



Say It Ain't So, Joe!

Reflections on the Career of The Hon. Joseph A. Hudock

Editor's note: The Hon. Joseph A. Hudock will be retiring from the Superior Court of Pennsylvania effective December 31, 2008, after nineteen years on the appellate court bench. He was elected to the Superior Court in 1989, after serving twelve years on the bench in Westmoreland County.

by The Hon. John J. Driscoll

by The Hon. Joseph A. Hudock

As I prepare to ride off into the judicial sunset, I have been asked by the staff of the sidebar to write a reflection upon my career as a jurist. Usually, these kinds of stories are written by the staff or editor of a publication, but apparently, their literary well has run dry, and the editor has fobbed off the task on me. Having no shame, I accepted the assignment.

My judicial career began in 1977 after I was elected to the Court of Common Pleas on the Republican ticket, even though I was—and am—a registered Democrat. The campaign lasted a year and a half and was exhausting. To the political power brokers of the day, I was a thorn in their side and I had no chance of winning. But with very little money, and lots of good people who worked hard, we won. (The first thing you learn in politics is to speak in the plural—"we." No candidate can stand alone.)

When I came to the bench, there were six judicial positions. In short order, one of the judges came down with serious health problems which took him away from his duties. Another judge lost a retention election. For awhile, there were only four judges keeping the judicial ship afloat. On top of all that, the infamous duo of Lesko and Travaglia went on their murder spree, killing four people in cold blood. Because of the tremendous publicity, juries had to be selected in other parts of the state and brought in. Somehow we weathered those crises. Through the efforts of Judges Keim and Mihalich and the local legislators, the county was able to gain additional judgeships, which were sorely needed.

The editor has asked that I relate my "proudest moment." That would have to be prior to the retention election of 1987. As was customary, the bar association conducted a secret poll among its members as to whether I should be retained. My approval rating was 94.8%, and for that I was so

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I first met Joe Hudock in March of 1970 when I entered the office of Pershing, Hudock & Leslie to begin the practice of law. In a rather low-key manner, he welcomed me and offered to be of assistance in any way possible. In short order, I surmised that Joe was a most genuine and thoughtful person whose friendship I would truly value. After some 38 years, my feeling about him is unchanged.

Mr. Pershing had been a prominent insurance defense lawyer since the 1930s and had quite a clientele. Joe was one of many lawyers, including Dom Ciarimboli and Dennis Slyman, who started careers

in the Pershing office. Joe had come to the Pershing office in 1968, after three years as a Navy JAG Officer, where he had worked both in the prosecution and defense of criminal cases. By the early 1970s, he had been assigned a caseload of significant automobile insurance cases. I came to realize that Joe was much more important to the

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The Hon. Joseph A. Hudock and The Hon. John J. Driscoll

President's Message

The Value of Seniority, The Value of Youth

by Barbara J. Christner, Esq.

The value of an association is measured by its members' talents and service. The WBA is very valuable. My experience during the past month with a senior attorney as well as young attorneys has taught me that.

As the WBA President, I recently attended an impressive ceremony held at the beginning of the *en banc* session of the Pennsylvania Superior Court, sitting in Pittsburgh, at which western Pennsylvania attorneys with 50 years of membership and service to the Pa. Bar Association were honored. B. Earnest ("Ernie") Long was



Westmoreland County's recipient of the award. Ernie has been an excellent representative of our bar association and the PBA: he is a Past President of the WBA; he is a member who abides by the highest standards of our profession; and he serves the community.

At the ceremony, Judge Joan Orié Melvin recounted Mr. Long's accomplishments during the past 50 years. President Judge Kate Ford Elliott recognized the honorees—who numbered less than 10—and asked the bar association presidents to present the award to their respective members. I was honored to be able to present this award to him.

His family—including his son, Wes, a Past President of our WBA—and the staff of Fisher, Long & Rigone, were in attendance. They were obviously very proud to see him honored in this way.

PBA President Dale McClain also addressed the Court. I was impressed that the Court took time out of



▲ WBA member Ernie Long (center) was recognized for his 50 years of practice by the Superior Court of Pennsylvania at the Supreme Court courtroom in Pittsburgh on September 4. Also in attendance were (from left to right): Wes Long, WBA President Barbara Christner, Don Rigone, and WBA Executive Director Diane Krivoniak.

its busy schedule to recognize the accomplishments of these individuals.

Although this was Mr. Long's day, I began to think about all of the other senior attorneys in our bar association who have worked diligently for the interests of their clients and the good of the community. In fact, the WBA Board has often remarked that we should take advantage of the wealth of knowledge and experiences of our more senior attorneys. So with that in mind, we would like to record the individual stories of these members of our bar. Not only would we enjoy hearing their stories, but also we would be interested to learn how they have adapted to the practice of law as it has changed during the course of their careers. I am inviting our senior attorneys to contact the bar office to suggest a forum where they would be willing to meet with each other and tell their stories.

And at the other end of the spectrum ... As important as senior attorneys are to our bar, during a recent planning retreat with several attorneys from the bar association, it became clear to me that young lawyers are also an invaluable resource to consult about developments in the area

of technology. Technological changes improve our work product, our representation of clients, and office management. However, it can be difficult for attorneys to keep up with the fast pace of change.

One suggestion is that the Young Lawyers develop a "reverse mentor" program in which knowledgeable young lawyers would be available to assist members who may not be aware of how their practice could be improved by using available, state-of-the-art technology. Some young lawyers have already expressed their willingness to work with colleagues to help them be more comfortable with the implementation and use of technology in their practice. Take it from me, the spirit of these young lawyers is energizing when they discuss these new concepts.

As a member of this valuable association, I have always been impressed with the support we give each other when asked. So, now I am asking. Will the senior attorneys share their stories? Will the Young Lawyers share their time and talent to help us with technology?

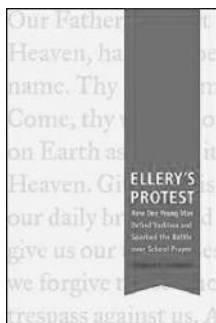
Solomon to Discuss Conflict Over God in the Classroom

New York University professor Stephen D. Solomon will discuss “Kids, Prayer, and Creationism—the Misunderstood Conflict over God in the Classroom” from 7 to 8 pm on Thursday, October 30, at the University of Pittsburgh at Greensburg’s Ferguson Theater in an event co-sponsored by the University of Pittsburgh at Greensburg, the Westmoreland Bar Foundation, and The Belden Family Fund.

Professor Solomon is the author of “Ellery’s Protest: How One Young Man Defied Tradition and Sparked the Battle Over School Prayer.” In it he tells the story of *Abington School District v. Schempp*, one of the most

controversial Supreme Court cases of the last century. The *Schempp* case, which originated in a suburb of Philadelphia, prohibited organized prayer and Bible reading in the public schools. The 1963 case, which caused a major backlash, raises a perfect storm in American society where concerns over faith, children, and education collide.

Prayer, devotional Bible study, the teaching of creationism and intelligent design, posting of the Ten Commandments, and other efforts to bring religion into the public schools continue to divide the country and inflame political passions. The following occurred just this year:



One (1) hour of CLE credit is available to attorneys for a fee of \$30 for WBA members who preregister and prepay on or before October 29 (\$40 for walk-ins), or \$50 for nonmembers.

- A family in Delaware settled part of their case against a local school board over prayer at their daughter’s graduation. Due to severe harassment, the family moved out of town.
- A federal appeals court prohibited a high school football coach from joining his players in prayer before games.
- A school district in Texas dropped a Bible class that eight parents said was devotional in nature rather than academic.



▲ Stephen D. Solomon

Solomon will share details of the personal and legal drama of the *Schempp* case: the family’s struggle against the ugly reactions of neighbors, and the impassioned courtroom clashes as brilliant lawyers on both sides argued about the meaning of religious freedom. He will also explore the political and religious roots of the controversy, and the impact of religious diversity on the issue.

A book signing and a meet-and-greet with the author will follow the discussion. Although there is no fee to attend, reservations are recommended by calling the Westmoreland Bar Association at 724-834-6730.

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

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



the sidebar

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

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Westmoreland Revisited

The Origins of the Public Defender's Office

by The Hon. Daniel J. Ackerman

Prior to the 1970s, counsel for indigent criminal defendants were usually pressed into service by the mere happenstance of being at the wrong place at the wrong time. An example of the former was any place within shouting distance of a courtroom or his honor's chambers; and the latter was that narrow window of time when the unrepresented accused reached the conclusion that a



▲ The Hon. Daniel J. Ackerman

guilty plea was not exactly what he had in mind, and the judge realized that there were anxious citizens on the ground floor waiting to be utilized as jurors. Whisked into the courtroom by a tipstaff, counsel was properly introduced to his new client and was informed that the jury panel would be brought up in about fifteen minutes.

These were not capital offenses, where counsel would have been appointed at arraignment, but they did include the full gamut of misdemeanors and all but the most notorious felonies.

Such was the system, for better or worse, until the Supreme Court recognized in the Constitution a fundamental right to effective counsel for all criminal defendants regardless of their ability to pay, and announced that right in *Gideon v. Wainwright*, 372 US 335 (1963). Four years later, our legislature passed the Public Defenders Act of 1967, and on December 1, 1969, County Commissioners James Kelley, Bernard Scherer, and Dorothy Shope appointed Dante G. Bertani as the county's first—and as of this date, only—public defender.

The majestic equality of the law forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread.
—Anatole France

Innovations are seldom unanimously welcomed with open arms and some members of the bar—a distinct minority—viewed the creation of the office as a threat to their livelihood. Screeds were heard at bar association meetings, back when the open bar preceded the business meetings, that the government was taking fees away from lawyers, that applicants would feign poverty, and that when push came to shove, defendants would

somehow manage to come up with money to pay for a lawyer.

The inevitable came to pass and the public defender's office set up shop on the fourth and a half floor of the courthouse off the small balcony on the west side of the rotunda. It was clearly an area which architect William Kauffman never intended for human habitation. It was a long narrow room, previously used for storage, at the top of a stairway. It had a low bulkhead adjacent to the doorway which lawyers and clients of more-than-average height would regularly strike their heads upon when utilizing the only exit. The lack of an alternate exit was the cause of some anxiety among the staff when they were called upon to receive callers who, deservedly or not, brought with them a reputation for violence.


Mr. Bertani's original staff consisted of a secretary, Shirley Hetz, and three assistant public defenders: Ila Jeanne Sensenich, Al Gaudio, and me. Soon he

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◀ *Westmoreland County Public Defender Dante J. Bertani through the years. From left to right: 1971, 1978, and 2000.*

added an investigator, Bill Richardson, and another secretary, Rita M. Mauro, who, next to Mr. Bertani, is the longest serving member of the office, and who now is an administrative assistant. The caseload for 1970, the first year of operation, involved the representation of 497 adults and 37 juveniles. Thirty-three years later, in 2003, the caseload was its heaviest with 3,321 adults, 749 juveniles, and 119 non-support clients represented through the public defender's office.

The task of representing those charged with crimes, who are at the time the most unpopular members of society, provides a lawyer with a sense of proportion that cannot be obtained in any other way. The following are alumni of the public defender's office, in addition to those mentioned above, who are grouped according to the decade in which they began their service:

THE 1970s: Jack Sparacino, Albert Bell, Gerald McClain, Daniel Joseph, Stuart Horner, Richard Victoria, Jerry Little, Duke George, John Peck, Ronald Makoski, Tim McCormick, and Angie Mitas.

THE 1980s: Gary Caruso, Edward Bilik, Debra Pezze, Richard McCormick, William Caruthers, Mark Mansour, Cheryl Peck, Ned Nakles, Henry Furio, and Christopher Feliciani.

THE 1990s: Rachel Morocco, Bruce Mattock, Jill Bertani, Jack Manderino, John Ceraso, David Regoli, Beth Paletta, Jeffrey Monzo, Michelle Kelly, Robert Specht, A.C. Ansani, Pam Neiderhiser, Adam Cogan, and Mark Shire.

SINCE 2000: Scott Bitar, Lisa Monzo, James P. Silvis, and Meagan Bilik.

Those lawyers who now carry on the work of representing the clients of the office, with service dating back to their initial year of service, are: Mark Ramsier (1982), First Assistant Gregory Cecchetti (1984), David Caruthers (1988), James Gefsky (1990), John Sweeney (1992), Christopher Haidze (1993), L.A. Smith (1993), Deborah Jackson (1994), Christopher Huffman (1994), Joseph Massaro (2001), Patrice DiPietro (2006), and Eric Hoffman (2008).

This article contains no references to any of the thousands of cases handled by the office, some celebrated, many routine (routine perhaps to the lawyers, but never to the parties). While mentioning the present staff, I have not strayed beyond the title dealing with the origins of the office since the article deals only with the term of the first public defender.

In almost thirty-nine years at his post, Dante Bertani is probably the longest serving public defender in the commonwealth, if not the nation. During that time he has done battle with district attorneys and their assistants, judges, court administrators, and even the public, all of whom have changed over the years. He remains a unique, interesting, and at times a frustrating personality. Appropriate to his position, the concepts of popularity and public opinion do not exist in his world. By nature he is a workaholic, sometimes irascible, and often stretching the definition of promptness. These peculiarities, however, are overshadowed by his most admirable trait: his steadfast dedication not only to his clients—some of whom are unaccustomed to any type of devotion—but his dedication to the rule of law.

Law Day Volunteers Go Back to School

Teaching kids about their legal rights and responsibilities is what the Pennsylvania Bar Association Law Day program is all about. With a theme of "Growing Strong Citizens," dozens of volunteers from the Westmoreland Bar Association visited elementary, middle, junior high, and high schools in the county throughout the month of May to challenge students to explore the ways in which they can have an impact on our world.

Almost 3,000 students in 25 schools throughout the county were reached by the judges, magisterial district judges, attorneys, and staffers who volunteered this year.

This year's Law Day volunteers included: Maria Altobelli, Brian Aston, Diane Bickers, The Hon. John Blahovec, Jeremy Boby, Michele Bononi, Becky Brammell, Eileen Buck, Becky Calisti, Leo Ciaramitaro, The Hon. Chas. Conway, Eric Dee, David DeRose, Robert Domenick, Amanda Faher, The Hon. Chris Feliciani, Becky Fenoglietto, Karen Ferri, Pete Flanagan, Dick Galloway, Melissa Guidy, Chris Haidze, Kelly Hammers, John Hauser, Sarah Hough, Maureen Kroll, Moe Lewis, Rob Liotta, George Love, Chuck Mason, Annaliese Masser, Bill McCabe, DeAnn McCoy, The Hon. Bernice McCutcheon, Wayne McGrew, Jeffrey Miller, David Millstein, Angelea Mitas, Diane Murphy, Ned Nakles, Jr., Heidi Norton, The Hon. Wm. J. Ober, Mike Pacek, The Hon. Debra Pezze, Michael Quatrini, John Ranker, Sheriff Chris Scherer, Pat Shannon, James P. Silvis, Harry Smail, Mike Stewart, Bruce Tobin, and Kate Wiatrowski.

Committee Reports

Settling More Cases—Sooner

by Robert I. Johnston, Esq., and the ADR Committee

ADR Committee

We encounter the subject of mediation more frequently every day. As someone who has always described himself as a trial lawyer, a litigator, it makes me feel



▲
Bob Johnston

a bit like a cowboy at the turn of the century. I can't remember that the subject was mentioned even once in law school, or for most of my career. But lately, I've begun to notice that not so many folks can afford what it costs to have the pleasure of watching me work a courtroom. Even the insurance companies are starting to squawk about paying for the interrogatories, depositions, and motions that form the principal part of a litigator's arsenal, only to settle in the end anyway. And so, like any entrepreneur, several years ago I began to consider adding another product to my line;

first I started to encourage my clients and opponents to consider mediation, and then I became a mediator myself.

The ADR Committee believes that a better understanding of the mediation process will permit our membership to make an informed judgment of whether, when, and how we might use mediation to serve our clients. This is the first in a series of articles intended to assist members of the bar in better understanding the different forms of mediation and the kinds of disputes they best serve, when to use mediation, how to select a mediator, and how to prepare ourselves and our clients to achieve the best outcome.

Before we can get to any of that, we need to understand that much of what

we believe about mediation is either inadequate or simply wrong. One of the things we have wrong is that mediation is a lawyer thing. Did you know that until at least the late 1990s, the majority of mediators were not lawyers? Or that mediation actually came to prominence in the turbulence of the 1960s, in places like San Francisco, Chicago, and Detroit, as a means of dealing with social unrest? Its

proponents, decidedly not lawyers, thought of it as a grassroots movement that would help ordinary citizens solve and prevent community and interpersonal prob-



lems. The movement was premised on the belief that ordinary citizens could solve their own problems without resort to the court system. Many thought, and in a larger world-view sort of way, continue to believe, that mediation, as a social movement, could actually change our communities ("Power to the People!"—remember that?), could make the world a better, more peaceful place. That the Court System has co-opted the process to "settle" civil cases is the subject of considerable controversy; some influential commentators even argue that our use of the process is not mediation at all and we should be compelled to call it by some other name.

We also tend to assume the term "mediation" describes a single process, about which we share a common understanding; that when we talk about mediation, we're all talking about the same thing. That's what I

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thought, 2½ years ago, when I plunked down \$1,000 for 40 hours of training. I'd already represented any number of clients in the mediation of their litigation cases. I was about as informed as most of us get. I soon joined the PBA ADR Committee and attended my first meeting, thinking I would meet a bunch of kindred spirits. It was more like a meeting of the United Nations; 60 people calling themselves by a common name, but no two alike.

I have since come to realize mediation is not a single process, but a range of processes that differ according to the nature of the dispute, the education (and philosophy) of the mediator, the desires of the participants, and sometimes, by the design of the entity which institutionalizes a particular style of mediation. (As an example, the Western District Court and U.S. Postal Service each mandate "facilitative" mediation, one of several approaches we will consider in our next article.) Mediators are the product of many different kinds of training, there as yet being no established or universally accepted standards, and bring a broad variety of skills, both technical and personal, and differences in philosophy to the table. It would help to think of mediation as both art and science, with a healthy dose of social movement mixed in for good measure.

Those who have used mediation will tell you the process does not result in more cases being settled, it results in more cases being settled sooner, leaving the same small percentage as always to be tried. The courts and administrative agencies that have mandated mediation have done so in the belief that the public is better served, and more satisfied, when justice does not cost so much or take so long. Lawyers who make use of

the process have learned that it really works. Yet only a small percentage of us consider mediation a part of our arsenal. Most never think to suggest to our clients or our opponents the possibility of resolving disputes at the beginning of the process. Mostly we rely on the tools we've always used, resisting the new and unfamiliar. Hopefully we won't still be on horseback when our customers have all moved on to something that works better for them.

In our next report, we'll talk about the different styles of mediation and how they match up with the kinds of disputes lawyers are called upon to resolve. After that, we plan to examine some of the considerations in selecting a mediator and preparing ourselves to make the most effective use of the process. The ADR Committee is also making arrangements for a mediator training class, likely consisting of 40 hours spread over a couple of weeks and utilizing evenings and weekends, to be presented in late fall. Contact us if you're interested.

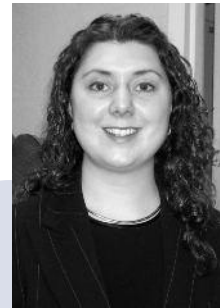
Family Law Committee

by DeAnn McCoy, Esq.

I would like to thank the Family Law Committee for granting me the first-ever stipend to attend the PBA Family Law Section Summer Meeting. I would also like to express my gratitude to the Westmoreland Bar Association for being the first Bar Association in the state to offer a stipend for such an event. Once again, the WBA is leading the way and many at the PBA Family Law Summer Meeting acknowledged that we are setting the standard for other bar associations to follow.

Probably 80% or more of my practice is family law, but because of the cost I had not been able to attend a PBA Family Law section meeting. I knew how important such events can be to a practice but I just couldn't afford it. Now, however, I realize that from a cost-benefits analysis the benefits greatly outweigh both the costs and the effort.

These section meetings are a must for family law practitioners, especially young ones. I now believe that there are at least two must-attend annual conferences for me: the Bench/Bar and at least one of the two family law section meetings held each year. The lawyers, judges, and service providers who attend this conference are the trailblazers in family law. We literally rub elbows with the attorneys who are setting precedent, changing laws, helping to write statutes, and representing litigants from every social and economic strata of the Commonwealth. The CLE



▲ DeAnn McCoy

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Committee Reports *continued from page 7*

instructors are experts in the field, they know the answers to the questions we ask, and they know the intent of the statute because they sat on the committee that helped draft it. They also experience and understand the frustrations that we each have with the imperfections of our current system.

From the young lawyer's perspective, the networking opportunities are endless. I have already established relationships with attorneys in counties where I had no previous contact. I have a case in Cambria County and had the opportunity to collaborate with an attorney there whom I had met through Abby De Blassio, my roommate. She was kind enough to introduce me to attorneys from across the state.

The only negative aspect of the entire family law section meeting was having to pay over \$11 for a lemonade. When we arrived in Baltimore, Abby and I went to McCormick &

Schmick's for lunch. We were in Baltimore, so of course I had to order the crab cakes. They were delicious, but the lemonade was way too pricey for any fluid without alcohol.

I would like to express my sincere gratitude to our Family Law committee and to the WBA for making this experience possible. Thanks also to Abby De Blassio for taking me under her wing and making such a concerted effort to introduce me to as many people as she could.

The next family law section meeting is January 16-18 at the Omni William Penn Hotel in Pittsburgh. The subsidy I received helped defray the costs of the hotel room, transportation, and registration fee for the Baltimore event. However, each of you can attend the winter meeting at a much lower cost because the meeting is in our backyard. The registration fee is about \$400, and for first-time attendees that includes the cost of an

annual membership in the Family Law Section of the PBA. I urge the family law practitioners in our county to register and attend the PBA Family Law Section Winter Meeting. It's highly recommended.

Nominating Committee

The Nominating Committee is accepting letters of application for positions on the Board of Directors, Membership Committee, and Building Committee.

Any member interested in running for these positions should complete the enclosed insert and return it to the Chair of the Nominating Committee, c/o the WBA, by November 15, 2008. 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 2009.

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New and Improved Programs Available

Westmoreland County RIP/ATS Program Celebrates 10 Years

by Sue Soroko, Director, AOD Intervention & Case Management Services SPHS, and Bruno Mediate, Adult Probation and Parole

Westmoreland County's Restorative Intermediate Punishment/Alternative Treatment Services Program (RIP/ATS) is celebrating its tenth year, providing a therapeutic alternative to incarceration for those who are Level 3 and Level 4 criminal offenders under the Pennsylvania sentencing guidelines. The program provides clients with an opportunity to receive chemical dependency treatment services; new tracks will soon be implemented, which will allow more clients to take advantage of this alternative to prison.

In this program, clients are evaluated to assess both their substance addiction treatment needs *and* their support services needs. In addition to chemical addiction treatment services, clients receive the following case management services and/or links to services, depending upon their identified needs:

- mental health treatment;
- medication assistance;
- drug testing and monitoring;
- physical health care links;
- anger management;
- job/vocational assessment and training, including résumé writing, employment search, interviewing skills, and job readiness services;
- literacy support;



◀ RIP/ATS Adult Probation Officers Bill Shifko and Eric Leydig, and Sue Soroko, Director, AOD Intervention & Case Management Services SPHS

- GED assessment and preparation services;
- budgeting/financial support services;
- nutrition education;
- parenting education;
- and general life skills services.

Clients receive intensive supervision through the Adult Probation Office and are placed on electronic monitoring while attending day treatment services at SPHS Behavioral Health. Day treatment services provide a partial level of care in which a client initially attends treatment services five days per week from 9 a.m. to 4 p.m., and then decreases to two or three days per week as he/she makes clinical progress. The length of stay in the RIP/ATS Program is approximately fourteen weeks, but a client's length of stay varies depending upon his/her clinical progress.

When a client completes the RIP/ATS Day Treatment Program, the client is "stepped-down" to a lower level of outpatient treatment care at a location within their geographic area. The care can include intensive or

traditional outpatient treatment, mental health outpatient treatment, or halfway house services. Clients may receive continuing outpatient treatment services for another three to four months. Clients are integrated into these follow-up treatment services in an effort to enable them to become employed, self-sufficient, and continue along the road to recovery. In all, a client will be involved in the RIP/ATS Program, including follow up traditional outpatient treatment services, for an average of seven to eight months.

The RIP/ATS Day Treatment Program is located on South Maple Avenue in Greensburg, and vans provide daily transportation to clients, both to and from their homes. Clients residing outside of Westmoreland County are considered for the program on a case-by-case basis. Clients are not charged a fee for the RIP/ATS clinical services, however, they are charged a minimal daily fee for the cost of the electronic monitoring equipment. The program is funded fully through a grant from the PA Commission on Crime & Delinquency (PCCD).

LawSpeak

"The trouble with fighting for human freedom is that one spends most of one's time defending scoundrels. For it is against scoundrels that oppressive laws are first aimed, and oppression must be stopped at the beginning if it is to be stopped at all."

— H. L. Mencken

CHANGES IN THE RIP/ATS PROGRAM WILL ACCOMMODATE ADDITIONAL OFFENDERS

Beginning in October 2008, the RIP/ATS Program will be offering additional modified tracks to offenders

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New Member Sketches

Jonathan P. Altman was admitted as an associate member of the WBA. A graduate of Franklin Regional, Ohio University, and the University of Pittsburgh School of Law, Jonathan works for Cohen & Grigsby in Pittsburgh.

Jeffrey Baxter has joined the WBA as an associate member. A graduate of Gateway High School, Jeff earned his undergraduate degree from Penn State and his juris doctor from Ohio Northern University. Jeff works in the Office of the Attorney General in North Huntingdon, and is married to WBA member Kyle M. Baxter.

Jason T. Bertram was admitted to the WBA as a participating member. A graduate of Northgate High School, Kent State University, and the Duquesne University School of Law, Jason has an office on South Maple Avenue in Greensburg.

Charles Fox IV, son of WBA member Charles F. Fox, III, has been admitted as a participating member of the WBA. A graduate of Kiski, Gannon University, and Thomas M. Cooley Law School, Chip is an associate with Uncapher Uncapher & Fox in Vandergrift.

Jeffrey S. Golembiewski has rejoined the WBA as a participating member. A graduate of Uniontown Area Sr. High School, Virginia Military Institute, and Thomas M. Cooley Law School, Jeffrey practices with Colecchia & Associates in Greensburg.

Jonathan M. Kozusko was admitted as a participating member of the WBA. A graduate of Latrobe, Saint Vincent College, and the Duquesne University School of Law, Jonathan is a sole practitioner with offices in Greensburg and Pittsburgh.

Vincent C. Longo was admitted to the WBA as a participating member. A graduate of Ligonier Valley, Vince earned his undergrad and juris doctor degrees from the University of Pittsburgh.

Jeffrey T. Lucht has been admitted as a participating member of the WBA. A graduate of Westminster College and Thomas M. Cooley Law School, Jeffrey works with The Hon. Jacqueline O. Shogan in Pittsburgh.

Ronald R. Retsch has joined the WBA as a participating member. A graduate of Steel Valley High School, Indiana University of Pennsylvania, and the University of Pittsburgh School of Law, Ron is an associate with the Shire Law Firm in Monessen.

Andrew F. Skala was admitted as a participating member of the WBA.



A graduate of the University of Pittsburgh at Johnstown and Thomas M. Cooley Law School, Andy is an associate with Harry F. Smail, Jr., in Greensburg.

RIP/ATS Program Celebrates 10 Years

continued from page 9

in order to accommodate the needs of more clients. The following tracks will be available:

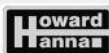
- **TRACK 1:** Clients attend the traditional RIP/ATS service of daily attendance for eight weeks followed by a decrease in attendance to two to three days per week for the remaining six weeks of the program.
- **TRACK 2:** Clients attend two to four full days per week for the duration of the RIP/ATS Program.
- **TRACK 3:** Clients attend half days, four to five days per week for the duration of the RIP/ATS Program.
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Eligibility and referrals to the RIP/ATS Treatment Program are first screened by the RIP/ATS Adult Probation Officers, Bill Shifko and Eric Leydig. They determine whether a person meets initial eligibility requirements for the program. No one is admitted to the program without an initial evaluation by Bill or Eric. Any attorney interested in referring his/her client to the RIP/ATS Program, or seeking additional information regarding the program, should contact Eric Leydig at 724-830-3719 or Bill Shifko at 724-830-3448 to discuss the case.

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To-Wit: Ask Me No Questions

by S. Sponte, Esq.

She came into my office carrying a scowl with the morning mail. The message couldn't have been clearer if she had been carrying a bullwhip instead. It could only be interrogatories!

My secretary does this every time interrogatories come in the mail. She knows how it affects me, how it conjures up for me the image of Indiana Jones in "Raiders of the Lost Ark" as he stood above the just-discovered entrance to the long-buried map room. Bullwhip at the ready and peering down into the yawning darkness below him, he could hear those unmistakable hissing sounds.

"Snakes," he said in a voice quaking with both fear and revulsion, "why did it have to be snakes? I hate snakes."

"Interrogatories," I say to her in a voice quaking with both rage and more rage that sends her scurrying

for cover, "why did it have to be interrogatories? I hate interrogatories."

Used to be I always had some young lawyer in the office to take on the odious chore of answering them. Now that I'm alone in my practice, there isn't anyone else to do it. Well, almost no one.

"You know," I told her, "I think you're finally ready to move up to the role of legal assistant." I could tell she was less than enthusiastic by the rapidity with which she locked herself in the bathroom. Apparently she still remembers how I elevated her to office manager on the eve of the IRS audit.

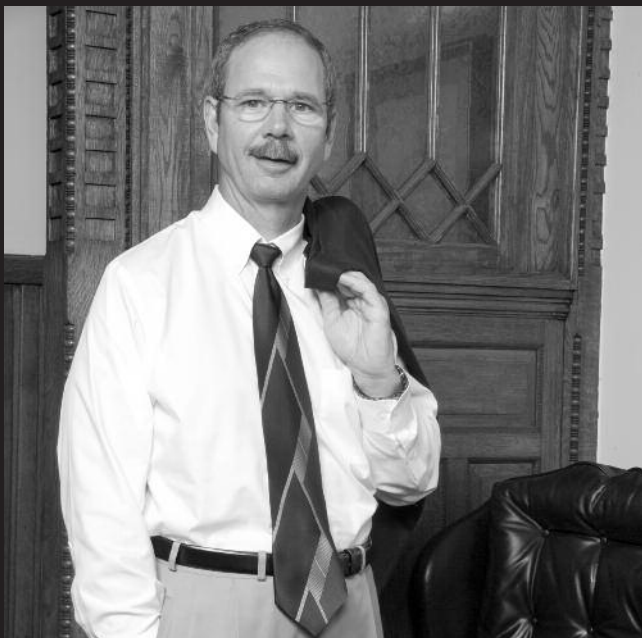
So I began to read this latest set of interrogatories myself. As usual though, I didn't make it past the first question. It's always the same: List the names, with addresses and phone numbers, of everyone you know in the world. (Use a separate sheet of paper if necessary.) I didn't know which was sadder—that I had to prepare the

answer or that my client wouldn't need a separate sheet of paper.

In part I hate this because it requires me to organize and pay attention to the facts of my case. The truth is I'm just not a facts kind of guy. Call me an idealist but I find that all too often facts only tend to muck up an otherwise perfectly wonderful case.

But it also has a lot to do with how barren every lawsuit looks when facts are reduced to interrogatory answers. Just like deposition transcripts, they are devoid of the emotional embellishments of inflection, are stripped of feelings the way the sun melts off the snow. The resultant cold nakedness

continued on page 12



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To-Wit

continued from page 11

transmogrifies a lawsuit from a living, breathing, often traumatic human experience crying out for righteousness into something more resembling a hard number which, by the all-too-simplistic prefixing of a dollar sign, makes all aright. Strip an answer of voice, you strip it of humanity. What you have then is just another statistic, and a mercenary one to boot. Where's the fun in that?

If I'm going to put my blood and guts into a case, I need that voice, I need it like I need the air. Without it, my blood and guts are perfectly happy where they are.

Oh sure, I know that clients are entitled to the very best I can give them, no matter what. But when it comes to answering interrogatories, the very best I can give them is my secretary. And she can't stay locked in that bathroom forever.

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where in the world IS THE WBA MEMBER?



KINGDOM OF
BHUTAN

"My old law partner, Gary Fine, and I went to Bhutan for a month with a Sierra Club group trekking through the middle Himalayas. Bhutan is a Buddhist kingdom, with about 800,000 inhabitants, about the size of Indiana, and only permits about 7,000 tourists a year. We were privileged to be able to trek to areas not previously open to Westerners and visit ethnic groups who had never met Westerners before our visit. Here I am at a prayer wheel on the trail. When you spin the large cylinder, it strikes the bell on the right. Each clang of the bell represents a prayer being recited."

— Bill Wiker

G

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Daniel Joseph

July 2008 Civil Trial Term

Jury Trial Verdicts

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

Of thirty-seven cases listed for the July 2008 Civil Jury Trial Term, fifteen settled, twelve were continued, judgment was entered in one, five verdicts were entered and four were held to the next trial term. The jury verdicts for the July trial term are summarized below.

CITY OF MONESSEN

V.

**DANIEL L. NICOLAUS AND
DAWN R. NICOLAUS, HIS WIFE,
AND DEL SUPPO, INC., A
PENNSYLVANIA CORPORATION**

**DANIEL L. NICOLAUS AND
DAWN R. NICOLAUS, HIS WIFE**

V.

**CITY OF MONESSEN AND
MACCABEE INDUSTRIAL, INC.,
A PENNSYLVANIA CORPORATION**

NO. 3482 OF 2005

NO. 8434 OF 2005

*Cause of Action: Negligence
and Strict Liability*

Daniel and Dawn Nicolaus (the Nicolauses) own real estate, which is situated below a public street known as Helen Avenue, in the City of Monessen (the City). The Nicolauses hired Del Suppo, Inc., to install an in-ground swimming pool on their property. The swimming pool was placed at the foot of a steep hillside, at the top of which is Helen Avenue. Del Suppo excavated the toe of the hillside to facilitate the installation of the pool. Construction was completed in the summer of 2003.

In 2004, a series of landslides took place on the hillside above the swimming pool. During a landslide in March 2004, the ground below Helen Avenue gave way, causing a section of the roadway to break free. The City closed Helen Avenue and hired Maccabee Industrial, Inc., to construct



a retaining wall. The landslides were compounded by a defect in a catch basin beneath Helen Avenue that allowed water to flow toward the Nicolauses' property. Moreover, during the construction of the retaining wall, Maccabee damaged a sewer line, which caused sewage to run onto the Nicolauses' property and into the swimming pool.

The City filed a complaint against the Nicolauses and Del Suppo, alleging causes of action in negligence and strict liability for the withdrawal of lateral support for Helen Avenue. Furthermore, the Nicolauses filed a

complaint against the City and Maccabee alleging causes of action in negligence and nuisance. Prior to trial, the Nicolauses settled their claim against Maccabee.

At trial, the City's claim that the Nicolauses and Del Suppo were strictly liable for failure to provide lateral support to Helen Avenue was dismissed. The evidence presented by the parties focused on the allegations of negligence against the Nicolauses, Del Suppo, and the City. The jury was charged on comparative negligence.

Monessen's Counsel: Mark Shire, Shire Law Firm, Monessen

Nicolauses' Counsel: Kelly A. Morrone, DiBella, Geer, McAllister & Best, P.C., Pgh.

Del Suppo's Counsel: Kim Ross Houser, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. William J. Ober

Result: The parties' negligence was apportioned as follows: the City, 54%; Del Suppo, 46%; and the Nicolauses, 0%. Although the jury found that the City had sustained damages in the amount of \$155,877.18, the City was precluded from recovery by virtue of its negligence in excess of 50%.

SUZANNE DIEHL STEWART

V.

**ELIZABETH L. CARARINI, A/K/A
ELIZABETH L. CARRARINI
NO. 1925 OF 2006**

*Cause of Action: Negligence—
Motor Vehicle Accident*

On April 3, 2004, Plaintiff Suzanne Diehl Stewart was a restrained passenger in the right front seat of an automobile operated by her husband, Gary Stewart. Mr. Stewart was heading in a southerly direction on State Route 66, in the area of that

continued on page 14



Jury Trial Verdicts *continued from page 13*

road's intersection with old Route 66 at Hempfield Park in Westmoreland County. Mr. Stewart stopped and activated his left turn signal before yielding to oncoming traffic and making a left-hand turn across Route 66. As he was making the turn, Defendant Elizabeth Carrarini, operating her vehicle in the same direction on State Route 66 behind the Stewart vehicle, collided with the rear end of Stewart's vehicle.

In this negligence action, Plaintiff claimed soft tissue injuries to her cervical, thoracic and lumbosacral areas. Plaintiff maintained that these injuries caused her to suffer neck pain and stiffness, hand and forearm numbness and weakness, lower back and right-sided upper back pain, carpal tunnel syndrome, fatigue, headaches, loss of concentration, insomnia, anxiety, depression, and aggravation of a pre-existing esophageal condition. The limited tort provisions of the Motor Vehicle Financial Responsibility Law did not apply in this case.

Defendant argued that Plaintiff's soft tissue injuries were not severe. Additionally, two experts testified that Plaintiff's pre-existing esophageal condition did not relate to the accident since the condition lay latent for two years after the accident. Plaintiff's treating physician testified that Plaintiff's injuries were causally connected to the accident.

Plaintiff's Counsel: Mary Ann Dilanni, Cohen & Grigsby, P.C., Pgh.

Defendant's Counsel: Christopher M. Fleming, Snyder & Fleming, Gbg.

Trial Judge: The Hon. Gary P. Caruso

Result: Verdict in favor of the Plaintiff in the amount of \$250,000.00.

RAYMOND SLEASMAN

V.

EILEEN WILLEY, EXECUTRIX OF THE ESTATE OF JONATHAN WILLEY, DECEASED NO. 10081 OF 2005

Cause of Action: Negligence—Motor Vehicle Accident

Raymond Sleasman instituted this personal injury action after the motorcycle that he was operating collided with a pick-up truck operated by Jonathan Willey on June 12, 2004. Moments before the collision, Mr. Willey had backed out of his driveway onto Vernon Road in Rostraver Township, Westmoreland County. Mr. Sleasman sustained a broken leg that required three orthopedic surgeries, a separated shoulder, broken ribs, and abrasions. He was hospitalized for two weeks.

Mr. Sleasman was the only witness for the Plaintiff. Jonathan Willey passed away from natural causes two years after the accident occurred and, therefore, his version of the accident could not be presented. His Estate, however, presented two witnesses. One witness was a neighbor who was in her side yard and saw the vehicles prior to the collision. She indicated that the Plaintiff-motorcycle operator had his head turned and was looking at her prior to the accident. The Estate also presented the testimony of an accident reconstruction expert who offered the opinion that Plaintiff's version of the accident—that the decedent's vehicle immediately pulled out in front of him—was not supported by the measurements or physical facts at the scene.

The jury found that Mr. Willey was 50% causally negligent in failing to see the Plaintiff's motorcycle as he was backing out of the driveway, and that Plaintiff was negligent in violating the assured clear distance rule. The jury found Mr. Sleasman's damages to total \$49,588.83 (\$10,000.00—noneconomic loss, \$31,268.83—medical expenses, \$8,320.00—past lost wages), which was reduced by 50% in a molded verdict.

Plaintiff's Counsel: Jan Ira Medoff, Pgh.

Defendant's Counsel: Stephen J. Magley, O'Malley & Magley, L.L.P., Pgh.

Trial Judge: The Hon. Daniel J. Ackerman

Result: Molded verdict in favor of Plaintiff in the amount of \$24,794.15.

ANNOUNCEMENT

Charles C. Mason, Jr. has been appointed as a neutral in the ADR Program for the United States District Court for the Western District of Pennsylvania.



**Charles C.
Mason, Jr.**

- 35 years practicing law
- Experienced in advising large and small businesses
- Experienced in real estate, commercial, business and employment litigation
- Member of the Westmoreland, Pennsylvania and American Bar Associations

I would appreciate your consideration when choosing a neutral, whether it is part of the Federal Court's ADR Program or independently.

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**BERNICE J. MATONIC AND
KENNETH MATONIC, WIFE AND HUSBAND
V.**

**ROMAN CATHOLIC DIOCESE OF PITTSBURGH; THE MOST REVEREND PAUL J. BRADLEY, BISHOP AND SUCCESSOR TRUSTEE OF THE ROMAN CATHOLIC DIOCESE OF PITTSBURGH; THE CATHOLIC DIOCESE OF GREENSBURG; THE MOST REVEREND LAWRENCE E. BRANDT, BISHOP AND SUCCESSOR TRUSTEE OF THE CATHOLIC DIOCESE OF GREENSBURG, OUR LADY QUEEN OF PEACE PARISH; A/K/A THE ROMAN CATHOLIC CONGREGATION OF THE OUR LADY QUEEN OF PEACE PARISH, F/K/A THE ROMAN CATHOLIC CONGREGATION OF HOLY TRINITY SLOVAK CATHOLIC CHURCH OF BOROUGH OF EAST VANDERGRIFT, PENNSYLVANIA; AND THE MOST REVEREND LAWRENCE E. BRANDT, SUCCESSOR TRUSTEE OF OUR LADY QUEEN OF PEACE PARISH, A/K/A THE ROMAN CATHOLIC CONGREGATION OF THE OUR LADY QUEEN OF PEACE PARISH, F/K/A THE ROMAN CATHOLIC CONGREGATION OF HOLY TRINITY SLOVAK CATHOLIC CHURCH OF THE BOROUGH OF EAST VANDERGRIFT, PENNSYLVANIA
NO. 438 OF 2007**

Cause of Action: Negligence—Slip and Fall

On February 25, 2005, a day with snowy weather, Bernice Matonic (Plaintiff) parked her vehicle in a lot owned by the Roman Catholic Church, Our Lady Queen of Peace Parish (Defendant). Plaintiff was using the parking lot to attend an event at the Lithuanian Club, which is located near the Defendant's property. When she exited her vehicle, Plaintiff proceeded to walk on a sidewalk that was adjacent to the Defendant's social hall. Plaintiff slipped and fell on the sidewalk and sustained a displaced fracture of her hip. She subsequently underwent partial and total hip replacement surgeries. Plaintiff filed a complaint against Defendant, alleging that she fell on an accumulation of snow and ice on the sidewalk and was injured. Plaintiff's husband, Kenneth Matonic, sought damages for loss of consortium.

At trial, the issues were whether Plaintiff had express or implied permission to use Defendant's parking lot and whether Defendant had negligently allowed ice and snow to accumulate on its sidewalk. Plaintiff theorized that Defendant was negligent because an employee of Defendant shoveled snow in the vicinity of the sidewalk, which melted during the day, flowed onto the sidewalk, and then froze in the evening.

Plaintiffs' Counsel: Richard Rosenthal and Jason M. Lichtenstein, Edgar Snyder & Associates, LLC, Pgh.

Defendants' Counsel: Bernard P. Matthews, Jr., Meyer, Darragh, Buckler, Bebenek & Eck, PLLC, Gbg.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of the Defendant.

Letters to the Judge



No. 472XD10007
WCDC
September 15, 2008

Your Honor, Sir,
I have heard through the grapevine that your honor, following his summer vacation, was suffering from jet lag. As this is a disease of the rich and an affliction of the affluent, it is one which your humble correspondent has no firsthand knowledge. But, I understand it is a feeling of an unsavory sort caused by your brain thinking it is one place and your body thinking it is entirely someplace else. Jeeter, my cellmate, wondered aloud if it might be something similar to "patrol car lag," where your brain and mouth will proclaim, to anyone who will listen, that at a particular time you were at one solitary spot, while your fingerprints on some inanimate object, such as a steering column, might suggest that you could possibly have been someplace altogether different. Jeeter says the cure is to lay low for a couple weeks and if no member of the constabulary trods upon your driveway or knocks his stick end upon your door you may begin to feel considerable relief.

Jeeter's new girlfriend, Shirley, visited him on Sunday. Her middle boy, Norman, works across the state line at the Oglebay Resort, and he says that one night, back in June, that a group of lawyers attending a shindig of some sort were so enlivened by the outdoor after-dinner entertainment, which included some judicial strumming and high-pitched amplified lyrics, that for the rest of the evening all decorum was abandoned, and that a particular ruckus arose in rooms 712 and 714, with such outlandish noise, voluminous giggles, and assorted clamor, that justifiable suspicions arose, which were, in fact, confirmed the next morning to the dismay and disgust of the cleaning women.

Norman, who oversees the resort's lost and found department, says that the next week you called and asked if anyone had turned in a pair of brown Hart Schaffner and Marx slacks which seemed to be missing, and that you offered Norman a premium, if he did have them, to have them dry cleaned and mailed to your home in a container with a label stuck upon its face reading "Law Books, To Be Opened Only By His Honor."

Jeeter and I know as a fact that Norman is a notorious name-dropper, and don't believe for a minute that, of all people, this was you. It was probably one of your colleagues and he just used your name to impress us, knowing, as he did, that we would be mailing to you a petition for a Columbus Day furlough.

Hope you are feeling better,

Ricky H. Benbow, Sr.

The Hon. Joseph A. Hudock *continued from page 1*

grateful, and to this day I am so proud. I had worked very hard and tried to be fair and impartial with everyone. A judge seldom gets any feedback, however, and it is reassuring to know that one's efforts have been appreciated.

The editor also asked for my worst moment. That would have to be the same retention poll when I realized that the 5.2% of the members who voted "no" for my retention were stupid, bigoted, air-headed nitwits, who deserved to have their wives and daughters run off with members of a polygamist cult!

In 1989, I got the wild idea to run for the Superior Court of Pennsylvania. Even though I had no political organization, and very little money, I decided that I had the qualifications, i.e., law degree, under the age of 70, and a citizen. Once again, the power brokers circled their prey. I was told to get out of the race, that if I got a Democratic nomination, "My legs would be cut off," etc., etc. Many good people came to my aid and we won.

I have enjoyed my years in the appellate court, and have enjoyed hearing arguments in Pittsburgh, Harrisburg, and Philadelphia. It has been especially pleasurable for me to sit in various other parts of the state when we were invited to do so. For example, I have sat in Scranton, Bellefonte, Washington, Pa., Kittanning, Lancaster, Lafayette College, University of Pittsburgh Law School, Duquesne Law School, and Temple Law School.

General Patton was a great general, but he is remembered as the unsympathetic man who slapped the face of a poor scared soldier. Richard Nixon accomplished much by way of our opening to China and other such things, but will be remembered as the disgraced center of the Watergate scandal. In my case, no matter what else I have done, I probably will be remembered as the judge who wrote the "Nutkin opinion." The case involved the Pennsylvania State Game Commission citing a poor woman who had adopted a squirrel as a pet. She had adopted the squirrel while she was a resident of South Carolina, where it was perfectly legal to do so. But when they moved to Pennsylvania, she came afoul of the game commission.

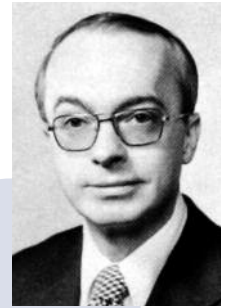
A panel of three judges heard argument on this case in the magnificent Supreme Court Courtroom in the Capitol in Harrisburg. If you have never seen this room, you must make a special trip to do so. The wood is beautiful mahogany, and the high ceiling is covered with a stained-glass skylight. The whole room oozes magnificence and grandiosity. As I looked around the room at all this magnificence, I could not help but be amused that we were hearing a serious argument about a squirrel. I have always taken this job seriously and have never trivialized any case before me. (*Dan Joseph swears that at a sentencing hearing before me years ago, a defendant got down on one knee like Al Jolson and pleaded, "Judge, don't send me to jail. I have got to be free, free like a bird!" That much I acknowledge. However, Dan contends that I then said, "You want to be a bird? I'll make you a jailbird: 11½ to 23 months." For the record, I vehemently deny having said anything about jailbirds. I do acknowledge saying to Dante Bertani during a discussion about the jury charge at the end of a criminal case: "You don't want all that nonsense about reasonable doubt, do you?" The look on Dante's face was priceless!*)

Nevertheless, the squirrel case seemed to push the limits.

Accordingly, I wrote the opinion as if it were a children's story about Nutkin the squirrel. I expected to get a smile or two from my colleagues, but

continued on page 18

office than he let on. His inventory of files brought him several phone calls each week from insurance adjusters—and in daily contact with the county's leading civil trial lawyers. I can recall vividly Joe's cases with lawyers such as A.C. and John Scales, Bernie and



▲ *Judge Hudock's 1978 WBA portrait*

Leonard Redlich, Ned Nakles, Carl Fisher, Ernie Long, Henry Waltz, Tom Ceraso, Reg Belden, Christ. Walthour, and many others. Joe was competent and effective, and despite the competitiveness and vicissitudes of litigation in which a lot of money was at stake, one had to be impressed with Joe's cordial relationships with other lawyers.

There were exceptions, of course. Once, at the Prothonotary's Office, he and Bill Caruthers got into a heated argument over the payment of costs. Bill, who had a long, successful career, could be feisty. When Caruthers asked Joe if he wanted to settle the matter (by fighting!) in the hallway, Joe dropped his file and started for the door, only to be told by Caruthers to "calm down—I just wanted to see if I could get your goat!" Joe laughed about that for years. Yet, relationships occasionally went to the opposite extreme, as at the bar association Christmas dance in 1975 when Joe and Bernie Redlich danced cheek-to-cheek to Irving Berlin's "White Christmas."

Prior to entering the U.S. Navy, Joe attended law school at Duquesne University. Though he often described his law school years as a series of funny incidents and forages to local taverns, Joe was an excellent student and well thought of by his classmates. (Of course, there were only 19 in his class, all men, barely enough to fill a tavern.) Later, one of his professors, the eminent John Murray, would



recommend Joe for a position with the Federal Trade Commission. The idea of being in Washington, D.C., was tantalizing, but Joe had spent eight wonderful, formative years at St. Vincent, courted his wife by paying for her beers at the Tea Room, and been offered a job by one of the county's leading lawyers, and the desire to return home was too great.

In the mid-1970s, Bob Boyer asked Joe to succeed him as the solicitor for the Borough of Scottdale. Joe accepted and in short order became involved in a major cable television rate case. Joe recommended that the borough retain counsel who had PUC/FCC expertise, but the borough council felt they couldn't afford the counsel fees, so Joe did the work. (Joe never did learn how to implement the principle given to him by Henry Mahady: "The first right of every citizen is to have competent counsel on a substantial retainer.")

Eight or nine years earlier, National Cable had set very low rates in order to gain access to Scottdale and the council was not about to let down



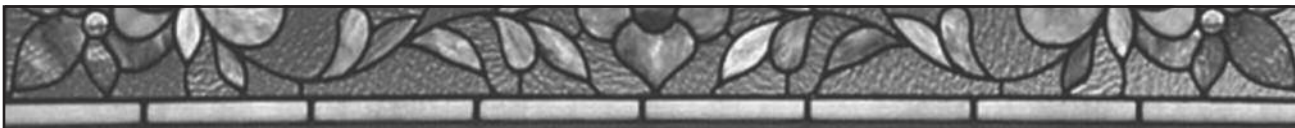
Mary Lou and Pat Costello with Judge Hudock and Rita Hudock in 1991.

the good citizens of Scottdale by acquiescing to a rate hike. Joe sought an injunction to block a rate increase. Judge Mihalich granted it. The Commonwealth Court, in an opinion by Judge Genevieve Blatt, affirmed Judge Mihalich. In *Borough of Scottdale v. National Cable Television Corporation, et al.*, 381 A.2d 859, 476 Pa. 47 (1977), the Supreme Court again affirmed, holding that a borough ordinance regulating cable TV rates was constitutional. In dissent, Justice Roberts scoffed that "the majority today holds that a Borough [sic] has

authority to regulate the monthly rates charged by a private cable television company simply because cable television wires run beneath the city streets ... That the ordinance cannot be sustained as an exercise of the police powers is almost too obvious for discussion." Joe was a hero in Scottdale, but the holding sent shock waves through the cable industry, who, though losing all the battles with Hudock, later won the war by obtaining an act of the legislature allowing cable companies to set their own rates.

Joe left the Pershing office in 1974 and joined Henry Waltz. Henry was a tenacious defense lawyer and worried about his cases. Henry thought of Joe as one of the very few lawyers he could trust to do high-quality work. Joe and Henry had a great time together and their association might have lasted longer had Joe been able to survive two- or three-martini lunches. Joe found that, despite the nutritional value of an olive, he could accomplish nothing after lunch. Joe and I rejoined

continued on page 18



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The Hon. Joseph A. Hudock *continued from page 17*

to my amazement, the story went around the world. I had calls from National Public Radio, Canadian Public Radio, and various newspapers around the state. I later found on the Internet stories about the case as far away as Great Britain, India, Wisconsin, Maine, and various other places. I was considered a hero by a group called Squirrel Lovers for Freedom or Squirrel Lovers of America or some such name.

I would like to be remembered for something other than Nutkin the squirrel.

SOME RANDOM MUSINGS

It is hard to believe that I have been on the bench for 31 years. It seems like yesterday when I began. The thing I have enjoyed most is my interaction with the members of the bar, both professionally and socially. We have a great bar in Westmoreland County, with proud traditions.

In retirement, I may do mediation or title searching, if I can master the new computerized records. Regarding title searching, Jim Silvis gave me wise guidance years ago. He said, "If you find a mortgage to a bank in your search, go no further. A bank wouldn't loan money where title is bad." He also advised me: "Increase your malpractice insurance and certify."



▲ *The Hon. John J. Driscoll, Dick Galloway, The Hon. Joseph A. Hudock, and Rick Galloway at the 1998 Holiday Dinner Dance.*

I am still perplexed by a comment made by Sua Sponte about me when he spoke at a bar association dinner in a mid-state county. He proclaimed that since I had joined the Superior Court, my reversal record had improved greatly.

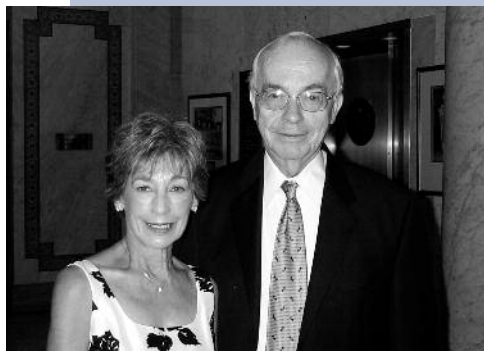
Recently, I told Judge Driscoll that while my wife and I were members of Saint Vincent Church, we had been attending a quaint little church in Marguerite, which seats about

100 people, versus the magnificent Basilica at Saint Vincent which holds 800–900 people. He asked why we didn't join that smaller church. I explained that I wanted to be buried from the Basilica at Saint Vincent. He replied: "For the number of people who will be at your funeral, that church in Marguerite will be more than adequate."

Bibamus, moriendum est.

(For the non-Latin speakers: Death's unavoidable; Let's have a drink.)

Vince Morocco, The Hon. Joseph A. Hudock and Aaron Kress at a long-ago Bench/Bar. ▶



▲ *The Hon. Joseph and Rita Hudock at the Courthouse Centennial in 2007.*



in 1977, and Joe began what would become a career- and life-changing year.

Judge Weiss from Monessen and Judge Sculco from New Kensington were to retire at the end of 1977. Judge Weiss had been on the bench since 1957, but in public office since the 1930s when he was swept into early public office as part of the Roosevelt landslide. Prior to serving two full terms on the bench, Judge Sculco was the district attorney who prosecuted the infamous "Turnpike Killer," John Wesley Wible (who was executed). An era of two fabled judges was ending, and two vacancies were to be filled. Crime seemed to be on the rise, the courts were coming under close scrutiny, and talk of the upcoming judicial election was rampant within political circles.

During the summer of 1976, Joe began to ask a few friends what they thought of the idea of him becoming a candidate for one of the seats. Joe was 39 years old and quite accomplished as a lawyer, but felt a desire to live the law differently. (We had developed a bad habit of sneaking out of the office for coffee in the late afternoon at Lee's Restaurant. The practice of law and legal issues of the day were always the topics of conversation, and I remember how Joe enjoyed looking at an issue from many viewpoints.) His friends thought of him as reflective, trustworthy, and knowledgeable, and encouraged Joe to run.

Certainly, Joe was not a "natural" candidate. He had a very low political profile. (More accurately, he had NO profile.) But his friends believed in him, and, as luck would have it, Don Bailey had returned from Army service in Vietnam and was attending Duquesne's law school (carpooling with Tony Marsili, Jerry Fajt, and George Kearns), and he was looking for a candidate.

Six lawyers filed petitions—Chuck Loughran, Lou Ceraso, Joe Hudock, Dr. Bernard Scherer, Bill Boyle, and



◀ *Ned Nakles and Judge Hudock in 1991.*

Judge Marker, Judge Hudock, Judge Ackerman, and Judge Scherer at the 1989 Bench/Bar Conference.



Bob Kutz—but it was evident in early 1977 that Chuck and Lou were to be the endorsed candidates. Scherer, who was then chair of the Democratic Party, dropped out. Chuck Loughran and Lou Ceraso won the Democratic Party endorsements but Joe stayed in the race.

The primary campaign introduced Joe to just about every community in the county. The acclimation to campaigning was enervating, but Joe gained confidence and developed a good stump speech. He began to emphasize what he believed—the law is to be respected and applied by judges who are non-political. On the night of the primary election, results were reported precinct by precinct as Joe’s people waited at the Greensburg Moose. Loughran and Ceraso won both Democrat nominations, but Joe won one on the Republican side. That night, Bailey told Joe that he would win in November. As Joe and I walked to the parking lot after the midnight hour, Joe couldn’t understand how Bailey could have any optimism. However, all the work put into the primary election proved to be just the beginning. Bailey convinced Joe to re-charge his batteries and get ready for five more months of campaigning.

The summer-fall campaign of 1977 was exhausting—not just for Joe, but for Chuck and Lou as well. Taverns, bars, clubs, civic and political groups, picnics, phone calls, mailings, etc., endlessly, it seemed, provided the routine from June through November.

The press coverage was constant. Ruth Love, Doris O’Donnell, Frank Myers, Richard Gazarick, Connie Gore, and Vince Champion all covered the campaign from different angles for the Tribune Review. The headline on July 21, 1977: “Judicial Race Sparks Political Conflict.” Jeanne Griffith, then Recorder of Deeds, was quoted as saying she had received political threats from powerful people because of her support for Hudock.

There was a great deal of coverage about “the machine of the Democratic Party,” etc. Joe’s own machine consisted of his brother and sisters and brother-in-law, Tom McCloskey, and a dedicated group of friends, who individually addressed and stamped (I don’t remember why we didn’t use bulk mail!) tens of thousands of envelopes.

My own recollection some 30 years later is that Joe was always tired, Bailey was always “pumping sunshine” (the actual phrase is not repeatable here), and Joe’s supporters were unfailingly encouraging. As for myself, I worried about my solvency and was about to have a fourth child. The joy of bringing home a new son turned into one of those campaign “incidents” that is never forgotten. On the night my wife and our fourth child came home from the hospital, I announced I had to go to Monessen with Joe. My wife has forgiven both Joe and me—so she says—but hasn’t forgotten.

Naturally, Joe’s personal life was a bit stressed. Joe’s personal finances at that time were based on a careful calculation that income must at least slightly exceed expenses. He had a family and a mortgage, and there were no huge reserves from which to draw for months on end. As luck would have it (or, as Joe’s sister, Mary McCloskey, would say, “a well-timed blessing”), Joe was able to settle one of his few (actually, I think it was the only) plaintiff’s cases for a \$10,000 fee, which carried him during September-November, just a few steps ahead of his creditors.

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The Hon. Joseph A. Hudock *continued from page 19*

Late on Tuesday, November 8, 1977, after an intense campaign, Joe and Chuck Loughran were declared the winners, as Joe finished second, a few thousand votes ahead of Lou. Joe had been elected, pledging “Respect for Law,” and to uphold the dignity of the court. (As an aside, Lou Ceraso, who had suffered a disappointing loss, came to the Greensburg Moose election night to offer Joe congratulations and best wishes for future success. Years later, Joe and I had a long conversation reflecting on Lou. Lou’s wife and children would have been proud of Joe’s words of admiration and praise. Lou was a gentleman.)

Joe entered the judiciary in January 1978. He was well prepared for the job. Not only had he eleven years of



▲ *Judge Hudock and Judge Ober at the 1998 Fall Gathering.*

practice in the county, his JAG experience had been formative. Part of his experience was in Ishikawa, Japan. An experience there foretold his respect for law. As a young lawyer he was faced with a base commander who was determined to impose discipline on an enlisted sailor that Joe felt would have been excessive under the language of the Uniform Code of Military Justice. Joe was able to limit the commander’s exercise of powers and obtain a just outcome. This early advocacy of respect for the law and process was one of many such positions Joe would exhibit during his career. Later work would demonstrate a philosophy that sought the rational and reasoned application of the law, but was wary of excessive exercise of power.

From January 1978 until December 1989, Joe served in our trial courts. By any measure he was a valued judge who rendered outstanding service. He became known as one who was punctual, even-handed, and fair. Small cases were given full attention; larger, complex matters were competently handled. At one point he was ensnared in a teachers’ strike in the Norwin School District. After an exhausting mediation he was applauded by all for a meaningful process and fair outcome. The civil trial bar—both plaintiffs’ and defense—considered him a knowledgeable colleague. (But life was not all peaches and cream. Joe often had to persevere through the desperate hours of Saturday afternoons as he worked frantically to get opinions written. It was a struggle to stay abreast of the work—even



▲ *Judge Charles and Sally Loughran with Judge Hudock in 2002.*

when I was his trusty, but part-time, law clerk. At one point, Joe was doing virtually all the family court work. Today four of us do the work; naturally, Joe frequently reminds us that he did the work of four judges.) Joe took his work very seriously, but never himself. After ten busy years of every kind of case—from custody and non-support, to civil, law or equity, to criminal—he received a lawyer’s retention recommendation of 94%.

By 1989, Joe had become interested in the idea of doing appellate work and decided to seek one of two open seats in the Superior Court, which had opened upon the retirements of Judges Wickersham and Brosky. It was a long shot.

Joe managed to circulate enough nomination petitions to squeak onto the ballot. Again, Joe was not the likeliest candidate. The others came from metropolitan regions or had obvious political backers. Joe’s support was local, but it mattered in a big way! A.C. Scales wrote to every borough official in the Commonwealth; Ned Nakles wrote to trial lawyers in western Pa.; Tom Anton contacted his cousin, Bill George of the Pa. AFL-CIO; many bar members wrote

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to colleagues around the state; Joe's classmates (all 18 of them) promoted him; friends like, John "Patches" Yazach, a cantankerous, "it's-them-or-us" kind of fighter, pounded signs in every PennDOT right of way in Western Pa.; Joe "The Hungarian Prince" Setmire accosted members of the deputy sheriff's association all over the state, cajoling support from his hundreds of "best friends," etc.

Joe campaigned virtually every night and on weekends. He was determined to miss little or no work, and save vacation days for the fall in the event he won a nomination. Looking back, he carried things a bit too far. In the middle of the primary season, Joe had to handle the *Mignogna* case. Mignogna was accused of two gruesome homicides in Trafford and was to be defended by the public defender. The legendary Father Orlando Prosperi happened to be visiting from Rome and read about the case. The throats of the two victims had been slashed and the death penalty was a possibility. Orlando returned to the courtroom as volunteer counsel to assist Dante Bertani and Debbie Pezze. The trial lasted nearly three weeks, consumed Holy Week, and included a Saturday session. Joe had known Orlando for years and realized that

Orlando's strategy often was to be so insistent and repetitive, despite the trial judge's rulings, that he would be held in contempt. Mistrials were the frequent outcome and Joe was determined to avoid a mistrial. (Years earlier Joe had witnessed epic battles between Orlando and Judge Keim, which were not pretty.) Joe held Orlando in contempt, fining him \$200, but he did so outside of the jury's knowledge. (Joe later offered to pay the purge, but Orlando refused Joe's offer and similar offers from several lawyers.) But the case was a huge physical and mental challenge for Joe. He developed vision problems and headaches.

At his wife's insistence, he went for a physical exam. The nurse took his blood pressure and ran to get the doctor; the doctor immediately told Joe to sit down. His blood pressure was 200 over 100, stroke territory. (Joe complained to me that he could have died. My feeling was that, since he didn't die, he should be grateful for the publicity. The TV stations had sent artists to the courtroom. Sketches of Joe, unflattering as they were, appeared almost nightly on all the Pittsburgh stations.)

Kate Ford Elliott and Joe were nominated. It would be quite a year
continued on page 22



▲
The Hon. Joseph A. Hudock and The Hon. Stephen J. McEwen, Jr., in 1991.

I am but one of the legions of lawyers, judges, and citizens who hold Judge Hudock in deep respect and high esteem. As his colleague, I have persisted for quite some time in an effort to persuade him to stay on the Superior Court. My motive is quite selfish, since he brings to the Court such full measures of wisdom and warmth that we will all be the poorer for his departure. Alas, his decision seems firm.

As you know, the smile of Joe Hudock is ever constant, and he is so very tolerant of the shortcomings of others, even the aloof, whose manners are so foreign to his own. Moreover, his warm heart has always been stirred by the many perils which beset the working person, so it is that he is especially wary of those who view themselves as elite.

Most importantly, Joe is a man of ethical absolutes, unshakable values, spiritual discipline, and self-sacrificial commitment. Admired for his intellect, saluted for his gentle, tolerant spirit, fair almost to a fault, and always understanding, Joe never allows the stress of the moment to turn him from a disciplined and informed sense of what is right.

I have been blessed to call Joe friend, because it is his view that friendship is a faith and that, as with family, to care and to nourish is to cause to flourish. Lord, how I—and the Court—will miss him.

— The Hon. Stephen J. McEwen, Jr., President Judge Emeritus, The Superior Court of Pennsylvania

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The Hon. Joseph A. Hudock *continued from page 21*

for Joe and his family. Kate had run before (and won! But the election results were vitiated, as the election had been incorrectly held in an even-numbered year. How that happened is a story for another day.). The two Republican candidates were Deputy Attorney General and former Welfare Secretary Walter Cohen, and Philadelphia Judge James Melinson. Almost before the general campaign even started, Joe mentioned to Judge Mihalich that he had heard there was a “deal” under which Melinson (who was the nephew of the famous Philadelphia Republican boss, Billy Meehan) would be supported by large blocks of Democratic Party operatives in Philadelphia and throughout the state. In the most unusual action, organized labor endorsed three candidates (two Democrats and a Republican) for two seats.

Joe and his wife, Rita, traversed the state during the summer and fall. He ran a campaign that was much different from those run today. As he had twelve years earlier, he finished second—a winning spot when two seats are available. The November 9, 1989, front page of the Tribune Review ran a huge picture of Joe (oddly enough, adjacent to one of Cambria County Judge Joseph O’Kicki, a colleague and friend of Joe’s who had been indicted for theft), asking if his victory was a “political miracle.” Here is part of the article, headlined as “Hudock Victory Low-Cost ‘Miracle.’”

“Yes, that’s what (District Attorney) John Driscoll called it today,” said Hudock in his book-lined conference office on the mezzanine of the Westmoreland County



▲ Judge Hudock, Judge Driscoll, and John Peck at the 2001 Holiday Dinner Dance.

Courthouse. “With all the donations counted, the campaign will run around \$40,000.00. And, of 67 counties, I personally visited 40.”

To what can he attribute his victory? “Well, we didn’t have any TV and very little radio. No billboards, an edge with the large statewide Democratic registration. But it was just people...”

The Tribune-Review, though usually somewhat parsimonious with its endorsements, had a somewhat different perspective, as to “why?”

The Tribune-Review had put it quite well in its May 7, 1989, endorsement, captioned “Hudock is ‘Superior’”:

Judge Joseph Hudock deserves a shot at Pennsylvania’s Superior Court.

Why?

Not just because he’s a local, Western Pennsylvanian boy who has succeeded in the judicial arena.

Not just because he’s earned his political spurs.

Not just because he knows the law and has the appropriate temperament to handle appellate matters.

But because he’s a special human being.

First, he listens ... and responds. Yes, the independent Democrat champions the idea the court rises above politics and social fads. But he also respects the unwritten link between morality and the law, and the public’s concern for balance between the rights of the victim and those of the accused.

Second, Judge Hudock cares about his community ... not just Westmoreland County, but the “community of man” as well. He’s sensitive to the anxiety over the growing drug problem, the desire for law and order, and the concerns involving economic justice.

Third, he’s a worker. He loves methodical research ... doing it right. That aptitude will be particularly useful in Superior Court.

And finally, Judge Hudock loves the law. He’s built his life around it and we’ve all benefited as a result. To Joseph Hudock the law lies at the base of the social structure and he enjoys participating in supporting the development of that structure.

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For all of these reasons and more the Tribune-Review believes Judge Hudock deserves a chance to serve in Pennsylvania's Superior Court.

In a few weeks Joe would begin his work on the Superior Court. His journey had prepared him well. On December 29, 1989, in his own courtroom (now Judge Pezze's), the Superior Court convened for the first time ever in Westmoreland County. It was truly an august occasion, attended by the complete Westmoreland County bench and many appellate judges. There was even music.

Joe's oath of office ten years later upon his retention would stand in stark contrast to his first. Joe thought it would be great to be sworn into office in Hanna's Tavern at Hannastown. Jim Steeley let us into the tavern. It was a wet and mucky day in December 1999, but Judge Marsili, Joe, and I donned our robes and I administered Joe's oath. Joe thought it was historic; I thought it was ludicrous.

Back to 1989: Judge Cirillo presided and Judge Mihalich, Dick Galloway, then president-elect of the bar association and a long-time friend of Joe's (Dick and Dan Ackerman had practiced together for many years; they and Joe would frequently have lunch together, occasionally complaining about the shortcomings of judges), Pete Vaira, a law school friend of Joe's who had been head of the Chicago Organized Crime Strike Force and U.S. Attorney in the Eastern District of Pa., and I made remarks, all of which praised Joe, but were, for the most part quite forgettable. But Bishop Connare, in his resonant, silvery voice, to a full courtroom, intoned words that, in a general way, seemed to be a guide Joe would follow for the next twenty years:

May the dear Lord continue to enlighten our friend and brother, Judge Hudock, who today assumes his post on the Superior Court of

our Commonwealth. May the Lord shower him and his colleagues on the Bench and at the Bar with that wisdom which seeks the divine dimension of their every decision. Responding in the spirit of that wisdom, may they faithfully fulfill their sworn duty to serve the needs and interests of our beloved people.



◀ *Judge Driscoll administered Judge Hudock's oath of office for his second term on the Superior Court bench in the historic Hanna's Tavern in Hannastown, Pa., in 1999. Judge Marsili served as a witness to the event.*

Joe's work on the Superior Court has indeed validated the faith and confidence of his friends and supporters and been true to the values instilled by his family, his church—and the Benedictines of St. Vincent Prep School and College. Being true and faithful to the deep obligations of the judicial oath requires a daily commitment that not every judge can fulfill. Joe—in faith to his obligation and sustained at times by the life-giving force of the martini—has given a full measure of important and meritorious service to Pennsylvania's judicial process, in both the trial court and appellate courts.

Along the way, Joe himself has had the greatest blessings of life—a devoted wife, Rita; four wonderful children,

Joe Jr., a practicing trial lawyer in Pittsburgh; Daniel, who practices with McDonald, Snyder & Lightcap in Latrobe; Anne, a published author; and Mary, who has obtained graduate degrees in English and literature; and six grandchildren. When all is thought through, Joe's career is a shining example of success achieved through diligence and competence, but also through civility, decency, and integrity in a manner that we would all wish to emulate.

This past December, Joe, Chuck Seamens, and I had lunch at the Rialto in Greensburg. Halfway through lunch, I realized that the date was December 31, the last day of Joe's commissioned service as judge. His thirty-year judicial career was virtually over. For some strange reason it dawned on me that in all the years Joe has been sending me funny notes, he always used his own stamps, never once taking advantage of his official postage privilege. Joe had promised respect for the law and the courts, and he fulfilled his promise in large matters and in small. For myself, I felt a bit nostalgic and thankful for a wonderful friendship of 38 years. In many ways, my feelings at that moment were the same as when I walked in to his law office for the first time.

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foundation focus

WBF Scholarships Awarded at Ceremony



▲ Five scholarships were awarded to law school students and mock trial participants during a ceremony held in August at the Westmoreland County Courthouse. From left to right: The Hon. John E. Blahovec, President Judge; Alicia Uhrin; Christen Casale; Tarah Park; Eric Harbison; Joseph Tkocs; Timothy J. Geary, WBF Trustee; and The Hon. Daniel J. Ackerman, WBF Chair.

The Westmoreland Bar Foundation awarded three law school scholarships and two college scholarships to Westmoreland County residents at a ceremony held August 7, 2008, at the Westmoreland County Courthouse.

LAW SCHOOL

The Wayne R. Donahue Memorial Scholarship

Tarah Park, of North Huntingdon, is the recipient of the \$2,500 Wayne R. Donahue Memorial Scholarship. A graduate of Westminster College, Tara is a first-year student at the University of Pittsburgh School of Law.

The scholarship is named for Wayne R. Donahue, a sole practitioner from New Kensington, who was a lifelong resident of western Pennsylvania and an alumnus of Duquesne University and Duquesne University School of Law.



▲ Wayne R. Donahue

The Donald Laird Hankey Memorial Scholarship

The Donald Laird Hankey Memorial Scholarship of \$3,000 was awarded to Penn-Trafford High School graduate Joseph Tkocs. Joseph is a first-year law student at Duquesne University School of Law and has earned both B.S. and MBA degrees at Indiana University of Pennsylvania.

The scholarship is named for Donald Laird Hankey, a sole practitioner in New Kensington and a member of the Westmoreland Bar Association for more than 65 years. A lifelong resident of Westmoreland County, Attorney Hankey was an alumnus of Westminster College and the University of Pittsburgh School of Law.



▲ Donald Laird Hankey

The Honorable David H. Weiss Memorial Scholarship

The Honorable David H. Weiss Memorial Scholarship has been



awarded to Greensburg Salem Area High School graduate Eric Harbison.

Eric received his undergraduate degree in economics from Bucknell University and is a second-year law student at the University of Pittsburgh School of Law. Eric was the recipient of the Donald Laird Hankey Memorial Scholarship in 2007.

The Honorable David H. Weiss Memorial Scholarship is named for the former President Judge of the Court of Common Pleas in Westmoreland County who was an alumnus of the University of Pittsburgh School of Law.



▲ The Hon. David H. Weiss

MOCK TRIAL

Mock Trial Scholarships are made possible through the generous donations of members of the Westmoreland Bar Association, appropriately titled the Founding Fellows. Over \$60,000 was raised by this group to assure that two \$1,000 college scholarships could be awarded each year to deserving mock trial participants.

This year's Mock Trial Scholarship winners are Alicia Uhrin and Christen Casale.

Alicia Uhrin is a 2008 graduate of Mount Pleasant High School. Alicia is attending Duquesne University and will pursue a dual degree in Spanish and Business. She is the daughter of Karen and David Uhrin.

Christen Casale is a 2008 graduate of Greensburg Salem High School, and was a member of the winning county Mock Trial team. Christen is attending the University of Pittsburgh, main campus. She is the daughter of Tina and David Casale.

WBF Board of Trustees Report

The following transpired at the September 2, 2008, quarterly meeting of the Westmoreland Bar Foundation (WBF):

- Endowment Committee wants to spread the word that gifts of \$5,000 or more to the WBF can be administered through a donor-advised fund.
- WBF will co-sponsor lecture on topic of school prayer by NYU Professor Stephen Solomon, who wrote "Ellery's Protest: How One Young Man Defied Tradition and Sparked the Battle Over School Prayer," on October 30 at 7 p.m. at the University of Pittsburgh at Greensburg. This event is underwritten in part by a generous contribution from The Belden Family Fund.
- Public Relations Committee will be meeting to discuss how to respond to inaccurate, misleading, or biased reports in the media; development of a website similar to the Allegheny County Bar Foundation's; and promotion of and public relations for lawyers.
- WBF Financial Advisor Paul Brahim advised that the investments had lagged on returns in 2008 but that a slight growth could be expected in the fourth quarter.
- Treasurer Kathleen Kemp and Diane Krivoniak planned to attend the IOLTA Board meeting in Pittsburgh on September 10 to thank the Board for the funding it provides to our programs.
- Mock Trial Scholarship Award recipients were recognized in early August at a ceremony in Judge Blahovec's courtroom; the event was featured in an article in the Tribune Review written by Jennifer Miele.
- The Outreach Committee is planning this year's Holiday Dinner

Dance Silent Auction with the help of the Board of CASA, who will split the proceeds with the WBF. Robert Morris Lecture Series tickets are among the items that will be available for bid.

- Pro Bono Coordinator Iva Munk distributed up-to-date case statistics and reported that she will be available for potential clients in Monessen in September.
- WBF will contribute at least \$500 to the Turkey Trot this year.
- Next quarterly meeting scheduled for Tuesday, December 2, 2008, at 4 p.m.

Super Lawyer/Super Woman

Joanne Ross Wilder Is Making It Count

The Pro Bono Program of the Westmoreland Bar Foundation is constantly making phone calls and networking to find attorneys in this county who will volunteer their time to provide legal representation for eligible clients. When an Allegheny County attorney contacted *us* late last year to volunteer her services, we at the Pro Bono Program couldn't have been happier.

Joanne Ross Wilder, a principal in the matrimonial law firm of Wilder & Mahood, P.C. in Pittsburgh, was attending a custody hearing at the

Westmoreland County Courthouse and spoke with Bruce Tobin about the Pro Bono program in Greensburg. Bruce directed her to Pro Bono Coordinator Iva Munk and by the end of their conversation, Joanne agreed to volunteer with the Pro Bono Program and meet with clients seeking a divorce.

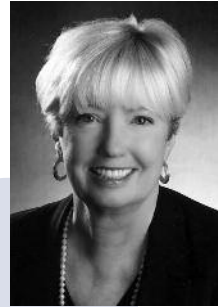
On November 1, 2007, six clients were scheduled to meet with Joanne for half-hour appointments starting at 9:00 a.m. Around 10:00 a.m., we were calling clients to see if they would be able to arrive earlier. By 11:00 a.m.,

Joanne had interviewed all the clients and, with a smile on her face, she was gone. This same phenomenon happened on June 19 and again on August 14 when she consulted with eight clients in approximately two hours. The whirlwind continues at her office in Pittsburgh, as clients have happily expressed the speed with which their cases are progressing.

Joanne has been voted a Pennsylvania Super Lawyer every year from 2005 through 2008. She has also been listed in every edition of "The Best Lawyers in America." We know why. She has a professional, no-nonsense style and she knows how to get the job done.

Ms. Wilder, we really appreciate all you have done for the Pro Bono Divorce Program.

continued on page 26



▲ Joanne Wilder

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foundation focus

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Volunteers for Justice

The Pro Bono Program extends thanks to all the attorneys who volunteered their time from April through September 2008.

APRIL THROUGH JUNE 2008

Marnie Abraham, Gary Alexander, Jim Antoniono, Scott Avolio, Janette Baisley, Kenneth Baldonieri, Becky Brammell, Larry Burns, George Butler, David Caruthers, Brian Cavanaugh, Eric Dee, Amanda Faher, Rebecca Fenoglio, Meagan Filo, Mike Garofalo, Barry Gindlesperger, Jeff Golembiewski, John Hauser III, James Horchak, Maureen Kroll, Stephen Langton, Robert Liotta, Irene Lubin, Shirley Makuta, Chuck Mason, DeAnn McCoy, Paul Miller Jr., Donald Moreman, Mike Nardelli, Debra Nicholson, Keith Nicola, Terry O'Halloran, Bradley Ophaug, Tony Perrone, Brian Petroski, Pamela Roudebush, Ronald Russell, Robert Slone, Peggy Tremba, Todd Turin, Mark Wible, Joanne Wilder

JULY THROUGH SEPTEMBER 2008

Gary Alexander, Kenneth Baldonieri, Dustin Barr, Robert Blum, Linda Broker, John Bumbaugh, John Campfield, Brian Cavanaugh, Rebecca Fenoglio, Jeff Golembiewski, Dennis Gounley, John Hauser III, Debra Henry, James Horchak, Maureen Kroll, Stephen Langton, Irene Lubin, Shirley Makuta, Jason Mazzei, Philip McCalister, Paul Miller Jr., David Millstein, Donald Moreman, Ned Nakles, Mike Nardelli, Debra Nicholson, John O'Connell Jr., Terry O'Halloran, Bradley Ophaug, Gino Peluso, Dennis Persin, Brian Petroski, Pamela Roudebush, Ronald Russell, Joanne Wilder, Gerald Yanity

Postcard from New Orleans



Dear WBA friends:
After a wonderful time at the Bench/Bar,

I left for a long drive and whirlwind visit to my new home, The Big Easy. I didn't begin to explore all of its attractions, because I returned to Baltimore in July for a month of training. As of August 1st, I am officially an Administrative Law Judge for the Social Security Administration. In New Orleans I am living at 5329 Citrus Boulevard, H-348 Elmwood Park, River Ridge, LA 70123. Come visit! Call (724-396-0522) or e-mail (bja27709@gmail.com) me to make reservations! I hope to see you soon, either in Pennsylvania or Louisiana.

— Barbara Artuso

Actions of the Board

JULY 15, 2008

- The Westmoreland County Chamber of Commerce will not be able to add our suggested educational programs to their fall schedule.
- Agreed to have board member or Mrs. Krivoniak join the Chamber's education to help the bar association have visibility with the Chamber members.
- Hired a website development company to begin initial design of the Lawyer Referral Service site.
- Agreed to return to Oglebay for the 2009 Bench/Bar Conference.
- The PA Client Security Fund has requested help on two matters:
 - Legal representation (pro bono) to complete the legal matters which have been caused by a member of the WBA, and
 - Aid to clients in completing the application to their offices. Board agreed to invite a representative

from the fund to meet with the board. Mrs. Krivoniak was charged with making the offer to the Client Security Fund.

- Mrs. Krivoniak met with health insurance providers to begin pricing employee health care for 2009.
- PBA Zone 6 Governor Bob Johnston was invited to attend the meeting to discuss the PBA leadership and his role as our Zone 6 governor.

AUGUST 19, 2008

- CLE report shows that CLE income is up due to walk-in fees for 2008.
- Learned that PBA Young Lawyer delegate Tony Perrone has relocated his practice from Westmoreland to Cambria County; the PBA Young Lawyer delegate seat needs to be filled through the 2010 Annual Meeting.
- Amended decision reached at the July meeting about the location of the 2009 Bench/Bar Conference. Agreed that the 2009 Bench/Bar Conference should be scheduled at Seven Springs.
- Jim Silvis, Rich Flickinger, and John Campfield agreed to serve on LRS oversight committee.
- Learned that PBA is looking for attorneys and non-attorneys to serve on a commission to evaluate appellate court candidates.
- Agreed to consider putting proposal together to partner with PBI and hold webinars and other such CLEs in the bar headquarters.
- Board agreed that we should research the costs to rent the Westmoreland Intermediate Unit for this kind of seminar.
- Young Lawyers report by Chair John Hauser:
 - The YL summer picnic will be held on Friday August 22 at Heidi DeBernardo Norton's house.
 - YLs need a new service chair to replace Tony Perrone.
- Agreed that James Boggs will play at the Fall Gathering on October 4 at Westmoreland Country Club.

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- Agreed to hold the annual bar leaders/bench meeting on October 21. Agenda items so far include: local rules, e-filing, and publication of trial lists in the Westmoreland Law Journal.
- Fee Dispute Committee Chair Harvey Zalevsky is in need of two non-attorneys for his panels; agreed to contact SCORE to see if they have retired professionals interested in serving.

Savings Extended to WBA Members

The Westmoreland Bar Association is pleased to offer member savings with **Staples Business Advantage**—not the same as “Staples Retail.”

The WBA will save 20% this year on office product purchases made from Staples Business Advantage.

To start your savings, contact Jessica at jessica.virgin@staples.com. In the text of your e-mail, identify yourself as a member of the Westmoreland Bar Association and include the following information: office name, address, phone, fax, and contact person.

If you are in the market for a new copier, give **ComDoc Communication & Documentation Solutions** your consideration. This employee-owned business will extend discounts on office products to all WBA members while issuing a 3% rebate check to the WBA for each purchase.

THE ALLEGHENY COUNTY BAR ASSOCIATION PRESENTS

T-BOLT

Up to 7 Hours of PA CLE Credit

NOVEMBER 10 – 11, 2008
David L. Lawrence Convention Center
Downtown, Pittsburgh

Co-sponsored by:
Beaver County Bar Association
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University of Pittsburgh School of Law
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Board when you change your address or phone number. All changes in address must be reported to the Attorney Registrar within thirty (30) days after such change.

In order to update your official address of record with them, complete the Request for Address Update form which is available online at <http://padisciplinaryboard.org/forms/attorneys.php#registration> and fax or mail it to the Administrative Office. Your address of record will be available to the public.

Superior Court Blog

Rominger Legal has a new blog where Pennsylvania Superior Court cases are posted every day and are categorized for easy reference.

Access the blog at <http://pacaselaw.blogspot.com>.

What Might You Be Missing?

Are you getting all your WBA correspondence? Many notices are sent via e-mail or fax, and some invitations to events are sent to your home address. If we don't have your current information, we can't contact you. Please be sure to let us know when your contact information changes. E-mail us at westbar.org@verizon.net to get your information up to date. In addition, don't forget to notify the Disciplinary

Got News?

Do you have news to share with the sidebar? Making Partner? Marriage? Birth? Anniversary? Accomplishments? Send us a fax at 724.834.6855 or e-mail us at westbar.org@verizon.net, and we'll publish your news in the next available issue.

On The Move ...

BARRY B. GINDLESBERGER has opened his office at 101 North Main Street, Suite 206A, Greensburg, PA 15601-2407. His phone number is 724-853-2464, fax 724-216-5365, e-mail bbgindlesperger@cs.com.

GENE F. ZURAWSKY is Vice President and In-House Counsel for Jenmar Corporation, 258 Kappa Drive, Pittsburgh, PA 15238; 412-963-5325; fax 412-963-8099; e-mail gzurawsky@jenmar.com.

CALENDAR OF EVENTS

OCTOBER

- 21** A CLE Event: “Hot Tips in Family Law,” Noon to 1:15 p.m. Board Meeting, 4 p.m.
- 22** Ned J. Nakles American Inn of Court, 5 p.m.
- 30** **FREE and Open to the Public:** “Kids, Prayer, and Creationism—the Misunderstood Conflict over God in the Classroom,” 7 to 8 p.m., University of Pittsburgh at Greensburg, Ferguson Theater
Sponsored by the Westmoreland Bar Foundation, The Belden Family Fund, and the University of Pittsburgh at Greensburg. One hour of CLE credit is available to attorneys for a fee of \$30 for WBA members who preregister and prepay on or before October 29 (\$40 for walk-ins), or \$50 for nonmembers.

NOVEMBER

- 4** Election Day
- 11** Courthouse closed in observance of Veterans Day
- 12** Membership Committee, Noon
Bankruptcy Committee, Noon
Real Estate Committee, Noon
- 13** A CLE Event: “Right to Know Act,” Noon to 1:15 p.m.
- 18** Family Law Committee, Noon
Board Meeting, 4 p.m.
- 19** Ned J. Nakles American Inn of Court, 5 p.m.
- 20** A CLE Event: “An Elder Law Practitioner’s Primer on Reverse Mortgages,” Noon to 1:15 p.m.
- 27** Courthouse closed in observance of Thanksgiving
- 28** Courthouse closed in observance of Thanksgiving

**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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