



Lawyers Abstract Company and the Changing Market

by Michael A. Johnson, Esq.

In 1995, after conferring with the PBA Committee on Legal Ethics and Professional Responsibility, the Company revised its legal structure to reflect the unique nature of our lawyer-owned organization. Based upon the recommendations of the Ethics Committee, we made changes to ensure that we continued to offer the highest quality service for our clients while at the same time providing full disclosure to the clients of any potential conflicting interests that may exist between the individual attorneys comprising the Company and the services provided by the Company to buyers and sellers of real estate.

During this same period of time, the market for real estate was changing rapidly and dramatically

as a result of both advancing technology and new forces at play in the market.

Traditionally, the primary source for title work came directly from the lawyer whose client had requested representation in a real estate transaction. The lawyer would usually work together with the lender to complete a title search and prepare the appropriate documents for closing.

In more recent times, however, financial institutions as well as builders and real estate companies have formed their own title service companies and have taken the business “in-house.” Now the client usually has initial contact with a builder, realtor or a banker, the legal work is done in-house, usually by non-attorneys, and the parties are frequently never represented by counsel.

The parties are often assured they do not need their own attorney, or informed that if an attorney is needed, the work can be performed by someone of the title services company’s choosing. The parties are led to believe that the legal representation by his/her personal attorney would be an additional cost to the buyer or seller.

Furthermore, the ever-increasing

Lawyers Abstract Company (“the Company”) was formed in 1989 by a group of local lawyers in an attempt to provide improved real estate title services for lawyers and their clients.

In addition to providing improved real estate title services for our clients, the Company was formed to minimize the influence of non-lawyers upon such traditional legal services as title searching, document preparation and closings. The Company has thrived under the watchful eye of Jim Ripple, the Company Manager, Attorney John Shelapinsky, Lawyers Abstract Company’s primary title reviewer, and a most able support staff.

In recent years, however, as more and more non-lawyers have attempted to profit by providing real estate services, the role of the lawyer in such transactions has diminished. Even so, the Company continues to assist lawyers in coming together and, as a group, providing quality title and settlement services to both lawyers and their clients while maintaining a real estate title presence in Westmoreland County through an organization owned entirely by lawyer shareholders. As the current President of the Company, I want to take a look in this two-part article at some of the issues facing the real estate market and lawyers’ continued participation in that market.

Isn't It Time to Get Off the Dead Horse?

by Diane E. Murphy

All too soon, the advances of technology are upon us. In order for us to keep our law practices thriving, enabling us to earn a living to support ourselves and our families, we must be "linked up" to the world. More and more, clients are obtaining limited legal information and authority from the Internet for pro se representation and subsequently we are asked to review their



attempt at self representation. Unfortunately most of the time it is after the fact, and we are left to clean up their mess.

Recently I attended the WBA planning committee at its annual retreat. Normally this meeting is for the progressive thinkers of the bar association who are interested in preserving the lawyers' status in the business world with some semblance of respect, as well as anticipating where our profession is heading in the next 5 to 10 years. I left that meeting with a queasy feeling in the pit of my stomach because of the uncertainty of what our role as lawyers will be in the future. The ability to adapt is crucial for survival in our profession.

By the end of this year, the Recorder of Deeds Office will be totally computerized, our searches will be done on the Internet from our offices. Copies of deeds can be obtained at our office, via an escrow account and an individual code number, and there will a document number to reference instead

of a deed book volume and page number.

In the future, the Prothonotary's Office also may switch over to an electronic filing system. Cases will originate with an on-line filing. The actual, real life document will be housed somewhere "to be determined." Right around here is where my panic starts to kick in and I mentally block out what I am supposed to be hearing on the details of how our offices will be an adjunct of the courthouse and how great this will be overall for humankind.

So, in the inevitable style of lawyers everywhere, we form committees, subcommittees and task forces to study the issues of the future, make reports, and go on retreats to discuss our studies and reports, with hopes and prayers that the information we assemble can be put to use in a practical manner.

An item in the mountains of paper handouts I received at the ABA Bar Leaders Institute earlier this year seemed to sum up lawyers and the bar's role in shaping the future of the profession and it goes like this:

Dakota tribal wisdom says that when you discover you are riding a dead horse, the best strategy is to dismount.

In law firms we often try other strategies with dead horses, including the following:

- buying a stronger whip;
- changing riders;
- saying things like "this is the way we have always ridden this horse";
- appointing a committee to study the horse;
- arranging to visit other firms to see how they ride dead horses;
- increasing the standards to ride dead horses;
- declare the horse is "better, faster, cheaper, dead";
- harnessing several dead horses together for increased speed.

At least I can say that lawyers are tenacious, inventive, adaptive and, above all, survivors. So I have

no doubt that we will be here in the years to come in some form or another, and I hope that with this onslaught of technology we do not lose anyone. The changes ahead may be daunting,

The changes ahead may be daunting, but perhaps less so if we just consider our technological future to be an ongoing adventure and a continuing learning experience.

but perhaps less so if we just consider our technological future to be an ongoing adventure and a continuing learning experience.

A handwritten signature in cursive that reads "Diane E. Murphy".

Recorder of Deeds Office Goes State-of-the-Art

by Tom Murphy, Westmoreland County Recorder of Deeds

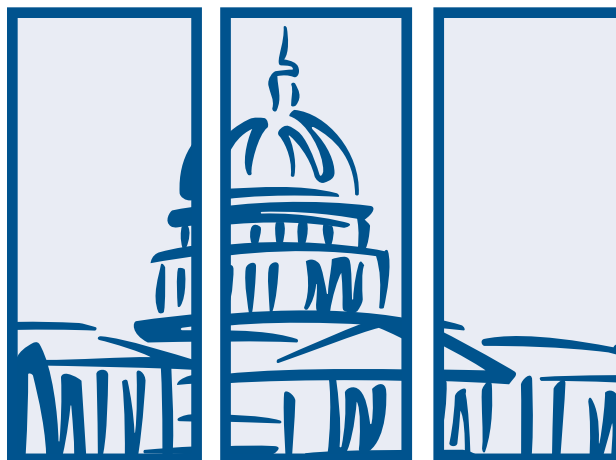
Most of you already know that I have decided to replace the old Cott recording system with a new state-of-the-art recording system. That system is called TrakRecord Instrument Management System. The company providing the service is Document Technology Systems from Akron Ohio. The same system is already in place in Butler County.

With the new system in place we will no longer need to make books. We will scan your documents into the system and put an instrument number on it. There will also be a blue certification stamp on it so that you will know that this document is authentic when a client would bring it to you for possible changes down the road.

Receipts will no longer be hand written. We will generate an 8 1/2 by 11 sheet of paper with your name and the name of the Grantee and Grantor, the applicable transfer tax information, the time and date of the recording and the recording fees. Once we have scanned your document into the system we will merge it into our index and the document will be available for everyone to look at.

Not only will the computer system look different, the office itself will have a whole new look. We have purchased new office system furniture to help facilitate

the demand for more expansive functions due to the technology that will be in place here. The public access area will now have 12 stations, including one handicap-accessible station. Each station will be 36 inches wide and 30 inches deep. There will be a 21-inch monitor and keyboard in each station. We have also purchased new ergonomically correct stools with backs.



There are many new enhancements to this system that will hopefully make all of your lives easier. One of the most significant changes is that the whole system and index will be on the Internet. When we first go on-line we will have all of the indexes listed back to 1957. The actual documents will not be available until they have been scanned into the system. We plan to do this with the help of a high-speed, high-resolution, and duplex scanner. I am hopeful that in about two years someone

will be able to do a six-year search completely from the Internet.

I believe we will be the first Recorder of Deeds Office to be on the Internet. All necessary security and firewalls have been established to protect the integrity on the documents recorded here. The timetable for implementation is as follows: On Friday, October 27, the new office furniture was installed. The following week we

will install all the computer hardware. The office will have two weeks of extensive training and on November 14 we will go live with the new system.

At first we will most likely make some mistakes. We will find glitches.

However, I am confident that with your help and cooperation all will go as smoothly as possible.

If you have any questions please call me at (724) 830-3533. I will be happy to discuss any concerns you may have.

I will be scheduling a training session for title searchers and attorneys on how to do searches on the new system. If you would like to be included, please call and let me or my staff know.

Lawyers Abstract Company *continued from page 1*

ability to search records and file documents electronically enables distant title companies and e-commerce mortgage companies to provide services without the services of local counsel.

Clearly, lawyers are becoming a scarce commodity in a real estate closing and will continue to be so unless and until clients understand that utilizing the services of their own lawyer does not increase the cost of a transaction. Clients need to learn that they should have their own attorney represent them if they truly want personal and accountable representation.

It is important for the attorney to educate the client in such matters. Lawyers Abstract Company serves as an essential link between the community, lending institutions, realtors, builders, local lawyers and their clients to encourage clients to utilize an attorney of their choice. However, without lawyer members continuing to educate their clients and continuing to forge working relationships with clients, bankers, realtors and builders, the Company's chore becomes more difficult.

Some suggestions for strengthening these ties include:

Clients need to learn that they should have their own attorney represent them if they truly want personal and accountable representation.

- Sending a letter to all your clients telling them that you can handle their real estate matters at little or no additional cost. Advise your clients that they are entitled to be represented by their own attorney and should be.
- Carefully cultivate local lender choices for your commercial real estate deals, in which there is a greater degree of client loyalty to you as the client's attorney and a greater degree of direction through lawyers regarding structuring and closing commercial real estate transactions.
- Consider that any banking work that you do as an attorney or Trustee, including personal and business banking and estate and trust accounts, be conducted only with local financial institutions which encourage your client to use you as the lawyer in real estate transactions.
- Be prepared to fight for your clients for any extra costs that are incurred on behalf of the client for legal services that benefit the bank, realtor or builder, but in fact are not costs that should be passed onto the client on a closing sheet.

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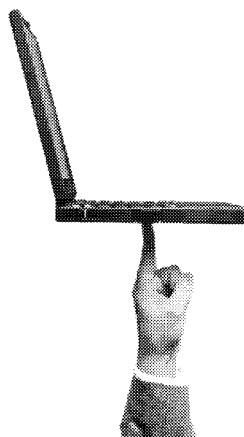
- Forge strong alliances with local bankers, realtors and builder representatives and encourage them to allow their customers to retain their personal attorney in real estate transactions. Take these representatives to lunch or the local pub, introduce yourself and make referrals to them if they reciprocate with you and your clients.
- Work with our Bar Association and Lawyers Abstract Company as we expand our public relations efforts to educate the public about such matters.
- Continue to work with Lawyers Abstract Company and its over 200 lawyer members to assert the rights of your clients in any residential or commercial transactions that involve banking, realtor or other institutions. If we, as lawyers, do not enforce the dividing line between the unauthorized practice of law and the unlicensed giving of legal advice, then the lines will continue to be more and more blurred and non-lawyers will continue to engage in practices encroaching upon the practice of law.

On another note, we as lawyers, unlike non-lawyers, are not allowed to share legal fees or give referral fees to non-lawyers. Although RESPA restricts the practice of referral fees in real estate transactions, the same is not true for banks, realtors and builders.

Over the next ten years or so, the Company's success and the degree to which lawyers participate

in real estate transaction business will turn on our ability to increase the awareness of our clients and other interested parties regarding the importance of continuing to keep the lawyer in the deal. Next issue in Part 2 we will discuss legal and legislative considerations and challenges involved in this subject. Stay tuned.

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do not enforce
the dividing
line between
unauthorized
practice of
law and the
unlicensed giving
of legal advice,
the lines will
continue to be
more and more
blurred.**

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New Member Sketches

J. Dustin Barr was accepted as a participating member of the WBA. An associate in the Law Offices of Richard F. Flickinger in Ligonier, Dustin is a graduate of Palm Beach Gardens High School and the University of Florida, where he earned both his bachelor's degree and law degree. He lives in Ligonier with his wife, Dr. Lisa M. Barr.

Rosalie J. Bell, an attorney with Pittsburgh Corning Corporation, has been admitted as an associate member. Rosalie attended Derry Area High School, the University of Pittsburgh and Duquesne University School of Law. She and her husband, Ralph, make their home in Jeannette.

Joseph W. Lazzaro, a partner in Kratzenberg & Lazzaro, is now a participating member of the

WBA. The firm has offices in White Oak and recently opened offices in Greensburg. An associate member since 1997, Joe resides in Greensburg with his wife, Dr. Karen Lazzaro.

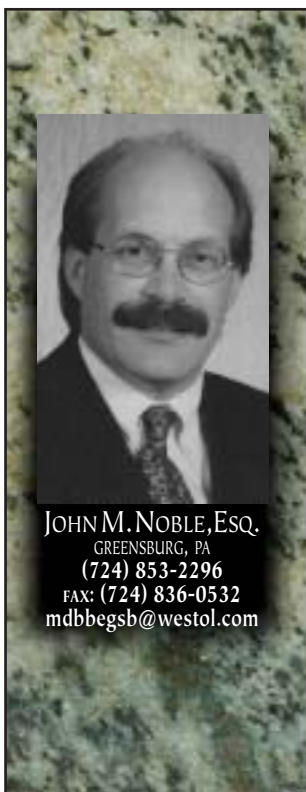


Christopher E. Nichols, son of WBA member Greg Nichols, has been admitted as a participating

member of the WBA. A graduate of Hempfield Area High School, Penn State University and Duquesne University's School of Law, Chris has been in the District Attorney's office since February. He makes his home in Export.

Anthony L. Rosner, a graduate of Serra Catholic, California University of Pennsylvania and Duquesne University School of Law, was admitted as an associate member. He and his wife, Renee, live in McKeesport.

Chuck E. Washburn of the District Attorney's office has joined the WBA as a participating member. A resident of Greensburg, Chuck attended Greensburg Central Catholic, Slippery Rock University and Ohio Northern University Law School.



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Spotlight on Bob Lightcap



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

A Surveying crew, yardman, house painter.

Q WHICH WAS YOUR FAVORITE AND WHY?

A Survey crew—it taught me how paranoid people are about real estate.

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

A Spending all afternoon convincing a woman that her husband (who was present) was not Howard Hughes.

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

A Brevity.

Q WHAT IS YOUR FAVORITE JOURNEY?

A Yorkshire, England, with Jo Ann and the children.

Q WHAT IS YOUR GREATEST REGRET?

A That I never wrote the Great American Novel.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A Public librarians.

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

A Stay light on your feet.

Q WHAT DO YOU CONSIDER TO BE YOUR GREATEST ACHIEVEMENT?

A Convincing Jo Ann to say “yes,” and helping convince the state of Pennsylvania to allocate more money for public libraries.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A Not having to work on the weekend.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My health.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A The GPS (Global Positioning System) in my car.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A People who speed up their voice or drop their voice to a whisper when leaving their telephone number on my voice mail.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A To be an accomplished painter.

Q WHAT DO YOU MOST VALUE IN YOUR FRIENDS?

A When they laugh at my jokes.

Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A Nelson Mandela.

Q WHAT IS YOUR MOTTO?

A Never look over your shoulder.

AlterEgo: Bob Lightcap

According to Bob Lightcap, every United States citizen should have two fundamental rights—the right to vote and the right to free information. The Constitution takes care of the former. Bob Lightcap has made it his mission to take care of the latter by helping rescue Pennsylvania’s libraries from the fiscal black hole caused by generations of neglect.

Bob’s odyssey began innocently enough in the early 1970s when he was appointed to the board of the Adams Memorial Library in Latrobe and was shocked to find out that not much had changed in the library system since he had been a kid. They still had the same books with the same smell of musty paper, the same highly educated, underpaid but dedicated librarians, and the same facilities. Even though the world had changed and evolved from post-WWII prosperity through the turbulent 1960s and the Viet Nam War, the library had not. Bob decided he was in a position to do something about it.

“At that time,” Bob says, “there were a lot of young turks on the board. We had a new director, a bigger budget and endowments that allowed us to do innovative things.” These innovations included opening a satellite library in Derry Area Senior High School—at the time, the only library

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Step-Parent Adoptions: Or, How They All Became The Brady Bunch

by Mary Ann Petrillo, Esquire

To paraphrase a well known sitcom theme song—sometimes it's much more than a hunch that a group must somehow form a family. From time to time you may have occasion to handle a step-parent adoption. When such a matter presents itself, are you prepared and do you have the competence to offer the new blended family permanency?

This article will address only step-parent adoptions. There are major differences between a step-parent adoption and private or agency adoptions, which occur between unrelated individuals. You will first want to review 23 Pa.C.S.A. § 2101 et seq., as well as the local Westmoreland County rules.

Let's assume that your client, Mr. Mike Brady, wishes to pursue the step-parent adoption of the daughters of his lovely new wife, Carol, all of whom "have hair of gold, like their mother." (Hopefully you are old as I am, or spend your oh-too-lonely nights

watching Nick-at-Nite.) Let's also suppose that, unlike the sugar-coated sitcom of the 70s, Carol's first husband, Sean, is not deceased, but rather skipped town with Alice's twenty-something niece, Tiffany (who coincidentally, also has hair of gold). Other than a few postcards from the South China Seas (where Sean was appearing on "Survivor"), the Brady household never received child support. Moreover, Sean has not inquired about the girls and has not visited with them in over two years.

Before Mike Brady can adopt his step-daughters, the birth father's parental rights first must be terminated, either voluntarily or involuntarily. If the birth parent whose rights are to be terminated will voluntarily sign a consent, then a petition may be filed which confirms that consent, and results in parental termination of rights. The applicable law concerning an involuntary termination can be found at 23 Pa.C.S.A. § 2511 (a)(1), which states that grounds for termination exist when "the parent, by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties."

Clearly, Sean's lack of attention to his daughters should meet the requirements of the statute. In many cases, Section 2511 (a)(2) may also apply, which states "the repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal, cannot or will not be remedied by the parent."

In our case, we may also argue that Section (a)(2) should be applied in this situation, since Sean has recently been incarcerated for attempting to smuggle illegal narcotics from Survivor Island. It is unknown when or if he will ever see the light of day or feel Tiffany's warm embrace again.

As the Brady's attorney, you must first gather all of the vital information concerning each and every party. Collect dates of birth, full names, religious affiliations, employment status, and all addresses for the past five years for each of the parents and for the proposed adoptees. You will need the children's original birth certificates as well. Utilizing this information, prepare and file either the Petition to Confirm Consent or the

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Petition for the Involuntary Termination of Parental Rights with the court. Procure the signature of the Judge on the preliminary decree, which in essence schedules your future termination hearing. No matter how you are terminating parental rights, it is imperative that you make proper service on the birth parent whose rights are to be terminated. Service may be accomplished either by personal service, or by certified mail, restricted delivery, so that only the addressee may sign for same.

When a birth parent is incarcerated, personal service is normally preferred because many times regis-

When such a matter presents itself, are you prepared and do you have the competence to offer the new blended family permanency?

tered mail will be signed for by the prison personnel, even though you have paid the extra fee for restricted delivery. I find it helpful to contact the Unit Manager or other person in charge of your particular birth parent/prisoner and have them personally hand your notification

package to the inmate. Then have them execute an Affidavit of Personal Service. Make sure that the notification is received by the birth parent at least ten days prior to the hearing date.

Let's pretend that Sean was successful in his escape attempts whereby he tunneled his way out of the island prison using only the chopsticks leftover from lunch. Because Sean's mug has recently appeared on "Unsolved Mysteries," you are now faced with conducting a diligent search to locate him for service purposes. Once you have completed such a search, and are still unable to locate his whereabouts, you now have the option to request that the court allow alternate service via newspaper publication which serves the location of his last known address. Therefore we may now publish the termination notice and date of the upcoming hearing in the *Tagi Times* as well as in the *South China Seas Tribal Court Journal* once a week for three consecutive weeks. You are required to file an Affidavit with the court prior to the hearing which illustrates the type of service made.

On the day of the termination hearing, the court staff will call the name of all birth parents whose rights may be terminated. If they do not appear, the

hearing will be held, and upon listening to the testimony and evidence presented, the court will terminate the parental rights of the missing parent, as long as you have followed all statutory provisions and procedures.

The next step is the filing of the final adoption petition, which results in the scheduling of the final adoption hearing. Tell your clients that they may invite family and treasured friends (such as Alice and Sam the Butcher) for this legalization of their new family. Most judges will happily agree to pose for a picture with the newly-formed Brady Bunch.

After the dust has settled from the post-adoption party, you must then remember to order new birth certificates from Vital Records in New Castle, Pa. There are various forms which must be executed and certified by the Register of Wills Office which will result in the amended birth certificates which will now name Michael Brady as if he were the biological father of his golden-haired daughters. If you have handled this case in a competent and timely fashion, it will be no time until Mrs. Carol Brady is back with a new retainer so that she can adopt Greg, Peter and Bobby. Stay tuned ...

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Remembering Everett S.C. Sorber

by Edgar T. Hammer, Jr., Esq.

To his family's surprise, my Uncle Everett, the fourth child of Harvey Sylvester Sorber and Della Ruff Sorber, was born in 1906 in Jeannette, Pa. My mother, Ann, their third child, was age 13 at his birth and always



claimed to have been more mother to him than sister because a substantial part of his raising fell on her shoulders.

In point of fact, however, all the family helped raise Everett, and each other. His older brothers, Samuel R. Sorber, a lawyer, and Charles H. Sorber, an architect, helped each other pay for their educations and then helped Everett through college and Duquesne Law School.

Everett had two middle names, as you may have noticed. His father was stuck with a promise to his boss, Calvin Witman, to name Everett for him. By the same token, he was determined to name Everett after himself. Consequently, Everett Sylvester Calvin Sorber was named.

After graduation from Duquesne Law School in 1930, Everett entered the practice of law with his brother, Samuel R. Sorber in 1931, and continued as a sole practitioner after Sam's death in 1959. During his years of practice, lawyers were specialists in the law and not specialists in only certain fields of the law. Thus, his practice was wide and varied. He served as a Deputy Attorney General of Pennsylvania under Governors Martin, Bell, Duff and Fine. In those days, Deputy Attorneys General were appointed by the Governor in all of the counties to represent the Commonwealth in

its business dealings in the county and in court in both civil cases and state prosecutions. Perhaps Everett was best known as one of Westmoreland County's most prominent bankruptcy lawyers. He maintained law offices in both Greensburg and Jeannette and after 61 years before the bar, retired in 1992.

He married Madeline Case Sorber in 1937 and lived in his hometown of Jeannette until 1995, when he and Madeline moved to St. Petersburg, Fla., to live with their daughter, Mary-Linda Sorber Armacost, and her husband. Madeline died shortly thereafter in 1995; Everett died on August 6, 2000, at the age of 94, survived by his only child, Mary-Linda.

Everett was very proud of Mary-Linda, who is an educator and was president of both Wilson College in Chambersburg, Pa., and of Moore College in Philadelphia before moving to Florida following her marriage to Peter Armacost.

Although well-traveled, having been all over the world at one time or another, Everett was a hometown boy. Among the family he often said that the Jeannette Municipal Building, built in 1927 according to its cornerstone, should have been named the Sorber Municipal Building. At the time of its inception, his father was on the city council, his brother, Samuel, was the city solicitor, and his brother, Charles, was the building's architect. Like them, Everett was always involved in community activities, as a member of Jeannette Rotary, as Solicitor for the Jeannette School District from 1948 through 1967, as Solicitor for the Jeannette School Authority

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To-Wit: The Age of Aquarius

by S. Sponte, Esq.

At first you could have knocked me over with a feather. Heretofore I had no idea that there even existed such a specialty of practice, but there it was, in the daily paper, in black and white for all to see.

It seems as if a colleague in another state has built an entire practice representing the interests of the obese. A reporter local to the area had written about it, a news service picked it up and there he was, seated beneath his diplomas at his office desk, flanked by two beaming clients. Actually I could only see that he was flanked by two fairly corpulent shoulders and a couple of candy bar wrappers—that's all the camera lens could apparently squeeze in. I just assumed the "beaming" part.

It had never before occurred to me that the obese had any unique interests that might or should be protected by law. Oh, I remember once reading an ADA case that held that requiring an employer to purchase an industrial hoist to help an employee get to his third story office was a reasonable accommodation, but that's about it. But I know something about the Bill of Rights, and there is nothing in it that guards one's right to corpulence.

Ah, but as it turns out, this colleague is apparently busy night and day crusading for the rights of the very, very fat against the gaunt prejudices of a cruel society that, for the most part, equates obesity pretty much with gluttony and thus treats it with callous disdain. I admit I had never before given the matter much thought, but then again, I have never known the

heartbreak of being told by a recalcitrant restaurant manager that no, the all-you-can-eat Chinese luncheon buffet ends when the food runs out, or that, sorry, getting winded in the parking lot does not toll the time limit on the early bird special. True enough, the paper reported he had lost both those lawsuits, but, as in anything else, the longest journey always begins with the first waddle. As a result of this colleague's pioneering efforts, I can already hear the sales of justice beginning to shift dramatically, albeit with a groan.

I can already hear the scales of justice beginning to shift dramatically, albeit with a groan.

I am fascinated by this development. We currently live in an age in which the sweep of political correctness cuts a much broader swathe than ever before. Religion, age, gender, race are fairly well entrenched as protected areas of personal life and sexual preference is not that far behind. Additionally, ADA vouchsafes a broad array of disabilities within its statutory fortress. By crusading for the heft-challenged, our courageous colleague is truly a harbinger of the coming age of enlightenment in the law. (Oh, come on now, even I couldn't say he has taken on quite a load.)

We are bearing witness to the birth of a kinder, gentler age in

which every person challenged by some component of life will find redress in the courts. I have given the matter considerable thought and I now think I know what lies just ahead ...

STUPID LAW—Make no mistake, this is the law's next unexcavated gold mine. As a nation, we can no longer afford the luxury of dealing with our IQ-challenged citizenry by electing them to office. The plight of the cerebrally indisposed person (CIP) even now is coming under close scrutiny by Congress as the House Subcommittee on Dolts considers legislation to mandate reasonable workplace accommodations for the stupid.

When interviewed by the media, Calvin Unctuous, President of DUH!, the fledgling organization for those with IQs below 50, was quoted as having said such hearings were fine, but the principal agenda of the organization remained their struggle for better toys in Cracker Jacks.

UGLY LAW—Along with fat and stupid, this area completes the triumvirate of New Age law. It is unfortunate that the legal system can offer little to ameliorate the basic plight of the appearance deprived but proposed new legislation will at least offer them some much needed relief. For instance, in response to a growing beautification trend by municipalities to herd the unattractive into the boundaries of the newly created



continued on page 12

To-Wit: The Age of Aquarius *continued from page 11*

U-1 residential zoning classification, Congress has proposed an FRCP amendment which would make it much easier for victims of such invidious legislation to maintain a successful facial challenge.

It has always been a testament to the vitality of the law that it has been able to meet the needs of a changing society. In this coming New Age, we can look forward to all sorts of new challenges and new

cases. After all, protecting the needs of the challenged is what the law is all about, and I for one heartily endorse such legislation. But as a personal aside, let me just say this—don't even think about offering such avenues of protection to old men in hats driving cars. I'm all for personal liberty and such, but that's where I draw the line.

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Remembering Everett S.C. Sorber

continued from page 10

and as a member of the Jeannette United Presbyterian Church.

Everett was a circus buff. He loved the circus and circus people, many of whom he knew on a first-name basis. Wallace Brothers, Cole Brothers Five Ring Circus, the Clyde Beatty Show and others visited the area on a yearly basis until the 1950s and employed Everett if local legal problems arose. He usually had complimentary tickets and, needless to say, we attended.

Everett was a regular at the old Modern Tea Rom Luncheon Table in Greensburg (long since gone),

which gathered during the week and on Saturdays (the Courthouse was open Saturday mornings in those days) for both companionship and lunch. Among the other regulars were lawyers J. Edward Mitinger and his brother, Robert B. Mitinger (Joe's father), Clarence W. Beck, Judge Charles D. Copeland, Paul M. Robinson (Dave's father), Glenn N. Machesney, Edgar T. Hammer (my father and Everett's brother-in-law), Paul Abraham, Harry L. Allshouse, Vance E. Booher, John G. Gaut (Jim's father), Carl E.

Fisher, Paul Welty and B. Earnest Long. Earnie is the only survivor of those fine lawyers and wonderful men. There were also several non-lawyer regulars: William Bush, owner of Greensburg Credit Bureau; Frank Overly, Judge Copeland's court stenographer; Charles H. Sorber, architect and Everett's older brother; Dan Earnert, Peoples Natural Gas Company's right-of-way agent, and; Walter Lapham, officer of Barclay Bank.

Everett practiced law for 61 years for only one reason—he loved it.

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Inn of Court Plans Meetings

The Ned J. Nakles Inn of Court held its first meeting of the year on October 18. The next dinner meeting is scheduled for Thursday, November 16 at 5 p.m. at Bar Headquarters and will include a program from the following members of Pupilage Group 2: Ross Bash, Michele Bononi, Becky Brammell, Scott Fatur, Judge James Kelley, Jim Kopelman, Bruce Mattock, Fran Murrman, Ned Nakles, Jr., Michelle Shuker and Ed Flynn.

Please mark your calendars and plan to join us on Thursday, November 16 and also note that the December meeting is set for Wednesday, December 13.

Fund Honors Former WBA Member

by Vincent J. Quatrini, Jr., Esq.

There are people today who pass through our lives and leave an indelible impression. Tom “Toofy” Anton, was one of those people.

Kind, sweet and caring are words which immediately come to mind when you remember conversations with Toofy. Toofy’s personality was reflected in his daily law practice. Somewhere along the continuum,



Toofy became known as the “adoption attorney.” To some of us, that designation would simply apply to the processing of the adoption; however, for Toofy, it was much, much more.

Toofy was the unofficial adoption agency. Doctors, nurses and other attorneys called upon him when they knew of an expectant mother who desired to place a child for adoption. Anxious couples who wanted to adopt asked to be placed on his coveted waiting list. Toofy was the matchmaker.

And so it went for many years. Eventually, Toofy’s office was filled with pictures of “gifts from heaven.” Everywhere you looked was a child’s photo—rewards for the joy he introduced into the lives of so many marriages. Many members of his “extended” family sent him annual holiday photos.

Although Tom passed away in 1998, his memory and good works live on. Through the generosity and kindness of his friends and family, the Tom Anton Gift From Heaven Fund has been established

with the Community Foundation of Westmoreland County. The earnings from this endowment will be used to defray the expenses of a birth mother or adopting parents.

The Community Foundation is campaigning to grow the Gift From Heaven Fund so that it can start providing a financial helping hand in the formation of perma-

nent homes for all children in Westmoreland County.

If you would like to make a tax-deductible donation to the Tom Anton Gift From Heaven Fund, send it in care of the Community Foundation of Westmoreland County, 101 Ehalt Street, 111 Station Place, Greensburg, PA 15601.

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member benefits review

What Membership Means for You

Have you ever wondered exactly what your membership in the Westmoreland Bar Association means for you? Our participating members are eligible for many benefits in addition to quarterly and annual membership meetings and a variety of social activities. Browse through the list below and learn all the WBA has to offer.

PBA MEMBERSHIP

Every participating member of the WBA is a member of the Pennsylvania Bar Association because the WBA pays your membership fees to the state bar (\$150). The PBA offers you many services including legislative lobbying, state publications, seminars, and discounts on many services.

CLE SEMINAR DISCOUNTS

All WBA members receive a discounted rate of \$20 per credit hour at each Westmoreland Bar Association CLE seminar. Non-members pay \$30 per credit hour.

USE OF THE WBA BUILDING

WBA members can use the Bar Headquarters to meet clients and hold depositions at no cost. A fee is charged to non-members for any use of the building. To make a

room reservation, call the Bar office at (724) 834-6730. Rooms are available Monday through Thursday from 8:30 a.m. to 5 p.m., and Friday from 8:30 a.m. to 4:30 p.m. on a first-come-first-served basis.

LAWYER REFERRAL SERVICE

The WBA Lawyer Referral Service processes 4,800 referrals per year. With an annual fee of just \$125 and the presence of the service in each phone book and in the 158 display racks throughout the county, this is the best marketing dollar available for Westmoreland County attorneys. Contact the Bar office for an application, or fill one out at www.westbar.org.

MENTOR/MENTEE PROGRAM

Over 100 experienced Westmoreland County attorneys have registered to accept a mentee through the WBA Mentor/Mentee program. Activated in 1992, the program has paired over 30 new attorneys with a mentor.

COMMITTEES

The WBA has over 30 committees. Membership in a substantive committee, a young lawyers committee, the information technology committee and/or a public service committee are just some of the ways you can become involved in your local bar association.

HEALTH INSURANCE

The WBA, through Colburn USI, has several health insurance plan options available to attorneys. To receive specific information on the hospitalization coverage, please contact Diana Cook at Colburn USI at 1-800-327-1550.

PUBLIC SERVICE

The WBA, along with the Westmoreland Bar Foundation, operates the Pro Bono Program and serves the indigent residents of the county by representing them in civil matters. Volunteer attorneys are always welcomed and needed.

CUT EXPENSES AND COLLECTION HASSLES WITH CREDIT CARD PAYMENT SYSTEM

WBA members now qualify for preferred rates and special benefits in a merchant credit/debit card program offered through Commercial National Bank of Pennsylvania (CNB). The plan enables you to accept credit or debit cards for payment from your clients.

By using the card-payment system, you can improve cash flow in your practice and reduce accounts receivable, all while saving time for your staff and money for you.

Participants in the CNB program for WBA members can benefit from:

- same- or next-day deposit of transacted funds;
- acceptability of all major credit cards and MAC debit cards;
- a reduced rate on MasterCard and VISA transaction charges;
- the ability to maintain your current banking relationship.

For information on the special WBA-member card program from CNB, call Marsha Salley at (724) 532-2475.

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On The Move ...

KATHLEEN A. HELLING has accepted the position of Staff Attorney and Director of Large Gifts with United Way of Allegheny County.

Kathy will be maintaining her practice in Westmoreland County in the areas of estate planning and estate administration. The new address and

telephone number for Kathy's law practice is: P.O. Box 261, Murrysville, PA 15668, (724) 331-3997.



Actions of the Board

AUGUST 15, 2000

- Accepted the recommendations of the membership committee: Maria Soohey, participating; Rosalie Bell, associate; Dustin Barr, participating; Anthony Rosner, associate.
- Reported Quarterly Meeting expenses were higher than projected due to Commonwealth Court visit.
- Reported that arbitration fee income is lower than last year.
- Reviewed bench bar conference financials which indicated that bar subsidized less than \$500 of the entire event due in part to sponsorships from vendors and pricing offered by Wisp Resort.
- Agreed to schedule informational seminar with electronic filing company on September 20 at 1 PM and to invite info tech committee members and board members.
- Voted to invite the President or a board delegate of each county in PBA Zone 6 and his or her guest to the WBA fall gathering at Nemaocolin on October 7.

SEPTEMBER 19, 2000

- Discussed President Murphy's appointment of three attorneys to fill openings on Laurel Legal Services Board.
- Voted to recommend by-law change to membership which would require membership committee to interview applicants for participating membership.
- Voted to reschedule quarterly meeting of the association to October 27.
- Discussed the present CLE rate structure of the Westmoreland Bar Association, which is the lowest in the state, \$20 per hour. Other rates range from \$27- \$50 per hour. Referred CLE rate issue to planning committee for recommendation.
- Referred kitchen bid for final recommendation to Building Committee.
- Voted to honor both upcoming PBA President Reg Belden and current Conference of Trial Judges President Judge Caruso with reception in May.
- Authorized the attendance of President Murphy at the PBA mid-year meeting in Puerto Rico.

free* live cle seminar

Thursday, November 16, 2000, WBA Headquarters
1:00 to 4:15 p.m.

Municipal Law Update 3 Optional Substantive Credits

1:00-2:00 p.m. *Hot Topics in Municipal Tax Law:* Joseph W. Lazzaro, Esq., 1 sub.

2:00-3:00 p.m. *Adult Business Regulations:* Bernard P. Matthews, Jr., Esq., 1 sub.

3:15-4:15 p.m. *Current Developments in Municipal Law:*

Daniel J. Hewitt, Esq., Donald J. Snyder, Jr., Esq., Susan N. Williams, Esq., 1 sub.

Please call the Bar office at (724) 834-6730 to register.

* Seminars are free for those who do not wish to receive CLE credits.

mark your calendars!
**Video CLE Seminar Planned
for Thursday, December 28, 2000**

5 optional substantive credits
1 optional ethics credit

news

foundation focus



“Project KidCare” Hits Its Target

by Jacquelyn Knupp, Esq.

On August 18, 2000, the Westmoreland Bar Foundation and the Young Lawyers Committee of the Westmoreland Bar Association hosted a “Project KidCare” event at Target in Greensburg.

Sponsored by the PBA Young Lawyers Division, “Project KidCare” is a statewide program designed to provide parents with identification kits for their children. The kits include all current information for each child, a

TARGET

Polaroid photograph and

fingerprints. The parent takes the kit home to have in case of an emergency.

We set up shop in the children’s department of our local Target, hoping to attract the back-to-school shoppers. In addition to the wonderful volunteers from the WBA and WBF, representatives from the State Police and Westmoreland County Sheriff’s Office were on hand to fingerprint the children. By the end of the



▲ Tracey Wilson, KJ Collamer and Iva Munk participate in “Project KidCare.”

day, we prepared over 180 identification kits.

All in all, it was a great experience. The PBA/YLD should be commended for sponsoring such a great program and making it possible for us to make a difference in our communities.



◀ Barbara Artuso helps fingerprint a child for “Project KidCare.”

Scholarship Recipients Express Their Gratitude

I don't know how I can ever thank the members of the Scholarship Committee for selecting me to receive both the Donald Laird Hankey Scholarship and the Judge David H. Weiss Scholarship. The scholarships will certainly help me achieve my goals as I attend law school. Thank you also for the kind words of recognition that were written in the sidebar article.

Again, please express my appreciation to the members of the Scholarship Committee, as well as anyone else who made these scholarships available to law students like me.

*Sincerely,
Todd M. Ferencak*

I would like to express my gratitude upon being a recipient of the Donald Laird Hankey Scholarship. I am honored to receive the award, and I thank you for your consideration.

*Sincerely,
Timothy R. Stevenson*

Dashing through the snow, in a one-horse open sleigh. O'er the fields we go, laughing all the way (ha-ha-ha). Bells on bob-tail ring, making spirits bright. What

Holiday Dinner Dance

fun it is to ride and sing a sleighing song tonight. Oh, Jingle Bells, Jingle Bells, jingle all the way. Oh, what fun it is to ride in a one-horse open sleigh!

Members of the WBA and their guests are cordially invited to attend the Annual Holiday Dinner Dance of the Westmoreland Bar Association on Saturday, December 9, 2000, at the Chestnut Ridge Inn. The doors will open at 6 p.m. with hors d'oeuvres being passed at 6:30. Dinner will be served at 7 p.m. and dancing to the music of the John Parker Band—one of America's finest dance bands—begins at 8:30 p.m.

A Silent Auction will be held from 6:30 to 9 p.m. to benefit the Westmoreland Bar Foundation's Mock Trial College Scholarship Fund.

Tickets are \$45 per person. Five dollars from each ticket benefits the Outreach programs of the Westmoreland Bar Foundation. A discount of \$10 per couple is extended to lawyers admitted to practice five years or less.

Look for your invitation in the mail and mark your calendars. We hope you'll join us for an evening of camaraderie and holiday cheer.

AlterEgo *continued from page 7*

of its kind. In 1995, the innovation continued when another one-of-a-kind satellite library was opened in the Latrobe Shop 'n Save. And in March of this year, a bookmobile was delivered thanks to a grant from the McFeely Rogers Foundation—again, the only one in the state that is not owned by the county headquarters.

A June 1997 article in the *Philadelphia Inquirer* inspired Bob to get involved with libraries on the state level. The article spelled out the dire straits that many of Pennsylvania's libraries were in because of lack of funding. According to Bob, the article was the catalyst needed to demand changes in the state's library code.

Appointed by Governor Tom Ridge to an advisory council reporting to the secretary of education, Bob began a two-year odyssey to help rewrite the library code and provide much needed funds.

"The stars were in alignment for change at this time," says Bob. "We were fortunate to have a governor whose wife is a professional librarian. We were fortunate to have a good economy so state investment could take place without taking away from other programs. In fact, we had a bipartisan legislation fighting out who's more 'pro-library.'"

So far, Bob's efforts have resulted in nearly

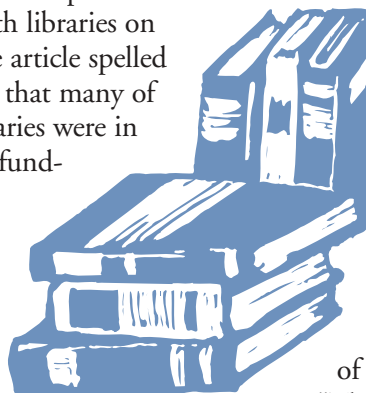
tripling the level of funding to Adams Memorial and other Westmoreland County libraries, enabling them to raise their level of service to those of other states.

Libraries, in general, are no longer book warehouses. As book circulation has leveled off and on-line information services provide fast, easy-to-access research, libraries have become

safehouses for latchkey kids, community centers, Internet gateways, education facilities for adult literacy, prenatal care and lifelong learning classes as well as meeting places for any number of support groups.

"The more a library can offer a community in terms of service and information, the better off that community will be," Bob says. He plans to continue to devote himself to improving the state of Pennsylvania's libraries by getting local governments to commit their time and resources to the cause.

"I don't care if my tombstone says 'He did it well,'" he says. "I just want it to say 'He made a difference.'"



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PBA Offers Web Site Development for WBA Members

In almost any current article addressing “lawyer marketing,” space is given to touting the importance of “having a presence on the Internet.” Lawyer advertising trends show print ads that contain the phrase “See our Web page at ...”

Simply stated, attorneys, including solo and small firms, should seriously consider a Web page. Although this, along with yellow page advertising, is not THE complete marketing plan, Web pages have already shown that they can attract new clients. For the attorney who has a limited, somewhat unique practice, a Web page can be a great selling tool. Likewise, family law practitioners report generating a good amount of out-of-state business from Web pages because these clients have no access to local phone books.

In response to this trend, the PBA is extending an offer to all WBA members to design, post and host individual attorney/law firm home pages at reasonable fees. If you have been contemplating this type of endeavor, but have been leery about who to hire or how to get started, the PBA offer may be an attractive one.

Offered by NI Internet Solutions, developers of the state association Web site pabar.org, fill-in the blank templates allow attorneys to quickly build their site for as little as \$1,000. Each site is customized with information provided by the attorney and allows opportunities to include logo/graphics, practice areas, attorney specifics and legal links. Also included in the development fee is the purchase of a domain name, e-mail addresses, and regis-

Web pages for lawyers will become more important as people rely increasingly on on-line communications.

tration with 10 major search engines. The latter is most important because any Web page not connected to major search engines (Yahoo, Excite, Alta Vista, etc.) is inaccessible to the very clients the attorney is trying to attract.

There seems little room for doubt that Web pages for lawyers will become more important and necessary as people rely increasingly on on-line communications. A great Web page may not generate large numbers of clients but not having a Web page at all may be detrimental to attracting and keeping techno-savvy clients.

To find out more about this offer call 1-888-932-7983 or log on to www.pabar.org/affiliate/index.shtml. In addition, any WBA member with a Web site should inform the bar office at (724) 834-6730 or wba@westol.com so we can hyperlink your site to the member listing on our Web page, westbar.org.

Sign Up for PBA's Listserv

The Pennsylvania Bar Association recently created an electronic means to keep attorneys up-to-date on the latest Pennsylvania legal news and information. The PABarNews Listserv, which is available free of charge, delivers news advisories and press releases from the Pennsylvania Bar Association directly to your e-mail the instant they are released.

To become a member of the

PABarNews Listserv, simply send an e-mail message listing your full name and the name of your county bar association to pabarnews@list.pabar.org. Once your e-mail has been received, a welcome message and notification of receipt will be sent to you. You may cancel your participation in the listserv at any time by sending an e-mail to the Pennsylvania Bar Association webmaster at webmaster@pabar.org.



LAW SPEAK

Habeas Corpus: A writ by which a man may be taken out of jail when confined for the wrong crime.

—*Devil's Dictionary*, Ambrose Bierce

Fall Gathering



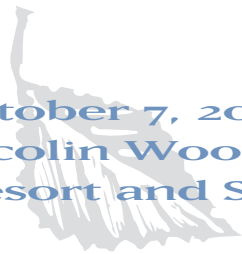
◀ Dawn and Jim Wells and Brian and Jackie Knupp



Marion Slone, John Ranker, Amy Ranker and Bob Slone
▼



October 7, 2000
Nemacolin Woodlands
Resort and Spa



Reg Belden, Cheryl Peck, Steve Yakopec and John Campfield
▼



▲ Judge Daniel Ackerman, Dan Joseph, Becky Ackerman, Lois Sayers, Diane Murphy and Jack Bergstein



CALENDAR of Events

NOVEMBER

- 7 Election Day
- 8 Membership—Noon
- 10 Veterans Day Observed
- 13 Bench/Bar—Noon
- 15 Young Lawyers—Noon
- 16 Elder Law/Orphans' Court—Noon
- 16 Municipal Law CLE—1 to 4:15 p.m.
- 16 Inns—5 p.m.
- 21 Family Law—Noon
- 21 Board Meeting—4 p.m.
- 23 Thanksgiving Holiday
- 24 Thanksgiving Holiday

DECEMBER

- 1 PBA House of Delegates, Harrisburg
- 3 CLE Bus Trip to Grove City Outlets
- 9 Holiday Dinner Dance, Chestnut Ridge Inn

This Month in Legal History

1924 — In an effort to cut down on the client's emotional and financial cost, Lucius Rothwell Heimlich invents the no-fault divorce and is immediately expelled from the Family Law Section of his local bar association.

1963 — Tired of constantly being reversed by the appellate courts, the Honorable Gilbert Spleenful issues an opinion in which he rules that the doctrine of stare decisis imposes an unconstitutional burden on his right of freedom of expression.

1972 — Augustus Lear becomes the state's first sexual harassment suit defendant when his secretary complains about his habit of sidling up behind her in the copy room and asking her if she's interested in reproducing anything else.

1988 — Having tried to avoid computerization at all costs, Hyman Lacking finally files for bankruptcy after discovering the abacus he had used for billing his clients had been putting the decimal point in the wrong place for years.



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