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THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
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# Indelibly On Record: A Salute to Our Court Reporters

by Joyce Novotny-Prettiman, Esq.

As you know, there are many things going on when trials, hearings and depositions get underway. Witnesses are nervous. Attorneys worry that their witness might be stressed or unprepared.



Joyce  
Novotny-Prettiman

Judges must see to it that jurors are able to hear and follow testimony while also concentrating on various legal issues. Usually, the last thing that any of these participants may be thinking about is making a clear record even though making an

accurate record of the proceeding is critical. The good news is that there is a trained professional who is keeping their eye on the ball—that professional is the court reporter, who is very much aware of the record.

## Remember the Record

In order to keep an accurate record, attorneys should be sure to keep the lines of communication open with the court reporter throughout the proceeding. So, to begin, allow the court reporter to start the process by swearing in the witness.

On our part, a clear record begins with educating the witness. Witnesses are new to this process. Attorneys should remind witnesses that their testimony is being recorded by a court reporter and that there are several things they can do to be sure that an accurate record of their testimony is obtained:

- Speak clearly and loudly
- Don't talk too fast
- Keep answers verbal rather than a shake of the head or shrug
- Don't start to answer until the question is finished
- Don't interrupt when others are speaking
- Don't talk over objections
- Spellings of names and technical terms is appreciated

If a witness receives clear instructions, they usually do their best to follow them. Also, if possible, a witness should be seated near the court reporter and facing them.

As counsel, we also need to be reminded of the importance of an accurate record. Accuracy will suffer if attorneys interrupt and/or talk over other participants. Attorneys must also clarify witnesses' answers that are given

in less-than-ideal ways such as “uh-ha,” “nah-a,” or through undecipherable phrases. If a witness makes a gesture, the attorney must be sure to clarify and describe that gesture for the record. If a witness points at a photograph, the attorney should allow the witness to mark the photo so that the record is clear. There may also be conditions that interfere with the proceeding. If there are phones ringing, loud discussions in the hallway, or rumbling HVAC systems, the attorneys should take a break to fix the problem so that the proceeding will go on without interruption.



Reading matters into the record can also create challenges. People who are reading from documents tend to read quickly and fail to enunciate.

Court reporters greatly appreciate courtesy copies of any written documents read into the record, even if the document is not identified as an exhibit. If a document will be used as an exhibit, an attorney must take the time to properly mark and identify the exhibit.

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President's Message

# Are We Doing Enough?

by Maureen Kroll, Esq.

As I take over the reins of leading our Bar Association, I want to explore this question. Recently I traveled to Hershey and Chicago for leadership conferences. I had never attended these programs and overall, for the size of our membership, our budget, and the number of staff, we stand out among all of the Pennsylvania counties and perform as well or better than many of the Bars across the country.



At the Conference of County Bar Leaders in Hershey, Nicole Pardus, our immediate past Chair of the Young

Lawyers, participated in a panel led by our own Joyce Novotny-Prettiman. They did an excellent job. Jim Antoniono is ascending the leadership ladder in the Pennsylvania Bar Association, having recently completed his three-year term as Treasurer. So Westmoreland County is producing leaders in the state bar. However, are we doing enough in our Bar Association to attract participation by our new admittees and those who have been paying dues but are not active?

Our committees are diverse and relevant, but participation is minimal. Our attendance at the quarterly meetings is only about a quarter or less of the membership. The Bench/Bar in June at Bedford Springs has robust registration, but when analyzing the attendees, few are first-time registrants. I get it. Many of us are or have been caregivers to our parents, have young children, or are solo practitioners. No time exists to do one more thing even if it is spending two great days at a world-class resort.

So how can we make the experience of Bar membership better? More hybrid meetings? More remote and less expensive CLE programs? More social activities? Greater involvement in community outreach? I fear that many of our “inactive” members are not benefiting from their

“**Are we doing enough in our Bar Association to attract participation by our new admittees and those who have been paying dues but are not active?**”

membership and our fees are not minimal.

The board will have a planning retreat in May to formulate goals for the coming year. The Planning Committee will be meeting to analyze committee efficacy. Relevant programs and interesting social activities will be planned, but our intent is to pull in those members who we rarely see and more importantly, get to know them.

Aside from accessing their legal expertise, our members have so many other interests and skills to share.

We need your help—423 members' input is necessary to shape the Board's vision. Your thoughts, criticisms, maybe even a compliment can be sent to [maureen@krollesq.com](mailto:maureen@krollesq.com).

I am so honored to serve as President of this Association and your Board of Directors could not be a better group to continue to move this organization forward. ■

*Maureen Kroll*

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# Meet Westmoreland County's New Law Librarian, Jason Greenwald

by *Caitlin Bumar, Esq.*

Since 1978, Pennsylvania law has required that each county maintain a law library that is open to the public. While our community law libraries are often overlooked in the age of the internet, they are indispensable resources for attorneys, judges, and the public alike. This February, Westmoreland County welcomed its newest law librarian to the job, Jason Greenwald.

Though new to the Law Library, Jason began working for Westmoreland County in 2015, joining the Records Management Department after a stint in the office of the University Registrar at Duquesne University. Simultaneously he began working on a Master of Library and Information Science (MLIS) degree with a concentration in academic libraries at the University of Pittsburgh. In 2019, he became the Director of Records Management and Westmoreland County's Open Records Officer. In addition to his MLIS degree, Jason has a Master of Arts in history from Duquesne University and a Bachelor of Arts in International Studies from American University.

While working as the Director of Records Management, the law librarian job became available with the retirement of Betty Ward, and Jason knew that he could put his academic

and practical experience to use in the role. While he is still new to the job, his favorite part so far has been exploring the library and familiarizing himself with the various materials available. He has also enjoyed working with the extraordinary library assistant, Pam Snyder, and meeting the patrons as they visit the library.

When he is not at work, Jason enjoys reading (though much less than he used to), philately, and numismatics. He also enjoys traveling with his wife and playing video games.

"The library is a tremendous resource for attorneys," says Jason. "It includes both print and digital access to materials relevant to state and federal law, as well as historical materials contained in archived

**Located on the second floor of the Westmoreland County Courthouse, the Law Library is the only legal research facility in the county. It provides assistance to attorneys, students, representatives from business and industry, the general public, and handles referrals and inquiries from other libraries in the county. Its collection consists of over 20,000 volumes and is supplemented by computer assisted legal research, inter-library loan and other networking services, providing access to a wide variety of materials.**



print books and available through subscription databases. We have a wealth of resources available not only to the practicing legal community, but also to the public. The library can provide patrons immediate access to many print and digital materials to assist in legal endeavors."

Jason is still exploring the library and its contents. He will be certain to preserve anything relevant to the history of the Law Library and its place within the County for posterity. "Moving into the future, I want to ensure that the library remains current and valuable to its patrons," he says. "Pam and I will continually evaluate resources to ensure that we have materials important to our users, and we welcome suggestions or feedback." As needs change, Jason plans to have the library strive to meet those needs and continue its important role in the legal community.

As a final note, Jason would like the Westmoreland Bar Association to know that he appreciates everyone's patience as he acclimates himself to this new role, and welcomes any advice or suggestions for change. ■

*the* sidebar

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# WCCC Opens The Advocacy Center to Help Students Over Their Legal Hurdles

by Julie Zappone, Esq.

The Advocacy Center, which opened in March, supports and educates Westmoreland County Community College students by breaking down legal barriers and providing a pathway to complete their education and move forward with a productive career. The Center was created by Stephanie Turin and Julie Zappone, Program Directors for the Social Work and Paralegal Programs, respectively. When both instructors encountered students who were



Julie Zappone

experiencing challenges obtaining employment and internships due to their criminal records, or missing class due to issues with custody, landlord tenant disputes, or other issues, the professors began strategizing

as to how they could help students overcome past legal hurdles and become successful members of our community.

With the help of Supervising Attorney Jennifer DeFlitch, paralegal and social work interns will work to assist students in completing legal documents, providing referrals and guidance as to the next appropriate steps to overcome the student's legal obstacle.

The Advocacy Center is located at the Youngwood Campus in the Student Achievement Center (SAC) in Room 130. Students can also schedule an appointment or visit during drop-in hours from 9 a.m. to 1 p.m. on Tuesdays in Room 130A in the SAC.

While The Advocacy Center was created to support our students, the Center is not providing legal representation. Therefore, if you are interested in contributing your legal knowledge, skills, or are willing to

represent a student *pro bono*, contact The Advocacy Center at 724-925-4000 ext. 3329, or email [advocacy@westmoreland.edu](mailto:advocacy@westmoreland.edu). We hope we can work together to better our students and the Westmoreland community. ■

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### Uniontown, PA – January 2023

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Forbes Best-in-State Wealth Management Teams ranking was developed by SHOOK Research and is based on in-person, virtual and telephone due diligence meetings and a ranking algorithm that includes: a measure of each team's best practices, client retention, industry experience, review of compliance records, firm nominations; and quantitative criteria, including: assets under management and revenue generated for their firms. Investment performance is not a criterion because client objectives and risk tolerances vary, and advisors rarely have audited performance reports. SHOOK's research and rankings provide opinions intended to help investors choose the right financial advisor and team, and are not indicative of future performance or representative of any one client's experience. Past performance is not an indication of future results. Neither Forbes nor SHOOK Research receive compensation in exchange for placement on the ranking.

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# Spotlight on Karen Ferri

**Q WHAT JOBS HAVE YOU HELD PRIOR TO BEING AN ATTORNEY?**

**A** In my dad's grocery store, he paid me 25 cents per hour to burn boxes. I was 7 years old. I went on to stock the frozen food, then cashier standing on a milk crate to reach the keys, then weekend manager until my mid-30s. I was also a cafeteria worker while attending Duquesne

University. I also worked as a salad girl and a baker's assistant.

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

**A** Are you kidding me? I am a divorce lawyer!

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

**A** Honesty and integrity.

**Q WHAT IS YOUR FAVORITE JOURNEY?**

**A** I have been so fortunate. There have been many wonderful trips I have taken, however, two of my favorites were my honeymoon with my husband, Phil, in 2014

when we toured France and Italy and then spent a week in my favorite place in the whole world, Capri, at the Grand Hotel Quisisana. Another wonderful trip was an adventure traveling throughout Thailand with my daughter, Alexandra. We spent a couple of weeks together. I went home and she went on to Singapore to conduct research at the University of Singapore through the University of Pittsburgh.

**Q WHAT IS YOUR GREATEST REGRET?**

**A** Being a workaholic, and therefore not spending more time with my daughters when they were little.

**Q WHO ARE YOUR HEROES IN REAL LIFE?**

**A** The first responders, the police, our military and our child care workers, all of whom are extraordinarily underpaid for their responsibilities.

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

**A** Be honest. Be humble. Keep your eyes open. Watch and learn. You do not know everything! Get that chip off your shoulder.

**Q WHAT IS THE BEST ADVICE YOU EVER GOT?**

**A** Cover your ass letters. Memorialize the advice you give.



**Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?**

**A** My two beautiful daughters.

**Q WHEN AND WHERE WERE YOU HAPPIEST?**

**A** At our winter home in St. Thomas, U.S. Virgin Islands, and our summer home on the Allegheny River! I love the water.

**Q WHAT IS YOUR MOST TREASURED POSSESSION?**

**A** The little crafts and gifts my daughters made and gave me when they were small.

**Q WHAT IS IT THAT YOU MOST DISLIKE?**

**A** Liars. People who are fake and pretentious.

**Q WHAT IS YOUR GREATEST EXTRAVAGANCE?**

**A** I love nice jewelry!

**Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?**

**A** To be a great dancer!



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# New Members Presented to Bench, Bar at Annual Ceremony



New members of the WBA were presented to the bench and bar on March 29, 2023. Back row, from left to right: WBA President Eric E. Bononi, Cassidy Hatten, Sam Beaver, and John Elias. Front row: Keegan Miller, Ashley Sharek, and Corrine Ausec.

On Wednesday, March 29, 2023, the Westmoreland Bar Association presented its newest members to the court. Following a welcoming address by WBA President Eric E. Bononi, and an invocation by The Hon. Harry F. Small, Jr., each admittee was

introduced to the court by a member of the association. The new members presented to the court were: Corrine M. Ausec, presented by Imogene L. Cathey; Samuel Beaver, presented by Leo J. Ciaramitaro; John M. Elias, presented by Nicole M. Pardus; Cassidy R. Hatten, presented by Leo J.

Ciaramitaro; Keegan E. Miller, presented by The Hon. Michele G. Bononi; and Ashley E. Sharek, presented by Kristen C. Weidus.

Nicole M. Pardus and Kelly M. Eshelman greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. President Judge Christopher A. Feliciani then spoke on behalf of the court.

Somerset Trust Company sponsored a reception for the new admittees and their families 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](http://westbar.org/the-sidebar).

## Spotlight on Karen Ferri *continued from page 5*

**Q** WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

**A** They let me be myself.

**Q** WHAT OTHER CAREER WOULD YOU LIKE TO ATTEMPT?

**A** A party planner.

**Q** WHAT IS YOUR MOTTO?

**A** Have the strength of your convictions. ■

The Westmoreland Bar Association's 59th Annual Memorial Service will be held at the Westmoreland County Courthouse on May 24, 2023, at 3 p.m. Please plan on joining us to honor our colleagues.

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# To-Wit: Wish You Were Here

by S. Sponte, Esq.

As by now you know, our county seat is blessed to be the location of Sans Merci. It is an eatery most commonly frequented by members of the local bar who are either in urgent need of their noon repast or who, as the result of an adverse verdict, no longer care.

Well situated an equally short distance between the courthouse and the emergency room, it offers an astonishing variety of fetching dishes, provided your idea of fetching is what your dog drags in from the neighbor's backyard.

Despite the risks, I have frequented the place for decades. Because I am an obsessive chronicler of lawyering, I thrive on the inspiration that comes from the casual conversations that take place there. For whatever reason, lawyers perceive it as a sanctuary where they can let down their hair among

colleagues without fear of being scalped.

I recently stopped there for lunch, and at once saw an old friend seated off in a corner. I shall refer to him as "Floyd," but that of course is not his real name; no one has been named Floyd since Pretty Boy.

**Is it not for the chivalrous love of fairness, justice, the right thing, that we get out of bed in the morning, hoist our briefs and charge?**

We first met soon after he started his practice in town, maybe ten or fifteen years after I did, and like me he was primarily a plaintiffs' attorney. Some years back though, he accepted a lucrative position doing insurance defense work with a large firm in an adjacent county. I was really sorry to

see him quit the practice of law like that, but as his work brought him back on a somewhat regular basis, we had remained in touch.

He was seated alone at a table for four with most of its surface taken up by the scattered paperwork of a large accordion file. He was staring at his soup as I approached, but when he saw me, he flashed a warm smile.

"May I join you?" I queried, not wishing to uninvitedly intrude into either his workspace or his mood.

"Of course," he replied.

Quickly the warmth of our friendship resurfaced, and we began to chat. "Trying a case?" I asked.

"Just a deposition," he replied.



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**Daniel Joseph**

## To-Wit: Wish You Were Here *continued from page 7*

“Representing the defendant?” I said, as if I didn’t already know.

“Yeah,” he acknowledged, “some big corporation.” He had to look at the pleadings to recall the name of his client.

He went on to tell me that he’d never actually met anybody from the corporation and that he was there only to do a deposition of the plaintiff as he had been so instructed by a senior partner.

“It doesn’t matter much that I don’t know these folks,” he continued on, “these things, depositions, hearings, even these trials, they’re really all the same. I hardly ever meet the people, I just show up and ask the questions, the same questions, who, what, when, where, why, nothing else is required of me.”

At that, the conversation paused, and he resumed staring at his soup. Then he started up again. “You know, money-wise it’s been a good move for me, but with the way big firms work, I don’t get a lot of direct client contact.”

“I know,” he went on, “I exchanged that for more money but every once in a while I wonder if it was the right choice. I never feel like I’m an integral part of things anymore, it feels more like I’m just caged until needed.”

“Say,” he went on, changing the subject, “Marie and I just got into the local country club. I finally made assistant associate junior partner last year and so I’ve taken up golf. Wanna meet us there someday soon for coffee?”

I nodded affirmatively, whereupon we finished our respective lunches pretty much in silence, and once again headed off in different directions.

I get the choice Floyd made, but it’s a choice I couldn’t make. Whenever a courtroom looms dead ahead, how do you rev up the adversarial juices without knowing on whose behalf you heave your petards. How do you gird yourself for battle without talking to them, without feeling their anxiety, their pain, their grief, or their rage? I can’t speak for any of you, try as I might, but I need

that stuff; I can’t go to war without a cause.

Are we not the hand-me-down versions of the heroes of yore? Is it not for the chivalrous love of fairness, justice, the right thing, that we get out of bed in the morning, hoist our briefs and charge?

As a child of the Fifties, heroes came to me via the airwaves every Saturday morning. The Lone Ranger was my favorite, and I bet you have a favorite too, don’t you?

You can deny it, but I’m guessing the only difference between us is I freely admit that with every courtroom appearance I see myself hero bound, charging up a hill on my white stallion, there to rear him up for all the world to see. It always spurs me on, and what’s more, shh, don’t tell, but tucked away in a secret compartment deep down inside my briefcase, I always carry just a few of those silver bullets. ■

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Westmoreland Revisited

# We're Not In Hanna's Town Anymore, Toto

## The messy business of moving the county seat to Greensburg

by Daniel J. Ackerman

Finding a place in which to house county government sounds like it should be a relatively easy task for reasonable minds, especially in a sparsely populated wilderness. But it wasn't—as our ancestors amply demonstrated.



Legislation passed by the Pennsylvania Assembly and approved by Governor Richard Penn on February 26, 1773, forming Westmoreland out of the western portion of Bedford County, provided that the courts of the new county would temporarily sit at the home/tavern of Robert Hanna until a more suitable courthouse could be built. It also bestowed upon a committee of five

commissioners or trustees authorization to select a place for a permanent county seat, and to acquire land and build a courthouse. Unfortunately, one of the five named was Robert Hanna, which gave rise to the specter of a conflict of interests.

Arthur St. Clair, a justice of the peace and prothonotary, and a strong advocate for Pittsburgh as the county seat, expressed his fears over the makeup of the commission. He pointed out that the act gave the commissioners complete discretion on how and when to act, and by design they could simply do nothing and thereby keep the court and county offices in Hanna's Town indefinitely. His letter to Joseph Shippen, President of the Pennsylvania Council, dated January 15, 1774, is remarkable, in light of the messenger he chose to deliver it. He wrote:

*Sir,—This will be delivered by Mr. Hanna, one of the trustees of Westmoreland County. To some manoeuvres of his, I believe, the opposition to fixing the County Town at Pittsburgh is chiefly owing, as it is his interest that it should continue where the law has fixed the courts pro tempore; he lives there, used to keep a public house there, and has now on that Expectation rented his house at an extravagant price, and Erwin, another Trustee, adjoins, and is also a public-house keeper. A third trustee (Sloan) lives in the neighborhood, which always makes a majority for continuing the courts at the present place. A passage in the law for erecting the county is that Courts shall be held at the foregoing Place (the house of Hanna) till a Court House and Gaol are built; this puts it in their power to*

*continue them as long as they please, for a little Management might prevent a Court House and Gaol being built these twenty years. I beg you will excuse inaccuracies, as I write in the greatest hurry, Mr. Hanna holding the Horse while I write. I will see you early in the Spring.*

As it turned out, St. Clair was a prophet. Hanna, who was a strong-willed and shrewd businessman, saw to it that the court and county offices would remain under the roof he provided for the next thirteen years. It's possible that lawyers might be arguing on behalf of their clients today in Hanna's Town, but for the fact that the town was burned by Seneca warriors and Canadian rangers in 1782 toward the end of the Revolution. Yet, even after this, Hanna's will prevailed and year after year, court continued to be held in his house.

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# We're Not In Hanna's Town Anymore, Toto

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On November 22, 1784, the legislature acted upon the subject again, taking note that the commissioners hadn't done anything to comply with its prior mandate of 1773. It then dismissed the commissioners, and appointed five new commissioners to replace them. This second commission actually sat and heard arguments advanced on behalf of proponents for three locations: Hanna's Town, which local historian James Steeley noted was "devoid of any of the comforts and amenities of civilization that would be required of a country town"; Pittsburgh, then the most populous and important town in Western Pennsylvania; and the emerging village of Newtown, located on the new state road running between Pittsburgh and Ligonier. The three arguments apparently combined to create an unshakable uncertainty, and the second commission could not make up its mind. Like the first, the second commission was dismissed and was replaced by a third in 1785.

The Act of September 13, 1785, was more pointed and gave the third commission some direction. As before, the new commission was to purchase land on behalf of the commonwealth to hold in trust for the benefit of the residents of the county. The act added, however:

*"Provided, said piece of land be not situated further east than the Nine Mile Run, nor further west than Bushy Run, further north than the Loyalhanna, nor further*



*Westmoreland County's first courthouse and jail was erected in 1786, shortly after Newtown (now known as Greensburg) was chosen as the permanent county seat. The structure served its purpose from 1787 until 1794. After that, court was conducted in two Greensburg taverns while awaiting the opening of a new brick courthouse that was completed in 1801. The site on Main Street, between West Pittsburgh and West Otterman Streets, would later host two more courthouses in 1854 and 1907. Illustration from the 1908 Courthouse Dedication Book.*

*south than five miles south of the old Pennsylvania road leading to Pittsburgh."*

The prohibition against considering land west of Bushy Run left Pittsburgh out of the running, leaving Hanna's Town and Newtown as the sole contenders.

In November, the third set of commissioners met at Hanna's Town to deliberate, and two days later adjourned without an agreement. The following month, they reconvened at Newtown and voted three to two to make Newtown the permanent county seat. The vote showed a geographical

divide among the commissioners, with each one voting in favor of the town closest to their own real estate holdings. The two who had cast votes for Hanna's Town, however, were not good losers and declined to participate in the remaining work of the commission.

The majority went on to purchase two acres from Christopher Truby, William Jack, and Ludwig Otterman on which to situate the new courthouse and jail. Anthony Altman was hired as the builder and by July 1, 1786, the same year the town was renamed Greensburg in honor of the Revolutionary War hero, Nathanael Greene, both the log-and-plank courthouse and jail were ready for occupancy.

Eight justices of the peace, who were also judges of the court, inspected the new facilities and made a written report on August 10, stating in part:

*[We] now being desirous as soon as possible to take leave of the many inconveniences and difficulties which attend our situation at Hanna's Town as well as to avoid the cost of rent for a very uncomfortable house, in which we held our courts, we did, therefore, accordingly adjourn to the said [Newtown, a.k.a. Greensburg]. And we do certify that we found a very comfortable, convenient Court House and prison, included in one commodious building, together with a number of large commodious houses, open for public entertainment in which we enjoyed great satisfaction during our residence at court.*

Such a glowing endorsement sounds like a good place to end our story, however, the die-hard dissenters didn't

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go away quietly, but caused such a commotion that the legislature passed an act on December 27 suspending the authority of the commissioners to establish a new county seat, until further directed.

Hugh Henry Brackenridge, of Pittsburgh, Westmoreland's representative in the General Assembly, who later would be instrumental in the creation of Allegheny County out of the westernmost part of Westmoreland, pushed for the stay along with Robert Hanna and his friends who were determined to keep the county seat where it had always been. The judges, caught in the middle, agreed to hold the 1786 October term of court at Hanna's home, but nevertheless, presided at Greensburg on January 7, 1787, as it has done ever since.

The act suspending the authority of the commissioners was finally repealed on February 14, 1789. The structure, which the now weary commissioners created, served its purpose from 1787 until 1794. After that, court was conducted in two Greensburg taverns while awaiting the opening of a new brick courthouse that was completed, with considerably less contention, in 1801. The site would later host two more courthouses that followed in 1854 and 1907. ■

#### SOURCES

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- Steeley, James V. "Westmoreland County Courthouses: Hanna's Tavern to Courthouse Square," This American Courthouse. Saint Vincent College Center for Northern Appalachian Studies, 2007.

## LawSpeak

"But there is one way in this country in which all men are created equal—there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States or the humblest JP court in the land, or this honourable court which you serve. Our courts have their faults as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal."

*Atticus Finch in Harper Lee's "To Kill A Mockingbird"*

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**SOLICITOR WANTED** The Borough of Laurel Mountain is seeking a Zoning Hearing Board Solicitor. Letters of interest can be submitted to PO Box 266, Laughlintown PA 15655 or email [boroughoflaurelmountain@gmail.com](mailto:boroughoflaurelmountain@gmail.com). Please feel free to contact Susan at 724-238-6844 for further information.

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# Indelibly On Record: A Salute to Our Court Reporters

*continued from page 1*

If a witness or attorney is not speaking clearly or if participants are talking over one another, especially if things get heated, the court reporter's hands may come off the stenograph machine. At this point, the court reporter will speak up to remind everyone that it is impossible to make a record under such circumstances. If the court reporter is continually stating that they did not hear the testimony—something is wrong and the attorneys should tune into what the court reporter is trying to communicate.

Court reporters take extra precautions to be sure they get an accurate record. One of those precautions is making audio recordings of proceedings. However, the court reporter's eyes and ears are intently

tuned into the testimony as well.

Thus, if the reporter cannot understand what is going on, it is not likely that the recording will help. It is also wise to note that the concentration needed to do the job of a court reporter is something that has human limitations. No matter how quickly you may want things to move, offering the court reporter a short break is an important part of the process.

There are many things that go into making a clear record and that task is shared by every participant.

## Before You Walked into the Deposition or Hearing

In general, there are two types of court reporters: stenographic and voice writing reporters. Post-high-school

educational programs in Pennsylvania involve either a non-degree certificate course of study which usually requires 12 to 18 months to complete or an associate degree (usually a 24-month program). If you add courses for management skills, you might be looking at a bachelor's degree. After completing the educational piece, a court reporter can seek certification through a process approved by the National Court Reporting Association. That association sets the standards required to obtain the certification of Registered Professional Reporter.

At the state level, Pennsylvania does not license court reporters. However, to be certified in Pennsylvania a reporter must pass an exam which includes a written knowledge test and a skill test. For court reporters in the court setting, the skill testing consists of taking testimony and question and



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- Scope/Cost of Repair
- Period of Construction



answer (two-voice) at 225 words per minute, literary at 180 words per minute, and jury charge at 200 words per minute at 95% accuracy for both stenographic and voice writing reporters. To maintain this certification, a reporter must complete 30 hours of continuing professional education to renew their certificate every three years. (See 201 Pennsylvania Code Rule 4004.)

In addition to certification, court reporters usually bring many years of practical experience to the table. This experience enables them to know when to ask questions and possibly pause proceedings to be sure that the record will be clear.

In addition to taking live testimony, the reporter will work many additional hours if a transcript is needed. This means that your court reporter will be working on the project long after testimony concludes and, most likely, working overtime hours to produce a transcript.

Digital recording has also entered the market. The recorder is a person who operates computer equipment

and software with no fewer than two audio backups and who may utilize handwritten notes to record proceedings. The recorder is trained to be sure that the audio recording

**“For court reporters in the court setting, the skill testing consists of taking testimony and question and answer (two-voice) at 225 words per minute, literary at 180 words per minute, and jury charge at 200 words per minute at 95% accuracy.”**

is clear. A court reporter or transcriptionist reduces the digital recording to transcript form and is paid a per-page rate for this service.

The annual mean salary for a court reporter in 2021 in the United States is \$65,240 and in Pennsylvania is

\$58,860 according to the U.S. Bureau of Labor Statistics (2021). *Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, Court Reporters and Simultaneous Captioners, at bls.gov/ooh/legal/court-reporters.htm (visited March 16, 2023).*

In addition to obtaining employment as reporters for the courts, many reporters are freelance reporters who do deposition and hearing work outside the courtroom. Reporters can also work for closed-captioning services for broadcast companies or as captioners who assist students with hearing challenges to understand classroom lessons. Thus, there are many options for those who want to become reporters and there are many job openings in the field.

### Is Technology the Answer?

Some people think that eventually court reporters can be replaced by electronic equipment. This is not presently permissible in the courtroom setting in Pennsylvania. However, due

*continued on page 14*

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## Off the Record

Not \*everything\* that happens in a courtroom makes it into the official transcript. Sometimes it is hard for the court reporters to believe their eyes and ears, making for memorable days in court!

Our Westmoreland County Court Reporters remember when (names have been omitted to protect the humiliated!) ...

... one of our judges was called “Your Majesty” by a party to a case.

... they ripped the seam of their pants in the courtroom.

... a professional witness sang a song as an answer to a question.

... they got the hiccups in court and knocked over their steno writer on the same day (memorable for all the wrong reasons!).

... a bat (the flying kind) made an appearance in the courtroom and a bird wreaked havoc in a jury room (not the same day!).

... an attorney knocked over a water pitcher during closing arguments, dousing opposing counsel’s notes.

... as a new court reporter, they continued to take down the argument of counsel for 30 minutes after the judge left the bench.

... they were interviewed by “Pittsburgh Today Live” about being a court reporter (not embarrassing, but not an everyday occurrence either!).

## Indelibly On Record: A Salute to Our Court Reporters *continued from page 13*

to the court reporter shortage, many courts—including Westmoreland County courts—are turning to recording proceedings as a way to keep courts functioning when vacant court reporter positions cannot be filled.

The technology used for this purpose in Westmoreland County courts is called For The Record (FTR). This is

basically an audio recording of the proceeding. The concern is that without a court reporter in the room during the proceeding, there is a chance that the proceeding will not be properly preserved. As with technology in many areas, this is an area that will continue to develop and continue to be debated.

### Who Owns the Transcript?

When a court reporter prepares a transcript for court proceedings, the transcript is the property of the court. (*See 40 Pennsylvania Code 4015.*) The Pennsylvania Rules of Civil Procedure,

at Rule No. 4017(f), require that “upon payment of reasonable charges, the person before whom the deposition is taken shall furnish a copy thereof to any party or to the deponent.”

Freelance court reporters may note on the transcripts they produce that the same are the property of the reporter. Even if that notation is not made, there are copyright issues and theft of service concerns that may come into play if the court reporter is not properly compensated for their transcript.

### Court Reporters on a Local Level

In Westmoreland County, we are lucky to have many dedicated court reporters both in our courthouse and working as freelance reporters. However, people may not realize that the court reporting staff at the courthouse is short-handed. This means that a court reporter may need to fill in at a proceeding or in a courtroom that they are not familiar with and identification of witnesses, assistance with terminology, and the



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**ABSTRACTS**

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*Westmoreland County's court reporting staff includes (back row, left to right): James Matta, Richard Auman, Kaitlin Gorzelsky, Janel Clark, and Megan Senuta; (front row, left to right) Lori Lewandowski, Adrienne Sauter, Laura Bernard, and Sonja Hall. Not in photo: Krista Gush and Deanna Mertz.*

spelling of names are things that will make that reporter's job less stressful. Independent court reporters are also in demand.

Law offices should take reporter's schedules into consideration as part of the scheduling process. Requests for transcripts may be subject to delays due to the "seat time" a reporter may have while court is in session or while attending other proceedings. If you need a transcript turned around quickly, you should check with the reporter before the proceeding begins rather than telling the reporter this important detail after the testimony is finished only to learn that the reporter has several urgent requests ahead of yours.

### Observations

The Westmoreland County court reporters were kind enough to take time to talk with me about their work. I was impressed by the pride that they have for their work and by their observations of the system. Many of the reporters shared with me that they enjoy their work because they learn something new every day and they have an opportunity to be part of interesting court proceedings. All of the reporters are complimentary of our Westmoreland County judges and

are impressed with the work ethic that each judge has with regard to getting their job done. Many reporters stay well after the courthouse closes when hearings and trials continue later into the day.

While it is not something that many people notice, this job also requires both mental and physical stamina. Remaining tuned in while taking testimony is tiring and the physical strain of remaining seated and working over a steno machine is taxing. Additionally, many reporters shared that their jobs are also emotional as they record testimony of many tragic and sad events. And remember, the court reporter not only hears the testimony live, but also relives that testimony many times if a transcript is required to be produced.

Insider tip: Even though you want to get your job done as an attorney, stay tuned to your witnesses and your court reporters and take note of how they are doing. You may want to take a break a little more often ... and it might benefit you as the attorney as well.

### Most Importantly

Remember: If it's not on the record, it didn't happen! ■

## Guardians of the Record

**K**nown as guardians of the record because of their impartiality and role within the judicial process, court reporters capture the words spoken by everyone during a court or deposition proceeding and then prepare verbatim transcripts of the proceedings. The official record or transcript helps safeguard the legal process.

At the Westmoreland County Courthouse, court reporters are assigned to a particular judge or courtroom, or are part of a pool of reporters who fill in where needed.

### Courtroom Reporters

- **Krista Gush**, Judge Smail, Courtroom No. 2
- **James Matta**, Judge Stewart, Courtroom No. 4
- **Janel Clark**, President Judge Feliciani, Courtroom No. 5
- **Laura Barnard**, Judge Mears, Courtroom No. 6
- **Rick Auman**, Judge Hathaway, Courtroom No. 7
- **Deanna Mertz**, Judge Scherer, Courtroom No. 9
- **Kaitlin Gorzelsky**, Judge Walsh, Courtroom No. 11

### Pool Reporters

- **Sonja Hall**
- **Lori Lewandowski**
- **Adrienne Sauter**
- **Megan Senuta**

**The Westmoreland Bar Association is no longer able to offer CLE courses that may be viewed online for credit as our vendor discontinued this service January 1, 2023.**

**Until we secure another vendor, visit [pacle.org/courses](http://pacle.org/courses) to see a list of distance learning courses that are offered in Pennsylvania.**

## 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).

### MAY

**10** Real Estate Committee, Noon

**16** Family Law Committee, Noon

**17** Ned J. Nakles American Inn of Court, 5 p.m.

**18** Elder Law & Orphans' Court Committees, Noon

**24** 59th Annual Memorial Service, Westmoreland County Courthouse, 3 p.m.

**29** Courthouse and WBA offices closed in observance of Memorial Day

**30** [CLE] "CRASE" Civilian Response to Active Shooter Events, 9 to 11 a.m., 2S

### JUNE

**14** Courthouse and WBA offices closed in observance of Flag Day

**14-** 37th Annual Bench/Bar

**16** Conference, Omni Bedford Springs

**20** Family Law Committee, Noon

**REMINDER: All committee lists are cleared every year. If you want to continue your membership on a committee you were on last year, you will need to sign up for that committee again in order to receive meeting notifications. Call 724-834-6730 or sign up online at [westbar.org/committee-signups](http://westbar.org/committee-signups).**



## 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, Linda Whalen.





# THE TRADITION CONTINUES JUNE 14-16!

The Bench/Bar Conference is a great opportunity to get to know your fellow lawyers and judges in a relaxed, friendly atmosphere. Never been to a Bench/Bar Conference before? Then this is your year. Omni Bedford Springs Resort will be an experience to remember. Why not make this the year to join us?

Register online today at [westbar.org/benchbar](http://westbar.org/benchbar) or return the form below to WBA, 100 N Maple Ave, Greensburg PA 15601-2506.

**Hurry! Registration deadline is Monday, May 15!**

Overnight lodging costs start at \$249/night+tax & resort fees. Make room reservations on your own by calling 1-877-409-6664. All room reservations must be made by May 15, 2023, to be guaranteed a room and the group discount.

## 2023 BENCH/BAR CONFERENCE REGISTRATION FORM

PLEASE PRINT OR TYPE. **FINAL REGISTRATION DEADLINE: MAY 15, 2023.**

**\*CHOOSE AS MANY AS APPLICABLE, MUST PAY ALL IN ADVANCE\***

### MEMBER REGISTRATION

Name _____	Cost	Total
<input type="checkbox"/> Thursday and Friday events	\$225	\$ _____
<input type="checkbox"/> <b>YOUNG LAWYER</b> Thursday and Friday events	\$200	\$ _____
<input type="checkbox"/> Bourbon Tasting on Wednesday	\$ 73	\$ _____
<input type="checkbox"/> Ghost Tour on Wednesday	\$ 25	\$ _____
<input type="checkbox"/> Culinary Demo on Thursday	\$144	\$ _____

### GUEST REGISTRATION

Name _____	Cost	Total
<input type="checkbox"/> Guest's Bourbon Tasting on Wednesday	\$ 73	\$ _____
<input type="checkbox"/> Guest's Ghost Tour on Wednesday	\$ 25	\$ _____
<input type="checkbox"/> Guest's Yoga on Thursday	\$ 30	\$ _____
<input type="checkbox"/> Guest's Culinary Demo on Thursday	\$144	\$ _____
<input type="checkbox"/> Guest's Lunch on Thursday	\$ 45	\$ _____
<input type="checkbox"/> Guest's Vendor Exhibit on Thursday	\$ 25	\$ _____
<input type="checkbox"/> Guest's Dinner on Thursday	\$ 115	\$ _____
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<b>Total</b>	<b>\$ _____</b>	<b>\$ _____</b>

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**PAYMENT INFORMATION** Payment must be included with registration. Mail to WBA, 100 North Maple Ave, Greensburg, PA 15601-2506, fax 724.834.6855, or register and pay online at [westbar.org/benchbar](http://westbar.org/benchbar).

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**PLEASE NOTE: NO REFUNDS WILL BE ISSUED ON CANCELLATIONS AFTER MAY 25, 2023. Room reservations at Bedford Springs must be made on your own. Call 1-877-409-6664 to book a room reserved under the Westmoreland Bar block. All room reservations must be made by May 15, 2023, to guarantee a room and the group discount. RESERVATIONS FOR ROOMS ARE SUBJECT TO BEDFORD SPRINGS' CANCELLATION POLICY.**



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Following the service, a complimentary reception will be held at the WBA Headquarters, 100 North Maple Avenue, Greensburg.



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by **Noon on May 26, 2023**, or register online at [westbar.org](http://westbar.org).

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# WOMEN IN LAW

## Inaugural Committee Meeting

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We are excited to invite you join us at our first meeting on Thursday, June 1, at Noon, to help plan our future. **RSVP online at [westbar.org](https://www.westbar.org) or call 724-834-6730.**

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