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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXXVI, NUMBER 1
WINTER 2024

Reflections on the Career of The Hon. Rita Donovan Hathaway

Editor's note: The Hon. Rita Donovan Hathaway retired from the Court of Common Pleas of Westmoreland County effective December 31, 2023, after 26 years on the bench. She is continuing as a Senior Judge, presiding two days a month over a grand jury investigating unsolved homicide cases in Westmoreland County (see page 19).

by The Hon. Rita Donovan Hathaway

The first time I entered the Westmoreland County Courthouse was in the summer of 1987 when I did an internship with Judge Bernard Scherer during law school. I was a non-traditional student, married, with two kids in elementary school. I was struck by the beauty of the courthouse and the courtrooms filled with attorneys and litigants. Six months later, I interned in the District Attorney's Office and was excited to be offered a job by DA John Driscoll. I was a prosecutor until I ran for judge in 1997.

When I took office in 1998, my chambers and courtroom were on the fourth floor. Judge Bernard Scherer was on the third floor, and every morning he sprinted up the narrow spiral staircase behind his courtroom and

chatted with me. He freely shared his bits of wisdom. When he passed away unexpectedly in April of that year at age 65, the entire bench keenly felt the loss of our President Judge. He was a true gentleman and intellect.



My first six years were spent in family court, where I witnessed families torn apart and children become the unintended victims of their parents' animosity. Adoption days were a welcome respite from the chaos. My staff decorated the courtroom with balloons and shared in the joy of the children finding their forever families.

Then came the opportunity to move to the criminal division. I looked forward to that assignment, having spent almost ten years as a prosecutor. I enjoyed the fast pace and the many jury trials. The most difficult cases for me were the child sexual abuse. Imagine a child having to detail such

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She Really Is Like That: Capable of the Extraordinary

by Amy DeMatt, Esq.

People who meet Judge Rita Hathaway frequently ask, "Is she always like that?" So, for example, at a conference, a friend asked, "Does your President Judge always look like *that*?" Seeing the judge dressed impeccably, I told the truth: yes, she usually looks perfect. When Judge Hathaway brought my mom brownies after her hip replacement, my mom asked: "Is she really like that?" Truly, she was. She takes care of everyone, and during my time working for her, she prepared sandwiches and drinks for law enforcement officers—even when they appeared at her house at 2:00 a.m. to get her signature on warrants.

It was only after I'd experienced unfairness that I came to understand how Judge Hathaway came to be the way she was. A person had misrepresented a court department budget publicly. Being unschooled in political tactics, I was shocked

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President's Message

You Can (and Should) Plan for Emergencies

by Maureen Kroll, Esq.

So, I am sitting in the casino conference room at our Fall Quarterly Meeting listening to Ellen Freedman discuss succession planning for one's practice. I was attentive and downloaded her materials, but there they sat on my desk without so much of a peek.

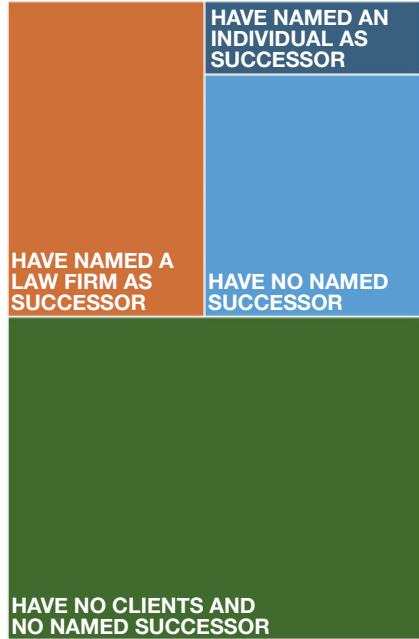
It was not that I disagree with succession planning, it was just that I still felt it was far in the future. I had time.

A month later, I am in the ER for staph bacteremia

(sepsis) and then heart failure as a result of one cycle of chemotherapy to address my Stage 1 breast cancer. Thankfully, I am doing fine now.

As bad as I felt, and as the days in the hospital turned to weeks, I could not stop thinking about my lack of planning. Being a true sole practitioner, I did not have anyone to immediately take over if I could not practice. My long-time assistant, Lisa, certainly could get in touch with my clients and could assist my family, but if they had a written plan to follow, it would go much more smoothly and could give answers to questions they would surely be asking. So I started to review the wealth of information that had been provided. Let me summarize:

As per Rule 1.3, "Diligence of the Rules of Professional Conduct," in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine



During the 2023-2024 annual attorney registration period, the Disciplinary Board surveyed Pennsylvania attorneys regarding their plans to protect client interests in the event of the attorney's death or disability. The question was designed for informational purposes only, as failure to have a designated successor is not a violation of the Rules of Professional Conduct or the Pennsylvania Rules of Disciplinary Enforcement. Of the 63,526 who responded, 6% have named an individual as their successor, 23% have named a law firm as their successor, 20% have no named successor, and 51% have no successor because they have no private clients.

whether there is a need for immediate protective action. Currently, succession planning is not mandatory under the PA Rules of Professional Conduct, but it soon will be.

In Pennsylvania, you must sell your entire practice. You must stop practicing law entirely. So, instead, you may want to transfer cases over time. Consider your need for compensation. Do you need a large lump sum, or would an income stream suffice?

Who will be the right person for a practice that you have nurtured for many, many years? It cannot go to just anyone. The fit must be right.

The next task will be to formulate an Agreement tailored specifically to your circumstances. Will you be relinquishing your license and be "of counsel" and continuing to attract clients?

It is recommended that you begin this planning five years in advance of choosing to retire, but having experienced an unexpected health emergency, I suggest you start now. Pretend you are going on an extended vacation and need a plan of coverage.

In the materials prepared by Ms. Freedman, you will find sample client letters, agreements between you and your successor and of counsel considerations, and a very comprehensive checklist for closing your practice.

Lawyering is what we do. Can you fill that time with hobbies, volunteering, spending time with family and friends? Will you be satisfied? Will you have enough money? Will you fill up the hours, day after day, in a way that rewards you personally? Will you be healthy?

PBA members can find the most current version of the Surrogacy Planning Toolkit on the PBA website (pabar.org). It is found in two locations, both of which require your member login ID and password to access.

1. On the Resources page of the Solo & Small Firm Section: Succession and Emergency Planning
2. On the Resources page of the Law Practice Management Section: Law Practice Toolkits – Surrogacy Planning Toolkit

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Remembering The Hon. James R. Kelley

Editor's note: The Hon. James R. Kelley passed away on November 1, 2023, at the age of 92. He served on the Commonwealth Court from June 1990 until his retirement in December 2011. Prior to his tenure on the bench, he practiced law in Pennsylvania and the District of Columbia for over 25 years. He served as Westmoreland County Commissioner (1968-1974), and as a Pennsylvania State Senator (1974-1988), and was a member of the Democratic National Committee from 1972-1980. Predeceased by his wife, Patricia, and his daughter, Hilary Kelley Querry, he is survived by five children: Melissa Kelley, Brendan Kelley (Natalie), Colin Kelley (Bonnie), Alicia McConnell (Kevin) and Justin Kelley; six grandchildren, 66 nieces and nephews; numerous great-nephews; and nieces; and multiple godchildren. Memorials may be made to St. Vincent College or the Westmoreland County Community College.

by The Hon. John J. Driscoll

Judge Jim Kelley's career in law and politics spanned five decades. Jim may not be too well known or appreciated by the younger members of our Bar, as his last 30 years were in the largely invisible role of a Commonwealth Court Judge or in retirement. But those of us who knew Jim through the 1960s to 1980s recall him with fond memories and laughter.

James Reeves Kelley was born in Greensburg on Memorial Day—May 31, 1931—as the youngest of six brothers and one of nine siblings in the family of Augustine B. Kelley and Ella Marie (Bates) Kelley.

Jim attended Saint Benedict's School (now Aquinas Academy) until age 10, when his parents obtained a residence in Chevy Chase, Maryland, where Jim was enrolled in Georgetown Prep. Perhaps his first experiences in dealing with the body politic came as he served as a school crossing guard and delivered newspapers. After graduating, he returned to this area to attend Saint Vincent College, where he met and fell in love with

“Judge Kelley was blessed with a full and meaningful life. His professional life was filled with accomplishment and satisfaction; his friends filled him with energy and gusto; his family life brought him joy; his religion gave him balance and humility.”

Patricia Phillips. While Jim attended law school at Catholic University in Washington, D.C., Patricia entered employment with the Federal Reserve Bank of Philadelphia, then the World Bank in Washington, D.C. Jim graduated law school and was admitted to the “D.C. Bar” (the Federal Courts), and in 1957 they married in Patricia's hometown of Philadelphia. They soon returned to Greensburg, where Jim entered the practice of law.



Jim and Bob Stefanon entered an association which lasted until Jim's appointment to the Commonwealth Court. Jim enjoyed the practice, but his eye was on politics.

In 1967, he entered the race for Westmoreland County Commissioner and won. From 1968 through 1974, Jim served as a county commissioner with Bernard F. Scherer, Bob Shire, and Dorothy Shope (known as “Shope, the taxpayers' hope”).

These years were filled with political conflict. PennDOT was being audited over macing¹ and kickback allegations, and tensions within the Democratic Party were rumbling. Also during this period, controversy erupted over the establishment and funding of a community college. Jim favored a \$300,000 grant, which was adamantly opposed by Shope. Ultimately, the grant was approved. It was also becoming apparent that the courthouse was not adequate as a place for both the courts and court administration, and groundwork was laid for change.

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¹ The practice of requiring public servants to make contributions to the party in power in order to keep their jobs or to promote their careers.

the sidebar

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Remembering The Hon. James R. Kelley

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The position of state senator had become one of power and influence, having been occupied by John H. Dent for 20 years, then by Paul Mahady for 13 years, and then by John N. Scales, who left the district attorney's office to be state senator. When John left the post to return to the private practice of law, Jim ran and was elected state senator in 1974.

Jim's tenure in the senate brought him in day-to-day working contact with, for better or worse, many who would become part of Pennsylvania's political history—Henry Cianfrani, Robert Mellow, Michael O'Pake, Jeanette Reibman, William Duffield, Patrick Stapleton, Austin Murphy, and Budd Dwyer, to name a few. Jim became known in the Harrisburg press as the senate's "constitutionalist." He held the seat until 1988, when he was defeated in the primary by Gene Porterfield.



Jim Kelley on the campaign trail, July 4, 1984, on Clay Avenue in Jeannette with Judge Driscoll's children, Patrick and Mary, and Judge Kelley's daughter, Alicia, behind the wheel.

From 1968 to 1988, Jim attended hundreds of political and social events. Pancake breakfasts, chicken dinners,

American Legions, VFWs, and funeral homes were weekly events. He had a robust, irrepressible nature and was always "Top Shelf, First Rate" with a handshake that would stop your circulation. His trademark Bowler and straw skimmer hats with seersucker summer suits ("floods") were recognized throughout the county.

In 1990, Jim began a position completely different from life in the day-to-day combat of electoral politics. Governor Robert P. Casey appointed him to complete the term of Commonwealth Court Judge Francis A. Barry, who had reached retirement age. This new direction in professional life brought a change to Jim's life, as should be the case when one transitions from the legislative-political life to judicial. Jim would serve until his retirement in December of 2011.

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Remembering P. Louis DeRose

Editor's note: P. Louis DeRose passed away on November 14, 2023, at the age of 78. He was preceded in death by his wife of 53 years, Joan. He is survived by his daughter, Catherine Ackerstrom (Eric); son, Peter DeRose (Kelly); three grandchildren, Piper and Matthew Ackerstrom and Gage DeRose; brother, David S. DeRose (Johnny); brother-in-law, Steven Henderson (Kitty); a niece, Sarah Henderson; and nephews, Christopher and Nathaniel DeRose.

by David S. DeRose, Esq.

If you knew Lou, you know his love of all things TRAINS, so let me begin with a train theme.

On April 16, 1945, Lou boarded his train at the Citizens General Hospital station in New Kensington. The proud parents were my dear mother and father, Antoinette and Lou. Dad missed that first train ride since he was on active duty in the U.S. Army in the Indo-China theatre. World War II would not end for another six months.

The train traveled to Lou's home a short distance away in Arnold, where it eventually took on new passengers—me, in 1951, and our brother, Tom, in 1954.

Following his graduation from Arnold High School in 1963, Lou's train departed the Arnold Station and rolled east to Lewisburg, Pa., home of Bucknell University. There, it took on another passenger—one Joan Henderson. In 1967, Lou received his B.A. degree and bought a ticket to Duquesne Law School in Pittsburgh. In 1970, with his J.D. in hand, Lou's train returned to New Kensington.

Lou and Joan were married that year, and later moved to Greensburg. Joan began her teaching career at Penn State and Lou embarked on a 53-year legal career in Greensburg by joining the law firm of Scales and Shaw, where he made lasting friendships—John Scales, The Hon. Jay Ober, Denis Zuzik, John Campfield, the late Bill Ferraro, Dave Cofer, David Pohland, and John McCreary, to name a few. For the last 20-plus years of his career,

Lou shared offices with his dear friend, Pete Cherellia.

As years passed, the train added more cars to accommodate its new passengers—Peter, in 1974, and Caty, in 1982. Then came Eric and Kelly and the beloved grandchildren.

It made many stops in those years—summers in Hyannisport, Cape Cod,

“Lou had a certain charm about him, yet in the family law arena, he was nobody's fool and a fierce competitor. If you were embarking on a divorce case, a support matter, or a custody issue with children and you needed some firepower, you hired Lou.”

Maryland, and D.C. to visit Peter and Caty and the grandchildren, Daytona Beach to see our mom, West Palm Beach to visit Joan's dad, and any time they were south of the Mason-Dixon line, a must-stop at Florida's Disney World. Lou loved to travel.

The DeRose train didn't carry only passengers—many baggage cars were added over the years as he and Joan stockpiled (warehoused) things: model trains and railroading equipment; Christmas decorations, cards, napkins, china, and candles; Coca-Cola memorabilia and decorations; a 1950's Coca-Cola bottle dispensing machine;



Joan's dolls, miniatures, and doll houses; 16 mm projection equipment and first-run films featuring Bogart, W.C. Fields, Hopalong Cassidy, the Little Rascals, and Superman just to name a few; hardback books, paperback books, magazines, and newspapers (the Library of Congress has nothing over Lou) featuring Westmoreland County history, the history of the United States, Presidents, and everything that was ever written about the Kennedys, the Pennsylvania Railroad, old movies, and TV shows; Lincoln Highway and historical post cards and posters; and the list goes on.

I shared Lou's love for model trains and old TV westerns and movies. We both played Christmas carols well before Thanksgiving and both have a large collection of Christmas neckties (we loved anything Christmas-related, for that matter). Movie dialogue bonded us in many ways. It is the little things sometimes that are most memorable. For example, if we were together and something triggered it, one of us would say, “listen, Pilgrim,” and we both smiled and knew that was John Wayne; “Mankind is my business,” from “A Christmas Carol”; the “Bumpuses dogs” from “A Christmas Story”; or “Who stole the strawberries?” as Bogart asked in “Mutiny on the Bounty.”

Lou was a loving son, devoted husband and father, proud grandfather, attorney, historian, author, bartender,

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Remembering P. Louis DeRose *continued from page 5*

friend, and neighbor, but most importantly for me and my younger brother, Tom, who passed away 25 years ago, he was our Big Brother. Lou was always even keel with me—nurturing and patient. He always had a certain charm about him—very affable and a good wit. I do not remember a time when the two of us fought growing up, and that continued throughout our lives.

Tom and I really idolized Lou. I always thought I needed to try to do as well, particularly academically, as he had done. But that proved to be a tall order—a high bar. Both Lou and Tom were quick studies—bright, excellent students, engaging, great analytical skills, voracious readers and the like. All three brothers went to law school, following in our dad's footsteps. Big Brother was there for us as a mentor, friend, and advisor of reason. Throughout college and law school I would come to him with a troubling assignment or issue and he was always the steady hand when I needed it.

Many of his colleagues say that Lou had a certain charm about him, yet in the family law arena, he was nobody's fool and a fierce competitor. If you were embarking on a divorce case, a support matter, or a custody issue with children and you needed some firepower, you hired Lou. We thought of him as the Big Gun, but that persona did not in any way inhibit Lou from making so many lasting friendships with our colleagues, in the Judges' offices, with support personnel, custody officers, masters, and others in the system.

There were some epic battles in these places—emotionally charged—but Lou never met an office or its staff that had a good chocolate supply or morning donut box that he didn't like. He spent a good deal of time at Judge Driscoll's office and the Judge told me that he hesitated to eat the last morning donut since it wouldn't be fair to Lou who would be coming to Court shortly!

Our colleague and WBA President, Maureen Kroll, commented to me: "Lou was the first opposing counsel that I was up against in a divorce. This is where I heard that it must be 'ripe' for the divorce to settle. Initially, I was very intimidated with Lou's confidence, intelligence, and aplomb but quickly came to appreciate his common sense, his tenacity, and of course his humor and love of my biscotti!"

"When I think of Lou, I think of his love of history and his love of food, and he loved both," said Pete Cherellia. "If there was food anywhere in the office, he found it and enjoyed it. Lou wrote a book on the history of Greensburg. Instead of arguments with other attorneys, he had battles with his editors, 'who just do not understand how I am trying to write my book.' Lou used the same novel approach to his legal arguments on behalf of his clients. Attorneys would ask, 'But Lou, what is the legal basis of your argument?!'"

Indirectly in my professional life, I did get under Lou's skin. On any number of occasions over the years, people who knew Lou and later met me would then tell him they met his son, David. That fractured him! I could not let those moments go—emphasizing my youth and his advanced age.

In the last 10 months of Lou's life, his train unfortunately journeyed to Presbyterian Hospital, Westmoreland Hospital, Latrobe Hospital, Latrobe Specialty Care, and Redstone Skilled Nursing Care. In the face of tremendous adversity, with the pain and discomfort he endured, he taught me, true to form, the positive and dignified way to live to life's ultimate conclusion.

I thought back during this time to Lou preparing for his high school graduation. He was second in his class to our dear friend and colleague, The Hon. Donetta Ambrose, and he prepared and practiced a salutatorian address titled "Find A Way or Make One!" I reflected on that title and speech many times during his illness and had occasion to talk with Donetta about it several months ago. Without my prompting, she remembered it, too.

Lou was living that title. He found a way and made his path forward, knowing that he would never return home nor have the long life that we all desire. He was congenial, engaging, largely uncomplaining, and remarkably, never "I" centered in his thoughts and conversation. Out of horrific circumstances, I was given a gift, an opportunity to spend an incredible amount of time with Lou, that I probably would not have had otherwise.

Big Brother, may your memory be a blessing. ■



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Remembering David B. Wasson

Editor's note: David B. Wasson passed away on December 6, 2023, at the age of 81. He is survived by his wife, Phyllis (Cross) Wasson; brother, Bruce (Sandy) Wasson, of San Diego, Calif.; brothers- and sisters-in-law, Margie (Gary) Crooks and David (Joanne) Cross; nephew, Parker Crooks; and nieces, Paxton (Dalton) Graybill and Michelle (Ren) Steenvoorden.

by James Irwin, Esq.

Around here, he was known as “DBW”—David Boyd Wasson. David departed from this earth on December 6, 2023, with his beloved wife, Phyllis, by his side.

I first met David in 1973. At the time, I was out of law school for about a year and was working as a corporate attorney for PPG Industries in Pittsburgh. I didn't fit well into the corporate environment, and I disliked the commute from New Kensington every day to my office on the 12th floor, Gateway One.

Raymond Sekula, my professor at Duquesne University Law School, indicated that he was in a small partnership in Arnold. At the time, the partnership comprised David B. Wasson, Duke George, Ray Sekula, John Peck, and Thomas Kovalchick. They offered me a job; it was a difficult decision at the time as I took a 60% cut in pay and lost my hospitalization and pension. I never regretted the decision for one moment.

David became my mentor, partner, and a great and loyal friend. I think it was my first conversation with him when he said, “Jim, if you want ulcers and insomnia, you selected the right profession”—how right he was. However, no regrets.

The partnership dissolved in 1988 and at that time, David and I moved our office to Lower Burrell and were together thereafter until a few years ago when he took a Compulsory 8 Count (as they say in boxing) and was diagnosed with Progressive Alzheimer's.

David graduated from Ken High in 1960, received his Bachelor's Degree from Penn State University in 1964, and received his Doctorate of Jurisprudence from the University of Pittsburgh in 1967.

He was an instructor of Business Law at the New Kensington Commercial School, served as an Assistant District Attorney in Westmoreland County for

“David was a skilled practitioner who was liked by his clients and loved by many. He was very patient and a great listener. He came into the office early and stayed late.”

eight years, and as a Solicitor for Allegheny, Washington, and Upper Burrell Townships.

David was a Veteran, having served as a Lieutenant for the 112th Fighter Group, Pa., in the Air National Guard. He was a past secretary of the Deer Lakes Pilot Club and served on the Board of the Hope Center and Choice Child Care.

He enjoyed his motor vehicles and airplanes. David had a single-engine Cessna and then later a twin-engine Cessna. On one occasion, we flew to the Bahamas in his single-engine Cessna—a very memorable occasion for me. In my office, I still have a large conch shell that I retrieved from the beach.



Many times we flew to Canada to go fishing. On one occasion, during a heavy rainstorm, we flew over Lake Erie and he scared the “BeJesus” out of me. He later suggested that I actually twisted the door handle because I held on so tight in fright.

It was rumored and alleged that on several occasions, DBW flew his plane under the Tarentum/New Kensington Bridge, and I have recently confirmed it with his very good and dear friend, Frank Feroce, who was a passenger in the plane with him at the time of those notorious flights.

David was a skilled practitioner who was liked by his clients and loved by many. He was very patient and a great listener. He came into the office early and stayed late. Normally, he got in the office shortly after 6:00 a.m. and the coffee was always on when I arrived. When he was in the D.A.'s office, he would return to his law office and stay until 8:00 p.m. or later if need be.

His files and sub-files were meticulously organized. He could read or glance over it and be ready to go to trial. We both came into the office on Saturdays and Sundays. Of course, we didn't stay the entire day, but it was nice to have someone of his caliber and intellect to discuss complicated legal or procedural issues. One professor told me that David was one of the few attorneys that could read and

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Remembering David B. Wasson *continued from page 7*

understand what Purdon's Statutes said. He never bragged or complained.

David always liked a good T-bone steak. On Fridays, he would leave the office early (about 6:00 p.m.) and would stop at Salvati's Meat Market to pick up a 1½ inch T-bone. One Friday night, he met a beautiful lady there. Her name was Phyllis Cross. Apparently, she had also purchased steak. They got into a discussion as to the best and most appropriate way to grill steaks. Somehow DBW convinced her that he had the requisite knowledge and training to prepare the perfect steak.

Fortunately for DBW, Phyllis accepted his invitation and subsequently they bonded, complementing each other as well as a knife and a fork do. Secretly, I was envious of their relationship. They seemed to be able to communicate with one another without speaking to each other. Indeed, they were a very well-matched couple—DBW had found his soulmate.

David and Phyllis always enjoyed their sojourns to his condo in Ocean City, Maryland. He always wanted me to take him to Ireland to see where I came from—I regret that we never did (although I suggested that we take a commercial flight rather than his single-engine Cessna). He and I never had a disagreement over anything; however, I contribute that to his personality rather than mine.

David was a very kind, gracious, generous, and charitable human being. He was considerate, understanding and thoughtful to his peers, his friends, family and clients and always sympathetic, affectionate, diplomatic, cordial, and amicable.

I well remember David bonding with Kristy, an autistic child of one of his paralegals. David actually raised her; she lived with him for years. He had caregivers come in daily and ultimately became guardian of her person. He bonded with her and was

a father with her and to her, even when she was placed in a special home. He used to visit her daily, taking her toys, food, and newspaper articles which she cut out and pasted. I remember telling David that I couldn't have done as much or have provided for her as much even if she were my own daughter. After he became ill and had to surrender the guardianship, he was tortured.


In recent years, after he took ill and started ailing, and afflicted with Alzheimer's, indeed it was hard, difficult, and painful to watch my great warhorse become crippled, challenged, and fade away.

At the end, he did not request a sidebar or continuance. On December 6, 2023, he took his last flight—a one-way ticket—and received a new pair of wings. He is up there with the angels now and they're not going to give him back. ■

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Daniel Joseph

Remembering WBF Trustee Janice C. Galloway

Editor's note: Westmoreland Bar Foundation Trustee Janice Galloway passed away on November 12, 2023. She is survived by her husband and WBA member, Richard; daughter and WBA member, Lisa (Jeffrey) Monzo; and son, Rick; four grandchildren, Connor D. Monzo, Megan T. Monzo, Logan M. Galloway and Sydney L. Galloway; sister, Karen (late Richard) Newby; brothers and sisters-in-law, Ronald and Nancy Book and Robert and Patricia Galloway; and numerous nieces and nephews. Memorial contributions may be made to the Janice C. Galloway Nursing Student Fund at the Westmoreland County Community College.

*by Richard H. Galloway, Esq., and
Lisa Galloway Monzo, Esq.*

On November 12, 2023, the Westmoreland Bar Foundation lost a devoted and energetic sitting Trustee of 15 years, and the Galloway family a lovely and loving wife, mother, and grandmother. Janice was the ultimate partner to Dick, her husband of 60 years. Like Dick, she was raised in Pittston, Pa., and a romance began between the two when they were in seventh grade, which eventually led to their marriage vows in 1963.

Janice's dedication to others was obvious when she became a registered nurse. She first worked as a labor and delivery nurse at the Morristown Memorial Hospital in New Jersey before moving to Pittsburgh, where she and Dick were married. She then worked at Magee Hospital and the Pittsburgh

VA Hospital to provide for the couple's financial needs while Dick finished law school. Later in life, she returned to nursing and rose to the position of clinical supervisor at a large OB/Gyn practice with offices in Monroeville and White Oak. She later became the medical consultant at the Galloway Monzo law firm.

Her community-minded activity included time as an officer with the Franklin Regional PTA and with the Westmoreland Lawyers' Auxiliary—an organization of lawyers' spouses who worked with the WBA to organize and run public service programs like Law Day, courthouse tours, and essay and poster contests.

In 2008, Janice was elected Trustee of the successor of the Lawyers' Auxiliary—the Westmoreland Bar Foundation—which was established in 1991 to improve public awareness of the legal system in Westmoreland County, enhance the administration of justice, and provide the delivery of legal services through the distribution of its funds. She was in the midst of serving her sixth three-year term.

In addition, Janice and another Delmont mom started an organization called "A.L.I.V.E." (A Light is Very Expensive) to raise awareness and funds to install a traffic control light at the intersection of Route 66 and Manor Road in Delmont after a local school

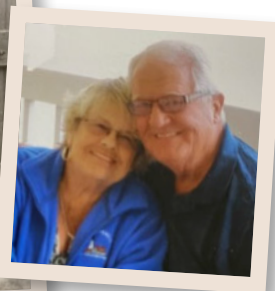


student was killed at that location. That group lobbied local legislators and raised the required \$200,000.

Janice had a life filled with fun and adventure. She and Dick enjoyed sailing on the Chesapeake Bay and trips in their motorhome, traveling to the Grand Canyon, Yellowstone, and many other sites in the western states. She also traveled with her family to Aruba, Virgin Gorda, the Bahamas, Bermuda, and Australia. She especially enjoyed family beach vacations in Corolla, N.C., in the Outer Banks. She was happiest when all of her family was together.

If you knew Janice, you know she was a caring and loving soul. She always had a smile and kind words for all she met. She also had a genuine concern for and interest in talking to and visiting with the many people she met through the Westmoreland Bar Association. She was a welcoming presence to the WBA members who attended retreats of the Planning Committee that she and Dick hosted for many years at their condominium and on their sailboat on Kent Island in Maryland.

In her honor, the Janice C. Galloway Nursing Student Fund was established at the Westmoreland Community College. Through this fund, Janice's life and legacy will continue to be remembered as future nurses help our community now and into the future. ■



SEPTEMBER 2023 TRIAL TERM

Of the two cases on the September 2023 Civil Jury Trial list, one was continued and one was submitted to binding arbitration by consent of the parties.

NOVEMBER 2023 TRIAL TERM

Of the nine cases on the November 2023 Civil Jury Trial List, three were continued, four were settled, and two cases proceeded to a jury trial.

**NICHOLAS DASTA AND SYLVIA MACERELLI,
AS PARENTS AND NATURAL GUARDIANS
OF G.N.D., A MINOR**

V.

**MARGI DESAI, M.D., YOLANDA DINGESS, M.D.,
AND EAST SUBURBAN PEDIATRICS
NO. 2517 OF 2017**

Cause of Action: Medical Malpractice

Plaintiffs Nicholas Dasta and Sylvia Macerelli (“Mother”) filed a Complaint against Defendants, Margi Desai and Yolanda Dingess, alleging that they failed to properly diagnose their baby daughter, who was three months old, with Mastoiditis, an infection of the mastoid bone behind the ear. Throughout a series of three appointments at East

JURY TRIAL VERDICTS

BY LEEANN PRUSS, ESQ.

Suburban Pediatrics on January 9, January 10, and January 18, 2017, Mother reported symptoms including fever and swelling and redness behind the left ear. The baby was diagnosed with an upper respiratory infection, erythema, and a swollen lymph node. No additional testing or medications (beyond Tylenol and hydrocortisone) were prescribed.

On January 22, 2017, Mother took the baby to the emergency room due to increased swelling and redness

behind the left ear. At that time, the baby was diagnosed with Mastoiditis and required surgery. Plaintiffs argued that Mother raised the concern regarding Mastoiditis during the three appointments at East Suburban Pediatrics. Despite her concerns, Dr. Dingess and Dr. Desai failed to properly diagnose Mastoiditis, which resulted in a lack of antibiotics to treat the infection and potentially avoid surgery. Further, Plaintiffs argued that their daughter, now seven years old, suffers from an auditory processing disorder as a result of the delayed diagnosis and the need for surgery.

Defendants’ expert testified that, although the end result was a diagnosis and surgery for Mastoiditis, that eventuality did not change the fact that both doctors acted within the standard of care at each of the three appointments. Based on the symptoms observed, the baby did not present with the common symptoms for Mastoiditis. She did not have a persistent fever, she was not fussy, she was eating normally, the bone and ear were not protruding, and the area of redness was not warm to the touch and did not cause the baby distress when touched. Instead, the observed symptoms were consistent with an upper respiratory infection, erythema, and a swollen lymph node. According to both Mother and Dr. Desai, Mother was told that if she was still concerned about Mastoiditis, then she could take the baby to the emergency room. However, Mother indicated that Dr. Desai said that doing so would be a waste of her time.

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Thomas Mellon

In addition, Defendants argued that the medical records established that the baby fully recovered after the surgery and the auditory processing disorder was not causally connected to the Mastoiditis or any failure by Defendants to act within the standard of care.

Trial Dates: November 6-13, 2023

Plaintiffs' Counsel: Joseph Marano, Freiwald Law, P.C., Philadelphia

Defendants' Counsel: Marian Patchen Cullen, Matis Baum O'Connor, Pittsburgh

Trial Judge: The Hon. Chris Scherer

Result: Verdict in favor of Defendants.

**FRANK M. BAZZANO AND
NICHOLA A. BAZZANO, HIS WIFE**

V.

**DAVID SPADE
NO. 1247 OF 2020**

Cause of Action: Negligence

On March 17, 2018, Plaintiff Frank M. Bazzano was walking in the Chris Horner parking lot near Harrison Avenue in Greensburg, Pa. Defendant David Spade was driving through that same parking lot. According to Plaintiff's testimony, Defendant accelerated toward Plaintiff, forcing him to put his hands out in self-defense. The hood of Defendant's vehicle collided with Plaintiff's hands, requiring Plaintiff to hyper-extend his leg before falling. As a result of the collision, Plaintiff testified that he suffered injuries to his left calf, ankle, and knee. These injuries required Plaintiff to undergo physical therapy, home exercises, and to take anti-inflammatory medications. Also, the injuries interfered with his daily activities and work. In addition to compensatory damages for pain and suffering, Plaintiff sought punitive damages for Defendant's reckless behavior in speeding toward a pedestrian.

Defendant admitted liability and his expert agreed that Plaintiff suffered a left calf strain as a result of the collision, but denied any additional injury to Plaintiff's ankle or knee. Defendant also denied acting recklessly, as he testified that the design of the parking lot made it difficult to see Plaintiff before he was upon him, and he did not know that Plaintiff fell as a result of the collision.

Trial Dates: November 7-9, 2023

Plaintiffs' Counsel: Richard J. Schubert, Alpern Schubert, P.C., Pittsburgh

Defendants' Counsel: Krista Corabi, Summers, McDonnell, Hudock, Guthrie & Rauch, P.C., Pittsburgh

Trial Judge: The Hon. Rita Donovan Hathaway

Result: Verdict in favor of Plaintiff in the amount of \$7,500.

JANUARY 2024 TRIAL TERM

Of the four cases on the January 2024 Civil Jury Trial List, three were continued and one was settled. ■

Lawyers' Exchange

(Free to all members of the WBA)

EXECUTIVE DIRECTOR Phil Shelapinsky has recently announced his plan to retire as Executive Director of Lawyers Abstract at or near the end of 2024. Therefore, the Board of Directors of Lawyers Abstract is accepting applications from lawyers interested in the Executive Director position following Phil's retirement. Requirements include experience in real estate law, title searches, closings, deeds, and office management. Interested parties may send their résumé and/or a letter of interest outlining their experience to: Attn: Phil Shelapinsky, Executive Director, Lawyers Abstract Company, 35 West Otterman Street, Greensburg, PA 15601, Email: pnschelapinsky@lacwest.com.

STAFF ATTORNEY Blackburn Center Legal has an opening for a full-time Staff Attorney. Interested candidates should submit their résumé to the Managing Attorney, P.O. Box 399, Greensburg, PA 15601. More information is online at westbar.org/Views/uploads/feb2024-blackburn-center-atty-posting.pdf

PART-TIME PARALEGAL Solo attorney looking for a paralegal for up to 10 hours/week to assist in handling Dependency cases. Duties would include drafting appearances and motions, contacting clients, tracking hearing schedules. \$20.00 per hour. Please send resume to jtorisky@autismpittsburgh.org with "Part Time Paralegal" in the subject line.

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James R. Antoniono Receives PBA's Samuel W. Milkes Award



Pennsylvania Bar Association Pro Bono Coordinator for Legal Services David Keller Trevaskis (right) presented the 2024 Samuel W. Milkes Award to James R. Antoniono at the WBA's Winter Quarterly Meeting held on January 30, 2024.

James R. Antoniono of DeBernardo, Antoniono, McCabe & Davis, PC, Greensburg, received the 2024 Samuel W. Milkes Award at the Winter Quarterly Meeting of the Westmoreland Bar Association, held on January 30 in Greensburg. Pennsylvania Bar Association Pro Bono Coordinator for Legal Services David Keller Trevaskis presented the award.

The Milkes Award is given to those who have provided unique service resulting in significant improvement in the access to justice of the neediest among us. It is named after longtime legal aid advocate and public service attorney Samuel W. Milkes of Cumberland County, a former executive director of the Pennsylvania Legal Aid Network.

In 2013, "Jim's Jaunt" raised more than \$10,000 to support the work of the Westmoreland Bar Foundation as Jim hiked the entirety of the Appalachian Trail. Jim has also raised money for the Pennsylvania Bar Foundation by completing the Rachel Carson Challenge. ■

Up for the Challenge

by Anthony W. DeBernardo, Jr., Esq.

If you ever ask Jim Antoniono of DeBernardo, Antoniono, McCabe and Davis to walk your dog, you better make sure Rover can handle it. That is because on June 24, 2023, Jim completed the tortuous 36-mile cross-country Rachel Carson Challenge in 14 hours.

The event's website states the trail is "primitive." There are more than 20 "significant" hills that include 8,023 ascending and 7,878 descending feet. The larger hills require a 450- to 500-foot climb. Rocks, gullies, stream crossings, bugs, poison ivy, and the need to concentrate on the proper route so as not to get lost add to the difficulty. This was the fifth consecutive year that Jim has reset the record

as the oldest contestant to finish the trail challenge in the allotted time.

He is no stranger to extreme cross-country hiking. In 2013, Jim thru-hiked, alone, the 2,190-mile Appalachian Trail from Springer Mountain, Georgia, to Mount Katahdin, Maine, beginning on April 20 and finishing on October 9.

How does a person that the medical profession often describes as "geriatric" accomplish what others of similar age only consider an impossible dream? He has been my law partner since the early 1980s. I have observed decades of physical and mental discipline that includes

maintaining the proper body weight, near-daily aerobic exercises, resistance training, and leg training.

Sunday, the day after the Rachel Carson Challenge, Jim was in the gym starting his training for 2024's hike. Of course he abstains from tobacco, excessive harmful alcohol consumption, and takes charge of his own health which includes efforts to avoid all prescription medications.

He is a lifetime optimist with a can-do attitude who keeps the negativity in his life limited to the affairs of his clients.

Naturally, it also takes his wife, Susie. She provides unselfish support, love, and the knowledge that at the end of every challenge Jim will be with the most

important person in his life.

Jim's outdoor achievements have not been limited to hiking. He has climbed Half Dome in Yosemite, Huayna Picchu at Machu Picchu in Peru, and Kilimanjaro in Tanzania. I watched a video of his recent climb of South Africa's Table Mountain: a slip of the foot would have been near-instant proof that our life here on earth is not forever.

After squinting at his phone's video, I asked him where were the safety ropes? When he told me there were none, I can't remember my exact response, but the word "crazy" was in there somewhere. ■

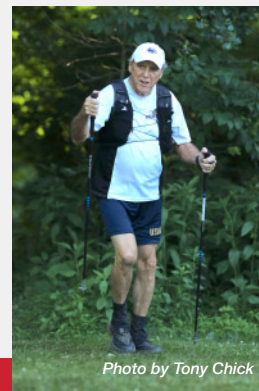


Photo by Tony Chick

Jim Antoniono nears the finish line of the 2022 Rachel Carson Challenge.

To-Wit: Kissing It Goodbye

by S. Sponte, Esq.

It was a very nice phone call from a colleague I had not heard from in some forty-five years. He had read one of my columns and was calling to tell me how much he had enjoyed it.

“You may not remember me,” he said, “but we had a case together a long time ago. I just wanted to let you know how much I’ve liked your writing over the years.”

I’m glad he evidenced such exquisite taste, but he was wrong; I remembered him very well. He had bested me in a case all those years ago. “Bested me” doesn’t accurately describe it; “eviscerated me” is more precise, and that’s why I remember him.

First off, let me tell you this: if getting my butt kicked is a criterion of remembrance, I don’t remember most of you at all. But this one was bad. I had been representing the president of a small corporation, and he was

representing a disgruntled shareholder. We both had about the same level of trial experience, but there was one major difference: he knew something of securities law, and I knew squat.

“It’s not that I disliked losing, it’s more that I hated it so profoundly that the feelings eventually migrated deep into the DNA of my psyche. It is no wonder, then, that I still yearn for revenge.”

Much to my astonishment, that actually affected the outcome.

As we were exiting the courthouse following our first judicial conference, he snarled at me and said that I had better bend over and kiss my butt goodbye. I didn’t mind so much that

he said it, I’ve said worse, but the way I eventually got humiliated in that case haunts me to this day.

The best move my client ever made was to fire me midstream and hire a lawyer who knew what she was doing. It made no difference though, my client lost everything, and probably deserved to. The news of the outcome came to me as an analgesic. He had, after all, fired me, there was that, but even more cathartic, I could have easily achieved the same result.

I have been away from the practice of law now for a couple of years, and that’s not the only case that has left me harboring disconcerting feelings. I still carry some of these things around as personal affronts. It’s not that I disliked losing, it’s more that I hated

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To-Wit: Kissing It Goodbye *continued from page 13*

it so profoundly that the feelings eventually migrated deep into the DNA of my psyche. It is no wonder, then, that I still yearn for revenge.

The lawyer in me is still very much around, and it seems like only yesterday when in the angry heat of the moment I slammed my fist down on the table, rose to my feet with the alacrity of a he-wolf in defense of his cubs and screamed, “I object, I object, I object!”

It seems like only yesterday because it was only yesterday. “Will you please shut up and sit down,” my wife yelled at me, “everyone in the restaurant is staring at you. Your pancakes are getting cold and you’re scaring the waitresses.”

My wife also tells me that I often snarl in my sleep. That’s not new, my first wife said the same thing, though that was more a lack of domestic tranquility than anything else. Still, maybe the time had come for me to get some help.

“Und vy do you think such things schtill anger you?” the therapist asked me.

“If I knew the answer to that,” I replied, “I wouldn’t need your help, now would I?”

“Ah, hoschtility,” he replied, “very goot, let it out.”

I let it out by getting another therapist, but as it turned out, however, therapy did not seem to be the answer.

Surely I can’t be the only retired lawyer suffering with this post-career anger syndrome. In desperation I turned to Google for help; it was the only search engine that recognized the search term “nutzoid.” In short order, I came upon a website called PLEASE, an acronym that stands for Post Litigation Ease, and it seemed to be exactly what I needed. There was a phone number listed and I called for more information.

“Hi,” I said to the person who answered the phone. “I am a retired lawyer, and I am having anger issues.”

“You, and a million others,” the woman on the phone replied. “Have you hurt anybody yet?”

“No,” I told her, “but I have been banned from IHOP.”

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hand-embroidered punching bags. They’re the perfect thing for venting one’s raging hostility, and I can offer you a 15% professional discount.”

“I do not have raging hostility!” I screamed at her and slammed the receiver back down into its cradle.

So maybe it’s not possible for me to just let this go. Perhaps there is a better way, and I think I know what it is. I know who those few lawyers at the root of this problem are, and they all know who they are as well.

So let me say this to them: if you knew what I have in mind to get even it would wobble your knees and crush the air out of your chest just like when opposing counsel asks one of those brilliant cross-examination questions that blows your entire case right out of the water, taking your contingent fee and your kid’s college tuition with it. Oh and hallelujah, it will be great. It’s a pity though that I never thought of any of those brilliant cross-examination questions when we were litigating. It might’ve saved me a lot of grief and sorrow. ■

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Westmoreland Revisited

The Westmoreland Colonization Society

The misguided attempt to solve the nation's greatest moral issue

by Daniel J. Ackerman

Colonization as set forth in the Westmoreland Colonization Society's name doesn't refer to the thirteen colonies on which the nation was founded; rather it was a hope espoused by some seemingly



well-meaning people in the nineteenth century, which, if it had come to fruition, would have proven both impractical and morally wrong. Yet at the time, many perceived it to be the answer to

the country's most egregious flaw—slavery—and the question of what would become of the four million people in bondage if they were set free.

The pernicious institution that was a mainstay of southern agriculture and was founded upon an ideology that human beings could be chattels, personal property bought and sold on an open market, was not confined to states below the Mason-Dixon Line.

In Pennsylvania, the institution made itself apparent as early as 1639 in the Delaware Valley. Pennsbury, the estate owned by William Penn, was worked by a dozen slaves; Jeremiah Murry, the founder of Murrysville, owned a household slave; and you will find in our Recorder of Deeds Office in Deed Book 17 on page 22, a document memorializing the sale of a 19-year-old Greensburg woman in 1827.¹ While the Act of March 1, 1780, called for emancipation of some slaves within the commonwealth, it

freed only those born into bondage after that date, and then only after they attained 28 years of age.

In the early nineteenth century and up to the Civil War, those in the northern states who wished to actively oppose slavery could do so by participation in the Underground Railroad (there was a station in Greensburg, though its southern connection is not clear), or by being activists on behalf of either abolition or colonization.

Of the three, the Underground Railroad required personal involvement and daring, but only offered relief and rescue to a few slaves at a time and therefore posed no danger to the institution of slavery.

Formal abolition and antislavery societies began to appear in the counties of southwestern Pennsylvania in the 1820s. The abolitionists of this early period, however, sought to end slavery only by “orderly persuasion and education under the Constitution and the laws.” According to the *Greensburg Gazette*, one such society was active in Westmoreland County in January of 1829, though little more is known about it.

In the 1830s a more radical abolitionist movement came to the fore, spread through the pages of William Lloyd Garrison's newspaper the *Liberator*, which sought to fully and completely destroy slavery at any cost—a position which, in those early days, proved too shocking to garner

wide public support. In the South, there was fear that such talk would even incite slave rebellions, and abolitionist tracts were often seized and destroyed before they could be read by the public.

There was, however, at the time, what appeared to be a middle ground. The American Colonization Society² was founded in 1816 on the idea that the slavery problem could be solved by removing the slaves from bondage and sending them

out of the country, to Africa or the islands of the Caribbean, where they could form an all-Black society of their own.

In 1819, the former Acting-Governor of Liberia, the Reverend John

Brooke Pinney, appeared

in western Pennsylvania on a speaking tour as an agent for the American Colonization Society to stimulate interest “in transporting the Negroes to Africa.” Eventually the idea garnered some adherents here and a local colonization society was formed in Washington County in 1826, with Westmoreland County following suit in 1829. The goal of the Westmoreland Colonization Society, was:

[T]o meliorate the condition and promote both the spiritual and

continued on page 16



² The image above is the emblem of the American Colonization Society as displayed on a membership certificate from 1840. It was recreated by Felipe Fidelis Tobias and uploaded to commons.wikimedia.org/w/index.php?curid=138597745

¹ For more background, see “Slavery, Abolition, and the Law,” *the sidebar*, October 2011, page 17.

The Westmoreland Colonization Society

continued from page 15

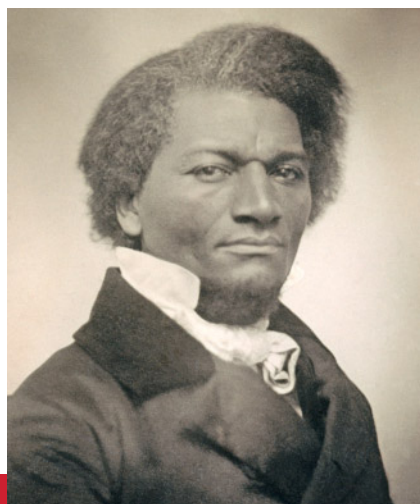
temporal happiness of the people of color, by providing means whereby they may arrive at degrees of personal and mental freedom to which an all-wise Providence has certainly destined them, and to rescue a race of immoral beings from a state of ignorance and degradation in which they have existed.

While the supporters of colonization most certainly thought that they had found a humane alternative to slavery, the movement was short-lived and faded away under attacks from the abolitionists who saw the blatant racism in their proposal.³ Colonization was roundly condemned by Garrison and his followers and especially by free Blacks.

Yet even after the Westmoreland Society had been abandoned, more than likely due to the indifference of the general public in western Pennsylvania, the subject of colonization resurfaced when Greensburg partisans of colonization formed an auxiliary to the Pennsylvania Colonization Society in 1837, its object being “exclusively directed” to the “colonization of free Negroes from the United States to Africa.” Then again in the 1850s, the idea gained support from such notables as Henry Clay and the editor of the *New York Tribune*, Horace Greeley. Even Lincoln considered it as a possible option at one time.

The future president was not a radical abolitionist, but rather a staunch opponent of the spread of slavery. In his biography of Lincoln’s political life, Steve Inskeep notes that in those years Lincoln “navigated between the rocks of political reality while trying not to lose sight of his moral compass.” On the colonization issue, Lincoln ultimately concluded

³ A century later, Adolf Hitler proposed the colonization of European Jews on the island of Madagascar. See *The Duel: The Eighty-Day Struggle Between Churchill and Hitler*, Yale University Press, 1991.



Frederick Douglass, circa 1855. Born into slavery in 1817, Frederick Douglass escaped in 1838 and fought for the immediate, unconditional abolition of slavery and for equal rights. Douglass condemned expatriation schemes as a form of tyranny which would violate the rights of free African Americans.

that settling the formerly enslaved outside the United States was both impractical and wrong. Impractical, because the country lacked the shipping capacity and surplus funds that would be required to move four million people to another continent. Wrong, because it would deprive both former slaves and free Blacks basic rights in the country in which they were born and lived. The moral thing to do, he said, was to “allow all the governed an equal voice in the government,” for “that, and that only, is self-government.”

The strongest voice, however, countering the resurgence of the idea of colonization came from a self-educated former runaway slave who became one of the great orators and writers of his day; and in his lifetime the most photographed person in the country. The voice was that of Frederick Douglass, who fought for the immediate, unconditional abolition of slavery and for equal rights. Douglass condemned expatriation schemes as a form of tyranny which would violate

the rights of free African Americans and sow negative impressions in the public mind about their “moral and intellectual abilities.” He accused the American Colonization Society of being a “slanderer of the colored people,” and considered the idea of colonization as one arising out of the heart of racism. It espoused “African Americans’ inferiority, and their inability to cope in a white-dominated society,” as well as being a “plot to remove Blacks from that society.” Today most fail to realize the impact that Frederick Douglass had on this issue. “His place in the national imagination,” Mr. Inskeep writes, “was remarkable considering that he lived far from any power center, led no group or institution, and held no office. His sole source of influence was his words.”

The debate over colonization didn’t come to an end with the Emancipation Proclamation, or the Union’s ultimate victory in the Civil War, but only after the passage of the Fourteenth Amendment to the Constitution in 1868, which conferred citizenship on all persons born or naturalized in the United States—including formerly enslaved people—with equal protection under the law. Yet, as we all know, the residue of racism still exists today in some quarters, despite the Amendment’s intent. ■

SOURCES

- Blight, David W. *Frederick Douglass: Prophet of Freedom*. Simon & Schuster, 2018.
- Brewster, Robert Wallace. “The Rise of the Antislavery Movement in Southwestern Pennsylvania.” *The Western Pennsylvania Historical Magazine*, Vol. 22, No. 1, March 1939.
- Inskeep, Steve. *Differ We Must: How Lincoln Succeeded in a Divided America*. Penguin Press, 2023.

The Lawyers Lounge Awaits

Looking for a safe refuge in the Courthouse? Somewhere to go to get off your feet, have some quiet time, make a couple of phone calls? Then consider using the Lawyers Lounge, located on the fourth floor annex, Suite 403. All members of the Westmoreland Bar Association are welcome to stop in, enter their PA ID number into the keypad, and make themselves at home.



The new control panel that was installed in January makes the procedure for



accessing the room a little more simple. If your PA ID number is five digits, enter those five digits and press the # key; if your PA ID number is six digits, enter those six digits and press the # key.

As a reminder, we do have a few rules:



the exclusive use of the

member attorneys of the Westmoreland Bar Association. Non-member attorneys are not permitted to use the facility unless they are accompanied by a WBA member.

The room is only for use by member attorneys. Clients, witnesses, or

The Lawyers Lounge in Suite 403 of the Courthouse has two private offices with desks, a bar-height table and chairs, and a comfortable seating area.

litigants are not permitted entry into this lounge.

- Wi-fi is available through the Courthouse's guest network, or through your phone's hotspot.
- Do not share your code or use someone else's code to access the lounge.
- Please leave the space in the condition that you found it.

If you have ideas on how to improve the setting, or if you need help while accessing or using the Lawyers Lounge, please give the Bar office a call at 724-834-6730. ■

You Can (and Should) Plan for Emergencies

continued from page 2

If you don't have a login and password set up to access the members-only section of the PBA website, you can also access the resource (Surrogacy Planning Toolkit) for emergency planning for death or disability here: tinyurl.com/PBA-2SurrogacyToolkit.

For those of you motivated to begin this process, don't put it off—we can support each other in our efforts. Give me a call at 412-370-5671 if you want to discuss further. ■

Maureen Kroll

REMINDER: All committee lists are cleared every year. If you want to continue your membership on a committee you were on last year, you will need to sign up for that committee again in order to receive meeting notifications. Call 724-834-6730 or sign up online at westbar.org/committee-signups.



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Reflections on the Career of The Hon. Rita Donovan Hathaway *continued from page 1*



horrific events to a room full of strangers. The strength and courage of these children was amazing. I presided over four death penalty cases, with three of them involving the same victim. I learned that it doesn't get easier to hear the same grizzly facts in multiple trials. The first jury reached a unanimous decision, and the day of sentencing arrived. As I imposed the death sentence, I read the words required by statute, "May God have mercy on your soul," and I almost lost my breath. It never got easier to read those words.

I'm opposed to mandatory minimum sentences, as are most judges. There are circumstances which a judge should be able to consider when sentencing a defendant. I soon became comfortable ruling from the bench for pretrial motions, so the case could proceed quickly to trial or a plea. Judges must be available to review certain search warrants 24/7. There were many times that the police were at my house



in the middle of the night.

I once was quite surprised to see that my husband was on the jury panel sent to my courtroom. I thought he would be dismissed in short order. However, following *voir dire*, counsel and the defendant decided to keep him. I'm thinking, "Big mistake on your part!" I instructed the jurors not



to discuss the case with anyone. That evening my husband asked me a simple procedural question. I responded with obvious annoyance saying, "Didn't you hear me today? Don't discuss the case!" The guy was convicted of his fourth DUI, probably with a lot of input from juror #5. Oddly enough, the defendant came back a year later to tell me that the conviction and sentence I had imposed saved his life. He had been on the verge of losing his job and his wife, and had an alcohol-related disease. He had been sober for a year and looked healthy and ten years younger.

We did have one unsolved crime in my courtroom. A few years ago, my staff realized that one of our juror

chairs was missing. We had 14 chairs for our last trial a few weeks earlier. They were the comfortable leather type, fairly new. We called maintenance, park police, and county detectives. No one was ever apprehended nor was our juror chair ever recovered. It remains a cold case to this day. We would appreciate any informants coming forward.



In 2020, I moved to civil court while continuing to occasionally handle criminal matters. I made the decision because I wanted a new challenge. I was apprehensive about learning a whole new area of law in which I had little experience. My friend, Judge Chris Scherer, assured me that he would help me. He probably regretted his offer because I had constant questions. One day it finally started to click and I began to feel more confident. It certainly isn't my comfort zone of criminal, but I'm glad I made the change and I actually enjoy many aspects of civil law. I've also gotten to know some excellent civil attorneys. Regardless of which division



I was sitting, I had many great and supportive staff. Most notably, Denise DeNunzio, who has been my judicial secretary for 26 years. Her dedication and professionalism are unparalleled, ensuring that things always moved smoothly in my courtroom. She became one of my closest friends and she is now beginning a well-deserved retirement.

In 2018, I began my five-year term as President Judge. Court Administrator Amy DeMatt and I worked to get some long overdue salary increases for many court personnel, and made some changes to increase the efficiency of the courts. Then came the pandemic in 2020 and, in an instant, everything

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ABSTRACTS

REAL ESTATE & MORTGAGE CLOSINGS



was different. We worked as a team in our county to keep the courts operating. I'm proud to say that our judges and staff stepped up and did whatever was

needed. We were one of the first of Pennsylvania's 67 counties to resume jury trials after only four months.

It was sobering to see people struggling to put food on the table. Many had no income for months. It reinforced for me the fact that judges are generously compensated public servants. We are not entitled and should not expect special treatment.

I always believed it was important to treat litigants, attorneys, and court personnel with dignity and respect. Last year, I received a letter from a young man I'd sentenced on a drug case to a rather lengthy state sentence. He told me that he had been hoping for far less, but he understood my reasons for the sentence. He thanked me for being the first person who had ever treated him with respect. I think back to that first time I entered the courthouse and how I ended up presiding over cases in this stately building. I never took that for granted. I love my profession and was honored to have the opportunity, making my retirement bittersweet. Therefore, I readily accepted a position to preside two days a month over a grand jury investigating unsolved homicide cases in Westmoreland County.



My husband and I are blessed with good health and are really looking forward to making the most of our retirement. We plan to do some traveling and spend time at our vacation home in Plymouth, Mass. We have family in that area, and there will be a new great-granddaughter for me to spoil. Locally, I have many friends who are retired and we all enjoy Pilates, bike riding, and pickleball. With more available time, I also plan to do some volunteer work at my church, Mother of Sorrows. I am truly looking forward to the days ahead! ■

Grand Jury Convenes in Westmoreland County

by Caitlin Bumar, Esq.

This year marks the first time in more than 30 years that a grand jury has been convened in Westmoreland County. Over the course of two days during the last week of February, the Westmoreland County District Attorney's Office impaneled 23 grand jurors and 15 alternates to investigate unsolved homicides and other major crimes in the county. The grand jury, which is being presided over by Common Pleas Court Senior Judge Rita Hathaway, is expected to meet once or twice each month for about 18 months.

Grand juries in Pennsylvania are governed by both the Commonwealth's Investigating Grand Jury Act and the Pennsylvania Rules of Criminal Procedure. The act calls for strong judicial supervision and emphasis on the importance of the participants upholding the oath of secrecy. Grand jury terms are typically 18 months, but can be extended up to 24 months upon request of the jurors. Grand juries should consist of 23 jurors and up to 15 alternates.

The grand jury will receive witness testimony and other evidence during the investigative phase. The normal rules of evidence do not apply. If the jurors conclude that a certain individual or individuals should be charged with a crime, they can direct the supervising prosecutor to prepare a presentment: a formal written recommendation of charges. If a majority of jurors approve the presentment, it is then submitted to the supervising judge for acceptance if the presentment complies with applicable law. The Commonwealth prosecutor then has the ultimate authority to decide whether charges will be brought on the basis of the presentment.

At any point in the investigation, the jurors may submit a grand jury report to the supervising judge. If the judge is satisfied that the report is based on facts received in the investigation and supported by a preponderance of the evidence, they will then file the report as a matter of public record with the county. The report may be sealed if it will prejudice fair consideration of a pending criminal matter.

In 2017, the Pennsylvania Supreme Court created a Commonwealth grand jury task force, which released its report and recommendations in 2019. The task force found that grand juries are frequently employed by first- through third-class counties, but are rarely utilized by the smaller counties. The task force also noted a stark lack of statistics regarding Pennsylvania's grand juries, and it recommended the collection of grand jury metrics from all counties for analysis.

In 2022, the *Tribune Review* reported that there were twelve unsolved homicide cases in Westmoreland County dating back to 1967. The outlet reported that three of the cases have had charges filed against an alleged perpetrator within the past year. With nine unresolved homicides and more major crimes that have been relegated to the status of cold cases, the recommencement of grand juries in Westmoreland County provides a unique opportunity to provide victims and families with an opportunity for justice and closure. ■

She Really Is Like That: Capable of the Extraordinary

continued from page 1

and angry, and I consulted with Judge Hathaway for advice.

Judge Hathaway was calm and told me of times that she'd been the victim of unfairness. I realized in that moment that the perfect, polished Judge Hathaway was that way because, like steel that is annealed, she had been subjected to fire and made stronger as a result. She was skilled in dealing with difficult issues because she'd been exposed to unfairness, difficulties, and trials, both personal and professional.

This was evident in the way she handled the pandemic, for instance. In those first harrowing days, no one knew what the future held. Some of those who had the virus developed numbness in their legs. Some died. Colleagues in the eastern side of the state stopped court functions.

Judge Hathaway was determined *not* to shut down. She made a commitment to trying cases in spite of the pandemic. This was an unpopular thing to do. It made her vulnerable to criticism. She did this, however, because she considered rights of the litigants, some of whom had been waiting for trials for months. She tempered responsibility with safety, excusing jurors who were at risk or not comfortable. The standard for Westmoreland County judges was that they would continue to preside over cases, and that is exactly what they did.

Judge Hathaway's character was also apparent in overseeing the redistricting¹ process. She assembled a committee which recommended that two magisterial district courts close. This would have resulted in significant tax savings, and was a recommendation based on statistics. It also put Judge Hathaway in an awkward position. She is friends with many on the bench, and it will never be a popular course of action to close

¹ Redistricting refers to deciding which magisterial district courts should be closed or relocated.



a court. She knew that because she was a judge, she would not be at liberty to explain her decision—that she was prioritizing the benefit to the community over her own friendships.

My favorite example of Judge Hathaway's approach was when she moved from criminal to civil court. In civil court, diverse issues often arise. A judge might hear an eminent domain case, a medical malpractice trial, and unfair trade practices case in a given month. Not only does the work require a command of the evidentiary and procedural rules, it requires understanding esoteric subject matter. Most other people would have considered the move and dismissed it. Judge Hathaway had reservations, but moved to civil court anyway.

What I learned from working with Judge Hathaway was that being tested strengthens character. Because her path had not been an easy one, Judge Hathaway developed an internal compass so strong that she truly became capable of the extraordinary.

Judge Hathaway shared a poem with me, which I believe captures her approach:

Something to Think About

- People are often unreasonable, illogical, and self-centered - *forgive them anyway*

- If you are kind, people may accuse you of selfish, ulterior motives - *be kind anyway*
- If you are successful, you will win false friends and true enemies - *succeed anyway*
- If you are honest and frank, people may cheat you - *be honest and frank anyway*
- What you spend years building, someone could destroy overnight - *build anyway*
- If you find serenity and happiness, there may be jealousy - *be happy anyway*
- The good you do today, people will forget about tomorrow - *do good anyway*
- Give the world the best you have, and it may never be enough - *give the world the best you have anyway*
- You see in the final analysis, it is between you and God - *it was never about you and them anyway*

It was my pleasure to work for Judge Hathaway during her tenure as President Judge. I wish her the best and hope that her approach, exemplified by the poem reproduced above and credited to Mother Teresa, exhorts us all to be true to our values, even when the easy choice tempts us. ■

Get a Room at Bedford Springs

Step back in time and join us once more at the Omni Bedford Springs Resort & Spa for the 38th annual Bench/Bar Conference June 12–14, 2024.

Reenergize your mind, body, and spirit where prominent national figures such as Aaron Burr, John C. Calhoun, Daniel Webster, and Presidents Harrison, Polk, Taylor, and Buchanan once walked, swam, dined, and slept. There is no better place to enjoy the 2024 WBA Bench/Bar Conference than at the peaceful, hospitable sanctuary of Bedford Springs.

We are still finalizing the events, but we plan to offer seven hours of CLE, biking, hiking, and yoga, lunch, dinner, and breakfast, a vendor exhibit, a networking reception, entry to the hospitality house, as well as additional entertainment. You can also take advantage of the spa, indoor and outdoor pools, and award-winning golf



course. Spouses and significant others are welcome to join in all events.

While you do have to wait to register for the conference, don't wait to reserve your room. All room reservations must be made by **May 13, 2024**, to be guaranteed a room and the group discount. Overnight lodging costs start at \$259/night, plus tax and

resort fee. Make room reservations on your own by calling 1-877-409-6664 or visit tinyurl.com/2024bbrooms.

The Bench/Bar Conference remains the premier event to network and socialize with colleagues and members of the judiciary. Don't miss this extraordinary opportunity. Invitations should arrive in mid-April. ■



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is pleased to announce**



**April
Schachtner**

has joined the firm as an Associate
as of January 1, 2024.

Her practice consists of estate and
real estate matters.

Call 724-834-2102 or
email april@wardchristner.com

Remembering The Hon. James R. Kelley

continued from page 4

Jim's Commonwealth Court colleagues recently reflected on their affection for Jim. Judge Bernard McGinley, now retired, who served with Jim for 20 years, loved having their weekly dinners: "It was the highlight of my week. We had a lot of laughs." Senior Judge Dan Pellegrini told me how much he enjoyed their discussion of cases and the law, and that his colleagues loved Jim. Perhaps the best summary of Jim's time on the court was given by his longtime judicial law clerk, Leah J. Davis (*see below*).

The Honorable Judge Kelley was blessed with a full and meaningful life. His professional life was filled with accomplishment and satisfaction; his friends filled him with energy and gusto; his family life brought him joy; his religion gave him balance and humility. Surely, he is now in good hands. If not, at least he had the last laugh—he died on All Saints' Day. ■

The Legacy of The Hon. James R. Kelley

by Leah J. Davis, Judicial Clerk (1990-2011)

The Honorable James R. Kelley served as a Judge on the Commonwealth Court from June 21, 1990, until December 31, 2011. During his more than 20-year tenure, Judge Kelley viewed his role, and that of the Court, as the "watchdog over the government."

Judge Kelley's career before his appointment to the Court aided him well in exercising this role. Prior to his tenure, Judge Kelley engaged in the general practice of law in Pennsylvania and District of Columbia, served as Westmoreland County Commissioner, and served as a Pennsylvania State Senator. Judge Kelley received a B.A. degree from St. Vincent College and a Doctor of Law degree from Columbus School of Law, Catholic University of America. Along with his beloved bride, Patricia, they raised six children.

Judge Kelley was, and is, loved and respected by everyone who ever worked in his chambers. He believed that his staff did not work "for" him but "with" him. When hiring law clerks, Judge Kelley preferred applicants who were of "delayed vocation" to the law. He believed that someone with life experience could perhaps offer a more insightful perspective when contemplating a legal issue. Judge Kelley treated his staff with professionalism and the utmost respect resulting in a collegial working environment.

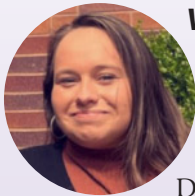
Judge and Mrs. Kelley hosted dinners for the entire staff and their spouses that solidified the feeling of being part of a family rather than simply co-workers. Of course, the Christmas parties held in Judge Kelley's Harrisburg chambers are legendary and reflected how Judge Kelley felt about everyone on the Court. When Judge Kelley retired, he

sent a letter to every employee on the Court thanking them for their service. Judge Kelley will always be remembered not only for his good nature and being a bit of a contrarian, but also for his lovable personality and his dapper taste in hats and seersucker suits.

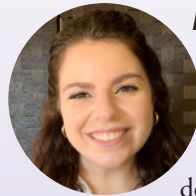
Over his tenure on the Court, Judge Kelley authored numerous opinions. Some of his notable majority and dissenting opinions are as follows:

- Duquesne Light Co. v. Woodland Hills School District*, 700 A.2d 1038 (Pa. Cmwlth. 1997)(litigation arising from landslide on school district's property; case involved issues of first impression and general trial court practice);
- Common Cause/Pennsylvania v. Commonwealth*, 710 A.2d 108 (Pa. Cmwlth. 1998)(*en banc*)(upholding constitutionality of passage of transportation bill upon concluding that all provisions were germane to the general subject of vehicular transportation);
- Church of Lord Jesus Christ of Apostolic Faith, Inc. v. Shelton*, 740 A.2d 751 (Pa. Cmwlth. 1999)(holding that *de facto* leader of church was an indispensable party);
- Haller v. Commonwealth*, 693 A.2d 266 (Pa. Cmwlth. 1997) (*en banc*)(holding that the enforcement of a sales tax exemption for religious articles, bibles, and other religious publications violated the Establishment Clause of the First Amendment and the religious freedom provision of the Pennsylvania Constitution);
- Gmerek v. State Ethic Commission*, 751 A.2d 1241 (Pa. Cmwlth. 2000)(*en banc*)(holding that the Lobbying Disclosure Act was unconstitutional as impermissibly regulating the practice of law);
- In re Nomination Paper of Nader*, 865 A.2d 8 (Pa. Cmwlth. 2004)(Court granted objectors' petition challenging Nader's nominating paper in series of opinions);
- In re Nomination Paper of Rogers*, 942 A.2d 915 (Pa. Cmwlth. 2008)(single judge opinion)(in this election matter, the Court for the first time granted the request for attorneys' fees pursuant to the Judicial Code after finding that candidate's conduct and that of his counsel was dilatory, obdurate, or vexatious);
- Department of Transportation, Bureau of Driver Licensing v. Granberg*, 633 A.2d 1334, 1336 (Pa. Cmwlth. 1993) (J. Kelley dissenting)(stating that "[t]oday an operator's license is more than a privilege, it is a right" and admonishing that "[i]t is time our jurisprudence recognizes the realistic changes that have transpired since the automobile succeeded the horse and buggy");
- Commonwealth ex re. Fisher v. Phillip Morris Inc.*, 736 A.2d 693 (Pa. Cmwlth. 1999)(J. Kelley dissenting) (filed lengthy dissent to one-line order discontinuing the tobacco settlement litigation). ■

New Member Sketches



Victoria Bedick has been admitted as a participating member of the WBA. Victoria graduated from West Virginia University and earned her J.D. from the Thomas R. Kline School of Law of Duquesne University. She is an associate with Creenan & Baczkowski, PC, in Murrysville.

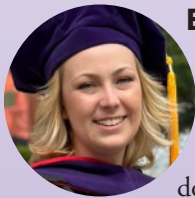


Aubri Swank was admitted as a participating member of the WBA. Aubri studied anthropology and international studies at Case Western Reserve University and earned her juris doctor degree from the Thomas R. Kline School of Law of Duquesne University. She is an Assistant District Attorney for Westmoreland County.

Jennifer Brenner was admitted as a participating member of the WBA. Jennifer studied criminology at Indiana University of Pennsylvania and received her juris doctor degree from the Thomas R. Kline School of Law of Duquesne University. She is an Assistant District Attorney for Westmoreland County.



Jesse Torisky has been admitted as an associate member of the WBA. Jesse studied liberal arts at Penn State University before earning his J.D. from Duquesne University. He is a partner at Ciao, Torisky & O'Connor, LLC, in Pittsburgh, as well as President and CEO of the Autism Society of Pittsburgh.



Eva Campion has been admitted as a participating member of the WBA. Eva earned a bachelor's degree in criminal justice from Indiana University of Pennsylvania and received her juris doctor degree from the Thomas R. Kline School of Law of Duquesne University. She is a staff attorney with Summit Legal Aid in Greensburg.



Tanner Yawitz has been admitted as a participating member of the WBA. He earned his bachelor's degree in chemistry from Saint Francis University and his J.D. from Penn State Law. Tanner is an associate with King Legal Group, LLC, in Greensburg. ■

Theresa Miller-Sporrer has been admitted as a participating member of the WBA. Theresa earned a bachelor's degree in anthropology from Mercyhurst University and received her juris doctor degree from the University of Pittsburgh. She is an Assistant District Attorney for Westmoreland County.



The court en banc will recognize the newest members of the WBA at the annual New Members Ceremony scheduled for Wednesday, March 27, in Ceremonial Courtroom No. 3 at the Westmoreland County Courthouse at 3:00 pm. A complimentary reception will be held at the Courthouse following the ceremony.



Beginning with this issue, *the sidebar* is moving to a quarterly publication with Winter, Spring, Summer, and Autumn issues. We will continue to keep you informed of timely events through our Constant Contact newsletters that are sent via email several times a month.

To ensure you receive these, add news@westbar.ccsend.com to your approved senders list. ■

CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters or virtually via Zoom. Visit westbar.org for more information about activities and CLE courses, and **register online**.*

For PBI CLE courses, call 1-800-932-4637 or visit pbi.org/westmoreland-county.

MARCH

- 26** [CLE] 2024 Update from Court Administration, Noon to 1 pm, 1S
- 27** Presentation of New Members, 3 pm, Westmoreland County Courthouse
- 29** Courthouse and WBA offices closed in observance of Good Friday

APRIL

- 1** Annual Meeting of the Westmoreland Bar Association and Westmoreland Bar Foundation, 4:30 pm, Rizzo's Banquet Hall, Crabtree
- 2** [CLE] Removing Criminal Records: Clean Slate 3.0 and Pardons, Noon to 1 pm, 1S

- 9** [PBI CLE] Important Issues About Medicare Coverage, Social Security Benefits & Long Term Care 2024, 9 am to 12:20 pm, 3S
Ned J. Nakles American Inn of Court, 5 pm
- 10** Membership Committee, Noon
Board Meeting, 4 pm
- 11** [PBI CLE] Ethics Compliance Crusher 2024, 9 am to 12:15 pm, 3E
[PBI CLE] Hot Topics in Disability Law: Counseling & Navigating Support Systems for Individuals with Disabilities 2024, 1 to 4:15 pm, 3S
- 12** Betty Ward Law Library Dedication, Noon, Westmoreland County Courthouse



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.



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Removing Criminal Records: Clean Slate 3.0 and Pardons

This course will provide details and discuss Pennsylvania's new Clean Slate Act that went into effect on February 12, 2024. Also covered will be current information about the Board of Pardons' application process.



Speaker:
Brian V. Gorman, Esq.
Summit Legal Aid
Executive Director

LIVE CLE

**Tuesday, April 2, 2024 • Noon to 1 pm • WBA Headquarters & Via Zoom
1 substantive credit • \$35 WBA members/\$55 Nonmembers**

REMOVING CRIMINAL RECORDS: CLEAN SLATE 3.0 AND PARDONS TUESDAY, APRIL 2, 2024 • NOON TO 1 PM

Name: _____

Attorney ID #: _____

Email: _____

Dietary restrictions: _____

Seminar Fees:

- WBA Member - \$35
- Nonmember - \$55
- WBA Member Noncredit - \$10
- Nonmember Noncredit - \$20
- Young Lawyer Noncredit - FREE

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Lunch will be provided.

To qualify for **pre-registration fees**, return this form and your payment to:

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100 North Maple Avenue
Greensburg PA 15601-2506

by **Noon on April 1, 2024**, or register online at westbar.org.

Walk-in fees of \$45 WBA members/\$55 Nonmembers will be charged for registrations received after Noon on April 1, 2024.

Phone 724-834-6730
Fax 724-834-6855

For refund policy information, or if special arrangements are needed, contact the WBA office at 724-834-6730 or email westbar.org@westbar.org.

Betty Ward Law Library Dedication



Betty Ward dutifully served as the Westmoreland County Law Librarian for 32 years. Join friends and colleagues in saluting her as the Westmoreland County Law Library is renamed in her honor. Speeches and light refreshments are on the agenda.

If you are unable to attend the ceremony, but would like to pay tribute to Betty, stop in the Law Library to sign a commemorative guest book.

**FRIDAY,
APRIL 12
NOON**

**WESTMORELAND COUNTY COURTHOUSE
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RSVP ONLINE AT WESTBAR.ORG OR CALL 724-834-6730.

Mike Ferguson's 23rd Annual Personal Injury & Auto Law Update

Topics of Discussion:

- Significant case law update, including UIM and subrogation,
- Strategies for addressing Workers' Comp liens in auto and non-auto cases,
- Strategies for addressing obstacles to settlement in the post-COVID remote world, and
- Going above and beyond....the nuances of Plaintiff Personal Injury representation.



Speaker:
Michael D. Ferguson, Esquire
Ferguson Law Associates

LIVE CLE

**Thursday, April 25, 2024 • Noon to 2 pm • WBA Headquarters & Via Zoom
2 substantive credits • \$70 WBA members/\$110 Nonmembers**

**MIKE FERGUSON'S 23rd ANNUAL PERSONAL INJURY & AUTO LAW UPDATE
THURSDAY, APRIL 25, 2024 • NOON TO 2 PM**

Name: _____

Attorney ID #: _____

Email: _____

Dietary restrictions: _____

Seminar Fees:

- WBA Member - \$70
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- Nonmember Noncredit - \$20
- Young Lawyer Noncredit - FREE

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by **Noon on April 24, 2024**, or register online at westbar.org.

Walk-in fees of \$90 WBA members/\$110 Nonmembers will be charged for registrations received after Noon on April 24, 2024.

Phone 724-834-6730
Fax 724-834-6855

For refund policy information, or if special arrangements are needed, contact the WBA office at 724-834-6730 or email westbar.org@westbar.org.

Professionals at Risk – Booze, Drugs, Sex and Gambling...Who's Bringing the Chips & Dip?

This session will provide clear and concise data on the increase in addictive behaviors in the past several years, and specifically how it is impacting the legal profession. It will present addiction interaction disorder in a clear and accessible way for non-clinical professionals to more readily see issues and help identify them in order to help get colleagues help and reduce the risk of liability in the law firm. Ethics and civil liability will be reviewed.

**Speaker:**

Eric J. Webber, MA, CADC, CCS, CSAT/CMAT, CCPG
Sr. Behavioral Health Therapist and Legal Professionals
Program Coordinator, Caron Treatment Center

LIVE CLE

**Monday, May 20, 2024 • Noon to 1 pm • WBA Headquarters & Via Zoom
1 ethics credit • \$35 WBA members/\$55 Nonmembers**

PROFESSIONALS AT RISK**MONDAY, MAY 20, 2024 • NOON TO 1 PM**

Name: _____

Attorney ID #: _____

Email: _____

Dietary restrictions: _____

Seminar Fees:

- WBA Member - \$35
- Nonmember - \$55
- WBA Member Noncredit - \$10
- Nonmember Noncredit - \$20
- Young Lawyer Noncredit - FREE

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Lunch will be provided.

To qualify for **pre-registration fees**, return this form and your payment to:Westmoreland Bar Association
100 North Maple Avenue
Greensburg PA 15601-2506by **Noon on May 17, 2024**, or register online at westbar.org.**Walk-in fees** of \$45 WBA members/\$55 Nonmembers will be charged for registrations received after Noon on May 17, 2024.Phone 724-834-6730
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60TH ANNUAL MEMORIAL SERVICE

IN REMEMBRANCE OF

**M. SAMUEL ROSENZWEIG
DEBORAH JACKSON
THE HON. JAMES R. KELLEY
P. LOUIS DEROSE
DAVID B. WASSON
JAMES H. ROBINSON, JR.
JENNIE BULLARD
NILS LJUNGMAN
JAMES R. SILVIS
LAWRENCE R. BURNS**

**3:00 PM
MAY 22, 2024**

**WESTMORELAND COUNTY COURTHOUSE
CEREMONIAL COURTROOM #3**

This event is an annual event and is open to family and friends of the bar. The court will sit en banc. Kindly notify the bar office in advance if you intend to share a special memory.

**REGISTER ONLINE AT [WESTBAR.ORG](https://westbar.org),
CALL 724-834-6730, OR EMAIL
WESTBAR.ORG@WESTBAR.ORG.**

A complimentary reception will be held at the Westmoreland County Courthouse immediately following the service.

