



Video Conferencing In The Courts

by Beth Orbison, Esq.

In 2004, the Magisterial District Judges in Westmoreland County, at the prompting of M.D.J. Roger Eckels and other members of the Westmoreland County Special Court Judges Association, agreed to work with the Court Administrator's Office and the Office of Westmoreland County Information Systems to decentralize night court at the county jail by using web-based videoconferencing technology. That first step has led to the use of videoconferencing



Beth Orbison

in the courts for a number of purposes and in a variety of ways, with more changes on the not-so-distant horizon.

The implementation of the web-based teleconferencing system now permits each magistrate to use his or her own office and staff to hold night court. Further, with the use of personal computers, broadband Internet connection, web cameras, and instant messaging software, the Kiski and the Greensburg State Police barracks, 28 local police departments, the county jail, the county PFA office, and the Westmoreland Hospital Emergency Room now have high-speed Internet accessibility to the courts.

The advantages are several-fold. The new system eliminates the expense of running an additional court at the jail.

Transportation costs are considerably reduced. The possibility that a prisoner may escape, or that a transporting officer may be injured, is significantly decreased. The possible misimpression of partiality that existed by having judicial proceedings conducted within the confines of the jail has been eliminated, and emotionally vulnerable domestic abuse victims do not have to leave the safety of their local police station or the hospital in order to obtain an emergency PFA order.

Some district judges have expressed concern that they are unable to "read" an individual suspect as well on the video screen as they can in person. But with the improvement of technology, this problem will soon be alleviated. Clearly, any drawbacks in the system have not interfered with its acceptance. In Westmoreland County, all of the district justices have adopted its use, and in night court it is used 100% of the time.

"No other county in the state has expanded the use of videoconferencing as we have in Westmoreland County," declares Don Heagy, Special Courts Administrator of Westmoreland County. Its primary uses have been for preliminary arraignments, EPFA orders, search warrants and arrest warrants. But the technology has

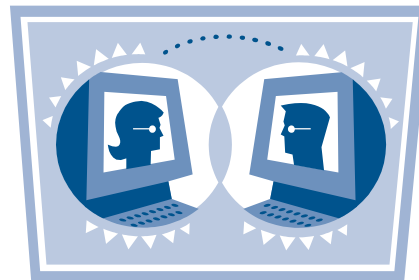
proven useful in other ways. On one occasion, videoconferencing was used to conduct a summary hearing that involved a quadriplegic defendant who was unable to leave her home. On another occasion, the ability to type written text on the video screen during the hearing enabled M.D.J. Eckels to arraign a hearing-impaired defendant without the need for an interpreter. On another occasion, M.D.J. James Falcon conducted a summary hearing with a Penn State student by using videoconferencing between his office and an M.D.J. office in State College.

Someday soon, the police will have laptop computers, web cameras and printers in their patrol vehicles, which will enable them to apply for search warrants at the site to be searched without having to leave the scene unsecured.

The Domestic Relations Office will begin to use this technology when they pick up individuals who are delinquent on their support obligations.

Common Pleas Court Judges will begin using videoconferencing to conduct sentencing hearings when state intermediate punishment is imposed. Under new procedures, a convicted offender will be sent to the state correctional facility at Camp Hill to be screened for eligibility as a participant

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President's Message

Has Anyone Seen My Keys?

by Rebecca A. Brammell, Esq.



Stress. You know, that feeling you get when you have spent the past few days (or weeks) preparing for court and then the night before the trial you can't sleep. Or maybe you have been working intensively, counseling a client in preparation for mediation or settlement conference and when you arrive at your meeting place, you can't remember how you got there.

For me it is the car keys. When I am stressed to the limit, I lose my car keys. I can function and keep things moving and to the world, outside my office and home, I appear to be a completely normal person. At home, my kids may not have seen me for days, except through sleepy eyes as I kissed them good night, or worse, I may have blitzed through the house, making dinner, throwing a load of laundry in the washer, kicked the cat and yelled at anyone who tried to get in my way. At the office, my paralegal slaves away at the computer as I dump more and more things on her desk. And then, just as I'm ready to leave for court or home at midnight, the keys disappear. I once spent 45 minutes searching before they appeared in my desk drawer. Who put them there, I'll never know. Thank God for St. Anthony's prayer for lost things.

I recently read (yes, actually took the time to read) an article in the ABA Journal ("Stressing Yourself Sick," Jennifer Pertle, September 2006) about stress and lawyers. The experts say that "it's the adversarial nature of lawyering that sets it apart from other professionals."¹ Add to that the fact that "lawyers

tend to have personalities in which they are not aware of their feelings."² "Lawyers also tend to suppress and repress their physical feelings from having to go to the bathroom to not paying attention to stomach pains," says Amiram Elwork, author of "Stress Management for Lawyers." "Many of them think of it as heroic."

Our bodies react to the stress by releasing epinephrine and cortisol into the blood stream as a "flight or fight" response. That, in turn, compromises the immune systems. And then those little aches and pains turn into something more. We all have an Achilles Heel when it comes to our bodies and chronic stress erodes our body's natural defenses, resulting in some type of ailment. For some it is ulcers, for others it is a heart problem or high blood pressure. For me, it is migraine headaches. My friends can all recognize the look on my face when the hammer is about to fall on my head. My left eye starts to droop and I really just want to curl up in a dark corner. If you continue to try to work through these "ailments" and ignore the warning signs, you can find yourself suffering daily and unable to work at all. I know. It happened to me about seven years ago.

Considering the fact that we are all pretty smart people, we tend to be pretty dumb when it comes to taking care of ourselves. You remember that old adage, "an ounce of prevention is worth a pound of cure." Well, take it to heart. Do the stuff we all know we are supposed to do: exercise, STOP SMOKING

(you know who I'm talking to), eat right, and get the rest you need. Stop trying to be invincible. Fire those "top five" most aggravating clients who you are never going to be able to please anyway. (Your secretary will be glad you did.) Do one thing, every day that makes you happy.

Do what it takes, my friends. I'd much rather see you at "happy hour" at the Baggy Knee than send you a "get well" card.

DO YOU THINK YOU DON'T HAVE STRESS?

Check out the University of Pittsburgh Medical Center's Healthy Lifestyle Program

Web site at health-lifestyle.upmc.com.

Click on "Stress Coping" to take the stress evaluation test

("Discover Your Stress Level").

Then visit "Relaxation Techniques" to get some coping strategy.



TRY READING A BOOK

The ABA Journal suggests these readings to help lawyers cope with stress.

- "The Lawyer's Guide to Balancing Life and Work: Taking the Stress out of Success," George W. Kaufman (ABA Publishing, 1999).
- "Stress Management for Lawyers: How to Increase Personal & Professional Satisfaction in the Law," Amiram Elwork (The Vorkell Group, 1995).
- "Transforming Practices: Finding Joy and Satisfaction in the Legal Life," Steven Keeva (Contemporary Books, 1999).

Rebecca A. Brammell

¹ Amiram Elwork, director of the Law Psychology Graduate Training Program at Widener University, Chester, Pa.

² Dr. Steven A. Ager, a psychiatrist operating the Lawyer Stress Center in Cherry Hill, N.J. and Philadelphia, Pa.

AlterEgo: Paul J. Elias, Attorney

Paul J. Elias, Westmoreland County Food Bank Solicitor

by Beth Orbison, Esq.

You don't just let people go hungry," says Paul Elias. And Paul has stood behind these words since 1982 when John Kopay asked him to be the solicitor for the Westmoreland County Food Bank. Since then, advancing the mission of the Food Bank has been Paul's passion ... that is, when he's not volunteering for VOICe (Victim Outreach Intervention Center) in Butler County, or Seton Hill Child Services, or the CAP Agency for working mothers, or as President of Adelphoi Village, and Treasurer of Adelphoi USA.

The Westmoreland County Food Bank is a charitable organization that serves over 15,000 area residents each month, irrespective of race, creed, color or age. Its beneficiaries come from every corner of the county—from New Kensington to Monessen to New Florence and all points in between—with 80 agencies, including 40 food pantries, in their network of emergency feeding sites. Eligible recipients must have a monthly income that is no higher than slightly above the poverty line.

The Food Bank operates several different programs. The Summer Food Service Program provides free breakfasts and lunches to nearly 700 children during the

summer; the Senior Food Program provides nutritious food to 1,400 senior citizens each month; Operation Fresh Express distributes over 350,000 pounds of perishable food—fruits, vegetables, and dairy products—to thousands of county residents annually. Emergency food boxes are available as well.

"If you volunteer to hand out food and goods at one of our distribution sites, you'd be surprised to find that there are people you know coming for help," Paul explains. "These are people who wait on you at the gas station or the grocery store, who need help to feed their families.

"Unfortunately, we think that we are not even reaching half of the people who need us," says Paul. "Many people have to overcome

their embarrassment to come forward for help."

The Food Bank has suffered in the last few years due to the loss of some significant resources. America's Second Harvest, a contributing nationwide food bank network, diverted much of its supply to the Gulf Coast region in the aftermath of Hurricane Katrina, reducing food available for local distribution by almost one-third. Large grocery store wholesalers who had previously sent their leftovers to the Food Bank's reclamation center now sell their goods to



Paul J. Elias

discount grocery outlets rather than donate them. Some companies hesitate to donate goods for fear of being sued if the products are delivered and consumed beyond the expiration date.

However, individual volunteers have found many ways to contribute. On Fresh Express distribution days, helpers are always needed to hand out goods. Hunters can donate their venison through the "Hunters Sharing the Harvest" program. A needy family can enjoy a turkey dinner at Thanksgiving with a

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did you know?

- 27% of the members of households served by the Westmoreland County Food Bank are under 18.
- 8.13% are senior citizens.
- 79% are female.
- 1% are homeless.
- 27.3% have less than a high school education.
- 39.2% received a GED.
- 64% have incomes below the official federal poverty level.
- 61% report monthly income of less than \$1,400.
- *Hunters Sharing the Harvest*: Local hunters donated 3,159 lb of venison in 2005.
- *Fall Food Share*: Collected 9,000 lb in 2005.
- *Operation Fresh Express*: Weekly distribution provided over 350,000 lb of additional food to thousands of county residents in 2005.
- *Summer Food Service Program*: Provides free breakfasts and lunches to nearly 700 children each summer.
- *Senior Food Program (CSFP)*: Provides nutritious food to 1,400 senior citizens each month.
- The Westmoreland County Food Bank will celebrate its 25th anniversary in 2007!

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AlterEgo: Paul J. Elias *continued from page 3*

\$10 donation that buys a voucher for a free turkey. (Each year, the Food Bank spends \$55,000 to purchase turkey vouchers.) Civic-minded groups such as the Boy Scouts, the Girl Scouts, and church and school groups can help repack products at the main repository in Delmont. Employer-sponsored food drives like those held by Courthouse and post office employees can raise needed funds and obtain goods through the “Fall Food Share” annual event. Gardeners can offer to cultivate and harvest crops; farmers can allow Food Bank volunteers to glean their fields after their harvest. Two annual fund-raisers—a golf outing and the Harvest 5K Run and Walk—also benefit the cause. “If your clients are looking for an organization to donate to,” says Paul, “suggest the Food Bank. It directly benefits local residents—your neighbors—and our administrative expenses are minimal because we rely on such a large number of volunteers.”

The Food Bank does receive some state and federal funding, but what keeps them going are the small contributions. Paul insists that a little goes a long way: “A contribution of \$5 does wonders at the Food Bank. And

if you can't give money, give a couple of cans of peas! We always try to use whatever we get.” Donations can be sent to the Westmoreland County Food Bank, Inc., Marlene Kozak, 100 Devonshire Dr., Delmont, PA 15626.

Videoconferencing *continued from page 1*

in the Intermediate Punishment Program. If the defendant is deemed eligible for the program, the common pleas judge, with the use of videoconferencing technology, can conduct the sentencing hearing with the corrections or probation officer and the defendant participating from the prison. The judge, district attorney, defense counsel, court reporter, and court clerk can all participate from the Courthouse.

No audio-visual record of the teleconference is made or preserved. However, in the D.J.'s offices, analog tape recorders will soon be replaced

with digital sound recording equipment that will have the ability to record court proceedings and store it in a file, or on a CD or DVD. The file can be e-mailed to anyone who has downloaded the appropriate software, and the proceedings can then be transcribed and certified. Eventually, this technology may find its way into every common pleas courtroom.

The rules governing Two-Way Simultaneous Audio-Visual Communication in the Pennsylvania courts can be found at Pennsylvania Rules of Criminal Procedure 118, 119, 518, 519, 540 and 571.



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July 2006 Civil Trial Term

Jury Trial Verdicts

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

Of the twenty-two cases listed for the July 2006 Civil Jury Trial Term, nine settled, eleven were continued, one was a binding summary jury trial and one verdict was entered this term. The jury trial and binding summary jury trial are summarized below.

CARL F. MILLER
V.
DREW RAINEY AND
DONNA RAINEY, HIS WIFE,
AND DREW RAINEY
ENTERPRISES, INC.
NO. 2877 OF 2000

*Cause of Action: Private Nuisance—
 Arbitration Appeal*

In this arbitration appeal, Plaintiff asserted a claim of private nuisance against the Rainey Defendants stemming from the Defendants' use of a public alley that abuts Plaintiff's residence to access Defendants' business/residence. Plaintiff contended that the passing traffic of trucks and construction vehicles serving the Rainey's business/residence created noise and dust, as well as fumes and vibrations that caused damage to his garage and hedges. Defendants contended that no damage had occurred from vehicles over which they had control.

Plaintiff: Pro Se

Defendants' Counsel:

Kenneth Ficerai, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon.

Daniel J. Ackerman,
 President Judge

Result: Verdict in favor of Defendants.



MISTY SMELTZ
V.

JOSEPH HIGNETT
NO. 2205 OF 2004

*Cause of Action: Negligence—
 Motor Vehicle Accident—
 Binding Summary Jury Trial*

On December 12, 2003, at approximately 1:45 p.m., Plaintiff Misty Smeltz was attempting to make a left-hand turn from the exit of Goodwill Industries on to Roseytown Road. Although there was a long line

of traffic stopped on Roseytown Road, the driver of a box truck created a gap in the traffic for Plaintiff to enter the roadway. Plaintiff drove her vehicle into the gap and collided with the vehicle of Defendant Joseph Hignett, who was passing the box truck. Thereafter, Plaintiff filed a complaint against Defendant, alleging the Defendant caused the accident by negligently and carelessly passing the stopped truck, and that she suffered serious personal injuries as a result thereof.

By agreement of the parties, a binding summary jury trial was conducted on July 11, 2006. The evidence presented at trial focused on the issue of liability. Plaintiff asserted that Defendant negligently passed the box truck in an area where passing

was not permitted and at an unsafe speed. Defendant, on the other hand, argued that Plaintiff was negligent, because she exited Goodwill and drove in front of Defendant. Plaintiff also presented evidence that she underwent an extensive course of chiropractic treatment following the accident.

Plaintiff's Counsel: John N. Scales, Meyer Darragh Buckler Bebenek & Eck, Gbg.

Defendant's Counsel: R. Douglass Klaber, Robb Leonard Mulvihill, Pgh.

Trial Judge: The Hon. William J. Ober

Result: The verdict was molded to provide that Defendant would pay \$1,000 to Plaintiff, pursuant to the terms of a pre-trial stipulation.

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New Member Sketches

Margaret Zylka House has been admitted as an associate member of the WBA. A graduate of Connellsville Area Senior High School, she earned a B.S. degree in Business Management from Saint Vincent College and her J.D. from the Duquesne University School of Law. Margaret is a solo practitioner in Connellsville. She and her husband, Max, reside in White, Pa., with their son, Max III.

Bonnie L. Kiff has rejoined the WBA as a participating member. A graduate of Montoursville High School, Bonnie earned her undergraduate degree from Muhlenberg College and her juris doctor from the Duquesne University School of Law. Bonnie is a solo practitioner in Ligonier.

Elizabeth A. Male was admitted to the WBA as a participating member. A graduate of Franklin Regional High School, Betty earned a degree in

Economics from Allegheny College in Meadville, and her J.D. from the Duquesne University School of Law. She is also a Certified Public Accountant and maintains an office in Murrysville. She and her husband, Andrew, live in Export with their two children, Meredith and James.

Joseph M. Standish has joined the WBA as an associate member. A graduate of Albert Gallatin High School, Joseph earned a degree in Business from West Virginia University, and his J.D. from the Duquesne University School of Law. Joseph is a self-employed title searcher in Masontown, Fayette County, where

he and his wife, Sheryl, live with their two sons, Michael and James.

Akemi Yamakita has joined the WBA as an associate member. Before earning her J.D. from Duquesne University's School of Law,

Akemi earned a B.A. degree in Japanese Literature from Baika Women's College in Osaka, Japan, an Associate of Science degree in Aviation Management/Flight Technology from the Florida Institute of

Technology, and a B.A. in Legal Studies from the University of Central Florida. She and her husband, Robert Stauffer, live in Bolivar with their daughter, Fiona.



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Committee Reports

Lawyer, Know Thyself: A Review

by Susan N. Williams, Esq.

Lawyers' Assistance Committee

When a recent PBA President announced as his initiative a quality of life survey to be distributed to selected members of the Pennsylvania Bar, I could only groan. In my twenty-two years as an attorney, I have completed countless quality-of-life questionnaires. The questions are always the same. Regrettably, so are the answers. No one needs to remind us that members of our profession suffer from a disproportionate rate of job dissatisfaction, poor mental health and substance abuse.

So why do we, as law students, set out on this path, and, as attorneys, engage in a profession which can be so detrimental both physically and emotionally? According to Susan Swaim Diacoff, author of "Lawyer,

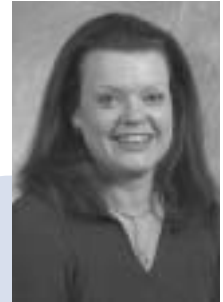
Know Thyself," for many of us it is not a matter of choice. It's just how we are wired.

Ms. Diacoff describes her book as more akin to a reference volume, not necessarily meant to be read from start to finish. Chapters 2 and 3 examine lawyer personality in detail; Chapters 1 and 4 address what she terms as "an apparent lack of professionalism and respect" within the legal profession, while Chapters 5 and 6 examine "lawyer distress," referring to the amount of depression, anxiety, substance abuse, dissatisfaction and general psychological malaise suffered by lawyers.

While none of this may sound appealing for a bedtime read, it does offer some insight into what makes us tick. And until you understand how something works, you can't fix it when it is broken.

This book, along with other Lawyers' Assistance Committee material, is discreetly located in the Law Library meeting room, our equivalent to a plain brown wrapper (no one will know you are there).

The Lawyers Concerned for Lawyers Committee of the Westmoreland Bar Association has been renamed and will now be known as the "Lawyers' Assistance Committee." This change was made to differentiate our local committee from Lawyers Concerned for Lawyers of



▲ Susan N. Williams

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Committee Reports *continued from page 7*

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

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

Criminal Law Committee

The following Criminal Law Committee members are willing to answer questions from other lawyers who may need some assistance or guidance from experienced lawyers when handling criminal cases.

- Timothy C. Andrews, Esq.
35 W. Pittsburgh St., Greensburg, PA 15601, 724-850-9800
- William J. McCabe, Esq.
11 N. Main St., Greensburg, PA 15601, 724-836-0700
- Jeffrey D. Monzo, Esq.
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- Harry F. Smail, Jr., Esq.
126 W. Pittsburgh St., 2nd Floor, Greensburg, PA 15601, 724-836-2040
- Michael Drag, Esq.
4559 Old Wm. Penn Highway, Murrysville, PA 15668, 724-733-9882

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"We do not inquire what the legislature meant; we ask only what the statute means."

—Oliver Wendell Holmes, *Theory Of Legal Interpretation*, 12 Harv. L. Rev. 417, 419 (1899)

"If Congress chooses by appropriate means for expressing its purpose to use language with an unlikely and even an odd meaning, it is not for this Court to frustrate its purpose. The Court's task is to construe not English but congressional English. Our problem is not what do ordinary English words mean, but what did Congress mean them to mean."

—Frankfurter, J., dissenting, *Commissioner v. Acker*, 361 US 87 (1959)

- Mark J. Shire, Esq.
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To-Wit: Driving Miss Crazy

by S. Sponte, Esq.

It's my secretary's fault, truly it is. Had she not been on vacation, she would have taken the call. And had she taken the call, she would never have put it through to me. After being with me for thirty years now, she can smell out the crazies with the same unerring accuracy, the same artful facility, with which she is always able to recognize I'm lying when I tell her she's getting a raise.

"I'm sorry," she would have said in her most sincerely prevaricacious tone, "at the moment, Mr. _____ is dead." And that would have been that.

But she was not here, and as a result, to my eternal dismay, I was not dead. No, I was manning the phones, and I took the call.

"You are the only lawyer in the world who can help me," the caller advised, "please be my savior." Now I am always suspicious of these "savior"

calls, and this time I had good reason. She had addressed me by the name of the lawyer who immediately precedes me alphabetically in the phone book, a clear sign she was working her way through the yellow pages and had now reached the middle of the alphabet with no takers.

Now normally I would have ended the conversation right then and there by asking her who was currently representing her. These folk always already have representation with whom they are at odds, and that inquiry usually affords me the most effective way of terminating the conversation mid-rant.

"He (or she) is a really good lawyer," I would have lied, "and I'm sure your interests are well protected." But it was a slow day, I had nothing better to do at the moment, and so I decided to hear her out.

Now trust me, had she wanted to, say, sue the Pope as an agent of God because lightning had decimated her

entire herd of dairy cows, or had she been convinced that the fillings in her teeth were reporting on her to the CIA, I would have immediately declined. But she couched her request as a civil rights matter, my favorite kind of case, and I bade her continue.

What she wanted to do, as she explained it, was to sue the state governor, the state police commander, the local police chief and Barbie, the code enforcement officer/mayor's girlfriend for conspiring to deprive her of her constitutional right of speech and assembly. Apparently she was convinced it included the right to assemble in her back yard with her family and gang-meow, yes, meow, mockingly at her elderly female

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To-Wit: Driving Miss Crazy *continued from page 9*

neighbor who had complained to the aforesaid Barbie about the noise and smell that my caller's seventeen household cats made at all hours of the day and night. Her meowing had garnered her a family citation for harassment and disorderly conduct, and that's what necessitated her need for representation.

"Who represents you now?" I queried, falling back on my ace card and yearning once again for a last name that began with "Z." She hemmed, she hawed, but she eventually disclosed the name of a local colleague. I assured her that he was an able guy, quite well qualified to handle her case, and with that I bid her adieu.

I immediately placed a courtesy call to the colleague. "I just wanted to tell you that your client called me," I said, "and I thought you should know."

"She gave me a five hundred dollar retainer," he informed me, "but I'll

make it a thousand if you'll take the case."

I'm so tempted to say he should have known better than to take this case, and behind his back I probably will. But here, in public, how can I

**Who among us
hasn't yearned to
be thought of as
"the" lawyer for a
tough case?**

criticize him or any other colleague for doing what I myself have so done many times over the years. In such "savior" calls, there is both intrigue and vanity, and they combine in a most alluring array to seduce even the most cynical of hearts.

Who among us hasn't yearned to be thought of as "the" lawyer for a tough

case? Who hasn't harbored fantasies of being the only, the most gifted lawyer in town, thus attracting by reputation those desperate calls from those desperate souls? Oh, oh, oh, oh, it is good to be the savior, and if your realm is that fantasy, those calls are surely your coin.

It was mine for a long time. But the passage of time and the butt kick of experience has long since throttled those fantasies into docility. They now lay curled up in a corner like a beaten dog, surfeit with whimper, devoid of bang and bark, content to leave baying at the moon to others.

Yet even after all these years, every time the office phone rings, that old dog pricks up its ears, wondering for just a moment, one brief, pitiful, psychotic moment, if this is "the" call, if it is "the" dog, and off in the distance isn't that the meowing of cats.

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Pro Bono Custody Program Makes Happy Endings Possible



by Jennifer Love Dupilka, Esq., and Kate Wiatrowski, Pro Bono Program Paralegal

The Westmoreland County Pro Bono Custody Program is more than attorneys agreeing to work at reduced fees to represent



▲ Jennifer Love Dupilka

economically disadvantaged individuals in custody cases. It is about educating parents, grandparents, and children about custody proceedings and the ways in which their outcome will impact their daily lives.

We often hear of the highly contested custody cases—and yes, we often deal with those. Parents and children are brought to court to decide where and with whom the children will reside. But what about the unrepresented children or the children whose parents are unrepresented? What happens to a child when

one or both parents choose not to be a parent?

It is becoming increasingly more common to see children who are being raised by grandparents or other caregivers. Consider one case that was handled by the Westmoreland County Pro Bono Program, involving a mother who abandoned her two young daughters with their grandmother.

Anna, the 58-year-old grandmother, had retired to Georgia with her second husband. One afternoon, she received a telephone call from her daughter, Tracy, pleading for help with her alcoholism. When Tracy agreed to seek treatment—because she wanted a more stable lifestyle for herself and her daughters—Anna said they could stay with her in Georgia.

Shortly after Tracy and her children arrived at Anna's home, Anna realized that Tracy was not interested in receiving the help that she desperately needed. She became belligerent and abusive, and eventually left Georgia without a trace, leaving the children in Anna's care.

Unfortunately, the stress of raising two

grandchildren under the age of five eventually led to Anna's divorce. Seeing the toll that the situation was taking on their mother, Anna's other children begged her to move back to Greensburg so they could help her. She did.

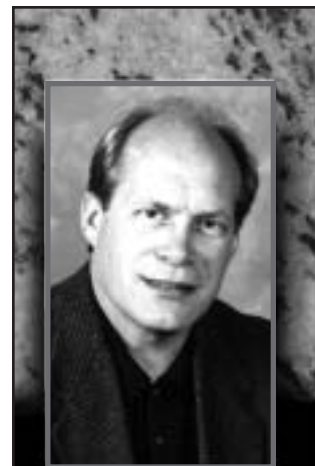
Three years passed, and the only news Anna had of her daughter was a call from the Missouri police stating that Tracy was being detained for public drunkenness. Anna had no information about the girls' father(s), no medical authorizations, and no documentation relating to the children

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▲ Kate Wiatrowski

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foundation focus *continued from page 11*

of any kind. But nonetheless, Anna's other children will tell you, "Mom never complained." She just went on doing the best she could to raise her granddaughters.

No serious problem occurred until the youngest, now four years old, visited the dentist and was told that she needed extensive dental work performed under anesthesia. The dentist told Anna that he "wouldn't touch one tooth" since she didn't have any written authorization establishing her as the child's legal guardian. Anna continued to care for the girls, but didn't know what more she could do.

Determined to find the legal assistance that she needed to keep her granddaughters healthy and safe, Anna contacted the Pro Bono Program. Through the Pro Bono Program, we were able to represent Anna and get the custody order she needed, granting primary physical custody of both of the children to her.

The process involved several hearings and required that a guardian *ad litem* be appointed for the children. But the end results were well worth it. Now both girls are living happily in Westmoreland County, thriving on the love and care of their grandmother.

When we last heard from Anna, the youngest child was excited about starting preschool and her older sister had just returned from a camping trip with her cousins.

As for their mother, she has never called or returned.

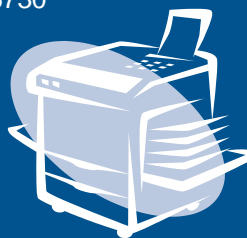
Editor's note: Jennifer Love Dupilka, Esq., represented Anna on behalf of the Pro Bono Program.

WANTED: YOUR UNWANTED PHOTOCOPIER

The Pro Bono office is in need of a photocopier to replace theirs which is officially on its last leg. If you're planning on upgrading your office equipment soon, consider donating your old copier to the Pro Bono Program. All donations to the Westmoreland Bar Foundation are tax-deductible.

Contact the WBA office at 724-834-6730

or the Pro Bono office at 724-837-5539 if you can help.



Making It Count

The Pro Bono Program salutes Attorney Terry O'Halloran and his assistant, Mike, for their help to the Pro Bono Program. Thankfully, Mike is always happy to put Terry in touch with a client who desperately needs help on our behalf and Terry is always gracious in offering his assistance. Terry has been especially helpful with clients who have special physical limitations, and always manages to take the time and make any arrangements necessary to meet with them. Our special thanks to both Terry and Mike for all their help year after year.

MANY THANKS TO ALL OUR VOLUNTEERS FOR JUSTICE

We extend our thanks to all our

volunteer attorneys who took at least one pro bono case between July and September 2006:

Mark Bolkovac, Anthony Bompiani, Brian Bronson, Richard Bruni, George Butler, Brian Cavanaugh, Jennifer Dupilka, Paul Elias, Scott Fatur, Timothy Fedele, Rebecca Fenoglietto, Mark Galper, Melissa Giddy, Peggy Hooker, Lawrence Kemp, Maureen Kroll, Stephen Langton, Morrison F. Lewis, Jr., Shirley Makuta, Robert McVey, Paul Miller, James Nardelli, Keith Nicola, Terence O'Halloran, Brian Petroski, Gary Polsinelli, Mark Shire, and Robert Slone

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Suit Up to Benefit the Westmoreland Bar Foundation

The Westmoreland Bar Foundation will hold its Second Annual Wardrobe Event on Thursday, November 9, from 4 to 8 p.m. at Lapels Men's Clothier on South Pennsylvania Avenue in Greensburg.



Five percent of all the sales made from 4 to 8 p.m. will be donated to benefit the programs of the Westmoreland Bar Foundation. In addition, everyone who shops during the event will receive a 15% discount on all purchases.

So if you are in the market for new suits, shirts, ties, slacks, socks, or want to get some holiday shopping done, mark your calendar, tell your friends and family and plan to attend. Complimentary refreshments will be served with style.

Looking for a special way to remember someone?

**Births • Deaths • Marriages • Anniversaries
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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 your check payable to the Westmoreland Bar Foundation and mail to WBA Headquarters, 129 N. Pennsylvania Ave., Greensburg, PA 15601. All donations to the Westmoreland Bar Foundation are tax-deductible.



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Williams Appointed to PaTLA Board of Governors

Susan N. Williams was recently appointed to serve on the Board of Governors, Western Region, for the Pennsylvania Trial Lawyers Association (PaTLA).



▲ Susan N. Williams

The Pennsylvania Trial Lawyers Association was created over 30 years ago to uphold and defend the American legal system, including trial by jury. In executing this mission, PaTLA protects and

enhances the rights of consumers, workers and other individuals, while fostering public awareness and understanding of the role of the trial lawyer in the administration of justice. It strives to improve the efficiency of the legal system, and provides

information and training to assist all members in providing excellent service to their clients.

PaTLA's Board of Governors is the managing body of the Association. It consists of PaTLA's officers, elected and appointed governors of the association, and the Pennsylvania state delegates, governors, and minority caucus delegate of the Association of Trial Lawyers of America.

Business of the Board

AUGUST 19, 2006

- Mr. Antoniono reported that \$22,000 has been raised for the Courthouse Centennial book project; \$30,000 is the total amount needed. Pittsburgh law firms and some local vendors will be contacted for contributions.
- Mr. (Lou) DeRose will continue to write the material for the book's chapter on the WBA.
- Accepted Membership Committee recommendations as submitted: Bonnie Kift, participating; Richard Haft, associate; Joseph Standish, associate.
- Monthly financial report revealed a surplus for the Bench/Bar

Conference due to vendor/sponsor support.

- Bench/Bar Conference Committee recommended that the 2007 conference be held at The Wisp.
- Asked President-Elect Whelton to review the 2007 Wisp contract with the executive committee and ratify the revised contract.
- Agreed to conduct mini-retreat for the WBA board on September 19.
- Reviewed the WBA's role in the publication of Westmoreland County's local rules. The Board agreed this service is regarded as a benefit to members and, as such, the WBA will maintain the publication of local rules.
- Asked President Brammell to approach the courts and recommend consolidating local rule changes to two times per year.
- Learned that Susan Swaim Diacoff, author of "Lawyer, Know Thyself," and the speaker at the WBA's October 2 CLE seminar, cancelled. The LCL Committee will need to schedule a replacement seminar that focuses on wellness or a similar topic.
- Learned that the WBA building and workers comp insurance policies include terrorism insurance.
- Agreed to have PBA Law Practice Management Coordinator Ellen

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Freedman present a seminar in January.

- Agreed to have Solo Practice/Small Firm Committee select the seminar topic for Ms. Freedman's CLE.
- Ms. Davis, past-Chair of the Family Law Committee, requested that the board consider offering a stipend to any Family Law Committee member who attended PBA section meetings. This request was referred to Finance Committee for 2007 budget.
- Acted to cancel the WBA picnic scheduled for Sunday, August 27, if at least 20 WBA members were not registered by Monday, August 21.
- Accepted the bid from ROAM Construction to construct door on first floor separating ACBA space from WBA space.
- Agreed to have interested persons meet with Court Administrator Paul Kuntz and e-filing vendor to discuss the development of an e-filing system in Westmoreland County.
- Young Lawyers Committee reported they will use the Attorney General's Operation Safe Surf as their YL project; training is set for September 7 in Pittsburgh.

SEPTEMBER 26, 2006

- Agreed to hire Paul Brahim to rework WBA Investment Policy.
- Decided to hold CLE on Mechanic

Liens in December since changes are taking place in January. Real Estate Committee will be asked to coordinate the seminar.

- Elder Law Committee reported that a Truth About Living Trusts Seminar will be held in North Huntingdon on October 24.
- Agreed to hold the joint board/judges meeting on October 17 in conjunction with the October board meeting. Agenda will include: court-appointed fee payment, mediation, juvenile mentoring project, and media relations.
- UPG Professor Frank Wilson requested money to fund the juvenile mentoring program through the University of Pittsburgh at Greensburg. This is an offshoot of the town meetings that began with the WBA and the Futures Commission.
- Agreed that this request is a Foundation concern; the judges

should be given a report on this project in case they have a special interest in continuing this project.

- Learned that PBA is sending Operation Safe Surf material to be used to train the Young Lawyers on the AG's Operation Safe Surf education program.
- Approved changing the name of the Lawyers Concerned for Lawyers Committee to Lawyers' Assistance committee (LAC).
- Agreed to establish the Corporate Counsel Committee and to allot money for their use in committee meetings, etc.
- Agreed that that Mrs. Krivoniak should obtain several bids to redesign the WBA website as soon as possible.
- Mr. Whelton reported that he has negotiated several items on the 2007 Bench/Bar Conference contract with The Wisp; contract has not yet been signed.

ATTENTION ATTORNEYS, PARALEGALS AND LEGAL SECRETARIES

Looking to hire or be hired? The Westmoreland Bar Association operates an informal placement service for paralegals, legal secretaries and attorneys by collecting résumés and forwarding them to potential employers at no cost. Contact Bar Headquarters at (724) 834-6730, or 129 N. Pennsylvania Ave., Greensburg, PA 15601, for more information.

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.

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CALENDAR OF EVENTS

NOVEMBER

- 1** WBA Fall Quarterly Meeting, 4 p.m.
- 6** Bankruptcy, Noon
- 7** Election Day
- 8** Real Estate, Noon
Membership, Noon
- 9** WBF 2nd Annual Wardrobe Event, 4 to 8 p.m., Lapels Men's Clothier, Greensburg
- 10** Courthouse closed in observance of Veterans Day
- 14** CLE Seminar: "Wrestling with Allocators," Noon
- 15** Pro Bono on the Road, New Kensington City Hall
Ned J. Nakles American Inn of Court, 5 p.m.
- 16** CLE Seminar: "Western Pa. Conservancy," Noon
Elder Law/Orphans' Court, Noon
- 21** Board Meeting, 4 p.m.

- 22** CLE Seminar: "Family Law," Noon
- 23** Courthouse closed in observance of Thanksgiving
- 24** Courthouse closed in observance of Thanksgiving

DECEMBER

- 2** Holiday Dinner Dance, Greensburg Country Club
- 4** Bankruptcy, Noon
- 5** CLE Seminar: "Bridge the Gap," 9 a.m.
- 7** Ned J. Nakles American Inn of Court, 5 p.m.
- 12** CLE Seminar: "Review of Key 2005 Civil Rights Cases," Noon
- 13** Membership, Noon
- 15** CLE Video Compliance Seminar, 9 a.m.
- 19** Family Law, Noon
- 25** Courthouse closed in observance of Christmas

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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