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THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
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# Remembering The Hon. David A. Regoli

*Editor's note: The Hon. David A. Regoli passed away unexpectedly on Thursday, December 9, 2021. He is survived by his wife of 28 years, Anna; two children, Antonio and Isabella; his parents, John and Dolly Regoli, Sr.; and numerous nieces, nephews, cousins, and loyal friends. Memorial contributions may be made directly to the family for a memorial fund.*

by Daniel Joseph, Esq.

My friendship with David Regoli began when he was 7 years old and I was 26. Lois and I were going to a political event at the Red Rooster in Greensburg. In the backseat was our family friend, T.J. Latona, along with little David. Yes, at 7, David was politically involved. He turned to T.J. at some point and asked who was the man driving the car. T.J. jokingly said, "Well, David, that's Mr. Big." And so, he referred to me as Mr. Big from that day forward, long before the reference was made on *Sex and the City*.

David was truly a unique person in so many ways. He had close friendships that reached across the United States as well as internationally, all the way to Italy. Many of those friends were made at his beloved Arizona State University, to which he was a loyal and active alum. As an ASU alum, David had the distinction of perhaps being the only Westmoreland County lawyer with a Rose Bowl ring. David was an equipment manager for the ASU football team. In addition to the Rose

Bowl ring, he was given an ASU letter jacket. One day, when he was down at the Steelers' front office to pick up tickets, he passed Mark Malone, the then-Steelers quarterback and former quarterback at ASU. Malone continued walking for a few more steps before turning back and, towering over David, asked in a polite but incredulous tone, "Can I ask what on Earth you did to earn that jacket?" David often told this story with laughter. It showed how self-deprecating he could be.

Another incident which I always found illustrative of David's gusto was when he was in a Boston airport and encountered a man that he was sure was Alan Dershowitz. David proceeded to introduce himself and told the man that, as an attorney, he was very excited to meet the famous attorney. The man told David that he was not Alan Dershowitz but David did not believe him and said, "I know you really are." In his typical persuasive but insistent manner, David finally got the man to relent and produce his driver's license, proving he was not, in fact, Attorney Dershowitz.



I would often ask David how he knew this or that person. He would say, "Well, that's my cousin." Since his mother, Dolly Regoli, is one of thirteen children, and adding at least two more generations multiplying onto that, it was likely he did have many cousins, but I believe David also regarded everyone he took into the fold of his friendship as a relative. I would often joke with him that all he really needed to do was represent his cousins and he would have a booming law practice, which, as a matter of fact, he did.

As a lawyer, he was dedicated to the best interests of his clients. He served with passion and integrity, as well as great ability and fairness. His

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## President's Message

# My Year In Review

by Judith Potoka Petrush, Esq.

**H**appy New Year! For me, saying “Happy New Year” always had an expiration date of about a week or two into January. This year finds me continuing to wish “Happy New Year!” to everyone as if 2022 certainly will be happy and healthy by my repetition of that simple, positive affirmation.

Last year saw profound losses and disappointments. In spite of the personal challenges presented to our members and staff, I have encountered nothing but support and goodwill during my year as WBA President. I will be forever grateful. And



looking back on 2021, there is much for the WBA to celebrate.

## APRIL

On April 5, the WBA navigated our Annual Meeting and elections over Zoom. Our President-Elect, Dennis Persin, resigned for health reasons, which led me, as Vice President, to pass through the President-Elect position and into the role of WBA President. The members elected Eric Bononi Vice President, but he immediately advanced into the role of President-Elect due to Dennis' resignation. During that meeting, we also elected Leo Ciaramitaro to the Board, Adam Long to the Membership Committee, and Michael Kornis and David DeRose to the Building Committee. Alexander Brown became the new Young Lawyers Chair. After this meeting, we were left with an open Vice President position. The WBA elected Maureen Kroll as Vice President at a Special Election over Zoom on April 29, leaving us with an open Board position.

We sold the old building! Also in April, member headshots were taken for our soon-to-be-published 2022 Member Directory.

## MAY

In May, our Executive Director Alahna O'Brien and her husband welcomed a beautiful baby boy, Callen! While Alahna was on maternity leave, our WBA staff, Jessica and Susan, really kept the office running like a well oiled machine. I cannot thank them enough for their flexibility, responsiveness, and work ethic.

On May 6, our Spring Clothing Donation Drive yielded well over 200 pounds of clothing for the YWCA Thrift Shop in support of its programs.

Jim Antoniono received the PBA's 2020-2021 President's Award on May 20 for his leadership in shepherding the PBA Strategic Plan.

On May 31, Pennsylvania loosened pandemic restrictions and the WBA returned to full capacity.

## JUNE

In June, we welcomed James Horchak as WBA Treasurer. Jim succeeded Patsy Iezzi, who had served since 2018.

## JULY

Alahna seamlessly returned from her leave. I am so grateful for Alahna's insight, ideas, and support. Huge undertakings awaited her and Alahna tackled them with gusto!

We officially welcomed our new members at our New Member Ceremony on July 27.

The WBA still had an open Board position. On July 30, we held our Special Election/Quarterly Meeting and Softball Game at Hempfield Park. The election was hybrid, with members voting in person and over Zoom. Adam Long was elected our

newest Director. We recognized the Family Law Committee as Committee of the Year, George Miller as Young Lawyer of the Year, and thanked Patsy Iezzi for his years of service as Treasurer. The softball game was a success, I suppose. Unfortunately, I did not repeat my 2020 performance as winning pitcher as my team was bested by Mike Stewart, Sr.'s, team.

## AUGUST

We focused on wellness with a Yoga in the Park event on August 3.

Our Capital Campaign kicked off at the WBA Headquarters on August 19 with catering by Myriam's Table and entertainment by The Brothers Kelly. Thank you so much to the Capital Campaign Committee for their vision and their hard work! Thank you to our members for their generosity and dedication to the WBA! I will not steal the Capital Campaign Committee's thunder in announcing the amount raised to date ... but it is in the six figures and every dollar that is paid toward pledges goes back out every month to pay down our building loan. Congratulations, everyone!

## SEPTEMBER

Unfortunately, we were unable to have our Bench/Bar Conference in June like non-pandemic years. We were boxed into our dates of September 15-17, which regretfully created conflicts for some members. We welcomed 79 members, 17 vendors, and several judges to Seven Springs. PBA President Kathleen Wilkinson and President-Elect Jay Silberblatt graciously joined us at Bench/Bar. The Judges' Panel was engaging and insightful as always. George Miller, Alexander Brown, and Joseph Pometto presented fun and informative CLEs to attendees.

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# A Prosecutor's Legacy

## A look back at John Peck's 27-year tenure as Westmoreland County's District Attorney

by Donna McClelland, Esq.

In 1857, David T. Harvey became the first elected District Attorney of Westmoreland County. He held that position until 1878, putting in 21 years of dedicated service. Little did Mr. Harvey know that he was setting a record that would not be broken for over 140 years. In his final term as district attorney, John Peck surpassed Harvey's record and is now the longest serving elected District Attorney in Westmoreland County.

John Peck, a former assistant public defender, first came to the Office of the District Attorney in 1980, as an assistant to District Attorney Albert Nichols. Five years later, he was promoted to the position of senior trial assistant by Nichols' successor, John Driscoll, in recognition of his work on complex issues relating to the death penalty in the Lesko and Travaglia trial. Driscoll then-described his senior assistant as a litigator who was always well prepared and who understood the intricately complex and subtle nuances of the cases he took on, noting "John's grasp of the histories, facts, and legal issues became encyclopedic. He is as knowledgeable of death penalty jurisprudence as anyone in the state."

In 1994, Peck was appointed district attorney when Driscoll was elected to a judgeship on our Court of Common Pleas. At the time, Peck said about Driscoll, "John Driscoll

raised the standard for integrity and independence in the District Attorney's Office ... We understood we were to make decisions on facts, and to separate extraneous facts such as politics. We became oriented much more to the victims of crimes, to protect them and the communities we live in. It was the greatest opportunity of my career."<sup>1</sup> In 1998, when his appointed term was over, Peck ran for the office of district attorney and was elected by a significant percentage of the vote. He would eventually serve six successive terms.

The District Attorney's Office has seen a lot of changes since John Peck first took charge. Barbara Jollie, a former assistant district attorney, who worked there throughout his tenure until recently, was gratified that she was able to observe Peck's many accomplishments over the years. When Peck first took office, computer crimes such as "sexting" and online distribution of child pornography were not widespread. Peck placed concern for juvenile offenders and educational outreach to teenagers concerning these computer crimes at the top of his agenda. He participated in the creation of a diversionary program for juveniles who were arrested for "sexting" so that they could be educated about the dangers of communicating over the internet and through social media; and he also made sure that the prosecutors in his office received training to improve their ability to handle criminal charges involving internet distribution of child pornography and sex trafficking.

<sup>1</sup> Cholodofsky, Rich. "Westmoreland Senior Judge Heads into Retirement – for 2nd Time." Tribune Review. Web, 26 Dec. 2015.



Under him, the victim-witness program was expanded to ensure that all victims were kept informed of the status of their cases and that there was someone accompanying them to court who could explain the often confusing judicial process to them. Jollie also recalled that Peck encouraged the development of protocols for the early participation of prosecutors where the charges were sexual assault or child abuse and assigned specific county detectives for investigation of these crimes. Such prompt intervention allows for better case preparation and better prosecutions. So it wasn't surprising that John Peck was awarded the Westmoreland Kids Hero Award in recognition of his efforts to protect children from abuse and neglect.

He did his part to secure grant money to support assigning a prosecutor and a detective to cases of domestic violence. Under this program, not only are cases of domestic violence more effectively investigated and charged, but community outreach and education for victims of violent crimes has improved. Cases requiring some

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# A Prosecutor's Legacy *continued from page 3*

specialized knowledge such as forfeiture, extradition, animal cruelty, etc., were assigned to specific knowledgeable prosecutors. The office and the county have benefitted from the assignment of focused prosecutors who have developed expertise in these particular areas. And during his term, assistant district attorneys were sent to represent the commonwealth in every preliminary hearing and criminal case filed at the magisterial level. All of this results in early identification of those cases which can enter a diversionary program or disposition through a guilty plea so that they can be scheduled before the court more efficiently.

Although John Peck was responsible for seeing the district attorney's office through changing times, it was his influence on the attorneys who have worked for him that is his strongest legacy. Despite being put in charge of the office with the ability to assign difficult tasks to one of his assistant prosecutors, Peck continued to personally handle problematic cases. He has prosecuted over 100 homicide cases, several where the death penalty was sought by Peck and imposed by the jury. Judge Driscoll remembers, "John's tenure saw no reduction in his personal case inventory. He has tried scores of homicides and felony cases and has handled all of his own appellate work."

Peck is known for his work ethic which he has tried to impart to everyone who has worked in the district

attorney's office. Mark Serge, who is now the Chief Deputy Attorney General of the Office of Attorney General, Drug Strike Force Section, was hired by Peck in 1996 as an assistant district attorney. Serge describes Peck's influence: "I had the opportunity to work for one of the best trial lawyers I have ever had the privilege to witness during my 30-year career as an attorney. John always led by example and his work ethic is unparalleled. As the elected D.A., John routinely prosecuted the most difficult cases. From my perspective, he did this, not because of a sense of obligation, but because he was passionate about obtaining justice for the citizens of the county. His preparation and ability to argue a case was inspirational and served as motivation to be the best prosecutor I could be." In 2013, Peck was inducted into the Pennsylvania Police Hall of Fame. At that time, Peck said, "I think that is part of being a leader—you set an example. I expect it of myself and that's what you need to do to be successful. The court system is an adversarial system, and, I learned in law school that preparation and commitment in a case pays off. You do the best job you can for the victims of crime—and the taxpayers."<sup>2</sup>

When I came to Westmoreland County in 1984 as a new hire in District Attorney Driscoll's office, John Peck was one of the first people I met. At the time, he was an assistant district attorney, doing the same job I was hired to do but doing it so much better. As true then as it is today, he was one of the best trial lawyers I have ever seen. Not only was he a formidable courtroom advocate, he was also willing to share his knowledge with the other attorneys in the office, making himself available to answer questions or discuss trial strategy.

I left the district attorney's office after several years, eventually becoming a defense attorney who was in the uncomfortable position of being in court on the opposite side of one of my own mentors. Even from that vantage point, I can say that he still is one of the best trial lawyers in the Commonwealth. His knowledge of the law is impressive; his ability to connect with jurors on a personal level is unmatched.

It is best said by Dante Bertani, the longest serving Public Defender of Westmoreland County in speaking of the longest serving District Attorney of Westmoreland County: "I tried many very serious criminal cases. I tried a number of those cases against John Peck. John is a good, honest man and a very good trial lawyer, giving his best for the citizens of Westmoreland County. I don't believe that there could have been a better choice for District Attorney over all of these years than John Peck." ■

<sup>2</sup> Duncan, Debra. "Westmoreland County DA Peck Named to Pa. Police Hall of Fame." Pittsburgh Post-Gazette. Web, 15 Aug. 2013.



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# History of the District Attorney's Office

Pennsylvania's common law did not always recognize an office of the District Attorney. Instead, the prosecution of criminal cases throughout the Commonwealth was handled by the Attorney General or one of his deputies. The office of Attorney General existed by virtue of common law powers and duties to prosecute all criminal cases with one deputy appointed for each county. It was not until 1850 that Pennsylvania legislatively created the position of an elected District Attorney when it passed an "Act Providing for the Election of District Attorneys." The Act of May 3, 1850, P.L. 654, § 1 (16 P.S. § 3431), created the elective office of district attorney and among other things provided:

The officer so elected shall sign all bills of indictment, and conduct in court all criminal and other prosecutions in the name of the commonwealth, or when the state is a party, which arise in the county for which he is elected, and perform all the duties which now by law are to be performed by deputy attorney generals, and receive the same fees or emoluments of office.

Following the passage of this statute creating an elected District Attorney, the Pennsylvania Constitution was amended in 1874 to recognize the new office:

The officer so elected shall sign *all* bills of indictment and conduct in court all criminal and other prosecutions in the name of the Commonwealth, or when the state is a party, which arises in the county for which he is elected ....

Pa. Const., Art. XVI, §§1 and 2; Poserina, at 84. This alteration to the state constitution reflected a very real inclination in the Commonwealth towards self-governance and away from what was historically submission to the King's representative as had come to be symbolized by the Attorney General.

Westmoreland County's first District Attorney, David T. Harvey, was elected in 1857. Over the next 164 years, 24 men, including current WBA members John Scales, The Hon. John J. Driscoll, and John Peck, followed him in holding the post. In 2021, Nicole Ziccarelli became the first woman to be elected District Attorney of Westmoreland County.

Today, the Westmoreland County District Attorney's Office employs 23 attorneys, 15 detectives, and 16 support staff workers. The office additionally includes a Victim/Witness Coordinator and five victim/witness advocates. The office currently is prosecuting 4,470 new cases in addition to those still pending from previous years. ■

*Thanks to Law Librarian Betty Ward for this information.*



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# #FreeBritney: Guardianship Law in the Spotlight

by Caitlin Bumar, Esq.

Guardianship law is a crucial practice area that provides assistance for incapacitated adults so that their financial and personal affairs can be managed safely and prudently when they are not able to do so for themselves. Despite its importance, guardianship law (in some states called conservatorship law) is not something that typically gets a lot of press. Recently though, the case of beloved '90s pop star Britney Spears has brought the issue of guardianship oversight and abuse into the public eye.

Britney Spears broke into popular culture in 1993 as a Mouseketeer in Disney's revival of *The Mickey Mouse Club*. In 1998—at the age of only 16—she reached the top of the music charts and gained international fame with her single "...Baby One More Time." Over the next decade, Spears released multiple highly awarded albums, sufficient to make her the eighth best-selling female artist in American music history. By 2007, years in the public spotlight and a difficult custody battle over her sons had taken their toll on the star. Erratic behavior caused Spears to be subjected to two temporary psychiatric holds in 2008, and she lost physical custody of her children.

Later in 2008, amid concerns over her mental health, a permanent conservatorship was granted by a California state court to her father, Jamie Spears, granting him control over both the person and the estate of Ms. Spears. Interestingly, after inception of the conservatorship, Spears continued to work and generate millions of dollars in income: she released three albums, maintained a four-year residency in Las Vegas, and made various television appearances.



Mike Maguire, CC BY 2.0, via Wikimedia Commons

*A crowd of Britney Spears supporters hold up signs for the media in front of the Lincoln Memorial. A cardboard Britney is in the foreground.*

Throughout the decade-long conservatorship, it is reported that Spears received an allowance of \$2,000 per week while her father charged a minimum of \$16,000 per month for his alleged services in maintaining her estate.

This peculiar arrangement went on largely unquestioned until 2019. Rumors began to emerge that Spears was not happy with her father's decisions as her conservator, and she quit touring in protest of her treatment. In early 2021, a New York Times documentary on Spears' conservatorship debuted, bringing public attention to the issue. Supporters of the singer used the hashtag #FreeBritney on social media to raise awareness of her plight.

In the summer of 2021, a court review hearing was held, and Spears provided shocking testimony indicating that she was drugged, that she was forced to perform, and that she had a birth control device surgically implanted against her will. In September 2021, a Los Angeles

County judge removed Spears' father as her conservator. In November 2021, Spears was finally released from her 13-year-long conservatorship, with the presiding judge finding it "no longer necessary."

The high-profile case of Britney Spears' conservatorship brought guardianship abuse into the public eye. How was it possible that California law permitted Jamie Spears to profit handsomely off of his daughter's conservatorship without any court oversight? How was an examination of Spears' capacity not performed in the 10 years that she was working and generating significant income? Spears' plight generated significant criticism of the lack of transparency and accountability in the California conservatorship system, which allows for the removal of an individual's autonomy with little to no scrutiny or continuing oversight. This problem, however, is not unique to California.

Pennsylvania has not been without its own guardianship abuse scandals. In approximately 2017, it was discovered



that a woman working as a guardian in Philadelphia since 2015 was diverting tens of thousands of dollars from her clients, as well as moving her clients to facilities many miles away from their families and communities. By the time she was caught, she had been appointed as guardian on nearly 100 cases in the Philadelphia area. The woman had previous convictions for fraud and bad checks in Virginia, and she was prohibited from working with any money or financial accounts as a condition of her supervised release which ended in 2010. Although she has since been removed from all of her guardianship roles, this is a situation that could have been avoided with a simple background check. This case and many others have caused the Pennsylvania Supreme Court to investigate issues with Pennsylvania guardianship law.

An examination of guardianship abuse in Pennsylvania requires a quick overview of the current state of the law. Guardianship in Pennsylvania is governed by Chapter 55 of Title 20 of the Pennsylvania Code. An incapacitated person is defined as “[a]n adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he is partially or totally unable to manage his financial resources or to meet essential requirements for his physical health and safety.” An interested party—such as a family member or an organization such as the Area Agency on Aging—may petition the Orphans’ Court to request guardianship of an alleged incapacitated person. A hearing to determine capacity is then held before a Common Pleas Court judge, and a guardianship of the person and/or estate may be granted if the individual is found to be incapacitated by clear and convincing evidence and there exists no less restrictive alternative. Guardianships may be plenary or limited in scope pursuant to the incapacitated person’s specific needs, and may be terminated upon petition of an incapacitated person.

Although the law lays out the general processes for the imposition and maintenance of guardianships of the person and estate, cases of abuse over the years have demonstrated a need for further refinement. In 2013, the Pennsylvania Supreme Court established the Elder Law Task Force to address various issues facing the elderly in Pennsylvania, including the oversight of guardianships. The Task Force was chaired by Justice Deborah Todd, and it was comprised of 36 elder law experts. In 2014, the Task Force produced its reviews and recommenda-

tions, containing over 130 actionable items which could be taken to heighten protections for the elderly, as well as younger adults with diminished capacity. The Office of Elder Justice in the Courts was established in 2015 to implement these recommendations.

The Task Force report highlighted some alarming statistics, including that one out of every ten Americans over age 60 suffers some form of abuse, exploitation or neglect, and that only one out of every 24 cases of elder abuse is reported to authorities. The report

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# #FreeBritney: Guardianship Law in the Spotlight *continued from page 7*

recommended corrective measures including court monitoring of ongoing guardianships, increased annual data collection, improved training and criminal background checks for guardians, and assertive action on fiduciary misconduct. One particularly egregious issue addressed by the Task Force was the state's almost complete lack of oversight over ongoing guardianships and the guardians' compliance or lack thereof with their requirements as fiduciaries for incapacitated persons.

One crucial improvement implemented in 2018 to tackle the problem of lack of oversight is Pennsylvania's Guardianship Tracking System or GTS. The GTS was designed to provide for comprehensive and technologically modern monitoring of guardianship information. The system provides a streamlined way for guardians to file

their inventories and annual reports online, and it provides easy access for judges and employees of the Orphans' Courts to monitor Pennsylvania's approximately 18,000 active guardianship cases. The GTS automatically notifies guardians of report due dates, and it flags potential deficiencies in reporting such as unapproved gift expenses or invasion of estate principal for attention by court staff. It also provides an easy way to aggregate state statistics on how many guardianships are opened, closed, active, and out of compliance with the Fiduciary Code's requirements.

Although significant strides have been made in the past decade, the protection of Pennsylvania's most vulnerable residents is an ongoing process. Presently, Pennsylvania law permits any allegedly incapacitated person to hire private counsel, however,

it provides for the court appointment of counsel only in "appropriate cases." While some courts routinely appoint counsel for alleged incapacitated persons, this is not the case in every Pennsylvania county. In 2018, now-retired State Senator Stewart Greenleaf (R., Montgomery) introduced a sweeping bill which would codify many of the Elder Law Task Force's recommendations, including a right to counsel for all allegedly incapacitated persons. Although the legislation has stalled over the perceived costs of the bill, State Senator Art Haywood (D., Philadelphia) continues to seek bipartisan support for the important measures contained in the bill. This and other statewide measures demonstrate Pennsylvania's continuing progress in pursuit of the protection of our Commonwealth's incapacitated and allegedly incapacitated persons. ■

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# To-Wit: My Bucket List

by S. Sponte, Esq.

As one ages, it is inevitable that one's thoughts turn to certain subjects, other than "what happened to sex." For me, one of those things is my bucket list. Although the list is way too long to suit me, there is one particular item which plagues me way more than the others.

During my career, I was mostly a plaintiff's lawyer, and in almost all of those cases I sought money damages for my aggrieved clients. Yes, of course, all of my clients were aggrieved, but a bunch of them legitimately so, and they were the ones thus entitled to compensation. It is in this realm that my yearnings still tug at me.

As any of my colleagues can attest, provided they choose honesty over professionalism, it is that given a few years of experience doing this work, it isn't hard to ascertain what a case is

worth, at least within a most probable range. And when I say "colleagues," yes, I am including defense counsel; there's no way I can avoid it. The blue car/red car cases were the easiest to evaluate, assuming no extraordinary

**“Yes, of course, all of my clients were aggrieved, but a bunch of them legitimately so, and they were the ones thus entitled to compensation.”**

or faked injuries, and even the more complex product liability cases could be thus evaluated. Yet for some strange reason, that honest and mutual kind of conversation was never part of settlement negotiations between opposing counsel.



Say a plaintiff's car was stopped in a line of traffic and was struck from the rear by defendant's car. Whenever I got such a case, there were two things that immediately came to mind. "Thank you, Lord," was the first, and then came the wholly unwarranted belief that this would be an easy and quick case to manage. I was always right about the first thought and always wrong about the second.

Even after 50 years of practice, I never gave up hope that I could sit down with experienced defense counsel and come to a quick and easy settlement based upon our similar evaluations, but it never happened that way. Well, except for once, and herein lies this particular tale.

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## To-Wit: My Bucket List *continued from page 9*

The client was a female who had worked for more than a decade with distinction as a planning officer for a local municipality. For at least the last two years she had been verbally and psychologically brutalized by a recently elected supervisor who quite frequently and proudly announced that he hated women, that he had no respect for women, that he would not even have a work-based conversation with a woman. He would never speak directly to her, nor would he ever acknowledge anything she ever said, going so far as to insist that a male co-worker repeat to him every word she uttered at any municipal meeting. He drove her straight to therapy and Xanax, and then to me.

My filing of the complaint produced defense counsel as instantaneously as blood in the water gathers in sharks. But after a few preliminary conversations with him, I sensed that this guy might be different from others of his ilk, that he might be interested in an honest, straightforward, and tidy settlement instead of three years of litigation.

So after the obligatory deposition or five, I decided to take the path I had for years longed for. "Listen," I said to him one day when I had sufficiently stiffened my resolve, "you know and I know exactly what this case is worth. And I bet we are both at the same number. So I'm going to take the chance and tell you the honest, real, uninflated number that I will take to settle this case. I will not vary from it, and

you can settle with me now and save your client a bundle, or you can litigate with me for three years and pay me that number then. What do you think?"

He paused for a minute and then said, "You know, I've been thinking my whole career how much I'd like to settle a case that way. What's your number?"

I took a deep gulp and told him. Again there was this pause and he said, "I think you're right on, let me talk to my client."

About two weeks later he called me. "Even though I agree with your number completely," he said, "my client won't go there. I am authorized, however, to make you an offer," following which he gave me a number of his own.

Although it was not a bad number, I emitted a very forceful and theatrical sigh. "I thought you'd be different," I replied, "but let me discuss it with my client."

Two weeks later, I called him back and told him that my client, much against my recommendations, was willing to settle for that number. Within a few weeks, the papers were signed, the docket satisfied, and the check delivered.

My client was extremely satisfied. "That's way more than I thought I'd get," she told me.

"Yeah," I replied with a grin, "that's way more than I thought it was worth, too."

Oh, I know what you're thinking, that I'm no better than defense counsel, and you'd be right. It was my own uncertainty and concomitant need for deception that has kept this item on my bucket list, but considering the generous fee that deceit garnered me, I guess I'll just have to live with it. ■

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Westmoreland Revisited

# The Forbes Road

## A study of determination

by Daniel J. Ackerman

Across the breadth of Westmoreland County occasional historical markers on the edge of the highway commemorate the Forbes Road, though the pace of traffic deprives motorists, for whom they were intended, from reading them.



The historic significance of this important route arises out of the complexities of the eighteenth century's largest military conflict, a struggle between the British and French and their numerous allies.<sup>1</sup>

It was known as the Seven Years' War, though it lasted longer than that; and in Great Britain's North American colonies it was simply referred to as the French and Indian War, though neither name seems adequate for warfare fought out on four continents which dramatically changed the course of history.

There were numerous *antebellum* antagonisms between the belligerents, but the spark that engulfed the world in combat occurred in North America, where the British and French contended for possession of the Ohio Valley. To be even more specific, this competition also involved individual British colonies who were still isolated and independent of each other, as well as land speculators such as the Ohio Company. The prime mover among this group was the Commonwealth of Virginia, which called out 200 militiamen to support its claim.

<sup>1</sup> Both had the support of various Native American tribes, as well as European allies: Prussia, Portugal, Hanover, and several smaller German states were allied with the British; and Austria, the Holy Roman Empire, Russia, Spain, and other German states with the French.

About 40 Virginians were ordered to the Forks of the Ohio in February 1754 to erect a fort, but the builders of this nascent structure were swept aside in April when a flotilla bearing 1,000 French soldiers landed on the banks of the Allegheny River and took possession of their endeavor. What was intended as Fort Prince George became Fort Duquesne.

Both sides sent emissaries, accompanied by a guard of 35 to 40 soldiers, to obtain information and demand the withdrawal of the opposition from the area. On May 27, the French contingent camped in the rain at a rock-bound glen about 50 miles south of their base, Fort Duquesne. Their leader was a 35-year-old ensign (lieutenant), Joseph Coulon de Jumonville. The Virginians, commanded by 22-year-old George Washington, had established a supply depot even further south, at a place called the Great Meadows, and had spent that night trying to find seven members of their party who were lost

in the wilderness. The search was suspended when they came upon a camp of some Iroquois speaking Mingos and learned that the French were in the area.

The tribal leader, Tanaghrisson, known as the Half King, guided them to the French encampment, and by morning, the Virginians and the Half King's warriors had all but surrounded the French camp. As the French soldiers were awakening, shots were exchanged and within ten minutes Jumonville and his party surrendered.

Events which lead to war are often born out of the unexpected. As Washington, with the aid of an interpreter, was talking with Jumonville, who was among the 15 wounded in his command, the Half King addressed Jumonville, saying, "Thou art not yet dead, my father," and struck Jumonville in the head with his hatchet, killing him. In a frenzy, the Half King's warriors then set upon the rest of the wounded and killed them.

*continued on page 12*

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# The Forbes Road *continued from page 11*

The remaining 21 prisoners were spared by Washington's intervention, but one escaped to tell the story. The French and Indian War had unofficially begun and the world was about to change.

Returning to the Great Meadows, the Virginians hastily erected a tiny ill-placed stockade they called Fort Necessity, and after a larger fight on July 23, the fort was surrendered. Under generous terms, its defenders were permitted to march back to Williamsburg under their own colors.

England's colonial combatants were not off to a propitious start, but then again, they were raw provincials, untrained and poorly armed under a young, inexperienced commander. Surely things would turn around once professional soldiers under seasoned leaders took the field. They didn't.

A year later, such a well trained and disciplined army of 1,400 British regulars and 700 provincials was

brought onto the scene under General Edward Braddock, only to meet with disaster when, within only eight miles of Fort Duquesne, they suffered almost 900 casualties after crossing the Monongahela: 456 killed, including Braddock, and 421 wounded. The defeat drew more Native tribes to the French and started a reverse migration for many English settlers.

And so it went in North America, with the British in a general state of disarray until 1756, when events in London planted the seeds for a turnaround. It came about when William Pitt (The Elder) became leader of the House of Commons, and changed the military hierarchy in North America. Pertinent to our story, Pitt recognized that the key to the Ohio Country required the removal of Fort Duquesne, which necessitated building a road across the Alleghenies.

Having placed General John Lord Ligonier as commander of

His Majesty's North American Army, the two agreed upon Acting Brigadier General John Forbes to head the expedition against Fort Duquesne. Forbes was a 49-year-old Scot who had been trained as a physician, served in the field during the War of Austrian Succession, was a skilled quartermaster, and was described as "cautious, prudent, and slow," as well as "fair, resolute, and brave."

The three-pronged campaign of 1758 also included strikes against Fort Carillion (later Fort Ticonderoga) and the French Fortress of Louisbourg on the northern tip of Nova Scotia. It involved nearly 50,000 Anglo-American troops (a number equivalent to two-thirds of Canada's population at the time).

Forbes, who was ailing in Philadelphia, was allotted 2,000 regulars and about 5,000 provincials for the task of building a road and subduing Fort Duquesne. But where to build it?



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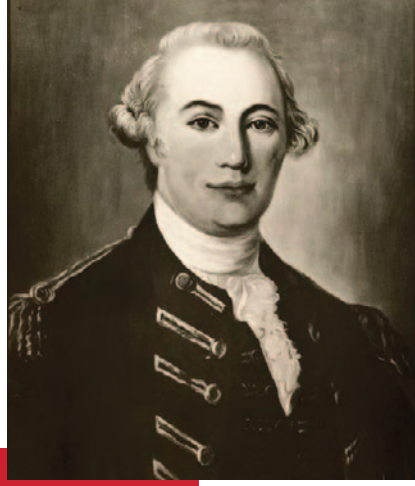
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This question gave rise to two factions, one led by Washington, the other by Forbes' second in command, Henry Bouquet, a Swiss mercenary, who would later be remembered for his victory at Bushy Run. Washington argued for the route Braddock had taken, which was circuitous but nonetheless *there*. However, the route ran through Virginia and areas that the commonwealth and the Ohio Company had laid claims to, which made Forbes somewhat skeptical. Bouquet favored a parallel road through Pennsylvania which Forbes finally endorsed; it was shorter and would be easier to maintain in the long run.

Throughout the summer, the army cut and marched under Colonel Bouquet while illness confined Forbes to Philadelphia. By September, the army of some 7,000 men<sup>2</sup> had reached Bedford, where Forbes, who could barely walk and throughout the campaign had to be carried by litter, caught up with his command. Bouquet and a contingent of 2,500 soldiers and axe men were laboring to cut the road across the mountains—a task which took two months.

After making camp on the Loyalhanna, on September 11, Bouquet sent Colonel James Grant on toward the Forks to collect information on the French force. Notwithstanding that this mission was made up of 800 men in arms, Grant was instructed not to bring on a battle. But ego prodded Grant to overstep his orders. Believing that he could take the fort, which was within sight, on the morning of the 14th, he ordered his drummers and bagpipers to sound off, as he later explained, “in order to put on a good



*Acting Brigadier General John Forbes was tasked to build a road across the Alleghenies for the purpose of subduing Fort Duquesne.*

countenance and to convince our men that they had no reason to be afraid.” In fact, they had every reason to be so. Stefan Lorant succinctly noted, “It was Braddock’s Field over again in miniature.” Grant was captured and lost 273 men, with the remainder fleeing back to the Loyalhanna camp in confusion.

On October 12, while a fort was being erected near the Loyalhanna camp, the site became the subject of an attack by a force of 1,200 French soldiers and 200 Native American warriors. In Bouquet’s absence, Colonel James Burd was in command, and the four-hour battle, which resulted in 63 British casualties along with an unknown number of French losses, ended indecisively with a French withdrawal.

By November, nearly all of Forbes’ army had arrived at the fort, now known as Fort Ligonier, after a grueling 50-day march out of Bedford, cutting the road as they went and exhausting themselves and their mounts. Forbes suffered tremendously as he moved most of the way through inclement weather on a litter between two horses and at times was carried by his men.

It was late in the season when they arrived at the fort, and the worn condition of the army led to a decision

that they would establish quarters there for the winter instead of marching directly to Fort Duquesne.

In the interim, there were two events, unknown to them at the time, which boded well for the expedition.

First, on August 28, Fort Frontenac, the French stronghold located where Kingston, Ontario, now stands, which was a source of arms and supplies for Fort Duquesne, fell to the English.

Second, Forbes’ diplomatic efforts to bring about a peace with some of the Native American tribes bore fruit in the form of a treaty achieved at Easton in October, which guaranteed protection of indigenous lands from English colonization.

Both events had an effect upon Fort Duquesne’s defenders in the form of diminished supplies and manpower. In addition, the timing of the army’s arrival was advantageous, for it occurred during the season when a warrior’s mind turned to the hunting and gathering food for the winter, luring him away. It was also common for many warriors to depart for home after battles, such as Grant’s defeat on September 14, having proven their valor and taken scalps as trophies of war.

In desperation, the French—whose garrison at the Forks had dwindled to 300 men, of whom only 100 were fit for duty—launched a series of raids to carry off or destroy horses and livestock near the Loyalhanna in order to discourage Forbes from continuing the campaign. A raid on November 12 resulted in the seizure or killing of 200 animals.

In response, Forbes ordered out two 500-men detachments to give chase to the raiders, one under the command of Washington, the other led by Colonel George Mercer. As night fell, these two forces accidentally came upon one another and opened fire. Even after the Revolution, Washington claimed that he had never been in more mortal danger than on that night. As it was, two officers and 38 men were killed or wounded.

*continued on page 14*

<sup>2</sup> To put this number in perspective, the population of Philadelphia, the largest city in the colonies, was around 20,000. Add to this civilian camp followers, which then accompanied armies on the march, and would have included wagon drivers, drovers, peddlers, wives and children of some of the soldiers, cooks, nurses, laundresses, and more than a few women of ill repute. To feed this throng, the army had requisitioned 504,000 pounds of flour, 144,000 pounds of pork, 36,000 pounds of rice, 27,000 pounds of butter, 3,375 bushels of peas, and 426 live cattle.

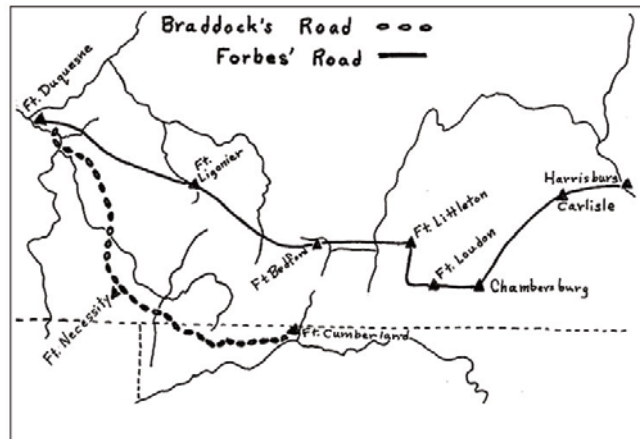
# The Forbes Road *continued from page 13*

Despite this debacle, several raiders were captured and the weakness at Fort Duquesne was disclosed, and Forbes decided to immediately advance upon the Forks.

On the morning of the 15th, Washington's troops began to move west, cutting up to five miles of road per day as they proceeded, with General Forbes, weaker than ever, on his litter.

On November 19-21, an encampment was made near the Turtle Creek in what is now Murrysville.<sup>3</sup> The news of this advance stirred the occupants of Fort Duquesne

<sup>3</sup> Locally it is believed that Washington's camp was somewhere in the hills above the Turtle Creek in the vicinity of what is now School Road South.



*Comparison of Braddock's route from Fort Cumberland vs. Forbes' route from Harrisburg.*

into action, but not into battle. Cannons and munitions were loaded onto bateaux; the fort's 200 soldiers boarded canoes; barrels of gunpowder were buried under the fort's walls; and the fort was set on fire

as the French departed.

The silence of the forest around the Turtle Creek camp was broken by a loud but dull thud on November 23, when barrels of buried gunpowder ignited underneath the walls of the fort. The next day, the army moved forward with caution and took possession of its long-awaited prize without firing another shot.

Forbes wrote a letter to William Pitt on November 27 in which he stated:

*I do myself the honor of acquainting you that it has pleased God to crown His Majesty's Arms with Success over all His Enemies upon the Ohio ... I have used the freedom of giving your name to Fort Du Quesne ... Nor could I help using the same freedom in the naming of two other Forts that I built, the one Fort Ligonier & the other Bedford.*

On November 26, wracked with severe

abdominal pain, suggestive today of stomach cancer, Forbes began a six-week journey by litter back to Philadelphia where, on March 11, 1759, he died five months short of his 52nd birthday.

Henry Bouquet wrote, "After God, the success of the expedition is entirely due to the General." This success was crowned by the achievement of creating an east-west road across the commonwealth and over the mountains, with way stations no more than a day's travel apart, which brought prosperity and opened the way west.

It would have been a remarkable achievement by anyone, let alone one done by a determined man who literally was on his death bed throughout the entire enterprise. ■

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**B**y the Act of June 7, 1832, Congress passed legislation granting military pensions to those who served in the American Revolution. As for those who survived the intervening half century, many had lost the documentation of their service, or their units had simply been disbanded without the issuance of discharge papers. In such cases, former soldiers and sailors could petition the courts of common pleas for a pension through affidavits, detailing their service and supported in open court by the oath of two or more persons that the petitioner was reputed and believed in the neighborhood in which he resides to have served in that war. What follows is an example of such a petition, copied from our court documents.

## LawSpeak

When I was growing up, my mother would always say, 'It will go on your permanent record.' There was no 'permanent record.' If there were a 'permanent record,' I'd never be able to be a lawyer. I was such a bum in elementary school and high school ... There is a permanent record today, and it's called the Internet.

Alan Dershowitz

Pennsylvania  
Westmoreland County

On this 29th day of October 1833 personally appeared before the Court of Common Pleas of Westmoreland County aforesaid Christopher Ackerman a resident of said County of Westmoreland aged 75 years who, being duly sworn according to law doth on his oath make the following declaration in order to obtain the benefit of the provisions made by the Act of Congress passed June 7th 1832- That he enlisted in the Army of the United States in the county aforesaid in the fall of 1775- in Captain Stinson's (or Stevenson's) company of infantry- Marched to Pittsburgh, remained there till the following spring, when declarant-with the other troops was discharged. Served on this Enlistment four months and upwards- In the fall of 1776, in the month of October he believes, the declarant was drafted as a Militia man in the County aforesaid. The company was commanded by Cap. George Baird- We remained on the frontier to keep off the Indians till December following and then marched to New Jersey where we found Washington's Army at Morristown- Declarant with Cap. Baird's company remained in the Jerseys till March 1777, during which time he was engaged in several Skirmishes with the British, particularly one at Ash Swamp. In March 1777 was discharged at Philadelphia having served on this tour the full period of six months. He received a written discharge which he has since lost or mislaid- In the spring of 1778 declarant was again drafted as a Militia man and served this full period of two months in guarding the frontiers of Pennsylvania and at Wallace's fort on [the] Conemaugh and was discharged on serving out this time- He also was drafted and served two other terms of two months, each in guarding the frontiers- and was amiably discharged at the expiration of each term- His memory will not enable him to be more particular. He remembers that he served three terms of two months each as a [illegible] Militia man in guarding the frontiers during the years 1778 and 1779- the names of the officers under whom he served he cannot particularize- He remembers of Col. Loghrey and Colonel Perry being in the service in New Jersey.

Declarant has annexed such proof of his service as he could procure- he has no written evidence of his service- his discharge he has lost- He declares that he served four months upwards as an enlisted soldier- and two months upward as a drafted Militia man in all 14 months and upward for time which he claims a pension- He hereby relinquishes every claim whatsoever to a pension or annuity except the present and declares that his name is [not] on the pension Roll of the Agency of any state.

In reply to the interrogatories propounded by the Court by directory of the War Department declarant Answers.

- 1st, That he was born in the year 1758 in the State of New Jersey-
- 2nd, That he has no record of his age-
- 3rd, That when called into service, he lived in (now) Westmoreland County Penna.-has lived there ever since and still lives there-
- 4, This interrogatory is answered in his Declaration-
- 5th, I have already stated all I can remember on this Subject-
- 6, Declarant Received several Discharges in writing which have been lost-
- 7th, Declarant is known to the Hon. Richard Coulter, Major John B. Alexander and John Huhus being all of the County of Westmoreland.

Sworn and subscribed in open Court this 29th of October AD 1833.

His  
Christopher "A" Ackerman  
Mark

Randall M. Mc Laughlin, Prothonotary

(Followed by the affidavits of Nicholas P. Hacke, a clergyman, and John Lobingier, of even date, stating that the declarant was known in the neighborhood where he lived as having been a soldier of the Revolution.)

*continued on page 17*

# Remembering The Hon. David A. Regoli

*continued from page 1*

law practice was diverse. He was an excellent criminal defense lawyer and a superb municipal solicitor, a position that required much tact and diplomacy. He also handled personal injury cases and estate matters. David never shied away from taking on tough cases. He successfully obtained a presidential pardon for one client by not one, but two presidents. The pardon was initially obtained and approved under President Obama but was finalized under President Trump, hence, being approved by two presidents.

David served as a council member of the City of Lower Burrell and a member of multiple volunteer boards, but his proudest service came as Judge on the Court of Common Pleas of Westmoreland County, where he was known for serving with great integrity, fairness, and compassion.

David died too young at the age of 56, as a result of complications from



*David, at age 7, with family friend T.J. Latona.*

what was thought to be a simple procedure in replacing part of his pacemaker/defibrillator. He leaves behind his loving wife of 28 years, Anna, his son, Antonio, who is a law student at Ohio Northern, and his

daughter, Isabella, who is a first-year student at Penn State.

David and Anna had a wonderful marriage. Their home has always been a welcoming place of warmth and hospitality, hosting many friends. The two have been wonderful parents who place their children first, and have done all in their power to prepare their children for the world ahead. Although greatly saddened by the loss of their husband and father, respectively, there is no doubt that they will continue to make David proud.

On a personal note, I spoke with David daily, sometimes two and three times a day. I will certainly miss each and every one of the conversations we've already had and the ones we should be having. David was constantly in touch with his friends and I'm sure many can recount similar experiences with David. His cellphone was seldom quiet.

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I often joked with David about his height, but believe me, on those sturdy shoulders he carried the responsibility for many people who depended on him to solve their problems. And that he did. There was no problem too small or too great for which David would not gladly offer a helping hand.

David was almost always involved in our lives. On a beautifully snowy Christmas Eve long ago, as I was just about to surprise Lois with an engagement ring, and after putting on Christmas music and dimming the lights, the doorbell rang. I opened the door to find David standing there, as excited as could be.

He'd wanted to be the first to congratulate us and unknowingly interrupted me just as I'd pulled out the little velvet box. But that was okay. We welcomed him in, knowing of his good-hearted kindness in wanting to share the evening with us. Lois slipped on the ring and listened to the latest story that David had to tell. We laughed about his interruption often after that and it became yet another touching memory of how he was linked to our lives. But that was the thing about David—he celebrated everyone's good and bad times—with us and all of the people in his life. He was in constant motion; no one knew where he found the energy. Maybe he had an innate understanding that time was more precious than we realized.

David endured more sadness than should be heaped on any one person. He was very close to his brother, John, and his sister, Sharon. John died of brain cancer five months after their sister, Sharon, died of injuries while on vacation in Mexico. David shouldered the sadness every single day of his life and used all his power, not to wallow in sorrow, but to comfort and care for his siblings' families as well as his parents, as best he could.

David's many attributes are a result of great parenting by his parents, John and Dolly Regoli, who instilled a sense of community service in each one of their children. You'll recall that his father was a county commissioner and served in both branches of the legislature. Their loss of three children within the period of three years is incomprehensible. When I was in the hospital seated at David's bedside along with his mother, his father joined us. I got up to try my best to comfort John and he said to me, "We have been blessed to have had three wonderful children and six wonderful grandchildren."

“**As a lawyer, he was dedicated to the best interests of his clients. He served with passion and integrity, as well as great ability and fairness.**”

While I was writing this, tributes from members of the bench and bar came flooding in, including but not limited to The Hon. Donetta Ambrose, The Hon. Chris Scherer,

District Attorney Nicole Ziccarelli, Aaron Kress, and Jaclyn Shaw. Their words were echoed by countless others in person and on social media: "The best friend anyone could have"; "What stands out was his compassion for others"; "One-of-a-kind, a true statesman in his own right"; "He could befriend anyone"; "David displayed devotion to mankind ... I never heard him wish ill will on anyone." To name all his admirers would be like reciting the WBA directory.

So, together, we all say a sorrowful goodbye to our friend and colleague. David, you will always, always be remembered. ■

**The Hon. David A. Regoli will be among those remembered at the Westmoreland Bar Association's 58th Annual Memorial Service to be held at the Westmoreland County Courthouse in May 2022. Please plan on joining us to honor our colleagues.**

## At A Glance

*continued from page 15*

Christopher Ackerman is buried in a small, now landlocked, private cemetery on land he farmed in Mt. Pleasant Township, not far from the village of Lycippus. His tombstone notes that he died July 7, 1845, aged 87 years, 3 months and 12 days and he rests next to the grave of his wife, Susanna. Only 17 years old when he joined the army, Christopher's petition, presented 58 years later, was approved by the court granting him arrearages in the amount of \$139.98 followed by the sum of \$46.66 per annum thereafter.

The march to New Jersey, which he noted in his petition without embellishment, is described in David Hackett Fischer's history, *Washington's Crossing* at page 348, as follows:

On January 6, 1777, Pennsylvania troops from Bedford and Westmoreland County arrived in 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. ■

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# My Year In Review *continued from page 2*

## OCTOBER

On October 8, WBA members were welcomed to the annual Red Mass at St. Vincent Basilica and a reception at the Fred Rogers Center.

Our Planning Committee held its annual retreat locally at WBA Headquarters on October 28. The Committee thoroughly reviewed progress toward their past recommendations. The Committee also explored applying what we have learned about remote proceedings toward practicing law beyond the pandemic. Their ideas were inspired and the retreat was very well attended.

## NOVEMBER

We were honored to have the Most Reverend Larry Kulik, Bishop of the Diocese of Greensburg, give the Invocation and Benediction at our 57th Annual Memorial Service on November 1 and were pleased that so many were able to join us as we remembered our lost colleagues. This ceremony had been delayed for over a year due to the pandemic.

## DECEMBER

On December 4, 95 members and guests, including PBA President Kathleen Wilkinson and her husband (and PBA Past President), Tom, celebrated at the Holiday Dinner Dance at Latrobe Country Club. This was the

perfect venue—elegant and conveniently divided into separate dining areas and rooms where our guests were able to distance and remain in pods if they chose to do so.

## JANUARY

With our large St. Clair Meeting Room's camera and sound equipment finally in place, we welcomed 2022 and held our Quarterly Meeting on January 10 in a hybrid format: 60 members attended online and 23 members attended in person. Ellen Freedman, PBA Law Practice Management Coordinator, presented a timely CLE on computer security issues. When hybrid meetings have a large number of members attending virtually, we have learned that those meetings need a block of time to afford our staff the opportunity to answer the Zoom doorbell, confirm identity, and let the member into the room. Practically speaking, our staff cannot let everyone into the Zoom room at the same time. Therefore, our virtual attendees have time to enjoy visiting with other virtual attendees leading up to the official start of the meeting.

Thank you to all of the Committees that sponsored and assisted in the planning of the above events. Thank you to all of our Committee Chairs for your creativity and flexibility in your efforts to engage members. Thanks to our Investment and Building Committees for your stewardship.

As you read this, WBA members are serving as jurors for the annual High School Mock Trial Competition in a hybrid format. The students compete virtually while our members/jurors attend in person at the WBA. Congratulations to the WBF and Mock Trial Chair Leo Ciaramitaro for the program's continued success. Year after year, this event provides a great experience for the students and our members.

We are once again looking forward to the New Member Ceremony in March and the Bench/Bar's return to June dates at the elegant Omni Bedford Springs.

I will be passing the Presidency on to Eric Bononi's capable hands at our annual meeting on April 4 at Rizzo's. Eric has many exciting things planned for his year as President. Based upon my experience, I know Eric will have an amazing support system. My year as President affirmed my belief that we have the best Bar Association in Pennsylvania. I am so grateful to my fellow Board members for their fantastic ideas and their dedication to the WBA. I am so proud to belong to this team!

As a mother, I know that I should not play favorites. However, I confess that I do have a favorite WBA member. Thank you, John Petrush, Jr., for being by my side during this year and for all of your love, support, and dog walking!

Be well everyone! Happy and healthy New Year! ■

With gratitude,

*Judi*



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SINCE WE OPENED OUR DOORS.

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# #WBADANCINGAWAY2021

by Joyce Novotny-Prettiman, Esq.

The WBA was excited to be able to celebrate the holiday season at the 2021 Holiday Dinner Dance. Members were invited to the Latrobe Country Club on December 4 to continue the tradition of gathering to kick off the season and share holiday greetings. The WBA was honored this year to have PBA President Kathleen Wilkinson and her husband, Tom, in attendance. Kathleen shared greetings from the PBA staff and commented on the many ways that the PBA is continuing to serve local bar associations. It was great to talk with Kathleen on a one-on-one basis as she took the time



to visit with many of our members and guests.

WBA President Judith Potoka Petrush thanked everyone for attending and helped make sure that the 50/50 raffle was a success. Judi also encouraged all 95 guests to participate in some socially distanced dancing and photo booth shenanigans. As always, the food and beautiful decorations at the Latrobe Country Club set the perfect mood for everyone to get into the spirit of the season. Most importantly, so many members commented that it was especially nice to be able to visit and socialize in person. ■

# G

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**Duke George**



**Daniel Joseph**

## CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters or virtually via Zoom. Visit [westbar.org](http://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](http://pbi.org/westmoreland-county).

### FEBRUARY

- 21** Courthouse and WBA offices closed for Presidents Day
- 22** [PBI CLE] Pennsylvania Prompt Payment Act Update, 9 a.m. to 12:15 p.m., 3S  
[CLE] Trial Tips In Action, 4:45 to 6 p.m., 1.5S
- 23** [PBI CLE] Drafting and Using POAs, 9 a.m. to 12:15 p.m., 2S 1E
- 24** [PBI CLE] Basics of Employment Law, 9 a.m. to 4 p.m., 6S  
[CLE] Trial Tips In Action, 4:45 to 6 p.m., 1.5S
- 28** [PBI CLE] Representing Residential Landlords and Tenants in Pennsylvania, 9 a.m. to 4:20 p.m., 5S 1E

### MARCH

- 1** [CLE] Trial Tips In Action, 4:45 to 6 p.m., 1.5S
- 3** [PBI CLE] Civil Litigation Update, 9 a.m. to 1:30 p.m., 3S 1E
- 9** Real Estate Committee, Noon  
Membership Committee, Noon  
Board Meeting, 4 p.m.
- 10** Criminal Law Committee, Noon
- 15** Family Law Committee, Noon  
Ned J. Nakles American Inn of Court, 5 p.m.
- 17** Elder Law & Orphans' Court Committees, Noon
- 22** [PBI CLE] Ethics of Attorney Marketing and Solicitation, 9 a.m. to 12:15 p.m., 3E



### 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](http://www.lclpa.org).

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



# WE NEED YOU FOR LAW DAY 2022!

Defining and refining the words of the Constitution might be our oldest national tradition. Throughout our nation's history, we have changed the Constitution through many different avenues and for a plethora of reasons and causes. And although most of us are familiar with the formal way to change the Constitution, through the amendment process, it is by far not the only means to make refine the blueprint of our government. Many changes to our constitutional system have come to exist even without formal amendments. Constitutional meaning has evolved over time even as the text has not.

As in years past, we are asking Westmoreland Bar Association members to volunteer for classroom visits in Westmoreland County schools during the month of May 2022.



### FAST FACTS

- Written in 1787, the Constitution was signed on September 17, but it wasn't until 1788 that it was ratified by the necessary nine states.
- The U.S. Constitution was prepared in secret, behind locked doors that were guarded by sentries.
- Established on November 26, 1789, the first national "Thanksgiving Day" was originally created by George Washington as a way of "giving thanks" for the Constitution.
- Of the written national constitutions, the U.S. Constitution is the oldest and shortest.
- The original Constitution is on display at the National Archives in Washington, D.C. When the Japanese bombed Pearl Harbor, it was moved to Fort Knox for safekeeping.
- More than 11,000 amendments have been introduced in Congress. 33 have gone to the states to be ratified and 27 have received the necessary approval from the states to actually become amendments to the Constitution.

To volunteer, register online at [www.westbar.org/lawday](http://www.westbar.org/lawday), email [westbar.org@westbar.org](mailto:westbar.org@westbar.org), or return the form below via fax (724-834-6855) or mail **TODAY**.



### YES! SIGN ME UP FOR LAW DAY!

To volunteer for Law Day 2022, register online at [www.westbar.org/lawday](http://www.westbar.org/lawday), email [westbar.org@westbar.org](mailto:westbar.org@westbar.org), or return this form via fax (724-834-6855) or mail to Westmoreland Bar Association, 100 N Maple Ave, Greensburg PA 15601, **TODAY**.

Name \_\_\_\_\_

Phone (preferred) \_\_\_\_\_ Email \_\_\_\_\_

School/School District Preference \_\_\_\_\_ Grade(s) Preference \_\_\_\_\_

Availability (weekdays in May) \_\_\_\_\_ Times \_\_\_\_\_



*You are cordially invited to attend the*  
***Presentation of New Members***  
*of the*  
***Westmoreland Bar Association***  
**Wednesday, March 30, 2022**



*The court en banc will recognize the newest members of the WBA at the annual  
New Members Ceremony scheduled for  
Wednesday, March 30, 2022,  
in Ceremonial Courtroom #3 at the Westmoreland County Courthouse at  
3:00 p.m.*

*Attorneys eligible to participate in this presentation:*

***Caitlin Bumar***  
***Pauline M. Calabrese***  
***Daniel N. Carr***  
***Erika Nicole Dowd***  
***Amanda L. Fitzhugh Porter***  
***Coleton J. Hawbaker***  
***Erica A. Hixson***  
***Melissa Rose Liddell***  
***Marcus L. Martin***  
***Elizabeth Ranger***  
***Meghan E. Young***



***RSVP by March 21, 2022***  
***to the WBA Office 724-834-6730***  
***or register online at [www.westbar.org](http://www.westbar.org)***



# Mike Ferguson's 21st Annual Personal Injury and Auto Law Update

— LIVE — 2 Substantive Credits Available



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## Topics of Discussion:

1. Significant case law update.
2. New considerations in UM & UIM cases.
3. Handling a Wrongful Death & Survival Action.
4. Q & A

## Speaker:

**\*Michael D. Ferguson, Esquire**  
Ferguson Law Associates

### April 7, 2022 - Mike Ferguson's 21st Annual Personal Injury and Auto Law Update

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 April 6, 2022.**

**Thursday,  
April 7, 2022  
12:00pm - 2:00pm  
WBA Headquarters**

#### Seminar Fees:

##### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm April 6, 2022.)

##### 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](http://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](mailto:westbar.org@westbar.org).



# Eating, Sex, and Exercise Disorders - When Enough Isn't Enough

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board  
of Continuing Legal Education

Food, sex, exercise – all may involve a variety of commonly enjoyed experiences that are healthy, essential parts of our lives. But when any of them become a major focus in your life, are difficult to control, and are disruptive or harmful to you or others, they may be considered part of a compulsive, disordered, or addictive behavior. When enough is no longer enough.

No matter what it is called or the exact nature of the behavior, if it results in damage to self-esteem, relationships, career, or your physical and/or mental health, you may need help to manage it.

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.

## **Mr. Quinn will discuss:**

1. The symptoms and causes of eating, sex, and exercise disorders, including early warning signs.
2. The physical, psychological, and social impact of these disorders on the individual, their family members, co-workers, and organizations/firms.
3. Well-being strategies that really work.
4. The free services that Lawyers Assistance Programs provide to lawyers, judges, their family members, and law students.
5. A close look at what barriers exist that prevent lawyers and judges from seeking the help they need.
6. The role that education plays in breaking the stigma and fear associated with addiction and mental illness in the legal profession.

## **Speaker:**

**\*Brian S. Quinn, Esquire**

Education & Outreach Coordinator

Lawyers Concerned for Lawyers of PA, Inc.

## **April 28, 2022 - Eating, Sex, and Exercise Disorders - When Enough Isn't Enough**

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 April 27, 2022.**

**Thursday,  
April 28, 2022  
12:00pm - 1:00pm  
WBA Headquarters**

## **Seminar Fees:**

### **PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm April 27, 2022.)

### **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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724-834-6730, or by email at

[westbar.org@westbar.org](mailto:westbar.org@westbar.org).