



Sheriff's Office Announces Changes to Procedures

On May 9, 2006, Act 66 of 2005 went into effect, substantially altering the previous procedures applicable to the Uniform Firearms Act and the Protection From Abuse Act. In response to that legislation, the Sheriff's Office has implemented new procedures. The following are some examples of the recent changes:

PROTECTION FROM ABUSE

- (1) Within 24 hours after being served with a Protection From Abuse Order, a Defendant must relinquish all firearms to the Sheriff. Alternatively, the Defendant may ask a third party to apply for and secure a third-party safekeeping permit to hold the firearms for the duration of the order, pursuant to 23 Pa.C.S.A. § 6102(a).
- (2) The defendant may also relinquish weapons within 24 hours of service to a licensed firearms dealer for safekeeping for the duration of the order. An affidavit for relinquishment of firearms to a licensed dealer must be returned to the Sheriff's Office as proof of relinquishment.
- (3) The Protection From Abuse Order may now remain in effect for up to 36 months (three years) pursuant to 23 Pa.C.S.A. § 6108(d).
- (4) Pursuant to 23 Pa.C.S.A. § 6114(a), the Plaintiff, the police or the Sheriff may file Indirect Criminal Contempt (ICC) charges against a Defendant if weapons are not relinquished within 24 hours.
- (5) Pursuant to 23 Pa.C.S.A. § 6108.3, a new safekeeping permit must be issued for each case in which the Court requires a defendant to relinquish firearms.



REAL ESTATE

On May 1, 2006, the Westmoreland County Prothonotary's Office ceased forwarding all filings to the Sheriff's Office. As a result, the Office of Sheriff now receives all filings either by mail or in person. This has enabled the Sheriff to significantly reduce the

service time for the attorneys who are filing real estate sales by mail. The Sheriff's Office has a real estate packet that is specifically designed to assist attorneys in the procedures regarding all real estate filings. This packet is available at the Sheriff's Office and on the county's website at www.co.westmoreland.pa.us/sheriff. Follow the link for Sheriff Sale Info and click on Attorney Information Packet to download a PDF of the forms. The Office of Sheriff has also implemented a new accounting system. For deputized service of process in another county, the attorney is no longer required to submit checks made payable to the deputized county. Lawyers now merely have to designate the county to be deputized and pay the fees for that service to the Westmoreland County Sheriff's Office. The Sheriff's Office will then write the checks to the deputized county. This process helps the Sheriff keep an accurate total of all costs associated with that particular matter.



President's Message

Whatever Goes Around, Comes Around

by Rebecca A. Brammell, Esq.

You may know from the nervous twitch I have developed that I am a single parent of two teenage children, ages 18 and soon-to-be 17. As all parents know, on any given day they can be the most wonderful blessing or the greatest challenge.



In recent months, I have taken great interest in the studies of brain development in young adults. As it turns out, there is a developmental reason why your teenager stares at you blankly in the middle of a conversation about the laundry. There is a mental disconnect when you ask them to put their clothes in the laundry room and they respond, "What clothes?" These new studies indicate that young adults, up to age 25, just don't have full development of their frontal lobe, that part of the brain that helps make good decisions, that part of the brain that comprehends the connection between action and consequence.

So, can anyone tell me why it is that certain lawyers cannot seem to grasp the importance of extending the basic courtesies to colleagues when appropriate? Despite some incidents at the Bench/Bar Conference which might lead you to believe otherwise, all lawyers are over the age of 25 (18 at high school graduation + 4 years of college + 3 years of law school = 27 years give or take a couple semesters). Thus, even though their frontal lobes are presumably fully developed, there are still some among us who fail to recognize that a certain set of behaviors will cause a predictable response.

Recently I was involved in a case in which insurance carriers were

contesting which one of them was liable to provide representation for the Defendants. One defense attorney asked for an additional 30 days to file a responsive pleading, but Plaintiff's counsel would only agree to 10. When I asked for an additional 30 days for another Defendant, Plaintiff's counsel simply said no, and blamed his decision on his client's insistence on a speedy resolution.

I guess I always thought that the lawyer controlled the case, not the client; that it was the lawyer's role to impose reason upon the chaos of litigation, and to do so without the

hope and pray I'm on the other side when he does. Then perhaps the full implication of his prior conduct will come crashing down upon his 24-year-old frontal lobes. No matter what, whatever goes around comes around.

I understand that with the immaturity of youth comes an impairment of one's ability to see the consequences of one's actions, and accordingly I will pray for patience when I remind my children for the 2,000th time about the location of the clothes hamper. But a lawyer who can't see beyond the moment needs to take

A lawyer who can't see beyond the moment needs to take another look. Grasping the distinction between zealous representation and being a jerk is sometimes subtle, and sometimes that second look can make all the difference.

emotions that can cloud a client's judgment. Perhaps being a bit miffed at Plaintiff's counsel for being so unreasonable in response to such a routine request for an extension to file a responsive pleading, the trial judge granted the Defendant an additional 45 days. When Plaintiff's counsel vehemently objected, the Judge admonished him by saying that, "maybe he wasn't starting the case off on the right foot."

Doesn't this lawyer understand that someday—maybe not in this case but surely in another—he will need to ask for a professional courtesy? I can only

another look. Grasping the distinction between zealous representation and being a jerk is sometimes subtle, and sometimes that second look can make all the difference.

Now, I know you're dying for me to tell you who of our bar was such a jerk. And I would have, too, but for the second look the editor gave to the laws of libel and slander. At least I can tell you that it was not a Westmoreland County lawyer. And, if you ask me nicely, maybe I'll whisper some names in your ear.

Day by day,

Rebecca A. Brammell

Judge McCormick Receives PBA Everyday Leader Award

The Hon. Richard E. McCormick, Jr., received the Everyday Leader Award from the Pennsylvania Bar Association (PBA). The award was presented to Judge McCormick by PBA President Kenneth J. Horoho, Jr., at a reception at the Palace Theatre in Greensburg in July.

“The Everyday Leader Award is given to individuals who go above and beyond, sharing their time and talent to benefit others,” said President Horoho. “These unsung heroes work hard each and every day performing good works, not for personal gain or recognition, but for the right reasons—to improve the places they call home and to better Pennsylvania’s legal system. Judge McCormick is one of these ‘everyday leaders’ and is deserving of this award in gratitude of his contributions to the Westmoreland County area.”

Judge McCormick was chosen for the award because of his long-time involvement with the Greensburg-Salem High School’s mock trial team, which dates back to 1988 when he and his wife, Kathleen, were the attorney and teacher coaches. Judith Washburn took over as the teacher-coach in 1995. In recent years, Greensburg-Salem has dominated the local competition, winning every county



▲ The Hon. Richard E. McCormick, Jr., (center) receives the Everyday Leader Award from PBA President Kenneth J. Horoho, Jr., (second from right). Also shown (from left to right) are WBA President Rebecca A. Brammell, PBA Zone Governor Robert I. Johnston and PBA Secretary Daniel Joseph.

championship since 1999 and every regional competition since 2000. Greensburg-Salem teams captured the state championship in 2001, 2005 and 2006, and moved on to the national competition where they placed 18th, 12th and 4th respectively.

“Judge McCormick is instrumental in the ongoing successes of Greensburg-Salem High School’s mock trial teams, including the 2006 team’s victories, being named state mock trial champions and placing fourth in national competition,” said President Horoho.

“The mock trial program gives area high school students first-hand experiences with the legal system and develops communication, teamwork and analytical skills. We’re proud of the coaching support and guidance that Judge McCormick and other members of the Westmoreland Bar Association are providing these young people.”

Judge McCormick was appointed to the 10th Judicial District of the Court of Common Pleas in 1990. He previously served as solicitor for the City of Greensburg and was a public defender in Westmoreland County. He also was a partner in the firm of Stewart, McCormick, McArdle and Sorice. McCormick is a graduate of Duquesne University and a *cum laude* graduate of Duquesne University School of Law.



Your Other Partner

the **sidebar**

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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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Remembering Ana M. Cottone

by Beth Orbison, Esq.

With the passing of Ana Marie Cottone on June 4, 2006, the Westmoreland Bar Association lost one of its most vibrant members. Ana was a sole practitioner who maintained an office in Irwin.

I first met Ana when Judge McCormick employed her as an intern in the spring of 2003. She was a third-year law student at the University of Pittsburgh School of Law. By the end of her first day, everyone in the office was smitten with her vibrant personality, her enthusiasm and her genuine desire to learn and work.

Writing had always been Ana's passion. She attended California University of Pennsylvania, while writing for the Rock N' Roll Reporter, and graduated from the University of Pittsburgh—where she was on the Dean's List—with a Bachelor's Degree

in English Writing. While at Pitt, she created and maintained an advice column in the UPG Press entitled "Ask Ana." In addition, she distinguished herself as a prolific writer for The Pittsburgh City Paper, authoring several articles which ranged in topics from "Female Angst in the 90's," to "Lay Your Hands On Me; Psychic Healers? Spirit Guides? Alternative medical advice from everyone from local hospitals to John The Baptist."

In 2003, she graduated from the University of Pittsburgh School of Law, where she was a research editor for the Journal of Technology, Law & Policy.

Ana was a member of Immaculate Conception Church in Irwin, and she was devoted to community service. She served as a volunteer with the

Good News Jail & Prison Ministry, providing support to and advocating on behalf of persons who were incarcerated.

As WBA Executive Director Diane

Krivoniak said: "Yes, she was a non-conformist, and yes, she was a free spirit, but she was creative, persuasive, and tenacious, and when Ana walked into a room, her smile and energy were contagious."

Ana was very grateful to those members of the bar association who mentored her as a fledgling lawyer. But it was the love and support of her parents,

Mary and Benito Cottone, for which she always expressed the most thanks. Her mother described her as "a very affectionate and loving daughter."

Ana is survived by her parents and her 15-year-old daughter, Alicia.



▲ Ana Cottone



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practice tips

The “New” Eminent Domain Code of 2006

by Robert P. Lightcap, Esq., and Daniel J. Hewitt, Esq.

The New Eminent Domain Code, adopted May 4, 2006, is applicable to all condemnations filed on or after September 1, 2006. The following is a brief synopsis of the differences between the New Code and the Old Code.

NEW CODE	OLD CODE
Public Use Provisions	
Prohibits taking of private property for use by private enterprise. <i>Exceptions to Prohibition:</i> Urban Renewal Projects involving blight or which are approved prior to effective date of New Code, properties which are a public nuisance, abandoned or are otherwise unfit for human habitation.	No such prohibition if public purpose standards are otherwise met. Urban Renewal Projects governed by Urban Renewal Act of 1945, liberally construed.
Extra Territorial Takings	
No political subdivision may condemn property outside its geographic boundaries without permission of the governing body of that political subdivision.	No such limitation.
Agricultural Property	
No condemnations permitted without first obtaining approval of the Agricultural Board.	No such limitation; however, may be limited by other laws.
Procedure	
Basic procedure is the same, with the following changes: • Preliminary Objections: Broader use permitted, with failure to file POs resulting in waiver of substantial rights.	Preliminary objections limited.

NEW CODE	OLD CODE
<ul style="list-style-type: none"> • Notice Provisions: Mortgagees and lien holders entitled to notice at all stages of the proceedings. • Process/Notice Service: Only approved mail service is registered mail. 	<p>No such requirement.</p> <p>Service and notice permitted by certified mail and registered mail.</p>
Estimate of Just Compensation (EJC)	
No EJC requirement if condemnor has right to assess property for special benefits.	EJC required in all situations.
Relinquishment and Abandonment	
<ul style="list-style-type: none"> • Declaration of Relinquishment: Must file within two (2) years after Declaration of Taking. 	Must file within one (1) year after Declaration of Taking.

continued on page 6

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The “New” Eminent Domain Code *continued from page 5*

NEW CODE	OLD CODE
<ul style="list-style-type: none"> • Abandonment of Project: Condemnor must offer property back to condemnee if project is abandoned within ten (10) years. 	Condemnor must offer property back to condemnee if project is abandoned within three (3) years.
De Facto Takings	
<ul style="list-style-type: none"> • Petition: Required to set forth factual basis of claim. • Court Determination: Statute requires trial court to make determination of whether a condemnation occurred and date of taking prior to appointing Board of Viewers. • Preliminary Objections: Have to be filed within thirty (30) days. • Answer and New Matter: Provides for Answer and New Matter when Preliminary Objections are filed. 	<p>No such requirement.</p> <p>Court required to make findings only when Preliminary Objections filed. Board of Viewers normally determined date of taking.</p> <p>Have to be filed within twenty (20) days.</p> <p>No provision for Answer and New Matter.</p>
Right of Entry	
Provides that right of entry prior to condemnation for engineering does not constitute a taking.	Silent on issue.
Petition for Appointment of Viewers	
<ul style="list-style-type: none"> • Combines procedural form for petition, whether filed by condemnor or condemnee. • Caption: Mandates that condemnee be listed as Plaintiff and condemnor as Defendant. • Displaced Persons: Displaced persons may file petition. 	<p>Separate requirements for petition when filed by condemnee or condemnor.</p> <p>Provides for condemnee to be listed as Plaintiff, without mention of condemnor.</p> <p>Silent as to whether displaced persons may file as condemnee.</p>

NEW CODE	OLD CODE
Unity of Use	
Broadens definition of ownership in Unity of Use cases.	May limit Unity of Use cases to identical ownership situations.
Attorney's Fees	
Increases attorney's fees and other reimbursements to \$4,000 per owner.	Limits attorney's fees and other reimbursements to \$500 per owner.
Damages	
<p>Damages are basically the same in both Codes with several exceptions.</p> <ul style="list-style-type: none"> • Loss of Rents: Permits recovery of loss of rents due to imminence of condemnation. • Delay Damages: Establishes interest rate at prime rate +1%. 	<p>No such recovery permitted.</p> <p>Statutory interest rate of six (6%) percent previously declared unconstitutional, with court normally permitting interest of prime rate +2% floating.</p>
Special Damages	
Provisions result in benefits for moving expenses, replacement housing (homeowners and tenants), farms and businesses to levels in excess of the federal guidelines.	Provisions of Old Code track federal guidelines.
Verdicts and Appeals	
<ul style="list-style-type: none"> • Verdicts: Requires court to mold verdicts to deduct any EJC previously paid. • Appeals: Provides for expedited appeals where trial court certifies importance of case. 	<p>No requirement for court to mold verdicts.</p> <p>No such provision.</p>
Statutes of Limitation	
Generally, six (6) year statute in all cases.	Different statutes apply ranging from five (5) years to twenty-one (21) years, depending on the issue.

Spotlight on Ralph Conrad



Q WHAT JOBS HAVE YOU HAD PRIOR TO BECOMING AN ATTORNEY?

A Ninth grade Civics Teacher, Anne Arundel County, Md.

Q WHICH WAS YOUR FAVORITE AND WHY?

A Well it wasn't teaching, since I subjected myself to the draft in 1970 by quitting teaching and going to law school.

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

A Listening to a client on the day after his return from his honeymoon file for divorce.



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

A Being a "counselor" at law.

Q WHAT IS YOUR FAVORITE JOURNEY?

A Following the 11th Georgia Regiment July 3, 1861, from Atlanta, Ga., to Appomattox Courthouse, Va., April 9, 1865.

Q WHAT IS YOUR GREATEST REGRET?

A I'm still too young to have regrets.

Q WHO ARE YOUR REAL-LIFE HEROES?

A Robert E. Lee.

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

A Your clients' problems are not your problems; don't personalize them.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Convincing my wife to put up with me for 37 years.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A Beautiful golf course and a six pack.

Q WHAT ARE YOUR MOST TREASURED POSSESSIONS?

A My wife and son, although they're not really "possessions."

Q WHAT IS IT THAT YOU MOST DISLIKE?

continued on page 8



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Spotlight on Ralph Conrad

continued from page 7

A New York City.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Golf shirts.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A Shoot 67 on a regular basis.

Q WHAT QUALITY DO YOU ADMIRE MOST IN YOUR FRIENDS?

A Being down to earth.

Q WHAT LIVING PERSON DO YOU MOST ADMIRE?

A Justice Clarence Thomas.

Q WHAT IS YOUR MOTTO?

A You are what you are, and you ain't what you ain't. (Courtesy of John Prine)



YWCA Literacy Program Seeking Space

The YWCA of Westmoreland County is in need of space to conduct book sorting for the thousands of books that are annually donated to support literacy programs in Westmoreland County. A loyal group of volunteers sorts and categorizes the books that are dropped off each week at the literacy storage barn on the rear of the YWCA property. At least 500 square feet of basement space, which will be used on Wednesday afternoons only, is needed to house the volunteer book sorting program. Storage space for the “sorted” books would also be helpful, as well as access to a dumpster.

The YWCA manages the county’s Adult Basic Literacy program and an English as a Second Language (ESL) program. Funding for the programs comes, in part, from the Annual Used Book Sale at Westmoreland Mall held annually on the last full weekend of September. This year’s sale runs from September 21–24. If you have space that you may want to donate for this project, please contact Bonnie Lewis at the YWCA at 724-834-9390 or by email at BonnieL@ywcawestmoreland.org.



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My First Bench/Bar:

An Exceptional Experience

by Carol A. Bucci, Esq.

The advance promoters of the 2006 Bench/Bar Conference (mainly my Super Bowl Sunday mediation crowd), who convinced me I couldn't last another year without attending, had created skyscraper-high expectations in me. Who would have thought that those expectations could be exceeded? While I was prepared for meeting new people, having stimulating discussions, as well as fellowship and fun (over a few Glenlives), I also left the conference feeling very proud to be a member of the Westmoreland Bar Association.

For those of you accustomed to attending the Bench/Bar, it has perhaps become the norm. However, as a new attendee to the Bench/Bar, and only recently a more involved Bar member, I see that we all should feel very honored by and proud of the collegiality, *esprit*, and genuine kindness that exist within our Bar. The strong support for one another and seeming lack of competitiveness amongst the members is truly unique. While it is *de rigueur* to inject a lot of fun into the activities of the conference, it is quickly apparent that there is a brotherhood and sisterhood that exists, allowing for all attendees to be welcomed and included, regardless of whether it is your twenty-fifth return trip or your first.

It was also apparent from the initial CLE offering of "To Kill a Mockingbird," with narration and discussion led by Judge Irving Bloom and John Scales, to the

concluding session on Federal Court mandatory ADR led by Judge Ambrose, that learning experiences are best provided in an atmosphere of casual good humor—sometimes even boisterous laughter!

The Thursday evening post-dinner entertainment by Judge Feliciani's Scotty's Blues Peddlers Band, with James Boggs jamming on his saxophone in perfect harmony, and karaoke provided by many lawyers in not-so-perfect harmony was outstanding. I had flashbacks to my college days in discotheques—only this time the music was better, the crowd was friendlier, and instead of a glitter ball above, there was the beautiful open starry sky as our ceiling.

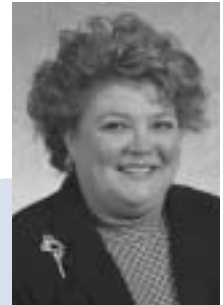
Regardless of one's particular hobby or avocation, you could always find something entertaining to do and others interested in doing it with you. Mother Nature blessed us with breathtaking weather so the outside activities of golfing, tennis, biking, hiking or lazing by the pool were eagerly sought.

The Bench/Bar Committee certainly did a tremendous job of garnering sponsors for this conference. The generosity of the sponsors for various meals and events allow everyone to enjoy these conferences without it being a financial issue for any of the attendees, their firms, or their organizations. I'm sure we all want to thank these gracious sponsors for their time and support.

Now, as to the venue. Not having attended before, I have nothing to compare the Mountaineer Resort to for a Bench/Bar Conference. However, I thoroughly enjoyed this location. Not being a gambler, I dutifully spent my \$20 and stopped. Nonetheless, the lights, the noise and the excitement of the casino lent a certain atmosphere of festivity to the entire place.

Also, the horse races Friday evening were great (again even if you're not into high stakes betting, it's just fun to bet a little, watch and pretend!) The accommodations and food were fine and it's an easy drive from Greensburg.

continued on page 10



▲ Carol Bucci

SEE PAGES 10 & 11 FOR PHOTOS FROM THE 2006 BENCH/BAR!



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Candid Camera: 2006 Bench/Bar Conference

continued from page 9

Now, let's discuss the Young Lawyers' hospitality suites. The young lawyers lived up to their reputation of good and bountiful hosts. I have to say—Les Mlakar's "marinated" contributions to the hospitality suite, augmented with Peggy Tremba's chocolate fondue, will be a favorite memory.

In closing, on that proverbial scale of one to ten, I give this Bench/Bar a full ten. It had a good beat and was easy to dance to.



◀ *With great aplomb, Mike makes his way to the table with his dinner without letting on about the rodent he spotted lying dead on the floor.*

"Because they help me see the ceiling, that's why."



▲ *And yes, Becky was reluctant to assume the presidency of the WBA until the Board convinced her it was really a coronation.*



▲ *"Damn! Ants."*



▶ *"If it's a Cuban, sure, I'll decide the case in your favor."*



▲ *As usual, Peggy assumes her post under a streetlight and soon attracts a crowd.*



▲ *Lacking a handy knife, Sandy falls back upon her Tae Kwon Do training to slice her sandwich.*



▶ *"You put your right foot in, you put your right foot out ..."*

"And the next contestant in the WBA Annual Best Beer Gut Exposition is ..."



▲ *"Of course I've had a few too many. How else could I tell you how badly you butchered my last two cases?"*



▲ *"Yeah, I like this well enough, but when we're done, can we do the Bunny Hop?"*

◀ *"I don't know what it is, but I'm going to eat it."*

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Lazzaro Appointed Co-Chair of PBA UPL Committee

BRIEFLY SPEAKING

Galloway Elected Treasurer of PBI Board of Directors



▲ Joe Lazzaro

Pennsylvania Bar Association President Kenneth J. Horoho, Jr., announced the appointment of Joe Lazzaro as Co-Chair of the Unauthorized Practice of Law (UPL) Committee at the PBA's Annual Meeting in Hershey on June 8, 2006.

In connection with his appointment, Joe attended the Chair Leadership Conference in Mechanicsburg and chaired the UPL Committee Meeting in Harrisburg on July 19. He also served as a faculty member in the Ethics Lecture Series of the PBI on August 24, at the Omni William Penn in Pittsburgh.

Joe currently serves as Co-Chair of the UPL Committee of the Westmoreland Bar Association, along with Aaron Kress. He is a partner with Kratzenberg & Lazzaro, with offices in Greensburg and White Oak.



▲ Dick Galloway

Richard H. Galloway was elected Treasurer of the Board of Directors of the Pennsylvania Bar Institute at the organization's annual meeting held in June.

PBI was organized in 1965 by the Pennsylvania Bar Association to provide continuing legal education to lawyers, judges, and members of the public interested in law, throughout Pennsylvania. The Institute provides seminars and publications for lawyers in every corner of the Commonwealth, at every level of experience, and in every field of practice. PBI is a nonprofit, self-sustaining organization supported by revenues derived from course enrollments, the sale of publications and online services. PBI relies on the volunteer efforts of over 2,000 of Pennsylvania's most experienced lawyers and judges who annually donate their time and expertise to PBI's educational services.

Dick is a partner in the firm of QuatriniRaffertyGalloway PC, in Greensburg.

Johnston Named PBA Zone Governor

Robert I. Johnston, a partner in Belden Law in Greensburg, began a three-year term on the Pennsylvania Bar Association's Board of Governors at the close of the organization's annual meeting June 7–9 in Hershey.

One of 12 zone governors who serve on the PBA board, Bob represents Fayette, Greene, Washington and Westmoreland county lawyers.

A long-time member of the PBA Professional Liability Committee, Bob served as its chair in 2000–2004. He has been a member of the PBA House of Delegates since 1997. Bob served as president of the Westmoreland Bar Association in 2004–2005. He is a co-founder and the first president of the Ned J. Nakles Inn of Court.



▲ Bob Johnston

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To-Wit: Slam Dunk

by S. Sponte, Esq.

It started out as the kind of call I'd received maybe a thousand times in my career. "Hi," a familiar voice said on the other end, "it's _____," identifying himself by his first name only, a colleague I have known and respected for many years. That alone made the call unique. I was tempted to ask if he was calling from his cell phone and if he was using Cingular, but that was just way too esoteric. I wasn't even sure that I got the joke.

"And to what do I owe the honor of a call from such a distinguished colleague," I inquired instead, with a sincerity I usually have to fake.

"I'm calling you on the Smith case, I just wanted to let you know that I'll be representing the defendants," he said.

"Ah, so this is my opponent," I thought to myself, "that answers that question." It's a kind of game I play. Ever since I was a baby lawyer, I've

always wondered, as I slid a new complaint across the desk at the Prothonotary's Office, with whom I would end up doing battle. I could never imagine who would possibly be foolish enough to get in my way, to oppose the intellectual juggernaut, the elemental force of law and nature that is me on the hunt. Would it be Clarence Darrow? F. Lee Bailey? Myron Rabinowitz? It didn't matter, not really, for once awakened, the litigious monster sleeping barely beneath the surface of my soul becomes hell bent on kicking ass, and it just isn't all that particular whose ass it is.

And with this lawsuit it mattered less than usual, for if ever there is such a thing as a slam dunk lawsuit, this was it. My clients had signed a contract to buy a home, and the sellers simply reneged. There was no defense, and the only explanation that they proffered, in writing, praised be, was

that they had simply changed their minds.

Oh happy days, a slam dunk. It was going to be like sheep and slaughter. I could taste the mint jelly already. Of course I had told my clients that this was indeed murky waters and that it would require yeoman's work to put things right. Such embellishments serve well to prepare clients for the cauldron that is always litigation, easy or not. It also serves well to hasten the arrival of the retainer. But this was indeed a slam dunk, the Holy Grail of litigation, except this chalice actually exists. So eager was I to get on with it, my slam dunk, that I filed a complaint to compel specific performance even before the retainer check had cleared.

continued on page 14



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To-Wit: Slam Dunk *continued from page 13*

At night, in my bed, I had already begun practicing my cross examination. “Are you lying now or were you lying then?” “When did you stop beating your wife?” “Are you being stupid or just evasive?” They were great, combative questions, designed to draw blood. If only I could figure out a way to work them into this case, I’d be as happy as a pig in swill.

I already knew the applicable law and I already knew the procedure, things that of late I find myself saying with less and less frequency. This must be how my father used to feel whenever he got an order for inventory that had sat unsold in the warehouse for years—found money. Oh, oh oh, and it was a slam dunk to boot. Life can be so sweet.

“Yeah,” my colleague continued on the phone, “I’ve looked at the complaint and I’ve seen the agreement of sale, and I told my clients they haven’t

a prayer. So how’s about we close with your clients next week? Deal?”

“Just who the hell do you think you are?” my brain uttered, but good sense refused to let my lips form the words. I was outraged, simply outraged. My slam dunk, my precious slam dunk,

Everyone will be happy—everyone, that is, but me.

was gone. There would be victory, to be sure, but there would be no slaughter, no bloodshed, only success, a pittance compared to the elegant, vicious massacre I had so lovingly envisioned.

What choice did I have? Oh sure, I could have turned the deal down, I could have said, “Not on your life, your misbegotten clients asked for this and now they’re going to get it.” But

that would have been a hard sell to my clients, and perhaps raised an eyebrow or two at the Disciplinary Committee to boot. Once again I had to steel myself to the notion that my clients’ needs come first. If my needs remain unfulfilled, well, so be it. I can always go home and kick the dog.

So the case got settled. My clients will get their house, it was resolved relatively swiftly and painlessly, and it was an effective use of the litigation process. Everyone will be happy—everyone, that is, but me.

Oh well, such is life in the law. I’ve had a few slam dunks in the past and no doubt a few more will come my way. Until that blessed event, I’ll just have to keep my teeth sharp. This morning my secretary asked to go home early on Friday. This seems as good a time as any to deal with it.

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Westmoreland Revisited

Dr. Frank Cowan, Poet Laureate of the Westmoreland Bar

by *The Hon. Daniel J. Ackerman, President Judge*

Editor's note: In this space, the sidebar aspires to revisit, through this and other contributors, lawyers from the past who played significant roles in the history of Westmoreland County.

I have heard it lamented, from those about my age, that we are losing the colorful characters at the bar, those lawyers whose eccentricities and *joi de vie* make them appear larger than life, and of whom we are a little envious. We don't always recognize them when they are in our midst, they seem mostly as inhabitants of prior generations. Were they so outlandish or are they myths? Consider, if you will, Frank Cowan—lawyer, physician, poet and world traveler.

One of three children of Edgar and Lucy Cowan, Frank Cowan was born in 1844. Growing in the reflection of his prominent father, a greatly admired lawyer, who in 1861 became the first and only United States Senator from Westmoreland County, Frank took the expected course of studying law in his father's office. This course of study was preceded by a classical education at Washington and Jefferson College, which was cut short by some undisclosed event which most writers have referred to as "a prank."

Following his father to Washington, Frank was admitted to the bar of the United States Supreme Court in 1865.

A year later, he became secretary to President Andrew Johnson. He held this position until Johnson left office in 1869, the same year Cowan graduated from the Georgetown Medical College, demonstrating an ability to manage the demands of medical school and his secretarial duties to the president at the same time.

As valedictorian of his medical school class, he delivered the commencement address in three parts;

one delivered in English to the general audience, one in Latin to his fellow students, and one in Greek to the faculty.

Following his years in Washington, he returned to Greensburg to practice both law and medicine, but his interests

could not be confined. In 1872, he founded Frank Cowan's Paper, a newspaper which became an authoritative source on the subject

of coal mining and oil and gas exploration.

His life left little time for a full-time law practice. However, his outspokenness, lack of inhibition and adroitness with language made his pleadings so colorful and popular that they were routinely stolen from the prothonotary's office for the amusement they caused.

With a senator for a father, it seemed natural he would seek office, and he did. He declared himself a

candidate for Congress and then promptly left for an eighteen-month tour of Europe. He lost the election, of course, but had a most satisfying campaign.

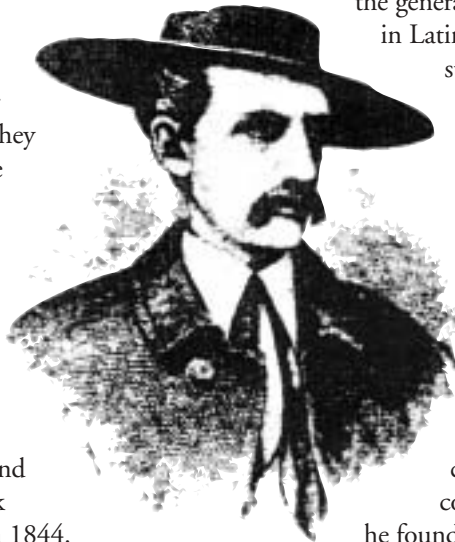
Travel became a priority. He sailed around the world and, with the exception of Boston, he claimed to have visited every major city on the planet. The exclusion of Boston was never

explained. He was the first American, and possibly the first Westerner, to visit Korea. In 1888, he published "Principals and Practice of Medicine in Corea" (then spelled with a "C").

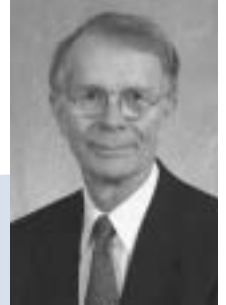
Today, if you type Frank Cowan's name into an internet search engine, you will find that he is recognized not for professional accomplishments, but as a poet and writer; his titles (*see box on page 16*) conjure visions of exotic destinations. Most who have commented on his poetry give it slight praise. The poems are long and ponderous, but that might be said of quite a few highly regarded nineteenth century works. What is important is that he was moved by these sites and experiences, and his enthusiasm compelled their recording. His sense of wonder is never disguised. He wrote:

*Within this beautiful and
wonderous world,
The fairest and fertilest
of lands,
Boned by the Ghauts and
the sublime Himal'yas,
Veined by the holiest of
streams, the Ganges...*

continued on page 16



▲
Dr. Frank Cowan



▲
The Hon. Daniel J. Ackerman

FRANK COWAN

Poetry

Southwestern Pennsylvania in Song and Story ... With an Appendix: The Battle Ballads and Other Poems of Southwestern Pennsylvania (Greensburg, Pennsylvania: Privately printed, 1878)

The City of the Royal Palm, and Other Poems (Rio de Janeiro: Printed by A.J. Lamoureux & Co., 1884)

A Visit in Verse to Halemaumau (Honolulu: P.C. Advertiser Steam Print, 1885)

Fact and Fancy in New Zealand: The Terraces of Rotomahana, a Poem (Auckland, New Zealand: H. Brett, 1885)

Australia: A Charcoal-sketch (Greensburg, Pennsylvania: Printed at the Press Printing House, 1886)

The Meaning of the Monument: A Poem (Pittsburgh: Wm. G. Johnston & Co., Printers and Stationers, 1887)

The Poetic Works of Frank Cowan (Greensburg, [sic] Pennsylvania: Oliver Publishing House, 1892)

The Taj Mahal: A Poem (Greensburg, [sic] Pennsylvania: Oliver Publishing House, 1894)

Writings

Frank Cowan, *Zomara, a Romance of Spain* (Pittsburgh, Pennsylvania: [Stevenson & Foster, Printers], 1878)

Southwestern Pennsylvania in Song and Story (Greensburg, Pennsylvania: Printed by the Author, 1878)

An American Story Book, Short Stories from Studies of Life in Southwestern Pennsylvania, pathetic, tragic, humorous, and grotesque (Greensburg, Pennsylvania: Stevenson and Foster, 1881)

What I saw in India, While on the Wallaby Around the world: two lectures, with notes and illustrations, and a poem, entitled, the Taj (Greensburg, [sic] Pennsylvania: Oliver Publishing House, 1888)

Principles and Practice of Medicine in Corea [sic] (Greensburg, [sic] Pennsylvania: Oliver Publishing House, 1888)

Revi-Lona: A Romance of Love in a Marvellous Land (Greensburg, [sic] Pennsylvania: Tribune Press, 1890-1899?) (New York: Arno Press, 1978) (Boise, Idaho: Kessinger Publishing Co., 2003)

English Words in South Sea languages: Hawaiian, Maori, Tahitian and Australian. With an essay on their significance (Greensburg, [sic] Pennsylvania: Oliver Publishing House, 1894)

Andrew Johnson, President of the United States: Reminiscences of His Private Life and Character (Greensburg, [sic] Pennsylvania: Oliver Publishing House, 1894)

David Alter, the Discoverer of Spectrum Analysis; A Sketch of His Life and Labors (Greensburg, [sic] Pennsylvania: Oliver Publishing House, 3rd ed., 1894)

SOURCE

Oscar Fay Adams, *A Dictionary of American Authors 77* (Boston: Houghton, Mifflin and Company, 1899)

Dr. Frank Cowan

continued from page 15

“The Taj Mahal,” *The Poetic Works of Frank Cowan*, Oliver Publishing House, 1892, p. 159. I think his critics have missed the mark and we should envy his writings which, for this generation of lawyers, exceeds the pleasure of writing about stacked insurance coverage.

Cowan was also immersed in Nordic mythology. He named his estate “Mt. Odin” and everything associated with it was given a Nordic name. The grounds contained three concentric roads, “Untgard,” “Midgard” and “Ossgard,” leading to his four-story mansion encircled by a porch. The upper floors, designated as “Valhalla,” displayed his collection of curiosities he had gathered on his journeys. Mt. Odin was one of the first experimental farms, and on it he grew over 2,000 varieties of plants. During the period between his death and the creation of the present park, the mansion was utilized as the Pennsylvania State Police barracks. Cowan designed and built a Viking boat (*pictured on opposite page*), which he directed that he be buried in it at the highest point of Mt. Odin, “which I have selected for my symbolic sailing over the sea of Apalachia ...” His heirs, however, as heirs sometimes do, disregarded his instructions and he was buried in St. Clair Cemetery.

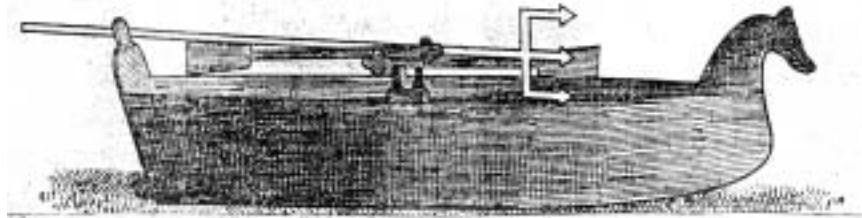
In spite of, or perhaps because of, his fixation with the mythology of the Vikings, Cowan was not a religious man. When an atheist or an “unchurched” member of the community died, it was usually Cowan who came forward to deliver the eulogy. When a gallows was specially built at the Westmoreland County Jail for a double hanging, Cowan purchased it from the county after the fact and had it rebuilt on the lawn of his mansion. When asked if he thought the object of execution was a

morbid symbol, he demurred, noting that the Christian Cross was a similar instrument.

Despite his eccentricities, Cowan cared for people and, in particular, for this community. His will provided that thirty years after his death, Mt. Odin should become the property of the City of Greensburg, “as a place of play—recreation and social enjoyment,” which it is to this day. Mt. Odin was not Cowan’s only contribution to the city. A plaque on the clubhouse at the Mt. Odin Golf Course reminds us that he was a co-founder of Westmoreland Hospital in 1895. In addition to serving on the first board of directors, he was the hospital’s general superintendent.

During his last illness, he wrote:

Now, it is true I am sick—very sick; and have been for ten months—afflicted originally with La Grippe, and suffering along with the variable consequences of that diabolic disease, ranging in my case from jimjams to labor pains—happily the latter not so characteristic as to necessitate the summoning of an accoucheur. Now, in this great length of time and with this especially protean



▲ *Frank Cowan designed and built this Viking boat, and directed that he be buried in it at the highest point of his estate, Mt. Odin, “which I have selected for my symbolic sailing over the sea of Apalachia ...” His heirs, however, as heirs sometimes do, disregarded his instructions and he was buried in St. Clair Cemetery.*

malady, I have been going up and down, like the old proverbial sucker in a pump-stock or the new boy in an elevator; and betimes I have been reported dying, dead, damned or saved—the last especially after a visit from the Rev. Stanley L. Krebs, the noted divine and celebrated lecturer and my very particular friend, who comes to see me now and then ...

The man who the press would call the “Sage of Mt. Odin” died peacefully in his sleep on February 12, 1905.

SOURCES

- Cowan Papers, Edward H. Hahn Archives, Westmoreland Historical Society.
- George Swetman, *Pittsylvania’s Most Excentric Genius*, Pittsburgh Press (12/9/73).
- John W. Pollins, II, *Frank Cowan, a Biographical Sketch* (an address given before the Historical Society of Westmoreland County) (1948).
- Wash Gjebre, *A Century of Healing and Caring* (commemorating the 100th Anniversary of Westmoreland Regional Hospital) (1995).



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— Jackson, J. *American Communications Assoc., C.I.O. v. Douds*, 339 US 382 (1950)

“The acme of judicial distinction means the ability to look a lawyer straight in the eye for two hours and not to hear a damned word he says.”

— John Marshall, retort to a young lawyer, 4 Beveridge, *Life of Marshall*, ch. 2

Committee Reports

Nominations Being Accepted for Board, Committees

Nominating Committee

The Nominating Committee of the Westmoreland Bar Association is accepting applications for positions on the Board of Directors, Membership Committee and Building Committee. Any member interested in running for these positions should send a letter of application to the Chair of the Nominating Committee, c/o the WBA, by September 30, 2006. If you know of a qualified candidate who is willing to serve, you may nominate that member in the same fashion. The positions will be filled at the Annual Meeting of the association to be held in April 2007.

Nominees must be active, participating members of the WBA. The responsibilities for each position are as follows:

BOARD OF DIRECTORS

The Board of Directors ensures that the WBA's mission, services, policies and programs are carried out. Applicants should have experience in WBA activities such as chairing a committee, attending bar functions and being active in the bar community. In addition, they must be able to think clearly and creatively, and work well with people, individually and in a group. One four-year term is available. The Director will:

- Attend all board and appropriate committee meetings and special events.
- Serve on committees and offer to take on special assignments.
- Inform others about the organization and its activities and functions.
- Assist the board in carrying out its fiduciary responsibilities, such as reviewing the organization's annual financial statements.

- Take responsibility and follow through on given assignments.
- Contribute personal and financial resources in a generous way according to circumstances.
- Open doors in the community.

MEMBERSHIP COMMITTEE

The Membership Committee is the first point of contact that most applicants have with the WBA. One five-year term is available. The Membership Committee member will:

- Attend monthly committee meetings.
- Personally interview and educate applicants on the workings of the WBA, including committee assignments, staff responsibilities, and new lawyer opportunities such as the mentor program, the Young Lawyers, and Pro Bono.
- Make recommendations for membership eligibility with specific recommendation for membership class.

BUILDING COMMITTEE

The Building Committee is responsible for maintaining the management and upkeep of Bar Headquarters. One five-year term is available. The Building Committee member will:

- Attend quarterly committee meetings.
- Be knowledgeable about the utilization of Bar Headquarters for business and social functions.
- Help to develop annual budget for operation of building.
- Make recommendations to Board of Directors on matters of concern in building upkeep.

Real Estate Committee

The Real Estate Committee is meeting on Wednesday, September 13, 2006, at Noon at the Westmoreland Bar Association headquarters. The agenda for this meeting will include discussion of Act No. 2006-52 which substantially amended the Mechanics Lien Law. Additionally, the Committee will discuss the previous changes made to Residential Real Estate Transfer law regarding Seller's disclosures and home inspections.

At the July meeting, the Committee discussed the impact of the Superior court decision in *Washington Mutual Bank, F.A. S/B/M to Washington Mutual Home Loans, Inc. v. Barnhart v. Allegheny Energy Federal Credit Union* regarding what is required to effectively request the closing of a line of credit account and the satisfaction of the Mortgage on the public record.

The Committee was also advised of the recent bill signed into law by the Governor which represented the legislative response to the Supreme Court's decision in the *Sherwood* case. The Act sets forth what is now required for perfecting correct recording and indexing of certain documents in the Recorder of Deeds Office in Pennsylvania. It was acknowledged that State Representative Jess M. Stairs was a moving sponsor of this bill.

Submit your committee's news, events or reminders for publication in the September–October issue of the sidebar.

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

bookmark

What I Read When Not Absorbed In All Those Exhilarating Appellate Briefs

by *The Hon. Joseph A. Hudock*

LOVE ME ❖ by *Garrison Keillor* ❖

Hilarious novel by the star of *Prairie Home Companion* and the best-known resident of Lake Wobegon.



▲ *The Hon. Joseph A. Hudock*

The hero is an aspiring writer living in St. Paul, Minn., who ekes out a living washing dishes, working in a mail room, and writing short stories but who dreams of writing for *The New Yorker* magazine.

He marries his college sweetheart, who is a true-blue feminist out to save the

world and who loves her birthday celebrations above all else. She tells the hero, "I would forgive you if you decided to be a Republican, but I couldn't if you forgot my birthday. So don't."

The hero gets his big break when a publisher buys his novel and he sets off for New York with a job at *The New Yorker* magazine. After flings with wicked women and encounters with various other strange and outrageous characters, his second novel is a flop. As a result he suffers writers' block and can write nothing of value. As he sinks deeper into despair, he gets an opportunity to write an advice column for a newspaper.

Eventually he learns that *The New Yorker* magazine is controlled by the mafia and that the publisher intends to

merge it with *Field and Stream* magazine. The hero protests, "It isn't going to happen. There aren't going to be pictures of fish or profiles of hunters or Onward and Upward With Deer Stands ..."

Each successive page of this book is more outrageous than the preceding ones.

THE TROUBLE WITH ISLAM TODAY ❖ by *Irshad Manji* ❖

The book is an open letter by a South Asian Muslim woman who is critical of the status of Islam today. She cites tribal insularity, deep-seated anti-Semitism, and an uncritical acceptance of the Koran as the final and therefore superior manifesto of God's will as serious deficiencies in Islam today. She has a vision of how Islam can undergo

continued on page 20



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What I Read When Not Absorbed In All Those Exhilarating Appellate Briefs

continued from page 19

a reformation that empowers women, promotes respect for religious minorities and fosters a competition of ideas.

In view of the experience of Salman Rushdie, the author is a very brave young woman to write such a book at this time.

WARRIORS OF GOD: RICHARD THE LIONHEART AND SALADIN IN THE THIRD CRUSADE ❖ *by James Reston, Jr.*

❖ The author describes in fine detail Saladin, the wise and highly cultured leader who created a united empire, and Richard the Lionheart, the romantic personification of chivalry. The setting is the third crusade from 1187 to 1192. An earlier crusade had put the Latins in charge of Jerusalem, and the epic battle between the armies led by Richard the Lionheart and Saladin ended with Jerusalem in Muslim hands, in which it stayed until the 20th century. The results resonate in today's world. The author opines that the word "jihad" strikes fear in the hearts of many westerners and western governments who associate it with terrorism and Islamic fanaticism. "But there is nothing in Islamic history that rivals the terror of the crusades or the Christian fanaticism of the 12th century."

LOST IN AMERICA: A JOURNEY WITH MY FATHER ❖ *by Sherwin B. Nuland* ❖

A touching, true story by a son about his father and their troubled relationship. The father is a Russian Jew who came to America at the turn of the 20th century when he was 19. Instead of finding the land of opportunity most immigrants dreamt of, his father found an endless round of frustration, despair, and loss of children to illnesses.

The author is ashamed of his father's Yiddish speech, his menial job in a garment factory, the father's nasty temper and other handicaps.

The author overcomes his poverty and unhappy family situation to excel academically, eventually graduating from Yale Medical School. He currently is Clinical Professor of Surgery at Yale, where he also teaches bioethics and medical history.

Before his father's death, the author comes to understand some of the forces and influences which shaped his father and his depressing view of life, and finally makes peace with him.

THE FACE OF DECLINE: THE PENNSYLVANIA ANTHRACITE REGION IN THE 20TH CENTURY ❖

by Thomas Dublin and Walter Light ❖ At one time, the northeastern part of Pennsylvania was the anthracite coal capital of the world. The industry collapsed for a variety of reasons detailed in this book. Employment in anthracite declined from 175,000 in 1917 to 3,000 in 1970 and finally to fewer than 1,000 in the year 2000. The book details a region coping with the death of its defining industry and demonstrates how business, labor and government all failed to effectively prepare for and respond to the loss of this industry. The book further details personal studies of ways in which mining families cope with the economic crisis.

STUMBLING ON HAPPINESS ❖ *by Daniel Gilbert* ❖

This witty book is written by a Professor of Psychology at Harvard. He maintains that all psychologists take a vow that sometime during their lifetime they will complete this sentence: "The human being is the only animal that ...". The author would finish the sentence as follows: "The human being is the only animal that thinks about the future." The author then explains in great detail based upon actual experiments and surveys how we think about the future but so often get it wrong. He explains many of the workings of the human brain and how the brain often times tricks us and misleads us. Accordingly, we misconceive our tomorrows and misestimate our satisfactions.

The book is a light-hearted approach to many deep concepts and discoveries about human psychology.

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foundation focus

Scholarship Winners Announced

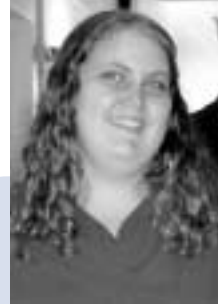
The Westmoreland Bar Foundation is pleased to announce that several law school and college scholarships have been awarded to Westmoreland County residents.



“I am delighted that [the WBF has] chosen me to receive funding for my legal education through The Wayne R. Donahue Scholarship and The Honorable David H. Weiss Memorial Scholarship,” he says. “This financial assistance means a great deal to me as I set out to begin my first year of law school. I look forward to this first year and the challenges that lay in future years to come.”

MOCK TRIAL SCHOLARSHIP
The Westmoreland Bar Foundation awarded a college scholarship to Valley High School Mock Trial team member *MacKenzie Smith*. Valley’s attorney-coach Shirley Makuta says MacKenzie was a great asset to the team. “She was able to argue all aspects of the case materials, including evidentiary materials,” says Shirley.

“Her enthusiasm for mock trial was wonderful to see. I’m sure she will be a success in whatever field of work she chooses.”
“I would like to thank [the WBF] for giving me the



▲ *MacKenzie Smith*

scholarship opportunity,” says MacKenzie. “I can’t even begin to express my gratitude and appreciation. I guarantee that it will be put to good use. I know that it will help me further my education and to reach all of my goals. It is truly and deeply appreciated.”

Pro Bono by the Numbers

From January 1, 2006, through June 30, 2006, the Pro Bono Program opened 72 cases using 38 attorneys. In the same time period, the Reduced Fee Program had 103 cases opened, and the Custody

continued on page 22



▲ *Sarah Denne*

THE DONALD LAIRD HANKEY MEMORIAL SCHOLARSHIP
The Donald Laird Hankey Memorial Scholarship was awarded to Irwin resident *Sarah R. Denne*. “It is an honor to have the support of the members of the

Westmoreland Bar Association,” says Sarah, “and I will continue to work diligently in my pursuit of the study and eventual practice of law.”



▲ *Robert Seibel*

THE WAYNE R. DONAHUE MEMORIAL SCHOLARSHIP AND THE HONORABLE DAVID H. WEISS MEMORIAL SCHOLARSHIP
The Wayne R. Donahue Memorial Scholarship and The Honorable David H.

Weiss Memorial Scholarship were awarded to New Kensington resident *Robert Seibel*. A recent graduate of Xavier University with degrees in both English and Political Science, Robert is a first-year student at the University of Pittsburgh School of Law, where he plans to concentrate his studies on international and/or corporate law.

Looking for a special way to remember someone?

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

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



foundation focus *continued from page 21*

Program opened 41 cases using 6 attorneys.

Twelve new attorneys have enlisted in the Pro Bono Program.

Pro Bono Training Seminar Held

The Pro Bono Program presented a CLE seminar on July 11, 2006, at the Westmoreland County Community College. The seminar was offered free to attorneys who volunteered to take pro bono cases referred by Pro Bono Coordinator Iva Munk.

Attendees explored the reach and ethical implications of the new technology being used in Pennsylvania

to promote civil legal aid and pro bono efforts, focusing on two web sites, PaLawHelp.org and PAprobono.net (see box below), and the creation of virtual law clinics using these tools.



Pennsylvania Pro Bono Coordinator David Keller Trevaskis, Pennsylvania Legal Services Executive Director Sam Milkes and Pennsylvania Legal Services Training and Information Facilitator Henry Leone led the participants through two hypothetical situations, looking at the ethical issues raised through technological enhancement of pro bono practice.

Save the Date!

Be sure to block off Thursday, October 26, 2006, from 4 to 7 p.m., in your calendar so you can attend the second annual Merry Mixer fund-raiser at TurtleTree Fine Foods (formerly Caffè Barista). The evening will include complimentary

wine tastings and hors d'oeuvres and will benefit the Westmoreland Bar Foundation.

Last year's event drew over 100 attendees who enjoyed a unique blend of shopping and socializing, complete with "celebrity" judicial bartenders.

Tickets are \$20 each and can be purchased at the WBA office.

An Open Letter of Heartfelt Thanks

To My Fellow Members of the WBA,

You are part of a truly outstanding bar association because it is made up of genuinely caring people.

This truth hit home for me when I entered the Tour de Cure cyclist race for the American Diabetes Association in June. An insulin-dependent diabetic since age 7, I am very fortunate with my diabetes—staying in control, with lifetime access to great health care. Millions are not so fortunate, facing blindness, amputations, kidney disease and shortened lives. In my effort to find race sponsors, I was overwhelmed by the number of my colleagues in the Westmoreland Bar Association who chose to sponsor me as a cyclist in this event, and by the size of those very generous donations.

This year was, by far, the biggest success ever for the Tour de Cure. I was proud to be one of the leading fund-raiser cyclists. I will never forget your caring and your support for this cause that is so important to me. Thank you.

Joe Lazzaro



▲
Joe Lazzaro

The paprobono.net site is an online legal community that provides information and resources relating to the non-criminal practice of law for pro bono attorneys, legal aid attorneys, public defenders and other legal advocates interested in increasing access to justice. The home page lists an Events calendar showing CLE training and events throughout the Commonwealth which can be accessed by date, location and/or topic. The News area posts items and alerts on issues of interest to advocates representing low-income individuals. Volunteers can offer their services under the New Pro Bono Case Listings area. The site also includes a Roster of Members, Resource Library and E-Mail Discussion Groups.

The palawhelp.org site is powered by probono.net and helps low to moderate income people find free legal aid programs in their communities and answers to questions about their legal rights. Callers choose the state where they need the information and follow the provided links to where services can be obtained.

wba

Business of the Board

JUNE 20, 2006

- Monthly financial report revealed that arbitration fee income is higher than expected.
- Young Lawyers are planning a new service project: Operation Safe Surf, the Pennsylvania Attorney General's public education program on Internet safety.
- Invited PBA President Ken Horoho to attend the July 18 board meeting to discuss items of interest to both organizations; agreed to host a social event at its conclusion.
- Attorney General Tom Corbett and PBA President Ken Horoho are interested in participating in the Living Trust video project. The proposed site for production of the video would be PBI.

JULY 18, 2006

- PBA President Ken Horoho was in attendance at the July WBA Board of Directors meeting.
- Bench/Bar Conference final figures show a surplus of \$600. This was due to the support of our exhibitors and sponsors, which covered most of the costs.

- The future of the local PAC was discussed. PBA President Horoho suggested that the WBA PAC work with the state bar or merge/turnover the local PAC work to the PBA. The PBA PAC, in turn, can carve out some funding for local legislators that the WBA can personally present. Board agreed to refer this to Mr. Falatovich and the local PAC.
- President Brammell reviewed the procedures for handling lawyer concerns. Fee Disputes will continue to be referred to the Fee Dispute Committee. True Disciplinary Board matters will be referred directly to the Disciplinary Board. Professionalism-type matters will be handled through telephone contact by President Brammell.
- Agreed to construct a doorway between the ACBA space and the WBA space on the first floor.
- Young Lawyer Committee reported that the gathering at Peg Tremba's house on July 8 generated wonderfully positive feedback.
- Young Lawyers planned two outings: a Class V rafting trip at Ohiopyle on August 5 and a rafting/hiking/biking day at Ohiopyle on August 12.
- Family Law Committee reported that it was reviewing a proposal for mandatory mediation and that they

are looking at helping out with the identity theft project.

- Discussed the Centennial Courthouse project with a suggestion that the WBA board help this project along and that law firms from Pittsburgh also be approached for sponsorship dollars. Deadline for book project and funding to support it is October 1. Mr. Antoniono agreed to handle this promotion.
- Adjourned to "meet and greet" PBA President Ken Horoho at the Palace Theatre. President Horoho presented Judge McCormick, Jr., with the "PBA Everyday Lawyer Award"; WBF Chair Dan Joseph presented the 2006 Mock Trial Scholarship winner, MacKenzie Smith, with a check.

Got News?

Do you have news to share with the sidebar? Making Partner? Marriage? Birth? Anniversary? Accomplishments? Send us a fax (724.834.6855), an e-mail (westbar.org@verizon.net), a note by carrier pigeon or any other means and we'll publish your news in the next available issue.

As of October 17, 2005
The Bankruptcy Abuse Consumer
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CALENDAR OF EVENTS

SEPTEMBER

11 Bankruptcy, Noon

13 Membership, Noon

Real Estate, Noon

Inns, 5 p.m.

16 Fall Gathering, 5:30 p.m.,

Latrobe Country Club

Join us for a fun, casual evening of music, conversation and dining.

\$25 Per Person, Cash Bar.

Entertainment by WBA Member J.

Eric Barchiesi. Please R.S.V.P.

by September 8, 2006.

19 Family Law, Noon

Board Meeting, 4 p.m.

20 Pro Bono on the Road, *New*

Kensington City Hall

Municipal Law, Noon

21 Elder Law & Orphans' Court,
Noon

OCTOBER

2 Bankruptcy, Noon

9 Courthouse closed in observance
of Columbus Day

11 Membership, Noon

17 Family Law, Noon

Board Meeting, 4 p.m.

18 Pro Bono on the Road, *New*

Kensington City Hall

26 WBF Merry Mixer, 4 to 7 p.m.,

TurtleTree Fine Foods

The evening will include

complimentary wine tastings and

hors d'oeuvres and will benefit the

Westmoreland Bar Foundation.

Tickets are \$20 each and can be

purchased at the WBA office.

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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