, two were continued, and one proceeded to a jury trial.

**RUBY G. COOPER, INDIVIDUALLY
AND AS EXECUTRIX OF THE
ESTATE OF LARRY C. COOPER**

V.

**LATROBE AREA HOSPITAL, INC.
D/B/A EXCELA HEALTH LATROBE
HOSPITAL, DAVID G. WEINBERG,
M.D., AND WESTMORELAND
EMERGENCY MEDICINE
SPECIALISTS**

NO. 4226 OF 2018

*Causes of Action: Negligence—
Medical Malpractice, Survival Action,
Wrongful Death*

This case was a medical malpractice action relating to the medical treatment provided to the decedent, Larry Cooper, while at Latrobe Hospital. Mr. Cooper was diagnosed with metastatic colon cancer in May of 2016. On September 24, 2016, Mr. Cooper developed thrombocytopenia, gastrointestinal bleeding, and anemia, and he spent 42 days in various hospitals and intensive care facilities before he was transferred to Latrobe Regional Health and Rehabilitation Center.

On November 5, 2016, a few hours after arriving at the Rehabilitation Center, Mr. Cooper was transferred to Latrobe Hospital Emergency Department to treat a clogged nasogastric tube. Mr. Cooper complained of leg pain, and he was administered morphine. Mr. Cooper returned to the Rehabilitation Center at approximately 5:30 a.m., and he was found unresponsive in his room by nursing staff at 7:50 a.m. He was taken to Westmoreland Hospital where he was admitted for an acute hypotensive event. He did not regain consciousness, and he passed away. The cause of death was listed by the attending physician as "gastrointestinal bleeding." No autopsy was performed.

Plaintiff argued at trial that Dr. Weinberg was negligent in allegedly administering an excessive dose of morphine, causing his death. Plaintiff based this argument on the medical records from Latrobe Hospital, which indicate a six milligram and a four milligram dose of morphine administered at the same time. Defendants argued that the medical record was simply incorrect, based on the testimony of the nurse and Dr. Weinberg, indicating that they originally intended to administer a six milligram dose but settled on a four milligram dose, with the nurse inadvertently recording the original dose. Defendant additionally argued that the total dose of morphine discussed could not have led to the death of Mr. Cooper in any event.

Trial Dates: July 12-15, 2021

Plaintiff's Counsel: Gerard E. Rickards, Allison & Rickards, Bedford, Pa.

Defendants' Counsel: Brett C. Shear and Steven G. Petramale, Marshall, Dennehey, Warner, Coleman & Goggin, P.C., Pgh.

Trial Judge: The Hon. Harry F. Smail, Jr.

Result: Verdict in favor of Defendants. ■

To-Wit: Honestly Now

by S. Sponte, Esq.

Oh, it was glorious. I sat there listening to opposing counsel rest his case against my client without having put into evidence a fact so essential that without it he could not prevail. So eager was I to make a motion to dismiss the complaint that I sat there with haunches tensed in excruciating pleasure, just waiting to rip his case into abject flaccidity.

My resultant twitching and trembling must have been so apparent that the tipstaff leaned across counsel's table and whispered, "It's down the hall on the left."

The very instant opposing counsel sat down I leapt to my feet and moved to dismiss the complaint. Following my explanation, His Honor readily agreed, smacked down his gavel with a glorious sounding "whack," and that was that.

It had been a simple matter. My client was a small urban auto repair

service and had been charged with violating a municipal ordinance prohibiting the parking of any vehicle under repair outside on the public street. Strictly technically speaking,

“Now you'd think, wouldn't you, that in a profession which demands of us complete candor with our clients we wouldn't marvel anytime a colleague actually did that.”

my client was innocent. He had not parked any vehicle outside on the street, he had parked every vehicle outside on the street.

At the hearing, the code enforcement officer identified a ton of photographs he had taken showing multiple vehicles

in various stages of repair parked on the public street around my client's garage; what opposing counsel failed to put into evidence was that my client was the one who had put them there.

As I was simultaneously packing up my briefcase and trying to stop my highly excitable client from gesticulating obscenely at the code enforcement officer, I heard opposing counsel turn to his client and say, "I'm sorry, that's my mistake, it's on me. We can refile, it won't cost you anything more."

Now often in this business, if a lawyer makes such a careless and obvious mistake, it might be followed by an immediate effort to deflect responsibility, perhaps by blaming the


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G

GEORGE AND JOSEPH

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Armstrong, Butler, Indiana, Clarion,
and surrounding counties**

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Daniel Joseph

To-Wit: Honestly Now *continued from page 9*

judge or a junior associate, or perhaps even suggesting that the client might have recently committed some grievous transgression against the Lord. Instead, opposing counsel conducted himself with such astonishing forthrightness and professionalism that it took me completely by surprise.

Now you'd think, wouldn't you, that in a profession which demands of us complete candor with our clients we wouldn't marvel anytime a colleague actually did that. This instance was of particular note, occurring as it did in the cauldron of a courtroom where the volatile admixture of combat, anxiety, stress and fear can at any instant explode away the clothing of our hindquarters and generate a frenzied knee-jerk reaction to cover them by any means possible. In such hostile environs, honesty might sometimes seem to be an unexpected guest.

Ethical considerations notwithstanding, it is only human nature

to want to deflect away as much responsibility for our mistakes as we can. Ours is a business of words, and the suitably artful among us can usually find the right assemblage to both meet ethical requirements and preserve some measure of competence.

Others, however, who by lack of experience, courage or self-esteem might at first offer up a deflective explanation so poorly thought out that it makes matters worse and could potentially get them into an ethical bind.

Well, that's where I come in. Learning how to offer up an explanation that is both ethical and preserving of some appearance of competency takes a lot of trials and errors. It has taken me years, but I now consider myself something of a whiz at it. I am therefore pleased to announce the startup of my new concierge service, Honestly Now, to serve colleagues across the Common-

wealth. Should you ever find yourself in an embarrassing situation that you haven't already mucked up by trying to explain it yourself, just email me and I will come up with a creative and credible explanation for you. That it will also be mostly true is just an added bonus.

Lest any of you have doubts as to my ability, permit me to offer up some free samples. These have all been tested in my own practice, many repeatedly, and I can assure you that some of them sometimes work:

"Your Honor, I didn't say 'I rest my case,' I said, 'I will crest my case with my next witness.'"

"Yes, I did tell you that on a good day your case would be worth \$100,000, but this isn't a good day."

"Yes, I did say you'd get the house, the furniture, the cars, full custody of the kids, all the money and the dogs in your divorce but give me some credit for being right about the dogs."

"Yes, I did miss the Statute of Limitations in your case, and oh pooh about that. I'll just refile the complaint for you at no further cost."

"Yes, guest passengers in a car crash should always expect to recover money, but you should be just as pleased that instead you made new law."

Now I know you think I'm taking a chance by telling you the true story of the opposing counsel who 'fessed up immediately. If all of you behaved like that, my services would be neither necessary nor profitable. I considered that possibility, I really did, but that conduct took a lot of professional courage and forthrightness. I think I'll be okay here. ■

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New Member Sketches



Melissa Rose Liddell has been admitted as a participating member of the WBA. With a dual major in theater and East Asian studies, she earned a bachelor's degree from Hawaii Pacific University and her J.D. from the University of Florida Levin College of Law. She is a Fiduciary Advisor with PNC Private Bank in Pittsburgh.

Elizabeth Ranger was admitted as a participating member of the WBA. Elizabeth studied English and history at the University of Maryland Eastern Shore and received her juris doctor degree from Duquesne University School of Law. She is an Assistant District Attorney in Westmoreland County.



Meghan E. Young has been admitted as a participating member of the WBA. Meghan earned a bachelor's degree from Lycoming College, where she studied archaeology, philosophy, and French. She earned her J.D. from The Dickinson School of Law, and is an associate with Tremba Kinney Greiner & Kerr, LLC, in Greensburg. ■

Westmoreland Revisited

Dick Coulter's Dog

by Daniel J. Ackerman

The ceremonial courtroom on the second floor of the newly completed courthouse was filled beyond its capacity, primarily with members of the Westmoreland Bar Association who had come to pay tribute to the memory of one of their own, Greensburg



Daniel J. Ackerman

lawyer Richard Coulter, who had recently passed away at age 81, on October 14, 1908. The primary eulogist praised him as a man and a lawyer, then added, "But nature had molded him for deeds of daring and courage..."

Indeed, it had. He enlisted in the army at age 18 and participated in the siege and capture of Veracruz during the Mexican War. Admitted to the bar in 1849, his practice was interrupted by the outbreak of the Civil War, and two weeks after the assault on Fort Sumter he

enlisted again, this time as a captain in Company I of the Eleventh Regiment of the Pennsylvania Volunteer Infantry; an act which over the next four years would place him under fire in 28 major battles including Cedar Mountain, Second Bull Run, Antietam, Fredericksburg, Chancellorsville, Gettysburg, the Wilderness, Spotsylvania, Cold Harbor, and Appomattox. Three horses were shot out from under him and three times he suffered severe wounds from Confederate fire; the first at Fredericksburg, the second at Gettysburg, and the third at Spotsylvania. He would rise in rank to colonel, and toward the end of the war to brevet major general.



The Eleventh Regiment drew recruits from a six-county area. The Westmoreland contingent was comprised of five companies: Company C from Latrobe; Company E from Latrobe and Ligonier; Company F from Salem; Company I from Greensburg; and Company K from Youngstown.

continued on page 12

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Dick Coulter's Dog *continued from page 11*

The regiment, as part of the 1st Corps of the Army of the Potomac, received its initial training at Camp Wayne in West Chester. Captain Coulter described the atmosphere at Camp Wayne as having, “more the semblance of a Maytime picnic or a pleasure excursion, than what it was intended to be, a school of instruction, drill, and discipline;” yet out of this informality came a small, agreeable surprise.



*Brevet Major General
Richard Coulter*

It took place at the camp in April 1861, in the form of a wicker basket delivered to Captain William R. Terry of Greensburg's Company I—a gift from one of West Chester's well meaning residents. The basket contained a four-week-old female brindle American Staffordshire Terrier. Sallie Ann Jarrett was the name the soldiers gave her, derived

from their admiration for Sallie Ann, a young woman from the area who had caught their eye, and the regiment's commanding officer at the time, Colonel Phaon Jarrett.

All dogs like attention, and with a whole regiment of soldiers willing to feed and pet her, she didn't go wanting. She was free to run around the parade ground as her new “owners” performed their drills, and soon caught on to keeping pace with them, eventually adopting a routine of going to the head of the column with the color guard. When on the march thereafter, it was her pleasure to trot beside the horse of the new regimental commander, Colonel Coulter. Her position there became so regular that troops from other regiments referred to her as “Dick Coulter's Dog.”

The Eleventh's first major engagement occurred on August 9, 1862, at the Battle of Cedar Mountain in Culpeper County, Va., where it was reported that Sallie Ann, who was seeing her first action, didn't panic under fire, but rather was grabbing dustups where bullets struck the ground around her. Three weeks later there would be more bullets to chase after at Second Bull Run. Both encounters ended in Confederate victories. While the first action involved thousands of killed and wounded, it didn't do much more than boost Confederate morale and depress that of the Army of the Potomac. Combined casualties at Second Bull Run of 21,000 were seven times those at Cedar Mountain, and resulted in a crushing Union defeat; but for the regiment which had earned the moniker of “The Bloody Eleventh,” even more arduous clashes were still ahead. The next encounter would be the most violent single day of the war.

The day was September 17, 1862, when the two armies met on the cornfields near Antietam Creek. It was said that

some of the men in the regiment attempted unsuccessfully to send Sallie Ann to the rear, and likely more than one wished they could go there themselves. By the day's end, Coulter's brigade of 1,211 men had sustained 603 casualties, and the efforts of two exhausted armies would be viewed by historians as a draw. Yet, the Army of the Potomac had thwarted an attempt to bring the fighting into the northern states.

A month after the battle, Sallie Ann gave birth to a litter of ten puppies, which were eventually sent back home to live with families of some of the men in the regiment. Still, the war went without letup. Sallie Ann and her comrades would find themselves on the losing side at Fredericksburg that December, where Colonel Coulter was one of the wounded, and again at Chancellorsville the following spring, but the tide would soon turn.

The most dramatic and celebrated battle of the war occurred at Gettysburg during the first three days of July 1863, and the army which had known nothing but disappointment had its first major victory. It was not the product of planning, but rather of accidental circumstances.

As for the Eleventh, it was sent forward on the first day, along with a New York regiment; both eventually took up a position behind a stone wall on Oak Ridge which lay northwest of the town. Around 2:30 p.m., a North Carolina

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brigade formed a battle line and stepped out in parade ground order toward the stone wall, not knowing, because of their neglect in failing to put skirmishers before them, that two Federal regiments were concealed behind the wall and would rise and open a blistering fire upon them when they were within fifty yards of the wall. Historian Bruce Catton wrote:

“For half an hour or an hour—no one counted minutes that day—there was a desperate fight on the open plain to the north and the long ridge to the west. This battle that involved only a fraction of the armies grew far beyond its size, and like the war itself became bigger and more destructive than anyone intended.

The North Carolina brigade gave way in retreat, for out of its 1,384 men and officers, 900 had been killed, wounded, or taken as prisoner.

That July 1st was a busy day for the Eleventh, which was moved no less than five times to different positions on the field of battle, all the while taking and returning heavy fire with the Confederates. Colonel Coulter received a severe wound to his arm late in the day which temporarily disabled him, but he stayed on the field and shortly resumed his command. At the conclusion of this day of chaos, it was eventually discovered that Sallie Ann Jarrett was among the missing. Later, after two more days of blistering combat, she was found half-starved among the Union dead who lay unburied where they had fallen on Oak Ridge. Sallie Ann was alive, and would live to fight yet another day.

The Union victory at Gettysburg, coupled with General Grant’s long-awaited triumph at Vicksburg the day after hostilities ended at Gettysburg, changed the complexion of the war. Grant was brought east and placed in command of the entire army, and through May and June 1864, he relentlessly pushed the Army of the Potomac south, engaging in one major battle after another, with hardly time for the combatants, including the Eleventh Pennsylvania Volunteer Infantry and its ever-present mascot, to catch their breath. The casualties from this campaign were unheard of and shocked homefronts north and south: the Wilderness, May 5-7, 29,800; Spotsylvania, May 8-21, 30,000 (which included Richard Coulter who was carried from the field with a chest wound, and Sallie Ann—an unreported



The monument for the Eleventh Pennsylvania Volunteer Infantry at Gettysburg, Pa., features the bronze figure of an infantryman with a bayoneted rifle raised and pointed toward the sky, with “Dick Coulter’s Dog,” Sallie Ann, at his feet.

casualty—who had been struck in the neck by a rifle ball which she would carry in her flesh for several months before it worked its way out of the wound); and Cold Harbor, during May 31-June 12, 17,332.

In the late summer of 1864, the nature of the war changed once again, due to an eight-month stalemate at Petersburg, in what would become trench warfare—an ominous preview of what troops would face in World War I. There, Sallie Ann was to be seen in the trenches and the forts opposite the city, as the war slowly ground its way toward its end.

On February 5, 1865, Grant ordered two corps of infantry forward in an attempt to sever a Confederate supply line. At Hatcher’s Run, in a forested area with thick underbrush, they met Confederate resistance and a firefight ensued where the combatants could barely see one another. Four of the Pennsylvanians fell. Two were killed and two seriously wounded. As the firing continued, the wounded were pulled away and the rescuers discovered the lifeless body of their mascot who had sustained a fatal wound to her head. Though the gunfire hadn’t stopped, time was taken to bury Sallie Ann Jarrett where she fell. Now, for the first time, her

regiment would go into its next and last battle without her. In 63 days, the nightmare of war would be over.

Twenty-five years after the Eleventh had been mustered out of service, surviving veterans of the regiment—now mostly middle-aged men—members of their families, dignitaries, and other onlookers gathered on September 3, 1889, at Gettysburg on Oak Ridge near the position where they had repulsed the charge of the North Carolina brigade. They were present for the dedication of a monument in recognition of their service, which features the bronze figure of an infantryman with a bayoneted rifle raised and pointed toward the sky standing atop a granite base. Inscribed on the right side of the base are the home counties of those who served; the left side lists the regiment’s twenty-four battles; and on the back, the human cost:

*Present at Gettysburg
23 officers and 269 men
Killed and died of wounds 13 men
Wounded 8 officers 54 men*

continued on page 14

Dick Coulter's Dog

continued from page 13

Captured or missing 57 men

Total 132

Total enrollment 2096

Killed or died of wounds

12 officers 219 men, total 231

Wounded 43 officers 729 men

Total 772

Died of disease, etc. 4 Officers, 167 men, total 171

Captured or missing 5 officers, 253 men, total 258

Total casualties 1432

On the face of the monument's base, underneath the soldier, is a bronze plaque displaying the seal of the Commonwealth. At the very bottom, carved into the stone, are the words: "11th Pennsylvania Infantry," and directly above those words rests a life-sized bronze statue of an American Staffordshire Terrier in repose, placed there by the unanimous vote of the surviving members of the regiment. From a distance one might think that the dog is asleep, but its eyes are open as if waiting for the call, "Here, Sallie"—followed by the whisper, "Good dog, Sallie—good dog." ■

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Finding and Remembering Edward Ratchford Geary

by Don Rigone, Esq.

About 20 years ago, while walking through the Delmont Presbyterian Cemetery, I came across a large star-topped tombstone and began reading it. I realized I had stumbled across the gravesite of Eddie Geary! I knew who Eddie Geary was, but never expected to find his then-unreported burial site there in Delmont, Pa.

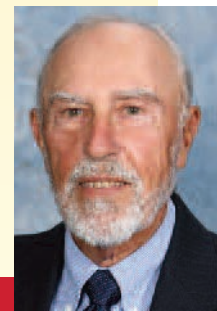
Eddie Geary was the first surviving child born to John White Geary and Margaret Ann Logan Geary, in Cressent Heights, Pa., near Johnstown, on September 14, 1845, where his father was working as Chief Engineer for the Allegheny Portage Railroad.

After John White Geary notably served in the Mexican War, the three-member Geary family traveled from Pennsylvania to newly acquired California, where John accepted the federal appointment as first American Postmaster of San Francisco. The Gearys stayed together there a few years, until Margaret,

due to her declining health, returned to Pennsylvania with Eddie, now a toddler, and his newborn brother, Willie. John stayed a year or two longer, becoming San Francisco's first mayor at age 30. In 1852, he returned to Western Pennsylvania and reunited the family, but within a year or so, Margaret died, leaving John to raise their two young sons.

John became a lawyer and practiced mainly in Philadelphia. In 1858, he married Mary Church Henderson; Eddie was then thirteen years old. John had, shortly after Eddie's birth, purchased a farm between Delmont and New Alexandria, and moved his new family to that location.

When the Civil War started in 1861, Eddie, age 16, was a sophomore at Jefferson College in Canonsburg, Pa. His father returned to Philadelphia and



Don Rigone

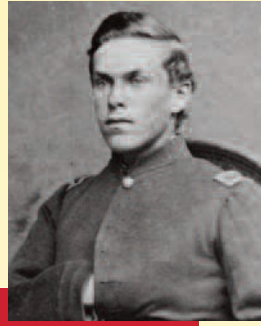
recruited, at his own expense, two regiments, including the 28th Pennsylvania Volunteer Infantry, and the Pennsylvania Independent Battery E, a/k/a, Knap's Battery, to which Eddie Geary, still only 16, was appointed as 2nd Lieutenant, perhaps the youngest officer in the Union Army.

Eddie would serve under his father, John, who became Colonel of the 28th P.V. John's rise in rank would culminate by the end of the Civil War in Brevet Major General of Volunteers, and after the war, he served two terms as Governor of Pennsylvania.

Eddie also received promotions. In 1862, he became a 1st Lieutenant commanding a two-gun section of Knap's six-gun Battery. Eddie, along with the rest of Knap's, served in the Union's eastern Army of the Potomac at numerous early battles, and both he and his father suffered battle wounds. At

Gettysburg, Knap's Battery would see its hottest action on July 2nd and 3rd on Culp's Hill.

After the devastating Gettysburg campaign, significant action transferred to the Georgia-Tennessee area. In September 1863, the Confederate Army defeated the Union Army at Chickamauga, resulting in the Union Army retreating to Chattanooga where it was besieged and left to starve or surrender. To rescue the Union Army, reinforcements, including John Geary's Division and Knap's Battery, were rushed to the scene, but in a mistake, while on the march, were left isolated at the base of Lookout Mountain, Tenn. Geary's total force was then only six regiments of about 1,500 men, and Confederate General Longstreet, seeing the blunder, ordered his troops to annihilate Geary's men.



Captain Edward R. Geary

The rare nighttime Battle of Wauhatchie resulted. Geary had placed his only artillery, Knap's Battery, on a rise in the center of his circled

infantry. 1st Lt. Eddie Geary, age 18, commanded a two-gun section of Knap's when the Confederate attack began just after midnight. Knap's Battery devastated the attacking Southerners, and in return, Confederate sharpshooters were ordered to concentrate their fire on the Union Artillerymen. Eddie, in the center of the defense, personally sighted a cannon—ordered "fire" and was immediately thereafter

shot by a Confederate sharpshooter. Eddie died that night, October 29, 1863, in his father's arms. In his pocket, John carried an undelivered promotion to the rank of Captain for his 18-year-old son.

Wauhatchie was a Union victory—the Union Army at Chattanooga was saved—and the Civil War would go on for nearly two more bloody years before ending.

Eddie Geary, killed in action at age 18, is buried at the Presbyterian Cemetery in Delmont, Pa., near the family farm and next to his mother, Margaret Ann Geary, and infant brother, Logan. Eddie's short, eventful life is still worthy of being remembered 158 years after it ended. ■



The graves of Edward R. Geary (left) and his mother, Margaret Logan Geary, with his infant brother, Logan, (right) in the Delmont Presbyterian Cemetery.

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Mentoring Matters *continued from page 1*

Defenders, the necessity for vigorous advocacy.

As a young lawyer, there is an immediate intimidation factor when appearing before a judge or jury. He instilled in me the backbone necessary to stand up in court and make arguments before both. His Don't Back Down attitude has well served all of those mentored attorneys in their ongoing careers. His message consisted of: Fight hard and don't take no for an answer unless you have exhausted all arguments. The concept he instilled was that, as an Assistant Public Defender, you are fighting hard to keep the government off the backs of the citizenry.

These three individuals, along with the upbringing of my parents, provided me with all the necessary tools to practice law in what I consider is the right way.



Dick Galloway

For Dick Galloway, Dennis Harrington was a mentor extraordinaire. After finishing law school, Dick was hired as an associate at the Pittsburgh firm of McArdle, Harrington, Feeny & McLaughlin, where he had been clerking and working summers since his first year. Dennis, a nationally recognized trial lawyer, soon had Dick working with him on discovery issues, attending depositions and arguments on motions, and getting the feel of plaintiffs' law.

As time went on, Dennis allowed Dick to take on more responsibilities, from taking depositions of defendants and witnesses to finally sitting for the first time as second seat in a serious injury case in federal court. Midway through the trial, after the plaintiff had testified about the accident and his

injuries, Dennis called the police officer who had investigated the accident. Dennis stood up and informed the Court that Dick would be conducting the examination. Dick was stunned; although he had met with the police officer and was thoroughly familiar with his reports, he had not prepared any examination. Nevertheless, Dennis told him to stand up and start asking questions.

Dick recalls that he stood up in front of the Court and jury and began to question the officer, trying to emulate the way Dennis would have done it. He finally got to the end of any questions he could think to ask, walked over to the counsel table, bent down and whispered to Dennis, "Are there any other questions I should ask?" Dennis replied, "Nope. Easy, isn't it?"

With this confidence boost, Dick soon felt comfortable in the courtroom and in front of a jury. He continued to work with and around Dennis, who never failed to have time to give him advice and pointers to help him clean up his act as a trial lawyer.

At one point when he and Dennis were working together on a number of cases that were heading to trial, Dick was hoping to take a week to go to the beach with his wife and baby daughter. "Vacation! You cannot go on vacation!" Dennis told him. Dick was crestfallen. "You don't have enough money to take your family on vacation,"

Dennis continued. With that, he reached into his pocket, pulled out \$400, handed it to Dick and said, "Now you do. Have a great vacation." That \$400 was \$100 shy of a full month's salary for Dick at the time.

Dennis was more than a mentor to Dick; he was like a father. He made sure he met other members of the Bar, particularly insurance defense lawyers he fought against but admired. He taught Dick that someone advocating for the other side of the case is not an enemy to be vilified, but a colleague trying to do for that person's client what they were trying to do for theirs. Dennis mentored him to be polite to all, to be as prepared as he could be, to care for his clients and their needs and, above all, not to be a phony. If there is a Hall of Fame for mentors, Dick is certain that Dennis has been inducted.



Jason Huska

Jason Huska started his career as an Assistant District Attorney. Important mentors in his career have been Kyle Baxter, who was an Assistant District Attorney; then Assistant District Attorney, now District Justice Wayne Gongaware; Assistant District Attorney Tom Grace; and Westmoreland County Detectives Robert Weaver, Anthony Marcocci, and Terry Kuhns. Jason also credits District Attorney John Peck for setting an example of having a great work ethic. Jason's career moved from the District Attorney's office in Greensburg to Latrobe, where he was an associate with Ferguson Law Associates. Attorney Michael Ferguson gave him great advice in telling him that there was no shortcut to building a law practice.

A law practice needs to be built by providing great client service. As Jason



progressed through his legal career, he learned that it was good advice to trust his gut instinct on what cases to accept, and to not take cases outside your area of expertise, or from a client that you may feel isn't the best fit for you for whatever reason.

Jason also credits the attorneys at Stewart, McArdle, Sorice, Whalen, Farrell, Finoli, and Cavanaugh, where he is currently an associate, for helping him learn how to handle divorce and custody cases.



Emily Shaffer

Emily Shaffer says she has been very lucky to have multiple mentors during her career.

She considers Judge Marsili to be one of the most impactful mentors that she has had. Judge Marsili spent hours talking to her about her future, the different types of law to practice, and what kind of life she wanted to have. As a result, Emily found her passion in public service. Emily ultimately took a job at the Blackburn Center, where for the first time she was actually representing clients in the courtroom. At the Blackburn Center, Emily attributes Attorney Kelly Eshelman for mentoring her through the transition from a law clerk to representing clients. From Kelly she learned how to counsel a client, what Motions to file for specific problems, how to approach custody conciliation, and much more.

Emily believes that without these key people having crossed her path, she would definitely be in a different place in her career, and probably would not have the life right now that she has and enjoys. Her mentors have also instilled in her the importance of being involved in the Bar Association.

MENTORING NEVER ENDS

I am sure that there are many more stories as to how members of our Bar Association have benefited from being mentored. These are just a few, but they point out the importance of having someone experienced to help all of us transition from law school to the practice of law.

The process of mentoring never ends. No matter how experienced we become, there are always things that we can learn from our colleagues, whether older or younger. The practice of law is

a profession. What that means is that we share ideas and concepts with our colleagues. To that degree, we are constantly in a mentoring relationship with each other.

The Westmoreland Bar Association has attempted on many occasions to provide mentoring services through various programs. However, no program can really substitute for simply reaching out to another lawyer for advice in an area in which you need help. There should be no hesitancy or fear or embarrassment in doing this. ■

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Bar Foundation Awards Scholars

The Westmoreland Bar Foundation awarded five law school scholarships and two college scholarships to Westmoreland County residents at a ceremony held on Wednesday, August 4, 2021, at the Westmoreland County Courthouse. WBF Assistant Secretary Dr. Kathleen R. Kelley acted as emcee for the event.

THE WAYNE R. DONAHUE MEMORIAL SCHOLARSHIP

Felicia Dusha, from Greensburg, is a first-year law student at Duquesne University School of Law. She is a graduate of the University of Pittsburgh at Greensburg with a B.A. in English Literature and a minor in Philosophy and Criminal Justice.

Amy Zigarovich, from Murrysville, is a first-year law student at The Pennsylvania State University School of Law. She is a graduate of The Pennsylvania State University Smeal College of Business with a B.S. in Supply Chain

& Information Systems and a Minor in Information Systems Management.

THE HONORABLE DAVID H. WEISS MEMORIAL SCHOLARSHIP

Gabrielle Wast, from Greensburg, is a third-year law student at the University of Pittsburgh School of Law. She is a graduate of American University with a B.A. in Anthropology.

THE DONALD LAIRD HANKEY MEMORIAL SCHOLARSHIP

Chelsea Burkhardt, from Greensburg, is a first-year law student at the University of South Carolina School of Law. She is a graduate of The Elliott School of International Affairs at George Washington University with a B.A. in International Affairs/Middle Eastern Studies and a minor in Linguistics.

Cameron Seigfreid, from Harrison City, is a first-year law student at

Duquesne University School of Law. He is a graduate of the University of Pittsburgh at Greensburg with a B.A. in Political Science and Criminal Justice.

FOUNDING FELLOWS SCHOLARSHIP

David McElfresh, a 2021 graduate of the Derry Area School District, was recognized as “Best Advocate” during the Mock Trial competition. David was president of his Senior Class and Valedictorian. He attends Yale University and is studying Biomedical Engineering.

Shaye Potter, a member of the Greensburg Salem School District winning Mock Trial Team, graduated this spring. She was recognized four times as “Best Advocate” during her participation in the Mock Trial competitions. Shaye attends West Virginia University and is studying Public Relations/Pre-Law. ■

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- Over 30 years of practice before the U.S. Patent and Trademark Office
- 95% success rate in obtaining U.S. patents with over 1700 U.S. patents issued (overall average success rate for all U.S. patent practitioners is 51%)
- Registered at Canadian Patent Office with over 300 patents issued
 - Registered over 300 Federal, Pennsylvania, and Canadian trademarks
- Obtained patents in all major countries, including European Union, Japan, China, U.K., Germany, Brazil, Mexico, etc.

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

New Members Presented to Bench, Bar at Annual Ceremony



New members of the WBA were presented to the bench and bar on July 27, 2021. From left to right: Sophia Al Rasheed, Hannah Fortini, Ryan H. James, Mallard S. George, Elizabeth R. Echard, Julie Zappone, Nicholas Kennedy, Lucy A. Burgunder, Matthew R. Schachte, and Chelsea Forbes.

On Tuesday, July 27, 2021, the Westmoreland Bar Association presented its newest members to the court. Following a welcoming address by WBA President Judith Potoka Petrush, each admittee was introduced to the court by a member of the association.

Since the pandemic necessitated the cancellation of last year’s event, eligible attorneys included those who joined the bar association from April 2019 through July 2021. The new members presented to the court were: Sophia Al Rasheed, presented by Judith Potoka Petrush; Lucy A. Burgunder, presented by John K. Greiner; Elizabeth R. Echard, presented by Kelly Tua Hammers; Chelsea Forbes, presented by Lawrence D. Kerr; Hannah Fortini, presented by

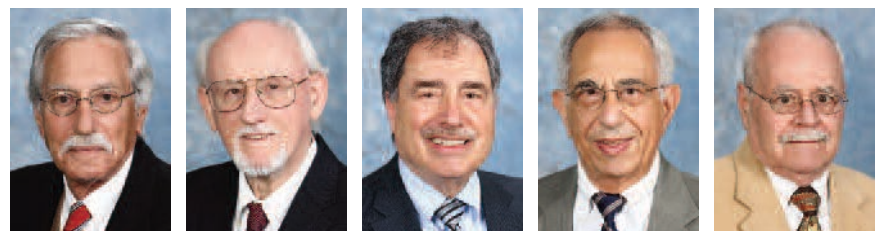
Joseph Baughman; Mallard S. George, presented by Keith R. Nicola; Ryan H. James, presented by Ryan L. Dansak; Nicholas Kennedy, presented by Vincent J. Quatrini, Jr.; Matthew R. Schachte, presented by Judith Potoka Petrush; and Julie Zappone, presented by Dennis J. Gounley.

Following the presentation to the court, Alexander W. Brown and Matthew L. Prather greeted the new members on behalf of the Young

Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. The Hon. Christopher A. Feliciani then spoke on behalf of the court. A reception for the new admittees and their families was held at WBA Headquarters immediately following the ceremony. ■

To learn a little more about the newest members of the WBA, look for “New Member Sketches” in our back issues at westbar.org/the-sidebar.

PBA Honors 50-Year Members



In May, the Pennsylvania Bar Association presented PBA Fifty-Year Member Awards to a number of Westmoreland County attorneys who have been association members for five decades.

The Westmoreland Bar Association members who were recognized are, from left to right:

- Richard A. Bruni, Lower Burrell;
- John M. Campfield, Greensburg;
- James Falcon, Youngwood;
- George A. Kotjarapoglus, Murrysville, and;
- Leslie J. Mlakar, Greensburg.

Dennis S. Shilobod, of Latrobe, was also recognized for fifty years of PBA membership. ■

IN MEMORIAM



Kate Conti, wife of former WBA member George A. Conti, Jr., passed away on June 27, 2021. Kate and George, who passed away in 2019 at the age of 80, were often seen at WBA social events. They are survived by three children, four grandchildren, and many other family members.

CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters or virtually via Zoom. Visit westbar.org for more information about activities and CLE courses, and **register online**.*

For PBI CLE courses, call 1-800-932-4637 or visit pbi.org/westmoreland-county.

SEPTEMBER

14 [CLE] PACFile® Training for Attorneys, Noon to 2 p.m., 2S
Building Committee, Noon

15 35th Annual Bench/Bar Conference begins at Seven Springs

16 35th Annual Bench/Bar Conference continues at Seven Springs

17 35th Annual Bench/Bar Conference concludes at Seven Springs

21 [CLE] The Federal Child Tax Credit Impact on Child Support, Noon to 1 p.m., 1S

24 [CLE] Autism: Understanding and Helping in the Justice System, Noon to 1:30 p.m., 1.5S

27 [PBI CLE] How to Handle a Guardianship 2021, 9 a.m. to 12:15 p.m., 3S

30 [PBI CLE] Intellectual Property Law Update 2021, 9 a.m. to 4:30 p.m., 5S/1E


OCTOBER

6 [PBI CLE] International Business - Risks and Rewards 2021, 9 a.m. to 1:15 p.m., 3S/1E

8 Red Mass, Noon, Saint Vincent Basilica, Latrobe

11 Courthouse and WBA offices closed in observance of Columbus Day

13 [CLE] IRV Talks: The Burned Out Lawyer—Recognition and Prevention Strategies in the Post-COVID World, Noon to 1:15 p.m., 1E



How Stress Affects Lawyers

Stress affects all people and all professions. Stress in the legal profession, however, is well-documented. Lawyers work in an adversarial system with demanding schedules and heavy workloads, which may contribute to increased stress levels.

Lawyer assistance programs are available to help lawyers manage stress effectively. Contact Lawyers Concerned for Lawyers for help: www.lclpa.org.

LAC Committee members:
Joyce Novotny-Prettiman, Tim Geary,
Jim Antoniono, Chris Skovira,
Linda Broker, Stuart Horner,
Tom Shaner, Linda Whalen.



***Westmoreland Bar Association's
57th Annual Memorial Service
Westmoreland County Courthouse
Courtroom #3***

***Monday, November 1, 2021
at 3:00 pm***



In remembrance of:

- ***George A. Conti, Jr.***
- ***Thomas J. Godlewski***
- ***Morrison F. Lewis, Jr.***
- ***R. Jerry Little***
- ***The Honorable Gilfert M. Mihalich***
- ***Margaret E. Picking***
- ***David L. Robinson***
- ***William C. Stillwagon***



Kindly notify the bar office in advance if you intend to share a special memory.

2021 WBA Memorial Service Registration

Fax 724-834-6855 or
Return to WBA
100 North Maple Avenue Greensburg, PA 15601

_____ I will attend the Memorial Service on **Monday, November 1, 2021**, at 3 pm
in Courtroom #3.

Name (please print) _____

The Federal Child Tax Credit Impact on Child Support

— Live — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Presented by the Family Law Committee

Topics of Discussion:

1. Federal Child Tax Credit - Changes for 2021
2. Who qualifies
3. Income limits
4. Phase Out 1
5. Phase Out 2
6. Impact on Child Support
7. Who should opt out of Advance payments

Speakers:

***Eric Bononi, Esquire**

Attorney & CPA at Bononi & Company PC

***Timothy Cawoski**

Deputy Director of Domestic Relations

September 21, 2021 - Federal Child Tax Credit Impact on Child Support

Name: _____

Attorney ID #: _____

E-mail: _____

Pre-Registration Fees

___ WBA Members - \$35

___ Non-Members - \$55

Non-Credit:

___ FREE

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

___ Bill my ___ MasterCard ___ VISA ___ DISCOVER for

\$ _____ (Amount).

Card # _____

Expiration Date _____ 3-digit code _____

Credit Card Billing Address _____

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, **by 12 pm September 20, 2021**

**Tuesday,
September 21, 2021
12:00pm - 1:00pm**

WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 20, 2021.)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

FREE

WALK- IN:

CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

FREE

Westmoreland Bar Association

100 North Maple Avenue

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

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

Autism: Understanding and Helping in the Justice System

— LIVE — 1.5 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

Attendees will begin to learn to identify, encounter, and support people with autism, and review specific issues in relation to victims, witnesses, and arrestees in justice-related activities.

Following this seminar, learners will be able to:

1. Discuss the appearance of common behavioral signs of autism and how these impact interactions with authority figures.
2. Modify common practices of interviews and justice-related activities to best work with autistic people and their families or supporters.
3. Identify three common scenarios of disability-related social errors made by people with autism which get them caught up in the justice system (online behaviors, fight/flee/freeze under stress, being used by others to commit crimes without forming criminal intent, etc.)



Speakers:
***Judge William F. Ward**
***Luciana Randall**

September 24, 2021 - Autism: Understanding and Helping in the Justice System

Name: _____

Attorney ID #: _____

Pre-Registration Fees

___ WBA Members - \$15

___ Non-Members - \$25

Non-Credit:

___ \$5 (includes pizza)

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

___ Bill my ___ MasterCard ___ VISA ___ DISCOVER for

\$ _____ (Amount).

Card # _____

Expiration Date _____ 3-digit code _____

Credit Card Billing Address _____

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, **by 12 pm September 23, 2021.**

Friday,
September 24, 2021
12:00pm - 1:30pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm September 23, 2021.)

CLE Credit

WBA Members - \$15

Non-Members - \$25

Non-Credit

\$5 (includes pizza)

NO WALK-INS WILL BE ACCEPTED!

Lunch will be provided.

Westmoreland Bar Association

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Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

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IRV Talks: The Burned Out Lawyer - Recognition and Prevention Strategies in the Post-COVID World

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board of Continuing Legal Education

If there is one word we heard during our journey through the pandemic and continue to hear more than any other term as we navigate into the Post-COVID "new normal" world, it is "burnout."

But what is burnout? What does it look like and feel like? More importantly, what can we do to prevent the normal stress and "lawyer anxiety" so common in our profession from developing into the physically and emotionally draining state known as burnout?

Recent studies have shown that there has been a dramatic increase in impairment due to alcoholism, addiction and mental health disorders among members of the legal profession. The statistics are compelling and clearly indicate that 1 out of 3 attorneys will likely have a need for substance use or mental health services at some point in their careers.

Topics of Discussion

1. The early warning signs of impairment, with special emphasis on stress and burnout.
 - A. Symptoms of stress and burnout that are particularly prevalent among members of the legal profession.
 - B. Discussion will include the basic stress reactions, both physical and psychological; the difference between healthy stress and distress, with emphasis on the impact of the COVID-19 pandemic.
 - C. The transition from distress to burnout and how we can recognize and identify the sources of stress in our lives before burnout develops.
 - D. Guidelines for a "master plan," including realistic prevention strategies that work.
2. Why lawyers and judges are at especially high risk to develop mental health and substance use disorders.
3. The free services that Lawyers Assistance Programs provide to lawyers, judges, their family members and law students.
4. The barriers that prevent lawyers and judges from seeking the help they need.
5. The role that education plays in breaking the stigma and fear associated with alcoholism, substance use disorders and mental illness in the legal profession.

Speaker:

***Brian S. Quinn, Esquire**

Education & Outreach Coordinator

Lawyers Concerned for Lawyers of PA, Inc.

October 13, 2021 - IRV Talks: The Burned Out Lawyer: Recognition and Prevention Strategies in The Post-COVID World

Name: _____

Attorney ID #: _____

Pre-Registration Fees

____ WBA Members - \$35/credit

____ Non-Members \$55/credit

Non-Credit:

____ \$10

____ Waived for Young Lawyers
(practicing 10 years or less)

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

____ Bill my ____ MasterCard ____ VISA ____ DISCOVER for

\$ _____ (Amount).

Card # _____

Expiration Date _____ 3-digit code _____

Credit Card Billing Address _____

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, **by 12 pm October 12, 2021.**

**Wednesday,
October 13, 2021
12:00pm - 1:00pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 12, 2021.)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

\$10

Waived for Young Lawyers (practicing 10 years or less)

WALK- IN:

CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

\$10

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

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

100 North Maple Avenue

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

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724-834-6730, or by email at

westbar.org@westbar.org.

Nuts and Bolts of Criminal Law

— LIVE — 2 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion:

1. Initial Consultation and Fee Agreements
2. Pre-arrest representation
3. Initiation of case by Arrest or Summons
4. Preliminary Arraignment and Bond
5. Preliminary Hearings and Plea Bargaining
6. Sentencing Alternatives
7. Pre-Trial Motions
8. Trial Tips

Speakers:

***Timothy C. Andrews, Esquire**
***Leo J. Ciaramitaro, Esquire**
District Attorney's Office
***Michael D. Ferguson, Esquire**
Ferguson Law Associates

October 14, 2021 - Nuts and Bolts of Criminal Law

Name: _____

Attorney ID #: _____

Pre-Registration Fees

___ WBA Members - \$35/credit (\$70 total)

___ Non-Members - \$55/credit (\$110 total)

Non-Credit:

___ \$10

___ Waived for Young Lawyers
(practicing 10 years or less)

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

___ Bill my ___ MasterCard ___ VISA ___ DISCOVER for

\$ _____ (Amount).

Card # _____

Expiration Date _____ 3-digit code _____

Credit Card Billing Address _____

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office,
100 North Maple Avenue, Greensburg, PA 15601, **by 12 pm October 13, 2021.**

Thursday,
October 14, 2021
12:00pm - 2:00pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 13, 2021.)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

\$10

Waived for Young Lawyers (practicing 10 years or less)

WALK- IN:

CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

\$10

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

724-834-6730

Fax: 724-834-6855

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westbar.org@westbar.org.



An accredited provider for the PA CLE Board

Bridge the Gap — Video

4 Ethics Credits Available

**Tuesday,
December 14, 2021
9:00 am - 1:15 pm
WBA Headquarters
(Please note the new address)**

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm December 13, 2021.)
CLE Credit
WBA Members- \$35 per credit hr.
Non-Members - \$55 per credit hr.

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

**WALK- IN:
CLE Credit**

WBA Members - \$45 per credit hr.
Non-Members - \$55 per credit hr

**Non-Credit
\$20**

Waived for Young Lawyers (practicing 10 years or less)

Pizza and Soda will be provided.

Westmoreland Bar Association
**100 North Maple Avenue
Greensburg, PA 15601**

724-834-6730
Fax: 724-834-6855
www.westbar.org

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

As a courtesy of the Westmoreland Bar Association, this seminar is being offered **FREE** to **newly admitted WBA attorneys** who are required to complete the Bridge the Gap program by their first CLE compliance deadline.

PROGRAM FORMAT

This four hour program produced by the PA CLE Board consists of the following sections.

- ◆ Introduction from the Chief Justice
- ◆ Communications
- ◆ Practice Management
- ◆ Fiduciary Requirements
- ◆ Overview of the PA Supreme Court Disciplinary System
- ◆ Outreach Programs & Resources

Moderated by:

Maria Altobelli, Esquire
Mears, Smith, Houser & Boyle PC

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

Bridge the Gap --- December 14, 2021

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

Bill my MasterCard VISA DISCOVER for

Name: _____

\$ _____ (Amount).

Attorney I.D. # _____

Card # _____

Address: _____

Expiration Date _____

Email: _____

Three digit security code on back of card _____

Phone: _____

Credit Card Billing Address _____

*** PRE-REGISTRATION Fees: 4 Ethics credits available**

I am a Newly Admitted Attorney, WBA Member

I am a Newly Admitted Attorney, Non-Member - **\$20 FLAT FEE**

\$35 per credit hour, WBA member

\$55 per credit hour, Non-member

***To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 100 North Maple Avenue, Greensburg, PA 15601, by 12 pm December 13, 2021.**