



Jurists Retiring from Bench

Reflections on the Careers of Judge Ackerman, Judge Ober

Editor's note: The Hon. Daniel J. Ackerman and The Hon. William J. Ober are retiring from the Court of Common Pleas of Westmoreland County at the end of this month after 29 and 12 years on the bench, respectively. We asked them to share their thoughts on their respective careers.



A GLANCE BACK

by The Hon. Daniel J. Ackerman

I'm at an intersection waiting for the light to change. It seems like a particularly long light, so I have time to adjust the volume on the radio and to glance in the rearview mirror to see what's behind me. As a judge, it has been my practice and advice to others not to look back. Make a decision and move on. Don't worry about where a different interpretation might have led.

The Hon. Daniel J. Ackerman

But as I wait for this light, I have the luxury of glancing back over the three decades in line behind me and to share with you in generalities what I see. It is best that I not be specific. This is not meant to be a memoir. I have had, and will have, other occasions to thank my courthouse family and the many lawyers and judges who have made my time on the bench more fulfilling than it otherwise might have been. I hope that over the years I have conveyed the impression that I am a man who enjoys his work, for I have, and I fully realize that this is not always true. But contrary to what some would think, it is not an easy job; it is generally less stressful than being a lawyer, but it is not without its struggles and an occasional sleepless night.

I came to the bench from a generation of lawyers who knew that there was no copying machine in the courthouse and that the transfer of public information into private documents required a legal pad and a pencil and a secretary who had the courage to type an original and four carbon

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FIXED CHANGE

by The Hon. William J. Ober

A phone call came to my chambers from my fellow retiring-colleague, Dan Ackerman. He informed me that the sidebar editors would like each of us to write 1,000 words about our time on the bench. There it was: a challenging gauntlet that I be frank, terse, duly modest, candid, appreciative, and yet, use no citations.

A thousand words seem hardly adequate to describe one's life ambition and more than twelve years of concluded service. In my more pensive moods, I might reflect that Justice Felix Frankfurter has been an influence. I know much less about him than such allegiance would validly demand, but what I think I know is enough to humble me. Among his quotations that I carry with me is the following: "Great laws covering judicial institutions, unlike great poems, are not written for all time."

Having seen our system of law and its courts from the eyes of a practitioner for over 32 years, and then moving to a view from its judiciary, I have formed some clear and, I hope, valid impressions. The most prominent among these is that we in the law are all, to some extent or another, idealists. We believe in a system that endeavors to deal with members of our society who have needs (or, in some cases, wants) that are beyond their ken or ability to address. In many cases, these needs can be met only by the resources of our social compact, such as defense against our enemies—

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The Hon. William J. Ober

President's Message

# CASA Gives Children a Voice

by James R. Antoniono, Esq.

The CASA program (Court Appointed Special Advocates) has been around for many years in Allegheny County and in other counties throughout the country. Thanks to the vision and hard work



of Judge Feliciani, we now have a CASA program here in Westmoreland County and the WBA board is one of its strong supporters. Take a few moments to learn more about CASA and you will see that this is a program where the legal community can make a real impact in our community.

CASA of Westmoreland, Inc., opened its doors in 2006 as a non-profit organization providing advocacy for the most vulnerable members of Westmoreland County—abused and/or neglected children. The volunteers of the CASA program are trained and supervised to provide recommendations to the judges in our family courts. CASAs choose to devote their time, despite not receiving financial compensation for their dedication. CASAs work to ensure the safety and stability of children as they progress through the court system, while collaborating with a variety of service providers to ensure children are quickly placed in safe, permanent, nurturing homes. These CASAs provide a child's voice in court.

Through collaboration with individuals involved in a child's case, a CASA often learns vital information regarding a child's situation, which is then shared with the child's case worker through the Westmoreland County Children's Bureau (WCCB). Throughout their time on a case, CASAs also advocate for a variety of services to assist with permanency. This can take place through formal

recommendation in court hearings, or through collaboration with case workers and service providers.

By developing a rapport of trust with the child, CASAs learn the child's hopes, wishes, and fears. CASA volunteers strive to make sure that the court and adults are made aware of the child's view. The ability to be heard is very important to children who are involved in the legal system, who often have a feeling of being powerless. This impact is evident in the case of "John."

Seven-year-old "John" had already spent two years in the foster care system when a CASA volunteer was assigned in 2008. Part of the difficulty in establishing permanency for John came from his reluctance to talk about his concerns and experiences.

Over time, the CASA volunteer developed a good rapport with John, and John began to trust the CASA. As the time of the next hearing grew close, the CASA asked John some questions regarding what John wanted in terms of permanency and visitation with his parents. John informed the CASA that he did not want visits with his father to increase; he did not see the point. John knew and stated that he did not want to go home, that he did not feel safe around his father, and did not trust his mother to protect him. The CASA knew John's wishes would have to be voiced to the court.

During the hearing, it was recommended that visits between John and his father be increased. Keeping his word to John to make his feelings known to the court, the CASA raised his hand. The CASA stated that although increased visits between John and his father may not cause any harm, it was the CASA's opinion that it would not serve any benefit to John

either. The CASA further explained that this child, who had been afraid to voice his feelings in the past, had voiced his feelings in this regard, and did not wish to have increased visitation. The CASA was concerned that there could be potential damage done by John's feelings not being respected yet again.

The judge decided to accept the CASA's recommendation, and did not increase visitation. In the weeks that followed, John became more open with the CASA. John's behaviors in his foster home improved. John now felt safe to express himself, and stated that he wanted to pursue adoption. After two years in the system, John had finally found his voice, and he was not afraid to use it.

This story is just one of many examples of how CASAs have been a voice for children here in Westmoreland County, and while volunteers make up the heart and soul of CASA, there are many things that individuals can do to help.

We can support CASA of Westmoreland, Inc., through financial contributions, by spreading the word of CASA in our community, by recommending CASA referrals to cases, and by donating our time or expertise in areas of technology, legal or office assistance, public relations activities, etc. Not everyone can be a CASA volunteer, but everyone can assist CASA in providing the advocacy which has a life-long impact on the lives of children.

To find out more about CASA, or learn how to be a powerful voice in a child's life, contact their office at 724-850-6874 or visit their website: [www.co.westmoreland.pa.us/CASA](http://www.co.westmoreland.pa.us/CASA). 🇺🇸



# Remembering Gerald J. Yanity

*Editor's note: Gerald J. Yanity passed away on August 12, 2009. He is survived by his wife, Kathleen; two children, Gerald W. Yanity, with whom he shared his law practice, and wife, Kathleen A., of Greensburg, and Jeralyn Brown and husband, Stephen, of North Huntingdon; a granddaughter, Abrielle Brown; a brother, Gene, and wife, Mary Ann, of Crabtree; parents-in-law, Andrew and Frances Palko, of Greensburg; a brother-in-law, Bill Palko, and wife, Sylvia, of Maryland; a sister-in-law, Winifred Yanity, of Greensburg; several nieces and nephews and two "angel helpers," Mary and Marian.*

by Gerald W. Yanity, Esq.

The Westmoreland Bar Association is fortunate that in an era when law firms have come to resemble big businesses, our organization is still blessed with more than its share of law firms that are comprised of multiple generations of one family. I had the honor of practicing law with my father, Gerald J. Yanity, for 14 years. He was a great teacher in the art and science of practicing law, but as my father, he was able to teach me much more than any other professional mentor could have. He never forgot that we as lawyers are here to serve others. This is a lesson most parents try to teach their children in their youth, and I was fortunate to not only learn this from him as a child, but to see it acted out every day in our practice.

When I was still a preschooler, my father was working his way through Duquesne Law School, where he graduated in 1975. He would work all day as a music teacher, then make the hour-long ride from our home in Unity Township to the Duquesne campus in Pittsburgh. On the weekends, when the rest of his night school classmates were no doubt catching up on their coursework, Dad was busy with his US Army Reserve duties, as well as numerous band jobs and

music lessons. I have never seen anyone work as hard as he did during this time, and I try to remember this every time I complain about having to work a little late. Yet, at the same time, he was always there for my Mom, my sister, and me.

Growing up, he made me feel like a part of his law practice. I can recall many evenings when, after dinner, he would return to the office for an hour or two to catch up. I was often with him, school bag in tow, doing my homework in his law library. Even as a grade-schooler, he taught me to appreciate the value of quiet time in the library, hard work, and accomplishing goals. A job well done by both of us usually meant an ice cream cone or hitting a bucket of golf balls at the driving range on the way home. Hard work was never without its rewards, and there was always plenty of time for fun, too.

I was in my third year of law school at Duquesne and a summer associate in Pittsburgh when Dad's law partner of 20 years, WBA-member Harold A. ("Sandy") Stewart passed away. I had always thought that I would work for a while in the "big city" before coming back to Westmoreland County, but the opportunity to start my practice with my father and learn from him was one that I could not pass up.



▲ Gerald W. Yanity and Gerald J. Yanity

My father taught me to practice law as he did; to treat every client with respect, to complete even the most routine matters with great care, and to serve those who are less fortunate. Even in the midst of preparing for a jury trial or coordinating a complex transaction, Dad found time to drive to a nursing home or hospital to make a Will or just talk with a client who could not possibly come to the office.

My father was the consummate professional. He rarely lost his cool, even under some very trying circumstances. During the final months of his life, he would frequently spend his mornings receiving chemotherapy, and his afternoons in the office meeting with clients. After he passed away, I was moved and amazed by the number of clients who told me they never knew he was ill. He was blessed with great patience. He could listen to clients talk (and often complain) about some trifling problem, never giving them any sign that he was in the battle of his life.

Gerald J. Yanity truly loved the practice of law. He, like most of us, had worked many jobs in his life, but law was his one and only profession. He will be sadly missed. 🌹

the sidebar

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor should be sent c/o WBA, 129 North Pennsylvania Avenue, Greensburg, PA 15601-2311, fax 724-834-6855, or e-mail westbar.org@verizon.net. the sidebar welcomes unsolicited submissions from members or non-members. Please submit to the Articles Editor, c/o WBA.

Back issues from 2000 to the present and a comprehensive, searchable index are available online at [www.westbar.org/thesidebar](http://www.westbar.org/thesidebar).

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# WBA Takes a Technological Step Forward...

by Michael V. Quatrini, Esq., and  
L. Anthony Bompiani, Esq.

On the heels of the new WBA website, the Young Lawyers and the WBA Technology Committee are excited to formally announce the launch of the WBA Blog and Online Discussion Board.

The term “blog” (sometimes referred to as a “blawg” in the legal world) is short for “web log.” In its most simple form, a blog is an online space, authored by one or more people, with regular entries or “posts.” These posts can include articles, observations, invitations to events, and other material, such as photos or videos.

The WBA Blog was quietly started in early 2008 as a casual information space for members of the bar. Since then, the Blog has collected legal and somewhat legal-related content of all shapes and sizes. Recent examples include:

- The Jefferson Bottles: Fraud in the World of High Priced Wine
- Technology Tip: Internet Cookies

—Good or Bad?

- How a Solo Gained More Than 600 Facebook Fans for His Fledgling Firm
- Tips for Young Lawyers: Keep Your Résumé Honest

Regular posts include articles from law-related websites, technology tips, legislative alerts, and reminders for WBA events. Comment sections, supervised by Blog authors L. Anthony Bompiani and Michael V. Quatrini, offer readers a space for observations on each particular article. The Blog archives each post under specific topic so users can easily research past articles. Readers can also set up direct delivery of the Blog to their Microsoft Outlook or Internet Explorer homepage.

In addition to the Blog, the WBA will host an online, member-only discussion board in the coming



▲ Anthony Bompiani and Michael Quatrini

months. A discussion board allows one member to post a comment or question in a secure area. Other members may read that comment/question, and respond with their own remarks over time. Only

members will be allowed to post non-case-related questions to the entire bar association and provide a forum for answers and discussion. We envision potential inquiries like, “Does anyone use and like their Company A phone system?”, “Does anyone have a contact at PennDOT in Harrisburg?”, or “Where does (let’s pick someone funny) get those fashionable ties?” The discussion board will have defined user guidelines and, as with the Blog, the WBA will monitor and enforce the user policy.

Coupled with the website, the new online spaces give the WBA a heightened online presence and provide a new level of information and interaction for the members. Please take the time visit the Blog and, when it’s ready, the discussion board. More importantly, feel free to give us feedback and e-mail us material when you think it is appropriate for the Blog! 🐼

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# Petrillo Honored by Congress

The Congressional Coalition on Adoption Institute awarded Irwin attorney Mary Ann Petrillo with their prestigious Angels in Adoption Award at a gala event held in Washington, D.C., on September 30, 2009. Mary Ann was nominated by Congressman Tim Murphy and Senator Arlen Specter for her lifelong commitment to improving the lives of children through her advocacy of adoption and foster care issues.



▲ *Louisiana Senator Mary Landrieu and Mary Ann Petrillo.*

As an adoptive parent and adoption attorney, Mary Ann has dedicated her time and resources to the welfare of displaced children. She currently serves as President of the Board of Directors of CASA of Westmoreland, Inc., and is a member of the American Academy of Adoption Attorneys. In her 26 years of experience as an adoption attorney, Mary Ann has played a part in over 1,000 adoptions.

“Because she has experienced adoptions personally, she is able to provide support to both adoptive and birth parents during the adoption process,” said Senator Specter. “Through her participation in adoption and foster care organizations, Ms. Petrillo has exhibited a commitment to improving the lives of children.”

“Ms. Mary Ann Petrillo has a genuine passion for helping children

## BRIEFLY SPEAKING

find permanent homes and is truly deserving of this Angels in Adoption award,” Congressman Murphy said. “Ms. Petrillo’s volunteer background as an educational speaker for continuing legal education, adoption support groups, and child advocacy programs has made a significant impact for the future of families and children.”

While in Washington, Mary Ann was invited to speak with senators, representatives, and their staff who are engaged in foster-care and adoption-related legislation. Secretary of State Hillary Clinton met with the award recipients at the State Department to share the work her office does to promote the adoption of international orphans.

Another highlight of the trip for Mary Ann was meeting Louisiana Senator Mary Landrieu, who was an integral part of developing the Adoption and Safe Families Act, the Child Citizenship Act of 2000, and other legislation that has promoted permanency for children.

Over 190 individuals from around the nation were honored at the gala event. “This journey was truly a career high point which has energized

me even further to advocate for permanency for children,” says Mary Ann. 🌟

# Judge Marsili Receives Award of Distinction

The Hon. Anthony G. Marsili was honored with the Fred Funari MHA Award of Distinction at the 46th annual award and dinner meeting of Mental Health America of Westmoreland County held October 28, 2009, at Four Points



▲ *The Hon. Anthony G. Marsili*

by Sheraton in Greensburg.

The Fred Funari MHA Award of Distinction was created in 1982 to recognize a volunteer who has made outstanding contributions on behalf of individuals with mental illness. Fred Funari was an early force in the fight against mental illness and president of MHAWC from 1965 to 1968.

Mental Health America of Westmoreland County’s mission is to transform lives by promoting mental health, wellness and recovery for individuals, families, and communities through education, advocacy, and services. 🌟

## THANK YOU

**Thank you to the WBA, its officers, and members for your endorsement, support, and efforts on behalf of our successful retention elections.**

**Judge Bell  
Judge Marsili**

# Judge Ackerman: A Glance Back *continued from page 1*

copies without too many mistakes. It was a time before Westlaw when the law library was crowded with lawyers whose own offices had no resources beyond a set of Purdons. Out-of-county lawyers were considered fit to practice here only if they engaged local



▲ Judge Ackerman, 1985

counsel, and the open bar at the country club preceded the annual bar association meeting. It was a time when male jurors arrived with a coat and tie.

The first thing one sees when looking back is the immediate past, replete with notable change. Undoubtedly, you have noticed a reduction in jury trials, both civil and criminal, an increase in complex litigation, and the rising costs and frequent *pro se* parties. How you would rate these changes on a sliding scale going from very bad to very good is a matter of perspective. Some of these changes were driven by the court, some by the bar, and others by the times.

The decrease in jury trials is not a local phenomenon. It is common in both state and federal courts. And the courts have had a hand in it. The rule requiring certificates of merit in professional negligence actions has brought a

marked decline in malpractice filings, and it seems that judges are more willing to dispose of cases on terminal pre-trial motions than in the past. Mediation and other forms of alternative dispute resolution have provided an alternate route around trials and have become appropriately popular. It is also true that the prospect of low or defense verdicts in civil court, and the threat of mandatory sentencing in criminal prosecutions, have had a chilling effect on taking a case before a jury of one's peers.

On the civil side, the depression in plaintiffs' verdicts was, for a time, blamed on an advertising campaign mounted by the insurance industry.



▲ Judge Ackerman, surrounded by his staff, both past and present, at the 2009 Holiday Dinner Dance.

That may have had some effect, but if advertising plays a role in jury attitudes, it is my guess that it arises from attorney advertising, some examples of which are particularly bad. Finally, the failure of some lawyers to wisely discriminate when taking cases perpetuates the belief that good verdicts for a plaintiff are unattainable. I believe juries return verdicts that are perceived as low because they often are presented with flawed merchandise. That is to say, that the good cases, those with strong facts, settle out and the juries are seeing cases beset with substantial factual problems.

Perhaps it is due to age (I rather doubt that), but it seems to me that cases are becoming more complex. This complexity goes hand-in-hand with the rising cost of litigation. To make this argument, one need look no further than discovery and expert witnesses. In far too many cases, discovery is the principal battleground. Most lawyers have personal horror stories of interminable interrogatories and ceaseless depositions.

It didn't used to be that way; perhaps the bar cherished its own time more than it does now. And we might ask, are the outcomes better, or more just, now than they were then? The courts are not going to follow General Motors into bankruptcy, but if the courts and the legal profession do not take steps to curb unnecessary filings and control costs they will find themselves in a less relevant role.

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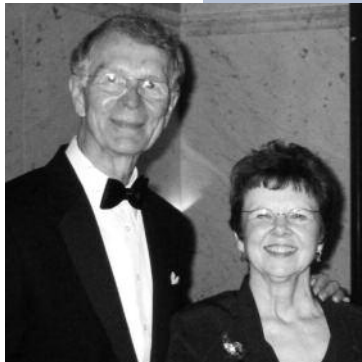
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Cindy Stine, Esq.

Now, even to my ear, this sounds like so much sermonizing, and if it does to you, I apologize. The road I have traveled to this intersection has provided some marvelous scenery, and the people I have met along the way—well, let me put it this way: where would you look to find a more interesting, and even entertaining, group than lawyers, judges, and those employed in the courts? And over the years I have come to appreciate the increased effectiveness of our profession when its members act in concert through organizations such as the bar association, the bar foundation, the inn of court and the trial academy. They play a more important role today than they did thirty years ago and we are all the better for it.

Traffic on the intersecting road is beginning to slow, so the light is about to change. While I have loved being a lawyer and judge, at least most of the time, and will miss seeing you on a regular basis, I am ready, and in fact anxious, to drive on down the road. In good weather, I understand the scenery there can be beautiful as well, and my rod and waders are in the back just in case I see a good place to pull off and fish. 🐟



▲  
*Judge Ackerman and his wife, Becky, at the Courthouse Centennial.*

## Ackerman Has Earned His Place In County History

by *The Hon. Joseph A. Hudock*

I am not absolutely certain about this, but I believe that Judge Ackerman is the first Republican since Abraham Lincoln to win an election in Westmoreland County. Appointed to fill a vacancy in 1980, Judge Ackerman was elected to the position in 1981, and was retained in 1991 and 2001.

He graduated from the second-best law school in Pittsburgh—Pitt, where he was a classmate of Dick Galloway. Dan began the practice of law as an assistant public defender under Dante Bertani. He also had a private office with Dick Galloway and the late Father Orlando Prosperi. Under the tutelage of Dante and Orlando, Dan learned their kamikaze method of criminal defense, but he managed to avoid contempt citations.

From the first day on the bench, Judge Ackerman made it clear that he would be guided by nothing but the law and the facts of the case. Obviously the lawyers came to appreciate this, and when he ran for retention in 1991, he received the highest approval rating for any judge up to that time from the members of the bar association. (He is still trying to find out who the two people were who voted “no.”)

Every trial judge finds it amusing when television shows about court trials have the witness collapsing in tears of submission after some brilliant lawyer’s devastating cross-examination. It just doesn’t happen that way, they say. Well, it did

happen to Judge Ackerman when he presided over a non-jury trial. A witness, who had testified to facts very damaging to the defendant, suddenly was seized with pangs of conscience on cross-examination, and blurted out, “I was lying when I said all that.” The studious gaze of Judge Ackerman obviously had the effect of truth serum on the witness.

Dan Ackerman’s calm, serious demeanor masks a fine sense of humor. For years, he sent me letters ostensibly from a prisoner named Ricky Benbow. Mr. Benbow implored me to grant him a furlough so he could see his girlfriend, so he could then ask for a maternity furlough nine months later. When I retired from the Superior Court, I received a letter from Mr. Benbow congratulating me and advising me: 1) there was to be a Judge Hudock party at the prison, and 2) he was making another request for early parole.

Dan is one of the founding members of The Ned J. Nakles American Inn of Court, a highly successful Inn. When his pupilage group is scheduled to put on a program, Dan has several rehearsals to make certain that the program is instructive and properly done.

In his private life, Dan is a gentleman farmer of sorts who dabbles in orchids, vegetables, and flowers. He is an avid trout fisherman who delights in purchasing flies rather than tying his own, even though he has the tools to do so. (Everyone is entitled to one quirk.)

He is married to a lovely woman, Becky, and they have two children, Reverend David Ackerman, a United Church of Christ Pastor, and Diane, who for many years created websites on the Internet.

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## Ackerman Has Earned His Place

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One year at the annual Bench/Bar Conference, the song and dance troupe of the bar association, The BarFlies, sang a tribute to Judge Ackerman, which ended with the line, "... glory, glory, Hallelujah, Danny Boy will never screw ya." While this was sung with much levity, the thought expressed was a sincere compliment to Judge Ackerman and a tribute to his reputation for fairness and integrity.

He received another feather in his cap when the other judges on the Westmoreland County Bench elected him to be President Judge in 2002.

He had the foresight, as President Judge, to plan for a proper centennial celebration of our beautiful courthouse in 2007, which included a hard cover, coffee table book.

Judge Ackerman has contributed greatly to the excellent reputation that the Westmoreland County Court enjoys throughout western Pennsylvania. Over the years, numerous lawyers from other counties who come before this Court have made complimentary remarks about the Court.

In retirement, Judge Ackerman is looking forward to service as a Senior Judge throughout Pennsylvania while tending to his orchids and buying his trout flies. He will be missed in Westmoreland County, but his distinguished record assures his place in Westmoreland County history. 🐟



▲ *Judge Ackerman and Dick Galloway*

## Distinguished Jurist, Honorable Friend

*by Richard H. Galloway, Esq.*

I first met the distinguished jurist, the Honorable Daniel J. Ackerman, when he was neither a jurist, nor particularly distinguished. Dan was a third-year law student, whom I had met through a mutual friend. Fate placed us in the same domestic relations class that stretched endlessly through afternoon after afternoon, providing us with more than ample time to shoot the breeze,

become more acquainted, and, incidentally, improve our drawing techniques. Over the next several years, Dan and his wife, Becky, became our good social friends and I learned more about him.

Dan was raised in Penn Hills and Murrysville, graduating from Franklin Regional High School in 1957. He then attended Thiel College, where he majored in history and was president of his fraternity, Delta Sigma Phi, known by most Thiel students simply as The Animal House, for its surfeit of athletes. Dan's particular field of concentration was weightlifting and bodybuilding, which he pursued assiduously at the Kingsley House in East Liberty and, at times, the East Liberty Y, where Bruno Sammartino worked out (the two were never confused for one another). For the Doubting Thomases among you, I have posted a photo of the finely chiseled youth. Dan graduated from Thiel in 1961 and entered the University of Pittsburgh, where he graduated in 1964.

Dan married the former Rebecca Robinson, of Latrobe, in 1962, while Dan was still a law student and Becky

was employed in Pitt's Personnel Department. They have two children, David and Diane. David is an ordained minister and pastor of St. Paul's United Church of Christ in Pleasant Unity. His wife, Marsha, is a math teacher at Ligonier Valley High School. Diane has an MFA in writing and has been employed in website development. Her husband, Glenn, is Regional Vice President of the American Cancer Society.

Dan's preceptor (sponsor to law school) was the late Calvin Pollins, and after graduating from law school, Dan was associated for a short time with the law firm of Pollins and Pollins in Latrobe. In short order, he became associated with Orlando Prosperi, then the dean of criminal defense lawyers in Westmoreland County and indeed in Western Pennsylvania. He was still associated with Orlando Prosperi in 1968 when he induced me to leave the big city and come to Greensburg to join him and Orlando.



▲ *The finely chiseled youth in 1958.*

For several years, Dan and I practiced with Orlando Prosperi, who had, by that time, formed the American Legal Center in Rome with Dom Ciarimboli and Irv Green, and who essentially disappeared to Italy, visiting Greensburg only sporadically, and eventually becoming

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# Judge Ober: Fixed Change *continued from page 1*

foreign or domestic—building roads, fighting disease, and the enforcement of contracts between consenting



▲ *Judge Ober, 1985*

parties. Despite our idealism—either at the beginning of our careers, or, for the most fortunate, still remaining at the close—we're just people. We assume our cloak and perform our role to the best of our inspiration and ability.

But the stream flows. The rills develop. The jams occur. The current changes. And, in the final analysis, we slip our line and are released downstream to the tranquil waters of the lake beyond.

I have never been able to determine whether the law and our system change, thereby affecting the people they touch, or whether society itself changes, forcing us to correct and adjust to serve it. A system rooted in precedent and tradition, that has a willingness and structure allowing change, is truly a jealous mistress. It requires constant tending. The thin

lens of day-to-day is not a good window through which to view that lady; peering back through a thicker lens of 44 years makes it clearer and easier.

I believe that truth is at the heart of our justice system. We blithely declare that a trial is a search for truth. We are told that spiritually, the truth brings personal freedom. Emile Zola, in his famous quest for justice, declared that where truth is on the march, it cannot be stopped. The best memories I have from my career, both at the bar and on the bench, are from those instances where truth prevailed in some way, adding another thread to the tapestry of justice for all time.

I am also painfully aware that our system has no true tender (coinage) beyond its own integrity. Maintaining the perception of the authority of the courts is the only guarantee of their continued effectiveness, indeed, their existence. The courts, and the rules of law by which they operate, are pure and impressionable institutions; they are open to hear the myriad of quandaries that may arise in the human condition. The rules governing these institutions are, and should be,



▲ *Judge Ober has been a perennial volunteer to visit classrooms during Law Day.*

basic at their core; they should refine and develop in complexity only when a given situation demands it.

These are a few of the changes I have seen in the years since my admission to the bar:

a. Pre-trial discovery (almost the entire Section 4000 series of the Pa. Rules of Civil Procedure) was rarely used in complex cases, and was nonexistent in simpler ones. Today, the expense, perpetual gamesmanship, and pretext that can accompany discovery add to its cost, thereby delaying litigation and resolution. This is true in the most basic of cases.

It naturally follows that pre-trial procedures, preliminary objections, motions for summary judgment, etc., have assumed increased importance. In the 1960s, the legal community was truly self-regulating. Reputation and word-of-mouth provided its own community safeguards. Also, a greater percentage of the cases filed actually went to trial. Trials took place more quickly and with less expense to the parties. Courts were continuously in trial session.

b. The concept of alternatives to traditional litigation was not formalized as dispute resolution at the beginning of my career. Lawyers and their clients either met

*continued on page 10*

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# Fixed Change

*continued from page 9*

or communicated in an effort to resolve differences. The certainty and acknowledged stability of the law provided a clear beacon to guide litigators. Today, ADR rivals the very system from which it was created, and which was historically intended to be the Third Estate of Government under our Constitution.

- c. The courts were not involved in the family beyond those aspects of the Criminal Code that punished violence and abuse. The courts stopped “at the front door of the home.” Today, over one-third of our local judges, and over half of our judicial budget, are dedicated to the umbrella of family law that deals with the most intimate and delicate aspects of relationships between spouses, divorced persons, and children for the duration of their entire childhood. It is a sobering responsibility.

From these small quiet memories to the feelings of immense gratitude I have from my time in the law, I have and always will spend my efforts in its service. My impressions are beyond 1,000 words.

I am out of words. 🍷



▲  
*Judge Ober and his wife, Carol*

# Perseverance and Preparation Paid Off

*by John M. Campfield, Esq.*

Being a judge is like being a Boy Scout or Girl Scout on steroids. Be prepared. Very prepared. The world is coming at you in high definition and stereo, not with sweetness and gentility, but with headaches and heartaches. When you don the robes, you board a train and set tracks leading to a dark tunnel filled with surprises. So why would anyone choose to take the ride? Well, as with most good stories, it begins once upon a time.

Once upon a time, there was this lad, living in a railroad town, later transferred into a one-industry town, finding his formative years rooted in the 1950s. Son of hard-working parents: father, a businessman who labored with his hands, and mother, who toiled for years for others. Brother to one younger. Perhaps an inch too short, a pound too light, and a step too slow to realize high-school glories, but a smart, hard-working kid with a rail for a backbone and an early vision of his life’s work.

The lad did well, went off to college (Dickinson), drank fully from the well and survived enough to make it to law school (that Dickinson place again). Now he had the world exactly where he wanted it. All he had to do was get through the legal rabbit hole (you know how this part turns out). Now he was ready to tackle the real world of law. Right?

Well, there is this little thing called “passing the bar.” That’s why they have cram schools. Now, for

you readers too young to remember “real” bar exams and killer cram schools, this was akin to the infusion of information in a decompression chamber. Fortunately, there were relief valves. Like rationalizing pool playing as an osmotic method of absorbing constitutional law; or, lighting a fire under your cram-school housemates literally by setting a fire (accidentally, of course)

in the room the night before the exam. It builds character (and can relieve tension after the fright dissipates).

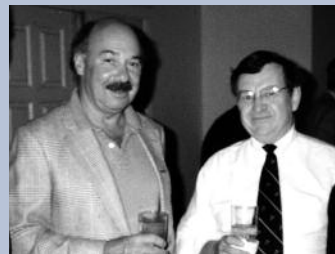
Success. Yes, success at last. Again for you younger readers,

in “older times” wannabe lawyers had a “preceptor” (look it up, it will expand your vocabulary) who sponsored the lawyer through law school and who mentored (with an aspect of slave labor) in preparation for admission to the practice of law. Jay had one of the great ones, and a hometown lawyer to boot: Henry Shaw. Henry was the “Shaw” in the firm of Scales and Shaw (with some permeations over the years), the incubator of virtually every lawyer in central Westmoreland County.

Jay went through cram school with two other aspiring lawyers, Henry Shaw, Jr., and George Conti, Jr. All three were at Scales and Shaw when their law careers began. Jay, being astute, quickly realized that “moving up” meant “moving on” and literally moved upstairs to Joe Loughran’s firm.

From there, he kept on moving, always driven by the core values and stubborn resolve that existed

*continued on page 12*



▲  
*Reg Belden and Judge Ober*

# Spotlight on Dominic Ciarimboli

**Q** WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

**A** Shoemaker, Musician, CPA

**Q** WHICH WAS YOUR FAVORITE AND WHY?

**A** They said I fixed shoes like a lawyer and practiced law like a shoemaker, so that just left me with music.

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

**A** Being associated with Dennis J. Slyman for over 40 years.

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

**A** Competence and humility.

**Q** WHAT IS YOUR FAVORITE JOURNEY?

**A** Travel to Italy and Malta.

**Q** WHAT IS YOUR GREATEST REGRET?

**A** No regrets. I have had a great life.

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

**A** I believe that the real heroes in life are those who plod and persevere in their everyday tasks.

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

**A** Be respectful, honest, and humble and don't take yourself too seriously.

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

**A** Establishing an equally unremarkable practice in Westmoreland County,

Pennsylvania, and Palm Beach County, Florida.

**Q** WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

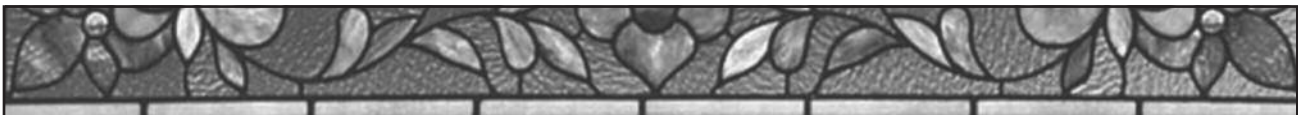
**A** I don't believe there is such a thing as perfect happiness in this life, but perhaps the closest thing is my family and four grandchildren.

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

**A** Memories and experiences with people like Orlando Prosperi, Irving Green, Al Nichols, Judge Richard E. McCormick, Dennis J. Slyman, Mario Misci, John Rooney, and Archbishop Tommaso Caputo.



*continued on page 12*



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## Perseverance

*continued from page 10*

throughout his life. He always understood and appreciated the human condition, particularly the condition of those less fortunate. In his practice (as is also reputed in his poker playing) he neither backed down from man, nor challenge; and his clients benefited from that.

Some say he always had the goal of becoming a judge. If so, it never affected his service to his clients and the law. The “jealous mistress” of the laws always prevailed.



▲ *Judge Hathaway and Judge Ober*

Perseverance is a quality that not all enjoy. It is not always an easy quality to experience. Jay has always had it; perhaps best exemplified by his “third time’s a charm” election to the bench; having garnered victories in both primaries (as a Republican, no less) and leading all judicial candidates in the general election.

He has served the people of Westmoreland County with dignity, integrity, intellectual honesty, respect, and continuing resolve.

As A.C. Scales used to say to us after discussion of a case: “Fellows, do the best you can.” Jay did, fully and at all times, and for that we thank him.

While this article is about Jay, I would be remiss if I failed to add that Jay is the husband of Carol, his beautiful mate, true partner, and fellow farmer. Jay is a loving and nurturing father of John and William; and adoring grandfather of four “spoiled” grandchildren (with an addition coming soon). 🌸

## Fortune Favored Us

*by Charles J. Dangelo, Esq.*

I have had the good fortune to work closely with several judges in the course of my legal career. Each of them had an impact on my development and identity as a lawyer. In light of Judge Ober’s retirement from the bench, I have been reflecting on my eight years of working as his law clerk and his contribution to my evolution as a lawyer.

Judge Ober is a master of the subtle qualities that make a person an effective decision-maker. He has an instinct for fairness, is sensitive to the interests of counsel and parties, and is willing to listen. In him, the legal and analytical skills of a lawyer are tempered by a strong dose of emotional intelligence. Attorneys have voiced their appreciation for the hospitable atmosphere in Judge Ober’s courtroom and his approach to deciding cases.

Before working for Judge Ober, I was employed by an appellate court, where cases are decided on the cold record and where creating a welcoming environment for parties and counsel is not a priority. By observing Judge Ober, I learned the nuances of fair and effective decision making, and I will



▲ *Chuck Dangelo (left) with Judge Ober (center) and staff at the 2009 Holiday Dinner Dance.*

carry those skills with me for the remainder of my career.

Judge Ober has a keen interest in improving the law and thinks deeply about the nature of justice. We would routinely discuss these questions and how they would impact the cases before the Court. These were not merely academic discussions, but were a means to cultivate practical ideas that could be implemented in rules of court or decisions. Judge Ober created an atmosphere that rekindled my interest in improving law and justice.

My years with Judge Ober were the best of my career. Westmoreland County was fortunate to have him on the bench; he will be greatly missed. 🌸

## Spotlight *continued from page 11*

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

**A** Arrogance and deceit.

**Q** WHAT IS YOUR GREATEST EXTRAVAGANCE?

**A** I like to believe that I exercise moderation in all things.

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

**A** An accomplished musician.

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

**A** Loyalty and fealty.

**Q** WHICH LIVING PERSON DO YOU MOST ADMIRE?

**A** Attorney Andrew J. Gleason, who lives in Johnstown, Pa., and is now 104 years old. Andy is the epitome of greatness as a professional, a friend, and a human being.

**Q** WHAT IS YOUR MOTTO?

**A** The proverb, “He lives long that lives till all are weary of him.” 🌸

# To-Wit: The Balance of Power

by S. Sponte, Esq.

When she first called me to take this landlord/tenant case, I told her no. I always tell her no, but she never believes me. Our bar association's *pro bono* coordinator is so highly regarded for her devotion to her work and the way she cares about the plight of the bereft, the downtrodden, the disadvantaged, that most of my colleagues are simply unable to resist her heartfelt supplications for volunteers. I can, but then she promises me cookies.

If I still resist, she tells me the tenants are lovely folk, salt of the earth who've recently been peppered by bad luck, and she tells me that the landlords are mean and cheap and that they kick puppies. Then she pushes me up onto the donkey, puts a lance in my hand and shouts, "Ooooooh, look, windmills!"

Despite her endeavors, it was fantasies neither cookie nor Quixotic that made this matter my latest case *accompli*, no. Rather, it was something far more primitive than that. Usually in these cases the tenant, for want of

**She pushes me up onto the donkey, puts a lance in my hand, and shouts, "Ooooooh, look, windmills!"**

a dollar, has free counsel and the landlord, for want of the willingness to part with one, has none. When the complex economic and social dynamics of modern society combine to impoverish the haves and empower

the have-nots, I always sign up. I thank my father for my empathies in this regard and every time I do such a case I can't help but feel I'm paying homage to his memory.



Personal crusades aside, I've always found litigation to be far more productive and enjoyable when the other side is unrepresented. Yes, it is somewhat akin to the fun of taking candy from a baby, but lest you think that a sad commentary on lawyering, may I remind you that the one thing we as a society don't need is more fat babies.

"Make up a new file," I told my secretary. "*Bastards v. Jones.*"

"Who do we represent?" she replied with the jocular insouciance

*continued on page 14*

# G

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**Daniel Joseph**

# To-Wit: The Balance of Power *continued from page 13*

of a woman who's worked for me for way too long.

The magistrate's hearing might have turned out better had not the magistrate been so hell bent on fairness. But the landlord would now have to take an appeal and would be obliged to engage and pay counsel to do it. The balance of power would shift even more dramatically towards my client, leaving only him untethered to costs. His avowed determination to litigate his claim all the way to the Supreme Court now, however, seemed much more perilous to me.

Shortly thereafter, a local colleague called to advise that he was now representing Landlord. Before I could fire off a warning salvo by telling him I was *pro bono*, he fired a broadside of his own.

"I know you're *pro bono* on this," he said, "but so am I. Landlord's wife is my first cousin."



There was clearly a mournful tone to his usually cheery voice and I knew at once we both assessed the situation exactly the same. A landlord/tenant

case with *pro bono* lawyers on both sides? World War II took less time. We settled the case in three minutes, each client getting less than they wanted but way more than they deserved.

Years ago, I had a professional mentor who always cautioned against taking a case with an unrepresented litigant. "In the long run," he used to say, "you're in for a long run."

Now that I think about it, perhaps he was right. Without the proper balance of power, maybe no case is worth taking. Maybe, just maybe, there aren't that many cookies in the whole wide world. 🍪

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—Annaliese Masser

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September 2009 Civil Trial Term

# Jury Trial Verdicts

by Rachel Yantos, Esq., Charles J. Dangelo, Esq., and Thomas L. Jones, Esq.

Of 28 cases listed for the September 2009 Civil Jury Trial Term, 10 settled, 12 were continued, bankruptcy stayed one case, a non-jury trial was scheduled in one, two verdicts were entered, and two cases were held to the next trial term. The jury verdicts for the September 2009 civil trial term are summarized below.

**ALLSERVE THERAPIES, INC., A PENNSYLVANIA CORPORATION;  
ALLSTAR THERAPIES, INC., A PENNSYLVANIA CORPORATION;  
DANIEL J. WUKICH; DANIEL P. WUKICH; AND NANCY AMOROSE  
V.**

**DALE R. HOHMAN  
NO. 6497 OF 2005**

*Cause of Action: Breach of  
Fiduciary Duty*

Defendant was a part owner, officer, and employee of Plaintiff-corporations during the relevant time period of March 2000 until his resignation in September 2002. It is during this time period that a subordinate employee utilized a stamp bearing a facsimile of Defendant's signature to issue unauthorized checks to herself, which the bankruptcy court determined to be approximately \$50,000.00. Plaintiffs contend that Defendant owed a fiduciary duty to them, as owners of Plaintiff-corporations, and to the Plaintiff-corporations, and that Defendant breached his fiduciary duty by either turning a blind eye to the scheme or by failing to detect it.

Defendant denied that he breached his fiduciary duty. He also denied that he knew or should have known of the unauthorized checks and argued that he should not be held responsible for another employee's criminal acts.

*Plaintiff's Counsel:* Brian D. Flaherty, Karlowitz Cromer &



Flaherty, P.C., Pgh.

*Defendant's Counsel:* Ned J. Nakles, Nakles and Nakles, Latrobe

*Trial Judge:* The Hon. Daniel J. Ackerman

*Result:* Verdict in favor of Defendant.

**DONNA SCHEIBLER  
V.  
MATTHEW D. TRUITT  
NO. 677 OF 2006**

*Cause of Action: Misrepresentation  
(Negligent and Fraudulent)—  
Violation of the UTPCPL*

Plaintiff's late husband, William Scheibler, submitted an application for a \$20,000.00 life insurance policy through Defendant-insurance agent. The application was prepared at the home of Mr. and Mrs. Scheibler, where Defendant asked health questions of the Scheiblers and then completed the application. Mr. Scheibler signed that the information contained in the application was true and correct, and a life insurance policy was subsequently issued. However, Mr. Scheibler died within one year of the policy's issuance, which permitted the

company to obtain Mr. Scheibler's pre-application health records and rescind the policy based upon incorrect answers in the application. After denying Mrs. Scheibler's claim for proceeds, the insurance company reimbursed Mrs. Scheibler for the insurance premiums paid.

Plaintiff admitted that one answer on the application described above was incorrect, but claimed that Mr. Scheibler's health history was disclosed to Defendant, who completed the application incorrectly. Plaintiff testified that Defendant-agent misrepresented that Mr. Scheibler would be "guaranteed" this particular life insurance policy despite his health history. Plaintiff argued that Defendant was liable to Plaintiff in the amount of \$20,000.00, which represented the proceeds of the policy. The insurance company and the insurance broker were granted summary judgment prior to trial.

Defendant testified that he completed the application and filled in the answers as they were conveyed to him by Mr. Scheibler. Furthermore, Defendant testified that he never guaranteed the policy of insurance that was applied for by Mr. Scheibler. At trial, the jury was asked to complete special findings on the elements of negligent misrepresentation, fraudulent misrepresentation, and violation of the Unfair Trade Practices and Consumer Protection Law (UTPCPL).

*Plaintiff's Counsel:* Mary Ellen Chajkowski, Pgh.

*Defendant's Counsel:* Donald R. Rigone, Fisher Long & Rigone, Gbg.

*Trial Judge:* The Hon. Daniel J. Ackerman

*Result:* Molded verdict in favor of Defendant. The special findings as to each cause of action were answered in the negative. 🐾

## Distinguished Jurist *continued from page 8*

a priest, but that's another story altogether.

Dan and I practiced law together for 12 years as Ackerman and Galloway, handling civil and criminal trials, and family law, and Dan in particular, handling Orphans' Court work. We also did some real estate. In sum, it was a typical Westmoreland County small office, general practice. Those were halcyon days.

In the late 1970s, Dan was approached by the Republican Party to run for judge. Although the prospects for getting elected as a Republican in Westmoreland County at that time were not particularly encouraging, it was an interesting challenge to Dan, and, in typical fashion, he ran a very organized campaign and did far better in the election than anyone anticipated, although not enough to be elected.

In 1980, Governor Richard Thornburgh appointed Dan to the Court of Common Pleas. In 1981, he ran for election and was elected to a ten-year term. He stood for retention in 1991, and again in 2001, and was easily retained, with the overwhelming support of the members of the Westmoreland Bar Association.

While serving on the bench in Westmoreland County, Dan has headed the criminal division, served in the civil division, and been President Judge from 2002 to 2007. His activities have not been restricted to the bench: he has been very active with the WBA, served as one of the founders and Past President of the Ned J. Nakles American Inn of Court, is an editor of *the sidebar*, and has participated in numerous BarFlies productions (who can ever forget his sultry "Easy Rider"



▲ *Don and Karen Snyder, Jim and Susan Antoniono, and Becky and Dan Ackerman at a Dine Around event in 2007.*

biker portrayal?). He has also served as the chair of the WBA Bench/Bar Conference and currently heads the Westmoreland Bar Foundation as its chair. On a statewide basis, Dan was the past chair of the civil section of the Pennsylvania Conference of State Trial Judges.

His interest in history has been such that he initiated and worked on the 2007 Courthouse Centennial and book, served on the Fort Pitt Museum Board of Directors from 2007 to

2008, and was the recipient of the Arthur St. Clair Historic Preservation Award of 2008.

When not judging, Dan likes to fly-fish and has dabbled in painting watercolors. In the past, he engaged in competitive trap shooting and has enjoyed photography for a number of years.

Reciting his curriculum vitae does not paint an adequate picture. Above all else, Dan has always been an interesting and fun person to be around. Those who know him well know that he has a finely tuned sense of humor and enjoys a good joke, even when it is on him. He is unfailingly polite and civil to all he meets or come before him. He is so well prepared and so knowledgeable about the law that when I practiced law with him, I stopped reading the advance sheets as it was redundant. I needed only to look in the ever-growing Rolodexes that Dan kept relative to the latest law. They were within days or, at most, weeks of being absolutely current. When he became a judge and left our partnership, I should have sued him for custody of the Rolodexes because I was lost without them for a period of time.

As a transplanted Pittsburgh lawyer, it has always given me great pride when my Pittsburgh colleagues wax enthusiastic about the quality of the judges on our bench and particularly about my former partner and my dear friend, Dan Ackerman.

For 15 years as a lawyer, and 30 years as a judge, Daniel Ackerman has been a model of professionalism, integrity, knowledge, and compassion. We would all do well to emulate him. 🐟

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# Judge Applebaum's Last Charge

*Editor's note: The following article was slipped under our door in a plain brown envelope, its origins unknown. Lest you, dear reader, assume this affords you license to follow suit, bear in mind that this is well written and has a point.*

Today, in what some believe may be his last jury trial prior to retirement, Judge Douglas Applebaum gave some surprisingly candid instructions to a jury in a case of little importance.

**THE JUDGE:** Members of the jury, counsel, in their closing arguments, as they always do, thanked you for your attention. Considering the nature of this case, I will go one step further and thank you for returning after the various recesses.

Juror number twelve, I see you have raised your hand. Do you have a question? And if so, please state your name for the record.

**THE JUROR:** Soup, your honor,

I'm Leroy Soup, and I would like to know if I could change seats with juror number one, I'm having trouble hearing you, and I've had trouble throughout the entire trial.

**THE JUDGE:** Well Mr. Soup, I'm afraid that might disorient counsel. Besides, in civil cases, hearing is highly overrated. I, myself, am somewhat hard of hearing; in most trials I would say that I hear about two-thirds of the testimony and even less of counsels' arguments, and it has never been an impediment in making a decision. Many things are said at trials that are unnecessary and even misleading. Often they are intended to interfere with the jurors' efforts to keep an open mind. I would say, Mr. Soup,

that if you have missed some of the testimony and arguments that you are in an enviable position, and knowing that, the other jurors may well elect you as the foreperson. Your request is denied.

**THE JUROR:** Your honor is most kind.

**THE JUDGE:** You will recall, members of the jury, that the plaintiff, Mrs. Sookie Tawdry, whose counsel has reminded you numerous times is a widow, has brought this tort action to recover damages for negligent infliction of

emotional distress, loss of personal property, and loss of consortium. These claims arise from the fact that the defendant, Albert B. Crass, drove his motor vehicle on the street before

*continued on page 18*



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# Judge Applebaum's Last Charge *continued from page 17*

the Tawdry house, striking and killing Mrs. Tawdry's pet goose, which often during the course of this trial has been referred to as "Toby." Mrs. Tawdry, while seated on her porch glider at the time, didn't see the fateful collision



because of a high hedge planted along the front of her property. Rather, she heard an abbreviated "honk," which she testified did not sound like an automobile horn, and saw a plume of white feathers rising above the hedge which

then drifted into her yard. Mr. Crass is therefore the sole eyewitness.

You have heard the testimony of seven expert witnesses, three accident reconstruction experts, two ornithologists, a psychiatrist, and a taxidermist, all of whom should be regarded with the utmost suspicion.

While Mr. Crass admits that his vehicle, an antique Ford Falcon, did bring down the goose, he contends that

Toby's presence on the roadway constituted a sudden emergency and that his conduct should be measured by a more lenient standard. That, members of the jury, is for you to decide.

Undoubtedly you will spend some time debating the mitigation of damages argument advanced by Mr. Crass' counsel; that is, instead of having Toby stuffed and placed upon the coffee table, that Mrs. Tawdry should have roasted him and served him up for Sunday dinner. This is a close question, members of the jury, for you to consider.

Another issue that is more obvious in its resolution is Mrs. Tawdry's claim for loss of consortium. Notwithstanding Mrs. Tawdry's testimony that Toby provided her with more comfort and society than her late husband, Terrance, our supreme court has held that the death of a fowl will not give rise to a loss of consortium claim. Accordingly, I am directing you to return a verdict in

favor of Mr. Crass on that count.

As to the remaining issues, I suggest that you spend little or no time on them unless you wish to stretch your deliberations out to a point where you will have earned a free lunch on the county. I say that because the attorneys in this case have so little confidence in your ability to reach a just, or even coherent, verdict that they have entered into what is known as a "high-low" agreement. The essence of this agreement is that your decision will mean nothing unless, by mere chance, it falls into a narrow no-man's land between two arbitrary and unrealistic figures agreed to by parties who do not wish to be burdened by either your verdict or a fair compromise. With this in mind, you may struggle and do your best with the evidence at hand, or by your verdict you may request that I remand the parties and their counsel to the custody of the sheriff. The matter now, ladies and gentlemen, rests in your capable hands. ☘

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December 1, 2009

Dear Friends:

It has been Hooker & Broker's privilege over the past 17 years to practice law in Westmoreland County and to work with our excellent judicial bench and bar and our valued clients. With Peggy's decision to limit her practice to the representation of Bethlen Communities in Ligonier, Pennsylvania, we will be dissolving Hooker & Broker, LLC, at the end of 2009.

Beginning January of 2010, Peggy may be reached at her new office telephone number, (412) 638-7732, and her new business mailing address will be 1709 South Braddock Avenue, #134, Pittsburgh, Pennsylvania 15218. Linda will have the Law Office of Linda Broker at the same location, 533 Rugh Street, Suite 3, Greensburg, Pennsylvania, telephone (724) 838-8895. Linda will continue to welcome and appreciate your referrals and business, including nursing home and long-term care planning, Medical Assistance issues, and Social Security disability.

We thank you for all of your good will and friendship and the many kind referrals that you have made to Hooker & Broker, LLC. We extend our wishes for a happy and healthy 2010.

Warmest regards,  
 Peggy Hooker  
 Linda Broker

## Past Presidents Senate Meets with WBA Board



The Past Presidents of the WBA were invited to breakfast with the current Board of Directors at the Greensburg Country Club in October to analyze the workings of the WBA and to provide a forum to discuss the group's future plans. Front row: Edgar P. Herrington, Jr., Vice President Michael J. Stewart, President James R. Antoniono. Second row: Stuart J. Horner, Jr., William J. McCabe, Gary A. Falatovich. Third row: Morrison F. Lewis, Jr., Diane Murphy, Director David S. DeRose, Richard H. Galloway. Fourth row: Richard F. Flickinger, Director John K. Greiner, President-Elect Donald J. Snyder, Jr., Rebecca A. Brammell, Barbara J. Christner, Jack L. Bergstein. Back row: Kenneth B. Burkley, Vincent J. Quatrini, Timothy J. Geary, James R. Silvis. 🌸

### LawSpeak

"He was that dreadful sort of witness, the one who can't wait to give evidence, and who has been longing, with unconcealed impatience, for his day in court."

— John Mortimer, "Rumpole and the Genuine Article"

## Actions of the Board

### SEPTEMBER 15, 2009

- Joint bar leaders/judges meeting is set for October 20, with the following topics on the agenda:
  - UPL
  - Arbitration limits
  - Transition of judicial assignments
  - Inns of Court participation
- Cindy Miklos from FindLaw has agreed to work with the WBA to improve the WBA website.
- Young Lawyers report that a fund-raiser for CASA on September 30 at The Headkeeper in Greensburg is confirmed.
- Invitations for Fall Gathering were mailed to Medical Society president and Executive Director; Medical Society will notify their members about this joint event.
- Agreed to have Executive Director Krivoniak attend the American Bar Association Annual Lawyer Referral and Information Service Workshop in Baltimore. 🌸

## QuickTakes



Pro Bono Coordinator Iva Munk presents Terry O'Halloran with the PBA's 2009 Pro Bono Award. This is the third year in a row that Terry has been honored by the PBA.



The Hon. James R. Kelley, WBA Executive Director Diane Krivoniak, and Richard H. Galloway were on hand for the dedication ceremony of the Pennsylvania Judicial Center in Harrisburg on December 2, 2009. The center serves as the administrative hub for Pennsylvania's Unified Judicial System and the home of the Commonwealth Court.



WBA President James R. Antoniono joined Gov. Ed Rendell and the first lady at the governor's mansion for a reception held to thank volunteers of the Get Help Now, Pennsylvania! program, which ran from July through September. Attorneys and financial representatives provided free assistance and referrals to over 110 Westmoreland County residents on issues related to credit, finance and bankruptcy.



Westmoreland Bar Association  
 129 North Pennsylvania Avenue  
 Greensburg, PA 15601-2311

[www.westbar.org](http://www.westbar.org)

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## CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters unless otherwise noted. Visit [www.westbar.org](http://www.westbar.org) for more information about activities and CLE courses, or to **register online**.*

### JANUARY 2010

- |   |  |
|---|--|
| <p><b>1</b> Courthouse closed in observance of New Year's Day</p> <p><b>14</b> Membership Committee, Noon</p> | <p><b>18</b> Courthouse closed in observance of Martin Luther King, Jr., Day</p> <p><b>19</b> Family Law Committee, Noon Board Meeting, 4 p.m.</p> |
|---|--|

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Lawyer Referral Service of the  
 Westmoreland Bar Association

**The Lawyer Referral Service is now accepting applications for 2010. If you are a full-participating member of the WBA and need an application, call 724-834-6730.**

## LAWYERS CONCERNED FOR LAWYERS CORNER

- The 12-step recovery meeting, exclusively for lawyers and judges, is in downtown Pittsburgh every Thursday at 5:15 p.m. For the exact location, call Pennsylvania Lawyers Concerned for Lawyers at **1-800-335-2572**.
- LCL has a new website at [www.lclpa.org](http://www.lclpa.org). Attorneys and judges will find information on how LCL can help them, a member of their family or a colleague who may be in distress. It is confidential and easy to navigate. Visit it today.
- Lawyers Confidential Help Line: **1-888-999-1941**. Operates 24 hours a day.