



Court Appointed Special Advocates:

A Voice for Westmoreland County's Children

by Beth Orbison, Esq., and Rachael Lord, MSW, CASA Executive Director

When Judge Feliciani first donned the robe of a family court judge in 2003, a case was in the system involving a four-year-old girl who had been brutally raped by her father. Her body was mutilated by the attack, and but for the three blood transfusions that she received, she would have bled to death.



Beth Orbison

As if the horrifying nature of the crime weren't enough, Judge Feliciani carefully reviewed the court file and the Children's Bureau notes and reports and, to his dismay, concluded that everyone involved in this case had done his or her job. Judge Feliciani could not stop thinking: "How did this little girl fall through the cracks even though the system was working at optimal levels?"

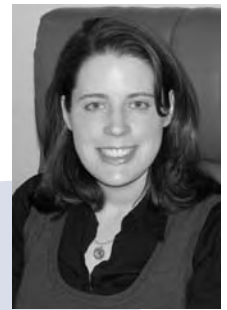
This led him on a search for some other mechanism to safeguard the most vulnerable citizens of Westmoreland County—its children.

Enter CASA. CASA is an acronym for Court Appointed Special Advocates, and is a nationwide program in which

community volunteers are assigned to serve as spokespersons for abused and neglected children. The volunteer confers with schoolteachers, guidance counselors, medical personnel, caregivers, and any other adults who are involved in the life of the child. The volunteer engages in regular visits with the child—sometimes arriving unannounced—with the intention of gathering information to provide the court with a more complete picture of the child's life experience from the child's perspective.

The director of the Pennsylvania state association of court-appointed advocates, Dennis Hockensmith, helped a 13-member steering committee—which included veterans of the system, Marilyn McSparrin, Director of the Westmoreland County Children's Bureau, and Barbara Jollie, an assistant district attorney who formerly worked at the Children's Bureau—to explore the possibility of setting up a CASA program in Westmoreland County. Its implementation was jump-started when Joseph H. Shearer, a local businessman, made a commitment to donate substantial start-up funds to

the program over the next three years.¹ Westmoreland CASA now has a provisional license, is incorporated as a non-profit organization and awaiting tax-exempt status, and has hired Rachael Lord, MSW, as its Executive Director.



Rachael Lord, CASA Executive Director

Rachael brings a wealth of professional experience to the executive director position. While a graduate student working on her master's degree in social work in Pima County (Tucson), Ariz., she began working in the juvenile court's "dependency unit" and worked closely with CASA volunteers assigned by the court.

She served as the clinical director of a transitional housing program for women and children, conducted adoption home studies and trained foster/adoptive parents for certification. In her role as a researcher with the National Center for Juvenile Justice in Pittsburgh, the

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¹ CASA's projected budget for the next three years is \$300,000.



President's Message

You Say Goodbye, I Say Hello

by Rebecca A. Brammell, Esq., and James E. Whelton, Jr., Esq.

The Beatles may have said it first but I'll say it again. As Becky winds up her successful year, she wanted one more President's Message. Who was I to disagree? As we thought about it, the lyrics of the old Beatles' song came to mind and seemed to fit the occasion rather well.



BECKY SAYS GOODBYE

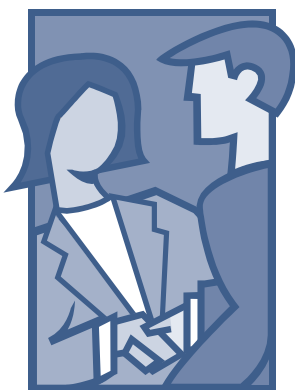
It has been a really wonderful year as Bar President, from my April Fool's introduction as "Becky the Bear" to the April 9 annual meeting. It just went

by so quickly that many of the projects that I had hoped would be further along are still just seedlings.

The Family Law Committee has been hard at work putting together a rule for a Summary Master's Hearings. That will soon be a reality and hopefully there will also be some new rules to encourage the use of mediation in custody and divorce matters. The ADR Committee has taken the lead on this. Mediation is the wave of the future in all areas of the law but I think it will be most helpful in the areas that are fraught with emotion. Some may fear mediation unnecessarily. There is a crucial need for the lawyer's counsel in mediation. It is essential that lawyers prepare their clients for the mediation process and make them aware of the consequences of their decisions. Attorneys will need to formalize the agreements that are reached in mediation. I look forward to this as a way of reducing the disjointedness we currently have in the divorce cases.

The Law Practice Management Committee has been working to develop a schedule of seminars that will help all of us with "the business end" of our law practices. The needs of our members are varied, so it is taking time to try to develop these programs. Whether you are setting off on the journey as a solo practitioner or are the manager of a firm, I am confident you will find invaluable tools through these seminars. For the veteran lawyers, old habits die hard, but sometimes it just makes sense to abandon old methods in favor of more efficient and effective ones.

I am looking forward to a "break in the action" and reminding Jim of how things were done before his term as president. I have so thoroughly enjoyed my time on the Board and am able to report to you that through the very hard work of the many people with whom I have had the privilege of serving, your Bar Association is on solid ground financially, organizationally, and even from the viewpoint of influence across the state. And thus, I say goodbye ...



AND I SAY HELLO

I first want to thank Becky for her dedication, leadership, and accomplishments. I can't echo her sentiments loudly enough about the strength of our Bar Association

and the individual and collective talents of those who have guided us over the years through their service.

One thing I have learned so far is that there is never a shortage of work. I have also learned, time and time

again, that there is no shortage of members who are willing to roll up their sleeves and help. One of the most immediate issues facing us is electronic filing. E-filing is not all bad. As all of our members know, we depend largely on the income produced from the Law Journal. We, indeed all bar associations, have survived attempts by the legislature to minimize required legal advertising or eliminate the need for local law journals. This is, however, an ongoing threat. E-filing represents a potential opportunity for the Bar Association to minimize the risk represented by the loss of Law Journal income. A Bar Association controlled business enterprise to implement an e-filing system strikes me as satisfying everyone—a win, win, if you will. E-filing is launched, we have a corporation responsive to the users, are able to contain costs better, and further solidify the financial future of the organization.

We have assembled a small committee and tasked them with addressing this issue. The Board is very concerned that any e-filing system must be able to accommodate all of our members, even those who are not technically proficient. But e-filing will be implemented. It is only a matter of time. Largely because of the relationship our association has with our bench, we have the opportunity to have meaningful input on this subject.

It seems no matter where we turn, technology continues to advance. Think back in your own practices just a few years ago. I'm willing to bet the differences in the technology are significant. New technologies provide

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A Conversation with The Hon. John E. Blahovec, President Judge

Editor's note: On April 9, 2007, Judge Blahovec was sworn in as President Judge of the Court of Common Pleas of Westmoreland County for a five-year term, succeeding Judge Daniel J. Ackerman.

Q UPON BEING ELECTED PRESIDENT JUDGE, WAS THERE ANYTHING IN PARTICULAR THAT YOU IMMEDIATELY THOUGHT THAT YOU WOULD WANT TO CHANGE?

A Not really. Our system seems to work fairly well, so I'm not entering this position with any particular agenda. Since I'm only a few days into the job, I guess that I really don't know what I'm in for.

Q MANY PEOPLE ARE UNAWARE OF THE SPECIAL FUNCTIONS THAT A PRESIDENT JUDGE SERVES. AS PRESIDENT JUDGE, DO YOU ACT IN A SUPERVISORY CAPACITY OVER THE OTHER JUDGES?

A The president judge is the executive and administrative head of the courts. As President Judge, I supervise the judicial business of the court, including the magisterial district judges and all court personnel, which includes the Court Administrator's Office, the Office of Adult Probation and Parole, the Domestic Relations Office, and the Juvenile system. In addition, I am responsible for promulgating all administrative rules and regulations.¹

As for being the "boss" of the other judges, that rarely happens. The judges

in Westmoreland County, as a group, are fairly self-regulating. When an issue comes up that needs to be addressed among us, the others are not shy about letting you know. It's not as though the President Judge bears the sole responsibility for being the bearer of bad news or keeping his colleagues in line.

Q CAN YOU DELEGATE RESPONSIBILITIES TO THE OTHER JUDGES IN YOUR CAPACITY AS PRESIDENT JUDGE?

A Absolutely. For example, I had been appointed by former President Judge Ackerman to be the Chair of the Criminal Justice Advisory/Policy Board and as the Mental Health judge; Judge McCormick is the administrative judge of the Adult Probation and Parole Department; Judge Bell is the administrative judge for the Domestic Relations Department; and so on. Each judge has his or her own special assignment with supervisory responsibilities over the various court-related departments, boards or offices. I have checked with each Judge individually about whether he or she wishes to remain in his or her present assignment. At this point there will be no changes in judicial assignments.

Q TO WHAT EXTENT DO YOU ACT AS A LIAISON BETWEEN THE COURTS AND THE COUNTY GOVERNMENT?

A I have already met with the County Commissioners and talked with them about my desire to work together cooperatively. The courts depend financially upon the county in order to function effectively, so it's important to maintain a rapport between the county officials and the courts. So that's

a relationship that I'll continue to cultivate. I'd rather work out our issues privately than in the newspapers.

Q DO YOU THINK THAT THE OPERATIONAL NEEDS OF EACH OF THE SECTIONS—CIVIL, CRIMINAL, AND FAMILY—ARE BEING MET?

A As a judge in the criminal court system for the last several years, I'm more aware of the needs of the criminal courts. If there were any area where I would hope for change, it would be in that division.

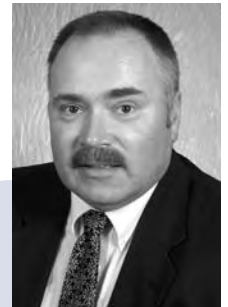
The criminal court system is overloaded, understaffed and underfunded with the workload ever increasing. I'd like to take a close look at that and explore options. As for the other divisions—civil and family—I'm presently unaware of any unresolved difficulties.

Q IF WE CAN RELY ON WHAT WE READ IN THE NEWSPAPERS, JUDGES ARE CURRENTLY UNDER FIRE IN MORE WAYS THAN ONE. DOES THAT CONCERN YOU?

A Judges currently face a challenge with all of the adverse publicity that they received over the recent legislative pay raise. If there is anything that I can do to help improve the negative perception, that will be a good thing.

And speaking of being "under fire," there has been an increase in threats and attacks on judges and court personnel in the last year or so. Judge

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▲ The Hon. John E. Blahovec

¹ Statutory authority for a president judge's powers can be found at 42 Pa.C.S. § 325(e).

the sidebar

the sidebar is published bimonthly as a service for members of the Westmoreland Bar Association. Letters to the Editor should be sent c/o WBA, 129 North Pennsylvania Avenue, Greensburg, PA 15601-2311, fax 724-834-6855, or e-mail westbar.org@verizon.net. the sidebar welcomes unsolicited submissions from members or non-members. Please submit to the Articles Editor, c/o WBA.

Back issues from 2000 to the present and a comprehensive, searchable index are available online at www.westbar.org/html/publications.

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President's Message

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a means to improve workflow and increase productivity. With this in mind, and in an effort to provide better service to our members,

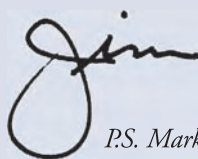
the Board recently approved a substantial upgrade in the computer systems at WBA Headquarters.

This investment will result in a new web page (that we hope will

become your home page), better communications with all of our members, and improved services. You will soon be able to register and pay online for your CLE programs and CLE programs will be available for downloading!

Technology is everywhere and it all brings changes. First it was faxes, now it's e-mails. But let's not forget the "human touch." It will come as no surprise to anyone that I favor efficiency, perhaps more than most. But I very much enjoy picking up the phone and actually talking with a colleague or, better yet, sharing a meal as we try to resolve the case that won't settle. Sometimes, this approach will prove the most efficient.

The coming year is going to be very exciting. The Board remains committed to serving the interests of its members. If you have a concern or an idea, please share it with us and let me thank you now for all that each of you do to make our successes even greater.



P.S. Mark your calendars for Bench/Bar June 14-16!

Bench, Bar Introduced To New Members



▲ *New members of the WBA were presented to the bench and bar on March 16, 2007. Front row: Margaret Zylka House, Michael J. Garofalo, Sara Jane Flasher, The Hon. Jeffrey A. Deller, John R. Cochran, and Elizabeth R. Christopher. Back row: Elizabeth A. Male, Pamela Lynne Roudebush, Roxanne Turner, Akemi Yamakita, and Nathan J. Zarichnak.*

On Friday, March 16, 2007, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President Rebecca A. Brammell, each admittee was introduced to the court by a member of the association.

The new members presented to the court were: Elizabeth R. Christopher, presented by Sean Cassidy; John R. Cochran, presented by Judith Karns Cizek; The Hon. Jeffrey A. Deller, presented by Robert Slone; Sara Jane Flasher, presented by Gary Alexander; Michael J. Garofalo, presented by John Ranker; Margaret Zylka House, presented by John Ranker; Elizabeth A. Male, presented by Charles

Conway; Pamela Lynne Roudebush, presented by Lou Anne Demosky; Roxanne Turner, presented by Vincent Rullo; Akemi Yamakita, presented by Lou Anne Demosky; and Nathan J. Zarichnak, presented by Mary Baloh.

Following the presentation to the court, Jeremy Bobby and Robert Johnston greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. The Hon. John E. Blahovec then spoke on behalf of the court.

A reception for the new admittees was held in conjunction with the WBA St. Paddy's Day Party, which was held at Bar headquarters immediately after the ceremony.

Judge Blahovec *continued from page 3*

Ackerman gave me a lot of materials and research addressing growing security concerns in the courts and measures that can be taken to ensure safety. Security issues are something that we need to be more sensitive to and I'll be paying attention to that.

Q **HOW DOES IT FEEL TO BE PRESIDENT JUDGE?**

A In my lifetime, there are three votes that have meant the most to me—being approved for retention in two votes by the members of the Westmoreland Bar Association and being elected by my colleagues on the bench to serve as their President Judge. This recognition by the people who are in the best position to know what I do and how I do it means the world to me.

New Leaders Chosen, Awards Given at Annual Meeting

James E. Whelton, Jr., assumed the office of President at the Annual Meeting of the Westmoreland Bar Association held on Monday, April 9, 2007, at the Greensburg Country Club.



▲ James E. Whelton, Jr.

A member of the WBA since 1990, Jim is a partner with Tremba, Jelley & Whelton in Greensburg. He is a graduate of Gannon University and Duquesne University School of Law. Jim served as Chair of the LRS Committee and was instrumental in revamping the program in 2005. He served as editor of the *Westmoreland Law Journal* from 1994-2000.

Jim succeeds Rebecca A. Brammell and will serve a one-year term as President.

OTHER ELECTION RESULTS

James R. Antoniono was elected Vice President for the 2007-2008 term, and David S. DeRose was chosen to fill the vacant Director seat on the board. Other board members include President-Elect Barbara J. Christner, Directors Donald J. Snyder, Jr., and Michael J. Stewart, Past President Rebecca A. Brammell, Treasurer L. Christian DeDiana and Secretary/ Executive Director Diane Krivoniak.

Barbara J. Artuso was elected to the Membership Committee and Richard F. Flickinger was elected to the Building Committee. Both will serve five-year terms.

▶ Rebecca Brammell (right) and her children, Chris and Samantha.



AWARDS GIVEN AT MEETING

Terence O'Halloran was named Pro Bono Attorney of the Year at the Annual Meeting of the Westmoreland Bar Foundation, which preceded the WBA meeting (*see article on page 21*).

Awards given at the WBA Annual Meeting included the President's Award for Professionalism, Outstanding Young Lawyer, and Committee of the Year. The recipients are as follows.

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Leaders Chosen, Awards Given *continued from page 5*

Vincent J. Quatrini, Jr.

PRESIDENT'S AWARD FOR PROFESSIONALISM

Vincent J. Quatrini, Jr., a founding partner of Quatrini Rafferty Galloway, P.C. in Greensburg, was honored with the distinguished President's Award for Professionalism for his achievements in ethics and integrity; competence and dedication to the practice of law; civility; service to the bar and its members; and dedication to the improvement of the practice of law.

The President's Award for Professionalism is not an annual award, but is presented when the dedication and achievements of a WBA member who best exemplifies the highest standards of the profession with regard to the practice of law should be acknowledged. Previous winners of the President's Award are Reg Belden (1998), Jack Bergstein (1999), Dick Galloway (2000), John O'Connell (2002), Milt Munk (2003), and Dan Joseph (2004).



▲ Vince Quatrini (center) was awarded The President's Award for Professionalism at the WBA Annual Meeting. Dick Galloway (left) and Dan Joseph (right) are previous winners of the award.

Vince will be the subject of a feature in the June 2007 issue of *the sidebar*.

James P. Silvis

OUTSTANDING YOUNG LAWYER

James P. Silvis was named Outstanding Young Lawyer at the WBA Annual Meeting. The award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to

the legal profession and the community. A member of the WBA since 2002, Jim has been active in the Explorers Post, mock trials, the WBA-sponsored mentoring program at the YMCA shelter, and the Lawyers' Assistance Committee.

Practicing in Westmoreland County has been instrumental in shaping the young lawyer that Jim is. "Coming from an out-of-state law school with many classmates who went to work in large cities, I hear many stories that make me appreciate just how fortunate we are to practice here," says Jim. "The county bar makes a great effort to establish familiarity and collegiality between its members as well as between the bar and our judges. Rather than just be satisfied that there are great mentors available for those who seek them out, the bar goes the extra step of holding events that allow the young lawyers to meet and become comfortable in seeking help from more experienced lawyers."

That extra effort is evident in Jim's work with the Lawyers' Assistance Committee. "Part of what makes our county bar association so special is that, in addition to having great

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▲ WBA Director Mike Stewart (right) congratulates James P. Silvis (left), who was named Outstanding Young Lawyer at the WBA Annual Meeting. Jim is an associate with O'Connell & Silvis in Greensburg.

mentors to assist young lawyers in a professional capacity, our bar's members and executive committee recognize the importance of assisting members with problems that originate beyond their professional lives," he says. "There is a growing recognition that personal problems can affect nearly anyone from time to time, and offering assistance for people suffering from them can truly change a life. As a young lawyer without the benefit of years of legal experience to offer, working with the Lawyers' Assistance Committee offers the opportunity to still provide assistance to other lawyers. At the national conference I attended, it became clear how lucky we are to have a bar association that has been so aggressive in recognizing the importance of addressing these issues as early as possible and doing whatever possible to assist those who face them."

Working with the Mock Trial Program is also important to Jim. "Besides the obvious enjoyment from working with students who put so much time and effort into creating and presenting their case, I also think we serve a valuable role by providing this opportunity for the students of Westmoreland County," he says. "Just as sports offer the chance for people to learn valuable skills, so does the group effort that goes into preparing for mock trial. There are many tangible benefits for the participants, including developing poise, learning to create and implement a cohesive argument, and gaining a better understanding of our legal system."

A graduate of Hempfield Area Sr. High School, the University of Virginia and the University of Michigan Law School, Jim is an associate with O'Connell & Silvis in Greensburg.

LawSpeak

"We are masters of the unsaid words, but slaves of those we let slip out."

— Winston Churchill



◀ Committee of the Year was awarded to the Living Trust Ad Hoc Committee. Accepting the award were The Hon. Gifert Mihalich, Barbara J. Christner, Darlene Westfall, Lead Agent for the Pennsylvania Attorney General's Office, and Peter Saxman, First Commonwealth Bank Trust Officer.

Living Trust Ad Hoc Committee

COMMITTEE OF THE YEAR

The Living Trust *ad hoc* Committee was honored as Committee of the Year at this year's Annual Meeting. Since 2004, the committee has been responsible for seven public education programs on "The Truth About Living Trusts: How to Avoid Living Trust Scams." In 2006, seminars were held in Ligonier, North Huntingdon, and Scottsdale.

The purpose of the programs, which are presented with the assistance of the Pennsylvania Attorney General's

Office, are to educate the public about important consumer protection issues regarding Living Trusts.

Retirees are favorite targets of fast-talking "financial planners," and "living trust" schemes are sometimes used to separate the elderly from their savings. The seminars answer questions many attendees have, such as: What is probate? Who should have a living trust? How do you recognize a scam?

WBA members act as moderator and discuss facts about estate planning, while Lead Agent Darlene Westfall of the attorney general's office discusses how to spot a scam, and bank trust officer Peter M. Saxman shares his "Banker's Perspective on the Uses for Living Trusts." Attendees are able to speak to panelists individually at the program's end.



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A Voice for Westmoreland County's Children

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research arm of the National Council of Juvenile and Family Court Judges, she conducted a CASA Effectiveness study in Arizona and has been

involved in Court Improvement Project assessments in several states, including Pennsylvania, evaluating procedures and outcomes in family and juvenile court matters. Her deep commitment to finding solutions for abused and neglected children is evident from her history, as she quietly acknowledges, "When I heard about this job, I realized that this is where the work I was doing was meant to lead me."

"The purpose of CASA is not to look over the shoulders of the Children's Bureau caseworkers," explains Judge Feliciani. "Rather, it complements the work of the Children's Bureau by authorizing a volunteer to get to know a child in such a way as to be able to articulate for the court system what the child can not say himself."

"The CASA volunteer should provide an additional voice for the child," explains Rachael. "While the Children's Bureau caseworker focuses on the family's service needs, the CASA volunteer focuses specifically on what the child needs. The Children's Bureau provides services to families and is required to make reasonable efforts toward reunification of the family. Because CASA does not work within the same restrictions or guidelines as the Children's Bureau, a CASA volunteer's primary focus can be the best interests of the child."

CASA volunteers are ordinary citizens with a

strong desire to advocate for children who are under the supervision of the Family Court. Prospective volunteers submit an application, including biographical information and three references, and are interviewed by the executive director. Volunteers are then screened with a state police criminal background check and obtain child abuse clearance before they are ready to begin training. The prospective volunteer advocate receives about 35 hours of training following the National CASA approved training curriculum. Representatives from ParentWISE,³ the Children's Bureau, the judiciary, and the bar association will participate in training sessions, as well as community service providers and social workers. Rachael explains,

³ ParentWISE is an organization that provides supportive services to parents who are having difficulty dealing with the stress and responsibility of parenting.

"One of my objectives in the training is to give volunteers their first introduction to many of the people who are involved in the life of the child they'll be working with." She anticipates that the first class of 15 volunteers will begin training by July and that volunteers will be ready to be assigned cases by September.

In addition to the start-up funding that CASA of Westmoreland, Inc., received, additional funding was provided by the Staunton Farm Foundation.³ The county commissioners are supporting CASA by providing office space in the Courthouse, as well as computers, phones, technical support, and a \$10,000 budget to cover operating expenses. John Garlow, President of Ford Business Machines, generously donated a photocopier/printer/fax machine.

Rachael has been encouraged by the outpouring of individuals who have already contacted her and expressed an interest in being a volunteer. But more help is needed. Those interested in contributing to the program can visit the county website at www.co.westmoreland.pa.us/casa to find out how to become a CASA volunteer, how community groups and individuals can support CASA by promoting community awareness, and how financial contributions will help to ensure the program's sustainability in Westmoreland County.

³ According to the Staunton Farm Foundation website, "The goal of the foundation is to award grants to non-profit organizations for mental health treatment, care and support through programming that purposes [sic] to restore individuals to their optimal functioning and productivity in society."

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Remembering Edgar T. “Tack” Hammer, Jr.

Editor’s note: Edgar T. “Tack” Hammer, Jr., passed away on February 16, 2007, after a courageous battle with Lou Gehrig’s disease (ALS). He practiced law in Greensburg for 48 years and was president of the Westmoreland Bar Association from 1983 to 1984. Tack is

survived by his wife of 49 years, Betty Weaver Hammer; two sons, Edgar T. Hammer, III, and Theodore M. Hammer and wife, Kimberly; three grandchildren, Leah, Blake, and Trent Hammer; and a cousin, Mary-Linda (Sorber) Armacost.



▲
Tack Hammer

by John W. Pollins, III, Esq.

There are only a couple/three people in this life that I really like and one of them is dead.

When Tack and I started to practice together 30 years ago he expressed his philosophy: “People expect their

lawyer to be the best. What they don’t expect and tell their friends about is doing their legal business swiftly.” Underlying this was a basic assumption of honesty—honesty with the client, the court, and opposing lawyers, and honesty with himself. He was almost naive about it, expecting everybody else to be honest, too, and was always surprised and disappointed when they weren’t.

When he served his turn as the President of the Bar, he spent uncounted hours heading off fee disputes and malpractice threats while appealing unhappy clients of other lawyers. Believing that this kind of selfless, honest, and caring behavior was a transcendent manifestation of the Christian Holy Spirit, he taught Sunday School and served as President of the Trustees of the First Presbyterian Church. He served as Chairman of the



▲
The 1982–1983 WBA Board of Directors: Tack Hammer, John O’Connell, Dante Bertani, Reg Belden and Bill Caruthers, Sr.

county Republican Committee and developed a nickname relationship with governors and senators.

He didn’t wait to enjoy life. He skied, fished, hunted, played poker and golf, drank bourbon, smoked, and bought “Uncle Tack’s Cabin” in the mountains to enjoy with his wife, Betty, his high school sweetheart for life.

Underlying this was a stoicism that would credit Epictetus and a steadfastness that would credit Job. When Tack’s patience and piety were tried by undeserved misfortunes, he remained confident in the goodness and justice of God. He didn’t whimper when a boating accident almost killed his son, Tacky, or feel sorry for himself when his younger son, Teddy, suffered a debilitating medical emergency. But how he accepted the unkindest cut of all without bitterness or complaint is beyond imagining for the rest of us. Being diagnosed with a slow, progressive, incurable failure of every muscle in your body until it kills you while you’re wide awake and alert would have driven me and nearly everybody else I know to curse God and die in self pity.

A little bit of that “Not my will, but Thine be done” would benefit all of us.

I hope God appreciates Tack. I like to think that He does.

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Remembering H. Keith Hauger

Editor's note: H. Keith Hauger passed away on December 23, 2006. He was a member of the Westmoreland Bar Association from 1977 to 2001 and served as Chair of the Unauthorized Practice of Law Committee for several years. Keith relocated to Tampa, Fla., in 2001 to be closer to his parents and to work for, and begin his Masters of Architectural Studies at, the University of South Florida.



▲
H. Keith Hauger

by John Eric Bumbaugh, Esq.

On December 23, 2006, my friend and long-time Westmoreland Bar Association member, H. Keith Hauger, passed away at his home in Tampa, Fla.

I first met Keith in 1987 when I began working for him as an associate in his law office. Keith was more to me than an attorney extending employment to another; he was my mentor and long-time friend. To say that his family, friends, and our bar association have all suffered a great loss would be an understatement, as he left us all far too soon.

Keith received his bachelor degree from the University of Pittsburgh and he also studied at Bucknell University. He earned his law degree from the Duquesne University Law School and was active in the school's alumni affairs. His engineering background allowed him to design his own home in Greensburg and his office building in North Huntingdon as well.

Keith was a member of the California, Pennsylvania, and Florida bar associations and served as the chair of the WBA Unauthorized Practice of Law Committee for many years, contributing greatly to the fine work that came out of that committee. It would take considerable space and time to name all the organizations he contributed to. It is enough to say that he was an incredibly gifted and principled individual who generously shared his talents and congeniality with all.

During the years we practiced together, I witnessed the integrity, honesty, and accountability that he



▲
Keith Hauger and John Bumbaugh enjoy a Bench/Bar Conference golf outing.

brought to the practice of law. He was a gentleman and a consummate professional in all of his dealings. No matter how high the road or how low the valley, he approached everything with an unwavering sense of dignity; that was the benchmark he always strived to maintain.

Keith is survived by his wife, Brandy; his mother and father, Dr. H. N. "Bud" and Ruth Hauger; and his two brothers and their families, Dr. Richard Hauger and James Hauger. He was my friend, and he will be missed. But he will certainly never be forgotten.

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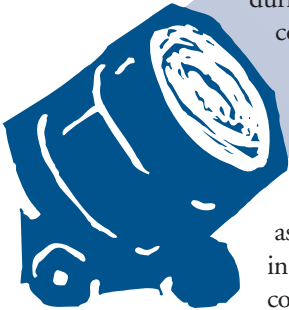
Spotlight on DeAnn McCoy



Editor's note: DeAnn McCoy is the new Chair of the WBA Young Lawyers Committee. Her one-year term began at the 2007 Annual Meeting, which was held April 9 at the Greensburg Country Club.

Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

A I grew up on a dairy farm so I had a job since I could walk. I worked at the typical places high school kids work at—restaurants and pizza places. I worked at Wal-Mart during high school and college. I also worked at JCPenney during college. In law school I worked at the law library as an assistant. While I was in high school and college I was a judge



for an organization judging the sound quality of car stereos. I know it sounds odd, but I was paid to travel all over the country and be a judge at a competition (people are typically nice to the judges).

Q WHICH WAS YOUR FAVORITE AND WHY?

A As crazy as it sounds, probably working on the family farm. I was working with my family and learning from my grandfather, a simple country man who always seemed wise to me. Anyone who could make money as a dairy farmer has some wisdom. I think there is something to be said for getting your hands dirty, doing physical labor, and seeing tangible results. That is one job where you feel needed and important.

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

A Telling a colleague and friend that her new secretary wasn't very friendly when I called. My friend let me go on and on and finally politely informed me that her new secretary is her daughter. Now that my throat has healed from the shoe being inserted in it, I can laugh at this.

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

A Integrity.

Q WHAT IS YOUR FAVORITE JOURNEY?

A Life. I have enjoyed many travels, especially Aruba, Italy, England, and Scotland, but life has to be my favorite journey.

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Spotlight on DeAnn McCoy *continued from page 11*

Q WHAT IS YOUR GREATEST REGRET?

A I was young and stupid and that's all I am going to say.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A Those who give to others without want of recognition, whether it is a person risking their life to serve in the military or someone who drops everything to help with a disaster.

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

A We have a wonderful bar association; take advantage of all the benefits the bar association has to offer, the greatest of which is the members. I have always found local attorneys and judges are willing to help and honest. My second piece of advice would be, you must make a good impression and

maintain your integrity. You never want to give others a reason to question your character.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Either becoming an attorney, considering my modest background, or my marriage.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A Traveling with my family.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A I tend to treasure relationships and experiences not possessions, but probably my wedding ring (pretty ironic for a divorce attorney).

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Whining, lying, and arrogance. Not necessarily in that order.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Traveling.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A A musical talent, especially singing.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?


A Honesty and reliability.

Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A Anyone who can balance home and work and still find time for their community and church.

Q WHAT IS YOUR MOTTO?

A This is the easiest question to answer. My soccer coach taught me this and I have learned that it is a great motto not just for sports, but for life. "Never say I can't—say I will try."



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To-Wit: Walkin' The Walk

by S. Sponte, Esq.

I've done it a thousand times before, maybe more. Briefcase in hand, client in tow, I've made my way up the courthouse walk, through the entrance, past the security paraphernalia—a relatively recent addition to the process—and into the chambers of justice so many times, there to do battle with the *foe de jour*, that I no longer give it much thought.

The case at hand was for me, as most of them are, run of the mill. It was also, as most of them are, not that at all for my client. She was seeking to be appointed guardian for her Alzheimer-stricken mother, and she had already spent several years going it alone as a devoted and loving caretaker. But the ravages of the disease had now inundated the both of them and she could no longer manage it by herself.

My client's decision to place her mother in a full-care facility and seek legal guardianship occurred one day recently when Mother's waning appetite suddenly reappeared and she announced that what she really wanted to eat for her noonday repast was the family dog. With that, my client gave up the ghost and sought legal representation to deal with what was clearly yet another opening gambit of yet another poignant endgame.

"If your mother could understand what you're doing, she'd thank you for it," I told my client at our first meeting, "and so would Fido."

As we exited the courtroom following the hearing's successful conclusion, my client remarked as how she'd never been in a courthouse before—a blessing no doubt shared with many other lay folk, and which should be shared by a number of colleagues of my acquaintance—and she thanked me for helping her resolve her situation.

"I was so nervous," she said, "but you seemed so graceful in there, so much in control. You really made it easy for me."

Yes, it surely seemed to her that it was easy for me, and in some ways it was. All I had to do was read the statutes, draft the pleadings, have the right witnesses, ask the right questions, and have practiced doing pretty much the same thing for almost forty years now. But it has by no means been an easy journey.

My earliest courtroom appearances were ragged, jostling affairs, fraught with mortification and frequently enacted in full view of an audience of twelve. "You are an idiot," the judge told me in my first jury trial oh-so-many years ago. Well, that's not

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To-Wit: Walkin' The Walk *continued from page 13*

exactly what he said, but it's clearly what he meant when he sustained my opponent's objection to a leading question.

I often felt then like a blind juggler, with too many things up in the air at the same time and with little idea of what they were, where they were, and when they were coming down. The polish I now bring to the table (oooh, a cheap mixed metaphor if ever I heard one) is the byproduct of much sweat, toil, tears, and despair.

But now when I rise at the start of a proceeding, I am very comfortable in my skin and suit and very much at ease with the ritual about to unfold. Still a juggler, yes, but with much better eyesight and with hands that only occasionally fail me.

What I sometimes forget however, and what this most recent court appearance once again brought to the fore, is that this appearance of grace offers much comfort to the client. A court's actual rulings are often beyond

their ken and frequently way past mine as well. But if I don't get rattled, they don't get rattled, and that makes their sojourn into the arcanery of the courtroom ever so much easier to tolerate.

What is thankfully less obvious to them, though yet troublesome to me,

**“You're an idiot,”
the judge told me
in my first jury
trial oh-so-many
years ago.**

is that I still make mistakes. I sometimes forget to introduce exhibits or to ask pertinent questions, and sometimes I just lose track of the myriad details a courtroom appearance entails. Oh, I can think on my feet as well as the next lawyer, it's just that sometimes the best thoughts occur to me while my

feet are walking me back to the office.

Yet even with my mistakes, I have grace. Dolly Parton once said that no one has any idea how much it costs to make her look so cheap. Likewise, my clients have no idea how I got here or how much I have had to pay for the privilege. It isn't all sizzle to be sure. I win more than my share of cases and I like to think my clients get good service for their money. But I also know I exude a confident, poised demeanor in the face of chaos and, as always, that helps sell the steak.

So just let me gird my loins with briefs and walk to the courthouse, there to rise and say, “Good morning, Your Honor,” and I am in my element. I charge my clients plenty for that, yes, I do, but the way I see it, it still represents only a modest return on my investment.

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January 2007 Civil Trial Term

Jury Trial Verdicts

by Rachel Huss, Esq., Charles J. Dangelo, Esq., and Thomas L. Jones, Esq.

Of forty-seven cases listed for the January 2007 Civil Jury Trial Term, nine settled, twelve were continued, one was transferred to arbitration, three were scheduled for summary jury trials, four verdicts were entered and eighteen were held to the next trial term. The jury verdicts for the January trial term are summarized below.

**JOSEPH LANE, A MINOR,
BY HIS PARENT AND NATURAL
GUARDIAN AMY LANE, AND
AMY LANE AND THOMAS LANE,
INDIVIDUALLY
V.
EAST SUBURBAN PEDIATRIC
ASSOCIATES, LTD., T/D/B/A
EAST SUBURBAN PEDIATRIC
ASSOCIATES, TIMOTHY DEBIASSE,
M.D., PAUL J. TRAINER, M.D.,
ROBIN HAUSER, M.D., RAJAV R.
VARMA, M.D., PITTSBURGH
PEDIATRIC NEUROLOGY
ASSOCIATES, P.C., T/D/B/A RAJAV
R. VARMA, M.D. & ASSOCIATES
NO. 4637 OF 2000**

*Cause of Action: Negligence—
Medical Malpractice*

Plaintiff Amy Lane gave birth to her son, Joseph Lane, on July 28, 1998. Thereafter, Joseph was treated by the Defendants, Dr. Timothy DeBiasse, Dr. Paul Trainer and Dr. Robin Hauser, who were all employed by East Suburban Pediatric Associates. During his first months of life, Defendants frequently examined Joseph for symptoms of vomiting, crying, gassiness, and abdominal pain. Amy Lane told Defendants that she was concerned that Joseph's symptoms could be caused by a Wilms' tumor, a condition that Joseph's father, Thomas Lane, had as a child. Defendants, however, elected not to test Joseph for this condition.

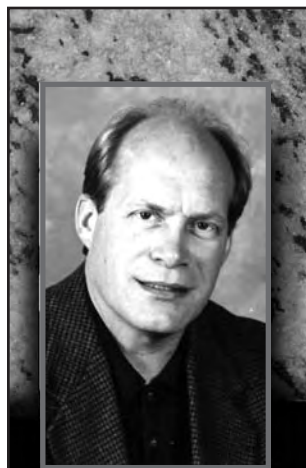


Joseph developed cardiac and neurological symptoms, and Defendants referred him to specialists for treatment. On February 2, 1999, a cardiologist discovered a mass on Joseph's kidney during an echocardiogram. Doctors at Children's Hospital subsequently determined that Joseph had a Wilms'

tumor. Ultimately, Joseph had both of his kidneys removed and received a kidney transplant. Joseph also had extremely high blood pressure and suffered a severe stroke. As a result, Joseph is mentally retarded and has significant cognitive and speech impairments. He is unable to walk, run, jump, or climb steps.

At trial, Plaintiffs sought to prove that Defendants negligently failed to diagnose the Wilms' tumor and, that due to the delay in diagnosis, Joseph sustained a stroke and the tumor continued to grow. Plaintiffs introduced, among other things, expert medical testimony and a videotape illustrating Joseph's development during his first months of life. Defendants argued that their treatment of Joseph was reasonable and within the acceptable standard of care. In addition, Defendants presented expert testimony to show that Wilms' tumor is an extremely rare condition and that Joseph's stroke occurred sometime before his birth.

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Jury Trial Verdicts *continued from page 15*

Plaintiffs' Counsel: Victor H. Pribanic and Sherie L. Painter, Pribanic & Pribanic, L.L.C., White Oak

Defendants' Counsel: Daniel P. Carroll, Davies, McFarland & Carroll, P.C., Pgh.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Defendants.

**SHAWN F. BINDA AND
SHERI ANN BINDA, HIS WIFE**

V.

**DAVID MARSOLO, JR.
NO. 4365 OF 2004**

Cause of Action: Negligence—Motor Vehicle Accident—Arbitration Appeal

On July 24, 2002, Plaintiff Shawn Binda was traveling west on Park Street in the city of Jeannette. The Defendant was traveling south on Lewis Avenue. Plaintiff alleged that he brought his vehicle to a complete stop at the stop sign controlling the intersection of Park Street and Lewis Avenue. The Defendant stopped at the stop sign, turned left in an easterly direction onto Park Street and struck the front driver's side of the Plaintiff's stopped vehicle. Plaintiff claimed injuries to his left shoulder, which eventually required surgery. Wife-Plaintiff claimed loss of consortium. At trial, Defendant admitted negligence but contended that the shoulder injury was not causally related to the motor vehicle accident.

Plaintiffs stipulated to \$25,000.00 as the maximum amount of damages recoverable at trial of this appeal from the award of arbitrators, pursuant to Pa. R.C.P. 1311.1. Plaintiffs and Defendant offered documentary expert evidence pursuant to this rule; Defendant also offered the videotaped deposition of a medical expert.

Plaintiffs' Counsel: Robert L. Blum, Blum Reiss & Plaitano, Mount Pleasant

Defendant's Counsel: Scott O. Mears and Richard F. Boyle, Jr., Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Daniel J. Ackerman, President Judge

Result: Molded verdict in favor of Defendant. The jury found that Defendant's negligence was not a factual cause of any harm to the Plaintiff.

**JAMES G. MCELWAIN, JR. AND
JANET MCELWAIN, HIS WIFE**

V.

**WILLIAM SUPANCIC
NO. 4097 OF 2002**

Cause of Action: Negligence—Motor Vehicle Accident

On July 27, 2000, Husband-Plaintiff was driving in a westerly direction on SR 130, near its intersection with Bushy Run Road, in Penn Township, Westmoreland County. Defendant, who was also driving in a westerly direction on SR 130, crossed the centerline of the roadway, struck an eastbound vehicle and then re-crossed the center into the westbound lane and collided with the rear of Plaintiff's vehicle, driving it into the vehicle in front of it. Plaintiff contended that, due to Defendant's negligence, he sustained physical injuries that resulted in pain and suffering, impairment of earning capacity, and loss of earnings. Wife-Plaintiff claimed loss of consortium.

Defendant contested damages and argued that Plaintiff's claims should be barred and/or limited by the defenses of contributory negligence, comparative negligence and assumption of the risk.

Plaintiffs' Counsel: Richard H. Galloway, Quatrini Rafferty Galloway, P.C., Gbg.

Defendants' Counsel: Gregg A. Guthrie, Summers, McDonnell, Hudock, Guthrie & Skeel, L.L.P., Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Verdict in favor of Defendant.

**DWIGHT SAUL
V.
CONNIE PETROSKE
NO. 6497 OF 2004**

Cause of Action: Negligence—Motor Vehicle Accident—Arbitration Appeal

On May 12, 2003, Plaintiff was operating his vehicle in Youngwood, Westmoreland County. Plaintiff pulled out onto the right lane of Route 119 South. After traveling in a southerly direction for approximately half a block, the right front side of a vehicle operated by Defendant, who was also traveling in a southerly direction, struck the left rear side of Plaintiff's vehicle. Plaintiff maintained that Defendant was operating her vehicle in a careless and negligent manner and, as a direct and proximate result of the accident, Plaintiff's vehicle sustained property damage.

Defendant contested both liability and damages and raised the affirmative defenses of contributory/comparative negligence and assumption of the risk.

Plaintiff's Counsel: Scott A. Fatur, David K. Lucas & Associates, Gbg.

Defendants' Counsel: Kenneth Ficerai, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. Gary P. Caruso

Result: Judgment in favor of Defendant.

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Westmoreland Revisited

The Most Remarkable Lawyer We Ever Knew, Part II

by The Hon. Daniel J. Ackerman, President Judge, The Hon. Debra A. Pezze and The Hon. Christopher A. Feliciani

Editor's note: This is the conclusion of the story of Father Orlando N. Prosperi, which was begun in the February 2007 issue of the sidebar. Part I covered Orlando's early years in Murrysville, his service as a Marine in World War II, and his early career as an undercover federal narcotics agent before practicing law in Westmoreland County. In the late 1960s, he opened an office in Rome to provide legal services to the American community living there. In 1972, while practicing in Rome, he quietly entered a seminary, and, at age fifty, was ordained a priest in the Sardinian Diocese.



As a priest in Rome, Orlando Prosperi was an informal liaison between his diocese and the Vatican, worked with several Vatican congregations and religious orders, and eventually obtained a degree in Canon Law. Orlando, however, had not finished leaving his mark on the law or on the next generation of lawyers.

In 1984, his nephew, Chris Feliciani, now a Westmoreland County judge, was working as a counselor in a juvenile facility when he received a long-distance call from his Uncle Orlando in Rome, saying that he had been giving serious thought to Chris' life, and he had decided that Chris needed to make some decisions about the future. In a controlling but loving way, he listed Chris' choices as either becoming a priest or an attorney.

Chris immediately dismissed the priesthood and after a forty-five minute conversation, Orlando told him that he purchased a one-way airline ticket for Chris and that he'd be leaving in four days for Rome.



Reluctantly accepting the invitation, Chris took a leave of absence from his counseling position and four days later was on a jet traveling to Italy.

If you were to ask any reasonable person whether they would have simply taken a leave of absence from a job they really enjoyed and accepted such a bold invitation, most people likely would say, "no way." But when Orlando suggested a certain course of action, he had a way of convincing you that you had no choice but to accept. Orlando was a man whose spirit instantly commanded the undivided attention of all in his company, even those who didn't particularly care for him. When he spoke, he had the uncanny ability of gripping your

▲ Father Orlando Prosperi outside St. Mary's Church in Export on the occasion of his First Mass in 1975.

◀ Eleanor Misci and Becky Ackerman with Father Orlando Prosperi at his First Mass in 1975.

attention in the same way that a meat grinder makes hamburger.

The visit to Italy lasted almost a year. It was a year that Chris will never forget, and a trip during which he could not wait to return home.

A typical day with Orlando started at 5:00 a.m., which was preceded by a very short night of sleep, usually starting at 2:30 in the morning. Orlando would enter his makeshift library/sanctuary, which had been converted into Chris' bedroom, awaken him, and they would be off to the Vatican by 5:30 a.m. to attend "daily confession." Of course, confession was always followed by a 7:00 a.m. daily Mass celebrated by

continued on page 18

The Most Remarkable Lawyer *continued from page 17*

Father Orlando. After Mass, they would have breakfast, and then Orlando would retire to the confessional at Santa Maria Maggiore, where he would hear confessions for up to eight hours.

During Holy Week, he would stay in his confessional until dark. His confessional was not your typical American confessional which parishioners would happen upon; instead, there were long lines of people waiting on a daily basis to confess their sins to him. Many remarked that confessing their sins to Father Orlando was an incredible spiritual experience.

It is no understatement to say that “the trip to Italy was not at all what was expected.” But during the time he spent with Orlando, Chris really came to know the priest, the lawyer, and the spiritual man who he had always respected as his uncle. Orlando was a tireless individual who was totally committed to whatever task he undertook. As a defense lawyer, he would become so impassioned by his case, that he would literally be consumed for months in preparation and investigation. During his preparation, he would speak about nothing but the facts and the defense of his case.

Unfortunately, Orlando was plagued with bad health and suffered from tuberculosis contracted during the war, causing him to spend years in a quarantined medical facility. During the 1970s and ‘80s, he was stricken with pulmonary aneurysms and heart problems that required life-threatening surgery on multiple occasions. His poor health was a closely guarded secret, which he disclosed only to a few. It almost seemed that he tried to hide his ills behind the smoke from the cigarettes he used consistently and unfortunately to the end of his life. His physical problems, however, never interfered with his passion for his work as a lawyer or his calling as a priest. Nor did they impinge upon his enthusiasm for life.

As a child in the community and as a young lawyer, Debra Pezze had heard tales of Father Prosperi’s courtroom prowess, but her personal experience with him came late in his life and five years before she became a judge. In 1986, she was engaged to be married to her husband, Tom. Father Orlando had taken up residence in the former convent at St. Boniface Church in Penn Borough. Tom and Debbie



▲ *Father Orlando Prosperi concelebrated the marriage of The Hon. Debra A. Pezze and Tom Balya in 1988.*

planned to be married at that parish and had asked Father Orlando if he would concelebrate their marriage with a family friend, Father Nick Trongo, the pastor of St. Boniface. The Catholic Church requires pre-marital counseling and Father Orlando was happy to accommodate them. Ordinarily that involves several meetings with the parish priest and other prospective couples. They immediately learned that nothing about Father Orlando was ordinary.

Counseling, in this case, involved countless long dinners and conversations lasting late into the night, often several times a week. They were treated to Father Orlando’s very capable culinary skills, most notably, his spaghetti with hot peppers. Moreover, they were regaled with stories of his courtroom exploits and insights into his fascinating life and world view. They came to

regard him as the most extraordinary and complex person they had ever known and felt privileged to be counted among his friends.

About a year after their marriage, Debra, as an assistant public defender, was working with Dante Bertani in the defense of a capital murder case involving the tragic killing of two girls by their 18-year-old client. Though then in Rome, Orlando quickly volunteered to “assist” them. He insisted that he not be compensated in any way and that in court he not be referred to as a priest, only as Mr. Prosperi. It instantly became clear that Mr. Prosperi didn’t intend to be anyone’s assistant. He took over every aspect of the case. Ironically, the trial would raise issues relating to the occult, and enormous public criticism was directed against Orlando over the perceived conflict of a Roman Catholic priest defending the accused in such an emotionally charged case.

His approach to a homicide case had not changed: he worked all day, every day, and most nights at a time when he had been diagnosed with an aortic aneurysm, and his physicians were recommending bed rest as a prelude to open heart surgery. In retrospect, his nephew Chris saw the obvious: Orlando knew this would be his last case. He was never one to expect pity or sympathy from his peers—to the contrary, he would become angry if anyone questioned his physical ability or stamina.

During the lengthy trial Chris saw the toll that the proceedings were taking on his uncle and suggested that he withdraw from the case before it killed him. In addition to the expected strains placed on a lawyer defending against a capital crime, Orlando was receiving threats from an uninformed portion of the public because of their disapproval of his role in the trial.

Chris perhaps asked Orlando to withdraw once too often and was quickly put in his place and taught a

profound lesson. In a low and serious voice, Orlando replied, "There is nothing more worthy and consistent with the suffering of our Lord, than that a priest, who happens to be a lawyer, is defending those who are perceived by the public to be lepers, downtrodden and vile creatures; for this, my friend is exactly what Christ did for man when he suffered and died for our sins."

Chris believes that Orlando rose above all public criticism because his calling was not limited to mortal boundaries—and his objectives were not merely to appease the legal system or mortal expectations. You may have heard that Orlando performed exorcisms and that is true. That he would give so much of himself to a trial is consistent with a lawyer who had engaged in emotional battles with the devil himself.

The defendant was convicted of first-degree murder and the burden of pleading to save him from execution fell on Orlando. Those who sat in the packed courtroom that day experienced a most fascinating, articulate,



▲ *Father Orlando Prosperi in an audience with Pope John Paul II.*

and amazing closing argument. For two hours, without referencing a note, Orlando commanded the attention of the jury and all in attendance. It was a closing argument performance that was surreal and will not likely be repeated in another case. The jury spared the life of the defendant and Orlando had accomplished his goal.

A short time thereafter, he underwent open heart surgery but never returned home from Saint Anne Nursing Home. Although successful, the surgery left him crippled, blind, and of all things, with the loss of the

full use of his voice. This was perhaps the most horrifying disability for Orlando because he was no longer able to communicate in the way he was accustomed. As he lay in his hospital bed wearing a pair of dark sunglasses, and having a voice that resonated of Marlon Brando, he resembled Al Pacino as depicted in the movie, "Scent of a Woman."

Orlando was bedridden for almost six years before he died. His closing argument from the murder trial of 1989 was transcribed and consisted of approximately 300 pages. In his later days, he found it entertaining to have Chris read the entire transcript of his closing argument while he lay in his bed. This would usually take one to two hours. If Chris failed to properly emphasize a certain comment, Orlando would frequently tell him in a loving but sinister sort of way, to "Read it with some soul, Chris!"

Orlando died August 15, 1995. The caption to his obituary read "The Rev. Orlando Prosperi, Priest, Champion of the Downtrodden."

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Candid Camera: 2007 Annual Meeting



▲ *"Did she call out B-14 or not? Damn, I knew this was an unlucky card."*



▲ *"No, no kidding, someday your hair will be this color, too."*

▲ *"George, it's not that I'm ungrateful for the advice, but really, the only reason I sat next to you was to look young again."*



▲ *And with a wave of his magic napkin, Moe convinces Judge Bloom that the second dinner the Judge just wolfed down had actually disappeared instead by magic.*



▲ *"So I said to him, 'Lookit, one more off-color remark like that, and, pro bono client or not, it's going to be hammer and anvil time.'"*



▲ *John grins like a Cheshire cat when his date finally agrees to go home with him.*

▲ *"And so, girls, when I told the defendant to stop begging, that he'd have to wait until I felt like declaring a recess before he could go to the john, that's when I knew I was born to this job."*

▲ *"Hmm, a hint of peat, smoky yet fruity, perhaps a touch of blackberry and currant, smooth finish. No doubt about it, this is Pepsi."*



▲ *And once again our bar is blessed by the presence of three of the brightest, most distinguished, and most respected president judges to ever serve our county.*



▲ *As Les watches, the girls do their first-rate impressions of the western red throated warbler's spring mating call.*

foundation focus

Terence O'Halloran Named Pro Bono Attorney of the Year



Terence O'Halloran, a solo practitioner in Greensburg, was named Pro Bono Attorney of the Year at the 2007 Annual Meeting of the Westmoreland Bar Foundation, which was held on Monday, April 9, 2007, at the Greensburg Country Club.

An active participant in the Pro Bono Program since its inception in 1991, Terry's dedication is exemplary, says Pro Bono Coordinator Iva Munk. "Terry has consistently offered his time and knowledge of bankruptcy law to the program by taking on numerous cases," says Iva. "His sense of humor and compassion lift the spirits of those lucky enough to work with him. He is truly appreciated."



▲ Terry O'Halloran (left) was named Pro Bono Attorney of the Year at the WBF Annual Meeting. The Hon. Christopher A. Feliciani presented Terry with the award.

Q WHAT DOES THE AWARD MEAN TO YOU PERSONALLY?

A I've been with Pro Bono for a lot of years now. I frankly don't remember doing anything different this year than any other. It's gratifying that somebody thought my efforts were worth recognition. But I have to say, I'm humbled by the honor that's been given to me. I'm fiercely proud of the plaque and it's on the wall in my office already. I tried to say when I accepted the award that being a lawyer is a true privilege. When I was younger, I really thought that I "earned" what I had. But, with age, I came to appreciate that everything I have is a gift.

Q WHAT DOES THE AWARD MEAN TO YOU PROFESSIONALLY?

A I've been doing bankruptcy work since I came back to Greensburg from Judicial Clerkship in Federal Court.

I was asked by Judge Gibson to take on Bankruptcy clients back in 1978 and I've been doing it since then. The landscape has changed a lot since then, but the clients still need when they come. I'd like to think that this award has validated my efforts. My assistant, Michaelene Horton, has for years taken Iva's calls and set up what has needed to be done when it had to be done. So many times, I have come to the office and "Mike" has given me my folders and pens when I arrived and sent me off to Pro Bono saying "It's time ... again." She knows the right thing to do.

Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A To say it was a surprise is an understatement! Listening to Judge Feliciani describe "yellow ties" and "comedians," I got this sinking feeling in my stomach, and then it came to

pass. "My God, he's talking about me!!" I can't tell you how gratifying it is to be humiliated in front of my peers rather than be embarrassed in front of a group of strangers.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A I'm one of a cadre in this effort. Iva Munk calls my office when she needs and I'm one name on a long list that she has. And if you do this job to get an "award," I suspect you're not going to do it well enough or long enough to get it. You do it because you are privileged to be in a position to do the right thing. People out there need help because they don't have the resources, wherewithal, intelligence, family, sanity, ... whatever, ... to just get through a day. We, as lawyers, can help, simply because we are lawyers, and we know what can be done.

Q WHY ARE YOU INVOLVED IN THE PRO BONO PROGRAM?

A Let me turn this question around and ask, "Why would any lawyer in this county not be?"

Volunteers for Justice

The Pro Bono Program extends thanks to all the attorneys who volunteered their time from January to March 2007.

- Larry Burns
- Brian Cavanaugh
- Jennifer Dupilka
- Scott Fatur
- Rebecca Fenoglio
- Karen Ferri
- Vince Finoli
- Mark Galper
- Dennis Gounley
- E. David Harr
- John Hauser
- Jim Horchak
- Charles Jelley
- Dan Joseph
- Maureen Kroll
- Robert Liotta
- George Love
- Irene Lubin
- Jason Mazzei
- Paul Miller
- Keith Nicola
- Terry O'Halloran
- Gino Peluso
- Robert Slone

BRIEFLY SPEAKING

Millstein Receives ACLU Award



▲
David J. Millstein

David J. Millstein received The Marjorie H. Matson Award for Civil Liberties and Civil Rights from the Greater Pittsburgh Chapter of the American Civil Liberties Union of Pennsylvania at its

annual meeting on March 18.

The Marjorie H. Matson Award recognizes a person who demonstrates long-standing service to civil liberties, willingness to stand for a principle even in the face of public disapproval, tolerance to the rights of all, commitment to equality, outstanding singular contribution to an important principle of civil liberties, and sensitivity to the importance of those freedoms guaranteed by the Constitution.

David has been active in the ACLU since 1972, serving at various times as secretary, treasurer, board member, and volunteer attorney. He currently serves as chair of the Legal Committee. His devotion to civil liberties has been proven in representing many high profile cases, such as defending the Ku Klux Klan's right to assemble on the Allegheny County Courthouse steps.

"It was a test of my own commitment to the First Amendment," says David. "If it doesn't apply to the worst kind of speech then it means nothing."

Pittsburgh ACLU Legal Director Witold "Vic" Walczak said, "Mr. Millstein exemplifies unflinching dedication to the rights of all people, including youth, and he spent his career advancing the causes of civil liberties."

While this award acknowledges a career spent advancing the causes of civil liberties, it also has personal significance for David, who worked with Marjorie Matson, the award's namesake, on his very first case for the ACLU. "I learned a great deal from her," he says. "She was a well-known, experienced litigator, and I was not. It was inspiring for me to be involved with her."

A renowned lawyer, Marjorie H. Matson was a fighter for the rights of the downtrodden, oppressed, and poor. As a student she was active in many social and political organizations, graduating from Pitt Law School in 1937. Appointed Assistant County Solicitor in 1941, she was the first woman to serve as lawyer in the County Law Department and became the first female Assistant District Attorney in Allegheny County. Even during the redbaiting era in the 1950s, she remained unafraid to fight for the rights and liberties of all Americans. Matson argued three cases before the United States Supreme Court, representing parents and students opposed to school prayer, supporting the right of public employees to strike, and acting as legal counsel for the National Organization of Women in a fight against sex discriminatory designations of classified ads in newspapers.

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Business of the Board

FEBRUARY 20, 2007

- Accepted Membership Committee recommendations as submitted: John Cochran, associate; Sara Jane Flasher, participating; Christopher Giles, participating; Frank Pallone, associate; Pamela Roudebush, participating; Ronald Waltzman, associate.
- Agreed to continue to research additional e-filing vendors.
- Agreed that a limit of \$100,000 be kept in any financial institution.
- Reviewed guideline sheet for use in recording attorney concerns and directed that any staff member handling this responsibility be required to complete confidentiality policy.
- Voted to approve the expenditure for a comprehensive update of software and hardware.
- Accepted Nominating Committee's recommendation for Amanda Nuzum Faher to fill open seat on Membership Committee.
- Agreed that WBA board members would join the Lawyers' Assistance Committee, abide by their rules, and sign confidentiality policy.

MARCH 20, 2007

- Agreed to distribute information on WBA's financial status at Annual Meeting.
- Voted to participate in the PBA attorney public image campaign at the cost of \$7 per member. The 30-second ads will run on KDKA television and KDKA radio.
- President Brammell will make appointment to fill opening on the Laurel Legal Services, Inc., board.
- Mrs. Krivoniak reported that she has begun returning phone calls on attorney concerns as directed by the Disciplinary Board.

wba

- Young Lawyers provided report on their public service project Operation Safe Surf. Tony Perrone and Anthony Bompiani agreed to co-chair this outreach program which will begin with the 2007-2008 school year.
- WBA board members signed the Lawyers' Assistance Committee confidentiality agreement and were added to the LAC committee.
- An E-filing *ad hoc* Committee has been formed in order to examine the vendors associated with e-filing as identified by the American Bar Association.
- Voted to award this year's Committee Award to the Living Trust *ad hoc* Committee with Barbara Christner accepting the award on behalf of all those who made this award possible.
- Voted to award the President's Award for Professionalism to Vince Quatrini, whose background includes:
 - CCBL president
 - Past WBA president
 - WBF trustee
 - Founder of Community Foundation of Westmoreland County
 - Active participant in PBI
 - Instrumental in purchase and renovation of building
- Voted to accept the YL *ad hoc* Committee recommendation for Jim P. Silvis to receive the Outstanding Young Lawyer award. Jim's contributions include:
 - Explorers post
 - Mock trial
 - WBA-sponsored mentoring program at the YMCA shelter
 - Lawyers' Assistance Committee
 - Active member of his church
- Acknowledged and thanked Mr. Munk for his 20 years of exemplary service as Treasurer of the Westmoreland Bar Association.
- Voted to send the PBA the 2007 contribution to their PAC in the amount of \$2,500.

Animal Crackers Contest Response Overwhelming

“Woof,” growled the entire editorial board the day the first bags of mail arrived. We could hardly believe it. Never in *the sidebar's* long and illustrious history has any contest produced such a response. Never. We actually didn't think it was that good an idea to begin with, this business of asking our readers to send in law-related animal stories. It was kind of a lame attempt to engender reader feedback. We knew that, but we were desperate and this was the best we could come up with. It had been a long meeting.

Oh, we figured we might get a few amusing incidents of sodomy out of it, maybe an interesting buggery or two, but nothing could have prepared us for the volume of mail we ultimately received.

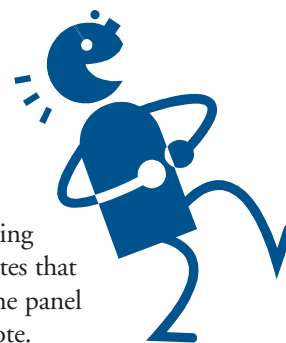
At last count we had 713 entries, more than the number of members of our bar. Even taking into account that Judge Bloom submitted over 200 items alone, most describing acts illegal even in Alabama, we received entries from almost every member of our bar association. Litigious cows, amorous roosters, a psychotic skunk, and even one DUI wildebeest, among others, came to life in the stories we received.

We tried as hard as we could to read every one and to winnow things down to one clear winner, but we just couldn't do it. We did manage to decide on eight outstanding entries, but failing to agree among ourselves any further than that, your Editorial Board decided, quite appropriately given the nature of the contest, to seek help from our “four footed” judges.

We spread the entries on the floor of the conference room in the bar association office like so much old

newspaper, and upon it we loosed the most literary litter of puppies we could find. When it was all over, two winners emerged with their entries unscathed. We had our winners.

We are pleased to announce that Richard Jim and Judge Irving Bloom are the co-winners of our Animal Crackers Contest, each having submitted anecdotes that by consensus of the panel were worthy of note.



To them we extend our congratulations and heartiest thanks. Each is the recipient of the following assortment

of First Prize winnings:

1. Six 18-oz. spray cans of PU-Begone, the latest scientific molecular odor eliminator donated by various members of the Matrimonial Law Committee, who apparently find the stuff useful around the office following initial client interviews.
2. A family day pass to Rat Kingdom, the exciting new theme park out in Hunker.
3. “Road Apples of My Heart,” a lilting, sentimental collection of poetry from the pen of Jebediah Smith, the beloved dean of Mennonite chauffeurs.

Thanks again to all who participated, making this contest the most successful ever in the history of *the sidebar*. Be on the lookout for our next contest, soon to appear, requiring you, dear readers, to match up our judges with felons they've sentenced to life imprisonment. It's a work now in progress; we already have pictures of the felons. Oh be still, my heart.

TO READ THE WINNING ENTRIES, VISIT THE WBA WEBSITE AT WWW.WESTBAR.ORG.

CALENDAR OF EVENTS

MAY

- 2** Women in the Profession, Noon
- 9** Membership, Noon
- 15** Family Law, Noon
Board Meeting, 4 p.m.
- 25** WBA Memorial Service
- 28** Courthouse closed in observance of Memorial Day
- 30** WBA Dine Around, Tarentum Station, 6:30 p.m.

JUNE

- 2** Bankruptcy, Noon
- 13** Membership, Noon
- 14** Courthouse closed in observance of Flag Day
- 14-16** Bench/Bar Conference, The Wisp, McHenry, Md.
- 19** Family Law, Noon
Board Meeting, 4 p.m.

Join friends and colleagues at The Wisp in McHenry, Md., June 14–16, for the 21st Annual Bench/Bar Conference of the Westmoreland Bar Association. The Bench/Bar Conference is a great opportunity to get to know your fellow lawyers and judges in a relaxed, friendly atmosphere. With golf, free CLE seminars, excursions, vendor exhibit, and the Young Lawyers suite, the Bench/Bar Conference will be an experience to remember. Register today!

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- The 12-step recovery meeting, exclusively for lawyers and judges, is in downtown Pittsburgh every Thursday at 5:15 p.m. For the exact location, call Pennsylvania Lawyers Concerned for Lawyers at **1-800-335-2572**.
- LCL has a new website at www.lclpa.org. Attorneys and judges will find information on how LCL can help them, a member of their family or a colleague who may be in distress. It is confidential and easy to navigate. Visit it today.
- Lawyers Confidential Help Line: **1-888-999-1941**. Operates 24 hours a day.



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