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THE NEWSLETTER OF THE  
WESTMORELAND BAR ASSOCIATION  
VOLUME XXXII, NUMBER 2  
APRIL 1, 2020

# Loquacia Virus Seminar Stuns Bar

No more than three minutes into the lecture, something extraordinary happened. Lawyers turned off their phones, leaving their games and puzzles incomplete, and leaned forward to better hear the soft-spoken man at the podium. Clearly, this was no ordinary CLE. The man was Dr. Willmer Martin from the Center for Pandemic Control (CPC) in Atlanta, and seminars like this were being conducted in the 4,945 bar association offices across North America. The subject was the Loquacia virus, originally observed in the early nineteenth century in tree frogs, eventually jumping to humans, primarily riverboat gamblers, and then later to lawyers.

Dr. Martin explained that the virus thrives in crowded and overheated places, such as rooms where negotiable instruments are taught in the less prestigious law schools, which probably describes the one you likely attended; and its carrier is often that student who raises his hand in response to each and every question and goes on to expound endlessly, while the rest of the class lowers their heads and silently prays for his early demise. Yet, even when contracted, the symptoms often don't materialize for years. Early symptoms include the tendency to interrupt opposing counsel while he or she is

addressing the court; asking the judge, "How's the family?" at sidebar; and offering novel and unwelcome suggestions at bar meetings on just how things ought to be run.

As the virus takes hold, it proceeds through a number of progressive stages: gabby, windy, gassy, motor-mouthed, garrulousness, and, finally, terminal braggadocio and exaggeration, where fatalities often occur from media exposure or the creation of office websites and telephone answering machine messages.<sup>1</sup>

The good doctor, in technical terms of an incomprehensible nature, explained that the disease affects that portion of the brain which controls the ego and also tells you not to order pizza in the courthouse cafeteria. Fortunately, the fatality rate is only 3%, and death frequently occurs, in addition to the situations mentioned above, during appellate court arguments where it will not be

<sup>1</sup> In .000001% of the cases, this terminal phase can suddenly and unexpectedly mutate, causing the patient to rise to the highest office in the land.

observed by anyone who loves you. Yet, there is hope, for the progress of the disease can be arrested by ingesting 40 milligrams of humility daily, preferably at bedtime. The CPC also suggests the following proactive regimen to further increase humility levels:

- Compare your annual income with that of your plumber.
- Look at yourself in a full-length mirror while undressed.
- Ponder why you have never been asked to be the subject in the Spotlight section of *the sidebar*, when you know, with every ounce of your being, that the lawyer featured in the last issue couldn't litigate his way out of a loosely tied sack.
- Imagine yourself at the Dinner Dance trying to remember the name of a judge's spouse, or for that matter, even your own spouse.
- Dwell on the fact that your sibling is both more successful and better looking than you (Warning: Do not attempt this if you are an only child).

*continued on page 4*



Dr. Willmer Martin

President's Message

# Restraint and Collegiality Key to Professional Intercourse

by President Don Nautesme, Esq.

So now I'd like to write about a subject that, though vitally important to the welfare of our profession, gets precious little attention. I speak, of course, of collegiality.



Even though we are an adversarial profession and sometimes our primordial selves want to crush a vexatious opponent's skull into smithereens with a baseball bat,

kick him (or her) a few times while she (or he) is bleeding and unconscious on the courtroom floor, and then urinate on the dead and bleeding corpse (I think this one is more of a guy thing actually), we should refrain from engaging in such hostilities. It's not in keeping with the "dignity of

the profession," and it also carries with it a jail sentence.

No, no, that is not the preferred way to interact with opposing counsel. Rather, we should show restraint and collegiality (there's that word again) when engaging in professional intercourse with colleagues, no matter how compelling the urge for slaughter may be.

Let me give you an example. Quite recently, I represented a plaintiff in a jury trial. No sooner had I started taking direct testimony from my client than opposing counsel stood up and said, "Your Honor, I object." Well, as soon as those four words escaped his weaselly, lying lips, it became obvious to me this son of a bitch was going to

be as disruptive, obstructive, and destructive as possible, and it took all my might to restrain myself from giving him the well warranted violent assault he so richly deserved.

Ah, but I am nothing if not collegial, no matter how hard pressed. So, I slid the baseball bat back into my briefcase, and as colleagues at the bar we logically and coherently worked out the

little contretemps that his unfounded objection had ignited. That His Honor had already sustained his objection had no bearing whatsoever on its unwarrantedness.

So you see, instead of engaging in a public display of richly deserved, raging adversariality, I waited a few minutes until I had calmed down. Then I discreetly passed him a well composed and far more professional note advising that if he ever objected to anything again I would kill his wife and family.

See the difference? There was no public display, no ugly scene mandating the notification of any authorities, just a gentlemanly communication expressing my irritation at his conduct.

So, the next time you are tempted by the dark side of slaughter, remember how I handled the situation: no *sturm und drang*, no public hostilities, just a simple, unemotional polite note. Try it yourself and see if you don't find that it works wonders. For my part, every time I pass along such a communique, opposing counsel is so impressed by my professionalism and collegiality that it carries the day; he or she barely says a word the rest of the trial. Now tell me, isn't that a whole lot better than facing felony charges? 🙌

**It took all my might to restrain myself from giving him the well warranted violent assault he so richly deserved.**

## IMPORTANT NOTICE

\*\*\*\*\* Please read carefully \*\*\*\*\*

There is a rumor that the present issue of *the sidebar* is a well disguised April Fool's prank—a pernicious speculation which we initially thought was fostered by some low-level functionaries employed in our cafeteria. While that may or may not be the case, we wish to quickly inform you, whether you are a long-time subscriber or a new reader, that such a rumor has no basis in fact. The editorial board has no desire to sacrifice its long held journalistic principles simply to secure a few cheap laughs. If that would, God forbid, occur, it would jeopardize our accreditation with ISNPA, the International Small Newsletter Publishers Association. We stand by every issue as truthful and fully researched and notwithstanding the occasional misspelling, the infrequent uncomplimentary photograph, the false praise sometimes bestowed upon bar leaders, the boring historical pieces, the isolated garbling of the Actions of the Board, and a few other harmless missteps, we are immensely proud of our publication and will always seek to earn your trust. (To fully read the ISNPA charter, go to the WBA website and type in `^#My*%&@Nonsuit!$+*` to prove that you are not a robot.) 🙌

# Two Rich Old White Guys Vie for Presidency in 2020 Election

On the eve of impending elections to the Board of Directors for the Westmoreland Bar Association, *the sidebar* undertook to profile two of the top contenders. Consistent with the diversity of our bar members, the most likely vote getters are both aged, wealthy, and white. Uncharacteristically, however, it has quickly become apparent that neither of the two understands the virtues of compromise.

Our first candidate, long-time practitioner Robert “Bob” U.F. Ashist, Esquire, is a familiar face amongst members of the Bar. During his heyday, Bob billed himself as the “world expert general practitioner,” despite multiple bankruptcies to the contrary. Bob’s once-signature litigation move was to introduce himself as counsel and an expert in any given case, whereupon he would take the stand and provide the court with a unsolicited narrative on the “relevant” topic. Perhaps his greatest contribution to the legal profession in this regard is Rule 3.7 of the Rules of Professional Conduct, which precludes counsel from testifying in any proceeding in which they are an advocate. On his recent retirement, Bob thanked his many associates (who usually topped out at \$50,000 and 2,400 billable hours per year) with an ice cream social, “BYOIC-style.”

Bob’s vision for the Bar Association includes ensuring that “artistically designed steel slats” are built around the perimeter of the new Bar Association headquarters. Likewise, Bob has promised to contrive any method possible to keep “foreign” counsel from taking all the jobs from local attorneys. (*Editor’s note: According to Bob, “foreign” appears to mean Pittsburgh, a “gun-hating sanctuary city.”*)

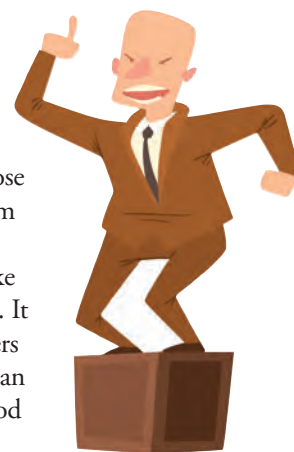
When recently confronted concerning the use, by his businesses, of Pittsburgh attorneys, Bob replied only, “Fake news!” (*Editor’s note: the sidebar has confirmed that Bob, indeed, uses Pittsburgh attorneys at his businesses; the sidebar is, of course, never fake news.*)



Opposite Bob is Hiram “Castro” F. Idel, Esquire. Hiram is best known for three things: never actually practicing law in his life, being the long-time mayor of the illustrious Laurel Mountain Borough, and mythic efforts to conceal the fact that he is a multimillionaire. In his time as a public servant, Hiram has formed a great many opinions on issues he has never actually experienced. His recent endeavors include a mandated \$90,000-a-year salary for all volunteer little league coaches and undertaking nearly any other suggestion that places the borough budget 50% or more in the red. Currently, Hiram is championing universal government healthcare for all county residents, because, in Hiram’s words, “people shouldn’t have to pay for their own healthcare, the taxpayer should.” (*Editor’s note: Having never handled payroll in his life, it appears the irony was lost on Hiram.*)

Both candidates appear to agree that the Bar Association should have a significant armed police force. However, it appears that Hiram would utilize the Bar’s militant wing to collect 52% of every contingency fee collected by local counsel over the first \$2,500 per year. For his part, Bob primarily seems to enjoy the presence of more firearms at the Bar Association, and likewise believes that service in the “Bar Police” should be the only path to student loan forgiveness. Both candidates also believe that changes to the Lawyer Referral Service are required. Bob would like to enhance the referral fee collection by 5%, and change the name of the LRS to the “R.U.F. Ashist Family Foundation.” Hiram, on the other hand, desires a 15% increase in the LRS referral fee, with all proceeds being donated to those “less fortunate counsel,” none of whom happen to subscribe to the LRS.

On balance, *the sidebar* cannot make a determination as to an endorsement. It appears, in any event, that the members of the Bar have a difficult choice, and an even more difficult life ahead. May God have mercy on our souls. 🙏



the sidebar

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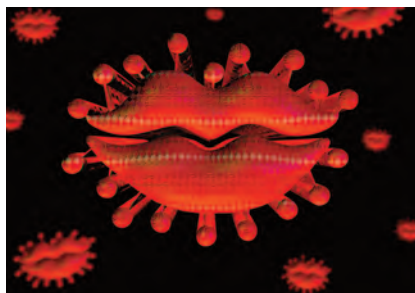
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# Loquacia Virus Seminar Stuns Bar

continued from page 1

The audience, somewhat taken aback, responded with an array of questions, primarily on how to protect themselves, their loved ones, and even their families, from this potential scourge. Dr. Miller's initial response, in a somewhat embarrassing attempt at humor, was simply, "Don't go to law school," and was greeted with an outbreak of grimacing. "Yes, I know, I know," he said, "it's a little bit too late for that, but there is this to be said: recent studies show that lawyers who hate what they do are less likely to contract the virus than those who are dedicated and love the profession." At this point, his voice was drowned out by thunderous applause and audible sighs of relief.

Regaining his train of thought, Dr. Miller went on to address the three lawyers remaining in the room. "I have a few suggestions which I hope may be



*The Loquacia virus proceeds through a number of progressive stages: gabby, windy, gassy, motor-mouthed, garrulousness, and, finally, terminal braggadocio and exaggeration.*

helpful," he said. "Pretend, if you will, that you are a judge, who assigns all the important and complex work to a clerk, or, what I guess you would call in your office an associate, or something. That is the first thing I would suggest, though you should know that you will be putting that

person at considerable risk, but hey, you can distract your mind from that dreary thought by going out and playing golf or whatever; there is no record of anyone contracting the virus on a golf course."

"Next, never respond to discovery requests. Written interrogatories—yuck—who knows what unwashed hands touched them before they got to you. My colleague, Dr. Slamhammer, says they are covered with more germs than an airline toilet seat. As for depositions, don't even think of going there: sweaty bodies packed into a tiny room the size of an elevator, which a fire marshal would condemn if he knew about it, and a court reporter who probably has a cough.

Waive all jury trials. For, as you know, you would be forced to stand in front of twelve strangers—and you don't know what they have been up to

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or where they recently came from—all breathing in your direction while you stand four feet away from them with your mouth opening and closing like a whale swallowing plankton, while your hands are resting on an unwashed jury rail. You might as well be in a leper colony.

Finally, unless you have been wearing a hazmat suit, it is important that you shower for 45 minutes, using an alkali soap and a stiff brush, after visiting the law library, the Inn of Court, any of the row offices, judicial chambers (particularly judicial chambers), the bar association office, or the city dump. Also, I would recommend your immersing your hands in a mixture of sulfuric acid and water after touching any pleading, brief, or the law journal. And after being informed about, and seeing, this strange local publication called *the sidebar*, I suggest that if you are negligent enough to find yourself reading it, that you put it aside, calm yourself, and call 911.”

Following Dr. Miller’s appearance, an emergency meeting of the WBA executive board was convened and group workshops were established to address these urgent issues. They will be held at the WBA offices at 4 o’clock on the third Thursday of each month. Note: Judges should report to the room designated for “Advanced Treatment.” It is hoped that the workshops will expand upon Dr. Miller’s parting words as he was putting on his coat to leave: “Drink lots of liquid, wear at least two warm socks, and hope for the best.” 🙏

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*Errol Flynn (1909-1959)  
Australian-born American actor*

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# White House Imposes Tariffs on South American Legal Documents

In an early morning tweet, the White House let it be known that beginning July 4, an 87% tariff would be imposed upon all legal documents drafted or printed in South American countries, emphasizing that they pose a threat to national security.

Assistant White House press secretary Ruth Stapleton went on to say that legal documents, including deeds, mortgages, powers of attorney, and wills, control the transfer of a significant portion of America's wealth, and therefore, documents such as these should be

completely free of foreign influence. These documents, she pointed out, are usually written in Portuguese or Spanish, causing confusion and uncertainty among parties to important transactions, noting that recently an Illinois man conveyed all his real estate to a South American dictator because he didn't understand the word *el donatario*. When asked if the tariffs would apply to Mexico, she responded, "Of course, the failure to mention Mexico in the tweet was simply a rare oversight."

Democrats assailed the proposal as a blatant ploy to influence the lawyer vote, suggesting that it was an attempt at damage control following earlier tweets aimed at the ABA suggesting (incorrectly) that it was in the pocket of the Mexican drug cartels. Since four out of ten people in the United States are lawyers, this issue will likely play a significant role in November. 🙌



## Alternative CLEs Now Available At Reduced Cost

Have you, as an upstanding bar member, wondered why it is necessary to travel to some inconvenient location, such as the WBA offices, simply in order to hear a presentation, or, worse yet, see a video of some taped panel discussion which is likely already out of date?

We, here at the Institute of Creative Law, recognize your plight and are offering you new CLE alternatives that are so exciting that you will actually be glad that you are a lawyer. And, our offerings are not the same old year-end reviews of all those boring things you have to put up with in your day-to-day practice; after all, you're a skilled professional who already knows everything there is to know on those topics. The subjects covered in our **Platinum Power Package** twelve-disc set, which you can see in your own home or office, address exceedingly complex issues you have never heard of, but nonetheless will prepare you for the day when that special and unique client walks into your office. You will not have to have them cool their heels in the waiting room while your overworked paralegal spends long minutes on the computer hunting for the answer. No—off the top of your head—you will be able to counsel them, there and then, on the spot, because you have purchased and viewed ICL's **Platinum Power Package** set for only \$899 plus tax (a \$4,865 value), enhancing thereafter your status in the legal community.

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At this point, as a clever lawyer, you are now asking if credits will be given and honored for these Alternative CLEs? That's our most frequently asked question and we're glad you had the savvy to ask it. Our CLEs have been scrupulously reviewed by a special rump session of the Delmont Zoning Board and you will receive with your set a notarized certificate signed by the former Postmaster General of Malta.

Order within the next 30 days and receive, as a generous gift, a signed photograph of the Westmoreland County bench from the year 2000. 🙌

# Fault-Line: New Column to Premiere in June Issue

The long running “Spotlight” feature of *the sidebar*, which uses a question-and-answer format to introduce lawyers to our readers, will be soon retired and replaced with a new and more entertaining piece entitled “Fault-Line.” We know some of you will miss “Spotlight,” but a recent WBA/NBC poll reveals that only 3% of you read it regularly, and those who do are primarily those featured in the article. The editorial board believes that this lack of interest may arise from the slow pitch nature of the questions posed, such as: “What is your favorite color?”; “What do you most admire in a president judge?”; and, “Why do you go out of your way to help the injured and downtrodden?”—questions that are lacking in grit or challenge.



“Fault-Line” will be more aggressive with questions aimed at the subject’s shortcomings and flaws, as well as those he or she sees in others, either in practice or on the bench. It is a cliché, but nonetheless, true, that confession is good for the soul, and most lawyers

have one—with the possible exception of the one who last month sent you the interrogatory that was 83 pages long. Our readers, we believe, will be more interested in probing questions, like: “How many hours of billing time did you charge last year while you were asleep?;” “What do you think of the ability of the judge who recently entered a non-suit against your client?;” and “What was the most fun you ever had while fully dressed?”

Since there are only a few weeks remaining until the June issue goes to press, we are asking for someone to volunteer as the first “Fault-Line” subject. In particular, we’re looking for someone who will be completely candid and transparent, and preferably has an independent source of income outside the law. 🙌



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# Roland Oats Inducted Into Century Club

After a hiatus of seventeen years, 112 year-old Roland Oats has become the latest and only living member of the WBA's prestigious Century Club. The club, which was conceived and initiated during some late-night revelry at the 1987 Bench/Bar Conference, accepts as members only those lawyers who have been in practice 100 years or more.

Mr. Oats was born in 1908, one of eleven children, whose father was a traveling grape salesman. His mother was the sole proprietor of a laundry which specialized in hand-washing argyle socks. Unable to afford him a more traditional education, his parents placed him at age six in the custody of his mother's brother, a prominent lawyer in Baggaley. There, young Roland had to accept the fact that he would never achieve his dream of becoming a famous dermatologist, because of his inability to spell; and undertook the drudgery of reading law in his uncle's office. Admitted to the bar at age 12, he later



Roland Oats

acknowledged in his autobiography, *The Cheese Stands Alone*, that he was less than thrilled with his new profession. As the years passed, however, he gained a solid reputation for being both garrulous and unpunctual, to a degree which caused him to stand out even at our bar; two traits which made him a formidable and often feared opponent.

At first he made a modest living defending against parking meter violations, where he perfected the tactic of endlessly arguing for repeated continuances of the hearings, one after the other, until either the meter maid or the magistrate threw in the towel. On the trial level, he seemed to go out of his way to alienate members of the bench. On one occasion, a frustrated judge declared a mistrial as jurors, individually or in small groups, failed to return to the courtroom after recesses between the twelfth and fourteenth

hours of his closing argument. And, of course, Mr. Oats' deposition of an opposing witness which lasted from October 10 to Christmas Eve in 1963 is legendary. And, lest we forget, one should note that his participation in a license suspension appeal where the hearing lasted 48 days is still a record in the commonwealth.

On appeal, Mr. Oats was noted for his all-encompassing briefs which were the product of intense research, though they were never read by appellate courts because they were always dismissed as being untimely.

Some of Mr. Oats' friends tried to persuade him to make better use of his time by avoiding distractions, so from 1991 to 1998 he refused to return phone calls or open his mail. During an interview with *the sidebar* some years later (redacted to one-third of a page out of 116), he recalled that he had attained a sense of calm and peace during those years, but also hinted that the practice may have played a small role in his 1999 bankruptcy.

Mr. Oats lives alone with his golden retriever, Subpoena, and brushes aside suggestions that he might enjoy retirement, simply saying that his 97-year-old secretary, Miss Habersham, needs the work. 🐕



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# To-Wit: The Little Things

by S. Sponte, Esq.

“Ours being an adversarial profession, one in which every day that is not filled with *sturm* is filled with *drang*, we are oft times obliged to take our pleasures wherever and whenever we can find them,” I began.

“It is a grievous truth that they are typically smaller than they are greater, as it is also true that they are mostly the kinds of little pleasures, teeny weenie little pleasures, that none but us can appreciate; yet it is also true that when such pleasures arrive they attach themselves permanently to our memory banks and, when stoked by recall, provide some measure of gratification and warmth, sometimes exactly when the cockles of our hearts are at their most frigid.”

“Many years ago, well before any statewide legislation granted them such

rights, I represented grandparents who desperately sought custody of a grandchild to prevent the child’s parents from doing any more harm

**“So remember, we’re lawyers, we make everyone’s life better, except maybe for our family members.”**

to her. Absent statutory authority, it was a very difficult case. I put up a really good fight though, and in the end my clients prevailed. Then off the three of them went, out of my life, leaving me behind with naught but some toasty cockles.”

“It was the kind of case in which my work will be remembered, when the lives that I touched touched me in return, leaving all of us the better

off for having passed some common point together. In cases like that, when the scales of justice ought to balance quite nicely without the aid of any precious metals, money feels like such an unseemly appendage, and that’s a really good thing because these clients never paid me.”

“Sure, their failure to honor my efforts with sparkling clean lucre has over the years had a chilling effect on the warmth I might otherwise feel; nonetheless, I have been frequently nourished by what I did in that case, and that’s just one example of how little things can hallow our work in ways that money alone simply cannot accomplish.”




*continued on page 10*

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## To-Wit: The Little Things *continued from page 9*

“What has brought all of this to mind was my recent invitation to be the featured after-dinner speaker at the bench/bar conference of a nearby county. I chose this subject as my topic.”

“After all,’ I said in closing, ‘money is not a fair measure of the value of our work. We shape peoples’ lives, we save them from hell time and time again, we shelter and protect them, and we are the only profession that can do that, except maybe for doctors, veterinarians, dentists, nurses, ambulance drivers, teachers, the clergy, police, firefighters and in some instances numbers writers.’”

“So remember,’ I went on as I beseeched them all to join me at the glorious heights of selflessness, ‘we’re lawyers, we make everyone’s life better, except maybe for our family members. Money is nice, Lord knows it is, but gratitude, righteous glory and the assuredness of knowing you stepped up to the plate and hit it out of the park, that you did the right thing at the right moment, that you might have saved a soul from the perdition of bankruptcy or the Inferno of a bad marriage or from having to pay a debt they knowingly incurred. The knowledge that it was your skill, your courage and your intellect that made someone’s life better is worth its weight in gold. Join me now as we bow our heads and give thanks that we, and we alone, except maybe for the group I mentioned earlier, have the chance to serve such laudatory

goals. If a client pays your fee in money, that’s okay, but it isn’t the only way, not even the best way that we can be rewarded, and to that let us all say “amen.””

“The place was so quiet that you could hear a dime drop. I contentedly surveyed the crowd, smugly awaiting the thunderous applause that I knew would momentarily swell up into a crescendo, but instead, one colleague stood up.”

“How much does courage weigh?’ he asked me.”

“Huh?’ I deftly replied.”

“You said courage was worth its weight in gold. If that’s going to be how we now calculate our fee, I’d like to know how much it weighs.”

“With that, the slightest bit of laughter started to rumble around the dining room. Then, ‘How much intellect does it take to buy a gallon of gas?’ followed by, ‘Come on, Bill, you already got way more gas than you need,’ followed by, ‘Good thing, too, ‘cause Bill ain’t got no damned intellect.’”

“The house exploded in laughter, and as it was winding down, the president of the Bar approached the lectern, pumped my hand and repeatedly told me how funny I was.”

“And that’s why I came to see you today. What do you think?”

“Ah, just so,” said the doctor, “now we begin.” ■

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Westmoreland Reimagined

# A Look Back at the History of Judicial Races in Our County

by Diggory James Aberforth, Esq.

Prior to 1874, judges on the courts of common pleas were appointed by favor of the crown or various governors who took time to carefully review the suitability and qualifications of those who might enhance the dignity and wisdom required for a seat on the bench, before they eventually appointed their wife's brother. And to no one's surprise, the system worked quite well. Then, though nobody knows why, someone found a reason to tinker with the commonwealth's constitution, and in 1874 it was changed to require the election of judges by popular vote, and what was thereafter referred to as the "good old days," were suddenly gone.

Well, not so suddenly in this county. Since nobody had ever run for judicial office before, there was considerable confusion among Westmoreland County lawyers as to just how one might go about it. Hiring campaign managers and speech writers sounded expensive, and perhaps not exactly kosher; and if the three judges, then serving by appointment, came off the bench, many worried that if they returned to the practice of law, they, because of name recognition, would have an unfair advantage in attracting clients. So all concerned just ignored the constitutional change, election days came and went without judicial candidates appearing on the ballot, and all of the appointed judges just stayed in place for the next decade, except one, who found it convenient to die.

But in 1884, a cloud occurred on the judicial horizon. Percival Smith, Esq., had, without many noticing, scoured the county to secure the then required 15 signatures needed to get on the ballot, four of which came from his minor children. Smith had entered the



*In 1884, Percival Smith, Esq., was the first person to run for and win a judicial office in Westmoreland County, rather than being appointed. A steady income and a free parking space for his buggy were the impetus for throwing his hat in the ring.*

bar by reading law at the Zeno Brother's Delicatessen on Pittsburgh Street, not far from the courthouse which preceded the present edifice. Smith's law practice had not prospered as he might have wished, and many thought it may have had something to do with limiting it to veterinary malpractice actions, though others speculated that his slogan, printed on his office stationery, "There's No Fee Unless You Insist Upon It," may have backfired. It would be well into the next century before the basic concept of the slogan, through trial and error, was perfected.

Smith's reasons for wishing to ascend to the bench would be become common: a steady income and a free parking space for his buggy. Since he did no electioneering (always a wise strategy), few outside his family knew

he was running. On election day the bar was stunned when he was elected by 14 votes above the nearest write-in, Chester A. Arthur, who would have been disqualified anyway, because U.S. presidents are prohibited (thank goodness) from performing judicial functions.

The first modern contested judicial election occurred in 1893 when the victorious Whig standard bearer, Leroy Monjar, bested Francis Middleman of the Green Party (named for the Jeannette councilman, Jake Green, who prior to this was known as "The Kingmaker of Clay Avenue").



## A Word of Explanation From the Author

I really can't tell you how much I appreciate the fact that you have read this far, and because I don't want to lose you, I'll dispense with the details of the elections for the next six decades, which were primarily boring contests between near octogenarians who were simply hoping to cap a career at the law with a short stint of dozing on the bench so they could be addressed as "judge" at Rotary Club meetings; which reminds me, it's time for a short nap (zzzzzzzzzz). That's better. Now, if you're still with me, let's move on to the 1960s and beyond, which is pretty recent stuff, and being aware of the libel laws, I'll refrain from using real names or genders, as I did above. So instead of referring to specific contests, I'll speak in broad generalities, but not so broad that you won't know who I'm talking about.



*continued on page 12*

# A Look Back at the History of Judicial Races in Our County

*continued from page 11*

Somewhere in the mid-60s there was a massive contest, because there were four vacancies on the county bench: two because of mandatory retirement, one due to a health-related retirement, and one judge who left the courthouse early one sunny Friday afternoon, and then just forgot to show up for the remaining three years of his term.

The number of candidates running was beyond measure, but from aerial photographs taken at high school football stadiums where the candidates nights were held, it was perceived that they constituted somewhere between 37 and 40 percent of the WBA membership, which quadrupled the number of potential voters in attendance.

In subsequent elections, however, the numbers were somewhat down because of the expense of getting elected. One had to budget for highway billboards every quarter mile between Monessen and New Kensington; TV and radio commercials on all the major networks; mailings so every person in the county would receive at least three a day; along with the cost of medical treatment for exhaustion. A political scientist at Seton Hill calculated that even if a candidate won, they would have to draw a judicial salary for 86 years to break even.

Recently, the same political scientist looking at data from the last hundred years identified what she referred to as “qualification enhancement,” also known as “credential creep,” and concluded that the average judicial candidate had participated in 657 jury trials, 1,489 hearings, and three beauty pageants.

From the above, we can only conclude that the manner of selecting common pleas judges has markedly improved since 1874, and one can only wait with bated breath for what might happen if there is another constitutional convention.

Oh, and by the way, can I count on you to put out a yard sign? 🙏

## got news?

Do you have news to share with *the sidebar*? Making seven figures? Landing a big client? Crushing a colleague in court? Winning an obscene jury verdict award? Upsizing to a brand-new mansion? Email [humblebrag@westbar.org](mailto:humblebrag@westbar.org) and we'll publish your news in the next available issue. Maybe. But probably not.



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# Bench/Bar Conference Changing Format To Bench/Bar Boot Camp

For years, the WBA Bench/Bar Conference has been a great place to relax and unwind, to get away from the stress of daily life; a chance for lawyers and judges to mingle and strengthen the bonds of collegiality and camaraderie.

Not anymore. This year, the Bench/Bar Committee is dialing it up a notch or ten and rebranding the annual event as the WBA Bench/Bar Boot Camp. Gone are the plush hotel rooms, the catered meals, the leisurely rounds of golf, and the scintillating, yet sedentary, CLE courses. In their place are a full week of surplus Army tents, rations, daily 20-mile hikes,



and bar exam study courses. (Yes, you have already passed the bar, but do you think you could pass it again? We didn't think so.)

Why the drastic change? According to Bench/Bar Committee Chair Brent Adams, "I saw a study online—well, more like a headline on Facebook because the study was t!;dr!<sup>1</sup>

<sup>1</sup> Chatspeak for "too long; didn't read," like most statutes or opinions.

Anyway, I think it said that the human brain performs better under stress, releasing adrenaline and endorphins that provide focus and improved critical thinking when pushed to survival mode. And I thought, 'Yeah! Some of the bar (and, frankly, some of the bench) could stand some

improved critical thinking and a refresher course on the law."

Brent predicts the Young Lawyers will be enthusiastic about the format change. "I mean, we're not going anywhere there isn't a 4G signal, and there are going to be a lot of Insta photo ops, so as long as they pack their solar-powered battery chargers, we're golden."

Not everything is going to change; Brent promises one thing is going to stay the same: "For sure, what happens at Bench/Bar stays at Bench/Bar." 🎉



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## where in the world IS THE WBA MEMBER?



Always eager for a bargain, our associate editor, George Miller, anxious to check off Venezuela from his bucket list, left two, or was it three months ago, on a cross-country tour, which included stops at various colorful inns and B&Bs, along with the use of a vintage rental car with unlimited mileage, at a price he just couldn't pass up. According to the AAA of Venezuela, George called for a tow of his vehicle (pictured above), but apparently became impatient and sought other means of transportation before the tow truck arrived. George, if you're reading this, our next meeting is on the 13th.

**SOMEWHERE IN VENEZUELA (WE HOPE)**

# WBA Yard Sale: Let Our Trash Become Your Treasure



In anticipation of (or as the result of, depending when you are reading this) the move to our new, spacious, beautifully decorated, convenient, handicap accessible, air-conditioned and solar-heated offices on North Maple Avenue, we will hold a yard sale at dawn on some Saturday, yet to be determined, after the city approves our application to use their parking lot for a few hours.

We assume the permit will be forthcoming, since we have offered to place volunteers from the Young Lawyers Committee at each of the lot's 120 meters for the purpose of inserting quarters during the sale, and to broom sweep the lot when it is over. All we are asking from the city is some of that yellow tape the police use in order to deflect the public from using the lot for its intended purpose.

The sale will include those items which are too heavy to carry down the steep incline of East Otterman Street, or that are just too shabby to become a part of our gorgeous

new work area—did you know it also includes a spa? While we would not deign to admit most of these items into our new working environment, they will probably look swell in your office.

While the work of the Pricing Committee is far from finished, we can give you a preview of some of the bargains:

- A leather-bound 12 VHS boxed set of the “Greatest CLEs of the 90s,” with an introduction by the president of State Farm Insurance Company (\$11.50).
- An assortment of group photographs of the common pleas bench from the years 1934–42, 1967, 1984, and 2000 (\$1.25 each).
- The WBA’s original copying machine, purchased in 1960, with three bottles of unopened toner—a collector’s item (\$978).
- Photos taken at the Bench/Bar Conferences over the years which were deemed inappropriate to publish in *the sidebar* (\$5 each, \$50 if you are

in the picture, \$500 if you want all the copies plus the negatives).

- Two overcoats and a hat, left behind at the Holiday Dinner Dance at the Hillcrest Country Club in 1982 (any offer will be accepted).
- An unpublished manuscript titled *The*

*Secret Life of a President Judge* (\$75, but if you are or were a president judge, well, we’ll have to talk about that, won’t we?).

All sales will be final, and please, no personal checks. Rolls of quarters will be accepted gladly for the aforementioned meters. 🏆

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# Meeting of the Editorial Board

Many of you have asked, “What occurs at the editorial board meetings of *the sidebar* that makes it such a magnificent and intelligent publication?” The answer, really, is that there are two basic factors: first, the board is comprised of people who lack the initiative and dedication required for membership on other WBA committees; and second, that our noontime lunch meetings at the Duquesne Club feature an open bar.

So it will no longer remain a mystery, we are providing you with a verbatim transcript of a recording of our last meeting.

OK, any feedback from the last issue?

Well, we had a couple of comments that were sort of favorable on the article pertaining to sleep apnea in the jury box; and there was one misspelling in the “Westmoreland Revisited” piece. As you know, there was an intended reference to the army’s fortifications, but unfortunately it went to press as the army’s *fornications*.

One of our readers actually caught that? I didn’t think anyone read anything besides the disciplinary postings.

Well, there may be a few.

Are we still waiting for the “President’s Message”?

No, it came in yesterday, the one about how an increase in fees will reduce the national deficit.

“Jury Trial Verdicts” will take up a lot of space this time; it’s a decennial roundup recapping the eleven verdicts handed down in the last ten years.

Yeah, remember 2012? There were two; it was chaotic. I believe they called in a senior judge to lighten the load.

Who can we get to do a remembrance on Edward Civility’s passing? Does anyone know if he had any close friends?

I’m not sure. When I first came to the bar, Civility was rather popular, but he wasn’t a self-promoter. If you recall he was somewhat shy. Then year by year, as the practice became more competitive, his presence was progressively diminished. I’ll call around, but it’s likely that those closest to him are already gone.

Whose turn is it to come up with a “LawSpeak”? And let’s come up with something original. We’ve run Mr. Bumble’s line, “The law is an ass ...,” more times than I care to remember.

You know, we haven’t run a contest for our readers in awhile, and they are always fun—I loved the one where we asked them to match photos of lawyers with those of their cats. Or, in the same vein, we could devote a page to individual photos of our judges to be matched to pictures of WBA members who are their most outspoken critics and detractors.

Nah, not challenging enough. Everyone already knows who they are, and there would also be lots of lawyers complaining that they didn’t make the cut.

Should we do a “Where In The World?” item this time, or are we overdoing that? Know anybody who has gone somewhere interesting?

One of our criminal court judges attended a four-day seminar on Devil’s Island, but forgot to pack their camera.

Maybe we could include a map of French Guiana or a stock photo of Alfred Dreyfus?

No, that would be silly. Dreyfus was a prisoner, not a judge; everyone knows that. Besides, there’s not the least resemblance between him and our judge, except that she is a little taller.

How about a photo montage of events on Love Your Lawyer Day?

Won’t work, only three people showed up—all lawyers, and no love.

Before we adjourn, I spoke with our counsel and there will be no further “Spotlight” pieces until the defamation suit by our last subject is cleared up. Who would have thought he was so thin-skinned? Thanks for coming—have a good day, and anyone wanting to stay the rest of the afternoon is welcome.



## CALENDAR OF EVENTS

*All committee meetings and activities are cancelled for the foreseeable future.  
It's a shame, because we had some really great things planned for you.  
Maybe next year.*

### APRIL

- |   |  |
|---|--|
| <p><b>1</b> 20th Annual April Fool's Ball, Rolling Rock Club, Ligonier<br/><b>CANCELLED</b></p> <p><b>2</b> Young Lawyers Committee Skydiving Outing <b>CANCELLED</b></p> <p><b>3</b> Family Law Committee Chartered Flight to London for Private Showing of "Harry Potter and the Cursed Child" <b>CANCELLED</b></p> <p><b>6</b> Bankruptcy Committee Meeting, Caesar's Palace, Las Vegas<br/><b>CANCELLED</b></p> <p><b>8</b> Passover Begins</p> <p><b>10</b> Good Friday Holiday</p> <p><b>17</b> Women In The Profession Committee Wine Tasting Tour Through Tuscany, Italy<br/><b>CANCELLED</b></p> | <p><b>20</b> Free Hot Air Balloon Rides Over Greensburg <b>CANCELLED</b></p> <p><b>22</b> Administrative Professionals Day Flash Mob, Westmoreland Mall<br/><b>CANCELLED</b></p> <p><b>23</b> Take Your Child to Work Day <b>CANCELLED</b> (Actually kind of glad about this one.)</p> <p><b>27</b> Inflatable Money Booth, Parking Lot at WBA Headquarters<br/><b>CANCELLED</b></p> <p><b>25</b> Senior Lawyers Committee Two-Week Caribbean Cruise Departs <b>CANCELLED</b></p> <p><b>30</b> All-Expenses-Paid Shopping Spree at Grove City Outlets<br/><b>CANCELLED</b></p> |
|---|--|



One, one thousand.  
Two, one thousand.  
Three, one thousand.  
Four, one thousand.  
Five, one thousand.  
Six, one thousand.  
Seven, one thousand.  
Eight, one thousand.  
Nine, one thousand.  
Ten, one thousand.

**Ready or not,  
here I come!**



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PresidentScott E. Avolio,  
President-ElectDennis N. Persin,  
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Christopher A. Haidze

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Past-PresidentPatsy A. Iezzi, Jr.,  
TreasurerAlahna O'Brien,  
Executive Director*m e m o*

Date: March 31, 2020

To: All WBA Members

As a precaution during the coronavirus outbreak, the Westmoreland Bar Association has **cancelled** or **postponed** all member events through the end of April, namely the following:

- April 6<sup>th</sup>: Annual Meeting of the Westmoreland Bar Association and Westmoreland Bar Foundation - **Moved to Virtual Meeting through ZOOM**
- April 9<sup>th</sup>: Investment Committee Meeting - **Moved to Conference Call**
- April 14<sup>th</sup>: WBF Meeting - **Moved to Conference Call**
- April 15<sup>th</sup>: Membership - **Moved to Virtual Meeting through ZOOM**
- April 16<sup>th</sup>: CLE - Westmoreland County Criminal Practice 101 - **RESCHEDULED to August 20<sup>th</sup>**
- April 17<sup>th</sup>: CLE - Video Compliance Seminar - **CANCELLED**
- April 21<sup>st</sup>: Family Law Committee Meeting - **CANCELLED**
- April 22<sup>nd</sup>: CLE - IRV Talks: Depression, Stress & Burnout - Impairment in The Legal Profession & What YOU Can Do About It - **RESCHEDULED to June 2<sup>nd</sup>**; Senior Lawyers Committee Meeting - **CANCELLED**
- April 23<sup>rd</sup>: Inns of Court - **CANCELLED**
- April 29<sup>th</sup>: Suffrage Town Hall - **CANCELLED**

PBI has postponed live programming at its conference centers in Philadelphia, Pittsburgh, and Mechanicsburg beginning on through mid-April, with constant assessment of the situation as it develops day-to-day. All live and simulcast courses during that period have been postponed, including those scheduled to be viewed at the WBA.

We will not schedule use of the WBA facilities for meetings, depositions or mediations until **after April 30, 2020**. Current room use reservations are being rescheduled.

Our staff will continue to be available to assist you but we would ask that members contact the WBA office by phone or email and avoid in-person inquiries.

**May events are still on the calendar at the present time.** Check the website and upcoming emails for further information and updates. Please be thoughtful as we make our way through this challenging time.



# Nuts & Bolts of Pennsylvania's Ignition Interlock Program

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## Presented by the Criminal Law Committee

The purpose of this program is to educate DUI attorneys on Interlock & the changes that occurred, with the Interlock Program in PA, when Act 33 went into effect on August 25, 2017 & discuss the changes that have occurred in 2018. Attendees will be better prepared to answer questions & provide information, so they may help their clients through the Interlock process & limit the issues, violations, & concerns their clients may have.

### Topics of Discussion:

- What an Ignition Interlock is & how it works
- Act 33 & how it effects your DUI clients
- Act 30 - What changed in October
- Client's requirements of Ignition Interlock
- What happens at install & monthly service appointment
- What are considered violations & how are they determined
- Fees incurred by client
- Troubleshooting issues
- Resources

**Speaker:**  
**\*Kathleen Riley**  
SmartStart

### May 18, 2020 Nuts & Bolts of Pennsylvania's Ignition Interlock Program

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

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

#### Pre-Registration Fees

\_\_\_ WBA Members - \$35/credit (\$70.00)

\_\_\_ Non-Members \$55/credit (\$110.00)

#### Non-Credit:

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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 May 17, 2020.**

**Monday,**  
**May 18, 2020**  
**12:00pm - 1:00pm**  
**WBA Headquarters**

#### Seminar Fees:

##### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 17, 2020.)

##### CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

##### Non-Credit

FREE

##### WALK- IN:

##### CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr.

##### Non-Credit

FREE

Lunch will be provided.

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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).

# IrvTalks: Depression, Stress & Burnout - Impairment in The Legal Profession & What YOU Can Do About It

— LIVE — 1 Ethics Credit Available



An accredited provider for the PA Board of Continuing Legal Education

## Topics of Discussion:

1. The early warning signs of impairment, with special emphasis on depression, stress & burnout.
2. The free service that Lawyers Concerned for Lawyers provides to lawyers, judges, their family members & law students.
3. A close look at what barriers exist that prevent lawyers and judges from seeking the help they need.
4. The role that education plays in breaking the stigma & fear associated with addiction & mental illness in the legal profession.
5. Special emphasis will be placed on what callers to LCL Confidential Helpline can expect.
6. How best to approach the impaired individual as well as the ethical considerations that surround a referral to LCL or JCJ.

## Speaker:

**\*Brian S. Quinn, Esquire**

Education and Outreach Coordinator for LCL

### June 2, 2020: Depression, Stress & Burnout - Impairment in The Legal Profession and What YOU Can Do About It

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

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

Phone \_\_\_\_\_

#### Pre-Registration Fees

\_\_\_ WBA Members \$35 per credit hour

\_\_\_ Non-Members \$55 per credit hour

#### Non-Credit:

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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 June 1, 2020.**

**Tuesday,  
June 2, 2020  
12:00 pm - 1:00 pm  
WBA Headquarters**

#### Seminar Fees:

##### PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm June 1, 2020.)

##### CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

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##### WALK- IN:

##### CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 per credit hr

##### Non-Credit

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Lunch will be provided.

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# What Video Options Will Work For Your Next Case?

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*How attorneys are using video technology to their advantage in litigation.*

From courtroom admissibility issues to a nuts and bolts breakdown of filming an effective video deposition, this presentation will help attorneys understand what options they have to use video technology to their advantage in litigation.

Over my 13 years in the hot seat at trial, I have seen my share of effective video playbacks as well as not-so-successful clips. I will share my insight along with real examples of the following:

- Video for Depositions
- Video for Demand
- Specialty Video (Drone, Surveillance, Site Inspection, Etc.)

**Speaker:**

**\*Jody Wolk, Director, Business Development**

Precise, Inc.

**March 26, 2020 What Video Options Will Work For Your Next Case**

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

Phone \_\_\_\_\_

**Pre-Registration Fees**

\_\_\_ WBA Members \$35

\_\_\_ Non-Members \$55

**Non-Credit:**

\_\_\_ \$10

\_\_\_ Waived for Young Lawyers (practicing 10 years or less)

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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 June 29, 2020.**

**Tuesday,  
June 30, 2020  
12:00 pm - 1:00 pm  
WBA Headquarters**

**Seminar Fees:**

**PRE-REGISTRATION:**

(Must be prepaid & received at the WBA office by 12 pm June 29, 2020.)

**CLE Credit**

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

**Non-Credit**

\$10

Waived for Young Lawyers (practicing 10 years of 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 of less)

Lunch will be provided.

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