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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
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NOVEMBER 2022

Dressing for Court: A Candid Look at Courtroom Attire

by Rebecca K. Fenoglietto, Esq.

Several years ago, I walked into the family division of a courthouse and saw a female litigant wearing a T-shirt with the Nike swoosh that said “Just Do Me.”

Lady, I thought, that’s how you got into this mess in the first place.



Rebecca K. Fenoglietto

In another instance, a male client of mine showed up in a tank top and shorts because, as he told me, he wanted the judge to see who he really was. No one wanted to see that.

I thought about those folks when I was asked to do

a piece on courthouse attire.

First, a word about courthouse attire for lawyers. We’ve come a long way, baby, since lawyers wore robes and wigs in the early formation of our country’s legal system. Those were, by and large, abandoned after the Revolutionary War as vestiges of England that deserved the boot.

After the Civil War, the United States saw a divergence of two different types of lawyers: the educated elite and those from working-class backgrounds who were dismissed as “pettifoggers,”

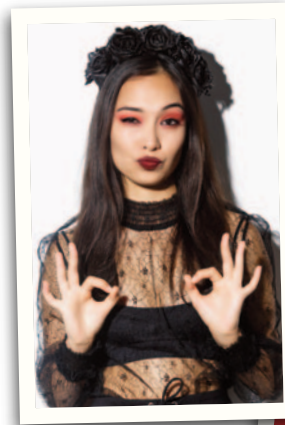
or tavern lawyers. And now I must use the word “pettifogger” whenever I can. Which, sadly, is not often. In their comportment and dress, the working-class lawyers, especially those in the frontier, were more relaxed in practice and wardrobe. In fact, Abraham Lincoln was once described as having attire and physical habits “on a plane with those of an ordinary farmer. His hat was innocent of a nap; his boots had no acquaintance with blacking; his clothes had not been introduced to the whisk broom.” The elite maintained their more formal dress. Because, well, elite.¹

Accepted dress for our male colleagues has always been easy. It’s a suit and tie.

For women, it’s a different story.

The first female lawyer in Pennsylvania was Caroline Burnham Kilgore, who was grudgingly allowed to attend and graduate from the University of Pennsylvania and was admitted to practice in 1885. She wore hoop skirts. Luckily, we’re not doing that anymore, but we’ve all heard the

¹ The historical information was taken from a 2021 Kansas University School of Law Law Review piece by M.H. Hoeflich.



stories of judges throwing women lawyers out of courtrooms for wearing pantsuits instead of suits with skirts. To this day, female lawyers tell the stories of being called out for wearing pants, for not wearing pantyhose, for having open-toed sandals, etc. Closer to home, a federal district judge in Pittsburgh became infamous in the 1980s for throwing a woman out of the

continued on page 18

President's Message

Achieving Our Pro Bono Goals

by Eric E. Bononi, Esq.

Dear Fellow Westmoreland Bar Association Members:

Once again, I would like to thank everyone for their help in providing pro bono services for the neediest among us. Promoting legal aid



and pro bono legal services has been a major emphasis for our Bar Association for many years. I am very proud of our Bar Association and the efforts it has made to provide access to justice for so many of our

Westmoreland County citizens.

The needs of our citizens continue to challenge both the civil and criminal justice systems. A Constitution mandate does provide access to legal services in

criminal matters, but an underfunded and overburdened civil legal aid system threatens delivery of civil services. The Pennsylvania Supreme Court supports civil legal aid in a variety of ways, from funding loan forgiveness programs for legal service practitioners, to making it easier for retired attorneys to provide pro bono service through emeritus status. The Court is also in favor of awarding continuing legal education credits for pro bono services provided through authorized providers.

We contribute, through IOLTA, a portion of our annual licensing fees to legal aid, but it is the voluntary efforts, whether by direct representation of clients or further financial support that helps those in need. Pro bono attorneys are encouraged by Pennsylvania's local bar associations to fulfill their aspirational duty under Rule 6.1 to render

public interest, legal service, provide time and financial contributions to help with this need.

I would appreciate the help of our members with our next legal aid clinic, which will be on custody, wherein there is a tremendous need. Volunteers will assist self-represented individuals with navigating the custody process. We will be forwarding a sign-up sheet for our members and setting another date in the future to promote this clinic.

Once again, I thank those who have stepped forward in helping us achieve our goals in providing pro bono services to those in need. ■

Sincerely yours,

Eric E. Bononi, Esquire
WBA President



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Remembering Louis J. Kober

Editor's note: Louis J. Kober passed away on Saturday, July 30, 2022, at the age of 97. Predeceased by his wife, Betty, in 2002, he is survived by his two daughters, Nancy Kober, of Charlottesville, Va., and Susan Kober, of Bonita Springs, Fla.; his son, Louis Jay Kober II (Jay); daughter-in-law, Karen Kober; granddaughter, Alexandra (Alex) Kober, of North Huntingdon, and his grandson, Louis Jay Kober III (Jay); granddaughter-in-law, Emma Crist Kober; and great-grandson, Louis Jay Kober IV (Louis), of Cambridge, Mass.

A Son Remembers: When Presence Alone Is Enough

by Louis Jay Kober, II, Esq.

The Louis Kober family vacationed for many years at Cape May, N.J. Dad rented the rear apartment at the Shore House on Ocean Street. A lively group was there the same week as our family: the families of Al Nichols and Fred (Freddie) Dent, both Greensburg lawyers; Ted Simon, the late commissioner; and the family of the late Donald "Buddy" Sarp, brother-in-law of Fred Dent.

We spent days at the beach, and around mid-afternoon, Dad would take my hand. Together, we would walk down the beach, stopping to watch the cranes and steam shovels building the jetty near Frank's Playland.

Dad knew when his son was hungry. We would cross the street to Petroff's, where we sat inside at a booth on wooden benches. Dad would order me a hamburger and Coke. We sat quietly together while I ate my snack, me looking across the table at the patient, mild face of my dad. I called this little restaurant "our place." A hamburger, a Coke, fudge, and taffy. A machine in the front window pulling taffy. Heaven.

My dad was born in 1924 in Sheridan Terrace, a village outside Irwin. He grew up playing baseball on the sandlots and shooting marbles on the porches. He was a Boy Scout and a scout leader. He played football at Norwin High School, attended the University of Pennsylvania as an undergraduate and law student, and

In the realm of romance, Dad was not a fast mover. The first summer he met Betty he greeted her with a friendly "Hi." He loosened up the next summer with the salutation, "Hiya, Betty." She knew she had him hooked.

went to war in the South Pacific, an ensign in the U.S. Navy. He was admitted to the practice of law in 1952.

Dad met his wife, Elizabeth Ellen Francicola (known as Betty), at the Prothonotary's office. They fell in love next to the Ejectment and Miscellaneous docket (just kidding). In the realm of romance, Dad was not a fast mover. The first summer he met



Betty he greeted her with a friendly "Hi." He loosened up the next summer with the salutation, "Hiya, Betty." She knew she had him hooked.

Their first date was at Kooser State Park near Somerset. By the end of the day, Betty was sunburned and in love. On later dates, Dad remembered to bring the sunscreen. They were married in September of 1952 and enjoyed a two-week honeymoon in Miami Beach, Fla. It took three days to get there and three days to return—with a car repair along the way.

Not long after the marriage, early in his career before I was born, Dad came down with the mumps and Hepatitis A (he had eaten some bad shellfish). He was homebound for several months—a young lawyer with a fledgling practice, a wife, and two young daughters. Richard J. Flickinger, father of Ligonier attorney Rich Flickinger, and Albert Nichols, father of Greensburg attorney Greg Nichols, each made generous gifts to my father that kept him and our family afloat during his convalescence. My sisters and I are forever grateful. Those were different times.

Anticipating the Nike slogan

continued on page 4

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, 100 North Maple Avenue, Greensburg, PA 15601-2506, fax 724-834-6855, or e-mail 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.

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Remembering Louis J. Kober *continued from page 3*

“Just Do It,” Dad took up golf without formal instruction and sojourned south each spring—usually in March—to Pinehurst, N.C., and Myrtle Beach, S.C., when Myrtle Beach had only three courses. Joining him on these trips were fellow lawyers Wayne Whitehead, Richmond Ferguson, George Welty, Bob Crum, and Danny Edwards. Those were good times.

During the summer, Dad often came home early one day a week so that he and I could hit the links for 9 holes, sometimes 18 holes. I admired that he could draw the ball—hitting it with a right to left curve.

He enjoyed the game until his retirement to Florida, when he lamented the courses were too long, designed for the pros, not an amateur in his 80s. Yet, when he was 82, he shot an even par 27 on the front nine at Kistler’s—the par three course outside of Harrison City—playing with me and my son.

The culmination of many a summer was the Labor Day party he and my mother held at their home in North Huntingdon for the lawyers and their families who practiced in the Law and Finance Building (now Keystone Commons). Fresh-picked corn was roasted in a boiling pot, heated by a blazing fire, and one year, Dad and Fred Dent roasted a pig, staying up all night to stoke the fire. A neighbor spotted smoke and called the fire department.

The firemen who came to the scene closed their investigation when Freddie assured them that he would deliver an ample serving of pork to the firehall the next day.

Dad was a hard worker. Following the business model of the 1950s, he opened an office in his hometown of Irwin and an office one block from the Courthouse in Greensburg. He did his own title searches and closings, when the documents that consummated a transaction were a deed, a mortgage, a note, and a settlement sheet.

The Recorder of Deeds office was located where Judge Krieger currently holds court. I remember when I was 16 helping Dad with a title. The books were heavy and the language of the recorded deeds indecipherable. I acquired an immediate respect for lawyers and their ability to readily comprehend such arcane scribbling.

Dad was primarily a transactional lawyer, but he also practiced on the civil side of the court, winning a case over a disputed \$50,000 lottery ticket.

Mother died in 2002. Dad retired in 2004 and relocated to Florida. He became a 17-year-old boy again on summer vacation, bicycling and paddling his kayak. For years he taught adult Sunday school at Holy Trinity Lutheran Church in Irwin; in Florida he taught children’s Sunday school. Dad was kind to the young people of the church, inviting them on bicycle rides and kayaking adventures—always in salt water to avoid becoming an alligator’s lunch.

Always a pro football fan, he donned the orange and aqua of the Miami Dolphins. For many years, he attended home games at Hard Rock Stadium, but remained a Steelers fan at heart.

He lived until age 97. He had few regrets. He swears he had a Honus Wagner baseball card that his mother threw out (it is worth \$7.25 million today). When Joe Mitinger, the late Greensburg lawyer, advised Dad to invest \$5,000 in a company that his brother-in-law, Ross Perot, was starting, Dad declined the proffered largesse, to his later regret.

He was married 49 years and had three children. He died on July 30, 2022. He was loved and loved in return.

Somewhere in eternity, there is a summer day—it’s mid-August—I will meet Dad on the beach and he’ll take my hand and we’ll walk together stopping to watch the waves break on the jetty, his presence alone being enough. We’ll stop for a hamburger and a Coke, together again, at “our place.” ■



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Louis J. Kober will be among those remembered at the Westmoreland Bar Association’s 60th Annual Memorial Service to be held at the Westmoreland County Courthouse in May 2023. Please plan on joining us to honor our colleagues.

The New Generation in Court Administration

Editor's note: With the retirement of Civil Court Administrator Carol Petrusky in July, court administration in Westmoreland County is the responsibility of a new generation. With nearly eight years in her position, District Court Administrator Amy DeMatt is both in the top spot and at the top of the seniority list. Although the other court administrators may be short on years, none are short on experience.

*by Caitlin Bumar, Esq., and
Joyce Novotny-Prettiman, Esq.*

Amy DeMatt District Court Administrator



Amy DeMatt is the Westmoreland County District Court Administrator, and has been in this position since December 2014.

Prior to being appointed to this position, she graduated in 2000 from Washington and Lee University School of Law. During law school, Amy held an internship with the administrative assistant to the Chief Justice of the United States Supreme Court. She was in private practice from 2000 until 2006 at the firm of Mears Smith Houser & Boyle and then held the position of law clerk to Judge Feliciani from 2006 until 2014.

The duties and responsibilities of the Court Administrator are very broad and include, but are not limited to, the following:

- Implementing the policies set by the State Court Administrator
- Assisting the State Court Administrator in setting statewide policies
- Preparation, submission, and management of the budget for the county courts



(L to R) Pam Neiderhiser, Chris Haidze, Amy DeMatt, Pete Flanigan, and Lisa Galloway Monzo are among the new generation of court administration in Westmoreland County.

- Recruiting, hiring, training, evaluating, and monitoring court personnel
- Managing the space and facilities for the courts
- Procuring supplies
- Jury management
- Study and improvement of caseload, time standards, and calendaring
- Preparation of trial calendars
- General supervision of the minor judiciary

Many people do not realize that the Court Administrator has no authority over the operation of the row offices in the county.

One of the things that Amy enjoys most about her position is that she works with many people who are truly invested in improving the system in any way possible. She previously appreciated but was reminded during COVID how important access to justice is to our community and she is proud of the way Westmoreland County handled the challenges presented by the pandemic.

Amy welcomes communication from the members of the bar and wants all of the members of the

Westmoreland Bar Association to know that they are welcome to contact her with suggestions or concerns.

Christopher Haidze Special Courts Administrator



The position of Special Courts Administrator in Westmoreland County is held by Christopher

Haidze. He has held this position for the past two years and has many duties associated with managing 16 magisterial district courts, the senior magisterial district judges, and night court in our county. Most importantly, he is the problem-solver for the various district magistrate judges' offices. He handles payment of bills, purchases, and payroll for all of those offices. He is also in charge of implementing and troubleshooting technology issues as well as scheduling continuing education. He handles security concerns for the various offices and also fields complaints from the general public.

continued on page 6

The New Generation in Court Administration

continued from page 5

Many WBA members came to know Chris during his 29 years with the Westmoreland County Public Defender's Office, as a member of the WBA, and as a member of the WBA Board of Directors.

While Chris had a lot of experience with the criminal end of the operations of these offices when he stepped into this role, he was surprised to learn all of the things each individual office handles. He describes the offices as "the entire Courthouse wrapped up in a little building" which serves communities on a local level. The statistics he shared about the number of cases handled by the magisterial district courts show just how busy these offices are, and the impact of the pandemic in the last two years:

- 2018 – 68,919
- 2019 – 64,105
- 2020 – 42,779
- 2021 – 47,709

Chris is thankful for all of the help that he received and continues to receive from his predecessor, Don Heagy. He also credits the various magistrate judges and staff for their willingness to share information and ideas, which allows all of the offices to run more efficiently.

The most satisfying things he has experienced in his job are the pride of completing various projects and the satisfaction of interacting with the judges and staff. He is proud that the

magistrate courts continued to operate during the COVID emergency, which allowed Westmoreland County residents uninterrupted access to justice. He sees a silver lining in the pandemic in that it resulted in creating technology to help move cases through the system.

Lisa Galloway Monzo Civil Court Administrator



Lisa Galloway Monzo is the newest member of the team, having come on board with

the Westmoreland County Court Administrator's office in July 2022 as the Civil Court Administrator. In that role, her responsibilities include scheduling civil trials and maintaining the civil trial lists, scheduling arbitration hearings, license suspension hearings, and summary appeals, and creating the civil court calendar. She provides assistance to litigants and counsel, as needed.

Prior to taking on the responsibilities of this position, Lisa was a practicing attorney for 30 years, working in many different areas of the law, but primarily in civil litigation. Most recently, Lisa had the privilege of working as the law clerk for President Judge Hathaway; she has also clerked for several other judges on the Westmoreland County bench.

Lisa's favorite thing about her role is that it allows her to interact with her colleagues. Her biggest challenge is to make sure that cases move fairly and efficiently through the system.

A helpful tip that she has for her fellow WBA members is to take time to read the state and local rules because that is the best way to be sure your filings are done properly—and, of course, don't forget to supply the Court Administrator with a copy!

Pete Flanigan Criminal Court Administrator



Pete Flanigan has been serving as the Westmoreland County Criminal Court Administrator for about

a year and a half. Primarily, his role focuses on scheduling criminal cases for hearings. His office also addresses logistical concerns and troubleshoots various issues that arise in criminal court. Pete came to the job after 25 years as a Westmoreland County Assistant District Attorney.

Pete's favorite aspect of the job is making things work well for everyone concerned. As for the biggest challenge he faces? Making things work well for everyone concerned. The biggest surprise that Pete has encountered in this role was coming in on the heels of the year-long backlog caused by the pandemic.

Over the past 25 years, Pete notes that court administration appears pretty much the same as it always has. On the inside, however, the office has transitioned to a fully digital system, as opposed to the previous system of using 5,000 or so index cards per year to track the docket. The office has also shored up the various methods utilized to keep cases on track and prevent important matters from being overlooked.

Pete believes that the best thing that members of the bar can do to help cases move forward efficiently is to have the hard conversations that are needed with people—clients and victims—earlier in the process. Pete also finds that it is always helpful for attorneys to be proactive in perceiving and managing scheduling problems so there are fewer last-minute requests and perhaps fewer conflicts overall. He would like all of the county's attorneys to know that they should

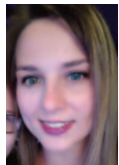
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never hesitate to get in touch with him or his office if they feel that there has been any sort of misunderstanding or mistake, or if they believe that court administration can be of assistance. He believes that Westmoreland County is a great place to practice law, in part, because we have all always worked well together, and we should never forget how important that is.

Jamie Kemp
Family Court Administrator



Jamie Kemp is Westmoreland County's Family Court Administrator.

Her role is to aid in and facilitate all family court-related matters. She has been in this position for about six years, having previously worked as a paralegal.

As for her favorite aspect of the job, she acknowledges that we spend a large part of our lives working, and she feels lucky to have wonderful coworkers. As for challenges, Jamie notes that there

have been significant staff changes over the past few years, from office staff to hearing officers and judges, and the adjustment period is always a little stressful.

In her time as Family Court Administrator, the biggest surprise that she has encountered has been the impact of COVID on the courts. Her office had to adapt to new ways of functioning to ensure that people still had access to the courts for both emergencies and routine business nearly overnight. Jamie also notes that with the loss of the Pro Bono Custody Program, the custody office has gotten a significant increase in pro se filings and emergency custody petitions.

Pam Neiderhiser
Deputy Court Administrator



Pam Neiderhiser is Westmoreland County's Deputy Court Administrator. She has many roles, including

Language Access Coordinator,

managing the court assistant and court reporter pools, answering Right To Know requests, and handling all Americans with Disabilities Act needs and concerns. Above all, she ensures that every day runs smoothly for all eleven of the county's judges.

Pam began interning at the Westmoreland County Courthouse in 1992, and became an Assistant Public Defender after finishing law school in 1996. She clerked for Judge Blahovec for 12 years while running her own private practice doing family and estate work. In January 2013, she took the job as the Westmoreland County Criminal Court Administrator, and in January 2021, she began work as the Deputy Court Administrator.

Pam's favorite part of the job is working with colleagues who are always willing to lend a hand and who make the days enjoyable. There are also new situations every day that keep her on her toes; she says she never stops learning something new. As for the biggest challenges of the job, Pam finds


continued on page 8

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JULY 2022 CIVIL TRIAL TERM

Of the three cases on the July 2022 Civil Jury Trial List, one was continued and two were settled. No jury trials were held.

SEPTEMBER 2022 CIVIL TRIAL TERM

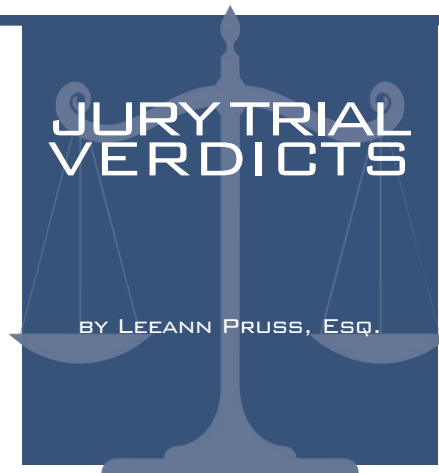
Of the seven cases on the September 2022 Civil Jury Trial list, two settled, three were continued, one was removed and scheduled as a non-jury trial, and one proceeded to a jury trial.

**ERIK SCHOLLAERT AND
SANDRA SCHOLLAERT
V.**

**ROBERTSHAW MANUFACTURING
COMPANY A/K/A ROBERTSHAW
COMPANY A/K/A ROBERTSHAW
NO. 4365 OF 2019**

Cause of Action: Product Liability

This case arises out of a water loss which occurred at the home of the Plaintiffs on September 27, 2018. On the day in question, Plaintiffs discovered water leaking into the basement of their residence. After an investigation, Plaintiffs tracked the source of the water leak to the water control valve for their refrigerator. The



refrigerator was designed by Whirlpool Corporation and sold to Plaintiffs by Lowe's Home Centers, Inc., in 2011.

According to Plaintiffs, the water leak occurred as a result of a hairline crack in the water valve, which was manufactured by Defendant Robertshaw. Plaintiffs supported this allegation with evidence of a letter from Defendant's legal support manager to Plaintiffs, which indicated that testing was conducted on the water control valve and the leak occurred as a result of a crack that existed at the time the valve was manufactured.

Plaintiffs sought recovery of \$14,359.58, which is the amount

of property damage incurred as a result of the water leak.

Defendant argued that a crack never existed in the water control valve. According to the testimony of Defendant's legal support manager, the letter relied upon by Plaintiffs was compiled from various form letters and the testing did not support the existence of a crack. In addition, Defendant's engineering expert testified that the photographs of the water control valve did not show evidence of a crack.

Trial Date: September 6-7, 2022

Plaintiffs' Counsel: John L.

Wainright, Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C., Pgh.

Defendant's Counsel: Jennings L. Hart, III, Esq., Davis McFarland & Carroll, LLC, Pgh.

Trial Judge: The Hon. Chris Scherer

Result: Verdict in favor of the Defendant.

NOVEMBER 2022 CIVIL TRIAL TERM

Of the six cases on the November 2022 Civil Jury Trial List, three were continued, and three were settled. No jury trials were held. ■

The New Generation in Court Administration *continued from page 7*

that the key to maintaining her large and diverse workload is organization. She keeps a daily to-do list, weekly and monthly checklists, and lots and lots of Post-it notes.

There are also particular challenges to be found when working with the public. Pam credits her college summer job at a bakery for providing her first foray into public service. There was no better place to learn to be professional and stay calm in the face of the infinite variety of experiences that people provide.

Pam isn't easily surprised by anything that happens at the Courthouse, but again there is always something new to learn every day

across all of the different divisions of the courts. And anytime an unpleasant surprise pops up during the day, she knows she can always unwind at home, hiking and playing with her two-year-old beagle, Lucy.

The biggest change that Pam has seen in her time in court administration is the adaptation to new technology. The COVID pandemic sped this process up, however, there was already a significant movement toward integrating technology in the court system taking place. These changes have included increased video hearings, digital court recording services, and an increased need for and remote access to various interpreters.

Pam would like every attorney in the bar to be aware of the wealth of resources hosted on the county website, including forms for every court division. The website hosts competency evaluation forms and interpreter request forms which streamline the process for you and your client. It is always a good idea to get your requests in early, whether that is a request for a video hearing, an interpreter, or any other special accommodation. The sooner you place a request, the easier it is to accommodate it in a timely manner. ■

Spotlight on Jack Bergstein

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

A I started at age 5 stocking shelves at my father's grocery store for which I did not get paid. Then at age 12, when my father owned a farm supply store, I started selling parts and supplies for which I was paid \$10 a week. As I got older (16), I started selling trucks and farm equipment.



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

A I represented a client who received injuries in an auto accident, in a demonstration summary jury trial in front of 70+ Westmoreland County lawyers who received CLE credits for attending. My opponent was John Noble, Esq., who represented the insurance company. He and I agreed that the verdict of the jury would be binding on our clients. Judge Ackerman presided. My client was a very nervous woman and felt she had to be precise in her answers. In preparing her for her testimony, I explained to her

she could use words like "approximately" or "about." She took the stand and I eventually asked her what time did the accident occur and her response was "approximately 6:03 p.m." Needless to say, the rest of her testimony had similar responses. Her attempts not to be precise made a lot of people smile.

Although not funny, at that same trial, I was closing to the jury and directing my comments to one particular juror in the back row, when suddenly I heard Helen, Judge Ackerman's tipstaff, calling my name. I looked over to her not pleased for being interrupted and saw her frantically pointing to the juror directly in front of me, who was having a seizure and I wasn't even aware of it. I totally froze and could not move, at which point Maureen Kroll, who was a nurse in her past life, dove into the jury box to attend to the affected juror. Finally, the adjuster for the insurance company had to pull me away since I could not move. Not really a funny event, but it surely was memorable.



with my girlfriend and my two oldest children to Hungary, Romania, and Ukraine, to the area where my parents were born. We visited about nine cemeteries and we saw gravesites of several of my great-grandparents, one great-great-grandfather and one great-great-great-grandfather who died in 1818. It was my trip of a lifetime.

Q WHAT IS YOUR GREATEST REGRET?

A That my wife died much too soon and she and I didn't get to travel to new places in our golden years.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A When I was 6 years old, my father's cousin returned from World War II having sustained major injuries in the battle of Iwo Jima. He came home from the military hospital and I followed him up the stairs to his room at my grandparent's house and I helped him unpack. He was my first hero.

I always admired Justice Arthur Goldberg for his

continued on page 10



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

A Honesty to the Court and civility toward fellow members of the Bar. Too many lawyers hold grudges against opposing counsel.

Q WHAT IS YOUR FAVORITE JOURNEY?

A In 2016, I traveled

Spotlight on Jack Bergstein *continued from page 9*

unselfish service to the U.S. Government. And, of course, my father was my real hero for giving me guidance until the day he died.

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

A Learn how to search a title. Doing a title search (sometime six at a time) was the best training in helping me to be precise in all my legal work. Also, always stay organized (My late partner, Frank Ezerski, taught me this). Make lists of things which have to be done. I still make those lists today.

Q WHAT IS THE BEST ADVICE YOU EVER GOT?

A Work hard and

don't hang out or loaf at the corners.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Having written two family histories of the Bergstein and Schwarcz families on my paternal side and hopefully the completion of the family histories of the Spitz and Schwartz families on my maternal side.

Q WHEN AND WHERE WERE YOU HAPPIEST?

A I always try to stay happy, but probably I was the happiest when I came home every day from work and I would have dinner with my wife and three children and I would listen

to their events of the day and they would listen to my description of that work day events. We always had dinner together, sometimes later than normal.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A The 1999 WBA President's Award For Professionalism was given to me. It was only the second one awarded at that time. I was so honored to be recognized by my peers in this honored profession.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Arrogance and deceit. I'm afraid we're seeing more of it today, especially from our representatives in government.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A My second home in Florida which is surrounded by four golf courses.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A I would love to be able to sit down at a piano

and play my favorite songs like the late Joe Mitinger and Judge Chris Feliciano have done many times before. I can't even play "Chopsticks."

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A That they keep up with me on the golf course. Seriously, my best friends keep in touch with me no matter where they are and no matter how busy they are. I'm honored by that.

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

A At one time I thought about becoming a Rabbi but an old college friend said that I could not do that because I drank too much. Maybe now, since I don't drink like I did before, I could train for the Rabbinate, if I weren't so old.

Q WHAT IS YOUR MOTTO?

A Don't give up. There is always a solution. You just have to work hard to find it. ■

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To-Wit: Edifice Lex, 2022

by S. Sponte, Esq.

Good evening ladies, good evening gentlemen, good evening others, if you would all please take your seats and postpone boasting about your most recent verdicts until dessert, we can begin.

First, let me welcome all of you here to Sioux City and to Edifice Lex, the Lawyer's Hall of Fame where we are proud to present this year's new admittees. As in years past, the selection has been made by three-quarters majority vote of the Committee on Self-Aggrandizement, with additional input from the Ad Hoc Committee on Rehabilitative Career Descriptions.

All of our new admittees are colleagues who, by virtue of their exemplary service to the profession and the public have distinguished themselves in various ways. Each are lawyers of substance, even if we cannot always agree on exactly what that substance is.

So without further ado then, let me present this year's selection. I ask that you please hold on to both your applause and the component parts of your salad until the end of the program.

“As in years past, the selection has been made by three-quarters majority vote of the Committee of Self-Aggrandizement, with additional input from the Ad Hoc Committee on Rehabilitative Career Descriptions.”

CHARLES E. CHEAZE III – Chuck was the first divorce lawyer in the nation to unwaveringly insist that his chosen specialty be alternatively termed “family law.” With a newly found aura

of respectability, he was finally able to gain admission to both a prestigious country club and a local house of

worship, and the use of his preferred nomenclature spread among his colleagues faster than Covid.

In addition, his example has led the American Association of Bankruptcy Lawyers to follow suit by also seeking a more attractive appellation. Their first attempt, however, the Coterie of Broke Peoples Counsel, has thus far failed to gain any meaningful traction.

QUARRY C. FREGIT – An early real estate specialist, he long maintained that title disputes, like disputes of honor, should be settled by pistols at ten paces, an idea that never quite caught on with the landed gentry. After being shot in the mouth in a quiet title

continued on page 12



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- Period of Construction



To-Wit: Edifice Lex, 2022

continued from page 11

action, he developed a sign language in order to communicate with his colleagues, and his gesture to express anger has long since found its way into the commonplace.

COOPER DEVILLE – Since he first began to practice law, Coop has been a stalwart in the title insurance industry. In the last several years, he has implemented the use of innovative, extra cost title endorsements such as Endorsement 666, Loss By The Wrath of Satan; Endorsement 703, Alien Mortgage Foreclosure; and Endorsement No. XVII, Taking By Sovereign Rights of The British Crown. The contributions he has made to the profitability of the title insurance industry should not be discounted because he is currently awaiting sentencing for inappropriately billing clients annually for the premiums. He insists it was naught but a pesky computer error, and although he, too,

cannot be with us tonight, you can view a remarkable likeness of his face down at the post office.

LULU GERHIG – Known far and wide among members of the insurance defense bar as the “I WON’T IRON LADY,” Lulu once consecutively tried 2,130 personal injury claims to verdict. That she lost all of them does not in any way diminish her accomplishment. She has already been honored with a lifetime achievement award by the Conference of Hurt Folks Lawyers, and we are thrilled to also recognize her this evening for her contributions to the personal injury bar.

And that concludes our ceremony for this year. I hope you have enjoyed it and that you harbor no ill will because once again you were not selected. It’s time to relax and enjoy the sherbet now being served for dessert. It’s sour grape, I do believe. ■

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Gino F. Peluso has been named an Alumnus of Distinction by Saint Vincent College. The Award honors alumni with records of exceptional career achievement and outstanding service to the community and Saint Vincent College. He served as a Prosecutor in the Westmoreland County District Attorney's office for nine years, and was the long-time Chairman of his congressional district's Military Academy Selection Committee. Gino was the longest-tenured President of the Law Society of Saint Vincent College, for six years. He previously received the prestigious Dr. John E. Murray, Jr. Meritorious Service Award, from the Duquesne University School of Law, where he attained his Juris Doctor Degree. ■



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Westmoreland Revisited

Mission Accomplished

by Daniel J. Ackerman

Each autumn the Westmoreland Bar Association invites the members of the bench and bar, regardless of their religious affiliation, to attend the Red Mass, first instituted by the Roman Catholic Church in

the year 1245, to celebrate the commencement of the judicial year. Every second year, the Mass has been held at the Saint Vincent Archabbey Basilica, where those approaching its entrance will see a



prominently placed bronze statue of Archabbot Boniface Wimmer, the founder of the first Benedictine monastery and school in the United States, who arrived here as a missionary in 1846.

Born in Thalmassing, Bavaria, a small village eighty miles north of Munich, in 1809, his innkeeper parents had him baptized as Sebastian Wimmer. It was a tumultuous time. The Napoleonic Wars were raging and the Bavarian government closed all the monasteries and confiscated their properties.

However, by the time he reached age 17, some degree of normalcy returned and young Sebastian entered the Lyceum at Regensburg to study philosophy, a discipline he pursued the following year at the University of Munich. His first aspiration was to study law, but the sudden death of his father left him without the necessary funds and his future was redirected when he was granted a scholarship to the Georgianum, the university's college of theology, which led to his ordination as priest in 1831, at age 22.

King Ludwig I reversed Bavaria's anti-clerical policy the year before Sebastian's ordination, enabling the



**No one imagined us
capable of accomplishing
anything significant ...**

– Boniface Wimmer, O.S.B.,
missionary to Westmoreland

Benedictine Order to reintroduce monastic life at the Abbey of St. Michel in Metten, founded by Charlemagne in the eighth century. In 1832, Sebastian arrived at the abbey with five other priest-novices and a year later solemnly entered the monastic profession as Father Boniface. Later moves, which involved the reorganizing and renewal of the Abbeys of St. Stephen in Augsburg and at Scheyen, impressed upon him the importance of renewing and spreading the monastic life of the Benedictines.

In Europe, the mid-nineteenth century saw a flood of emigration, primarily to the United States, which held out freedom and opportunities not found in the migrants' homelands. Father Boniface eagerly followed reports of the progress of missionaries who had established a presence there, as well as in Brazil, Africa, and

Australia. As often happens, he arrived at a decision inspired by the influence of a single person, the Reverend Peter Heimlich Lemke. From 1834 to 1837, Lemke was an assistant to Prince D. A. Gallitzin, a Russian nobleman who became a priest, an experienced missionary, and the founder and parish priest of the small hamlet of Gallitzin-Loretto in the forests of Cambria County, Pennsylvania.¹

Father Boniface's conversations with Father Lemke inspired in him a desire to create a mission and seminary in the remote Allegheny Mountains, and he conceived a plan which he boldly set forth in an article published in an Augsburg newspaper. "I, for my part," he wrote, "have not been able to read the various and generally sad reports on the desolate condition of Germans beyond the ocean without a deep compassion and a desire to do something to alleviate their pitiable condition." He had no intention to serve established communities which already had churches and schools, but rather to improve the lot of German settlers in remote areas far from towns. After a long enumeration of the benefits to be derived from such a mission, the article concludes with a challenge: "Let us therefore, no longer build air castles for our countryman in America. Let us provide for their religious interests; then their domestic affairs will take care of themselves."

The article drew considerable attention in both lay and religious circles, and after protracted debate, Father Boniface's proposal was approved by his religious superiors who chose him to lead the enterprise. In July 1846, he departed Munich with an entourage consisting of five

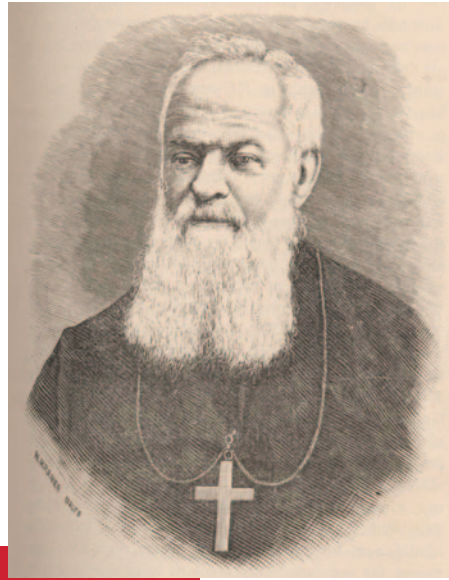
continued on page 14

¹ The site of Lemke's log church is located in front of the St. Francis Basilica, not far from the campus of St. Francis University.

Mission Accomplished continued from page 13

students, who would be the first candidates for the priesthood, and fifteen young men who were tradesmen and farmers who were to enter the monastery as lay brothers. The planned destination was Carrolltown, twelve miles northeast of Loretto, where Father Lemke had offered 400 acres he owned as a prospective site for a mission. On arrival in New York City in September, however, the party was met with skepticism by the local clergy, who suggested other more worthwhile pursuits, even suggesting that Father Lemke was simply looking for someone to purchase his land. Nonetheless, they proceeded on by train, then by canal boat to Hollidaysburg, and finally on foot to Carrolltown.

Perhaps the skeptics were right. Carrolltown was indeed a disappointment, consisting of no more than a half dozen wooden huts. Fortunately Father Boniface turned to



On October 24, 1846, Father Boniface Wimmer, O.S.B., was installed as pastor of Saint Vincent Parish and founded the first Benedictine monastery in the United States.

Pittsburgh's Bishop O'Connor, who confirmed that Carrolltown was not at all a suitable location for a mission and seminary and suggested a better alternative—a place forty miles from Pittsburgh, close by the path of a railroad line that was presently under construction. It consisted of 315 acres of fertile land west of the mountains and contained an existing parish of sixty families, half of which spoke German and worshiped in a brick structure called Saint Vincent's Church. In addition, it came with a second parcel of 150 acres seven miles away. After viewing the property the next day and receiving a letter from the bishop offering the land and promising to "do everything in our power to aid you in your benevolent undertaking," Father Boniface's vision had finally found a home, and on October 24, 1846, he laid the

cornerstone for the monastery.

Under canon law, legal right to the property was vested in the pastor of St. Vincent, and the bishop appointed Father Boniface as the pastor *pro tempore*. Three months later, the new pastor drafted a report for a religious periodical in Augsburg providing their readers with a sense of his new life and his situation here on a variety of subjects. He wrote:

My parish covers a whole county of 42,000 inhabitants scattered over 19 towns and many individual farms ... Those farthest away need eight or nine hours to get to church.

Yes, priests are what is lacking here. However, at least I am no longer the only Benedictine here. The Blessed Virgin brought me as a confrere on December 8 ... the Irish priest Michael Gallagher, who had served the local parish two years before my arrival. He generously relinquished it to make the establishment of the monastery possible and remained to help out with the English-speaking Catholics.

We do suffer a good deal from winter. There is nothing nastier than an American winter. Up until close to Christmas the weather is rather mild. However, then it gets ferociously cold.

America is not Germany, and there is only one Bavaria. Many of the Bavarian immigrants who live out in the country have only water to drink, which is often not even good. If they knew that at home, most of them would have

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no reason to emigrate. I have already met many who are not doing well. It is a hard struggle for them and they barely make ends meet. As is the case everywhere, the fortunate are but a few.

The first years were a struggle for the order as well, due to the lack of funds and labor, exemplified by little things, such as requiring some members of the community to wait to be fed while others were eating because there were simply not enough dishes for everyone.² However, milestones were being made. In March 1847, Martin Geyerstanger completed his ecclesiastical studies at



Saint Vincent Archabbey and Basilica Parish today.

the St. Vincent monastery and became the first Benedictine ordained in America; and spirits were raised that August when Father Peter Lechner, O.S.B., arrived from Bavaria, bringing with him 20 candidates for the lay brotherhood along with some much needed financial support.

During the same time Father Boniface, in addition to his monastic responsibilities, was called upon to administer to the spiritual needs of Catholics in the communities of Greensburg, Saltsburg, and Indiana. By October, his inclination to explore and move forward was rejuvenated and he informed the bishop that he wished to leave St. Vincent and seek another location for a mission at St. Mary's. Bishop O'Connor wisely gave his permission to carry out the proposed venture while concurrently setting forth his reasons why he thought such a change would be

continued on page 16

² By the time George Dallas Albert published his history of the county in 1882, he noted that the monastic community could boast of having a print shop and bindery, a four-man tailoring department, three shoemakers, harness-makers, carpenters, masons, tin and locksmiths, cooks, butchers, bakers, and millers. The flour mill continued in operation through most of the twentieth century and locals could purchase bags of the fine flour it produced.



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Mission Accomplished

continued from page 15

unwise. By December, Father Boniface had overcome his temptation to leave.

Before 1850, the order grew to 50 members and the college and seminary kept pace with the addition of two lay professors arriving from Germany who taught mathematics and music, supplementing the efforts of Father Lechner, whose field was theology. Oil paintings from the art collection of Bavaria's King Ludwig began arriving, an extremely generous gift that in a few years would number 300 works of art. In 1852, St. Vincent was recognized as a priory³, and three years later Pope Pius IX raised its status to that of an abbey and appointed Father Boniface Wimmer as its first abbot. Monks from St. Vincent were sent to study in some of the best European and American universities and a library of 1,200 volumes was available to aid students in preparing themselves for their chosen fields and professions.

Before the Civil War, Boniface Wimmer's vision of expansion was realized by sending monks to ten other states which resulted in the founding of other Benedictine communities, as well as facilitating the introduction of Benedictine Sisters into the United States.

What we see today as the vibrant educational and cultural institution that is St. Vincent, was once the dream and goal of its first abbot who charted its initial course and overcame a multitude of difficulties. He died at age 78 on December 8, 1887. His character and determination are evidenced in an often repeated quote:

**Forward, always forward,
everywhere forward.
We cannot be held back
by debts, by the difficulties
of the times, by unfortunate
years. Man's adversity is
God's opportunity. ■**

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³ A monastery governed by a prior, a church official one rank below an abbot.

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That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of law is one of the most significant tributes that power has ever paid to reason.

Opening statement of Robert Jackson, lead American prosecutor at the Nuremberg trials, November 21, 1945.



New Kensington Legend Willie Thrower

by Daniel Joseph, Esq.

Growing up in New Kensington, Willie Thrower, the first black quarterback in the NFL, was a hometown legend. So many stories circulated about his skills, some of which were hyperbole, but nonetheless added to the legend that was Willie.

I was an equipment manager on the junior high school team through high school, along with fellow WBA member Jim Antoniono. In that environment, there was always locker-room talk about Willie's accomplishments. One such story was that he was chased back to his own goal line just before he turned and threw a 100-yard pass for a touchdown, a fact that appears in Ripley's Believe It Or Not. The other famous story was that his hands were so big they could completely encircle the football.

There is an element of truth to both stories. He is known to have thrown the ball 70 yards in the air and his hands were huge. Back in the day, he was known as "Willie the Mitt" due to the size of his hands. The photo above demonstrates that.

His status as the first black quarterback in the NFL had been pretty much ignored for many, many years until folks in New Kensington began to champion his cause on a national level.

Willie was born on March 22, 1930, in New Kensington. He went to Ken High, now known as Valley High School, from 1945 to 1949, where he helped lead his team, the Ken High Red Raiders, to two WPIAL championships—one in 1946 and the other in 1947. They were WPIAL runners-up in 1945.



After his graduation, Willie went to Michigan State from 1949 to 1952, where he helped lead the Spartans to their first National Championship in 1952, beating Notre Dame. He graduated with a degree in Psychology and went undrafted to the Chicago Bears in 1953 for just one season. He then went on to play for the Winnipeg Blue Bombers from 1954 to 1956. At the age of 27, his career ended when he injured his shoulder. He married Mary Rowe in 1964 at St. James A.M.E. church in New Kensington; they were the church's first African-American couple to marry there. They had three boys: Willie, Jr., Jason, and Melvin.

In 1979, Willie was elected to the Westmoreland County Sports Hall of Fame. In 1981, he was inducted into the A-K Valley Hall of Fame. In 2003, an official state marker was dedicated to him at his high school. In 2011, he was inducted into the WPIAL Hall of Fame. He died of a heart attack in New Kensington on February 20, 2002, at the age of 71.

Several years ago, a group of New Kensington citizens established the Willie Thrower Foundation Award, which

presents a yearly award to the best quarterback in the WPIAL. Thus far, the award has been presented in 2021 and 2022.

Writing this article, I made some inquiries through Willie Thrower's family and was advised that around two years ago, Willie's wife, Mary, received a call from George McCaskey, Chairman of the Chicago Bears and the grandson of George Halas, founder and former coach of the Bears.

He asked for information about Willie and George Blanda, who was from Youngwood, Pa. George Blanda played in the NFL for 26 years, longer than any other person, and was both a quarterback and place kicker. Willie and George had a close relationship, traveling and rooming together for away games. Mr. McCaskey was looking for something that would support his grandfather's claim that the relationship depicted in the movie, "Brian's Song," between Brian Piccolo and Gale Sayers, was actually based on the relationship of George Blanda and Willie Thrower.

Whether truth or hyperbole, this is another part of the story that adds to the legend of Willie Thrower. ■

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Dressing for Court: A Candid Look at Courtroom Attire

continued from page 1

courtroom for wearing pants, and insisting another female attorney use her husband's last name.

But back to the litigants.

David Millstein recalls an episode early in his career when he was clerking for a small firm in downtown Pittsburgh in the late 1960s while in law school. "One day I accompanied one of the brothers to court for a trial in front of Gwilham Price, an Allegheny County Common Pleas Court judge, for a non-jury trial," recalls David. "My employer put his client, the plaintiff, on the stand. He was a working guy and was wearing a collared shirt but no coat and tie. For some reason, Judge Price, who was known to be volatile, had a fit that the witness had no coat and tie on. He stood up, and said that he was declaring a 15-minute recess and when he came back, the witness had better be properly attired. Meanwhile, a point of law had come with the judge disagreeing with my employer's position. I was dispatched to the law library in the building to check and



came back in ten minutes or so with a citation confirming my employer's position. I had already taken off my coat and tie to give to our witness, he was sitting on the witness stand and I was handing my employer a note with the citation on it when Judge Price came back and resumed the bench.

"My employer quoted the citation to the judge who quickly figured out I had retrieved the info and had been handing it to my employer as he resumed the bench. He also saw the witness was wearing a coat and tie and

that I no longer was. But I had taken a seat in the rear of the courtroom so as to not antagonize him by being coatless before the bar. He fumed that he had been wrong on the law, and to get even, he threw me out of the courtroom because he said I was no longer properly attired, even though I was sitting all the way in the rear."

When I started practice in 1997, my advice to clients was to dress like the Menendez brothers. They came to court every day in non-threatening sweaters, looking for all the world like two kids taking grandma to church. Most of my clients don't remember the Menendez brothers. Heck, half the bench probably doesn't, so I just tell people to dress business casual.

Westmoreland County has plenty of its own wardrobe war stories. Legend has it that Judge Rial required men to wear suit coats, so Laurel Legal had a selection of them in their office, along with ties. Female clients wearing revealing attire were made to wear a trench coat. Judge Sculco is said to have insisted that all men show up with white-and-only-white shirts.

Fourth-floor Family Court sees its share of litigants who haven't been coached as to wardrobe, or if they have, choose to ignore it. Bruce Tobin has been the custody hearing officer for longer than he probably wants me to point out. He says that it's quite rare for a man to come in coat and tie or a woman to come in the equivalent. Bruce points out that a custody conference is somewhat informal, compared to being in front of a judge, and he doesn't really have the leeway to tell someone what to wear, although he will tell guys to remove their ballcaps. "Dress these days runs from A to Z,

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including collections of hair styles, colors, body piercings, and tattoos,” he says, one of the more memorable being a father who had “Hopeless Romantic” tattooed in place of his eyebrows.

So, in sum: For lawyers, dress professionally. You are not required to wear wigs and black robes. Women are not required to wear hoop skirts. For litigants, business casual. If you’d wear an outfit to Kennywood, don’t wear it to court.

And maybe keep a trench coat in your car. ■



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- 5** [CLE] Accelerate Your Practice, Noon to 1:15 p.m., 1S
- 6** [PBI CLE] Using ADR for Your Practice, 9 a.m. to 12:20 p.m., 3S
- 7** [CLE] Bridge the Gap, 9 a.m. to 1:15 p.m., 4E
- 8** [FREE ZOOM CLE] Objection! An Interactive Education Experience on Diversity and Bias Issues in the Legal Profession, Noon to 1:30 p.m., 1.5E
- 9** [PBI CLE] Mindful Lawyering 2022, 12:30 p.m. to 3:45 p.m., 2S
- 16** [PBI CLE] Essential Ethics 2022, 9 a.m. to 12:20 p.m., 3E

- 26** Courthouse and WBA offices closed in observance of Christmas Day
- 31** Last day to pay 2023 Membership Dues

JANUARY

- 2** Courthouse and WBA offices closed in observance of New Year's Day
- 11** Membership Committee, Noon
Real Estate Committee, Noon
Board Meeting, 4 p.m.
- 12** Criminal Law Committee, Noon
- 16** Courthouse and WBA offices closed in observance of Martin Luther King Jr. Day
- 17** Family Law Committee, Noon



How Stress Affects Lawyers

Stress affects all people and all professions. Stress in the legal profession, however, is well-documented. Lawyers work in an adversarial system with demanding schedules and heavy workloads, which may contribute to increased stress levels.

Lawyer assistance programs are available to help lawyers manage stress effectively. Contact Lawyers Concerned for Lawyers for help: www.lclpa.org.

LAC Committee members:
Joyce Novotny-Prettiman, Tim Geary,
Jim Antoniono, Chris Skovira,
Linda Broker, Linda Whalen.

JOIN THE LAWYER REFERRAL SERVICE IN 2023 AND LET US HELP YOUR PRACTICE SOAR.

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800+ new clients were referred in 2022.

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Lawyer Referral Service of the
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**SAVE
THE
DATE!**

WINTER
**QUARTERLY
MEETING**

**TUESDAY, JANUARY 31 • NOON
FERRANTE'S LAKEVIEW
GREENSBURG**

Includes lunch and one FREE ethics CLE
credit for WBA members who attend.
Invitations will be sent out soon.

HELP US START A LAW EXPLORER POST IN WESTMORELAND COUNTY



STRENGTHENING YOUTH
THROUGH **EXPLORING**[™]
LAW & GOVERNMENT

The Westmoreland Bar Association Board is happy to announce that we will be partnering with the Boy Scouts of America to start a Law Explorer Post for students in Westmoreland County ranging from 14-20 years of age.

We are in need of volunteer attorneys to help run the Post. If you are interested in helping out or would like more information, Contact Alahna O'Brien at alahna.obrien@westbar.org or 724-834-6730.

