



Gala "Roast" Honoring Judge Caruso, Reg Belden Well Done

The Honorable Gary P. Caruso, President of the Pennsylvania Conference of State Trial Judges, and H. Reginald Belden, Jr., President of the Pennsylvania Bar Association, were honored for their achievements at a gala "roast" held May 24, 2001, at Seton Hill College in Greensburg. Over 240 guests attended the affair which was sponsored by the Westmoreland Bar Association, the Ned J. Nakles American Inn of Court and the Westmoreland Academy of Trial Lawyers.

WBA President John Campfield gave a welcoming address followed by an invocation by Ross Bash. Then friends and colleagues provided the audience with a

light-hearted look at the accomplishments of both honorees.

The speakers, who included Jim Silvis, Dick Galloway, Les Mlakar, Rich Victoria, the PBA's former Executive Director Ted Stillwag, the Westmoreland Trust's Jennings Womack, The Honorable John Blahovec, David Millstein, Bob Johnston and The Honorable Dan Ackerman, used phony magazine covers, funny telegrams, caricatures, sarcasm, flattery and wit to convey their respect and admiration for both Judge Caruso and Reg.

The dinner concluded with a benediction given by Marnie Abraham.



The honorees: H. Reginald Belden, Jr., and The Hon. Gary Caruso

Judge Caruso's term as President of the Pennsylvania Conference of State Trial Judges expires in July. Reg will serve as President of the PBA until May 2002.



Mike Johnson and Tack Hammer



The Hon. Gary Caruso, in right, and his caricature.

Leslie Uncapher, Diane Krivoniak and Michelle Shuker



The Hon. Dan Ackerman and Rachel Yantos

President's Message

Time Is On My Side, Yes, It Is

by John M. Campfield

Lyrics to an old song, now made irrelevant? Maybe. Einstein provided us with three great insights concerning time: 1) that time and space are relative; 2) that time and speed are relative; and 3) that repeating the same activity time after time, expecting a different result, is insanity.



We have taken well to the speed and time matters, but not so well to insanity. We are in a time when we crave greater speed, acceleration and precision. We now measure time in terms not human; and in terms that the human condition cannot appreciate or tolerate.

The concept of leisure time or unoccupied time is vanishing. Richard Reich, former Secretary of Labor, in his new book, "The Future of Success," discusses why it is harder to both make a living and make a life.

What we now see is the vanishing of leisure time and the treadmill syndrome of running harder to stay in place. The paradox and irony of modern work and modern life is that increased wealth and education, which should enable us to understand the value and importance of time, bring a greater sense of tension about time. We find ourselves caught in a consumption syndrome, focused on concepts that attempt to consume more time within the finite entity of what I call "human time."

Multi-tasking is one of these new concepts. But is multi-tasking an answer or a problem?

Now, my idea of multi-tasking is not disclosing national secrets during my sleep (while I snore, of course). Attempting to accomplish more, for me, is a disaster.

Recently, I was at a conference, where, in typical fashion, I had eaten too much and was feeling guilty the next morning. I decided to rise early and proceed to the fitness center. In keeping with my philosophy of multi-tasking, I got on a treadmill to walk in place while I stared at myself in the mirror (and tried to avoid looking at all of the displays on the treadmill designed to reduce me to the digital world). Also in the treadmill room was a colleague who I will simply identify as Bob. Bob was a true multi-tasker. He was on a Stairmaster with the daily newspaper propped on its plastic holder, operating the remote to get the latest CNN News on the television located above his head. Unfortunately for Bob, as the twists of life sometimes unfold, he turned the page and the paper began to fall. In reaching to grab the paper, he fell off the treadmill, struck his head on the remote causing a station change, all to the disappointment of our fellow fitness folks. I smiled a polite chuckle (after assuring myself that Bob had suffered no serious injury) and continued my walk to nowhere.

Bob, in good form, recovered, grabbed the paper, returned the TV to CNN, and wisely decided it was time to get a new towel and a drink of water. But Bob had multi-tasked; albeit

poorly and with embarrassing, but not disastrous results.

There are those who would argue with me that humans are capable of parallel activities and that we can function well with all these "timeballs" in the air. I submit that "human time" is limited and variable; that human experience of time changes with happenings, age, cultural surroundings and level of activity, to name a few. We are not equipped to be methodical, mechanical and precise. And we certainly don't handle overload well. When we chop time into rigid periods, ever smaller, ever more precise, ever more filled, we invade and degrade our own humanity. Unfortunately, we lawyers seem no brighter than the rest of our society.

We have all heard the old adage "take time to smell the roses." Today, not only do we not smell the roses, we don't even see the roses because we have chopped them down with our five-speed, 75-HP, dual-headlight John Deere, while listening to our favorite music in one ear and the cell phone in the other.

Before we can return to a time of smelling the roses, we must replant the roses, each and every one. Then, time will be on my side, yes, it will.



Richard Galloway Elected Chair of PBA House of Delegates

Richard H. Galloway was elected chair of the Pennsylvania Bar Association House of Delegates during the organization's annual meeting held in April in Pittsburgh. He will serve for one year.

"Dick brings the Board of Governors his special style which combines his vast organized bar experience with good common sense and a sense of humor," says PBA President Reg Belden. "In his role as Chair of the House of Delegates, Dick will be innovative. His leadership will provide exciting and enjoyable meetings."

Zone 6 Governor Dan Joseph is extremely proud to be serving with two fellow WBA members. "Dick will do a fine job as Chair and his well-honed wit will bring some levity to otherwise serious meetings," he says. "On a selfish note, I'm glad Dick will be travelling to Harrisburg when I will so he can serve as my chauffeur."

A partner in the Greensburg law firm of QuatriniRaffertyGalloway, Dick was admitted to the Pennsylvania Bar in 1965 and is admitted to practice in the U.S. District Court for the Western District of Pennsylvania, the U.S. Court of Appeals for the 3rd and 6th Circuits, as well as the U.S. Supreme Court.

A former Zone 6 governor and chair of the Legislative and Governmental Affairs Committee, Dick is a past president of the Westmoreland Bar Association, the Pennsylvania Trial Lawyers

Association Western District and the Westmoreland Academy of Trial Lawyers. He is a former member of the Pennsylvania Trial Lawyers Association Board of Governors and a former Trustee of the Westmoreland Bar Foundation.

In 2000, Dick received the WBA's most prestigious award, the President's Award for Professionalism. This special award is given to a member who best exemplifies the highest standards of our profession with regard to the practice of law.

Currently, Dick serves on the board of directors for Laurel Legal Services and was recently elected to

a second three-year term on the board of the Pennsylvania Bar Institute. He was also inducted as a Fellow of the American College of Trial Lawyers.

Dick is also active in the community as a board member of the Epilepsy Foundation and past president of the Delmont PTA. He is a graduate of Lehigh University and the University of Pittsburgh School of Law.



Dick Galloway

Duke George Leaves Disciplinary Board



◀ *Duke George (right), a partner with George & Joseph in New Kensington, accepts awards from Supreme Court Justice Russell M. Nigro (left) to mark Duke's departure from the Disciplinary Board of the Supreme Court of Pennsylvania, which he served on for six years. "Duke's role on the Disciplinary Board took up a significant amount of time and he performed his responsibilities with great dedication," says his partner, Dan Joseph. "Every Westmoreland County attorney was well served with Duke as a member of the board and we should all be proud of his service."*

Candid
Camera:

Night of A Couple Stars



▲
"Holiday Inn, Room 610."

▲
*No one knows why, but elbows
always make Judge Pezze crack up.*

▲
*"Now, when I say
'cheese,' I want all
the good looking
honorees to open
their eyes and smile."*

Celebra



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▲
Judge Loughran and one of his horns.

Jury Trial Verdicts

MARCH/APRIL 2001 TRIAL TERM

Of 109 cases slated for trial during the March/April 2001 Civil Division trial terms, 39 settled, 35 were continued, two were discontinued, two were stricken, five moved to arbitration, two were stayed upon the filing of bankruptcy, seven resulted in verdicts and 16 were held to the next list. No substantial verdicts were awarded this term.

PAUL KORN, JR., AN INDIVIDUAL, AND SANDRA L. KORN, HIS WIFE V. ELEANOR SILVIS, EXECUTRIX OF THE ESTATE OF ELEANOR F. O'BRYAN, DECEASED NO. 1864 OF 1999

Cause of Action: Negligence — Motor Vehicle Accident — Loss of Consortium

On the afternoon of November 22, 1997, plaintiff was operating his vehicle in a northerly direction on North Greengate Road in Hempfield Township. The complaint alleges that plaintiff was at a complete stop with his left turn signal activated as he attempted to make a left-hand turn onto a private road. Defendant's vehicle struck plaintiff's vehicle from behind, causing plaintiff's injuries, which included herniated discs, hyper-extension injuries of the cervical spine and right elbow, and chronic cephalgia. Wife-plaintiff claimed loss of consortium.

The defendant denied plaintiffs' allegations of negligence. In new matter, defendant asserted that plaintiffs' claims were limited, barred and/or restricted by the Pennsylvania Motor Vehicle Financial Responsibility Law (MVFRL), including the limited tort provisions. Defendant also raised the Deadman's Act.

Plaintiffs' Counsel: David J. Millstein, Jacquelyn A. Knupp, Millstein & Knupp, Youngwood
Defendant's Counsel: Kim Ross Houser, Mears and Smith, P.C., Gbg.
Trial Judge: The Hon. Charles H. Loughran, President Judge
 Result: Verdict for Plaintiff in the amount of \$5,000. No award for wife-plaintiff.

PATRICIA M. HEATER V. WILLIAM A. CARLSON NO. 327 OF 1999

Cause of Action: Negligence — Motor Vehicle Accident

This motor vehicle accident occurred on July 25, 1997, when plaintiff was stopped at a traffic signal on East Pittsburgh Street in the City of Pittsburgh
continued on page 6

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Jury Trial Verdicts *continued from page 5*

Greensburg. Defendant's vehicle struck plaintiff's vehicle in the rear, causing plaintiff's vehicle to impact the vehicle stopped in front of her. Injuries included severe aggravation of an asymptomatic arthritic condition, causing it to become symptomatic and requiring total hip replacement; injuries to the spine resulting in cervicalgia, intercostal neuralgia, lumbalgia and sciatic neuralgia; and low back, right hip and leg, and neck pain.

In new matter, the defendant asserted that plaintiff exhausted first-party benefits; plaintiff has not sustained a "serious injury" as defined in the MVFRL; and plaintiff's election of a limited tort option precludes an action for non-economic loss.

Plaintiff's Counsel: Bryan J. Smith, Brown & Levicoff, P.C., Pgh.

Defendant's Counsel: Thomas W. Smith, Mears and Smith, P.C., Gbg.

Trial Judge: The Hon. Charles H. Loughran, President Judge

Result: Verdict for Plaintiff in the amount of \$10,000.

RONALD LEE MURPHY AND LYNN KRISTA MURPHY, HIS WIFE V. EUGENE CAVALIERE NO. 439 OF 1998

Cause of Action: Negligence —
Motor Vehicle Accident —
Loss of Consortium —
Arbitration Appeal

On November 6, 1996, the plaintiff was traveling in the right westbound lane of U.S. Route 30, near Westmoreland Mall, when defendant's vehicle struck the rear of plaintiff's vehicle. Plaintiff averred, inter alia, that defendant failed to properly signal the changing of lanes and failed to keep a proper look out for vehicles

ahead of him and in adjacent lanes of traffic. Plaintiff's injuries included cervical and lumbar spine strains, headaches, and injuries to the elbow and neck. Wife-plaintiff claimed loss of consortium.

The defendant, in new matter, maintained that plaintiff did not sustain a "serious injury" as defined in the MVFRL. In his reply to new matter, plaintiff averred that the full tort option was selected; thus, plaintiff need not prove "serious injury."

Plaintiffs' Counsel: Louis J. Kober, II, Gbg.

Defendant's Counsel: Scott O. Mears, Jr., Mears and Smith, P.C., Gbg.

Trial Judge: The Hon. Charles H. Loughran, President Judge

Result: Verdict for Defendant. Jury attributed 49% negligence to defendant and 51% to plaintiff.

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**JAN ROBISON V.
LLOYD KEITH RICHLESS, M.D.
NO. 6254 OF 1999**

*Cause of Action: Negligence —
Medical Malpractice*

On January 6, 1998, plaintiff underwent his second medical examination by the defendant, who practices occupational medicine, at the request of his employer's worker's compensation insurance carrier in connection with a 1994 work injury to his left shoulder. On January 2, 1998, plaintiff's chiropractor sent defendant a letter wherein he requested that plaintiff's neck examination be limited to active range of motion, and that distraction and compression of the neck be gentle or eliminated altogether. Prior to the exam, plaintiff gave defendant a note from plaintiff's orthopedic surgeon, dated December 31, 1997, which stated that plaintiff was allowed no overhead movement of the shoulder. Plaintiff alleged that, during the examination, defendant grabbed plaintiff's arm and jerked it overhead, causing popping, snapping, and immediate and severe pain and swelling in the area of his previous surgery. Plaintiff claimed that defendant caused further injury to his shoulder, which necessitated further surgery.

In his answer, defendant maintained that the range of motion testing in his exam was fully appropriate, involved no grabbing or jerking of plaintiff's arm and caused no injury to plaintiff. In new matter, defendant asserted that defendant cannot be liable to plaintiff because there was no physician-patient relationship associated with the independent medical examination. Defendant also raised the statute of limitations.

Plaintiff's Counsel: Joseph P. Moschetta, Joseph P. Moschetta Associates; C. Jerome Moschetta, Washington, Pa.

Defendant's Counsel: Charles P. Falk, Solomon & Associates, Pgh.
Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict for Defendant.

**STEELE CONSTRUCTION, INC. V.
JOSEPH L. DUNN AND KAREN P.
DUNN, HIS WIFE, DEFENDANTS
V. DRAVIS LUMBER COMPANY,
ADDITIONAL DEFENDANT
NO. 2003 OF 1998**

*Cause of Action: Accord and
Satisfaction — Breach of Contract*

On March 27, 1997, plaintiff entered into a written contract with the defendants for the construction of a house on defendants' property. After performing the work, plaintiff sought payment of the unpaid balance due under the contract, together with reasonable charges for certain modifications/extras that were requested by defendants.

In their answer, defendants contended that many of the extras were for work contracted for under the original agreement. As an affirmative defense, defendants asserted that they tendered the balance due under the contract and for those extras

agreed to less the amount they had expended for materials and items.

Defendants brought a counterclaim, which sought payment of expenses incurred by defendants in purchasing materials for their home when those materials were to be provided by plaintiff pursuant to the contract. Defendants also maintained that plaintiff failed to complete certain enumerated items in a proper workmanlike manner and sought payment for the repair of those items. In its answer to the counterclaim, plaintiff denied that any items purchased by defendants were for items specified under the contract, and denied that the work was not done in a proper workmanlike manner.

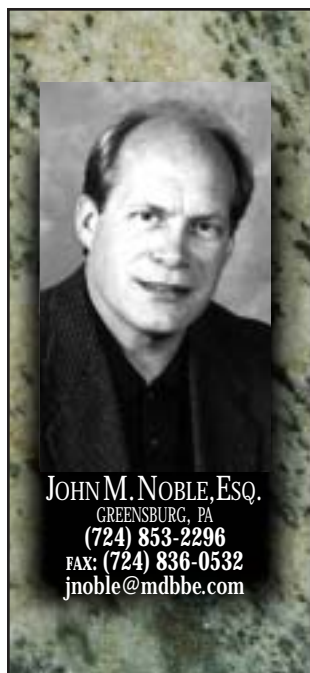
Plaintiff brought a claim against the additional defendant lumber company, which supplied materials to plaintiff, for contribution and indemnity.

Plaintiff's Counsel: Robert W. King, King & Guidy, Gbg.

Defendant's Counsel: Dwayne E. Ross, Latrobe

Additional Defendant's Counsel: John J. Kuzmiak, Johnstown

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Candid Camera:

Gettysburg Trip Memories



"Hmmm," said Judge Ober in a moment of studied introspection, "have I swallowed my gum again?"



▲ *Tom hung back from the rest of the group—he had heard the taunt "Baby Butt-Head" once too often.*



▲ *"Now the soldiers suffered from this same problem, but they didn't have Q-tips."*



▲ *"Out of order! You are out of order!"*



▲ *As he's gotten older, Rabe has found it more difficult to find hats that fit.*



▲ *"Hmmm, I can see it now—'The Honorable William J. Ober: Jurist, Statesman, Humanitarian, Sheep Farmer Extraordinaire.' I like it. I like it."*

To-Wit: Bigfoot

by S. Sponte, Esq.

All those of you who have ever tried to get a case settled by telling a client that a trial is risky, or by saying that a judge is unpredictable or that a guaranteed result is better than an unknown one, please raise your hand. Let's see, that's one, two, everyone.

And isn't that always followed by those irritating quizzical looks from the clients, those looks of disbelief, incredulity, looks doubting your veracity, your sanity, your integrity?

Of course it is, but can you blame them? I mean, how do you explain such things to a client? How do you tell a client that this is sometimes a wacky system because sometimes the players are wacky, that sometimes lawyers are nuts, judges eccentric. Clients just don't want to believe that the legal system is sometimes ditzy. Oh, they'll believe it well enough of the next door neighbor, but not of themselves or the system they utilize to put that neighbor through hell for allowing his tree to encroach the air space above their yard.

No, clients want and need from the legal system a kind of efficient and dispassionate functioning that it has simply never had. But you might as well tell a client you saw Bigfoot last night, for all the credibility you have in such matters.

Easy there now, Big Fella, I have a story to tell you. Recently it became my professional obligation to try a nasty auto case. Unfortunately my client had sustained horrific injuries, poor guy. Well, I mean, horrific for him—for me, it was pretty good.

As we had agreed to try this case non-jury, it was assigned to a certain judge on the day scheduled for trial.

So distraught by this curse of the draw were both opposing counsel and I that on the way to that judge's courtroom he upped his offer by ten grand and I lowered my demand by the same amount. Alas, we were still far apart.

I tried to get my client to be more conciliatory. "You don't know this judge," I said, "we'll be in trial three weeks before we even start to take testimony." But he wouldn't budge, despite his lawyer's most earnest, heartfelt and sincere entreaties.

"Will counsel and their clients identify themselves, give their addresses, phone numbers, social security numbers and the names, phone numbers and addresses of

Clients just don't want to believe that the legal system is sometimes ditzy.

their next of kin," Judge requested, as the old familiar litany began. At the same time, he lifted a clump of Magic Markers from his bench, maybe two dozen different colors all bound together by an old rubber band. He withdrew the red one, uncapped it and held it poised over a yellow tablet.

Opposing counsel rose, gave his name, office address, phone number and the date of his second wife's birthday, all of which His Honor duly noted on his legal pad in red magic marker. But when he started to give the name of his client, Judge halted him in mid-sentence.

"No," he said, "I want your client to stand and identify himself. If I

had wanted you to do it, I would have asked you," and with that he put the red Magic Marker

back into the collection and withdrew the green one. In the next three hours, he used up about twelve colors and two whole legal pads, but by God, he knew everything there was to know about every participant in this passion play, law aside, including my son's middle name and the names of all of the witnesses' dogs.

His Honor then directed which seat all of us should sit in, moving us around a few times until he was satisfied. Then he sketched it all in different colored Magic Markers on a separate pad. I make it he was up to twenty colors by now, including mauve, and as if exhausted from his judicial labors, he took a two hour recess.

"Okay," my client said out in the hall, "your little plan to force me into a settlement is not going to work. Where is the real judge?"

I assured him this was by no means a charade, although I filed the idea away for possible use in the future. And once I had him convinced that this was indeed the His Honor who was going to try his case, he capitulated. As the other side had had enough as well, the case was settled.

We gleefully reported that fact to His Honor, expecting to depart at once, but he wanted every person in the courtroom to stand, identify themselves again, spell their names again, and state for the record that they approved of the settlement.

He excused the court reporter from



continued on page 10

Jury Trial Verdicts *continued from page 7*

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict (1) for Plaintiff Steele Construction, Inc., in the amount of \$14,264.37; (2) for Counterclaim Plaintiffs/Defendants Joseph L. Dunn and Karen P. Dunn for \$6,272.50; and (3) for Additional Defendant Dravis Lumber Company.

**JOHN C. LAUFFER AND WANDA J. LAUFFER,
HIS WIFE V. SHEETZ, INC.,
A PENNSYLVANIA CORPORATION
NO. 2200 OF 1999**

Cause of Action: Negligence — Loss of Consortium

On June 9, 1998, the plaintiff went to the defendant's New Kensington retail gas outlet and convenience store to purchase cigarettes. As he was exiting the premises, plaintiff ran into and collided with a pipe batten located directly outside of the door to defendant's store. Plaintiff averred that defendant had knowledge of this dangerous and defective condition and allowed it to remain on the premises. As a result of the incident, plaintiff sustained injuries to his scrotum and testicles. His wife asserted a claim for loss of consortium.

The defendant denied that plaintiff's alleged injuries were caused by any conduct of the defendant. In new matter, defendant asserted that plaintiff's presence on defendant's premises on many prior occasions should have made him aware of the existence and location of the pipe batten. In the alternative, defendant maintained that any condition complained of by plaintiff was both open and obvious.

Plaintiffs' Counsel: Mark E. Milsop, John E. Quinn, Evans, Portnoy & Quinn, Pgh.

Defendant's Counsel: Alexander P. Bicket, Zimmer Kunz Professional Corporation, Pgh.

Trial Judge: The Hon. Daniel J. Ackerman

Result: Molded verdict for Defendant.

To-Wit: Bigfoot

continued from page 9

participation only when the poor woman confessed she couldn't speak and take testimony at the same time. Then, with a few hours still left to the day, His Honor showed us slides of his grandchildren.

As experiences go, it wasn't the worst I've had. At least this time my client saw firsthand what we lawyers have known for years, that sometimes the legal system doesn't regulate the weirdness of humankind, sometimes it is the weirdness of humankind. My client has a whole new respect for me, and I feel redeemed. No sir, this was a good experience. This time I have not only seen Sasquatch, this time I know where he lives.

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TIMOTHY KRIEGER has moved his office to 20 North Pennsylvania Avenue, Suite 104, Greensburg, PA 15601.

DON MOREMAN has opened an office on the 3rd Floor, 140 South Main Street, Greensburg PA 15601. He can be reached by phone at (724) 834-7101 or fax at (724) 832-8747.

PAM NEIDERHISER has opened an office in the Royer's Building, 114 South Main Street, Greensburg PA 15601.

Anecdote

How I Lost My Very First Case

by Judge Irving Bloom

Way back about 40 years ago, I received my first appointment to represent an indigent criminal defendant. This gentleman was officially charged with the crime of public indecency. In layman's terms, that meant he was a flasher. He had this



eccentric habit of hiding behind a big tree on the sharp curve going up the drive to Seton Hill College. As cars slowed down at the curve, he would jump out

clad only in a raincoat and tennis shoes, open his raincoat and wave a handless hello.

Ultimately, he was apprehended by the police and I was appointed to represent him. I immediately began to prepare with an intensity only ever exhibited by a young lawyer working on a first case. I engaged a clinical psychologist to present irrefutable evidence that the man suffered some form of mental illness that compelled him to gesticulate thusly. After I interviewed half a dozen character witnesses, I was convinced that this man was a fine, upstanding member of the community, a man who beat neither his wife nor child. He was charitable, kind, generous and a fine contributing member of the community. He just had a, uh, small problem.

In those days, Judge L. Alexander Sculco was the best judge to get for this type of case. He believed such behavior was caused by mental problems and should be treated rather than punished. He put

miscreants of this type on probation on condition they seek psychiatric care. To summarize, he was easy on flashers. In those days it was possible to maneuver around, to have a plea heard in front of the judge of your choice, and I immediately began successful machinations to have Judge Sculco hear the case.

My client pled guilty and at the plea hearing, I presented the psychologist's report, reading from it extensively. Judge Sculco listened with an intensity that conveyed a sincere understanding in the truth of whatever it was the psychologist contended. He also listened intensely to the testimony of the six character witnesses who portrayed my client as a fine, upstanding member of the community, someone who deserved treatment, not incarceration. After two hours of testimony, I summed up by throwing my client on the mercy of the court, requesting a disposition appropriate for a person

who was ill, not criminal.

As the moment drew near for the Judge to pass sentence, I exuded confidence and patted my client on the back and said, "Everything is going to be all right." The unsmiling visage of the Judge looked august and somewhat assuring. Then my world came crashing down as Judge Sculco pronounced sentence of one year in the Allegheny County Workhouse, at the time the maximum sentence.

As I passed Tony Saulle, Judge Sculco's court reporter, I said, "I can't understand what happened here." Tony gave me that unique sardonic look of his and said, "You dumb SOB, don't you know that the Judge's daughter is a nun at Seton Hill?"

And so she was.

And so she still is.

Thank you Sister Lois Sculco for causing me to lose my first criminal case.

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Membership Votes “Yes” for Retention of Judges

By an overwhelming majority, WBA members voted in favor of the retention of Judges Daniel J. Ackerman, Richard E. McCormick, Jr. and Debra A. Pezze as Common Pleas Judges in Westmoreland County.

Pursuant to WBA policy, a referendum of the membership by secret ballot was taken in early April in order to determine the position of the members on the question of the retention of Judges Ackerman, McCormick, Jr., and Pezze.

The ballots were counted and certified by Christ. C. Walthour, Jr., and Joseph B. Mitinger. The results are as follows:

JUDGE ACKERMAN

272 Total Votes
 Yes.....265 **97%**
 No.....7 **3%**

JUDGE McCORMICK, JR.

266 Total Votes
 Yes.....248 **93%**
 No.....18 **7%**

JUDGE PEZZE

266 Total Votes
 Yes.....252 **94%**
 No.....14 **6%**

Committee Assignments

Have you been assigned to all the committees you requested? If not, or if you would like to serve on additional committees, please contact the bar office at (724) 834-6730 to remedy the situation. We apologize for any oversights.

David W. Cook Honored as 50-Year Member

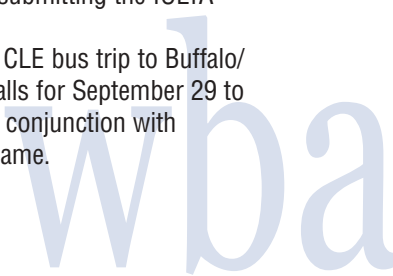


David W. Cook was among those honored at this year’s Annual Meeting for attaining 50 years of membership in the WBA. His name was inadvertently left off the list in the last issue of *the sidebar*. We extend our sincerest apologies for this error to Dave Cook, who has been one of the most distinguished members of our bar.

Actions of the Board

MAY 15, 2001

- Reviewed 2000 bar association audit with CPA Regis Tomsey.
- Discussed present structure of bar investments and loss of revenue when Lawyers Abstract vacates first floor of bar headquarters in June 2003.
- Accepted Membership Committee recommendation as presented: Irving A. Pratt, Robert B. Liotta as participating; Valerie Veltri as associate.
- Reviewed Arbitration fee payouts in an effort to track accurately the service of bar members as arbitrators.
- Reviewed figures provided by the county for court-appointed fees and agreed to continue to talk with county about attorneys’ roles in court-appointed cases.
- Reported that funds were exchanged from the money market fund to the Vanguard 500-index fund as directed by board at April retreat.
- Agreed to abandon any other discussion regarding the establishment of a remote law office at bar headquarters. Other local bar association executives indicate that there is little or no use by their members.
- Voted to have Mr. Kress represent the board's opposition to the Civil Procedural Rules Committee's proposed recommendation No. 173 and to copy appropriate persons on this matter.
- Voted to give the Financial Committee broad discretion in hiring a financial advisor for the bar.
- Heard report from YL Chair, Harry Smail, regarding the drafting of a local YL procedural handbook.
- Approved the BarFlies’ request for \$1,000 to hire videographer to record the 2001 musical.
- Adopted proposed worker's compensation resolution which supports increasing their pay to be in agreement with other appellate court judges and agreed to forward the resolution to the appropriate state agencies.
- Acknowledged that the bar foundation received a \$19,000 IOLTA grant to run the custody attorney and reduced fee programs. Thanked Treasurer Munk for his efforts in submitting the IOLTA request.
- Approved CLE bus trip to Buffalo/Niagara Falls for September 29 to be held in conjunction with Steelers game.



Special CLE Seminar to Focus on Methodology of Getting Paid

How do you ensure you will get paid for the work you do? Unfortunately, there is no single magic secret to share as to why some firms get paid and others don't. Rather, there is a proven methodology you can and should follow. At a CLE seminar to be held on Thursday, August 9, 2001, you will be taken through the series of essential steps which are guaranteed to reduce your receivables and improve your cash flow.



A joint venture between the Westmoreland and Pennsylvania Bar Associations, this seminar will be presented by Ellen Freedman, CLM (Certified Legal Manager), who serves as the Law Practice Management Coordinator for the state bar. In that capacity, she assists PBA's members with management issues and decisions on the business side of their practice, including areas like technology, bookkeeping procedures, human resources, risk management, setting up a practice and so forth.

Be sure to mark your calendar and plan on joining us for this special event. More information about the seminar will be coming your way soon.



New Member Sketches

Paula Bowser, an associate with Paletta & Pagliari in Lower Burrell, was admitted to the WBA as a participating member. A graduate of Lenape A.V.T.S., Indiana University of Pennsylvania and Duquesne University School of Law, Paula lives in Ford City.

George H. Love, Jr., was admitted to the WBA as a participating member. He is a graduate of Derry Area High School, Wabash College and Duquesne University School of Law. George spent 24 years with the U.S. Department of Veterans Affairs before retiring and going into private practice in Youngstown. He and his wife, JoAnn, live in Latrobe and have



two children, George III and Jennifer. *Charles Sheehy*, a partner of Sheehy, Mason, Hitson & Mayer in Pittsburgh, was admitted to the WBA as an associate

member. A graduate of the Benet Academy, Benedictine University and John Marshall Law School, Charles lives in Export with his wife, Phyllis, and has three children: Megan, Molly and Colleen.

George Stewart has been admitted to the WBA as a participating member. A partner with Zimmer Kunz in Pittsburgh, George is a graduate of Penn State University and Duquesne University School of Law. He and his wife, Nancy, live in Greensburg.

Lawyers' Exchange*

(*Free to all members of the Bar)

ACTORS WANTED!!! Since most lawyers are dramatic animals we hope you will help us fill the need for actors in this Fall's production of "The Caine Mutiny Court Martial." It will be staged in November in Judge Pezze's courtroom. Modesty forbids me from releasing the name of the brilliant actor who will be playing the Judge. Call Apple Hill Playhouse at (724) 468-5050 for more information. *Judge Irving Bloom, Board Member, Apple Hill Playhouse.*

ANNOUNCEMENT David S. Pollock, associate member of the WBA, from David S. Pollock & Associates and Todd M. Begg, Candice L. Komar, and Daniel H. Glasser, from Buchanan Ingersoll, P.C. are pleased to announce the formation of Pollock Begg Komar Glasser LLC, a law firm dedicated to the practice of Matrimonial Law. Joining the shareholders are associates Maris J.W. Gill, Kristen M. Humphrey, and Lisa C. Labriola.

foundation focus



Foundation Trustee Ann M. Emmerling Wins Athena Award

Ann M. Emmerling, Executive Director of the Center Against Domestic and Sexual Violence and Trustee of the Westmoreland Bar Foundation, was honored with this year's Athena Award at a luncheon held in May.

The award was presented at the 2001 Westmoreland County Winners' Circle Awards Program luncheon, which was held at the Four Points Hotel by Sheraton in Greensburg. The program was

presented by the Central Westmoreland Chamber of Commerce and Seton Hill College's National Education Center for Women in Business.

The Athena Award is presented to an individual who

demonstrates excellence, creativity and initiative in his or her business profession; provides valuable service by devoting time and energy to improve the quality of life for others in the community and assists women in reaching their full leadership potential.

Ann has served as a Trustee and Outreach Committee member of the WBF since 1996. "She has been invaluable to us," says Vincent J. Quatrini, Jr., WBF Trustee and Counsel for the Center and former board member of the Center. "Ann brings us the wisdom of sound judgment and the counsel of many life



experiences with the segment of our community that is served by the mission of the WBF. Her voice provides excellent perspective for our outreach initiatives."

▲ *Attending the luncheon were: (seated) Robin Holmes, Kathleen Kemp, Pro Bono Coordinator Iva Munk and Becky Brammell; (standing) Jackie Knupp, Ann Emmerling, Jo Millie and WBA Executive Director Diane Krivoniak.*



▲ *Ann M. Emmerling*

Looking for a special way to remember someone?

**Births • Deaths • Marriages • Anniversaries
Making Partner • Passing the Bar**

Since 1991, the Westmoreland Bar Foundation has raised thousands of dollars to assist the poor, disabled, elderly and children in our community. Through the **Special Way to Remember** program, you can honor a colleague or loved one with a contribution to the Foundation. Your gift will help serve the needs of our own who have nowhere else to turn for legal services.

If you would like to make a gift to the Foundation as a meaningful expression of respect, please make check payable to the Westmoreland Bar Foundation and mail to WBA Headquarters, 129 N. Pennsylvania Ave., Greensburg, PA 15601.



Help Is Available

Lawyers Concerned for Lawyers is your lawyer assistance program. It offers discreet and confidential help to you and your family who have stress, anxiety, depression, substance abuse, alcoholism, compulsive gambling, and many other problems that, if left untreated, will eventually lead to personal and professional disaster.

Access EAP and Behavioral Health Services, headquartered in Harrisburg, provides the services on the LCL Helpline. This is an experienced employee assistance program with a statewide network of highly qualified healthcare professionals who are available to assist you quickly and discreetly. They will meet with you to discuss any concern about alcohol, drugs, illicit drugs, gambling, depression, stress, anxiety or any other emotional or mental health problem which has the capacity to impair your ability to practice law and your good health. There is no charge to you for the initial consultation on the Helpline.

The LCL Helpline will also refer you to volunteer lawyers who have experienced and overcome these illnesses. These volunteers know the relief of being able to talk confidentially to another lawyer who understands your problem. LCL Executive Director Kenneth J. Hagreen and Assistant Executive Director Ramon Roman can also provide information and guidance, especially when you are concerned about a colleague who appears to be in trouble. These are special cases requiring special handling from the outset. LCL can assist you in deciding how best to help your impaired colleague before they cause irreparable harm to their clients, law firm, career, family and themselves.

All that is required to begin the assistance process is a confidential, no cash obligation, telephone call to the LCL Helpline at 1-888-999-1941.

The cost of the initial psychiatric evaluation will be borne by LCL. Further costs for treatment for additional counseling must be borne by the individual. However, these costs are generally covered by medical insurance. There is an emergency fund available for those without insurance or monies to pay for intervention, counseling or treatment services.

Confidential Helpline
1-888-999-1941
24 hours a day, 7 days a week

**IS YOUR INFORMATION ON
 THE WBA WEB SITE CURRENT?
 CHECK IT OUT AT WWW.WESTBAR.ORG.**

If it needs to be changed, please complete form and return to: WBA, 129 N. Pennsylvania Ave., Greensburg, PA 15601, or fax (724) 834-6855.

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CALENDAR of Events

JULY

- 11 Membership, Noon
- 17 Planning Committee, 8 a.m.
Family Law, Noon
Board Meeting, 4 p.m.
- 18 Young Lawyers, Noon
- 19 Building Committee, 8 a.m.
- 20 WBA Summer Quarterly
Meeting Golf Outing, Noon,
Cherry Creek Golf Course
- 25 CLE Lunch 'n Learn
Seminar: Intellectual
Property, Noon-1:15 p.m.
- 26 CLE Lunch 'n Learn
Seminar: IRA Distribution
Rules and 2001 Tax Act,
Noon-1:15 p.m.

AUGUST

- 8 Membership, Noon
- 9 Special CLE Seminar:
"Getting Paid for the Work
You Do," by Ellen Freedman,
CLM

TOP TEN

Top Ten Reasons To Specialize In Family Law

1. Except for husbands, wives and kids, no one ever gets hurt.
2. "Rules of Civil Procedure, we don't need no stinkin' Rules of Civil Procedure."
3. All those swift, clear and readily enforceable decisions from the bench.
4. Clients obliged to disclose sordid sexual details in confidence, giving you untold hours of mirthful stories to share with colleagues at next family law section meeting.
5. Replacement of that stuffy "stare decisis" crap with more flexible and contemporary "ad hoc" standard of adjudication.
6. Ready access to lonely singles.
7. Why, Domestic Relations Support Hearing Officers are just the smartest folk on the planet.
8. Division by two only math skills necessary.
9. Abuse of Special Divorce Masters not punishable by contempt.
10. Client loses custody of kids, 90% of marital estate, all of pension and family dog, no biggee—you still get paid.



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Greensburg, PA 15601

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There is still time to
sign up for the WBA
Casino/Football Outing

September 29-30, 2001

Includes:

- Bus transportation to/from
Niagara, Ontario
- One night's lodging at
"Michael's Inn by the Falls"
- One ticket to Pittsburgh Steelers
vs. Buffalo Bills game
- Pre-game party at the stadium
- And more!

Contact the Bar office
for more information.