



Nominations for WBA Board Announced



Editor's Note: The Nominating Committee has selected Jim Silvis and Becky Brammell as candidates to fill one vacancy on the WBA Board of Directors. The election will be held at the annual meeting on April 3.

James R. Silvis

PROFESSIONAL BACKGROUND

- O'Connell & Silvis, 1972-present
- Sole Practitioner, 1970-1971

- Scales and Shaw Law Firm, 1969
- U.S. Navy JAG Corps, 1965-1968
- Dickinson School of Law, 1965
- St. Vincent College, 1962
- Lawyers Abstract Company, former member of Board of Directors and President
- Westmoreland Academy of Trial Lawyers, member of Board of Directors and Vice President

ASSOCIATION ACTIVITIES

I am now serving as Chairman of the Gifts and Memorials Committee and am currently active with the Bench/Bar Committee and the Lawyers Concerned for Lawyers Committee. I have served on many of the Bar Association committees and have attended most Association events.

OTHER ACTIVITIES/INTERESTS

I participate in golf, running, weight training and attending college football and basketball games. I am

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Rebecca A. Brammell

PROFESSIONAL BACKGROUND

- Sole Practitioner, Penn Township, 1997-present
- Partner, Duffy & Brammell, 1991-1997
- Associate, James M. Duffy & Associates, 1986-1991
- Solicitor, Domestic Relations Office, 1991-1992
- J.D., Duquesne University School of Law
- B.A. Social Work, University of Pittsburgh

ASSOCIATION ACTIVITIES

I am a member of the WBA's Elder Law/Orphans' Court and Solo and Small Practice Committees, and the PBA's Family Law, Real Estate/Probate and Solo and Small Practice Committees. I am Chairman of the Guardianship Section of the Ad Hoc Orphans' Court Rules Committee and have served in prior years with the "Stepping Out" Committee and Explorers Post.

OTHER ACTIVITIES/INTERESTS

I am a Trustee of the Westmoreland Bar Foundation and Chairman of the Outreach Committee, a member of the Westmoreland Inns of Court, a Board Member of the Norwin Chamber of Commerce, the Solicitor for

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President's Message

“Let’s Kill All The Lawyers”

William Shakespeare, circa 1590

by Richard F. Flickinger

When I was leafing through one of those mail-order catalogs that specializes in items for lawyers, my attention was drawn to huckstering for what the ad writer felt was an improvement on William Shakespeare’s admonition: coffee cups emblazoned with the inscription, “Let’s kiss all the lawyers.”

If the truth be known, that’s not an improvement.



▲ WILLIAM SHAKESPEARE, NOT OUR ILLUSTRIOUS PRESIDENT

A few days ago I was talking with a colleague—not a companion in crime—who told me why he likes associating with lawyers:

They’re good people; they help others; there is no other profession that polices its own

ranks so much to ensure that the people lawyers are supposed to help are protected.

For four hundred years, lawyers have been held in high regard. In Shakespeare’s play, *Henry VI*, the rebellious Jack Cade and his followers are planning to take over the throne. Knowing that the lawyers will protect the general populace from the surreptitious aspirations of the conspirators, their strategy is simple: First, kill all the lawyers!

It has been only in the last couple of decades that I have felt the need to apologize for being a lawyer. I wish I knew why. Perhaps

lawyers haven’t fallen into disfavor—most people strongly defend their *own* lawyer—it’s just all the *other* lawyers who are bad! Perhaps we worry too much about our reputations rather than providing services. Or, is someone planning a rebellion?

There *is* a presumption that lawyers are bad persons. Refer to Internal Service regulations. If you pay someone more than \$600 in a year, you are required to send a 1099 form to them and to the IRS, reporting the compensation you have paid. There are two exceptions: household help (which, thanks to Bill Clinton, bears an \$1,100 minimum for reporting), and corporations, which do not have to be reported at all except for *lawyer* corporations. So, payments in excess of \$600 per year to all lawyers—whether professionally incorporated or not—must be reported to the IRS. Obviously, lawyers are not to be trusted.

More significant is the disregard toward lawyers implicit in bills introduced in the Pennsylvania legislature and Congress.

Currently pending (for the umpteenth time) in the Pennsylvania House of Representatives is a bill which would authorize anyone who holds a power of attorney to represent the person who signed the document in tax assessment appeals. How the House can think this is beneficial is beyond me!

Notwithstanding the fact that the practice of law is within the purview of the Pennsylvania Supreme Court and the House has no business trying to define what constitutes that practice, why have the House members assumed that *anybody other than a lawyer* would be better in representing taxpayers dissatisfied with their real property tax assessments?

Are we incompetent, greedy, stupid, or what? Never mind that we must meet strict educational requirements and must pass a bar exam to prove our qualifications; never mind that we must take continuing education courses; never mind that we are subject to the constant scrutiny of the

Pennsylvania Supreme Court; never mind that we are assessed the costs of funding a disciplinary board to ensure we act properly; never mind that we are required to “contribute” to a fund to reimburse victims

of improper lawyer conduct by the few bad eggs that infiltrate the legal profession. Is this all to be scrapped so that anyone with a power of attorney—regardless of education, regardless of financial responsibility, regardless of criminal record, regardless of motive—can advertise for people unhappy with their taxes, flood county tax assessment boards with thousands of cases, and charge fat fees without oversight?

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We have to let people know what will happen if they kill all the lawyers.

Hanna's Town Revisited

In 1770, in the mountains in Western Pennsylvania, a hardy breed of men, clad in animal skins but elegant of character, risked their lives at the hands of hostile Frenchmen, Indians and wild beasts to carve their dream from the wilderness. The fruit of their labor was a village called Hanna's Town, and they held court there, according to the precepts of the English common law, at the Tavern of Robert Hanna. Thus it was that the first seat of English justice west of the Allegheny Mountains was established.

On December 30, 1999, an equally hardy group of spiritual descendants of these brave pioneers, of equally elegant character, breathed life into the Hanna's Town Courthouse for a brief time by conducting there a special session of the Superior Court of Pennsylvania for the purpose of administering the oath of office for a second term to the Honorable Joseph A. Hudock.

Court was duly opened by Thomas P. McCloskey, retired Westmoreland County Tipstaff. The Governor's commission was read by the Honorable Anthony G. Marsili, and the oath of office administered by the Honorable John J. Driscoll, both of the Court of Common Pleas of Westmoreland County.

A mercifully brief and singularly unmemorable speech by Judge Hudock concluded the ceremony.

Official witnesses, most of whom stayed awake throughout the proceedings, were: Rita A. Hudock, judicial spouse; Timothy Martin, Administrative Law Clerk; Dina Henninger, judicial secretary



JUDGE HUDOCK, JUDGE MARSILI AND JUDGE DRISCOLL AT THE HANNA'S TOWN COURTHOUSE.

and official photographer *pro hac vice*; and James Steeley, President of the Westmoreland County Historical Society.

The only negative comment heard was that of Judge Driscoll who grumbled that "this whole thing proves that Hudock is getting senile."

Respectfully submitted this 30th day of December *Anno Domini* one thousand nine hundred ninety-nine, and of the Commonwealth two hundred twenty-four.

Your humble and obedient servant,
Joseph A. Hudock



JUDGE DRISCOLL ADMINISTERS THE OATH OF OFFICE TO JUDGE HUDOCK WITH JUDGE MARSILI IN ATTENDANCE.

New Local Rules Affect Custody Mediation

by Gary A. Falatovich, Esq.

Mediation has proven an effective alternative in the resolution of disputes in various forms of litigation. In Family Court, a study conducted by the PBA concluded that results achieved in litigation, no matter how successful, can have a lasting adverse impact on the parties and, most importantly, their children. Recognizing these difficulties, the Executive Board of the WBA established an Ad Hoc Committee on Family Court Mediation in 1997. The purpose of this committee was to consult with Family Court judges, hearing officers, attorneys and other individuals involved in the Family Court system regarding the propriety of mediation as an alternative to litigation and, if so, to consider a broad outline for its implementation.

Recently, the Executive Board of the WBA passed a Resolution expressing its support of Independent Educational and Mediation Programs in the Family Court area. The text of that Resolution appears in other portions of this *sidebar* edition.

NEW LOCAL RULES ADOPTED

On February 3, 2000, the Westmoreland County Courts En Banc adopted Local Rules providing for the voluntary mediation of disputes in custody cases. These Rules were implemented to reflect changes in the Pennsylvania Rules of Civil Procedure regarding custody mediation (see Pa.R.C.P. § 1940.1 et seq.). Prior to adoption, meetings were conducted between the Chairs of the WBA Alternative Dispute Resolution Committee, Family Law Committee, Family Court Judges, President Judge Loughran and Court Administrator Paul Kuntz to discuss how Westmoreland Bar Association attorneys could fit into the mediation system envisioned by our courts.

HOW NEW RULES AFFECT MEDIATION

Here's how it works. Our new Local Rules require litigants making a claim for custody to schedule a Custody Conciliation Conference at a date and time approximately 45 days after filing of the Complaint or Custody Count. Prior to the time of the Custody Conciliation Conference the parties are ordered to attend a mandatory Children Hurt in Loss Through Divorce/Separation (CHILD) Program. Within 30 days

of filing the Complaint or Custody Count, the parties are likewise required to file a Parent Information Form with the Westmoreland County Family Court Administrator (Custody Office).

The parties may also file with the Family Court Administrator an Election to Proceed through Mediation. The party filing the Election to Proceed through Mediation must certify that all parties agree to the mediation alternative. If such Election is filed, the Family Court Administrator will continue the scheduled Conciliation Conference and advise the mediator to schedule the mediation.

If the parties fail to reach an agreement through mediation or fail to enter a Consent Agreement (i.e., Parenting Plan) or Consent Custody Order, the Conciliation Conference would be rescheduled and the case would proceed through the Court system accordingly.

Local Rule W1915.4-4 allows the parties to mediate custody and visitation matters before a neutral media-

Mediation, arbitration and all forms of conflict resolution

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Vincent J. Quatrini, Jr., Esquire
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tor by agreement. The parties are responsible for the costs of mediation services. Voluntary Mediation is to be conducted in accordance with Pa.R.C.P. 1940-1 et seq. Local Rule W1915.4-4 describes the Custody Mediation Procedures specific to Westmoreland County. Minimum qualifications of mediators established in Pa.R.C.P. 1940.4 are adopted locally by Rule W1940.4.

WBA MEMBERS SOUGHT AS MEDIATORS

Our Bench has faith in members of our Bar Association to act as mediators in this area. We have been asked to supply names and qualifications of local lawyers willing to perform Custody Mediation so that a listing may be distributed to litigants and their attorneys. The distribution of these materials will be coordinated with the assistance of the courts.

Accordingly, all attorneys who meet the minimum qualifications of a mediator under Pa.R.C.P. 1940.4 who are interested in participating as a custody mediator should contact the Westmoreland Bar Association immediately. Persons interested in obtaining mediation training may do so through various programs conducted throughout the State. The Bar Association office has information concerning Mediation Certification Training as well.

Although mediation is a proven effective alternative to litigation, some matrimonial practitioners believe that they will be “cut out” of the process. However, if you have ever participated in mediation, you are aware that attorneys play an integral role. Although I am uncertain whether non-lawyer mediators would be inclined to actively solicit the involvement of attorneys, I believe that attorney mediators would recognize the contributions of resolution-minded counsel in the mediation process. After all, who else would advise mediation participants on the *legal* effects of a mediated agreement?

IS MEDIATION IN THE FUTURE OF FAMILY COURT MATTERS?

The WBA believes that mediation of Family Court matters is the way of the future. The cost, expense and effects of protracted litigation warrant giving this form of alternative dispute resolution a try. Our enlightened Family Court Bench has recognized custody mediation as a step in the right direction. With their continuing cooperation and involvement, together with the involvement of the members of our Bar Association who seek the amicable resolution of disputes in this area, this program can be a stepping stone to a more expansive mediation process.

WBA Board and PBA House Oppose Senate Bill 5

At the January 25, 2000, board meeting of the Westmoreland Bar Association, board members approved a resolution opposing Senate Bill 5 and agreed to distribute the resolution to the PBA and PaTLA with a cover letter signed by the Bar leadership.

The PBA House of Delegates voted overwhelmingly October 29, 1999, against supporting Senate Bill 5, also known as the Lawsuit Abuse/Civil Justice Reform Act.

The delegates opposed the bill based on a recommendation made by the PBA’s 33-member Civil Justice Coalition Task Force, chaired by Laura E. Ellsworth of Pittsburgh and Edward H. Rubenstone of Bensalem.

If enacted, the bill would abolish joint and several liability, adopt a 15-year statute of repose for most consumer products, institute an innocent seller provision for merchants who unwittingly sell defective products, support alternative dispute resolution and create a punitive damages cap. One of the major proponents of the bill is the Civil Justice Coalition, a nonprofit corporation with membership that includes representatives of local governments, doctors and hospitals, realtors, accountants, manufacturers and state and local chambers of commerce.

PBA President Louis N. Teti, who communicated the PBA’s position during a Senate Judiciary Committee hearing on November 22, 1999, said the PBA voted to oppose Senate Bill 5 after careful study and deliberation by the task force.

Numerous local bar associations passed resolutions opposing Senate Bill 5. Bar associations from Allegheny, Beaver, Bucks, Chester, Delaware, Lancaster, Lebanon and Montgomery counties, as well as Philadelphia, took positions against the legislation.

Annals of the Bar

de Hominie Replegiando*

by H. Nevin Wollam, Esq.

*There once was a lawyer named Dade
who despised the Courts it was said;
His fondness for rum and his unruly tongue
soon had him disbarred, I'm afraid;*

*The justices ranted and raved
but from fines and contempt he was saved;
How did he escape the wrath of the Court?
How else but by dropping daid.*

Francis Dade held the distinction of being the first attorney admitted to the Westmoreland County Courts. He also held the distinction of being the first Westmoreland County attorney to be disbarred.

Francis Dade was admitted to practice as an attorney of the Westmoreland County Court on motion of a Mr. David Sample on August 3, 1773. The Court at that time was comprised of William Lochry, Robert Hanna and Arthur St. Clair, Esquires, Justices of the Court of Common Pleas of

Westmoreland County. Mr. Sample's motion cited Mr. Dade as being well qualified to practice as an attorney, having studied law in Baltimore, Maryland, before removing to Westmoreland County.


Apparently, Francis Dade had the unfortunate habit of over-imbibing at Hanna's Tavern, the same building in which the Court sessions were held. He also had the habit of maligning the Court and the Justices to all who would listen.

On April 5, 1774, at the January Term of 1774 of the Court of Common Pleas, the Court issued this Order: "It appearing to the Court that Francis Dade, one of the attorneys of this Court, the duty of his office notwithstanding, hath of late, at divers times and places within the jurisdiction of this Court, been publicly and notoriously guilty of the shameful vice of drunkenness, at which times and places aforesaid he did publish several malicious passages highly reflecting on several magistrates of this county and other mischiefs then and there, did unbecoming the character, duty and office of an attorney of this Court. It is ordered and considered by the Court that the said Francis Dade and for such his shameful mis-

behavior, be suspended and he is hereby suspended and precluded from further using the office, duty and business of an Attorney of this Court." In addition to the suspension, a fine was assessed. Francis Dade refused to pay and was confined to gaol.

Francis Dade entered suit against Justices William Loughry and James Hamilton at No. 1 April Term 1774 and No. 2 April Term 1774. The suits were for Capias Trespass and False Imprisonment. After numerous continuances, both cases were abated due to the death of the Plaintiff, Francis Dade, in April, 1774.

** In English law, a writ which lay to replevy a man out of prison or out of the custody of any private person in the same manner in which chattels taken in distress may be replevied.*



**DISPUTE RESOLUTION
UIM/UM ARBITRATION
MEDIATION**

- SETTLEMENT CONFERENCES
- * EVIDENTIARY HEARINGS
- * BINDING/NON-BINDING
- * COST-EFFECTIVE
- * CONFIDENTIALITY
- * NEUTRAL THIRD-PARTY INPUT
- * SWIFT RESOLUTION
- * DIRECT PARTY PARTICIPATION
- * FLEXIBILITY

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To-Wit: Hard Drive, Part I

by S. Sponte, Esq.

I wasn't actually aware I had a problem until my young partner—my sweet, demure, young, wouldn't-hurt-a-fly partner—looked at me and said, "What the hell's the matter with you?"

She had good reason to be miffed. Not good reason to say it, mind you, but good reason to feel it. In anticipation of her almost-momentary maternity leave, we were in her office going over her files so I would be up to speed, so I could carry on in her absence, so I could have that many more things in my life to aggravate me.

We had already been at it for what seemed like an eternity but in reality was probably no longer than maybe 20 minutes when I went blank right in the middle of her recitation. I could hear the words, but they were not getting through; I could associate no meaning with them. It wasn't that they were going in one ear and out the other; it was that they weren't going in at all.

"I just told you not two minutes ago that the statute of limitations runs out on this case in four months," she said. "So why did you just ask me when the statute expires?"

I put both palms to my eyes and rubbed them for a while. But all I saw was stars.

"You know," she said, "this has been happening to you a lot lately. You don't seem to remember anything."

"That's not true," I countered. "I remember the entire cast of Howdy Doody."

But she was right. I had a problem. The truth was I couldn't remember anything, marionettes

notwithstanding. Wasn't it just last week my secretary came in to remind me that I had a dentist's appointment in an hour? And wasn't I still sitting at my desk an hour later when she came in and reminded me that I was late for it?

"Why didn't you remind me, damn it?" I snarled as I dashed for my car. Professional as ever, she said nary a word in response. As I climbed into the car, however, I could feel yet another sharp, stabbing twinge in my left shoulder. I'd have never given her my photo if I had known she was going to stick pins in it.

The mind is just like the hard drive of a computer. When it gets full, it slows down, takes longer to retrieve information and has no room for more data.

Yes, it was obvious I was having a memory problem. If a new-client interview lasted more than 10 minutes, I couldn't remember the client's last name. In the middle of depositions, I was forgetting what I wanted to ask. And recently in court I rose to make an objection and forgot it by the time I got to my feet.

"All right," I told my partner, "I'll see a doctor. I mean, why not? Why shouldn't we both be on medical leave at the same time?"

"Hi, Fred," I said to my long-time personal physician when he came into the examination room.

"Memory problems, huh?" he queried, dispensing with the formality of a return salutation.

"Oh, you're the best," I replied. "I haven't said a word and yet you know it's a memory problem. How could you tell?"

"Because my name is Howard, remember?" he replied.

After he examined me, he took me into his private office. "How long have you been practicing law now?" he asked.

"Thirty years this fall," I told him. "Has it been easy?"

"No, it's been a pretty hard ride, actually."

"And how many cases have you done?"

"Oh, gee, I don't know, maybe 3,000, maybe more."

"Three thousand?" he responded with amazement. "Honestly?"

"Oh, honestly? I dunno, maybe 500. But in total, yeah, probably 3,000."

He let my little joke go, and laid his stethoscope on his desk. "Well," he said, "there's nothing physically wrong with you, but I think I know what the problem is. You're mid-50s now; you've had a busy, successful career, and I think you've reached that point where the brain is just full.

"You know," he went on, "we only have so many brain cells to store information. After a while, they get all used up. It's not that



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To-Wit *continued from page 7*

uncommon, especially for lawyers. Typically they don't have that much capacity to begin with.

"Look it," he continued, "the mind is just like the hard drive of a computer. When it gets full, it slows down, takes longer to retrieve information and has no room for more data. It's not a serious condition. You just need to erase some files, free up some memory cells, just like deleting data from your hard drive. You'll be as good as new."

"But how do I do that?" I asked. "It's not like I have a delete key or anything."

"Of course you do, you just have to figure out where it is. Here, give this to the billing office on your way out," he said as he handed me a piece of paper. Then he was gone.

I had my doubts about what he said until I found myself still sitting in my car in the parking lot a half-hour later, trying to remember where the hell I wanted to go.

Maybe he had a point after all. Thirty years, 3,000 cases, maybe 5,000 lawyers and twice that many laws. Lordy, it's a lot to keep track of. But I figure I'm going to practice law for at least another 10 years and I still need my wits about me. Oh sure, I could run for judge, thus solving that problem, but it's not what I want to do, at least not anymore.

How cruel, how ironic it would be for the passage of time, that very process by which we acquire so much knowledge about what we do and how we do it, to be the self-same vehicle of our disarmament in the end. There has to be a way to solve this problem, and of course, there is.

I know I am not alone in my concerns. I know many of my contemporaries out there have had similar experiences and could benefit enormously yet again from what I have to say. But the dictates of space being what they are, you are going to have to wait until next time to find out, assuming you can remember to look for it, and assuming I can remember until next time exactly what it is.

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"Let's Kill All The Lawyers" *continued from page 2*

This used to be called champerty!

Congress has reflected a similar unfavorable attitude in allowing banks to provide title services to its customers through captive title insurance agencies. When a bank obtains title insurance for the mortgage of its customer, it needs only to worry about whether the mortgaged property is worth more than the amount of the mortgage. When the mortgage is paid off, the bank has no concerns whatever. But the landowner who finds out when he has only \$10,000 left to pay on his mortgage that his neighbor has the right to cut down trees and build a road right past his back porch has justifiable reasons for being alarmed. Yet with recent amendments to banking bills, Congress has condoned the practice of allowing banks to provide title insurance through affiliated title insurance companies, feeling that the "convenience" of "one-stop shopping"

surpasses the need for independent representation by a lawyer who will look out for the consumer.

We need to be genuinely concerned about our clients. We need to worry about providing quality services to them. We need to be honest in looking at proposed legislation not from the viewpoint of whether it's taking away business from us, but rather, is it leaving our clients unprotected?

By serving our communities, by volunteering assistance in pro bono programs, by being selfless in our goals, we will reestablish our reputation. We have to let people know what will happen if they kill all the lawyers in the various area of practice.

Thanks, Will. You got it right. If only everybody knew what you really said!

Note: In Volume XI, No. 4, I wrote about The Good, promising you the Ugly in the next issue. The next issue was not appropriate for the article about the Ugly. Nor is this one. The article about The Ugly—which has been written—contrasts the American Bar Association with the Pennsylvania Bar Association. Although I have a number of criticisms of the ABA, that organization has a lot of good points, despite the fact that it has become embroiled in too many political issues which serve only to divide the profession. The PBA has avoided that pitfall, and has emphasized service to lawyers. But since there are other areas that need to be addressed and not enough issues of the sidebar to pontificate on all of them, The Ugly has been deleted.

—R.F.F.



Spotlight on Jim Gaut



Q WHAT JOBS HAVE YOU HELD PRIOR TO BECOMING A LAWYER?

A Gasoline truck loader for Sun Oil; U.S. Army.

Q WHICH WAS YOUR FAVORITE AND WHY?

A U.S. Army—I never had to make the daily decisions of which clothes to wear.

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

A In the years before DNA, I was defending a man on a paternity case. When the mother, holding the child, removed his knit cap and showed the Judge her son's double crown, the Judge asked my man to turn around, and ... you guessed it, a perfect double crown. The case went downhill from there.

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

A The prompt return of phone calls and all correspondence to a fellow attorney.

Q WHAT IS YOUR FAVORITE JOURNEY?

A A recent cruise through the Panama Canal.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A Define "real life."

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

A See answer to fourth question, supra.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Raising two daughters of whom we are very proud.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A Any location without a phone.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Pennsylvania weather from mid-November to the Ides of March.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Income tax.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A Long-term memory; come to think of it, short-term wouldn't be bad, either.

Q WHAT DO YOU MOST VALUE IN YOUR FRIENDS?

A An ability to appreciate my sense of humor.

Q WHAT IS YOUR MOTTO?

A Never look behind you; someone may be catching up.

Counterpoint: James R. Gaut

by John W. Pollins, III

When he's not probating all of the significant Estates in Scottsdale, Jim Gaut plays the flute. After an inexplicable six years in the Scottsdale High School marching band and four in the Grove City College marching band, Jim couldn't put his flute away. He now spends his weekends playing with the Delmont Concert, Scottsdale Community, or Mount Pleasant Bands or orchestras in Ligonier, Oakmont and Rockland, Maryland.

Although I've seen him playing outside with the Delmont Band over Christmas holidays when the flute sticks to his lips, his preference for outdoor activities is hunting, which consists mostly of not hitting flying things. Of course, there aren't any "pheasant flying things" anymore and nobody but Lenny Reeves and the late Charles Copeland could hit a grouse, so Jim goes up to a collapsing C.C.C. camp in Forest County (that he owns with other optimists in the East Huntingdon Hunt Club) every fall when it gets cold enough to "not get" turkeys. (Actually, there must have been turkeys in the Allegheny Forest at one time, because

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Actions of the Board

MINUTES: DECEMBER 14, 1999

- Approved pricing the Bench/Bar Conference at \$200 for two nights with rates reduced to \$160 if payment is received by March 1, 2000; \$180 if payment is received by May 1, 2000; and \$200 after May 1, 2000.
- Adopted the 2000 budget.
- Appointed Dan Joseph and Denis Zuzik to serve on the LLS Board.
- Appointed Barbara Artuso to serve as Nominating Committee Chair with Gino Peluso, Jack Bergstein, Diane Murphy and Rachel Morocco appointed as committee members.
- Agreed to circulate previously adopted mediation resolution to the judges and the court administrator with an article to appear in *the sidebar*.
- Acknowledged that David Cook has retired from full-time practice of law and agreed to recognize him for his years of service at the Annual Meeting.
- Approved the relocation of the Law Journal office to Main Street side of Bar building and approved purchase of furniture for Law Journal office.
- Agreed to consider a resolution opposing Senate Bill 5 at next board meeting.

MINUTES: JANUARY 25, 2000

- Approved the payment of \$400 to the IRS for money owed on the 1999 IRS audit.
- Appreciation was given to President Flickinger for his efforts in resolving the above.
- Appointed Jim Whelton and Dick Galloway to LLS Board.

On The Move ...

TIM ANDREWS has left the District Attorney's office and is located at the Keystone Commons Building.

The office of **CAMPFIELD & FERRARO** has relocated to 3 North Maple Avenue, 2nd Floor, Greensburg, PA 15601. Phone: (724) 836-2242, Fax: (724) 836-2237.

CHARLES CONWAY has relocated his office from Monroeville to 4559 Old William Penn Highway, Murrysville.

KATHLEEN HELLING has opened an office at 4373 Old William Penn Highway, Murrysville, PA 15668. Phone: (724) 387-2838, Kathy will also be acting of counsel with Mary Ann Petrillo in North Huntingdon.

DAN HEWITT has joined the law firm of McDonald, Snyder & Williams.

PATTIE MASTEN, law clerk to Judge Mihalich, is now the child support advocate.

DIANE MURPHY has relocated her Greensburg office from 140 South Main Street to 3 North Maple Avenue.

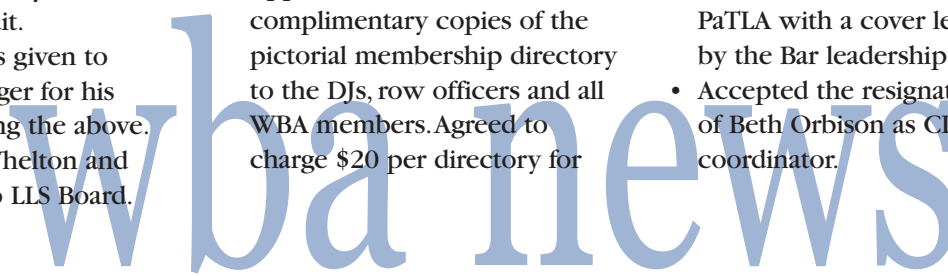
FRAN MURRMAN has relocated his office from 16 East Otterman Street, Greensburg, to 3 North Maple Avenue, Greensburg.

CHRISTIANN OTTO, law clerk with Judge Driscoll, has joined the District Attorney's office.

TODD T. TURIN has joined the Greensburg law firm of Berk Whitehead.

JIM WELLS has joined Belden, Belden, Persin & Johnston.

- Approved appointment of Dan Joseph to PBA Zone Governor seat.
- Agreed to refer all complaints against attorneys that come through the WBA office to the Disciplinary Board.
- Decided to include Disciplinary Board's letter in the next issue of *the sidebar*.
- Approved involvement in the the "Kids Come First" marketing program of the PBA.
- Approved the distribution of complimentary copies of the pictorial membership directory to the DJs, row officers and all WBA members. Agreed to charge \$20 per directory for anybody not included on list or for anyone wanting a second copy.
- Approved the change in location of the Annual Meeting from Westmoreland Country Club to either Mountain View Inn or the Sheraton.
- Approved the fee dispute committee's recommendations for rule changes.
- Approved a resolution against Senate Bill 5. Agreed to distribute resolution to the PBA and PaTLA with a cover letter signed by the Bar leadership.
- Accepted the resignation of Beth Orbison as CLE coordinator.



Young Lawyers News

Anyone interested in running for the Secretary/Treasurer position of the Young Lawyers' Committee should contact Jackie Knupp at (724) 837-3333 or Lee Demosky at (724) 853-2295. Both will be happy to fill you in on the details of the position. Elections will be held at the April 19, 2000, meeting.

Nominations are being accepted for the Outstanding Young Lawyer Award. The criteria for the award are: ethics and integrity; service to the Bar and its members; leadership; service to projects undertaken by the Young Lawyers' Committee; overall participation in Bar-related activities; and community service. Nominations may be submitted to Harry Smail, who can be reached at (724) 836-2040, and should include a short profile of the attorney.



LAWSPEAK

The process of justice is never finished, but reproduces itself, generation after generation, in ever-changing forms, and today, as in the past, it calls for the bravest and the best.

—Benjamin N. Cardozo, *Selected Writing of Benjamin Nathan Cardozo* (New York, Fallon Publications, 1947, p. 417)

Spring Off

Rafferty Given Award

(Erin, that is)

Erin Rafferty, a senior at Greater Latrobe Senior High School, was presented with the KDKA Extra Effort Award in January.

Daughter of Kathy and Dennis Rafferty of Latrobe, Rafferty was chosen from 315 entries for the award, making her the fifth Greater Latrobe student to receive the honor.

Rafferty holds a 3.996 grade point average. She lettered three years in volleyball, serving as co-

captain this year. She also lettered three years in basketball, and this year captained that team. Rafferty lettered two years in track.

In addition, she is active in Key Club, Interact, Pep Club and Letterman Club.

Rafferty is also involved with Junior Olympic Volleyball and scuba diving, and coaches junior pro basketball for fifth and sixth grades.

Reprinted from the Latrobe Bulletin



New Directories Available

The 2000 Membership Directory is available for pickup at Bar Headquarters. All WBA members are entitled to one complimentary copy of the pictorial membership directory. If any member wishes to have a second copy, the fee is \$20.

The following pictures were inadvertently left out of the new directory.

Feel free to cut them out and paste them in your copy. They are, from left to right, Abby DeBlassio, Maegan Susa Filo, Monique J. Lafontant Mears and Robert Specht.

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foundation focus



WBF Joins Head Start in “America Reads” Book Drive

To commemorate Dr. Seuss’ birthday, the Westmoreland Bar Foundation is partnering with Head Start to collect new and gently used children’s books preschool through elementary school level. All books collected in this local drive will be distributed by Westmoreland County Head Start, a federally funded early intervention program which presently serves 600 income eligible families.



The book drive is in support of the America Reads program, a national program that is designed to boost reading levels and opportunities for future academic success of all children. The WBF joins many others in the legal profession who support and promote this important access-to-reading program.

A kick-off luncheon is scheduled for March 3 at 12 noon for any Bar member interested in participating. Reservations must be made in advance by calling (724) 834-6730 and admission to the event is two or more gently used children’s books or a comparable donation. Additional donations can be dropped off at the Bar headquarters at 129 North Pennsylvania Avenue, Greensburg.

Volunteers Needed for Chamber BASH

In recognition of Law Week, the Westmoreland Bar Foundation will host a Chamber of Commerce BASH at the Westmoreland County Courthouse on Wednesday, May 10, 2000.

The judges, the commissioners, District Attorney John Peck and Sheriff Chris Scherer support the event as an opportunity to showcase the county courthouse and to educate the local business owners and leaders

about the justice system at the county level. The Bar Foundation sees this as an opportunity to educate those individuals on the working of county government as well.

The evening’s festivities, scheduled to begin at 5 p.m. and conclude by 7 p.m., will offer private tours of the offices and courtrooms and a brief welcome from President Judge Loughran and the Commissioners.

This is sure to be positive exposure of the Bar Association, its members and the county judicial system. Bar members are still needed to greet chamber members, answer a few questions and show them around the courthouse. Won’t you consider joining us for this important community event?

Looking for a special way to remember someone?

**Births • Deaths • Marriages • Anniversaries
Making Partner • Passing the Bar**

Since 1991, the Westmoreland Bar Foundation has raised thousands of dollars to assist the poor, disabled, elderly and children in our community. Through the **Special Way to Remember** program, you can honor a colleague or loved one with a contribution to the Foundation. Your gift will help serve the needs of our own who have nowhere else to turn for legal services.

If you would like to make a gift to the Foundation as a meaningful expression of respect, please make check payable to the Westmoreland Bar Foundation and mail to WBA Headquarters, 129 N. Pennsylvania Ave., Greensburg, PA 15601.



Secretary's Appreciation Luncheon

Looking for a way to brighten your support staff's day? Why not send them to lunch at the Westmoreland Bar Association on Friday, April 14.

As a tribute to legal secretaries, a luncheon will be held at the Bar headquarters at 12 noon. Bar members are invited to attend with their staff, or invite the staff to attend on their own.

The price of admission is one (or more) gently used suit(s)* or business outfit(s). These donations will benefit the YWCA's Working Women's Closet, a charity that provides appropriate interview clothing to women who are changing careers or are actively trying to enter or reenter the job market after graduating from school or participating in job training or welfare programs.

Lisa Hainaut from the Lynch Field Aerobic Center will be our guest speaker. She will provide lighthearted, yet practical, ways to handle stress on the job.

Start collecting those business outfits and plan to join us for our first Secretary's Appreciation Luncheon held in conjunction with our clothing drive for the Working Women's Closet.

Reservations are strongly encouraged as seating is limited.

** Contemporary interview outfits in all sizes are needed. Outfits should be cleaned, ironed, and ready to wear. Please pin the size of the outfit on the shoulder. All donations should be hung on a hanger. If a tax receipt is desired, include your name and address on the outside of the garment.*

Law Day 2000 Activities Planned

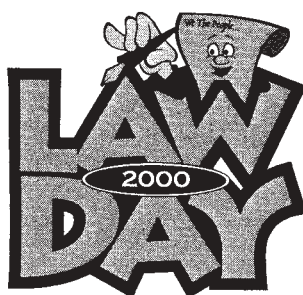
Each year on May 1, the PBA, along with bar associations across the commonwealth, takes part in the nationwide observance of Law Day. This day is designed to educate people about the legal system and to celebrate our American heritage of liberty, justice and equality. In the past, activities and programs, such as essay contests and free legal seminars, have been sponsored throughout the country by schools, bar associations, courts and civic groups in an effort to commemorate the day.

This year, PBA is doing something new in partnership with county bars by launching the first statewide coordinated Law Day effort titled "Celebrate Students: Judges & Lawyers Go Back to School." The Law Day 2000 celebration will focus on getting judges and lawyers into as many classrooms as possible during the first week of May with the goals of educating children about their legal rights and responsibilities in the new millennium and drawing attention to the law in a fun and informative manner. We hope to help teachers and students recognize the need to continue law-related educational efforts in the future.

For more information on how you can get involved in the WBA's Law Day 2000 efforts, please call the toll-free hotline at 1-877-329-7621.

THE VERDICT IS IN:

The Westmoreland County Bar Association is sending you back to school



Please join judges and lawyers statewide as we "Celebrate Students: Judges & Lawyers Go Back to School"

May 1 - 5, 2000

The Pennsylvania Bar Association and Westmoreland County Bar Association are asking its members to go back to school for one hour during the week of May 1-5, 2000, to help students learn about the law. Easy-to-use lessons for every grade level already have been prepared. Bring your knowledge and enthusiasm about the law to students. It's a gift worth sharing!

For more information, call the Law Day 2000 toll-free hotline at 1-877-329-7621

Counterpoint: James R. Gaut

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one of the other camps has a dead turkey they dust off and show around every year to keep up everybody's enthusiasm.)

What he really enjoys at the camp is fishing. It's a much safer sport than hunting and beats "not turkey getting" all to heck. While fishing in Spring Creek (the same Spring Creek the camp is falling into) Jim probably won't get shot by another fisherman who mistakes him for a trout. In the spring, he doesn't have to fear freezing to death or being asphyxiated by the rusted gas furnace, and he can take his wife, Marilyn, and family with him and return without smelling like the stuffed peppers fellow "fall" hunters insist on bringing with them.

A fly fisherman, Jim thinks Spring Creek is finally coming back from the shock it suffered when then-President Jimmy Carter is rumored to have corrupted the great trout stream by fishing in it with worms after getting kicked out of Spruce Creek.

McGrath & Associates, P.C. is pleased to announce that **DEREK J. FERACE** recently joined the firm as an associate attorney. He is a 1999 graduate of Duquesne University School of Law and practices primarily in the areas of commercial and banking law, litigation, bankruptcy and creditors' rights.



◀ STATE REPRESENTATIVE RON KLINK VISITS WITH PRESIDENT JUDGE LOUGHRAN AND OTHER ATTENDEES AT THE ANNUAL LEGISLATIVE DINNER HELD DECEMBER 14, 1999, AT DENUNZIO'S IN JEANNETTE.



▶ GARY FALATOVICH (CENTER) GREETES PBA LEGISLATIVE AIDE ED HAINES (LEFT), AND STATE REPRESENTATIVE JOHN CASARIO (RIGHT).

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James R. Silvis

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also a member of the Greensburg/Hempfield Area Library Board of Directors.

REASON FOR INTEREST IN BOARD POSITION

I believe that everyone has an obligation to devote some time toward the betterment of his profession. The WBA, through its educational, charitable, and social activities, enhances our profession and the image of lawyers in the community. The WBA has had far-sighted and dedicated leaders and I would like to carry on that tradition, especially in the area of publicizing the good works and charitable endeavors of our members. I take pride in being a lawyer and enjoy the company of lawyers. Now that my children are grown and finished with school, I have the time required to become an active member of the Board.

Lawyers Abstract Company of Westmoreland County

James C. Ripple – Manager

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Rebecca A. Brammell

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Threshold, Inc., a member of the Penn Township Business and Professional Association and Past-Vice President of the Pitt Band Alumni Council.

REASON FOR INTEREST IN BOARD POSITION

Over the past several months, I have taken an informal survey among the lawyers I know, asking, "If you had it to do again, would you become a lawyer?" I have not gotten a positive answer yet and that's pretty discouraging. For me, participating in activities through the Bar Association has been energizing. Most of us are solo practitioners or in a small firm and Bar committees give us an opportunity to keep current in the various areas of the law as well as exchanging ideas about the day-to-day practice of law. I am inspired by PBA President Lou Teti's focus on balance in the profession and would hope to expand our Bar Association's effort to bring greater job satisfaction to the members of our legal profession.

CALENDAR of Events

MARCH

- 3 WBF Book Drive Luncheon—Noon
- 8 Membership Committee—Noon
- 15 Young Lawyers—Noon
- 21 Family Law—Noon
- 21 Board Meeting—4 p.m.

APRIL

- 3 Annual Meeting—4 p.m.—Mountain View Inn
- 12 Membership Committee—Noon
- 14 Secretary's Appreciation Luncheon—Noon
- 17 Family Law—Noon
- 17 Board Meeting—4 p.m.
- 19 Young Lawyers—Noon
- 28-29 WBA Tour of Antietam National Military Park

TOP TEN

Top Ten Hints Taught at New Judges School

1. You may prefer "You da man," but the proper way to address a jurist is "Your Honor."
2. Even if you don't agree with it, do try and follow the law.
3. Your gavel is not an offensive weapon. No hitting, please.
4. It is not appropriate to require someone to purge themselves of contempt by mowing your lawn.
5. Do not hyperventilate when you hear the word "tipstaff." It has nothing to do with tipping the staff.
6. Always remember how you practiced law, and try to forgive that conduct in others.
7. Gender bias is a bad thing. Keep it at home where it belongs.
8. Wearing your judicial robes to the carwash will not get you a free hot wax.
9. Keeping law books open on your desk will make you appear deliberative and intellectual, but only if you dust them once in a while.
10. You are not smarter than other lawyers, just unluckier.



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