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**THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
VOLUME XXVIII, NUMBER 4  
SEPTEMBER 2016**

# Laurel Legal’s Newest Program To Help Those In Need

by Pamela Ferguson, Esq.

Maintaining good health is difficult enough for those who have a job and a roof over their heads, but what about those who don’t? Without employment, stable housing, health insurance, and transportation, purchasing healthy food, avoiding negative peer groups, attending doctors’ appointments, and filling necessary prescriptions becomes almost impossible. With emergency rooms as the only option for medical care and supportive after-care unavailable, hospital readmissions become the norm. It is a vicious cycle from which there is no relief.

Renee Williams, Executive Director of Laurel Legal Services, Inc., observed this cycle firsthand through her work at the University of Pittsburgh School of Law Health Clinic, and has made it her priority to ensure that poverty-stricken families have resources needed to overcome the social and legal barriers to staying well. Through a two-year IOLTA grant and a partnership with Citizens Family Health Clinic in New Kensington, Renee’s goal has come to fruition.

Beginning August 6, Laurel Legal started offering weekly legal clinics for Citizens Family Health Clinic’s patients. Laurel Legal staff attorney Karen Crow and paralegal Megan Williams are running the clinics,

providing patients with information about programs and services offering safe housing, meals, transportation, and employment, and the opportunity to retain counsel to address their legal issues. In addition to assisting patients directly, Laurel Legal provides on-site training to the clinic’s staff to help them recognize potential issues in patients. It is hoped that reaching out to patients at this early stage, while they are still in the clinic receiving care, will help reduce hospital readmission rates.

Cited as a major cause of lower quality and higher health care costs, hospital readmissions have recently been the focus of hospital administrators, community service providers, and the federal government. Congress sought to reduce readmission rates by creating the Hospital Readmissions Reduction Program (HRRP) in the Affordable Care Act (ACA), which fines hospitals with higher-than-expected readmission rates. While this certainly encourages hospitals to seek ways to reduce readmission rates, it penalizes those hospitals with a higher percentage of low-income patients. Without programs

available to address sociodemographic factors such as income and education level, employment status, housing stability, and social support structure, “high-risk” hospitals (those with a higher number of lower-income patients) face punitive measures solely because of who they service.<sup>1</sup>

Statistically, low-income patients are more likely to readmit due to chronic health problems, disabilities, mental health issues, and substance abuse; social factors such as homelessness, unsafe housing, and unstable employment; and inadequate funds for followup care and medications. Renee hopes that the partnership program will help address these issues before

readmission is necessary.

Due to its higher rate of lower-income families in New Kensington and surrounding smaller communities (95% of all school-age children are considered “poverty” level), Citizens was chosen as the launch location.

*continued on page 4*



*Renee Williams, Executive Director of Laurel Legal Services*

<sup>1</sup> Safety-net hospitals have readmission rates 30% above the national average.

President's Message

# Attention Walmart Shoppers: Legal Services Now On Sale

by John M. Noble, Esq.

Most of you are probably chuckling somewhat over the above, perhaps thinking the following is merely a supplemental to the April Fool's edition of *the sidebar*. Unfortunately, the joke just may be



on the entire legal profession as we now know it where, on June 1, 2016, retail juggernaut Walmart announced the opening of its venture into the retail law business by way of *The Law Store*. No, I am

not kidding. This is *for real*.

**“THE ONLY THING CONSTANT IS CHANGE.”**  
—CHARLES HENRY NOLL

Remember that famous quote from the “Emperor Chas”? There’s that scary word again—*change*—continuing to beg the question that stalks our profession: “To change, or not to change?” In my tenure on the WBA Board, I have found that *making change* is difficult to come by. On the other hand, change sometimes comes upon us so quickly from outside sources that we really aren’t sure how to react. I tend to think *The Law Store* announcement falls well within this latter category.

Without much fanfare, Walmart has announced the opening of *The Law Store* at two locations in Missouri stating that, “it just makes sense for legal services to be offered.” While past WBA Presidents have addressed the growing concern of the *pro se* litigant, it appears that Walmart has taken the bold step to follow-through on its research that “less than 20% of legal problems experienced by low-income

Americans are addressed with the help of an attorney.” Given the reality that more and more people attempt to resolve their legal issues themselves and where many others believe they cannot afford the help of a lawyer, Walmart’s intentions are clear—“whatever the barrier to legal representation, *The Law Store* hopes to break it down.”

*The Law Store* will operate on an “up-front, menu-style pricing model” instead of the traditional hourly rate and does not charge for the initial consultation. Joplin attorney and Walmart Chief Public Relations Officer Katrina Richards states, “What we try to do is take the mystery out of going to a lawyer. You come in and you meet with us, we don’t charge for that first consultation, and you can look and say, ‘Well, these are the services I would like,’ talk to the lawyer about that. You can decide to purchase them, and you know exactly what you are going to pay.”

For example, *The Law Store* will charge \$99 to establish a “simple will,” \$79 for non-accident speeding “or other traffic tickets,” \$49 for bill of sale and \$549 for “an uncontested divorce” in addition to “free services” including notarizing, obtaining accident reports, and trademark searches.

Five more locations are planned in Missouri by the end of 2016 and Walmart reports that eleven other states have expressed an interest. CEO Edward Hershewe reports that *The Law Store* could eventually be in *as many as 1,500 Walmart stores*,

further describing *The Law Store* as “a law firm ... handling basic common transactional services, smaller things. Things that most every American needs, but a lot of people aren’t able, or they don’t know a lawyer or they just, for some reason, they don’t go to a lawyer to get these types of services. Those types of things that can help out everyday Americans, but they otherwise might not get the service.”

To this end, *The Law Store* hours reach well beyond traditional law firm business hours as a way of making legal representation more accessible: open 10 a.m. to 8 p.m. Monday through Friday, and 10 a.m. to 6 p.m. on weekends. A Walmart spokesperson describes its target audience as “a huge gap in the population” where maybe

people could afford a lawyer “but they wouldn’t know where to go, that they are definitely, for whatever the reason, not getting legal services. So those

are the people we are really wanting to bring in to the legal system.”

Still chuckling? Unconcerned since you really weren’t targeting the lower-income client? Wondering what Walmart’s malpractice premiums might be? Or are you thinking, “Isn’t this what we have been trying to provide to the lower income population all along?” Whatever your reaction, Walmart certainly must believe that there is a profit to be made, and *The Law Store* very well could be a *game changer* to the legal

*continued on page 4*

“There’s that scary word again—*change*—continuing to beg the question that stalks our profession: “To change, or not to change?”

# Remembering Gary Alexander

*Editor's note: Gary Alexander passed away on Friday, February 5, 2016. He is survived by his brother, Alan J. Koricansky, of Mt. Lebanon, and several aunts, uncles, and cousins. Memorial contributions may be made to Holy Martyrs Church, 353 W. Ninth Ave., Tarentum, PA 15084.*

by Jay Kober, Esq.

It ain't no sin to be glad that you are alive. Bruce Springsteen fans will recognize that line from the song "Badlands." Gary Alexander lived that lyric. He lived well, worked hard, and played hard. I knew Gary the person better than Gary the lawyer. He became a friend during that phase of life when the friends of your youth are passing out of your life and the adult friendships have not yet been made.

It was 1985, I think, when I met Gary in the Westmoreland County Courthouse. Judge Marker was very good to young lawyers and appointed us to children's bureau cases giving us work and courtroom experience. Gary and I met on those cases representing parents. Gary had been a fashion model. He had leading-man good looks. I remember thinking this guy should be practicing entertainment law in Beverly Hills or playing in a movie and having somebody else negotiate his contracts. But he was more than a handsome face. He had a dry sense of humor and a playfulness that made it fun to hang out with him.

He was a socialite; he enjoyed the nightlife and invited me to join him on Friday nights. Back in the mid-1980s, we would go to Pittsburgh—Chauncy's, Confetti, the Metropol—these were the hot nightspots back in those days. In Greensburg, he would head out to

a place called Tingles behind the old Greengate Mall. He enjoyed the array of characters that were part of that scene. Gary was popular with women; they were popular with him. He never settled down and married. It was fun playing Robin to his Batman. A quiet night at home was not his way. There was always something to do, somewhere to go.

Gary was athletic—he enjoyed swimming, skiing, golf, basketball. He sponsored a basketball team in the New Kensington area in a competitive league at the Wolf Pack Park. Recently, I dug out a relic from those days, a T-shirt—kind of on the small side now—that says "Alexander's Law Office." I remember when Gary would fit in it, and he looked great in it. On the front is a snarling bulldog with a little cap that has G in the center for Gary. Gary could play. I remember there were some fellows that had had pro tryouts—Chipper Harris, Benji Pryor, people may remember those names from back in that day. Gary could play with those guys. He invited a scrub like me onto the team and he gave me playing time.

Gary was competitive, but not a cutthroat. He was dogged, determined, running for judge in his early 30s and for state rep many times later on. In defeat, he was not bitter. I never saw him show anger after a loss at the ballot box. He started from scratch politically and gave it the best he had.



Gary lived well. He was a successful businessman, but we never talked about business. He had a beautiful home in Lower Burrell with a swimming pool and a basketball court with two hoops. You could play a full court game on it. He even had a pool house. One Sunday, he invited my family up for a swim, and when my son saw his pool house he said, "Dad, that is almost as big as our house." It was like a private country club.

Gary did allow himself one indulgence when it came to his house—he had this huge privacy fence. I used to joke, "Gary, the astronauts said they could see two man-made objects from outer space—the Great Wall of China and your privacy fence." For whatever reason, Gary, who was such a social person, enjoyed that private space, that place he called home.

I feel his presence at the Courthouse. There are days I get on the elevator and I expect to see him. He was proud to be part of this profession, proud of his schooling at Saint Vincent and Dayton, proud of his Catholic faith.

I didn't get to tell him goodbye, but today is goodbye. May God give him love, peace, and eternal life. ■

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@westbar.org](mailto:westbar.org@westbar.org). the sidebar welcomes submissions from members or non-members. Please submit to the Articles Editor, c/o WBA.

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# Laurel Legal's Newest Program

*continued from page 1*

Renee hopes that people will take advantage of the legal clinics and other social service partnership programs in the works being offered in their hometown. "Transportation is a significant problem for low-income families," she says. "They fail to appear for hearings, access public benefits, and obtain follow-up treatment because they have no way to get there. It is our goal to reach out to them and reduce the socioeconomic disparities in legal services and health care."

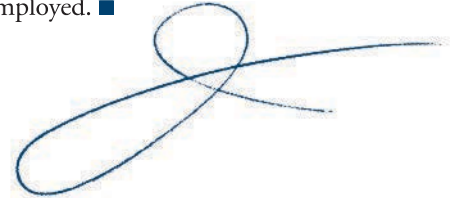
The staff at Citizens Family Health Clinic are equally excited about the partnership. Executive Director Debbie Askin offered the following: "We at Citizens Family Health Clinic are very excited that Laurel Legal has extended their services to our patients. In this area, where the poverty rate is higher than most, it is recognized that a patient's health is often times jeopardized by stress that comes from their poverty situation. We also recognize that until these factors are addressed and taken care of, the patient cannot maintain their health. Given this opportunity by Laurel Legal Services, I feel that we will see a much healthier outcome with our patients as they will be able to concentrate on their health versus other issues." ■

# Attention Walmart Shoppers *continued from page 2*

profession. Time will tell whether or not this is a gimmicky "bust" or whether Walmart becomes what could be the *biggest law firm in the world*.

Getting back to the theme, the question of change continues to encroach us while we historically tend to resist. But we can't simply try to ignore approaching change as the theme could certainly become *change or perish*. Just as the small, locally owned retailers have all but disappeared from our communities, so may the traditional, small "full service" law firms. What a concept—retail legal services at a set, affordable rate. Economics 101.

Or perhaps it goes deeper than simple supply and demand. Maybe, *just maybe*, *The Law Store* has a silver lining. With the increasing number of law school graduates unable to find work, maybe *The Law Store* will be a good thing after all—providing legal representation to people who need it and aren't getting it while affording work for the legally trained unemployed. ■





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# foundation focus

## Former WBA President Leaves Significant Bequest to the WBF

**“As a well-read man, Wayne decided to help the Bar Foundation continue its mission—in the words of Alfred, Lord Tennyson—‘when I have crost the bar.’ We shall be ever grateful for his bequest. — Bruce Tobin, Chair of the WBF**

It’s not exactly money from heaven,” says Westmoreland Bar Foundation Executive Director Diane Krivoniak, “but Attorney Wayne Whitehead’s donation of \$186,000 to the Bar Foundation is money that came at the most opportune time, and money that is greatly needed to operate Pro Bono and other mission-driven programming of the foundation.”

Wayne Whitehead, President of the WBA from 1978–1979, passed away in June 2010 at the age of 78. His wife, Linda, passed away early in 2016. Nicknamed by his law partner, Bob Cassol, as the “Dean of Westmoreland County Property Law” due to the number of real estate closings he handled, Wayne was one of just two or three WBA members who could boast (although boasting was not in his personality) that he also owned a bank. Wayne served as solicitor for Manor Borough for 34 years and practiced with the Greensburg law firm of Whitehead & Whitehead alongside his brother, Howard.

Memorialized in *the sidebar* by former WBA President Jim Whelton, Wayne was described as someone who practiced law with “diligence, integrity, and honesty throughout his fifty-four year career.” Jim counted him as his mentor, claiming, “Wayne encouraged me to immediately become active in the WBA where he had proudly served as president.” From him, Jim said he “learned those intangible attributes that members of the WBA can fortunately take for granted. I learned how to be a professional.”

At the 2011 Memorial Service, Wayne’s partner, Larry Kerr, recounted that Wayne was “very generous with his legal advice” and was “always happy to help out another lawyer in a bind,” recounting a story where Wayne spent an hour on the



Wayne Whitehead

phone helping a Philadelphia lawyer solve a complicated title issue without asking the lawyer’s name and without a thought of billing him.

Jim Whelton’s comments echo Larry Kerr’s, stating, “Simplicity is a word that might aptly describe Wayne. He didn’t need fancy, although he could well have had it. He neither desired nor possessed extravagant things.” Wayne’s extravagance was his giving spirit: he left sizable monetary gifts to the institutions that mattered most to him: his alma mater, his church, his library, and the Bar Association. Each of these institutions benefited from this small-town hero with a bigger-than-life legacy.

Thank you, Attorney Wayne Whitehead. ■

*Editor’s note: The trustees of the WBF intend to dedicate a “Wall of Fame” in the WBA building to pay tribute to bar members who made significant contributions to the foundation. The wall will allow continued recognition to those who make noteworthy efforts in furthering the mission of the bar foundation. Attorney Wayne Whitehead and others will be part of this tribute.*



Don't forget.....  
**PRO BONO ROCKS!!**  
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 at 724-837-5539 to volunteer!!

# More Than Words: Law Day Introduces Students to *Miranda*



Kristen Weidus



Judi Petrush



Alaine Generelli

by Terrilyn Cheatham,  
Pro Bono Assistant Coordinator

**M**iranda? Who is this Miranda we speak of? Well, this year for Law Day, a combination of twenty-five judges, magisterial district judges, attorneys, and law clerks explained just “who Miranda is” and what *Miranda* rights are all about!

The theme for Law Day 2016 was “*Miranda: More Than Words*” and the judges and lawyers of the Westmoreland Bar Association went back to the classroom to provide over 2,500 Westmoreland County students with an explanation of our individual rights as it pertains to the use of the

*Miranda* warnings and how *Miranda* rights work.

The classroom visits ranged from kindergarten through twelfth grade and more than 110 classrooms from 19 different schools received those visits from our volunteers this year!

We offer our sincere thanks to the following volunteers, without whom Law Day would not be possible:

- Maria Spina Altobelli
- Thomas Anderson
- Tim Andrews
- Katherine Bandemer
- Magisterial Judge Jason Buczak
- The Honorable Gary Caruso



Tom Anderson

- Ryan Cribbs
- David DeRose
- Trent Echard
- Richard Galloway
- Alaine Generelli
- Christina Gongaware
- Sherry Magretti Hamilton
- Kelly Tua Hammers
- Jason Huska
- Allen Kukovich
- Amber Leechalk
- Elizabeth McCall
- George C. Miller, Jr.
- Henry Moore
- Judith Petrush
- Joyce Novotny Prettiman
- Michelle Shuker
- Kristen Weidus
- Leslie Uncapher Zellers ■

## LawSpeak

“At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time or die by suicide.”

Abraham Lincoln, “*The Perpetuation of Our Institutions*,” address before the Young Men’s Lyceum of Springfield, Ill., January 27, 1838.

**JULY 2016 TRIAL TERM**

**O**f nine cases listed for the July 2016 Civil Jury Trial Term, five settled and four were continued, with no jury trials being held during the Civil Jury Trial Term. The following jury trial was held during a specially set session in June 2016.

**MICHAEL COLUCCI; REBECCA L. COLUCCI; AND DYLAN COLUCCI, INDIVIDUALLY; AND REBECCA COLUCCI AS ADMINISTRATRIX FOR THE ESTATE OF ZACHARY COLUCCI, DECEASED**

**V.  
TY LYDIC  
NO. 4743 OF 2012**

*Cause of Action: Wrongful Death—  
Survival—Negligent Infliction  
of Emotional Distress*

This action arises from a fatal vehicle accident involving a pedestrian, Zachary Colucci, and a vehicle driven by Defendant, Ty Lydic, which occurred on September 17, 2011, on White School Road in Unity Township, Westmoreland County. On the evening

**JURY TRIAL  
VERDICTS**



BY BETH ORBISON, ESQ.,  
EMILY SHAFFER, ESQ.,  
AND LEEANN PRUSS, ESQ.

in question, Zachary Colucci, 14 years old at the time, was participating with his brother, Dylan Colucci, 17 years old at the time, and three friends in a traditional Halloween game called “corning,” which involves throwing dried corn kernels at homes in an attempt to rouse the residents, and then fleeing to evade capture. On that evening, shortly before 11:00 p.m., Defendant was driving home along White School Road when his vehicle collided with Zachary Colucci, who

was fleeing from a recently “corned” residence across the road. The collision resulted in the death of Zachary Colucci. Accordingly, Zachary’s father, mother, and brother filed the above-captioned lawsuit against Defendant, alleging wrongful death and negligent infliction of emotional distress.

Plaintiffs alleged that the impact and resultant death of Zachary Colucci would not have occurred but for the Defendant speeding. Defendant argued comparative negligence on the part of Zachary Colucci, alleging that the impact would not have occurred but for Zachary Colucci darting in front of Defendant’s vehicle and wearing dark clothing, which negatively impacted his visibility.

*Trial Dates:* June 20–23, 2016

*Plaintiffs’ Counsel:* Michael W. Calder, Rosen Louik & Perry, P.C., Pgh.

*Defendant’s Counsel:* Kenneth Ficerai, Mears, Smith, Houser & Boyle, P.C., Gbg.

*Trial Judge:* The Hon. Chris Scherer

*Result:* Verdict in favor of the Defendant. ■

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# New Member Sketches

**JENNIFER C. BITTEL** has been admitted as an associate member of the WBA. She earned a Bachelor of Science degree in Psychology from the University of Pittsburgh, with a minor in English Literature, *summa cum laude*, and her Juris Doctorate from the University of Miami School of Law in Coral Gables, Fla. Jennifer is an associate with McGrail & Associates in White Oak.

**JENNIFER DEFLITCH** has joined the WBA as a participating member. Jennifer earned her B.A. in Political Science from Bucknell University and her J.D. from Duquesne. A Public Defender for Westmoreland County, she and her husband, Jason, reside in North Huntingdon with their children, Isabella and Ainsley.

**MATTHEW HERRON** was admitted to the WBA as a participating member. He earned a bachelor degree in Psychology from Washington & Jefferson College, and earned his J.D. from the University of Pittsburgh. Matthew is the Managing Attorney for The Debt Doctors at QuatriniRafferty in Pittsburgh. He and his wife, Katherine Underwood, live in Pittsburgh with their children, Eliot and Eion.

**CHRISTOPHER MARSILI**, son of The Honorable Anthony Marsili, has been admitted as a participating member of the WBA. He earned a bachelor degree in

History from Washington & Jefferson College, and his J.D. from Duquesne University. Chris is a Public Defender for Westmoreland County.

**PATRICIA L. MCGRAIL** has joined the WBA as an associate member. She received a B.A. in Economics and Urban Studies from Marietta College, and her Juris Doctorate from the University of Pittsburgh School of Law. President and Managing Attorney of McGrail & Associates in White Oak, Patricia and her husband, John, have three children, Brendan, Connor, and Colin.

**JEFFREY D. RIES** was admitted to the WBA as an associate member. He earned a Bachelor of Science in Business Administration, *cum laude*, from the University of Pittsburgh. He remained at the University of Pittsburgh and received his Juris Doctorate. Jeffrey is an associate with McGrail & Associates in White Oak.

**KRISTY RIZZO** has been admitted as a participating member of the WBA. She earned a bachelor degree in Political Science from the University of Pittsburgh, and her J.D. from Penn State's Dickinson Law. An associate with Mears, Smith, Houser & Boyle in Greensburg, Kristy and her husband, Ryan, live in Greensburg with their children, Carter and Grady.

**APRIL SCHACHTNER** has joined the WBA as a participating member. April earned a bachelor degree in Anthropology from Saint Vincent College and her J.D. from Duquesne University. A judicial law clerk for The Hon. Scott O. Mears, Jr., she and her husband, David, live in Dunlevy.

**CHRISTOPHER SKOVIRA** was admitted to the WBA as a participating member. He earned a degree in Business Administration from Washington & Jefferson College, and earned his J.D. from Duquesne University. Christopher is an associate with Avolio Law Group in Greensburg.

**DONALD P. TAROSKY, SR.**, has rejoined the WBA as a participating member. He earned a degree in Engineering from Penn State, and his J.D. from Duquesne University. Don is a partner and head legal counsel of Colony Holding Company in North Huntingdon. He and his wife, Rosemary, have three sons, Patrick, Matthew, and Donald, Jr.

**ASHLEY S. WAGNER** has joined the WBA as an associate member. Ashley earned her B.A. in Political Science, *cum laude*, with a minor in professional writing from Elizabethtown College, and her J.D. from Duquesne University. An associate with McGrail & Associates in White Oak, she and her husband, Matthew, live in Pittsburgh.

**RENEE WILLIAMS** was admitted to the WBA as a participating member. She earned a B.A. in Theatre Arts from Point Park University, and earned her J.D. from the University of Pittsburgh. Renee is the Executive Director of Laurel Legal Services in Greensburg. ■

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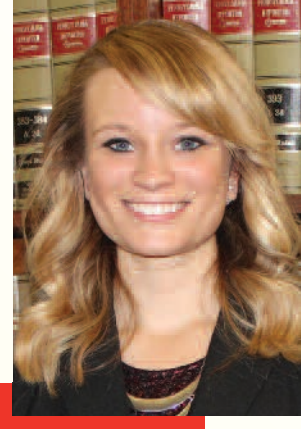
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# Spotlight on Emily Shaffer

*Editor's note: Emily Shaffer is the newest member of the sidebar's Editorial Board, and is The Hon. Anthony G. Marsili's law clerk.*



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

**A** I had a lot of odd jobs prior to law school and the bar exam. My favorite job was working as a bridal consultant at MB Bride while I was in college. I also worked at Orange Julius pretty much the whole way through high school, and I can still make a pretty decent smoothie.

tough life situations, so I think one of the most important qualities an attorney can have is compassion.

**Q WHERE DO YOU LIKE TO TRAVEL?**

**A** I take a trip with my best friend every year to a different U.S. city. So far, Nashville is my favorite, with Denver coming in a close second.

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

**A** My mom and my sister are my real-life heroes because they work so hard and jump into everything head first. They work tirelessly at their day jobs and they come home and do everything else—from yard work to cleaning to making the best food I've ever tasted—and they do it all with a smile. They are always the first to show up when someone asks for help, and I benefit greatly from always being able to depend on them.

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

**A** Find a good mentor and don't let your writing or researching skills get rusty.

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

**A** I used to work for Dr. Sharon Smith, President at the University of Pittsburgh at Greensburg. When I was getting ready to take the LSAT,

*continued on page 10*




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

**A** As attorneys, have the opportunity help people through

G

## GEORGE AND JOSEPH

ATTORNEYS AT LAW



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**Daniel Joseph**

# Spotlight on Emily Shaffer *continued from page 9*

I remember her trying to help me calm my nerves. Dr. Smith told me to look at myself in the mirror and say, out loud, “You have succeeded before and you will succeed in this.” It’s something that I still do when I get nervous and it actually really helps.

## Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A My greatest recent achievement has been finishing my first half marathon this year. Running 13.1 miles (all at once!) was something I never thought I’d be able to do!

## Q WHEN AND WHERE WERE YOU HAPPIEST?

A My grandparents have had a house on Indian Lake for as long as I can remember. When I think about my happiest memories, most of them have taken place with my family and friends at the lake.

## Q WHAT IS YOUR MOST TREASURED POSSESSION?

A I have a lot of old jewelry, pins, etc., with the letter “E” on them that were given to me by my great-grandmother. I was named after her, and she was always so proud of that.

When she died she was my last-living great-grandparent and one of the first people to pass away that I was really close to. I used to just throw those old pieces of jewelry in a box, but now I wear them proudly as pieces that I will always treasure.

## Q WHAT IS IT THAT YOU MOST DISLIKE?

A Jell-O.

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

A Interior design. I bought my first house in January and am suddenly extremely jealous of people who have a knack for creating that chic, homey atmosphere, as that is my latest struggle.

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

A Honesty. My friends will always tell me the things I need to hear, whether I like it or not. I like to surround myself with people who aren’t afraid to tell me how it is, and who don’t get offended when I’m honest with them.

## Q WHAT PROFESSION, OTHER THAN YOUR OWN, WOULD YOU MOST LIKE TO ATTEMPT?

A Photography. I’ve taken a few classes recently at the community college to learn more about digital photography and Photoshop and I spend a lot of my spare time trying to get better at using my camera.

## Q DO YOU HAVE ANY PETS?

A I adopted a Blue Heeler named Callie last December. She has become my shadow around the house, but we also love spending time at the lake and the dog park.

## Q WHAT IS YOUR MOTTO?

A “Just keep swimming.” ■

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# To-Wit: How Special

by S. Sponte, Esq.

If there's anything I've learned in my many years of practice it is that when it comes to keeping up with societal changes, the law moves with the speed and facility of a glacier towed with dental floss. The protracted application of the law's equal protection to African-Americans, women, and gays readily jumps to mind as does its as-yet refusal to do the same for the clinically silly.

Thus it is with more than a modicum of pleasure and approval that I note the emergence of the so-called specialized courts to deal with certain particularly complex and intransigent societal issues for which employment of traditional legal solutions have proved largely ineffectual. In my own little backwater county, for instance, there is now a nascent interest in the implementation of both a drug court and a veterans court to provide non-traditional resolutions for these highly complicated problems.

As much as I applaud the progressive attitudes embodied in such endeavors, I don't think the movement has gone nearly far enough. There are so many other alternative and vicissitudinous manners of living worthy of the law's compassion that I think we have just scratched the surface.

I have identified two other examples of divergent living which would undoubtedly benefit from the creation of their own specialized courts, and I present them here forthwith in the hope that someday all creatures, great and small, may enjoy the full and free-flowing majesty of the law.

**FURRY COURT**—Oh those furries, huh? Who can account for a human's desire to dress and act exactly as a cat or dog or, as in one case of which I have knowledge, a humpback whale? When such folks have been leash-led into court for humping a stranger's leg on a downtown street or for spewing

hairballs onto unsuspecting fellow movie-going patrons, what is a judge to do? Sending, for instance, pseudo-felines to jail fails to appropriately honor a lawful lifestyle choice, would surely incur the wrath of the ASPCA, and would impose upon an already overburdened penal system the expense and bother of purchasing cat litter in bulk. Instead, Furry Court might impose a thirty-day yard arrest, taking the miscreant off the street for a term and further assuring that the appurtenant residence might for a while be free of certain kinds of vermin.

**FAT COURT**—The avoiddupois-challenged also present the courts with a weighty problem. Consider the recent case of the guy-and-a-half trucked into court for throwing a fit because he missed the two o'clock Chinese luncheon buffet cutoff time when he got winded in the parking lot. Putting a guy like that in jail makes no sense; no cell could hold him. A referral to appropriate organizations for

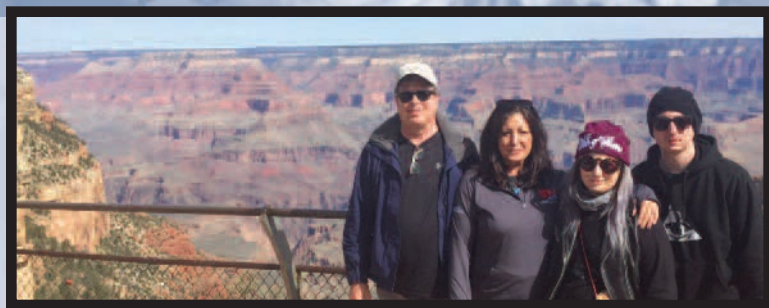
weight and temper management seems to be just the ticket, but if that fails, a dietary injunction of two thousand calories a day coupled with the use of a monitoring gullet collar could always be imposed. Unfortunately, recidivism waddles rampant in such matters, but one can always hope.

Those are just two examples for which a specialized court may prove useful but there are many others. Drunk Court, Hussy Court, Stupid Court, and Obnoxious-As-Hell Court loom as possibilities. As always when society lumbers towards compassion, progress will be slow and laborious. I will be long-retired before such things come to pass, and it's just as well. I'd hate to still be around when Smart-Ass Court convenes.

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## where in the world IS THE WBA MEMBER?



WBA President-Elect Tim Andrews celebrated his most recent birthday by checking Grand Canyon National Park off his bucket list. He and his wife, CJ, daughter, Haley, and Haley's boyfriend, Aaron, visited the South Rim this past March. Although first afforded Federal protection in 1893 as a Forest Reserve and later as a National Monument, Grand Canyon did not achieve National Park status until 1919.

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Westmoreland Revisited

# A Republic Divided

The America First Committee on the Brink of World War II

by The Hon. Daniel J. Ackerman

It was a cold and dreary afternoon, even for the first week of December, as Ed Hahn ascended the sloping walkway which led to the steps and front entrance of the Soldiers and Sailors Memorial Hall in Oakland, a stone's throw from his alma mater,



The Hon. Daniel J. Ackerman

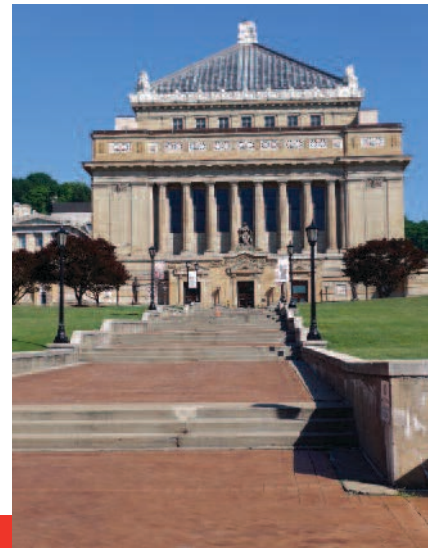
the University of Pittsburgh. Not much was going on this Sunday. There were a few professional football games being played, but they wouldn't be broadcast in Pittsburgh, and they didn't involve the Steelers who had already finished

the 1941 season with a dismal record of 1-9-1. No one cared much about the Steelers anyway, for in this town football belonged to the Pitt Panthers, who had a history of actually filling their 69,400-seat stadium, something the Steelers could never hope to do.

**“No newspaper was too small, no hamlet too remote, no group of citizens too insensitive to be untouched.”**  
— Time, May 13, 1940

The 23-year-old Hahn was en route to satisfy his curiosity by attending a rally entitled “Christianity and Intervention,” sponsored by the America First Committee (AFC). While he was curious, he certainly wasn't ignorant. He knew what the AFC stood for, as well as conditions in the world leading up to this day.

Two months earlier, the committee and its supporters had gathered at the Carnegie Music Hall at the conclusion of a torchlight motorcade which began on Flagstaff Hill in Schenley Park, wound through downtown, and back to Oakland. The event had generated significant coverage in the press



Soldiers and Sailors Memorial Hall in Oakland, the site of an America First Committee rally in December 1941.

because in approving the rental of the music hall, the president of the Carnegie Institute included a stipulation that Charles A. Lindbergh should not appear on the program. (The famous aviator had become a polarizing figure whose AFC rallies drew both large supportive crowds, as well as protesters—a combination which, in other cities, had resulted in street fights—and anti-Semitic accusations in a September speech were now particularly haunting him). Further, the Reverend Charles Voss, of the Smithfield Congregational Church, had charged that a recent America First meeting in Brentwood had involved “fierce anti-Jewish tirades.”

## THE AMERICA FIRST COMMITTEE

The America First Committee, which started in 1940 as a student movement at Yale University, was an isolationist organization protesting what seemed the likely American

*continued on page 14*

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# A Republic Divided *continued from page 13*

involvement in yet another European war, whose objections included any aid to Great Britain which had been at war with Germany for a year.

To assume, as some did, that its members were all wild-eyed unpatriotic bigots would be wrong. The United States was not yet at war and most AFC members and supporters were patriotic Americans who believed that entering the fight would not be in our national interest.

While some of its early strength came from left-wing leaders, such as Norman Thomas,<sup>1</sup> its members, donors, and supporters included office holders, right-wing publishers, heads of major corporations, World War I veterans such as flying ace Eddie Rickenbacker, Medal of Honor winner Sergeant Alvin York, and Theodore Roosevelt III (commonly known as Theodore Roosevelt Jr.), as well as university students who would be leaders of the next generation: future President Gerald Ford, future Supreme Court Justice Potter Stewart, future Peace Corps director Sargent Shriver, and future President John F. Kennedy, who contributed \$100 to the AFC, along with a note of encouragement stating, “What you all are doing is vital.”

In the fifteen months from its founding on September 4, 1940, the America First Committee grew to 800,000 paid

members in 450 chapters across the country. But, like any movement that gathers steam so rapidly, its growth was bound to attract some adherents who had a dark side.

The dark side was often displayed in statements of Lindbergh, the committee’s principal spokesman. The darling of the 1920s by reason of his transatlantic flight, Lindbergh, at one time, was the most popular man in America, if not the world. His opinions and utterances, which often contained remarks both pro-German and racist, appealed to a segment of the population who put their faith in oppression and deceit, such as followers of Father Charles Coughlin, the “radio priest,” whose weekly broadcasts were laced with intolerant, divisive screeds, and were heard by thirty to forty million people—one-third of the country’s population. As his audience increased, so did the toxicity of his broadcasts, such as assigning the cause of the Great Depression to the “international conspiracy of Jewish bankers.”

Prior to the elections of 1936, Coughlin endorsed a third-party right-wing candidate for the presidency, telling listeners, “America was seeing its last Presidential election.” Adding, “We are at the crossroads. One road leads to Communism, the other to fascism.” For himself, he announced, “I take the road to fascism.” Calling for “restoring America to the Americans,” and preaching anti-Semitism, he earned the praise of the semiofficial newspaper of the U.S. National Socialist Party for having “the courage to speak his convictions.”

## FIGHTING THE DARK SIDE

The nemesis of the America First Committee was Franklin Roosevelt, who, since the outbreak of the war in Europe, pursued what he privately called a policy of “aggressive non-belligerence” by trying to do whatever he possibly could to aid and encourage the Allies, particularly Great Britain, without running afoul of the neutrality laws, including the implementation of America’s first peacetime draft. Congressional hearings on the draft precipitated a march on Washington by such diverse groups as the Young Communist League, the German-American Bund, the “Mother’s Movement,” and thousands of unaffiliated citizens; while on the floor of the House, tensions ran so high that fisticuffs broke out between representatives.

In a 1940 speech at the University of Virginia, the president insisted that Americans would not allow their nation “to become a lone island, a lone island in a world dominated by the philosophy of force.” Yet, at the time, the American public was adamantly opposed to sending U.S. troops. Only seven percent favored entering the war, which one-third of Americans believed Germany would win; and two-thirds said the nation should avoid taking sides and do nothing.

<sup>1</sup> Six-time presidential candidate for the Socialist Party of America.

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With such numbers, and the 1940 election coming up, where Roosevelt was seeking an unprecedented third term, the president was in a quandary.

The Republican Party ran an attack ad on the radio directed at the nation's mothers: "When your boy is dying on some battlefield in Europe," the announcer intoned, "and he is crying out 'Mother! Mother!'"—don't blame Franklin D. Roosevelt because he sent your boy to war—blame YOURSELF, because you sent Franklin D. Roosevelt back to the White House!"

The president responded: "I have said this before but I shall say it again and again and again: Your boys are not going to be sent into any foreign wars ..." That statement shut the door on any direct action against Hitler, short of an attack on America.

When the tally of the ballots came in on election night, a disappointed Charles Lindbergh blamed the electoral system for Roosevelt's victory, and suggested to his friends that it was in need of being reformed. "One of the first steps," he said, "must be to disenfranchise the Negro."

Responding to one of Lindbergh's radio speeches, FDR wrote Henry Stimson (soon to be named his secretary of war), "When I read Lindbergh's speech I felt that it could not have been better put if it had been written by Goebbels [the Nazi propaganda minister] himself."

**THE RESULTS OF THE ELECTION**

Roosevelt won the election, but not by the margins which had carried him before, and the issue of intervention refused to go away. The enabling legislation which created the draft was encumbered by an amendment which precluded the deployment of

conscripts outside the U.S.; and the neutrality laws remained in place.

The war had left Britain nearly insolvent, and U.S. law prohibited sales to belligerent nations if they did not pay in cash. The president then came up with a plan to simply loan weapons to Britain, conditioned only upon the return of the weapons when they were no longer needed. The Lend-Lease program provided some relief to the drowning British, but, by and large, the isolationists and the president's own campaign promise had effectively

thwarted the hopes of the administration for stronger action. As author Marc Wortman notes: "The world would pay a terrible price for the rhetoric of American election politics."

The tug of war for American public opinion wasn't just a domestic exercise. British intelligence was doing its utmost to help make the case for aid with the American public and, by hook or crook, to undermine isolationist sentiment. British Security Coordination (BSC)

*continued on page 16*

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WBA Memorial Service transcripts from 1960-2016 are online at [westbar.org/memorial\\_service](http://westbar.org/memorial_service).

You must be logged in to access that page.

# A Republic Divided *continued from page 15*

ran a spy network in the U.S. (known only to FDR), directed by William S. Stephenson, with the goal of exposing or eliminating German undercover agents, as well as investigating and reporting isolationist activity. (One of Stephenson's subordinates, Ian Fleming, would later base his fictional character, James Bond, on Stephenson).

On the other side, Germany and Italy entered into the Tripartite Pact with Japan, sending the message that if America wasn't careful it might find itself involved in a two-ocean war, hoping that such a prospect might dampen the ardor of the interventionists. The Axis powers, however, were not naive, they recognized Lend-Lease for what it was—a step by America toward war. The day Lend-Lease became law, the official Nazi newspaper in Berlin wrote: “We now know what and against whom we are fighting, and the final struggle has begun.”

Still, half of America remained isolationists, and the debate between them and the interventionists became more contentious and vitriolic. In August 1941, the Selective Service Act was extended by a vote of 203-202 in the House of Representatives, and Democratic Senator Burton K.

Wheeler announced he would investigate “interventionists” in the motion picture industry.

Time was running out for Britain. It was questionable how long it could hold out under German bombing without American intervention, yet the president held back. Columnist Joseph Alsop wrote: “[Roosevelt] hopes to drive the Germans into shooting first ... No one can doubt the German high command will do everything possible to avoid shooting first.”<sup>2</sup>

On Saturday, December 6, the New York Times was working up an article for its Sunday paper pointing out Tokyo's relaxation of its previous warlike pronouncements. Earlier, in Honolulu, the FBI placed a wiretap on the telephone lines to the Japanese consulate after a local broadcast company, citing privacy, denied its request to read the consulate's radio

<sup>2</sup> There was a shooting incident between the U.S.S. *Greer* and a U-boat on September 4, 1941, after which FDR directed the Navy to shoot-on-sight Axis warships which entered what the U.S. deemed “neutral waters.” Forty-three days later, on October 17, a German submarine torpedoed the U.S.S. *Kearny*, killing 11 American sailors; and on October 31, a U-boat sank the U.S. destroyer *Ruben James*, with the loss of its entire crew of 115. Still, war was not declared.

transmissions. It learned that the consulate had ordered its employees to burn their code books and other sensitive material.

## THE BEGINNING OF THE END FOR AMERICA FIRST

It took awhile for the large crowd to inch its way through front doors of the Soldiers and Sailors Memorial Hall. By the time Ed Hahn reached the cavernous 2,300-seat auditorium, all the seats on the ground floor were taken and he had to find his way to the balcony. From there, he had a good view of the large stage decked with red, white, and blue bunting and a sign stating bluntly, “No War.”

At 3 p.m., the program began with hymns sung by the Bellevue Methodist Church Choir, followed by a lineup of local speakers, which led to the main address by Senator Gerald P. Nye of North Dakota. The litany was familiar: attacks on Roosevelt as a warmonger and pledges not to send our boys to war, interrupted by applause or cheers.

About a quarter of an hour before the program started, a reporter told the speakers backstage that there had been a Japanese attack. The committee concluded that the “news” was simply a rumor, or a hoax, one of the many “dirty tricks” they accused the interventionists of playing, and the speakers proceeded as planned.

But all did not go according to plan. In the audience sat a white-haired gentleman, who, like all men present, was dressed in a suit and tie; a colonel in the U.S. Army Reserves. When he had heard enough, Colonel Enrique Urrutia rose to his feet and shouted out to the speaker: “I wonder if the audience knows that Japan has attacked us and that Manila and Pearl Harbor have been bombed ...” Calls of “throw him out” interrupted him as ripples of surprise, disbelief, and anger floated through the audience. For the colonel's protection, police officers escorted him out of the hall.

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Senator Nye continued his speech, but from time to time aides passed notes to him which he seemed to ignore, until finally one reached him that brought him to a halt. "I have before me," he said, "the worst news that I have encountered in the last 20 years." A penetrating silence fell over the hall. "I don't know how to report it to you, but I will report it just as the newspaper man reported it to me." Upon reading the message which had been given to him, he added, "I can't somehow believe this ... but I suppose I must."

With those words, the America First rally came to an end.

The AFC had been against the war, but it was not a pacifist organization. Before the day was over, the Chicago AFC headquarters announced that the committee had disbanded, and called on its former members to support "all out hostility ... until the conflict with Japan is brought to a successful conclusion." The Empire of Japan succeeded in both crippling the U.S. Pacific fleet, and removing the barrier

*Built in 1910, the 2,300-seat auditorium at Soldiers and Sailors Memorial Hall in Oakland features the Gettysburg Address on the wall behind the stage (below).*



of anxiety and hostility which had separated the American people for over two years.

Tens of thousands of former AFC supporters answered the call to military service. Charles Lindbergh, who had resigned in protest from the Army Air Force Reserves tried to get back in, but the president, who was in no mood to forgive and forget, saw to it that his military commission would not be reinstated.

On the other hand, one of the most prominent and vocal members of the AFC, Theodore Roosevelt, Jr., son of the former president, and an antagonist of FDR, his distant cousin, was an army reservist, who, several days after Pearl Harbor, was promoted to the rank of brigadier general. At age 56, he was the only general to arrive by sea in the first wave of troops on D-Day. For his efforts in rousing his men and personally leading them into a charge on German machine gun emplacements on Omaha

Beach, he received the Medal of Honor. Thirty-six days after D-Day, he died from a heart attack.

Ed Hahn would be in an army uniform in France in 1944. After the war, he ran an office supply store in Oakland, obtained a master's degree in American history from Pitt, followed by a degree in archival studies from Duquesne. Completing a circle, he would return to the Soldiers and Sailors Memorial Hall, where he witnessed the last America First rally, to become its archivist, a position he also held with the Westmoreland County Historical Society. ■

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# BRIEFLY SPEAKING



**Michael D. Ferguson**, Senior Partner at Ferguson Law Associates in Latrobe, has been elected to the Board of Governors of the Western Pennsylvania Trial Lawyers Association. Mike is the only

attorney from Westmoreland County serving on the WPTLA Board of Governors. The WPTLA was organized to promote, improve, and advance the common interest of all members in the causes of trial advocacy, trial by jury, and in encouraging fellowship and understanding between the members of the bar and the judiciary. WPTLA strives to be a voice for injured victims and to uphold and defend their rights under the American legal system, including trial by jury. ■



**Richard N. Lettieri** (second from left), E-Discovery Counsel at the Lettieri Law Firm, LLC, in Pittsburgh, was the recipient of a special award conferred by the U.S. Court, Western District of PA, at a reception in his honor on June 14, 2016, at the Harvard-Yale-Princeton Club in Pittsburgh. The event was sponsored by the Federal Bar Association (FBA). The award was presented by Chief Judge Joy Flowers Conti of the U.S. Court (second from right), who praised Rick for helping to make the U.S. Court, Western District of PA, a national leader in e-discovery through his efforts over the past decade, which include creating and executing the "E-Discovery Series," a quarterly educational session sponsored by the FBA that has been attended by over 1,300 attorneys in Western Pa. over the last nine years; five articles on e-discovery co-authored with federal judges that appeared in national legal periodicals; and his efforts as co-chair of the Court's E-Discovery Special Master Committee that created the first e-discovery special master program in the nation.

Also shown are Greg Monaco, FBA Officer (left), and Judge Nora Barry Fischer (right). ■

## Actions of the Board

### JANUARY 21, 2016

- Accepted 2016 budget as presented. Voted to accept RFP from Deluzio and Company for compilation of 2015 WBA finances.
- Accepted Membership Committee report as submitted: Ryan Dansak, participating.
- Approved February 2 CLE offered through partnership with CASA for a discounted rate of \$15/credit for court-appointed attorneys only.
- Voted to partner with Fayette County Bar Association and Penn State University to participate in Veterans CLE program on April 29, with sponsorship up to \$500.
- Ratified president's approval of a partnership with the Community Foundation and UPG on Friday, February 12, at the University of Pittsburgh at Greensburg for the Philadelphia Mural Arts program.
- Learned that Westmoreland will have one additional three-year term and a YL seat on the PBA House of Delegates; Ms. Soohy will fill the 3-year term.
- Voted to update pictorial directory including new members by working with Photographer Jim Andrews for new photos of all interested bar members for a cost of \$1,650.

### FEBRUARY 18, 2016

- Accepted the Membership Committee report as submitted: Christopher Skovira, participating.
- A one-year Presidential appointment to the PBA House of Delegates is available and WBA board member Pat Noonan has agreed to serve.
- Agreed that President Soohy is to appoint a young lawyer to fill the PBA YL Zone 6 representative position.
- Learned that the Pro Bono office has successfully been switched to the Lawyers Lounge. Approved \$600 expenditure for relocating keypad to entrance of new Lawyers Lounge.

- Voted to accept Planning Committee recommendation to explore establishment of a Westmoreland Bar Institute, an online CLE program.
- Voted to advertise any PBA House of Delegates opening to the entire membership beginning April 2016.
- Voted to require WBA representatives from the PBA House of Delegates to send business/action items of House of Delegates to membership no less than once a year via written report.
- Agreed to advertise speakers who come to monthly committee meetings to entire WBA membership to encourage attendance.
- Agreed to send out committee list similar to what has been done in previous years, to allow registration of more than three committees, and to allow email returns of forms.
- Agreed to award "Committee of the Year" to the Young Lawyers.

### MARCH 24, 2016

- Accepted Membership Committee report as submitted: April Schachtner, Matthew Herron, and Donald Tarosky, participating.
- Voted to accept Planning Committee recommendation to form a Tech Task Force to address technology issues that face members of the bar including social media and new rules of professional conduct.
- Agreed to invite Planning Committee chair to present Planning Retreat recommendations to the board at a board meeting each year.
- Learned that President Soohy selected Zach Kansler to fill the Zone 6 YL House of Delegates position.
- Voted to continue the tradition of providing a portrait of deceased President Judges to be hung in the courthouse, and to use a local artist.
- Authorized hanging a plaque in the WBA kitchen recognizing Mr. Peluso for his service as the President of the Duquesne University Law School Alumni, at his expense.
- Agreed to present the Outstanding YL award to Kristen Weidus.
- Agreed to hold a one-day local board retreat with preference at Mr. Noble's house on Friday, May 20.

wba

**MAY 20, 2016**

- Accepted Membership Committee report: Renee Williams and Christopher Marsili, participating; Ashley Wagner, Patricia McGrail, Jeffrey Ries, and Jennifer Bittel, associate.
- Approved reconfiguring westbar.org website to be responsive as a mobile site.
- Voted to revamp LRS website and present a prototype to the board along with pricing for an overhaul of the LRS.
- Agreed to make the attorney listing on our website more prominent.
- Approved the development of an online CLE, similarly titled Westmoreland Bar Institute.
- Approved the development of a YouTube “how to” series for young lawyers including topics such as how to take a deposition, how to draft a deed.
- Agreed to discuss a possible increase in arbitration fees with the board of judges.

**JUNE 16, 2016**

- Accepted Membership Committee report as submitted: Jennifer DeFlicht, participating.
- Approved 990 as prepared by the accountant.
- Agreed to ask Mike Stewart II to assume the leadership of the Nominating Committee.
- Agreed to invite the PBA to hold a CLE on Casemaker along with a demonstration on other benefits of PBA membership, e.g., insurance, coupons, listservs.
- Agreed to research the possibility of launching a formalized WBA Mentor program at the recommendation of the Young Lawyers.
- Approved partnership with the Thomas More Society on two CLEs that deal with an update on Adoption and Advanced Healthcare Directives, specifically the Catholic living will.
- Agreed to advertise the opportunity to serve on the PBA judicial evaluation commission. ■

## Keeping Up With The Young Lawyers

Today's young professionals are the movers and shakers of the workforce, and the Young Lawyers of the Westmoreland Bar Association are no exception. Here are a few things that are keeping our Young Lawyers busy.

- In January, **Tyler Jones** became a partner with Mary Ann Petrillo in Irwin, renaming the firm “Petrillo Jones, LLC.” In June, he was one of twelve people to receive the Boy Scouts of America Westmoreland County Trailblazers Award to recognize professionals under 40 in Westmoreland and Fayette County.
- **Richard J. Lorenz** joined DeBernardo, Antoniono, McCabe, & Davis, P.C., in Greensburg, as an associate attorney, and became a Trustee of the Westmoreland Bar Foundation.
- **George Miller** and **Andrew Skala** recently combined practices to form Skala | Miller, PLLC, a general practice, with emphasis on family law, criminal law, property and estates litigation, and civil rights litigation. As part of that transition, George left his position as The Hon. Harry F. Smail, Jr.'s law clerk on August 5. In addition to his new practice, George recently entered his second year teaching Trial Advocacy to prelaw students at Saint Vincent College, alongside the esteemed Bruce Antkowiak. He also will be giving a public lecture, as part of the Finance Department lecture series at SVC, on September 22, 2016, tentatively titled “Why Everyone Should have a Prenuptial Agreement as a Financial Planning Device.” ■

### it's a boy!



Congratulations to **Richard Lorenz** and his wife, Maree, who welcomed their son, **Richard Joseph Lorenz**, on August 10, 2016. Rick is an associate with DeBernardo, Antoniono, McCabe & Davis, P.C., in Greensburg.

### it's a girl!



Congratulations to **Abby De Blassio** (left) who welcomed a daughter, **Emmitt Jordan** (center), to her family on August 17, 2016. At right is Bronx County, N.Y., Family Court Judge **Sarah Cooper**, who presided over the adoption hearing. Abby is a sole practitioner in Greensburg.

## got news?

Do you have news to share with the sidebar? Making Partner? Engagement? Marriage? Birth? Moving? Retiring? Anniversary? Milestones? Awards? Community Involvement? Accomplishments? Email [westbar.org@westbar.org](mailto:westbar.org@westbar.org) and we'll publish your news in the next available issue.



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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**.

### SEPTEMBER

**20** Membership Committee, 8 a.m.

[CLE] Using Collaborative and Mediation Skills To Achieve Successful Outcomes in Family Law Cases, Noon to 1:15 p.m., 1 substantive credit available

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

### OCTOBER

**6** [CLE] E-Discovery Ethics: Emerging Standards of Technological Competence, Noon to 1:15 p.m., 1 ethics credit available

**7** 49th Annual Red Mass, The Bishop William G. Connare Center, Greensburg, Noon

**10** Courthouse closed in observance of Columbus Day

**18** Membership Committee, 8 a.m.  
Family Law Committee, Noon

**19** [CLE] New Lawyers Bootcamp 2016: Mock Arbitration, Noon to 1:15 p.m., 1 substantive credit available  
Ned J. Nakles American Inn of Court, 5 p.m.

**20** Board Meeting, 4 p.m.

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# E-Discovery Ethics: Emerging Standards of Technological Competence

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board of Continuing Legal Education

This hour-long, luncheon session addresses e-discovery ethics and the standards of technological competence that have begun to emerge. Starting with a brief presentation outlining the ABA Model Rule 1.1 and all the areas of legal ethics impacted by technology, the presentation then focuses on the e-discovery element, by reviewing the 9 e-discovery skills recently articulated by the California Standing Committee on Professional Responsibility and Conduct to define e-discovery competence. A practical discussion of each skill follows, with specific references to e-discovery local rules and practices in U.S. Court, Western District of PA. Throughout the focus is on e-discovery skills required for ethical competence and how these skills can be developed and/or acquired.



## Speakers:

**Chief Judge Joy Flowers Conti**

•U.S. Court, Western District of PA (SKYPE)

**Richard N. Lettieri, Esquire**

•E-Discovery Counsel, Lettieri Law Firm, LLC

One (1) Ethics Credit is available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must “LOG IN” to register. OR submit the form below.

**October 6, 2016**

## E-Discovery Ethics: Emerging Standards of Technological Competence

Name: \_\_\_\_\_

Attorney I.D. # \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

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### Pre-Registration Fees

#### CLE Credit:

- WBA Members - \$30 per credit hour  
 Non-Members - \$50 per credit hour

#### Non-Credit:

- \$10 Flat Rate  
 Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm October 5, 2016.**

**Thursday,  
October 6, 2016  
12:00 pm - 1:15 pm  
WBA Headquarters**

### Seminar Fees:

#### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 5, 2016)

#### CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

#### Non-Credit

\$10 Flat Rate

#### WALK- IN:

#### CLE Credit

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

#### Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

[Westmoreland Bar Association](http://www.westbar.org)

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

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

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at

724-834-6730, or

by email at [westbar.org@westbar.org](mailto:westbar.org@westbar.org).

# New Lawyers Bootcamp 2016 Mock Arbitration

— LIVE — 1 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

In today's economy and the legal system, you are more likely to try a case in the arbitration system than a trial by jury. **Being successful in the arbitration system is paramount to having a successful practice.** Learn from experienced attorneys who also have served as arbitrators to explain the arbitration, where to go, how to prepare, and what to expect. As part of this CLE, there will be a mock trial hearing to see these principles in practice. There will also be a question and answer time at the end. Don't miss it!

## Speakers:

**\*John Noble, Esquire**

*Noblemediation, LLC*

**\*Michael D. Ferguson, Esquire**

*Ferguson Law Associates*

**\*Dwayne Ross, Esquire**

*Reeves and Ross*

One (1) Substantive Credit is available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register.

OR submit the form below.

**October 19, 2016**

**Mock Arbitration**

Name: \_\_\_\_\_

Attorney I.D. # \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

### Pre-Registration Fees

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- Non-Members - \$50 per credit hour
- Young Lawyers - \$15 per credit hour

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#### Non-Credit:

\$0

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm October 18, 2016.**

**Wednesday,  
October 19, 2016  
12:00 pm - 1:15 pm  
WBA Headquarters**

### Seminar Fees:

#### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm October 18, 2016)

#### CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Young Lawyers - \$15 per credit hr.

#### Non-Credit

No Charge

#### WALK- IN:

#### CLE Credit

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

Young Lawyers - \$15 per credit hr.

#### Non-Credit

No Charge

Lunch will be provided.

[Westmoreland Bar Association](http://www.westbar.org)

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724-834-6730

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by email at [westbar.org@westbar.org](mailto:westbar.org@westbar.org).

# Guardianship Basics

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

## Topics of Discussion:

- How To File A Petition.
- How To Serve & Why.
- Laurel Legal Services, Inc. Role For Alleged Incapacitated Persons Over 60.
- What To Ask At The Hearing.
- Necessity Of Expert Testimony For Guardianship.

## TRENDING:

With more and more Baby Boomers hitting their “golden years” be prepared for guardianship issues to protect those who can no longer protect themselves.

## Speakers:

- **Kathleen Kemp, Esquire**  
Managing Attorney, for Laurel Legal Services, Inc.
- **Todd Turin, Esquire**

One (1) Substantive Credits are available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must “LOG IN” to register.

OR submit the form below.

**November 17, 2016**  
**Guardianship Basics**

Name: \_\_\_\_\_

Attorney I.D. # \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

### Pre-Registration Fees

#### CLE Credit:

- WBA Members - \$30 per credit hour
- Non-Members - \$50 per credit hour
- Young Lawyers - \$15 per credit hour

Enclosed is my check made payable to the Westmoreland Bar Association.

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Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Credit Card Billing Address \_\_\_\_\_

#### Non-Credit:

- No Charge
- Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm November 16, 2016.**

**Thursday,**  
**November 17, 2016**  
**12:00 pm - 1:15 pm**  
**WBA Headquarters**

### Seminar Fees:

#### PRE-REGISTRATION:

##### CLE Credit

WBA Members - \$30 per credit hr.  
Non-Members - \$50 per credit hr.  
Young Lawyers - \$15 per credit hr.

##### Non-Credit

No Charge

#### WALK- IN:

##### CLE Credit

WBA Members - \$40 per credit hr.  
Non-Members - \$50 per credit hr.  
Young Lawyers - \$15 per credit hr.

##### Non-Credit

No Charge

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# Special Price For WBA Members!

Strassburger McKenna Gutnick & Gefsky is proud to announce the release of Harry F. Kunselman's book, *Pennsylvania Commercial Litigation* (3d edition). This publication is printed by *The Legal Intelligencer*, and it provides an overview of commercial claims, defenses, and civil procedure. It is a valuable resource for all types of attorneys.

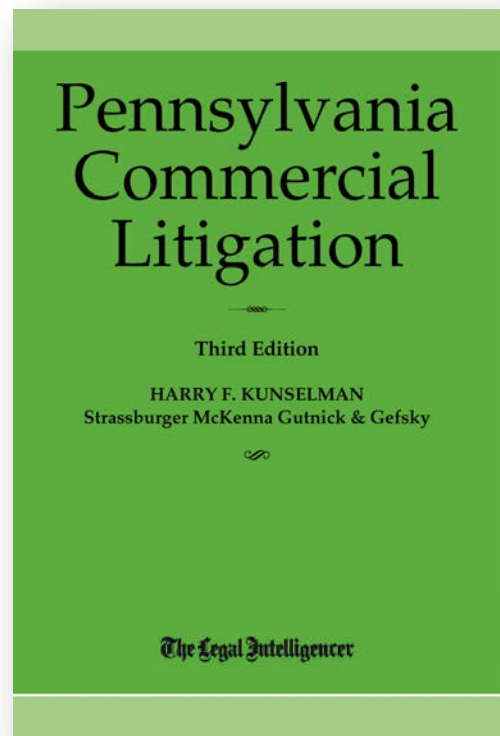
This book normally sells for \$250, but WBA members can receive a \$50 discount!

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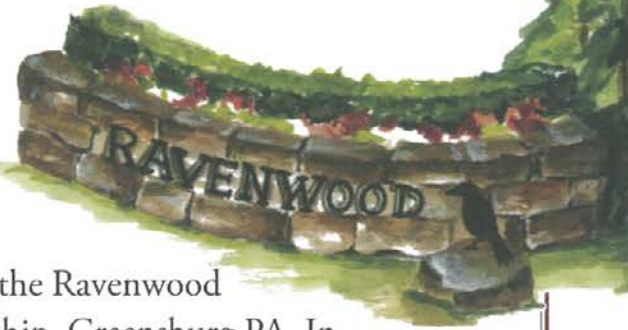
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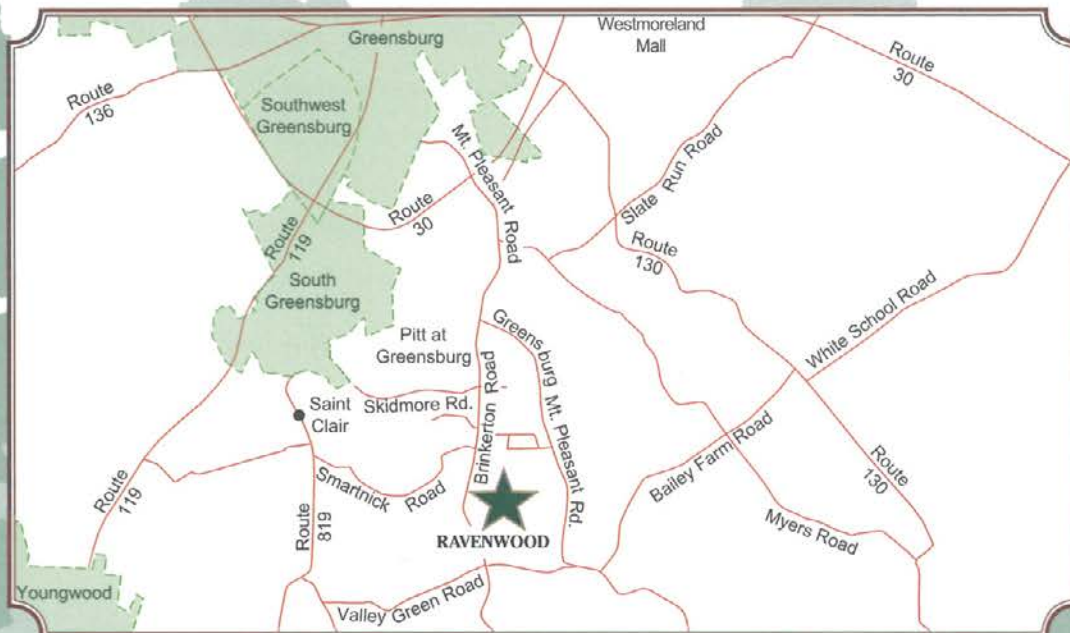
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