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THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
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JANUARY 2019

# Reflections on the Career of The Hon. Anthony G. Marsili

*Editor's note: The Hon. Anthony G. Marsili retired from the Court of Common Pleas of Westmoreland County effective December 31, 2018, after nineteen years on the bench. He is continuing as a Senior Judge.*

by Emily Shaffer, Esq.

After nineteen years on the bench, Judge Marsili retired on December 31, 2018, leaving behind a palpable vacancy. Of his nineteen years as a judge, I have been lucky to spend the last four as his law clerk.

As you would probably expect, working for Judge Marsili has been an invaluable learning experience, and I think that was due, in part, to the fact that it never felt like I was working "for" him at all. He treated me like his teammate, always considering my opinions, despite his many years of experience beyond my own. He let me disagree, made me feel valuable by always asking me what I thought, and never became frustrated, even at the beginning, with the many questions I would ask him. Of course I have learned the intricate ins and outs of civil law and procedure in these last four years, but I have also, I hope,

picked up on his remarkable character traits like patience and compassion, which make him such an asset to the bench and our community.

From the moment you meet Judge Marsili, you know that he is a man who cares deeply about people. He



*The Hon. Anthony G. Marsili*

often comments that he is a "big picture guy," which is the best description I can think of for him. He is always able to see beyond the technical legal issues to the outcome of the case, and is able to consider whether his rulings will be just and fair to all parties.

On the bench, he is everything I always thought a judge should be:

impartial, hardworking, kind, and a patient listener. Off the bench, he treats people with the same consideration and kindness and unfailingly does the right thing.

I have truly never heard him say a negative comment about anyone, and he has often corrected me at times

*continued on page 16*

## "New Day, Happy Day" for Judge Marsili

by Monique Lafontant Mears, Esq.

Over the past nineteen years, Judge Marsili has been the paragon of respect and civility in our courthouse. I had the pleasure of working as Judge Marsili's law clerk from 2004 through 2014. When I was hired, I was pregnant with my second child and had a two-year-old at home. I had never worked as a law clerk before. I was worried that my inexperience and outside responsibilities would interfere with my ability to assist him.

If he had any frustration with me, he certainly didn't show it. He could not have been more patient and understanding. He consistently praised my work and encouraged me to find time for my family. He made it a little easier to get through what may have been the most stressful time of my life.

Judge Marsili displayed the same attributes to attorneys and litigants as he did to me and other members of his staff. He was always the first

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President's Message

# Looking Back ... and Ahead

by John M. Ranker, Esq.

December 17, 2018

In just a couple short weeks, we will have put another year behind us. Perhaps by the time you read this, we have already done so. How quickly the year passed. And as is so often done at this time of year, we look back at the events of the past year during



which time the Westmoreland Bar Association has continued the proud tradition of providing opportunities for our members to participate in social activities, public service, continuing

legal education seminars, professional development, referral services, pro bono services, law practice support, member support, and Bar Association support, to name a few.

In March, we welcomed our newest members at our annual New Member Ceremony. In June, we returned to the beautiful Wisp resort in Deep Creek, Maryland, for our annual Bench/Bar Conference. In July, we once again hosted a family bocce picnic, and on the first Saturday in December, we enjoyed an evening at the Greensburg

Country Club for our annual holiday dinner dance.

Throughout the year our members met at committee meetings, CLEs, Inns of Court meetings, mock trial competitions, Thirsty Thursdays, Dine Arounnds, and of course at the annual Planning Committee retreat. All of these provided us the opportunities to enjoy the collegiality and camaraderie of our members, which are the backbone of our Association.

These opportunities and activities are made possible through the hard

**“To all of you, I extend the collective appreciation of our Association. It is this tradition of service that has made the WBA the successful organization it is today.”**

work and diligence of our WBA Executive Director, Diane Krivoniak, and our dedicated staff, Susan Zellner, Julia Moreman, and Jessica Turberville. On behalf of the Association, our sincere thanks to each of you. Yet, despite the best efforts of our staff, our Association could not and cannot function as it does, or provide the opportunities and activities that are available without the support and involvement of those WBA members who so generously give of their time and talents. To all of you, I extend the collective appreciation of our Association. It is this tradition of service that has made the WBA the successful organization it is today.

Fortunately, there are many new and exciting developments on the horizon for the WBA in 2019, not the least of which is the WBA's purchase of the building at 100 North Maple Avenue

(at the intersection of East Otterman Street). This new building will soon become the WBA's new headquarters. The closing on the purchase of the building should take place in early January. Thereafter, the work will begin on developing a renovation plan to transform the new (existing) building into a modern facility with a floor plan and amenities that will serve the needs of the WBA, its members, our judges, our affiliated organizations, and our local legal community at large in the decades ahead.

A significant amount of time and effort has gone into this project, and much more will be needed going forward. In the meantime, I sincerely thank Diane and my fellow WBA Board members for their efforts in support of this project. Additionally, I thank our Treasurer, Pat Iezzi, Young Lawyer Chair Tim Miller, Jim Antoniono and the Investment Committee members, David DeRose and the Building Committee members, and the members of the Planning Committee, all of whom generously gave their time and consideration to this project. And last, but certainly not least, I thank all the WBA members who attended the meeting on November 7, at which time the membership voted on the purchase of the new building. The dedication of our members, past and present, to the WBA, and to each other, is what has made the WBA the highly respected and effective organization that it is today. Looking ahead, those attributes provide the WBA and its members a very promising future.

To all of you, and your families, my best wishes for a safe and enjoyable holiday season, and a healthy and prosperous New Year! ■

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# Julia Moreman Retires

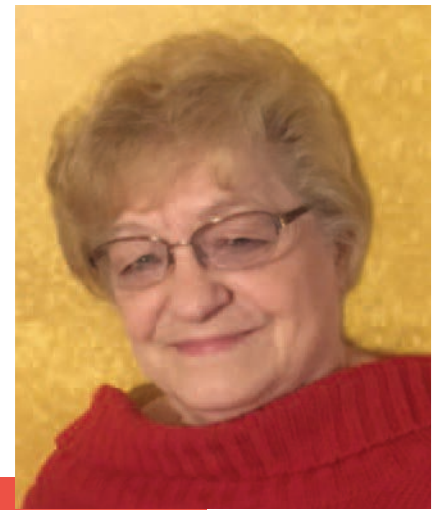
by Emily Shaffer, Esq.

The New Year is bringing many changes for the Westmoreland Bar Association, from a new office building to a change in the staff. Julia Moreman, a staple at the bar association for the last 24 years, celebrated her retirement with members at a luncheon on December 18, 2018. More than just a friendly face at the WBA, Julia has always gone the extra mile to assist members, and her tenure with the WBA is such that many of the younger members cannot imagine the WBA without her.

Julia began her working career at age 14, where she began cleaning tables at Sweeney’s Restaurant in Belle Vernon and eventually worked her way up to waitressing. She has held other interesting positions as well, including

hand painting designs on china at Sabin’s China Factory in McKeesport, working at Moreland Sewing Factory, and assembling light fixtures in Youngwood. At age 42, Julia decided to attend Westmoreland County Community College, where she received an Associate Degree in Early Childhood Education as well as an Associate Degree in Business Administration. Subsequently, to our benefit, she began her career with the WBA.

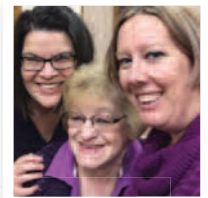
Julia noted that some of her favorite memories with the WBA took place at Bench/Bar retreats through the years, explaining that she enjoyed visiting the different venues and spending time with the attorneys. Always a people person, Julia said she will miss meeting all of the new attorneys and seeing the many friends she’s made within the WBA. Though bittersweet, Julia looks forward to retirement



as a time to catch up on all of the things she’s put off, including reuniting with old friends. She also looks forward to traveling west with her family in their motor coach.

To WBA members, Julia says, “thank you.” She enjoyed working with past and present WBA Presidents and liked being able to help out. She wants members to know that she will greatly miss working with everyone, and she will be greatly missed in return.

Good luck and congratulations, Julia! ■



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

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**NOVEMBER 2018 TRIAL TERM**

Of the seventeen cases listed for the November 2018 Civil Jury Trial Term, three settled, ten were continued, and four jury trials were held during the civil jury trial term.

**SANDRA L. DONSEN,  
AN INDIVIDUAL  
V.**

**WAL-MART STORES EAST, L.P.  
NO. 118 OF 2016**

*Cause of Action: Personal Injury*

On October 13, 2015, Plaintiff Sandra L. Donsen was shopping for storage totes at the Walmart located in Mt. Pleasant, Westmoreland County, Pa. While inspecting certain totes for possible purchase, a different stack of storage totes fell onto her lower left leg causing injuries.

Plaintiff asserted negligence on the part of the Defendant, Wal-Mart Stores East, L.P., arguing that the Defendant failed to maintain, display, and inspect the position of the stack of storage totes which fell onto Plaintiff. Additionally, Plaintiff argued that Wal-Mart failed to properly manage, train, inspect, and supervise its employees to exercise reasonable care with regard to the placement of display merchandise.

Defendant argued that the storage totes were safely and properly displayed in the store and that associates are available at each store to assist customers who request it. Defendant further argued that Plaintiff's injuries were caused by her own negligence in her failure to properly remove the plastic tote from the shelf.

A one-day binding summary jury trial was held.

*Trial Date:* November 9, 2018

*Plaintiff's Counsel:* Benjamin W. Schweers, Goldberg, Persky & White, P.C., Pgh.

*Defendant's Counsel:* Rebecca Sember Izsak, Thomas, Thomas & Hafer, LLP, Pgh.

*Trial Judge:* The Hon. Anthony G. Marsili



## JURY TRIAL VERDICTS

BY EMILY SHAFFER, ESQ.,  
LEEANN PRUSS, ESQ., AND  
CAITLIN BUMAR, ESQ.

*Result:* Verdict in favor of the Defendant.

**JERRY VANDERLEE, JR.  
V.**

**LAWRENCE W. DANIELS, JR.  
NO. 3788 OF 2016**

*Cause of Action:*

*Motor Vehicle—Negligence*

On November 13, 2015, Plaintiff Jerry Vanderlee, Jr., was involved in an automobile accident with Defendant Lawrence W. Daniels, Jr. Plaintiff was operating his vehicle northbound on Route 51 in Rostraver Township, Westmoreland County, after turning onto the road from a stop sign located at the intersection with McKenery Drive. Immediately after turning onto Route 51, he was struck in the rear by Defendant's vehicle. Plaintiff suffered from injuries to the neck, lower back, and right knee.

Plaintiff asserted negligence on the part of Defendant, arguing that Defendant failed to maintain an assured clear distance ahead while driving, causing the rear-end collision. Defendant argued that Plaintiff was

aware of the approach of Defendant's vehicle, and that Plaintiff pulled out onto Route 51 from the intersection before it was safe to do so and despite Defendant's right of way.

*Trial Dates:* November 5–6, 2018

*Plaintiff's Counsel:* E. J. Julian, Julian Law Firm, Washington, Pa.

*Defendant's Counsel:* Timothy J. Scelsi, Reeves & Ross, PC, Latrobe

*Trial Judge:* The Hon. Harry F. Smail, Jr.

*Result:* Verdict in favor of the Defendant.

**MICHELLE GIOBBI, AS EXECUTOR  
OF THE ESTATE OF JOHN  
MAMROS, AND LORRAINE  
MAMROS, AN ADULT INDIVIDUAL  
V.**

**COPNEY DISPOSAL SYSTEM, INC.  
A PENNSYLVANIA CORPORATION,  
WEST PENN POWER COMPANY,  
A PENNSYLVANIA CORPORATION,  
AND WINDSTREAM  
COMMUNICATIONS, INC.  
NO. 5609 OF 2016**

*Causes of Action: Negligence—  
Loss of Consortium*

On November 17, 2015, John Mamros was using a riding mower to mow his lawn. At the same time, a garbage truck owned by Copney Disposal Systems, Inc., caught on a wire hanging over the adjacent road, causing a utility pole owned by West Penn Power to break and fall. The utility pole and attached wires struck the front of Mr. Mamros' riding lawn mower. Mr. Mamros suffered from various injuries, including a crush injury and fracture of the left hand and a compression fracture of the third lumbar vertebra. Mr. Mamros passed away on January 2, 2018, from unrelated medical issues.

Plaintiff maintained at trial that Copney Disposal System, Inc., was negligent in operating its truck where its driver knew a low-hanging wire was present and subsequently striking the wire. Copney argued that its driver behaved with the requisite care, and that Defendant Windstream Communications was negligent in not correctly maintaining the low-hanging

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utility wires pursuant to applicable regulations imposing a minimum height requirement. A nonsuit was entered in favor of Defendant West Penn Power Company.

*Trial Dates:* November 8–9 and 13–14, 2018

*Plaintiffs' Counsel:* Noah Paul Fardo and William F. Rogel, Flaherty Fardo LLC, Pgh.

*Defendant Copney's Counsel:* Kenneth J. Hardin, II, Hardin Thompson PC, Pgh.

*Defendant West Penn Power's Counsel:* Kathryn M. Kenyon, Meyer Unkovic & Scott, LLP, Pgh.

*Defendant Windstream's Counsel:* Joseph Butcher and Kerri Shimborske-Abel, Zimmer Kunz PLLC, Pgh.

*Trial Judge:* The Hon. Harry F. Smail, Jr.

*Result:* Verdict in favor of the Plaintiffs and against Defendants Copney and Windstream for \$250,000, with liability allocated 15% to Defendant Copney and 85% to Defendant Windstream.

**JACOB T. GIFFORD**

V.

**GREENSBURG CONSTRUCTION COMPANY INC., INDIANA COUNTY TECHNOLOGY CENTER, ET. AL.**

**NO. 4169 OF 2014**

*Cause of Action: Negligence*

Plaintiff was a carpentry student at Defendant Indiana County Technology Center. On October 2, 2012, Defendant Greensburg Construction Company arrived at the school to move a modular home built by Plaintiff and his fellow students. In order to prepare the modular home for the move, Defendant construction company raised the modular home with bottle jacks. Plaintiff then, pursuant to the instruction of his teacher, went under the modular home to complete the rigging of the modular home to the carrier. While Plaintiff was under the home, a bottle jack failed, and the modular home fell. As a result, Plaintiff suffered fractures to his back and underwent spinal fusion surgery.

Plaintiff alleges that the Defendant school was negligent in the care,

custody, and control of its real property, specifically the field upon which the modular home was built, because the school chose to build the modular home in a grassy field, which resulted in a dangerous condition when that field became muddy and wet. According to Plaintiff, the bottle jack would not have failed, resulting in the fall of the modular home, if the home had been built on a more solid base, such as a cement slab or gravel. Plaintiff further alleges that the Defendant construction company was negligent in choosing to remove cement blocks that the modular home was resting on, and therefore allowing the modular home to rest only on the bottle jacks while Plaintiff was underneath the home. Plaintiff claimed that said negligence resulted in his injuries and sought damages for past and future medical expenses, future lost earning capacity, and pain and suffering.

Defendant school alleges that although the grassy field was within its  
*continued on page 6*

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## Jury Trial Verdicts *continued from page 5*

control, the dangerous condition was not caused by the muddy, wet ground. Instead, the dangerous condition was caused by Defendant construction company's choice to remove the cement blocks while the Plaintiff was still under the home. If Defendant construction company would have left the cement blocks in place, the bottle jack would not have failed and the home would have remained intact. Defendant construction company admitted negligence on their part, but asked the jury to appropriately apportion their percentage of negligence in relation to Defendant school.

*Trial Dates:* November 5–9, 2018

*Plaintiff's Counsel:* Wesley T. Long, Long & Long LLC, Gbg.

*Defendants' Counsel:* Joseph L. Luvara, Dickie, McCamey & Chilcote, P.C., Pgh., and Jerry S. Eisenberg, Pgh.

*Trial Judge:* The Hon. Chris Scherer

*Result:* A verdict was entered in favor of Plaintiff in the amount of \$3,494,041.34, with the jury attributing 70% of fault to Defendant Greensburg Construction Company and 30% fault to Defendant Indiana County Technology Center.<sup>1</sup> ■

<sup>1</sup> After the verdict was entered, Defendant school made a verbal motion to mold the verdict pursuant to its status as a government agency under the Political Subdivision Tort Claims Act, which limits damages to \$500,000. The Court granted the motion and the verdict was molded accordingly.

## New Member Sketches

The following new members have been approved by the Membership Committee and Board of Directors.

### LAUREN E. CATALANO

was admitted as a participating member of the WBA. Lauren received her bachelor degree in political science from Penn State University and her juris doctor degree from Duquesne University. She is the Director of Staff Performance for Laurel Legal Services, Inc., in Greensburg.

**KATIE L. RANKER**, daughter of WBA President John M. Ranker, has been admitted as a participating member of the WBA. She earned a bachelor degree in psychology from Allegheny College and her J.D. from Penn State Law. Katie is an Assistant District Attorney for Westmoreland County.

**MICHAEL P. ROUTH** was admitted as an associate member of the WBA. Michael received his bachelor degree in economics/political science from Boston University and his juris doctor degree from the University of Virginia. An associate with QuatriniRafferty, he is based in their Altoona office.

**RYAN M. TUTERA** has been admitted as an associate member of the WBA. He earned a bachelor degree in economics from the University of Pittsburgh and his J.D. from Western Michigan University's Thomas M. Cooley Law School. Ryan is a sole practitioner in Pittsburgh. ■

## where in the world IS THE WBA MEMBER?



Congratulations to Kristen Weidus and Ross Ramsey, who were married by

The Hon. Scott O. Mears at the Westmoreland County Courthouse on October 6, 2018. While honeymooning in Aruba, they visited the Screaming Eagle restaurant. "It's a really unique experience—you sit in beds and they serve you on trays!" says Kristen.

**WESTMORELAND COUNTY COURTHOUSE & ARUBA**



# Spotlight on Ken Burkley

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

**A** I worked in Pittsburgh steel mills during college and one year of law school and was a teacher at a private high school for approximately 18 months after graduating from college.

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



**A** One of my childhood best friends was injured in a work-related accident in December 1977, whereupon he became a paraplegic requiring me to represent him in some Workers' Compensation matters. One day we had a hearing in Pittsburgh, and I met him in Irwin so that he could drive into Pittsburgh in his handicapped equipped van.

After parking his van at a meter near the State Office Building, he exited the van and saw that the driver of a car parked behind his van was staring at the rear of his van. He yelled at the person, "What the hell are you looking at?" I walked to the rear of his van and noticed

two bumper stickers one on each side of his bumper. The first bumper sticker said, "F... you very much," and the other said, "Have a nice day. F... someone." I chastised him for putting those kinds of profane stickers on his van and he simply laughed.

Two weeks later, I got a call from him that he was arrested by a Murrysville police officer and charged with two counts of disorderly conduct for having those bumper stickers on his van. He pleaded not guilty and was scheduled for a hearing at Magistrate Bob Scott's office in Export, which was not handicapped accessible at the time. My friend reported this fact to the appropriate authorities and Magistrate Scott was forced to have the hearing out of his office. He was found guilty, and we appealed the case.

At a hearing in front of Judge Donetta Ambrose, my client was found not guilty. I used the famous U.S. Supreme Court case (*Cohen v. California*) quote, "One man's vulgarity is another man's lyric," and Judge Ambrose agreed.

The case made national news and my client was interviewed on television wherein he complained that his lawyer and close friend charged him \$250 for the whole process.

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

**A** That is easy—honesty.



**Q WHAT IS YOUR FAVORITE JOURNEY?**

**A** I have many, but my most favorite was the time I went on a golfing trip to Ireland with my two brothers and my son.

**Q WHAT IS YOUR GREATEST REGRET?**


**A** After thinking long and hard, I must say, I have no regrets. I have been very blessed in life.

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

**A** I have never really had heroes, but probably the closest, without being too gushy, would be my wife, Kathy. She had a very good job at IBM while I was in law school, and on the birth of our first child, after graduation from law school, she quit that job and stayed home to raise four children as a full-time mother. When my youngest was a senior in high school, Kathy got involved with the Humane Society of Westmoreland County and pretty much engineered its rise from just a group of members to a million-dollar-plus operation. She has been its executive director since the shelter on Route 119 was

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# Spotlight on Ken Burkley *continued from page 7*

established over 15 years ago. She has been a Greensburg Salem School Board member and a City of Greensburg Council member.

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

A We are blessed to be part of a great profession, so work hard and treat every client, judge, magistrate, opposing attorney with respect, but also always be an honest advocate for your clients. It takes many years to build a great reputation and minutes to destroy one. A good reputation will bring you much success.

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

A The best advice I ever received was when I was working as an attorney for Indiana Legal Services in Indiana, Pa., in 1975-76. My good and close friend, Greg Nichols, advised me to come to Greensburg and practice in what was then the Law & Finance Building and associate with him. I have never regretted that decision.

## Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Once again, that is easy—my four children.

## Q WHEN AND WHERE WERE YOU HAPPIEST?

A This might sound trite, but I have always been happy.

## Q WHAT IS YOUR MOST TREASURED POSSESSION?

A I don't really treasure material things, so I would have to say my 11 grandchildren.

## Q WHAT IS IT THAT YOU MOST DISLIKE?

A Selfish people.

## Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A I am definitely not an extravagant person, so I would

have to say my golf club membership and golf activities.

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

A When it comes to art and music, I have zero talent, so I have always desired musical talent first and artistic talent second.

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

A Their friendship and loyalty.

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

A Well, at my age, the only thing that is attractive to me that I would like to attempt would be college professor.

## Q WHAT IS YOUR MOTTO?

A Health is better than wealth! ■

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# To-Wit: The Demons Within

by S. Sponte, Esq.

A lawyer for almost fifty years, I have always regarded myself as a sane and fairly balanced individual. Despite the pressure-cooker ambience of lawyering, I pride myself on how well I am yet-collected, rarely losing neither temper nor aplomb outside the bedroom.

Oh, but there was one occasion some years back in which my conduct was, I have to admit, truly inexcusable. In the lawsuits that followed, my behavior was described as irrational, demonic even, and while that was maybe true, I have repeatedly denied those allegations on the record. Though I have apologized profusely to everyone adversely impacted by my conduct, and even forgiven those who called the police, I still cringe when I think about it.

There may be no excuse for it, but

there is an explanation. On the day in question, completely unprepared for the tumultuous situation that lay ahead, I awoke early, and with nothing appearing on my calendar, I stayed

**“It’s truly remarkable how heightened one’s analytical powers can become during moments of demonic terror.”**

home to write. I came into the office a little before 1:00, feeling exhilarated from my creative endeavors. My secretary was still out to lunch, but I paused by her desk to pick up my messages. Included there was a tickler slip from her reminding me I was due to file a brief and record on a case in the appellate court.

At first glance, it appeared that the brief and record were due that very day. It appeared that way at second glance, too. That had to be wrong. My tickler system was set up to notify me in advance of deadlines, not contemporaneously with them. My secretary must have made a mistake; that my palms were now sweating profusely was inexplicable.

When she returned from lunch, I calmly began screaming, demanding she explain how she screwed this up. I find it best to posit such hysterical inquiries in a way that deflects blame away from me.

“This was your third notice,” she replied with that most aggravating professional composure of hers, and as usual she turned out to be right.


*continued on page 10*



G

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**Daniel Joseph**

# To-Wit: The Demons Within *continued from page 9*

Despite the enormous pressure, I remained quite calm as I grabbed a heavy, crystal ashtray from my desk and threw it serenely through my office window. My hysterical shrieking provided ample warning to the passersby to get out of the way; otherwise, there's no telling how much harm might have come from the flying shards of glass. That was the argument my insurance company made in an effort to mitigate damages.

It's truly remarkable how heightened one's analytical powers can become during moments of demonic terror. After the police left, I remembered I had already written a brief in the trial court. Leaping to my computer, I retrieved it and within seconds was rewriting it specifically for the appellate court, deleting of course all the complex legal arguments.

Meanwhile, my secretary had begun working on assembling the ancillary documents for the brief and record. Thankfully, she had furtively photocopied and kept a copy of the lower court's opinion that had to be included, knowing that, as I always do with unfavorable opinions, I had burned the original. Within hours, we had cobbled together a brief and

record; now all we had to do was photocopy, bind and mail everything, and we were done.

My copy machine's sorting ability hasn't worked since I kicked it in a prior episode of calm and collected behavior. We had to collate the stuff by hand. Then, as if out of empathy with the copier, my expensive electronic stapler also stopped working. As luck would have it, it fit perfectly through the hole in my office window, taking with it not one additional shard of glass in its transit. We were out of the fancy binding tape to cover the staples, but without the staples, we didn't need the tape anyway. It's amazing how well photocopy paper can stick together when it is sufficiently licked. We got the brief and record out in brief and record time, and my palpitations were gone in just a few days.

And well you may ask why I'm sharing this shameful episode of professional hysteria. It is, after all, the sort of thing one usually keeps secret. Well, there is nothing more horrifying in the practice of law than a missed deadline, and by this sharing it's possible you may be comforted to know you are not alone in suffering from the impact of stress and its

concomitant demonic behavior. There's a demon in all of us, it's part of the human condition, but perhaps now somewhat comforted you may be better able to handle its insidious attempts to usurp your soul with greater composure than I could.

I have been apologetic about this incident ever since it occurred, for I think a sincere, contrite and open attitude accomplishes far greater good than the mere passing of paltry lucre. At least that's the position I took in all of the depositions, but much to my insurance company's dismay, none of the plaintiffs were ever really convinced. ■

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Westmoreland Revisited

# High and Dry

## How a conservationist governor got us out of the mud

by *The Hon. Daniel J. Ackerman*



*The Hon. Daniel J. Ackerman*

If you conducted a search just beyond the eastern city limits of Tucson, Ariz., you might, with perseverance, come upon the neighborhood of Twin Hills, though there is no pretentious sign announcing its presence—

just a small placard erected by the homeowners' association advising you to slow down.

Imposing homes resting on lots of three acres or more straddle the neighborhood's main artery, Calle Catalina, and the cars there carry a patina of rose-colored dust, because the rolling road, which runs just short of two miles from the Mormon temple to the western boundary of Saguaro National Park, is unpaved. And the residents like it that way. If the road were paved,

they say, it would invite through-traffic and speeders, to the endangerment of the jackrabbits, quail, coyotes, and javelinas, with whom they are happy to share the seemingly unbroken desert landscape.

To those of us used to traveling on concrete or asphalt, it might come as a surprise that only 63% of the roads in the United States are paved. There are 13 countries that claim 100% of their roads are paved; most are in Europe, along with small states like Singapore and the United Arab Emirates. On the other end of the scale, there are 16 nations with 8% or less of their roads paved, such as North Korea, Rwanda, and, in last place, Chad, with only 1%.

Our predecessors, a little over a century ago, would have known what it was like to be in this latter group, for in the first decades of the twentieth century, few roads outside of city streets were paved, a condition which had existed from colonial times. One reason for the short-lived success of the Pennsylvania Canal and the Erie Canal in New York during the first half of the nineteenth century was that the roads were so abysmal. A rare exception was the Lancaster Pike that was paved with stone and covered in gravel. When completed in 1794, it offered unimpeded travel, undeterred by Pennsylvania's changing weather.

Around 1820, a Scottish engineer, John Loudon McAdam, came up with a process for paving in which layers of small stones were put down and then bonded with crushed stone and tar. Turnpikes, however, were toll-roads built by private investors and the cost of construction and maintenance of

macadam<sup>1</sup> roads made them impracticable. It was not until the commonwealth created the Department of Public Highways in 1903, followed by the introduction of the Model T Ford in 1908 that a demand for paved public roads took hold.

As macadam roads began to appear, they were not universally popular. Surprisingly, opposition initially came from some farmers who complained the smooth surface of these new roads prevented their wagon teams from obtaining a sure foothold, causing them to reduce the size of their loads—an objection which would fade into oblivion as motorized trucks began appearing on the farm. Yet well into the 1930s, Pennsylvania's rural roads, with few exceptions, were dirt, which succumbed to heavy rains that turned them into mud; even when it dried it left behind a surface rife with ridges, ruts, and holes, all of which presented obstacles

*continued on page 12*

<sup>1</sup> Macadam differs from asphalt, which is a mixture of aggregates and bitumen—a sticky tar-like substance—which binds the aggregates together and provides the smooth surface we are accustomed to driving upon.

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## High and Dry *continued from page 11*

to travel, which were magnified here by the highland grades of Westmoreland County. But due to the depths of the Great Depression, it looked as if there were neither the funds nor the will to do anything about them, for both the commonwealth and the nation faced far grimmer problems: in 1930 the number of unemployed in Pennsylvania was 411,000, or 11.8%; and, by 1933, unemployment reached 1,445,000, or 40.2 %. The average

Pennsylvania industrial wage in 1931 was \$21.25 a week, with no unemployment compensation program or any statewide welfare system to aid those who found themselves out of work. It almost seems providential that in the 1930 election, the voters would place in the office of governor a man who had filled the office before, but who, under the Pennsylvania Constitution, was precluded from succeeding himself in a second consecutive term.

### THE ORIGINAL GOVERNATOR

Born just after the Civil War, Gifford Pinchot came from a wealthy New York family who provided him with an education at Philips Exeter Academy and Yale, where he graduated in 1889. His family ties would have afforded him business opportunities which would have assured him wealth of his own, but the young man decided to make forest conservation, which was not at the time even recognized as a profession, as his calling; post-graduate studies in forestry were pursued in Europe. In 1892, Pinchot discovered that family connections were still convenient when George Vanderbilt invited him to apply his knowledge of forestry at Vanderbilt's Biltmore estate outside of Asheville, N.C. Years later, the Biltmore arboretum came to be recognized as an international model of forest management.

A lanky six-feet, two-inches tall, Pinchot, who had been a football player at Yale, pursued a vigorous outdoor life, much like his friend, Theodore Roosevelt. In February 1899, Pinchot, then age 33, visited Roosevelt at the executive mansion in Albany, where Roosevelt resided as the governor of New York. Pinchot and a friend had paused there on their way to climb Mount Marcy, the state's highest peak, where winter blasts could drop the wind chill to -30°F.

While most chief executives would have offered overnight guests something more subtle in the way of entertainment, Roosevelt offered a wrestling match on a mat, purchased for that very purpose, followed by some rounds of boxing. The governor's weight advantage prevailed in wrestling; as for the boxing, Pinchot wrote years later, "I had the honor of knocking the future President of the United States off his very solid pins."<sup>2</sup>

<sup>2</sup> In 1908, at age 50, Roosevelt received a blow in a boxing match in the basement of the White House which permanently damaged the vision in his left eye.



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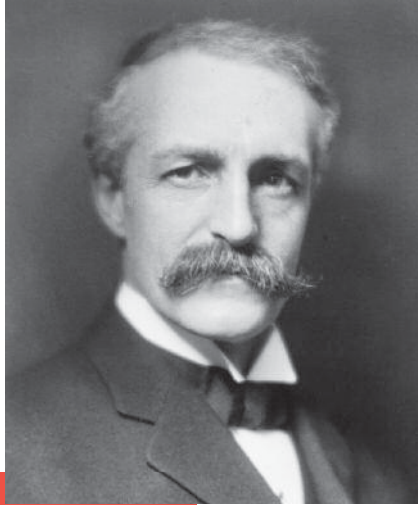
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*Gifford Pinchot, 1909. At the time of this photo he was the first Chief of the United States Forest Service. He was later the governor of Pennsylvania.*

The evening’s conversation was more conventional, and they had much in common: both were from wealthy families, and the executive mansion may well have reminded Pinchot of his family’s summer home, Grey Towers, in Pike County, Pa., with its 63 turrets and 23 fireplaces; both were thrill seekers who had a passion for the outdoors and the preservation of the country’s wild resources; and both thought they were destined to be agents of change.

Gifford Pinchot, by taking up forestry, was already an agent of change within his own family, for the Pinchot fortune was based upon his grandfather’s timber business which clear-cut thousands of acres in the eastern forests, leaving them in a state of devastation. The grandson, committed to conservation, wrote of such practices: “The American Colossus was fiercely intent on appropriating and exploiting the riches of the richest of all continents—grasping with both hands, reaping where he had not sown, wasting what he thought would last forever.”

Going into business for himself, Pinchot hung a shingle outside his small New York office advising the public that he was a “Consulting Forester,” which was then an entirely

new profession. As chance would have it, while hiking the Adirondacks in 1892, he met America’s most famous naturalist, John Muir, who became a friend and mentor to the 27-year-old Pinchot.

Four years later, both would head west as part of a National Forest Commission, assembled by President Grover Cleveland, to gather facts on the natural resources in the western states and territories. Upon return, the commission recommended that national parks be created at the Grand Canyon and Mount Rainier, along with the establishment of a number of forest reserves.

Both Cleveland and his successor, William McKinley, named Pinchot as their forest agent, a powerless position which paid next to nothing, leaving him with little to do other than speaking at the invitation of garden clubs and colleges. By 1899, when he met with Roosevelt in Albany, Gifford Pinchot was, in the words of historian Timothy Eagan, a “forester without a forest,” but in two years, events in Buffalo would change his status.

**THE ENVIRONMENTALIST MOVEMENT IS BORN**

On September 6, 1901, William McKinley was assassinated and

Theodore Roosevelt, who in the interim had become the vice president, was now the chief executive, and was willing and able to make conservation one of the mainstays of his administration. The new president told the 36-year-old Pinchot to stay as his chief forester to administer what would be the world’s largest public forest.

By 1905, jurisdiction over all of the forest reserves, created by Roosevelt’s executive orders were transferred to the new United States Forest Service with Pinchot as the first chief, along with T.R.’s admonition: “It must not be forgotten that the forest reserves belong to all the people.” It was a sentiment that would be challenged and severely tested by the timber, mining, and railroad industries; but there, in the early years of the new century, the triumvirate of Roosevelt, Pinchot, and Muir had ushered in what would become known as the environmentalist movement.

By the end of Roosevelt’s second term, 230 million acres—an area half-again as big as Texas—had been set aside for national forests, parks, and wildlife refuges. Pinchot, who started with a staff of ten, had every right to feel overwhelmed by such a task, but

*continued on page 14*

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# High and Dry

*continued from page 13*



*Theodore Roosevelt and Gifford Pinchot on the steamer Mississippi, 1907.*

he was tireless, and when T.R. left office the president wrote his friend, “I am a better man for having known you, and I can’t think of a man whose loss would be a more real misfortune to the Nation than yours would be...” Later, in his autobiography, Roosevelt would write of his chief forester, “Among the many, many public officials who under my administration rendered literally invaluable service to the people of the United States, he on the whole stood first.”

## TAFT CHANGES COURSE

William Howard Taft entered the presidency as Roosevelt’s hand-picked successor, with an understanding between the two men that Taft would continue to nurture Roosevelt’s policies, but Taft soon took a different course, particularly in the area of conservation, believing that Roosevelt’s zeal for preservation of the land had gone too far.

To Pinchot, Taft was a weak, ineffective leader who was not supportive of the Forest Service, and who reversed the course of conservation by removing federal land from the protection of the agency. Open acrimony developed between the chief forester and the

new president which led to Pinchot’s firing in January 1910.

In August, the largest forest fire in the country’s history, a firestorm which unleashed energy greater than that of an atomic bomb, consumed three million acres of timber in Washington, Idaho, and Montana, with considerable loss of life to the firefighters who had no chance of containing it. Within a year, Congress doubled the budget of the Forest Service.

Though no longer part of the Forest Service, Pinchot did everything he could to foster its interest, and to speak out in every possible forum for the need to conserve the land, a position which was a life-long passion. Pinchot family money had endowed the School of Forestry at Yale, and later as Pennsylvania’s governor he put into place the same environmental policies

which he had aspired to on the national level. He was fond of saying, “I have been governor every now and then, but I am a forester all the time.”

## PINCHOT FOR PENNSYLVANIA

Gifford Pinchot was Pennsylvania’s governor from 1922 to 1926. During that term, his administration spent

\$260 million on roads, but when he returned to the office in 1931, after a four-year hiatus, he signed legislation transferring 20,156 miles of township roads into the state system, doubling the commonwealth’s

roadways. His prompt upgrading and paving of what became known as “Pinchot roads,” at a cost of \$6,000 to \$8,000 per mile, was extremely popular. By 1934, 70% of Pennsylvania’s highways were paved, and served as a national model.

**“Among the many, many public officials who under my administration rendered literally invaluable service to the people of the United States, he on the whole stood first.”**



*Governor Pinchot, dressed in a suit, is flanked on either side by farmers, many dressed in overalls and carrying scythes. As well as being a noted conservationist, Governor Pinchot is also famed for paving rural roads throughout the state. In this 1931 photograph of the ground-breaking ceremony, Pinchot, (center) is surrounded by the farmers that were helped by his Rural Road Improvement Program.*

*Courtesy of the Pennsylvania State Archives.*





*Governor Gifford Pinchot on a road grader, circa 1932. In one of his first acts after becoming governor in 1931, Gifford Pinchot proposed that the state take control of more than 20,000 miles of township roads that it would transform into a planned and orderly system. Pinchot's road improvement program became Pennsylvania's first state-funded work relief program and provided jobs for thousands of unemployed workers.*

*Courtesy of the Pennsylvania State Archives.*

As for his personal life, Pinchot married Cornelia Elizabeth Bryce in 1914 when he was 49 years old, and a year later they had their only child, Gifford Bryce Pinchot. His rather late entry into matrimony was due to the fact that for twenty years Pinchot mourned the death of his first love and fiancée, who died when they were both 28 years old; he claimed to have had an ongoing and comforting communication with her spirit.

#### **PINCHOT'S LEGACY**

Gifford Pinchot died in 1946. His name is attached to the Gifford Pinchot State Park in York County, and the Gifford Pinchot National Forest in the state of Washington.

As we drive through the scenic rolling hills and forests which western Pennsylvania has to offer, we are the latest beneficiaries of an unselfish man who viewed himself as an agent of change, and who devoted his entire life to acts which would enhance the well-being of future generations. ■

#### **SOURCES**

- Beers, Paul. *Pennsylvania Politics Today and Yesterday: The Tolerable Accommodation*. Penn State Press, 2010.
- Egan, Timothy. *The Big Burn: Teddy Roosevelt and the Fire that Saved America*. Houghton Mifflin Harcourt, 2009.
- "First Pinchot Road Historical Marker." *explorepahistory.com*. Web, 7 Aug. 2017.
- "Governor Gifford Pinchot." *Pennsylvania Governors, Pennsylvania Historical and Museum Commission*. Web, 9 Aug. 2017.
- "The Life of Gifford Pinchot (1865-1946)." *Pennsylvania Dept. of Conservation and Natural Resources*. Web, 7 Aug. 2017.
- "Macadam and Asphalt—The Differences." *M.A. Hart Co.* Web, 7 Aug. 2017.
- Morris, Edmond. *Theodore Rex*. Random House, 2001.
- "Roads Paved (% of Total Roads) by Country." *ChartsBin*. Web, 7 Aug. 2017.

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If you, or someone you know, have nowhere else to turn, please consider contacting Diane Krivoniak as Executive Director of the Bar Foundation (724-834-6730) and ask whether the Assistance Fund can help. ■

# Reflections on the Career of The Hon. Anthony G. Marsili *continued from page 1*



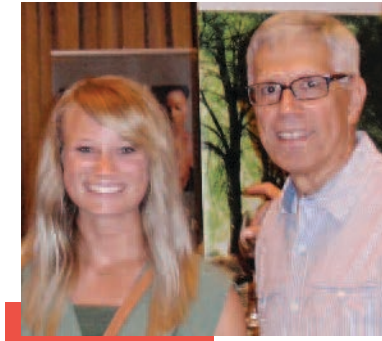
when all I could think of to say was something negative. He has also always been able to keep a light-hearted attitude in an office full of people who might have, at times, given him a hard time over his tendency to be just a little “too nice.”

Aside from his kind and thoughtful manner, Judge Marsili has a lifetime of experience which contributes to his vast knowledge of all areas of the law. He often thinks back and comments fondly on his time at the District Attorney’s Office and working for Mears & Smith before he was elected to the bench. Even with a background that didn’t lend itself to family law, he spent 10 years as a family court judge. When he came to civil court, he was the perfect choice to take on the Mental Health caseload, which he handles with the same compassion and caring. Whether in family court or civil court, he has taken the position of judge seriously, always arriving early and often staying late, with very few vacation days sprinkled throughout.

For selfish reasons, I’m very sorry to see Judge Marsili retire, and I know

our entire bar feels the same. I honestly can’t imagine what he will wake up at 5 a.m. every day to do now, but I hope he finally finds it in his heart to learn the joys of sleeping in. After dedicating so much of his life to making tough choices, I hope that the only choice he has to make from now on is “chocolate or vanilla,” because the answer to that one is easy—always vanilla if it’s cake in your hand. I hope that he can travel, relax, and enjoy life with his wonderful family. Most

importantly, I hope that he remembers what an asset he was to our bench. He made such an impactful difference in so many people’s lives, from attorneys to their clients, and especially in my own. Judge Marsili, I know I speak for all of your staff in saying that we will miss you dearly, but to avoid severe ridicule in the future, please refrain from texting us your witty comments until after 9 a.m. ■



*Emily Shaffer and The Hon. Tony Marsili*

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“At his best, man is the noblest of all animals; separated from law and justice he is the worst.”

*Aristotle*



# “New Day, Happy Day” for Judge Marsili

*continued from page 1*

person in the Courthouse every day and would stay until his work was done. He showed great humility, never using his position to gain advantage over others. He consistently demonstrated an appropriate judicial temperament on the bench. He would allow attorneys and self-represented litigants have their say in court, even if he had heard their arguments a thousand times before. With the division and acrimony that exists in our current climate, it is rare to find a person like this.

If Judge Marsili had any fault, it would be the use of corny lines in court and afterwards. In 2010, our staff decided to get him a unique birthday present. I had been quietly putting together a list of his famous quotes over the years. Examples used

during litigation included: “Take the high road,” “cross the bridge,” “blink of an eye,” “I’m a big picture guy,” and “I tend not to lecture.” Outside the courtroom, he would use the terms “God bless America,” “smooth as silk,” and “new day, happy day.” For only the greatest offenders—those attorneys and

litigants who would have been held in contempt in many other venues—he used the term “horse’s patoot.” We had these quotes engraved on a board and added the bottom half of a horse next to it, for effect.

We shared lunch together almost daily with other staff members, discussing the news and other items of interest in the courthouse. He was a political junkie and always had an interesting take on local and national politics. He was very

active in the community, serving on his church council and making time to serve on statewide rules committees.

Most importantly, he was very proud of his family. In the early years, he would only ever leave work to catch one of his two sons in a soccer or basketball game. He spoke frequently about Christie, his wife of over twenty-five years, and his desire to spend more time with her. With his well-deserved retirement, he will finally have that chance. But make no mistake—we will all miss his hard work and dedication, his even-tempered and friendly demeanor, and his corny one-liners. ■



*Monique Lafontant Mears*

**“Over the past nineteen years, Judge Marsili has been the paragon of respect and civility in our courthouse.”**



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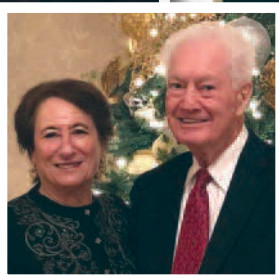
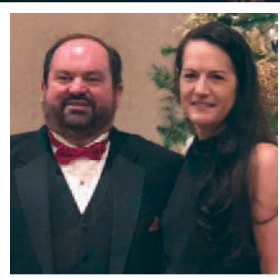
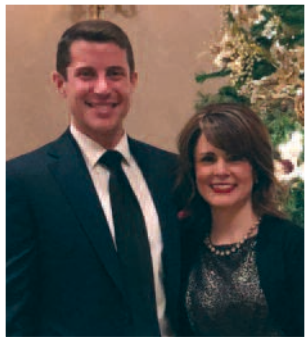
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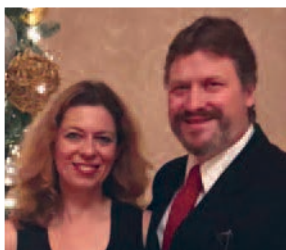
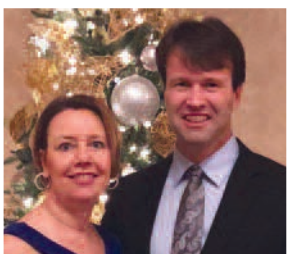
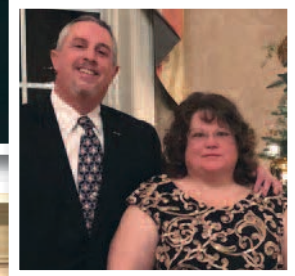


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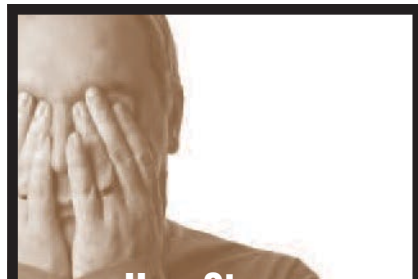
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## CALENDAR OF EVENTS

*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**.*

### FEBRUARY

- 1** [PBI CLE] My Client's Dead, Now What? 2019, 9 a.m. to 12:15 p.m., 3S
- 6** Bankruptcy Committee, Noon  
[CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse, 1.5S
- 13** [PBI CLE] Truck Accident Litigation 2018, 8:30 a.m. to 12:45 p.m., 4S  
[CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse, 1.5S
- 14** [CLE] A Review of Significant Changes to Pa. DUI Law in 2019, Noon to 1:30 p.m., 1.5S
- 18** Courthouse closed in observance of Presidents Day
- 19** Family Law Committee, Noon
- 20** Membership Committee, Noon
- 21** Board Meeting, 4 p.m.
- 26** [CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse, 1.5S
- 27** WBA Technology Summit, Noon to 6:30 p.m., Westmoreland Museum of American Art, 2S 1E
- 28** [PBI CLE] Estate and Elder Law Symposium 2019, 9 a.m. to 4:15 p.m., 5S 1E  
[CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse, 1.5S



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Email address \_\_\_\_\_ Telephone \_\_\_\_\_

For those wishing CLE credit: Attorney I.D.# \_\_\_\_\_

All sessions are scheduled to begin at **5 pm**, please plan to arrive 15 minutes prior.

Please choose 1 or more sessions you wish to serve as a juror:

**Wednesday, January 30**

**Wednesday, February 6**

**Wednesday, February 13**

**Tuesday, February 26**

**Thursday, February 28**

### Pre-Registration Fees

WBA Members - FREE

Non-Members \$30 **per session**

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

Bill my  MasterCard  VISA  DISCOVER for

\$ \_\_\_\_\_ (Amount).

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

Expiration Date \_\_\_\_\_ 3-digit code \_\_\_\_\_

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

## PLEASE NOTE:

The total time frame for each session will be approximately 1 hour and 45 minutes.

**Jurors will receive 1.5 FREE CLE substantive credits for an entire session.**  
**Join us at The Rialto for pizza or sandwiches following the competition compliments of the Westmoreland Academy of**



# A Review of Significant Changes to Pa. DUI Law in 2019

— LIVE — 1.5 Substantive Available



An accredited provider for the PA Board of Continuing Legal Education

## Topics of Discussion:

1. Changes in Sentencing and grading of DUIs.
2. Changes in License Suspensions and Licensing alternatives

### Speakers:

**\*Timothy C. Andrews, Esquire**

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

Ferguson Law Associates

### February 14, 2019 A Review of Significant Changes to Pa. DUI Law in

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

Attorney ID #: \_\_\_\_\_

Phone \_\_\_\_\_

#### Pre-Registration Fees

\_\_\_ WBA Members \$35 per credit hour (\$52.50)

\_\_\_ Non-Members \$55 per credit hour (\$82.50)

\_\_\_ CJE Credit - Free

#### Non-Credit:

\_\_\_ \$10

\_\_\_ Waived for Young Lawyers

(practicing 10 years or less)

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

\_\_\_ Bill my \_\_\_ MasterCard \_\_\_ VISA \_\_\_ DISCOVER for

\$ \_\_\_\_\_ (Amount).

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

Expiration Date \_\_\_\_\_ 3-digit code \_\_\_\_\_

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

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 February 13, 2019.**

**Thursday,  
February 14, 2019  
12:00 pm - 1:30 pm  
WBA Headquarters**

#### Seminar Fees:

##### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm February 13, 2019.)

##### CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

##### Non-Credit

\$10

Waived for Young Lawyers (practicing 10 years or less)

##### WALK- IN:

##### CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr

##### Non-Credit

\$20

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

[Westmoreland Bar Association](#)

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).

# WE NEED YOU: LAW DAY 2019

A Westmoreland Bar Association tradition is to seek members who will volunteer a couple hours during the month of May to visit classrooms in Westmoreland County to discuss topics of interest to today's students. This year's American Bar Association theme is **Free Speech, Free Press, Free Society** and is one that is as relevant today as it was when the founders first wrote the Bill of Rights in 1791.

Can you volunteer to spare a morning or afternoon to "Go Back To School"? Here's what past volunteers had to say about their experiences:

LAW ★ DAY  
2019



**"I HAD A WONDERFUL TIME THIS YEAR, AND ENJOY LAW DAY EACH YEAR. I TRULY ENJOY HAVING THE CHANCE TO SHARE WITH STUDENTS WHAT BEING A LAWYER IS REALLY ABOUT, AND WHAT I ACTUALLY DO."**

**"LAW DAY WAS VERY INTERACTIVE, WITH EXTREMELY BRIGHT 4TH GRADERS. I WAS PARTICULARLY IMPRESSED WITH THEIR ADVANCED AND SCHOLARLY QUESTIONS REGARDING THE SEPARATION OF POWERS AND THE LEGAL PROFESSION."**

**"I HAD A LOT OF FUN AT LAW DAY THIS YEAR. THERE WERE PLENTY OF EXCELLENT QUESTIONS ASKED BY THE STUDENTS THAT SHIFTED THE CONVERSATION IN THE DIRECTION OF TOPICS THAT INTERESTED EACH CLASS."**

If interested, complete the registration form below. The bar association can provide lesson ideas, including video clips and discussion starters, student giveaways, and tips on handling your classroom visits. You can speak on the topic of the ABA theme or select your own topic. And you can visit the school on your own or we can pair you with another bar association member.

To volunteer, register online at [www.westbar.org/lawday](http://www.westbar.org/lawday), email [westbar.org@westbar.org](mailto:westbar.org@westbar.org), or return the form below via fax (724-834-6855) or mail by **Thursday, February 28, 2019**.



## YES! SIGN ME UP FOR LAW DAY!

To volunteer for Law Day 2019, register online at [www.westbar.org/lawday](http://www.westbar.org/lawday), email [westbar.org@westbar.org](mailto:westbar.org@westbar.org), or return this form via fax (724-834-6855) or mail to Westmoreland Bar Association, 129 N Pennsylvania Ave, Greensburg PA 15601, by **Thursday, February 28, 2019**.

Name \_\_\_\_\_

Phone (preferred) \_\_\_\_\_ Email \_\_\_\_\_

School/School District Preference \_\_\_\_\_ Grade(s) Preference \_\_\_\_\_

Availability (weekdays in April/May) \_\_\_\_\_ Times \_\_\_\_\_





*You are cordially invited to attend the*  
***Presentation of New Members***  
*of the*  
***Westmoreland Bar Association***  
**Tuesday, March 26, 2019**



*The court en banc will recognize the newest members of the WBA at the annual  
New Members Ceremony scheduled for  
Tuesday, March 26, 2019,  
in Ceremonial Courtroom #3 at the Westmoreland County Courthouse at  
3:00 p.m.*

*Attorneys eligible to participate in this presentation:*

***Lauren E. Catalano***  
***Marguerite Goglia***  
***Jessica Lynch***  
***Jenna Miller***  
***David E. Mulock***  
***Katie L. Ranker***  
***Michael P. Rutch***  
***Ryan M. Tutera***



***RSVP by March 18, 2019***  
***to the WBA Office 724-834-6730***  
***or register online at [www.westbar.org](http://www.westbar.org)***





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By calling the hotel direct at 724.838.8800 and asking for the **Law Firm Rate** or  
by giving the corporate account number **0002982022**

**Commonwealth Meeting Room:**

528 Sq. Ft meeting space accommodates up to 35 people

Complimentary Parking

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Complimentary HDMI capability access from your laptop to our 54" monitor

Furnished with white board, pin board and podium

Catering menu available

**To inquire about Meeting Room Space call the hotel at 724.838.8800**



**Hampton Inn Greensburg, PA**

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[greensburgpa.hamptoninn.com](http://greensburgpa.hamptoninn.com)