



Westmoreland Revisited

The Preceptor

by The Hon. Daniel J. Ackerman

If you were among the generation of law students seeking admission to the bar in the 1960s or earlier, the term "preceptor" had particular



The Hon. Daniel J. Ackerman

significance, for your admission—provided you passed the bar exam—turned upon your completion of a preceptorship of six months with a practicing attorney. The term could be divided with three months spent in your preceptor's office in the summer between

one's second and third year of law school, with the remaining three months served after graduation.

Undoubtedly, this period of practical training was the last vestige of the centuries-old form of legal education where the pupil did not study the law at a university, but rather "read the law" in the offices of an experienced practitioner; a recognized and accepted form of legal education even in the earlier decades of the twentieth century. (An interesting variation of this venerable policy occurred during World War II when the Pennsylvania Supreme Court provided for the admission of experienced court reporters to the bar when the practice of many lawyers was

interrupted by military service). As one can see, practicality was valued in the profession.

Sometime after my admission in 1964, I can't say exactly when, the preceptorships were abolished as a requirement for admission; a decision, which many can say now, with hindsight, was shortsighted. I suppose it was thought that the quality education provided by law schools fully prepared the student for life at the bar. And certainly the old system delayed the student in making his or her fortune, since preceptorships, like many legal internships today, were without pay, save for the infrequent gratuity when the student's work might have substantially contributed to the making of a large fee. But the advantages for both parties were manifold.

business. The melding of these two is seldom learned in law school.

The preceptor allowed the graduate to observe interviews with clients and to be privy to the thought process concerning the advice given or the decision on accepting or rejecting representation. It was he (in those benighted days, it was always he), who took you to the courthouse for introduction to the really important people—the clerks in the various row offices, who were in their positions long before you were born, who would be receiving your filings, answering your laughable questions without a smirk, and perhaps suggesting just what you might have to do next to avoid catastrophe. The two of you might also call upon judicial chambers where the preceptor would introduce you to the secretary and perhaps his

preceptor: a teacher; an instructor. —American Heritage Dictionary of the English Language

To the lawyer came the benefit of an eager law clerk to help with research and more mundane matters around the office, along with an infusion of youthful enthusiasm, which most legal chambers need from time to time. To the graduate, it provided a wealth of insight into the operation of a law office in the conduct of both a profession and a

honor if he were off the bench, and leave with the suggestion that you were ripe for a master's appointment in an uncomplicated divorce. It was through this relationship that one learned the identities of those lawyers whose word was truly their bond, and of the very few who did not merit such endorsement. There was also

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President's Message

What If ...?

by Donald J. Snyder, Jr., Esq.

What if ...?" is a question followed by a fact situation as in, "What if Oswald had missed?" or "What if Gore had won?" While it is fun to speculate these abstract questions, "What if ...?"



from the perspective of a prudent director of a business enterprise is not abstract theory, but a concrete effort to anticipate challenges in the real world.

Your WBA leadership faces a significant "What if ...?" in the form of "What if the Pennsylvania Legislature changes the requirements for legal advertising in a manner that eliminates the stream of income that flows to the Westmoreland Law Journal?"

To bring the problem into clear focus, the legal advertising income of the Westmoreland Law Journal each year is approximately \$330,000. The WBA's annual budget revenue is approximately \$582,000. The loss would obviously amount to 56% of revenue. The WBA leadership would then have the task of addressing the loss through cuts in expenditures, dues increases, or combinations of both.

One simple solution would be to cease to be a Unit County in the Pennsylvania Bar Association. A Participating WBA member automatically becomes a PBA member. The PBA dues portion of the payment as a Participating member is approximately \$265. As with most simple solutions, however, this one is problematic from several perspectives. The simple math shows that the participating membership (426 currently) times the PBA portion (\$265) yields approximately \$113,000. This leaves \$217,000 in additional

revenue to be raised. It also assumes that all participating members would be willing to pay the same dues to the WBA and then, if so inclined, to pay the PBA dues on top of the WBA dues. Frankly, I do not believe that dog will hunt.

In addition, cutting off the PBA has serious ramifications in terms of the significant services that PBA provides for all of us. If you need a refresher on what you get for your PBA dues, check out the PBA website and review the member services or the Benefits of PBA Membership insert in this issue of *the sidebar*. The PBA provides a multitude of services over a broad range for those of us who practice law for a living. In addition to the member services, the PBA provides a voice with the Legislature on those matters that come before the Legislature. A good example is the PBA's efforts on the sales tax issue.

Another approach to the problem is to address the issue of whether the legal advertising requirements should be changed. This approach is now being undertaken by the newspaper publishers and the various bar leaders across the state. The underlying premise is that the legal advertising requirements serve a public purpose. Casting aside my perspective as a WBA leader, I believe that the notices to the public of significant matters in the printed media remain a viable requirement.

The local law journals function as one-stop shopping for those who are interested in the matters that are

advertised. Despite the Internet (with all of those functions whose names that sound like bird calls), the majority of the people who are interested in the matters that are legally required to be advertised receive that information through the printed media. Of course, a significant and growing portion of our population obtains such information over the Internet. I would contend that the public would be served better by requiring that the legal notices appear on the legal journals' websites *in addition to* the printed

version rather than eliminating a source of information that has been tried and true. Rather than cutting down on the sources of information, I would expand the means by which that information is transmitted. The public interest remains served by the Westmoreland Law Journal and others like it.

The WBA has joined with the other local bar associations in communicating its position to the elected legislators. You may review the WBA letter by accessing the WBA website at www.westbar.org. Please take the time to review these issues and communicate your thoughts to the WBA leadership and, most importantly, to your elected representatives.

Hopefully this "What if ...?" will not come to reality. 🐾



A handwritten signature in black ink, which appears to read "Donald J. Snyder, Jr." The signature is fluid and cursive.

New Leaders Chosen, Awards Given at Annual Meeting

Donald J. Snyder, Jr., assumed the office of President at the Annual Meeting of the Westmoreland Bar Association held on Monday, April 5, 2010, at the Greensburg Country Club.



▲ Donald J. Snyder, Jr.

A member of the WBA since 1975, Don is a shareholder with McDonald, Snyder & Lightcap, P.C., in Latrobe. He is a graduate of Washington & Jefferson and Dickinson Law School.

Don is a member of the WBA's Civil Litigation, Municipal Law, Real Estate, and Nominating Committees. He succeeds James R. Antoniono, and will serve a one-year term as President.

OTHER ELECTION RESULTS

David S. DeRose was elected Vice President for the 2010–2011 term, and Harry F. Smail, Jr., was chosen to fill the vacant Director seat on the board. Other board members include President-Elect Michael J. Stewart, Directors John K. Greiner and Joseph W. Lazzaro, Past President James R. Antoniono, Treasurer L. Christian DeDiana and Secretary/Executive Director Diane Krivoniak.

DeAnn McCoy was elected to the Membership Committee and John N. Ward was elected to the Building Committee. Both will serve five-year terms.

AWARDS GIVEN AT MEETING

Joanne Ross Wilder was named Pro Bono Attorney of the Year in recognition of her noteworthy volunteer legal representation of indigent Westmoreland County residents (see article on page 15).

Other awards given at the WBA Annual Meeting included the President's Award for Professionalism, Outstanding Young Lawyer, and Committee of the Year. The recipients are as follows.

Timothy J. Geary

PRESIDENT'S AWARD FOR PROFESSIONALISM

Timothy J. Geary, a partner in Geary, Loperfito & Faher, LLC, in Vandergrift, was honored with the distinguished President's Award for Professionalism for his achievements in ethics and integrity; competence and dedication to the practice of law; civility; service to the bar and its members; and dedication to the improvement of the practice of law.

The President's Award for Professionalism is not an annual award, but is presented when the dedication and achievements of a WBA member who best exemplifies the highest standards of the profession with regard to the practice of law should be acknowledged. Previous winners of the President's Award are Reg Belden (1998), Jack Bergstein

(1999), Dick Galloway (2000), John O'Connell (2002), Milt Munk (2003), Dan Joseph (2004), Vince Quatrini (2007), and Bob Johnston (2008).

Q WHAT DOES THE AWARD MEAN TO YOU PERSONALLY AND PROFESSIONALLY?

A The award means the same thing to me both professionally and personally. I joined the WBA as soon as I was notified that I had passed the Bar Examination. I became involved

in committee work because I felt it was the right thing to do. I am very proud that I am a lawyer and regardless of the public perception of lawyers I know that this country of ours is a great nation because of the many lawyers who helped to shape and guide it.

I am in the first generation in my family to graduate from college and the very first to have a graduate degree. My belief when I became a lawyer was that I had a duty and an obligation to do everything I could to improve the profession and my route was to do what I could to improve the public's perception of lawyers. This is why I have given so much of my time and energy in the WBA and to my community.

I was very surprised to receive the award. It simply was not on my radar. I have not been involved in the Association in the hope of receiving recognition or awards but simply

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▲ Timothy J. Geary

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Leaders Chosen, Awards Given *continued from page 3*

because it was the right thing to do. I have been blessed throughout my life by a loving and caring wife and family and I have been doing something that I truly love to do. The reason I am still working at age 66 is because being a lawyer makes me wake up seeing each day as a challenge, but a fun challenge.

Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A I was truly humbled to realize that my professional colleagues felt that my work as an attorney, as a member of the bar association, and in my community warranted this award. I am really still in a state of shock, especially when I look at the accomplishments of those who have previously won the award.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A I cannot presume to give advice to future candidates for the award because I still do not know how you become a candidate. When I was on the board of directors and voted for this award, the Board just knew intuitively who was a qualified candidate. No one ever campaigned for the award. I am confident the former recipients did what they did to promote lawyers and the profession for the same reason I did and I doubt very much if any of them were ever motivated by the thought of receiving any type of award or recognition. They did what they did because they are all proud of our profession and working to make our profession better is the right thing to do.

**SEE PAGE 19
FOR MORE PHOTOS
FROM THE 2010
ANNUAL MEETING!**

Anthony Bompiani OUTSTANDING YOUNG LAWYER

Anthony Bompiani was named Outstanding Young Lawyer at the WBA Annual Meeting. The award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community. A member of the WBA since 2004, Anthony is Co-Chair of the Technology Committee, Past Chair of the Young Lawyers Committee, and is active on the Planning Committee.

A graduate of Saint Vincent College and the Duquesne University School of Law, Anthony is a sole practitioner in Youngwood.

Q WHAT DOES THE AWARD MEAN TO YOU PERSONALLY?

A Personally, it is outstanding. The Latrobe Bulletin did a great article about the award thanks to the Bar Association's wonderful press release. The day after the article ran, I got a call from my grandmother and she told me how proud she is. That right there is worth all the hard work.

Q WHAT DOES THE AWARD MEAN TO YOU PROFESSIONALLY?

A I have so much respect for the other members of our Bar Association, and to be judged by my peers in this fashion really creates an incredible feeling. It truly means a lot.

Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A Just before the award was presented, the Bar Association leaders were presenting the President's Award to Tim Geary (which he totally deserved). While he was thanking the Bar Association, Tim said that he thought, "What are you doing here?"



▲ WBA President-Elect Mike Stewart presented the Outstanding Young Lawyer Award to Anthony Bompiani at the WBA Annual Meeting held in April. The award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community.

when he saw his wife. I knew the Outstanding Young Lawyer Award was being presented next, so I started looking for my wife. I didn't see her so I was shocked when Mike Stewart presented the award to me. But seriously, it was a great feeling and it was even more awesome having the award presented by such a great mentor.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A It is important for all of us younger attorneys to be involved both in the Bar Association and the community. The past and current leaders have built a wonderful association and we really need to keep it going. Although I was selected individually this year, the Young Lawyers Committee as a whole has been doing a fabulous job for the past few years and I couldn't have achieved anything without the help of the other members.

Family Law

COMMITTEE OF THE YEAR

The Family Law Committee was honored as Committee of the Year at this year's Annual Meeting. Co-Chairs Abby De Blassio and Mike Stewart accepted the award on behalf of the committee members.

Q WHAT DOES THE AWARD MEAN TO YOU, AS COMMITTEE CHAIR, PERSONALLY?

A Abby De Blassio: To me, it's not all about the award. I find that co-chairing the committee makes me stay on top of developments in family law, and gives me the opportunity to enhance my knowledge and practice, as well as to serve as a leader within the bar association. The award gives me personal satisfaction that my efforts have been recognized, but it's really icing on the cake. I have enjoyed working with my co-chair, Mike Stewart, as we have used a team approach to running the committee, which was very effective.



▲ *WBA Family Law Committee Co-Chairs Mike Stewart and Abby De Blassio accepted the Committee of the Year Award on behalf of all the committee members.*

Mike Stewart: I believe the award simply recognizes that Abby and I have done a fairly good job motivating our committee members as well as creating interest in family law. I enjoy working with Abby and we both try to stay on top of developments in family law, we both participate in the PBA Family Law Section and engage our members

in discussion regarding current family law issues. Basically, I think Abby and I both sought respect for the practice of family law and the award indicates that we've achieved that.

Q WHAT DOES THE AWARD MEAN TO YOU AND YOUR COMMITTEE PROFESSIONALLY, AS MEMBERS OF THE WBA?

A AD: Family law has had a bad rap over the years. We have worked hard to turn the practice of family law around in Westmoreland County, in order to foster collegiality and professionalism, and to increase competencies. I believe that the award recognizes these accomplishments.

MS: I believe the award recognizes that we have "raised the bar" in the area of family law in Westmoreland County. Our committee has done a good job with CLEs and we have kept our members up to date regarding changes in the family law practice. There is no better example of professionalism than the project

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The Preceptor *continued from page 1*

instruction afforded, directly or indirectly, on fees; which was not only a worry to the client, but to the lawyer as well. You realized not only did a lawyer often have to worry over how much to charge, but became aware that there were situations where waiving a fee might be both altruistic and good business.

The preceptorship gave the graduate immediate entry to the legal community. It was not just a place to hang your hat while waiting for the results of the bar exam; you were off to “the office” every morning, looking, and for the first time, acting, like a lawyer. We



▲ *Calvin E. Pollins* was my preceptor, a gentleman of the first

order, who with ease and without pretense could quote classic poets, historians and philosophers. Every morning I was with him, without fail, he greeted me by shaking my hand, and I knew I was welcome.

If you had a preceptor, likely you also have fond recollections of the start they selflessly provided you. On the accompanying pages we have some comments and pairings of present bar members and the preceptors who helped them enter into the profession and life at the bar.

Editor's note: The majority of the photos are from the 1961 composite of WBA members; a few date back to 1954.

SANFORD CHILCOTE

I did have a preceptor. He was the late Sanford Chilcote, Esq., of the firm of Dickie, McCamey and Chilcote, Pittsburgh, Pa.

— *Raymond F. Sekula*

Leaders Chosen, Awards Given *continued from page 5*

we undertook at the request of the bench to eliminate the backlog of custody conciliation cases. When I was a young lawyer, many years ago, I remember a seasoned veteran advising me to “practice good lawyering, without being combative.” I believe that is the approach that our committee is attempting to foster and the award recognizes our efforts.

Q HOW DID YOU FEEL UPON LEARNING YOUR COMMITTEE WAS THE RECIPIENT?

A AD: You mean, besides worrying about making a fool of myself while accepting it? I felt satisfied that our hard work paid off. For someone who is generally never satisfied, that's saying a lot.

MS: I was immediately looking forward to my “Night at the Oscars.” No, seriously, I actually thought it was recognition well deserved and earned by our family law practitioners.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE COMMITTEES AND COMMITTEE CHAIRS WHO STRIVE FOR THE AWARD?

A AD: Focus on how you can improve your area of practice, and remain visible within the PBA.

MS: Motivate and educate your committee members and good things will happen. Stay active in the WBA and participate in the PBA sections of your choice. 🍷



MAURICE H. CLASTER

Maurice H. Claster was my preceptor. He practiced in New Kensington and was also a member of the Pa. Public Utility Commission and past president of the Westmoreland Bar Association.

— *Jim Kopelman*



PHIL CORBIN

A wonderful gentleman and lawyer, Phil Corbin was my preceptor. As a fringe benefit, I took his daughter, Cindy, to the prom. He was a classic example of the beloved community lawyer before lawyer advertising stained us all. He was one of the reasons I chose to be a lawyer.

— *Daniel Joseph*



EDWARD B. DORAN

A six months preceptorship was required. My preceptor was Edward B. Doran.

— *Bill Stillwagon*



IRV GREEN

Mine was Irv Green. What a guy!

— *Richard A. Bruni*

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JARRETT W. JENNINGS & DENNIS C. HARRINGTON

I had a preceptor, Jarrett W. Jennings, Esq., who practiced in Pittston, Luzerne County, and who recently passed away at age 97. I knew Mr. Jennings through my mother, who was his legal secretary for a number of years. When I got a job in Pgh. clerking for a large plaintiff's firm, I transferred my preceptorship to Dennis C. Harrington, Esq. of that office so that I could complete the required six months' (I think) work under a preceptor, in that office.

My experience with the preceptor concept was a positive one but there were others who felt that it simply boiled down to being an indentured servant with little educational value. I look back and believe that I learned practical problem-solving, civility, and how to conduct oneself as a professional from both of my preceptors, who took the time to explain and demonstrate how to be a good lawyer as they saw it.

— Richard H. Galloway



BILL KAHANOWITZ

My preceptor was a gentleman by the name of Bill Kahanowitz.

— The Hon. James R. Kelley



ROBERT KEY & THE HON. LOUIS L. MANDERINO

I began law school in 1967 when a preceptor was required to become a member of the Pennsylvania Bar. My preceptor was Robert Key, who practiced in New Kensington. Because I clerked for former



Duquesne Dean, Commonwealth Court Judge and Supreme Court Justice Louis L. Manderino immediately after graduation from law school, my six-month preceptorship was served under the judge and not

Attorney Key. The rules at the time excused the six-month internship with a preceptor if a recent graduate had a judicial clerkship.

— The Hon. Donetta W. Ambrose



LOUIS J. KOBER

I worked under Louis J. Kober for three months in the summer after my second year of law school, and for three

months after the bar exam until I was admitted to the Westmoreland County Court. You were required to work for a preceptor for six months (I believe it had previously been for a year). I learned much—one thing being that the practice of law was nothing like law school! The Supreme Court made a big mistake when it abolished the preceptorship requirement. Now law schools want to add another year so they can teach how to practice law—but face it, most law school professors have sought refuge in the academic

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world, and really don't know how to practice law in the real world.

— *Richard F. Flickinger*



JOHN KRADEL

I think that practice ended before 1978 when I became a lawyer. I did have a mentor, John Kradel, of Ligonier, Pa.

— *Mary Baloh*



GEORGE W. LAMPROPOS & RAY CASSIDY

I was admitted to practice in 1971. I believe they dropped the need for a preceptor that year, however, I was fortunate to have George W. Lamproplos as my official or unofficial preceptor. I was

fortunate to have him and his partner, Ray Cassidy, guide me as a law student and then upon admission to the bar.

— *George Kotjarapoglus*



JOHN LIGHTCAP & GENE McDONALD

John Lightcap, Esquire, was my first preceptor. My father arranged a meeting with him and he agreed to accept me. His offices were in the Mellon Bank Building in Latrobe. John Lightcap was a tireless attorney and everyone respected

and liked him. He died in 1955 before I graduated from Pitt Law School.

Gene McDonald, Esquire, was his partner and agreed to act as my preceptor. He assigned Lawrence Moore, Esquire, to teach me how to search titles. Searching titles in 1958 was much different than it is now. I still have some of my 9" x 12" hard back books with descriptions written by hand and "A," "M," "E," "J," "T" columns drawn in pencil against each owner.

I also sat in on client meetings and dictating sessions. Frequently I delivered documents to the Courthouse for filing. Gene would give me his car,

which was a very large station wagon, to drive. This was always a treat.

During my internship, I was always amazed at the energy Gene and Larry displayed when greeting clients at the end of a long day. I still try to follow their example.

The relaxed atmosphere of an internship allowed me to sit in courtrooms during jury trials and arguments. It was a learning experience to watch Avra Pershing, Bob Smith, Joe Loughran, Pete Lamproplos, Rudy Lynch, Judge O'Connell, and Judge Sculco work.

My internship was complete after six months and as I left in 1958, Gene McDonald gave me \$100 to help me start my practice. I am still practicing.

— *Richard Jim*



EARNIE LONG

My preceptor was Earnie Long. At that time I had to work with him for six months before I could be admitted to the

local Bar. In the summer of 1968, between my Middler and Senior years of law school, among other tasks, I worked three months searching titles under Earnie's guidance, and again three months after taking the bar exam the following year. My Preceptor paid me for the work I did (Preceptors were not required, but mine did), and I was very grateful for that. In my Senior

Past speaker at the National Business Institute's "Complex Bankruptcy Issues" seminar.

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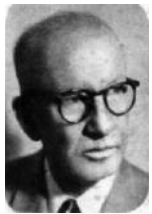
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year of law school I took an elective in Real Property, and having just spent three months learning from Earnie, I was able to help the Professor when he got a little confused. I consider my preceptor program at least as valuable as any law school course, and better than most. Earnie and I have now worked together for nearly 42 years, and I am still learning from him.

— Don Rigone



PAUL McCORMICK & JOSEPH LOUGHRAN

My first preceptor was Paul McCormick. After he passed away, my preceptor was Joseph Loughran. Both were excellent trial lawyers and great mentors.

— Judge Irving L. Bloom



AVRA N. PERSHING

Yes—I had a preceptor. He was Avra N. Pershing. I served for six months in 1962.

— Dominic Ciarimboli

Avra N. Pershing, Jr., was my preceptor. I think it was the best possible procedure they ever had for law students. I don't know why they gave it up! Mr. Pershing was assiduous in mentoring me. I did everything—clients, depositions, court, arbitrations. It was a marvelous experience.

— Tom Cole

My preceptor was Avra N. Pershing, Jr., who was also my first employer. I had very little contact with him before starting to work for him. After starting to work for him, it was just like any other job, so the preceptorship did not have much meaning in my case.

— Scott O. Mears



LEONARD R. REEVES

Leonard R. Reeves, Esq.
— George H. Love, Jr.



PAUL ROBINSON

My father, Paul M. Robinson, was my preceptor.
— Dave Robinson



A.C. SCALES

Yes, I had a preceptor—A.C. Scales—three months between second and third year and six months after

successful taking of the Bar Exam—without pay.

— George Conti, Jr.

My preceptor was A.C. Scales.

— Vince Morocco



THE HON. L. ALEXANDER SCULCO

I had a preceptor, Judge L. Alexander Sculco.

— The Hon. Joseph A. Hudock



HENRY E. SHAW

Henry E. Shaw of Derry. My legally formative years were spent at Scales and Shaw.

— The Hon. William J. Ober



BERNIE SHIRE & FRANK EZERSKI

In 1964 I served a preceptorship with Bernie Shire and Frank Ezerski as my preceptors. Total of six months (or was it four?).

— Jack L. Bergstein



WILLIAM SOISSON

Mine was William Soisson in Fayette County. I liked the program because it gave you the chance to meet people in the Courthouse you wouldn't ordinarily meet.

— Milt Munk

ARTHUR WALTENBAUGH

My preceptor was a gentleman by the name of Arthur Waltenbaugh. He was a sole

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We Want You!

The Nominating Committee soon will be looking for volunteers to fill open positions on the Board of Directors and the Membership and Building Committees in 2011.

Don't hesitate to seize this golden opportunity to help your profession and your community while helping your bar association grow as an organization.

Think about volunteering and look for a formal announcement in the next issue of the sidebar.



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practitioner in Pittsburgh. He was a distant relative of my mother. Although my father was a businessman in New Kensington, and as a contractor, my grandfather had built a lot of the town, we really didn't know any local lawyers upon whom to impose me. Arthur rented space in the Frick Building from Meyer, Unkovic and Scott. At that time, MUF was a fledgling law firm.

Arthur had retired as general counsel for some coal company. Allegedly, he had about four clients. In the two summers which I spent there, I never met any of them. Arthur was a gentle soul and he allowed me to leave early. Consequently, I played a lot of golf and a lot of gin rummy during those summers. That experience proved to be a significant supplement to my income in my own fledgling years as a lawyer.

— J. Raymond Ambrose



THE HON. DAVID H. WEISS

My preceptor was Attorney David H. Weiss, Monessen, Pa. I served my preceptorship during the summer of 1950, and, after taking the bar exam, during the winter and spring of 1951. David H. Weiss was an excellent preceptor; he later was

the president judge of Westmoreland County. I learned much about practicing law—joined his conferences with clients, searched titles, met and had experience in meeting courthouse personnel, judges, assistant DAs, and learning courthouse procedure, attended bar functions and met and exchanged information with attorneys and contemporaries, and drafted pleadings. In my opinion, the termination of the preceptor program was a big mistake. It accounts for the lack of experience in practicing law at the outset, the lack of collegiality among the profession and is a deterrent to young lawyers' development.

— Bernard S. Shire

First it was Judge David Weiss, and then I switched to Don Phillips, then a Pittsburgh practicing attorney and, at the time, my landlord.

— David J. Millstein



ALBERT S. YODER

Yes, I had a preceptor when I finished law school and after having taken the Bar Exam in October of 1958. His name was Albert S. Yoder, an attorney from New Kensington. He had his office in downtown New Kensington and had a young partner by the name of Robert D. McVey, who is still practicing law at the age of 91. Mr. Yoder was the attorney for my parents and the attorney for my father's business partnership, so I assume that he took me in as a favor to them and to keep a good client.

Mr. Yoder looked, sounded, and acted like a lawyer is supposed to act. Lincolnesque in appearance and manner. His practice mainly dealt with real estate, settling estates, and some commercial work. He taught me how to do title searches, a skill that I find helpful in my practice even today, although I no longer do title searches. He also taught me to be respectful to the Court and to my professional colleagues.

On reflection, I feel that the preceptorship program, like internships for young doctors, was a good thing at that time. The practice then was not the rat race that it is today and young lawyers had more time to experience the basic change from the "halls of ivy" law school attitude to the harsh economic realities of the practice of law that they face today.

I have no photos of that time period because in 1958 portable cameras were still in their infancy. There was a guy named Matthew Brady—a former military photographer who used to come around with a horse and wagon and take pictures for a fee, but I wasn't in town that day—I was in the balcony in the Recorder's office in Greensburg doing a deed adverse of Fred J. Broad.

— Aaron Kress

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To-Wit: Oh Brother, Why Art Thou?

by S. Sponte, Esq.

No, you'll do it my way," the client insisted as he stared across the desk at me, teeth clenched, jaw rigid, eyes unflinchingly affixed to a point somewhere near the tip of my nose.

I sat quietly for a moment or two, not knowing exactly how to respond. Usually, this is the point at which I rise from my chair and cordially thank clients with as much sincerity as I can possibly feign for according me the privilege of representing them thus far. Usually, this is when I wish them the best of luck with whomever they hire next, and usually this is when I gently but firmly take them arm in arm and walk them to the door, perambulating at a pace just fast enough to let them know they are getting the old heave ho. This time, though, with this client, there was no "usually" to it.

As a general rule, I fire any client who rejects my advice and instead insists that I proceed in a way I cannot countenance. It's a rule I developed back in my antediluvian days when I still did family law. Let a divorce client call the shots and next thing you know shots is what they're gonna want.

But this was not just a client, he was a lawyer as well, and a distinguished one to boot. He had retained me to represent him in a complex matter, and I had been very flattered. What better accolade is there in this profession than being hired by one of our own?

I had already spent years working on his case, had tried it to a jury—with an admittedly unsatisfying result—and had just filed an appeal that I thought I could win. I already had a great deal of pride, passion, and self-esteem tied up in this case. So rather than hustle him out the door

over his demands, I tried to resolve the contretemps with rational discussion.

"Come on," I said, "you're too personally involved in this. You wouldn't be your own doctor, now would you?" I knew that argument was going nowhere when he proceeded to show me all the fillings he had put in his own teeth.

Next I tried the intellectual approach. "We both know the law, and I think we can both agree that my way is based on a careful analysis of applicable precedent." Although his response was both creative and innovative, I told him I could not advance the argument that his case

continued on page 12



G

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Daniel Joseph

Oh Brother, Why Art Thou?

continued from page 11

could be distinguished from all the adverse precedential decisions because those “had all been decided by loonies.”

When we could not agree, we both decided he should seek other counsel. It really wasn't what I wanted. Although his name was in the caption, the case was really mine. It was born from, nurtured by, and grew to casehood fostered with my skill, my sweat, and my ego, and I had very much wanted to see it through to a successful conclusion.

Oh, but isn't that the difficulty, the risk, of representing colleagues? They might not always know enough to avoid getting into trouble but they certainly know more than most about getting out of it. Egos being what they are, they'll want to be heard, and their knowledge and experience, much to

my eternal chagrin, has to count for something, now doesn't it?

Had I had any inkling that my respectful, analytical approach to resolving the conflict would come to naught, I would have handled things differently. I would have gently but firmly taken him arm in arm and perambulated him rapidly to the door for the old heave ho. I might have even flung an epithet after him for good measure.

Oh, I know, that would not have been very collegial. Then again, think of it like this—why should anyone who treats their lawyer with such reckless disregard for their hopes and dreams deserve anything less? 🐾

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Can't get enough Sponte? More articles are online at www.funnylawyer.com.

New Member Sketches



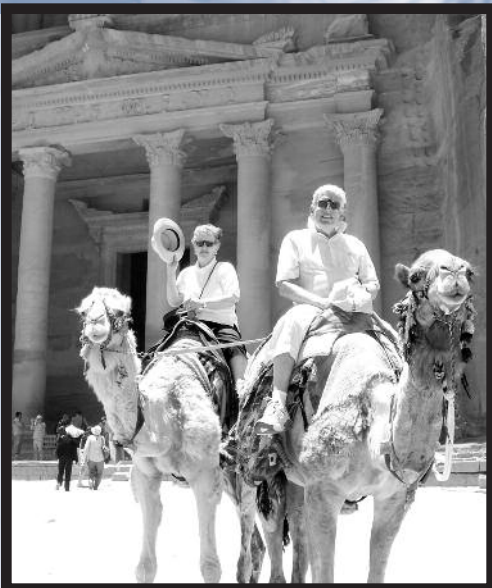
BARRY J. CLEGG has been admitted as a participating member of the WBA. He is a graduate of Norwin Senior High and Indiana University of Pennsylvania, where he majored in Criminology. Barry earned his J.D. from Duquesne University and is a sole practitioner in North Huntingdon.

RICHARD J. TRANKOCY, JR., has joined the WBA as a participating member. Richard attended the University of Pittsburgh, where he majored in Administration of Justice, and earned his J.D. from Ohio Northern University. A sole practitioner with an office in North Huntingdon, he and his wife, Susan, live in McMurray.

JOANNE ROSS WILDER was admitted to the WBA as an associate member. A graduate of the University of Maryland School of Law, Joanne is President of Wilder & Mahood in Pittsburgh, and is a Director of Fidelity Bank.

NICOLE WRAY ZICCARELLI has been admitted as a participating member of the WBA. A graduate of McKeesport Area High School, Nicole majored in Communications at Penn State, and earned her J.D. from the Dickinson School of Law. She is a law clerk for The Hon. Christian F. Scherer. 🐾

where in the world IS THE WBA MEMBER?



Jim and Eileen Kopelman recently returned from the ancient city of Petra, Jordan. Carved into a sheer rock face by the Nabataeans more than 2,000 years ago, Petra was an important junction for silk, spice, and other trade routes that linked China, India, and southern Arabia with Egypt, Syria, Greece, and Rome.

PETRA, JORDAN

November 2009 and March 2010 Civil Trial Term

Jury Trial Verdicts

by Beth Orbison, Esq., Thomas L. Jones, Esq., and Monique J. Lafontant Mears, Esq.

November 2009 Trial Term

Of 24 cases listed for the November 2009 Civil Jury Trial Term, five settled, 16 were continued, a non-jury trial was scheduled in one, and two verdicts were entered. One jury verdict for the November 2009 civil trial term was summarized in the February 2010 issue of *the sidebar*; the other is summarized below.

ADAM M. STEIN
V.
SCOTT D. BRANDT
V.
GEORGE HARTZELL, JR., ET AL.

AND

SCOTT D. BRANDT
V.
GEORGE HARTZELL, JR., ET AL.

AND

GEORGE HARTZELL, JR.
V.
SCOTT D. BRANDT, ET AL.

AND

JOANNE HARTZELL & JEN HARTZELL
V.
SCOTT DAVID BRANDT, ET AL.
CONSOLIDATED AT
NO. 6734 OF 2002

Cause of Action: Negligence—Motor Vehicle Accident—Jury Trial

On April 15, 2002, at approximately 11:15 p.m., George Hartzell, Jr., was driving west on Route 30 in Hempfield Township, while operating a 1991 Mercury Tracer owned by his mother, Joanne Hartzell, and his sister, Jen Hartzell. Adam Stein was a passenger in his vehicle. At the same time, Scott Brandt was operating his 1998 Isuzu Amigo west on Route 30, when the passenger's side front corner



of the Brandt vehicle collided with the driver's side of the Hartzell vehicle. The Brandt vehicle overturned, coming to rest on the south berm of Route 30; the Hartzell vehicle came to rest in the center lane. Stein and George Hartzell, Jr., filed personal injury actions against Brandt, claiming head, neck, and back injuries; and sought compensation for loss of wages. Brandt filed a property damage claim against George Hartzell, Jr. Joanne and Jen Hartzell filed a property damage claim against Brandt.

All cases were consolidated. Adam Stein's suit was settled out of court. The remaining cases were tried. The

jury found that George Hartzell, Jr., was 100% at fault and awarded Brandt the sum of \$9,453.95.

Counsel for Scott D. Brandt: Scott Mears, Jr., Gbg.

Counsel for George Hartzell, Jr.: Jerome Deriso, Pgh., and Christopher Fleming, Gbg.

Counsel for Joanne & Jen Hartzell: Jerome Deriso, Pgh.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Plaintiff/Defendant Brandt in the sum of \$9,453.95.

March 2010 Trial Term

Of 40 cases listed for the March 2010 Civil Jury Trial Term, one was discontinued, eight settled, three non-jury trials were scheduled, one case was held to the next trial term, 23 were continued, one binding summary jury trial was held, two were tried non-jury, and one jury trial verdict was entered. The jury verdict and the binding summary jury trial for the March 2010 civil trial term are summarized below.

KENNETH AND FELICIA WHIPKEY
V.
KESLAR LUMBER COMPANY, SENNETH KESLAR, HENRY WILTROUT AND JOHN DOE
NO. 323 OF 2006

Cause of Action: Negligence—Trespass—Conversion

On or about January 16, 2004, employees and/or agents of Defendant lumber company cut down a number of trees on the Plaintiffs' property located in Mt. Pleasant Township, Westmoreland County, without Plaintiffs' consent. In their New Matter, Defendants admitted cutting

continued on page 14

Jury Trial Verdicts

continued from page 13

the trees by mistake, but denied conversion, as the trees were left upon Plaintiffs' property.

Plaintiffs filed an action against all three Defendants, asserting claims of negligence, trespass and conversion against each Defendant. Following an arbitration award in favor of Defendants, Plaintiffs appealed and requested a jury trial. Experts for each party testified at trial. At trial, the jury was asked to determine whether Defendants' actions were deliberate or negligent, or alternatively, whether Defendants had a reasonable basis for their actions. Further, the jury determined whether the damages should be awarded under the Timber Statute, 42 Pa. C.S.A. § 8311.

Plaintiffs' Counsel: John A. Klamo, Cherry Hill, N.J.

Defendants' Counsel: William W. Guthrie, Wm. W.

Guthrie & Associates, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Plaintiffs in the amount of \$4,513.08. The jury determined that Defendants' actions were negligent. The jury found Defendants' expert to be credible and accepted his valuation of the damages. Based upon the finding of negligence, and pursuant to 42 P.S. § 8311(a)(2)(ii), the jury assessed damages at two times the market value of the timber.

LYNDA C. BERENBROK

V.

JEFFREY DAVIS

NO. 4804 OF 2009

Cause of Action: Negligence—Motor Vehicle Accident—Summary Jury Trial

Plaintiff and Defendant were involved in an automobile accident on September 12, 2008. Defendant's vehicle collided with the rear of Plaintiff's vehicle while Plaintiff's vehicle was stopped at a traffic light. Plaintiff sustained injuries to her neck and back as a result of the accident. Following an arbitration award in favor of Plaintiff in the amount of \$9,500, Defendant appealed and requested a jury trial.

The parties agreed to resolve this dispute by conducting a summary jury trial, with a binding high/low agreement. The parties litigated the issue of the factual cause of Plaintiff's alleged damages.

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

Defendant's Counsel: Laura R. Signorelli, Law Offices of Twanda Turner-Hawkins, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Defendant; however, per the high/low agreement, the verdict was molded to award the Plaintiff the sum of \$3,000. 🍀

Find Us On Facebook!

More than 400 million people around the world are active on Facebook—the social media website that connects, and often reconnects, “friends” through personal pages consisting of notes, pictures, videos, and more.

In March 2010, the Westmoreland Bar Association launched its own Facebook page to encourage the informal exchange of information and allow members to interact with colleagues like never before.

Our Facebook page is updated daily with meeting reminders and event notices, and includes photo albums, discussion boards, links, and much more.

Find us at facebook.com/westbar: you'll “Like” us! 🍀



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Joanne Ross Wilder Named Pro Bono Attorney of the Year



Joanne Ross Wilder, a principal in Wilder & Mahood, P.C. in Pittsburgh, was named Pro Bono Attorney of the Year at the Annual Meeting of the Westmoreland Bar Foundation, which was held on Monday, April 5, 2010, at the Greensburg Country Club. This award is given annually to the attorney who has provided noteworthy volunteer legal representation to indigent Westmoreland County residents.

In presenting the award to Joanne, The Hon. Donetta Ambrose said: “Ms. Wilder is a premier matrimonial attorney and a premier Pro Bono volunteer with Allegheny County. For Attorney Wilder to also find the time and interest to serve the indigent of Westmoreland County is truly a remarkable feat.”

Joanne admits she was pleased and surprised to receive the Pro Bono Award. “Providing legal services to people who need representation but cannot afford it is rewarding in itself,” she says.

Pro Bono Coordinator Iva Munk says Joanne, “with professionalism and efficiency” has helped numerous Pro Bono clients successfully file for divorce. Joanne has represented 10 indigent clients in divorce matters every year, since becoming active in Westmoreland County’s Pro Bono Program in 2007.

“The Westmoreland County Pro Bono office is very well run and makes it easy and enjoyable to participate,” Joanne says. “The clients are men and women of all ages who usually need an uncontested divorce in order to



▲ Joanne Ross Wilder (left) accepts the Pro Bono Attorney of the Year Award from The Hon. Donetta W. Ambrose (right) at the Annual Meeting of the Westmoreland Bar Foundation held April 5, 2010, at the Greensburg Country Club.

stabilize their current family situations. I am happy to help them to do that. The satisfaction that I get from *pro bono* work far outweighs the time and effort involved.” 🌸

Volunteers for Justice

The Pro Bono Program extends thanks to all the attorneys who volunteered their time from January to March 2010.

- Steven Allias
- Maria Spina Altobelli
- Mary Baloh
- Eric Barchiesi
- Ross Bash

- Jack Bergstein
- Meagan Bilik DeFazio
- Raymond Bitar
- Rebecca Brammell
- Linda Broker
- John Bumbaugh
- George Butler
- Brian Cavanaugh
- Samuel Coury
- Debra Cribbs
- Sandra Davis
- Eric Dee
- Michael DeMatt
- Lou DeRose
- Robert Domenick
- Rebecca Fenoglietto
- Karen Ferri
- Richard Galloway
- Michael Garofalo
- Dennis Gounley
- John Hauser
- Sarah Hough
- Deborah Jackson
- Tom Jones
- Daniel Joseph
- Karen Kiefer
- Maureen Kroll
- James Lederach
- Irene Lubin
- Shirley Makuta
- Charles Mason, Jr.
- Elizabeth McCall
- Timothy McCormick
- Paul Miller, Jr.
- Michael Nestico
- Debra Nicholson
- John O’Connell, Jr.
- Bradley Ophaug
- Jessica Rafferty
- Dwayne Ross
- Mark Shire
- Peggy Tremba
- Todd Turin
- Mark Wible
- Rachel Yantos
- Ronald Zera 🌸

CORRECTION

Linda Broker should have been included in the list of attorneys who volunteered to reduce the Pro Bono Program divorce list in the April 2010 issue of the sidebar. We apologize for the error.



The Hon. Michele Bononi



The Hon. Gary Caruso



Eric Dee



The Hon. Chris Feliciani



John Hauser



Brad King

Law Day Visits A Success

More than sixty volunteers from the Westmoreland Bar Association visited elementary, middle, junior high, and high schools in Westmoreland County throughout the month of May as part of this year's Law Day campaign, whose theme was "Rule of Law: It's what I live by."

Sponsored by the Pennsylvania Bar Association and county bar associations across the state, Law Day sends judges and lawyers back to school for classroom visits in an effort to teach students about the law.

More than 3,000 students in 24 schools throughout Westmoreland County were treated to presentations by the judges, attorneys, district justices, and paralegals who volunteered this year. 🌟



Chuck Mason



Keith Nicola



Joyce Novotny-Pretiman and David DeRose



The Hon. William Ober



Gino Peluso



Don Rigone



Matthew Schimizzi



Harry Smail, Jr.

Letters to the Judge



Your honor, Sir,
 The other evening my cellmate, Jeeter, came back from the library, filled with knowledge and wanting to talk about an item he read in the Post-Gazette in which our soon departing governor was pushing what is called merit selection of judges, which Jeeter seems to think is a grand idea. The governor thinks so, too, since he says that it would remove the kind of mischief perhaps sometimes occasioned in judicial elections and that it would do away with the taint of money from a special interest group, i.e., lawyers, who with a smile and a handshake might wish to remind the newly elected just how well-spent his contribution was. While the suggestion in the paper applied only to the appellate courts, Jeeter, the know-it-all, says it rightly should apply to all judges.

I disagree with both of them, and

you will be pleased to know that I used your honor as an example to make my point. Prior to my sentencing I had heard it said that your elevation to the bench had nothing to do with merit, which provided me with some degree of comfort, which was justified when I saw you in person and realized what a down-to-earth and average person you, in fact, were.

I told Jeeter we don't need no—what are they called—law review editors, on the bench who have social contacts with political elites. We want people who will demonstrate that they should be elected, not because they're smart, but because the electorate can identify with them. So it seems it is mandatory that the brochures and advertisements show, as you did, an adoring family and a dog. Jeeter says you borrowed the dog from a neighbor, and that you really own a cat, but that cat people

are unreliable voters.

If this merit selection took effect even just for those high courts, I told Jeeter, the public would be deprived of choosing between dozens and dozens of candidates, some still in their third year of law school, and none of whom are known; as well as losing the right to cast a vote based upon regionalism, gender, ethnicity, or confusion. Your honor's election benefited from all of these, and look how nice everything turned out. I suppose in the end there is no way of knowing which system will benefit us the most, but with two hundred years of history and your honor's shining example, I say leave well enough alone.

Oh, I almost forgot, an application for parole is enclosed.

Your friend and supporter,
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New Room Rental Policy Adopted



The Board of Directors recently adopted a new room rental policy for the Westmoreland Bar Association. Rooms are available during regular office hours on a first-come, first-served basis: Monday through Thursday, 8:30 a.m. to 5 p.m.; Friday, 8:30 a.m. to 4:30 p.m.

WBA members may schedule conference rooms at no charge (except for mediations). The reserving member must be present the full time of the appointment (members may not reserve for non-members in order to avoid paying the rental fee).

NON-MEMBERS

All day	\$50
5 to 7 hours	\$40
2 to 4 hours	\$30
1 hour	\$20

MEDIATIONS (MEMBERS AND NON-MEMBERS)

Whole day	\$100
Half day	\$50

Room reservations that extend after 5 p.m. will be charged \$25 per hour for each hour after 5 p.m. and arrangements must be made no later than two weeks in advance.

Please bring a check on the day of the reservation made payable to the Westmoreland Bar Association.

SEMINARS

- Administrative fees for full-day seminars = \$75; half-day or less = \$50.
- Room rental fees for groupcasts = \$150 for a full day; \$100 for half-day or less.
- Beverages = \$1/person
- Lunch = \$10/person
- LCD = \$100

CONFERENCE ROOMS DESCRIPTION

- Conference Rooms—Four conference rooms that seat from 4 to 15 people. No pre-set audio-visual equipment (arrange 72 hours prior; as available).
- Large Conference Room—Conference room is equipped with tables, seating up to 80. Room is pre-set with DVD player, LCD, screen and microphones. No laptop is available.

AUDIO-VISUAL EQUIPMENT RENTAL—ON-SITE USE (MEMBERS AND NON-MEMBERS)

- Screen/DVD Unit = \$50 (plus replacement costs if damaged)
- LCD Projector/Screen = \$100 (plus replacement costs if damaged) 🍷

Actions of the Board

MARCH 16, 2010

- Appointed Rebecca Brammell and John Hauser to House of Delegates with following criteria: engaged in practice of law; principal office in Westmoreland County; must continue to be in practice of law

in our county throughout their appointment.

- Accepted committee's recommendation to present President's Award for Professionalism to Attorney Timothy J. Geary.
- Agreed to award Committee of the Year to Family Law Committee.
- Learned that the Westmoreland Law Journal uploads the previous week's issue of the law journal to the WBA website, thus complying with the request from legislators to make this information accessible to the public.
- Agreed to purchase a laptop so that the WBA building could be used to broadcast webinars.
- Voted to seek an updated appraisal of the building and its contents from the Industrial Appraisal Company.
- Agreed to move annual Memorial Service to a Thursday or Wednesday instead of a Friday, and to schedule the reception in the Commissioner's Meeting Room at 12 noon.
- Young Lawyers reported that a happy hour for new admittees is to be scheduled.
- Agreed to participate in the SummerSounds concert series in Greensburg by sponsoring an eighth-page ad in their marketing brochure.

APRIL BOARD RETREAT

- Agreed to include the Young Lawyer chair and incoming chair in all WBA board events, including board retreat.
- Agreed to circulate an e-letter—once a week—preferably on Fridays.
- Voted to reappoint Chris DeDiana as treasurer.
- Voted to amend bylaws as proposed, circulate, and schedule for fall quarterly meeting.
- Adopted an antitrust policy as amended and agreed to readopt each year.
- Adopted the mailing list policy as amended.
- Adopted the record retention policy as amended. 🍷



Candid Camera: 2010 Annual Meeting



▲
"When the moon hits your eye like a big pizza pie ..."



▲
"Yes, Dad did love me best, and don't you forget it."



▲
"And we are proud to announce that now that his term as president is over, Jim will have more free time to devote to the one great passion in his life—growing tulips out of his head."



▲
"Come on, sweetheart, have a little drinky poo with your Uncle Milt."



▲
"When Moe came to realize that neither Abby nor Rachel were going to say any dirty words, he just drifted off."



▲
"Oh please, please, whistle 'Zip-A-Dee-Doo-Dah' just one more time for me. Golly, I sure love that song."

▲
"No, Judge, that was not a bug you stepped on, it was my wife's brooch. Now you tell her."

news



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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 for more information about activities and CLE courses, or to **register online**.*

JULY

- 5** Courthouse closed in observance of Independence Day
- 6** [CLE] Bench/Bar Movie Critics: With All Deliberate Speed, Noon to 2:45 p.m.
- 8** Membership Committee, Noon
- 14** Real Estate Committee, Noon
- 15** Elder Law & Orphans' Court Committees, Noon
- 20** Family Law Committee, Noon
- 21** Board Meeting, 4 p.m.
- 26** WBA Photo Day
- 27** [CLE] InCite Training, Noon to 1:15 p.m.
- 29** Young Lawyers Committee, 4:30 p.m., Caffe Barista

AUGUST

- 10** [CLE] Bridge the Gap, 9 a.m. to 1:15 p.m.
- 18** [CLE] Basics of Title Insurance, Noon to 1:15 p.m.
- 23** [CLE] Video Compliance, 9 a.m. to 4:15 p.m.
- 31** [CLE] The E-Discovery Process, Noon to 1:15 p.m.

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. 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.



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