



Laurel Legal Services, Inc., Receives \$450,000 Grant

by Beth Orbison, Esq.

As a result of the cooperative efforts of seven western Pennsylvania domestic violence centers and Laurel Legal Services, Inc. (“LLS”), LLS recently received a two-year grant from the U.S. Department of Justice, Office on Violence Against Women, in the amount of \$450,000. The overall goal of the project grant is to enable LLS attorneys to provide comprehensive legal assistance and



▲
Cindy Sheehan

representation to victims of domestic violence who also contend with related legal problems, such as custody, divorce, support, housing, credit, public benefits and immigration. As Cindy Sheehan, Executive Director of LLS, explained, “With this grant money, we are now able to broaden our reach and to provide domestic violence victims with legal advice for all of those issues that impede their

ability to establish new lives for their families.”

Historically, LLS has had to establish priorities for the provision of services due to limited funding and staffing. For many years, LLS has limited its civil representation of low-income individuals to emergency matters only. As a consequence, many victims of domestic violence have been unable to obtain legal representation for anything other than protection from abuse orders. Their other legal problems, while deserving attention, were not considered to be a priority given the constrictions on resources.

Under this project grant, local domestic violence centers will assist each client in developing a safety plan, and then, if needed, refer him or her to LLS for legal services. Their services will include representation in protection from abuse matters, as well as related legal problems that impact upon the client’s need for future safety, autonomy and economic independence. The attorneys and the domestic violence centers will coordinate their efforts to ensure that any action taken is consistent with the goals of each client’s safety plan.

Both the local centers and the Office on Violence Against Women will provide ongoing training, mentoring and consultation to the project attorneys on issues related to domestic violence and safety plans. Likewise, the project attorneys will develop educational legal materials and conduct educational programs for staff members and the clients.

Each of the six southwestern Pennsylvania county offices of LLS will have one attorney providing services at the office and on-site at the local shelter. Two additional attorneys have been hired to accomplish these objectives; Theresa M. Clark and James R. Stojs, Jr., have joined the LLS staff in the Greensburg office.

LLS Executive Director Cindy Sheehan’s hope is that the impact of this grant will continue well beyond its two-year lifetime. Developing educational materials, training personnel and staff, and establishing stronger relationships with the domestic violence centers will have a lasting effect in improving the quality and availability of legal representation provided to the area’s most needy.



President's Message

Confrontation Redux

by James R. Silvis, Esq.

Before I begin my advice column, I must harp some more about surliness. While I once thought that the “in your face” business was passively seeping into our attitudes, I’m afraid now, that in some venues it’s actively encouraged.



In a recent *Whirl* magazine, I came across something that illustrates the theme of my previous President’s Message. Remember when college ads touted academics? Well, this one showed a sad young woman sporting a boxing glove (she reminded me of Tonya Harding). It was an advertisement for Seton Hill University, of all things, and contained the text, “*You don’t roll with the punches—you hit back.*” Yikes! What’s that all about?!

OK, now on to ...

JIM’S LITTLE INSTRUCTION BOOK

- Roll with the punches.
- Treat others the way you’d like them to treat your children.
- Pack duct tape. Not firewood. (I have no idea, but I saw it on billboards in Michigan, and figured it must be worth heeding).
- Don’t yell at the people you work with—unless the office is on fire.
- *Never* take either side of a landlord tenant dispute. You will either be putting an unfortunate family out on the street or begging for another month on behalf of someone who can never pay you.
- Once in a while, put gravy on your apple pie to bring back memories of those early TV dinners.
- Don’t say anything about your spouse or children that you wouldn’t say with them beside you holding your hand.
- To keep the spot beside you empty on a bus or plane, when asked by an oncoming passenger whether that seat is taken, reply, “I’m saving it for my Lord and Savior.” This is especially effective if you don’t want a Democrat as a seatmate.
- If you file a non-payment claim on behalf of a contractor, be prepared for a counterclaim that dwarfs yours.
- Never wear a fishnet shirt.
- Live so that any bad rumor about you will be laughed off by those who know you.
- Keep a loaded gun and a defibrillator in your home, and you’ll never have to bother the folks at 911.
- Being handsome is harder than you think.
- Although the prospect of a nice lifetime annuity is tempting, don’t ever take a right of way or boundary line dispute (even for your mother).
- Remember when giving a speech, there are two keys to a good one—levity and brevity.
- If your wife gives you a Last Supper clock that sings the Hallelujah Chorus on the hour—just smile and hang it in your office.
- Clients appreciate availability more than ability.
- For a good time, call (763) 914-2633.
- If a prospective client stops by your office the day before the statute of limitations expires, explain that you’re sorry, but you’ve just scheduled emergency surgery.
- Never believe a sentence that begins with “All” followed by the name of a group, e.g., All women, All Baptists, All lawyers (Exception: All blondes).
- When visiting a nursing home, smile and speak to everyone you see.
- Remind your children that parents have the hearing of barn owls.
- With some of the things appearing in the news nowadays, e.g., attractive teachers having sex with their boy students, home paternity DNA testing kits, the Supreme Court’s recent eminent domain decision, and a healthy T.O. not playing football the rest of the year, you’ll need to update your “When Hell Freezes Over” list at least once a week.
- You owe your children three things: love, religion, and an education.
- A wise old judge (about my age) advises that the success of a lawyer’s practice is based on the cases he or she *doesn’t* take.



LawSpeak

“It cannot be helped, it is as it should be, that the law is behind the times.”

— Oliver Wendell Holmes, *Law and the Court, Speeches*, 101 (1913) Coll. Leg. Pap. 294

Nominations Announced for 2006–2007 Board, Committees

The Nominating Committee of the Westmoreland Bar Association has recommended the following members for positions on the Board of Directors and the



▲ Incoming WBA President Rebecca A. Brammell

Membership and Building Committees. Those WBA members attending the Annual Meeting of the association, to be held on April 3, 2006, will vote “yea” or “nay” to fill these positions.

At the conclusion of the annual meeting, Rebecca A. Brammell will assume the Bar presidency.



▲ Barbara J. Christner

VICE PRESIDENT: BARBARA J. CHRISTNER

The Vice President ensures that the WBA’s mission, services, policies and programs are carried out. One-year term.

Barbara J. Christner is in her third year as a Director on the WBA board. “The past few years on the Board have been a most rewarding experience for me,” says Barbara. “As Vice President, I would continue to use my time and energy to make others aware of the many programs and services available to attorneys. I would also promote the Bar Association to the general public in an effort to build good relationships with the legal community.”

Barbara has been Co-Chair of the Real Estate Committee for three years. As a member of the Elder Law and Orphans’ Court Committees, she is helping coordinate the “Truth About Living Trusts” programs currently being presented throughout the county.

As a former Trustee of the Westmoreland Bar Foundation (WBF), Barbara served on the Outreach and Scholarship Committees. She continues to volunteer as a Mock Trial juror.

Barbara has also been active in the community, serving on the Board of Directors of both the Lutheran Youth and Family Services and the Westmoreland Choral Society. She is a member of the Bell Choir of First Lutheran Church and has served on various committees there.

Barbara earned a degree in Business Management from the University of Pittsburgh and her juris doctor from Duquesne University. She joined the WBA, PBA and ABA in 1992, and is a shareholder in Ward & Christner, P.C., in Greensburg.

BOARD OF DIRECTORS: MICHAEL J. STEWART

The Director ensures that the WBA’s mission, services, policies and programs are carried out. Three-year term.

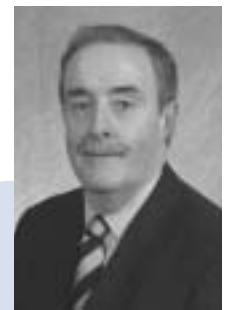
Michael J. Stewart has been nominated for the open position on the WBA Board of Directors.

In practice for nearly 30 years, Mike says professional and family obligations, which include raising seven children, kept him too busy to appreciate the practice of law. “In recent years, I have grown to appreciate my profession and the

people within it,” he says. “Lawyers are good people who make solid contributions not only to their profession, but also to the community wherein they reside. I look forward to promoting my fellow lawyers and the practice of law. We all need to give back to our profession and to our communities.”

Mike has been giving back to the community for many years. He is a current member of

the Board of Directors of the Greensburg YMCA where he served three years as President. He spent ten years on the Hempfield Area School Board, and is a very active member of Our Lady of Grace Church. Mike serves



▲ Michael J. Stewart

on the advisory boards for the University of Pittsburgh at Greensburg and First National Bank of Pennsylvania. He also has coached basketball, softball and baseball in a number of leagues steadily over the last 28 years.

Mike is a past Chair and current member of the WBA’s Family Law Committee, and is a member of the Ned J. Nakles American Inn of Court.

A graduate of Penn State University, Mike earned his juris doctor from the University of Pittsburgh School of Law and has been a member of the WBA since 1978. He is the founding father and managing partner of Stewart, McArdle, Sorice, Whalen, Farrell, Finoli & Cavanaugh, LLC, in Greensburg.

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Nominations Announced for 2006–2007 Board, Committees *continued from page 3*

**MEMBERSHIP COMMITTEE:
JACQUELYN A. KNUPP**

The Membership Committee is the first point of contact that most applicants have with the WBA. Five-year term.



▲ Jacquelyn A. Knupp

Jackie has been nominated to fill the open position on the Membership Committee. “I like the idea of meeting our new members and talking to them about getting involved in the WBA,” says Jackie.

Jackie has been involved in the WBA since joining the association in 1993. She currently serves on the Planning Committee and is Co-Chair of the Bench/Bar Committee. She is a past Chair and member of the Young Lawyers Committee, having won the

Young Lawyer of the Year award in 2001, and is a past member of the Women in the Law Committee.

Jackie is also a Trustee of the WBF and has been on the board for seven years. On the Foundation, she chairs the Scholarship Committee and serves on the Outreach Committee.

In the community, Jackie is Secretary of the PTA at her children’s elementary school. She also serves on the Strategic Planning Committee for the Ligonier Valley School District.

A graduate of the University of Pittsburgh School of Law, Jackie was in private practice until February 2005, when she took a position as law clerk for Judge Gary P. Caruso.

**BUILDING COMMITTEE:
DANIEL C. HUDOCK**

Responsible for maintaining the management and upkeep of Bar Headquarters. Five-year term.

Daniel C. Hudock has been nominated to serve on the Building Committee. “Serving on a committee is a meaningful way to assist the WBA in its fulfillment of its members’ needs,” says Dan. “Service on the Building Committee is a means to take part in the stewardship of one of the WBA’s more important and visible assets—its building.”

A member of the WBA and PBA since 1998, Dan is an associate with McDonald, Snyder & Lightcap, P.C., in Latrobe. He also serves on the board of the Chestnut Ridge Chapter of the American Red Cross.

Dan graduated *magna cum laude* from The College of William & Mary, earning a B.A. in history. He earned his J.D. from the University of Pittsburgh School of Law, where he was Executive Editor of the *Journal of Law & Commerce*.

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Remembering Larry Moore

by Donald J. Snyder, Jr., Esq.

On Friday, September 30, 2005, in the early evening, I received a call from Gene McDonald informing me that our retired partner, Larry Moore, had finally succumbed to the cancer that plagued him for the past year or so.

The late Friday notification and the Monday morning memorial service prevented the Bar Association from sending out the customary notice to each of our members. Nevertheless, on Monday our Association was well represented at the service at Unity Chapel that mourned his death and, most importantly, celebrated his life. No one who attended that service will ever forget the musical tribute that his granddaughter, Eve Miedel, gave him, or the stirring eulogy delivered by the Reverend Clark R. Kerr, whose prior legal career was inspired in large part by the example set by Larry.

Although he was born in Rochester, N.Y., Larry was a pure Latrobean. He graduated from Latrobe High School (where he was succeeded as the

Captain of the golf team by a young player named Arnold Palmer) and entered the Navy under the V-12 College Training Program.

After service in World War II, Larry returned home and attended Princeton University, graduating in 1947. Law school followed at the University of Pittsburgh, from which he graduated in 1951. After passing the bar exam, he joined John S. Lightcap, Jr., and Gene E. McDonald in their practice in Latrobe. He stayed with the firm and its successors until his retirement.

Larry was one of the deans of real estate property law in Westmoreland County. John Walls, Ed Morrell, Joe Ceraso, William McDowell, Robert Gadd and Larry comprised a group that had searched so many titles that they could direct a young title searcher to the proper chain of title from memory. They would willingly exchange information with other lawyers and Larry was the person to consult if you had a problem in the Latrobe, Unity, or Derry areas. During our noontime walks, he could relate a story about virtually any property that we passed.

His other area of concentration was estates and trusts, which included performing tax services for a variety of individuals.

Larry had a strong commitment to his church and community. He was a member of the Latrobe Presbyterian Church, where he served as an elder and taught Sunday school for over 50 years. He was a member of the Latrobe Country Club and a life member of the Latrobe B.P.O.E. Lodge #907. He was also a former long-time member of the Latrobe Area Hospital board of directors, a former member and past president of both the Latrobe Rotary Club and the Latrobe Jaycees, a 32nd degree member of the F&AM Loyalhanna Lodge #275, and was formerly active on the boards of Outside-In, Westmoreland Fayette Boy Scouts of America, and the Chestnut Ridge Chapter of the American Red Cross. Larry was also an original member of the Latrobe Parking Authority.

Larry and his beloved wife, the former Patricia Hockensmith, were married in 1951 and their marriage brought four children into the world. In addition to his wife, he was survived by his son, Lawrence E. Moore, III, and his wife, Demetra, of Westerly, R.I.; his daughter, Patricia S. McDonough, and her husband, Dennis, of Latrobe; his daughter, Linda J. Tito, and her husband, Anthony, of Saline, Mich.; and his daughter, Carol A. Miedel, and her husband, James, of Smithton; seven grandchildren, Colin and Eamon McDonough, Cody, Andrea and Clayton Tito, and Eve and Christian Miedel; his sister, Marjean M. Smith, of Hendersonville, N.C.; and his brother, Robert B. Moore, and his wife, Marianne, of St. Augustine Beach, Fla.



▲ Larry Moore

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Since 1991, the Westmoreland Bar Foundation has raised thousands of dollars to assist the poor, disabled, elderly and children in our community. Through the **Memorial 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.



practice tips

Protect Your Clients and Yourself:

Prepare for Disaster Before It Happens

by Ellen Freedman, CLM, Law Practice Management Coordinator, Pennsylvania Bar Association

Disasters come in many forms. There are those that affect the firm principal(s), those that affect the firm as a whole, and those that affect an entire region.

One generally thinks of disaster in terms of fire or flood. Certainly, we have seen a significant increase in occurrences of flood and hurricane damage. Maybe it is encroaching age which makes catastrophic events stand out in my mind, but I believe we have also seen an increase in other natural calamities such as twisters, lightning strikes, snowstorms and gale winds. These are the types of disasters which can affect not just the firm, but our employees, and even the region as a whole, making it even more difficult to recover as emergency resources are both diverted and strained to the limit.

Disasters can also come in unusual ways, too, such as a sewer backup. I once worked for a firm which experienced a sewer main break, which inundated the building with festering, foul liquid, cresting at five feet. Believe me, it was a true disaster, with all the associated disruption and loss, in every sense of the word. Even an extended power outage when a deadline is looming large can have a severe adverse impact on the firm's ability to render timely service to its clients.

Another type of disaster affects firm principals. These include events such as stroke, heart attack, or even an accident resulting in coma. For the solo or small firm, these events can be as crippling as a hurricane.

When it comes to disaster, reaction after the fact is no substitute for planning beforehand. I am constantly amazed at the number of attorneys

who do not practice the most elementary form of disaster prevention—backing up the critical information on their computer system daily and taking that back-up off-site every night. The purpose of this article is to identify some of the areas of vulnerability, and to provide some options which you can implement to minimize disruption and hasten recovery. Foresight and planning can make the difference between your practice surviving a disaster, or not.

To help you anticipate those problems that can occur when an unfortunate event interferes with your ability to effectively manage your legal practice, consult the following member resource materials at www.westbar.org (Click on Member Resources in the menu and log in with your PA ID number and password.):

- “Computer Backup,” by Ellen Freedman, CLM, Law Practice Management Coordinator, Pennsylvania Bar Association
- “If I Am Dead” letter
- “Managing Your Practice Dead or Alive” outline
- “Protecting Your Computer,” by Ellen Freedman, CLM, Law Practice Management Coordinator, Pennsylvania Bar Association
- “Sample Disaster Plan”

Let's deal first with disaster which affects your entire firm, or maybe even your region. These include events like hurricane, blizzard, flood, fire and so forth. Here are some of the things you need to think about:

NOTIFICATION TO CLIENTS, EMPLOYEES AND VENDORS

Without access to your office, do you have the names, addresses and phone numbers of your clients handy? Can you quickly get in touch with all your

employees to keep them informed and make sure they're OK, too? Can you contact your vendors for emergency assistance? If you use something like Outlook or GroupWise personal productivity software for all your contacts, or a case management package which has a Palm interface, like TimeMatters, you can keep the information on a hand-held device for quick access, or print a master list and keep it off-site. If you use the print method, remember to do it regularly, like once a month or at least once a quarter. Put it on your to-do list so you don't forget.

ACCESS TO FIRM DOCUMENTS AND CLIENT FILES

If you have been smart enough to make a regular back-up of your computer system, and take it off-site, you will have access to all your form documents and client documents you created. If, in addition, your office has worked to embrace the “paperless office concept” by scanning in as much of incoming documents as feasible, keeping telephone messages electronically, getting depositions on disk, using case management, and so forth, you will have access to most of the contents of your client files, even if the physical file is inaccessible or destroyed. (After the Meridien Bank building fire in Philadelphia, for example, law firms whose offices were not significantly damaged still could not gain access to retrieve their files for quite some time while it was being determined if there were building structural problems.) Keep in mind that having a current back-up tape off-site is one thing; having a computer capable of restoring the data (meaning compatible operating system and sufficient disk space) is another. Some forethought has to go into that, or you need a good vendor relationship you can count on in a crisis.

ACCESS TO INSURANCE RECORDS

Very few people think to keep a duplicate copy of their critical business insurance policies, or medical and other benefit policies, in a location outside the office. When the office burns down and you want to know your coverage, it isn't very helpful if the policy is burned, too, is it? Your agent can speak to your coverage, but waiting for a duplicate copy of the actual policy to arrive, should there be any disagreements, can take quite some time.

APPEARANCE ON BEHALF OF CLIENTS

What critical dates are looming? Few people physically keep their calendar in their pocket anymore, unless it's in the form of a PDA (personal digital assistant, like the Palm device). If you don't computerize your calendar and have it on your off-site back-up tape or on a PDA, how will you know what deadlines are coming up?

CASH FLOW ISSUES

How will you record time, collect your

receivables, and bill out your inventory? Will you know what is owed to you, or depend on the kindness and honesty of clients to send in their checks? Will they hold back payment because they are not sure where to send checks? If you are using a time and billing system, it should also be backed up, with the back-up stored off-site, so that you can restore it if necessary to have access to critical financial records.

KEEPING THE DOORS OPEN

What if you are the sole principal of the firm and become seriously and suddenly disabled? Who will write checks? Who has authority to sign checks? Who can deal with your escrow account and disburse payments if necessary? Who will make sure that your rent and insurance premiums are paid? Who is designated to step in and temporarily handle deadline work for clients? Are they cleared for potential conflicts? Who will pay your staff, and if necessary, deal with the media and/or notify clients on your behalf?

You don't want to emerge from a coma only to find your client base eroded, your trusted staff gone, your insurance coverages cancelled, and several malpractice cases pending due to missed deadlines. Even if you have one or more partners, don't assume that they can access all the necessary accounts or information without preplanning. Have they been included as signatories on any individual interest-bearing escrow account you've established? Can they get to your calendar to anticipate deadlines? Can they access all documents, or are some passworded, or hand scribbled?

This is not, by any means, a comprehensive list. It should, however, get you started thinking in the right direction about where you are vulnerable, and what you can do to plug up the holes.

This article originally appeared in the Solo & Small Firm Section Newsletter of the Pennsylvania Bar Association, and is reprinted with permission.



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Weird Contest Winners

Now if this don't beat all. We go to all the trouble to make up yet another bizarre contest in an effort to amuse, entertain and enrich the lives of our members, and what happens? The contest is won by a non-member. Yes, sad to tell, our "Great Annual 'Things I Didn't Know About Our Judiciary a/k/a Judges Can



▲ The "weird" contest winners: Honorary WBA member Lou Lotto and official WBA member Harry F. Smail, Jr.

Be Weird, Too" contest was won by Lou Lotto, a Westmoreland County deputy sheriff. He got eight out of twelve right, and the runner up, Harry Smail, managed to get only three right. That's a .250 percentage, Harry, and while that may be great for you, we expected better.

Now, here's the dilemma ... we never thought a non-member would ever read *the sidebar*, much less enter its world famous contests. And in this particular case, why would we? After all, one hardly thinks of deputy sheriffs when trying to anticipate the constituency of the reading public.

Now here are the horns of that dilemma ... while we always assumed our winners would be limited to members of the WBA, we never said that. It was always assumed. So what do we do?

The editorial board quickly considered the prospect of giving one hockey ticket of the first prize pair to each winner. That had a delicious irony to it. I mean, why infuriate one when you have the perfect chance to infuriate two at the same time?

But no, after careful consideration, we decided to take another approach. Turns out there is a way we can award both of the contestants a pair of tickets without running afoul of our unstated policy of limiting prize winners to WBA members. The editor has assumed editorial prerogative and has admitted Mr. Lotto as an honorary member of the WBA for the fifteen seconds it will take to hand him his prize. There, now everyone is happy.

Next time be forewarned, all those whom to these contests come a'entering. If you are not a member of the WBA, you are not eligible to win the stated prize. You will, however, be eligible to win the permanent alternative prize, a one year's subscription to *the sidebar*. No thanks are necessary. We already know you enjoy it, else why would you be reading it in the first place?

The answers, for those of you keeping track:

JUDGE ACKERMAN: "I was a weightlifter, before weightlifting was respectable."

JUDGE BELL: "My nickname in high school was 'Hair.'"

JUDGE BLAHOVEC: "I won a silver dollar in a Halloween parade for being Uncle Sam. My costume was red and white pants, a Peter Rabbit mask and a shirt that said 'Peter Rabbit.'"

JUDGE BLOOM: "I was one of the regular panelists on a 'Meet the Press'-type show on WQED-TV during the first few months that the station was on the air."

JUDGE CARUSO: "I have only nine fingers."

JUDGE DRISCOLL: "I love bluegrass music; the older, the better."

JUDGE FELICIANI: "I once shared a dressing room with Chubby Checker."

JUDGE HATHAWAY: "In 1979, I chipped ham at the same Pittsburgh deli where Dennis Miller, the comedian, worked."

JUDGE MARSILI: "I have always dreamed of playing second base for the Pittsburgh Pirates."

JUDGE McCORMICK: "I'm addicted to reality TV shows."

JUDGE OBER: "In college, my nickname was 'Ox.'"

JUDGE PEZZE: "Although I have no musical talent or ability, I can play Antonin Dvorak's 'Hungarian Dance No. 5' on the piano."

Happy Holidays

from

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and

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To-Wit: The Desperate Hours

by S. Sponte, Esq.

Every year it happens with the predictability of the celestial motions. In fact you could, if you wanted to, set your watch by it. It's as certain as the summer solstice, as guaranteed as the advent of fall, that come October of each and every year, I'm going to get that damned letter from the powers that be reminding me that I haven't yet completed my current year's Continuing Legal Education requirements and that I only have two months or so within which to do so.

It used to be that I would panic with such news, but no more. After twenty years or so, this has taken on all the trappings of a benign ritual, and I've learned how to handle it. Well, I mean I've learned how to handle it other than by completing my CLE requirements in a more timely fashion. Nowadays I just throw the

notice at my secretary and command her to sign me up for whatever courses are available. Let her panic. That's one of the reasons I pay her as much as minimum wage in the first place. It's also one of the reasons that I ended up taking "The Bilingual Practice—Yo Habloing Español." Aside from the *duo* credits, it was a complete waste of time. I didn't *comprehando* a single word.

Fortunately, I had already taken a few CLE courses this year, choosing them based upon where they were being held and whether lunch was included in the price, but as usual, I was still far short of the annual requirements. I still needed ten or so hours, and I needed them by the end of the year.

Well, I am pleased to report that in the face of this wanton pressure, I responded with exactly the same kind of professional grace and dignity that has always been the hallmark of my career. I cursed, I gestured obscenely to

no one in particular and I tore up the notice and pitched it, with a "just who the hell do they think they are" kind of flourish, into the trash.

And there it remained until five minutes later when, with a "they're the Disciplinary Committee, that's who the hell they are" kind of flourish I retrieved it.

Now the one thing I've learned from such protracted procrastination is that come November I pretty much have to take whatever courses I can get. No longer do I have the luxury of seeking out courses in my particular areas of expertise—divorce a menso et thoro and the felony murder rule—but that doesn't really matter. These days courses in those fields are pretty hard to find anyway.



continued on page 10

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To-Wit: The Desperate Hours *continued from page 9*

A quick call to my local bar association confirmed my worst fears. There were a number of courses being offered before year's end, but all the ones that might have been of interest for me were already filled. What follows then is a list of the courses that are still available, along with their descriptions. I know, I know, it's my own fault, I shouldn't have waited so long. But the good news is that I look forward to seeing all of you at one or more of these classes.

BRIEFING CASES FOR THE DISTRICT JUSTICES—

A primer in monosyllabic writing.

CASE MANAGEMENT STRATEGIES: PURGING THE "BAD" FILE—How to tell a client you made a really horrible error in judgment when you agreed to take the

case on a contingent fee, that now you need to dump them and their God-forsaken file, and why it's all their fault (one hour of ethics).

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SEMINAR—How to recognize when a colleague is impaired from drugs, depression or alcohol, and how to best turn it to your advantage.

THE TEN MOST COMMON ETHICAL MISTAKES—and the best ways to cover them up.

YOUR BROTHER'S KEEPER—A survey of the grim jurisprudence holding you responsible if a partner screws up. Updated forms include latest version of undated, signed in blank partnership termination agreement, pre-dated letters of resignation and indemnity contracts pledging you all of partner's personal assets as security.

Not much to choose from here, yes, I know, but it's only ten more hours of my life that I have to surrender for the privilege of sticking my fingers into other folks' dikes.

I'm ready for it though. I've downloaded all the latest games to my Palm Pilot and pizza will be served. However, just out of an overabundance of caution, you'd better bring the playing cards. See you soon.

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September/October 2005 Trial Term

Jury Trial Verdicts

by Rachel Huss, Esq., Charles J. Dangelo, Esq., and Jacquelyn A. Knupp, Esq.

Of forty-six cases called for the September/October 2005 Civil Jury Trial Term, twelve settled, twenty-two were continued, one was stricken, one complaint was dismissed, one was scheduled for a summary jury trial, one was reassigned to another judge, three verdicts were entered and five were held to the next term. The three cases upon which juries deliberated are summarized below.

**ISAAC MOGEL AND RASAMEE MOGEL, HIS WIFE
V.**

**MARY HAUS AND SALEM ORTHOPAEDIC GROUP, P.C.
NO. 7455 OF 2003**

Cause of Action: Professional Negligence—Medical Malpractice

Plaintiff, Isaac Mogel, fractured his right wrist in a hiking accident. Treated at the emergency room of Frick Memorial Hospital, doctors determined Plaintiff sustained a severely comminuted fracture of the right radius and avulsion of the ulnar styloid. The hospital referred Plaintiff to Defendant, Dr. Mary Haus, to treat Plaintiff for his injuries. During the course of treatment, the fracture became displaced and the bone angled out of position. Plaintiff ultimately received corrective surgery from another physician, Dr. Joseph Imbriglia, which involved re-breaking Plaintiff's radius. Surgery did not restore complete function to Plaintiff's arm and hand.

Plaintiff contended that Defendant negligently allowed his radius to heal into an improper position, which forced him to undergo additional surgery, causing a permanent diminution of function. Plaintiff's medical experts opined that Defendant's treatment fell below the standard of care because



Defendant did not recognize the inherent instability of the fracture, did not take steps to halt the shifting fracture and did not forcefully recommend surgery to Plaintiff.

Defendant presented expert testimony indicating that Plaintiff was provided with conservative treatment within the applicable standard of care. Defendant also claimed Plaintiff was given the option of surgery and that it was his decision whether to undergo such treatment.

Plaintiff's Counsel: Deborah S. Maliver, Biacheria, Erikson & Maliver, P.C., Pgh.

Defendants' Counsel: Giles J. Gaca, Gaca Matis Baum & Rizza, P.C., Pgh.

Trial Judge: The Hon. William J. Ober

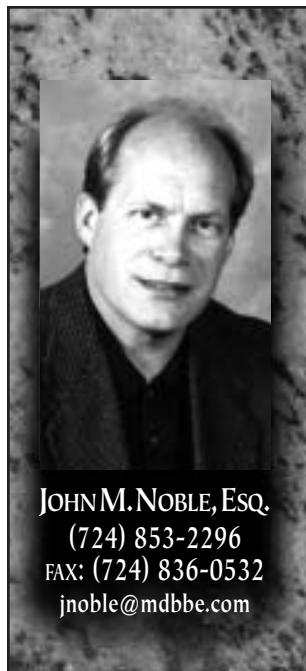
Result: Verdict in favor of Defendant.

**YVONNE AVAMPATO,
EXECUTRIX OF THE
ESTATE OF MARY LOUISE
AVAMPATO, DECEASED
V.
M. NASIR SHAIKH, M.D.
NO. 3179 OF 2002**

Cause of Action: Professional Negligence—Medical Malpractice

On May 16, 2000, Mary Louise Avampato went to the Westmoreland Regional Hospital Emergency Room, was diagnosed with deep vein thrombosis of the right thigh, and was admitted to the hospital. On May 18, 2000, in treating the deep vein thrombosis, Dr. Shaikh inserted a Greenfield filter to reduce the chance of clotting. During this procedure, Mrs. Avampato's heart was punctured, resulting in a perforation of the heart and cardiac tamponade, ultimately causing her death. Plaintiff alleged Dr. Shaikh was negligent in inserting the Greenfield filter in such a

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Jury Trial Verdicts *continued from page 11*

manner as to puncture the heart and thereafter failed to adequately treat Mrs. Avampato, causing her death. Plaintiff also alleged a lack of informed consent.

Dr. Shaikh denied negligence in both the placement of the Greenfield filter and the treatment provided thereafter, and denied that he failed to adequately inform Mrs. Avampato of the risks involved in the procedure.

Plaintiff's Counsel: Rolf Patberg, Patberg, Carmody, Ging & Filippi, Pgh.

Defendant's Counsel: Steven J. Forry, White and Williams, LLP, Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict in favor of Defendant. Jury found Defendant was not negligent and that he adequately informed Mrs. Avampato of the risks involved in the procedure.

MATTHEW HOFFER

v.

PHYLLIS LOVERIDGE, ADMINISTRATRIX OF THE ESTATE OF ROBERT LOVERIDGE, SR., DECEASED NO. 2543 OF 2001

Cause of Action: Negligence—Motor Vehicle Accident

This motor vehicle accident occurred on December 23, 2000, at approximately 11:35 p.m. in Fairfield Township, Westmoreland County. Plaintiff was travelling east on State Route 1006, approaching its intersection with State Route

711. Traffic proceeding east on State Route 1006 was controlled by a stop sign. Defendant Robert Loveridge was traveling south on State Route 711. Plaintiff averred he stopped at the stop sign, observed no oncoming traffic, and proceeded through the intersection. Plaintiff contended that Defendant was operating his vehicle at an excessive rate of speed as he travelled through the intersection, causing the front of his vehicle to collide with the left side of Plaintiff's vehicle. Plaintiff sustained a neck fracture, which required surgical removal of a disc and fusion of two vertebrae. Plaintiff wore a halo cast for an extensive period of time. During the trial, the court ruled as a matter of law that Plaintiff's injuries constituted a "serious injury" and met the threshold required in this limited tort case.

Defendant denied negligence and averred that he operated his vehicle in a careful, prudent and lawful manner at all times. Defendant argued that Plaintiff failed to stop at the posted stop sign, failed to yield the right-of-way to the vehicle operated by Defendant, and proceeded directly into the path of the Defendant's vehicle.

Plaintiff's Counsel: Ned J. Nakles, Jr., Nakles and Nakles, Latrobe

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. Jury found Defendant was not negligent in the operation of his vehicle.



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Committee Reports

Should A Physician's Apology Be Inadmissible?

by John M. Noble, Esq.

ADR Committee

Among the resolutions under consideration by the PBA's Alternative Dispute Resolution Committee is a proposed formal Rule of Evidence rendering inadmissible the "apology" of any health care provider arising out of an "unanticipated outcome of medical care." Referred to as "transparent communication," the proposed Rule—



▲ John M. Noble

as supported by the PBA's ADR, Health Law and Medical/Legal

Interdisciplinary Committees—is based upon the following propositions.

- A physician/patient relationship is built on substantial trust and there is value in creating an environment of transparent communication between health care providers, patients and their families.
- There seems to be an apparent lack of concern for patients upon an unanticipated medical outcome.
- Studies show most patients have little desire to be involved in litigation with health care providers with whom they have had a trusting relationship.
- Health care providers have been historically admonished and/or

- otherwise counseled never to state or imply that a bad outcome is regretted and/or otherwise are discouraged from providing transparent disclosure of complete and clear information following an unanticipated medical outcome.
- The once-trusting relationship often disintegrates when there is no transparent communication following an unanticipated medical outcome. This creates a break in the continuity of health care and a hostile environment that is counter-productive to the well-being of all involved.
- Physicians suffer a detrimental impact when not able to engage in

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Committee Reports *continued from page 13*

transparent communications with patients and families.

- The best interests of society are served by having quality health care based upon productive and trusting relationships with providers, and by fostering transparent communication between health care providers and patients so as to support the processes that most allow for the possibility of continuity of care.
- The overall belief is that transparent communication—and most particularly apology and recognition—reduces litigation, saves money and has significant benefits for all involved.

Considered by the PBA ADR Committee for review and adoption, the proposal is described as a “Resolution to Support a Capital Court Rule or Legislation to Protect the Confidentiality of Statements of Apology and Acknowledgment made by Health Care Providers to Patients and Families.” The proposed formal Rule of Evidence is in the box to the right.

In addition to the above, the ADR Committee considered adopting a resolution asking the PBA to support the use of mediation and other forms of early intervention as *mandatory* steps to be taken prior to litigation in medical malpractice cases. The resolution attempts to balance any citizen’s constitutional right to a jury trial with the opportunity for “self-determined outcomes,” well in advance of the final stages of litigation. The proposed resolution *requiring* “the use of mediation, facilitated dialogue, Ombuds program and/or other ADR processes to resolve medical malpractice cases before such cases would be permitted to proceed to trial” seeks to reduce both litigation expense and the antagonism arising from medical malpractice litigation that “tarnishes the professional goodwill and public perception of both groups of professionals.” As noted in the proposal:

“... the mandatory use of ADR vehicles prior to a jury trial in a medical malpractice case affords a positive way to first reach fair and equitable resolutions without the need for a formal trial and allows for processes that can serve to support the continuity of care between a patient and providers, all of which is in the interest of members of both professional organizations and the citizens of the Commonwealth.”

As the ADR Committee is also considering a resolution to support

legislation to create a “statewide study of mediation and other forms of ADR,” it appears that mandatory mediation of medical malpractice claims is on the near horizon. Can the mandatory mediation of civil and domestic matters be far behind? More importantly, given the thousands of civil/domestic cases filed annually, will we be ready?

Anyone interested in mediation issues and/or mediation training may contact the Westmoreland Bar Association ADR Committee Chair John Campfield or Co-Chair John Noble.

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 4 _____ : APOLOGY FOR UNANTICIPATED OUTCOMES OF MEDICAL CARE

(a) Inadmissibility

No statement, affirmation, gesture or conduct expressing an apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence related to any discomfort, pain, suffering, injury, or death of an alleged victim as a result of the unanticipated outcome of medical care when made by a health care provider or an employee of a health care provider during the course of treatment shall be admissible as evidence of an admission of liability or an admission against interest in any civil court action or arbitration, nor shall it be used for any other purpose. The provision shall be applicable whether to statement made direct to an alleged victim, to a relative of an alleged victim, or to a representative of the alleged victim.

(b) Definitions

(1) *Health Care Provider means any person licensed or certified by the Commonwealth of Pennsylvania to deliver health care and any clinic, health dispensary or health facility licensed by the Commonwealth of Pennsylvania. The term includes any professional corporation or other professional entity comprised of or employing such health care providers as permitted by the laws of the Commonwealth of Pennsylvania.*

(2) *Relative means a victim’s spouse, parent or step-parent, grandparent, child, grandchild, brother, sister, half brother, half sister or spouse’s parents. This term(s) includes relationships created as a result of adoption. In addition, it includes any person who has a family-type relationship with a victim, including but not limited to domestic partner.*

(3) *Representative means a legal guardian, attorney, person designated to make decisions on behalf of a patient under a medical power of attorney, or any person recognized in law or custom as a patient’s agent.*

(4) *Unanticipated Outcome means the outcome of a medical treatment or procedure that differs from an expected or intended result.*

(5) *During the Course of Treatment means that period of time during which (a) the patient is still receiving medical treatment from the health care provider for the condition out of which the unanticipated outcome has arisen and/or (b) the provider is providing information to the patient, relative or representative about that treatment.*

LCL Committee**Visibility and Divisibility***by Patricia L. Elliott, Esq.*

It was beyond ironic when, at a recent local Lawyers Concerned for Lawyers Committee meeting, one of the veteran members noted that he recently had occasion to utilize the somewhat obscure conference room tucked away in the deep recesses of the law library when he stumbled, quite by happenstance, upon the even more obscure Lawyers Concerned for Lawyers literature. Apparently, the committee had hidden the LCL information so well that even our own committee members didn't know where it was! As a result of this serendipitous discovery, we were forced to ponder the question, had we gone so far in protecting the anonymity of our target audience that we had nearly made ourselves (and, consequently, the

services available through LCL) invisible? This, of course, led to a protracted discussion as to how to make LCL more visible in our own legal community without compromising the very confidentiality that such an organization necessarily demands. It's a delicate balancing act, indeed.

**A problem shared
is a problem
halved, and
who among us
wouldn't welcome
such division?**

Certainly, one would not expect an esteemed and proud member of the bar to saunter into the library and ask Betty Ward, in anything but *sotto voce*, "Excuse me, but can you tell me where I can find the information on Lawyers Concerned for Lawyers?" as if he or she were asking for a PBI refer-

ence book. Eyebrows would certainly raise, would they not? After all, we lawyers are a proud lot, even though it has long been warned that, "Pride cometh before the fall." As lawyers, advocates, and counselors, we have come to be viewed as (and, in turn, view ourselves as) warriors, magicians, and overall problem-solvers. Combine this self-perception with society's pejorative impression of lawyers as a class, the realities of time pressures and deadlines, case overload, fierce competition, and the day-to-day dealings with often difficult people contending with difficult life situations, and it is no wonder that the legal profession is rife with substance abuse problems, chronic stress, and mental health issues such as depression.

Regardless of how much we have evolved as a society, there continues to be a major stigma, particularly within the microcosm of the legal profession, associated with needing—much less asking for—help. Despite the harsh reality that many of our office

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Committee Reports *continued from page 15*

telephones ring incessantly with people calling in need of help, when it comes time for us to pick up the telephone to do the same, the task is nearly insurmountable. Fortunately, Westmoreland County is one of the few counties within the Commonwealth that has an active local LCL committee, and yet the vast majority of members of the bench and bar are unaware of this untapped (or at the very least, undertapped) resource.

Over time, Irv Bloom has become the proverbial poster child for LCL, mostly because he makes his presence as such known—whether this involves discreetly reaching out to a local lawyer in need, intervening with attorneys during his statewide travels as a Workers' Compensation judge, or simply when he's unofficially holding court in Caffe Barista as members of the bench and bar come and go. What many of you don't realize is that Irv has a group of disciples who are anxious to follow suit and similarly carry the message of Lawyers Concerned for Lawyers to our brothers and sisters of the bar.

What we, as a committee, realized during our recent discussions was that regardless of how "active" we are, there is a definite limit to what we can accomplish if we remain tucked away in a dark alcove of the law library, only to be discovered by errant counsel seeking out a quiet place to work or meet with clients. It is imperative that our presence becomes known, lest our local LCL committee suffer the fate of the proverbial tree falling in the forest. The only thing worse than this would be a struggling lawyer suffering a similar fate.

If you are personally grappling with the stressors unique to the legal profession or if you are concerned about someone in this predicament, contact the Westmoreland Bar Association at 724.834.6730 to obtain a list of local lawyers in your community who can assist you in seeking direction and guidance. After

all, "A problem shared is a problem halved," and who among us wouldn't welcome such division?

Retention Committee

Poll Workers Delivered for County Judges

by James R. Antoniono, Esq.



▲ James R. Antoniono

to seek retention. This year marked the eleventh year county judges have appeared on the ballot for retention. In the previous 10 years of retention elections, 17 judges have run for retention. With the exception of Judge Rial's loss in 1979, all other judges have received a 70% "yes" vote or higher.

In the spring, as the Bar Association prepared for this year's retention election, everyone assumed that we would be running a typical Westmoreland County retention election. However, by early summer, it became clear that the voters were very angry over the legislative pay raise. By mid-summer, we began to hear that voters were going to send a message to the legislators by voting "no" for the retention of the two Supreme Court judges who were on the ballot.

In the weeks leading up to the election, the legislature attempted to repeal the pay raise but ended up in a

battle over various repeal bills because of the pay raise for the judges. This placed the judicial pay raise in the spotlight during the weeks leading up to the election.

As the over 100 attorneys (almost 20% of our Bar) and approximately 30 non-attorney volunteers who worked the polls on election day will attest, the voters were very angry and had come to vote with a purpose—to vote "no" for the judges running for judicial retention. Luckily, attorneys are good at the art of persuasion. It took every bit of that ability to turn voters around, to persuade them that our local judges had nothing to do with the pay raise, and that if they were not retained it would be a tremendous loss to Westmoreland County.

The Westmoreland County "no" vote for the two Supreme Court judges (73% for Nigro and 67% for Newman) was the highest "no" vote in southwestern Pa., and, I believe, the highest "no" vote of any county in the state. Despite this average of a 70% "no" vote for the two Supreme Court judges, our three county judges averaged a 60.6% "yes" vote. This was an amazing turnaround. All who worked on election day urging retention deserve a tremendous amount of credit.

We have a bench in Westmoreland County that we can all be proud of, and I believe that the vast majority of the public in our county share that view. Thankfully, the members of our Bar who worked the polls were able to remind enough of those angry voters of this fact.

Thanks to all for a job well done!

Submit your committee's news, events or reminders for publication in the January-February issue of the sidebar.

E-mail westbar.org@verizon.net by February 1, 2006.

Profile of a Distinguished Gentleman:

Garland Flew with Army Air Corps

by Stuart J. Horner, Jr., Esq.

Bob Garland is very proud of his Army Air Corps service in World War II, and well he should be. Trim and fit at age 84, he still comfortably fits into his captain's uniform.

A Jeannette native, Bob was an undergraduate at the University of Pittsburgh when he enlisted in the Air Cadets in June 1942. After receiving extensive training as a pilot and navigator in Texas, he was assigned to the Troop Carrier Command to fly C-47s, the military version of the Douglas DC-3, also known as the Gooney Bird.



▲ *Robert Wm. Garland, c. 1942*

Bob was a navigator, standing with his head in a turret behind the pilot, doing celestial navigation like a sailor at sea. With his group, he flew to England, taking the safe southern route via Brazil, the Ascension Islands and Africa. Once there, he joined the 436th Troop Carrier group, a part of the Ninth Air Force.

In the predawn darkness of D-Day, Bob's group carried the 101st Airborne Division to Sainte-Mère-Église in Normandy. Along with thousands of other planes, he flew down the Channel and turned east over Normandy, leaving their unarmored planes exposed to extensive flak. As he flew in at about 600 feet to drop the paratroopers, his plane was hit with flak that made fist-sized holes in the fuselage.

Back in England, Bob volunteered to return to Normandy to tow troops in a Horsa Glider to Utah Beach where once again he was exposed to heavy enemy flak. The ground troops of the 4th Infantry managed to

suppress the flak before it could do any damage.

Bob participated in other combat missions as well, including Operation Anvil, the invasion of southern France, and Operation Market Garden, the Rhine River assault in September 1944. The latter mission was made famous in Cornelius Ryan's great account, "A Bridge Too Far." In March 1945, Bob participated in the drop over the River Rhine as part of General Montgomery's massive crossing.

In between combat missions, Bob helped land supplies to General Patton's 3rd Army, returning from each landing with wounded in need of medical assistance. He also dropped food and ammo to ground troops fighting in Bastogne, support that helped turn the tide in the Battle of the Bulge.

When he wasn't actively involved in combat matters, Bob flew soldiers to the Riviera and Paris for rest and recreation. While at the Riviera, Bob happily became acquainted with the latest fashion rage, women's two-piece bathing suits, a trend not yet visible at

Oakford Park Pool in his hometown.

At a famous Paris hotel, Bob rubbed elbows with Jack Benny and Marlene Dietrich.

By happy chance, he was selected to represent his service in America near the end of

the war, a public relations experience highlighted by a grand parade and rally on Grant Street in Pittsburgh.

As a result of his bravery and distinguished service, Bob was awarded the Air Medal with four oak leaf clusters, the European/African Campaign ribbon with seven battle stars and the 436th's Presidential Unit



▲ *Trim and fit at age 84, Bob Garland still comfortably fits in his captain's uniform.*

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Garland Flew with Army Air Corps

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Citation, all of which he is able to wear with great pride.

After his discharge, Bob finished his undergraduate work at Pitt in three years. He then enrolled in its law school, graduating in 1951. Since then, Bob has been actively engaged in the private practice of law, serving as the solicitor for the City of Jeannette for a number of years, among other accomplishments. Bob also ran for the Court of Common Pleas at one time.

In 1960, Bob began a lengthy partnership with the late Christy Walthour in the general practice of law, a partnership which continued until Christy's death in 2003.

Bob has always been known for his legal acumen and his unfailing professional courtesy. He has been married to his wife, Dotty, since 1948 and together they have raised six children, Gregory, Summer (Friedlander), Timothy, Colleen (Robinson), Holly, and Robert C. Garland. Holly is a member of our bar and has been his law partner since 1991.



▲ *Members of the WBA who have served or are serving in the military were honored at the Annual Dinner Dance held December 3, 2005, at the Greensburg Country Club. Veterans in attendance included: (seated, left to right) Judge Irving L. Bloom, Shawn M. Boyle, George E. Berry, Jr., Robert Wm. Garland and Leo J. Ciaramitaro; (standing, left to right) James R. Antoniono, The Hon. Gilfert M. Mihalich, John W. Peck, II, Morrison F. Lewis, Jr., James R. Silvis, James R. Gaut, Timothy J. Geary, Daniel Joseph, Stuart J. Horner, Jr., Alan K. Berk, Scott O. Mears, Denis P. Zuzik, Robert I. Johnston, Aaron M. Kress, David L. Robinson, The Hon. Joseph A. Hudock and The Hon. John J. Driscoll.*

Actions of the Board

OCTOBER 18, 2005

- Mr. Antoniono reported that Prothonotary Ron Diehl is not opposed to changing the procedure for filing for arbitration hearings.
- Agreed to add arbitration filing topic to November bar leaders/judges meeting agenda.
- Discussed retention election of state Supreme Court justices as it impacts

the retention of local judges. No action taken.

- Agreed that President Silvis should attend the Medical Society dinner along with Past President Johnston, who has been invited to speak on the med mal mediation in our county.
- Heard YL report from Chair Leechalk: Lunch 'n Learn held by Lawyers Abstract, 11 YLs in attendance.
- Learned that YLs are conducting public service project to benefit Children's Bureau clients.
- Voted to table recommended building usage policy and refer back to Building Committee for clarification on language in policy.
- Adopted resolution with amended language for Supreme Court decision known as *First Citizens National Bank v. Sherwood*; voted to submit resolution to PBA House of Delegates for approval.
- Agreed that Treasurer Munk will contact PBA to present resolution to PBA House of Delegates.
- Learned that Planning Committee will meet on October 20 to review actions taken at their retreat.
- Voted to switch current employees' healthcare plan from Keystone HMO to High Deductible 100/80 plan

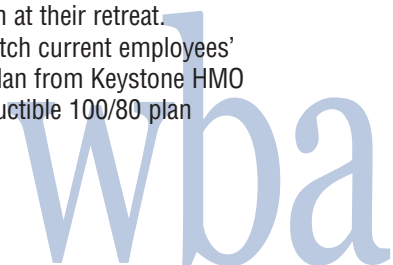
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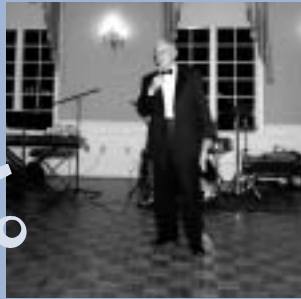
2005 Holiday Dinner Dance



◀ "Listen, lady, I'm about to be shipped out. Who knows, next week I could be laying dead in a trench somewhere in the south of France. Can't you find it somewhere in your heart to make a lonely frightened soldier very very happy?"



◀ Although separated at birth and not having seen each other in nearly fifty years, the identical Lorenzo twins immediately realized that but for looks, intellect and height, they were indeed identical.



◀ "And for my next number, I'd like to do my rendition of 'You've Lost That Lovin' Feeling,' apparently a cappella."

▶ "Happy New Year, Alan. No, wait, you had your New Year already, I'm so sorry. But Merry Hanukkah, Alan. No, wait, that's not right either, it's Happy Hanukkah, isn't it? C'mon, man, help me out here."



under the Blues program with a January 1, 2006, start.

- Agreed to reschedule bar leaders/judges meeting for November.
- Reviewed member request to review pricing of the adoption/termination publication fees in the law journal; agreed that President Silvis will contact attorney to discuss further.

NOVEMBER 15, 2005

Joint meeting with WBA Board and Court of Common Pleas.

- Reviewed Prothonotary's and Court Administrator's new procedure for scheduling arbitration; agreed to revert back to use of triplicate forms in the way that they previously were used to schedule arbitrations.
- Agreed that use of court orders to schedule attorneys for arbitration panels has been successful.
- Discussed raising court-appointed fees by \$5 to \$50 flat rate; no action taken.
- Discussed best way to promote mediation to family court lawyers and the public.
- Agreed that mediation education would be beneficial and agreed that domestic law mediation would be good for courts, clients, and especially children.

- Mr. Johnston will move mediation topic forward by conducting educational program for judges, attorneys, and public.
- Accepted Membership Committee's recommendations: Mark Wible, Michael Csonka, Mark Bolkovac, Theresa Rihn, James Stojs, Lou Anne Demosky, participating.
- Agreed to approve 2006 budget at December board meeting.
- Agreed to contact local legislators to explain WBA's opposition to HB 1906 (internet advertising to replace law journal and newspaper advertising) and the sales tax bill.
- Discussed recognition of veterans at the upcoming dinner dance.
- Agreed that group picture of veterans should be taken; President Silvis will say a few words after dinner.
- Agreed to invite "current" veterans Leo Ciaramitaro, Shawn Boyle and Gary Polsinelli as guests of WBA.
- Colburn Insurance agent Bob Cagna will meet with employees at end of November to explain change in health care benefits.
- Reviewed Building Committee report recommending room usage charges be implemented for bar members with one free usage allowed each calendar year; no action taken.
- Reviewed revised board reimbursement policy, submitted by Mr. Whelton and Mr. DeDiana; no action taken.
- Learned that grant money is available from Pennsylvania insurance trust fund to help with costs for renovating/improving bar headquarters to supplement costs that WBA incurs; no action taken.

Lawyers' Exchange

(Free to all members of the WBA)

LOCAL ATTORNEY seeks transactional associate position in Westmoreland County. Currently attaining MBA plus two years' legal experience includes business, tax, real estate and bankruptcy. Please contact the WBA for résumé.

SUITE OF OFFICES FOR RENT IN GREENSBURG Suite of offices available for rent across from the Courthouse with public metered parking behind the building. This is a smoke-free building. Please call 724-834-2102 for additional information.

CALENDAR OF EVENTS

JANUARY

- 2** Courthouse closed in observance of New Year's Day
- 11** Municipal Law, Noon
Membership, Noon
- 16** Courthouse closed in observance of Martin Luther King, Jr., Day
- 17** Family Law, Noon
Board Meeting, 4 p.m.
- 18** Ned J. Nakles American Inn of Court, 5 p.m.

FEBRUARY

- 3** WBA New Member Ceremony, *Westmoreland County Courthouse*
- 8** Real Estate, Noon
Membership, Noon
- 16** Elder Law/Orphans' Court, Noon
Ned J. Nakles American Inn of Court, 5 p.m.
- 20** Courthouse closed in observance of Presidents Day
- 21** Family Law, Noon
Board Meeting, 4 p.m.



Give the gift of hope this holiday season.

- **American Red Cross:** *Westmoreland County Chapter, 101 N Main St, Greensburg, PA 15601; www.westred.org*
- **Salvation Army:** *PO Box 945, Greensburg, PA 15601; www.salvationarmy.org*
- **United Way:** *1011 Old Salem Rd, Ste 101, Greensburg, PA 15601; www.unitedway4u.org*
- **Westmoreland County Food Bank:** *100 Devonshire Dr, Delmont, PA 15626; www.wcfb.net*

LAWYERS CONCERNED FOR LAWYERS CORNER

- 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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