



Survey of Judicial Candidates

Eight Vie for County's Court of Common Pleas Nominations

Editor's note: As in past judicial elections, we have made space available for all the candidates for the Court of Common Pleas of Westmoreland County to respond to a series of uniform questions, hoping that the effort enables our colleagues to learn a little bit more about those who seek a seat on the bench. The answers, which begin on page 4, are solely the statements of the candidates and have not been edited or altered in any way. We also asked each candidate to submit an example of his or her legal writing, such as a brief or other law-related document, which best reveals that aspect of his or her professional ability. Those submissions can be viewed in their entirety on the WBA website at www.westbar.org/judicialcandidates.html.



**J. ERIC
BARCHIESI**

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**MICHELE G.
BONONI**

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**MEAGAN BILIK
DEFAZIO**

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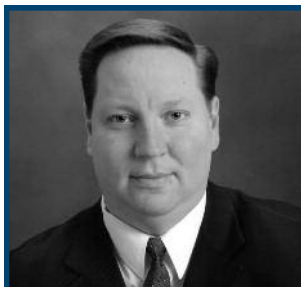
**CHRIS
HUFFMAN**

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**J. RUSSELL
MCGREGOR, JR.**

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**MIKE
PACEK**

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**CHRIS
SCHERER**

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**HARRY F.
SMAIL, JR.**

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President's Message

Be Willing to Make Deposits

by James R. Antoniono, Esq.

As I sat in Judge Pezze's Courtroom preparing to present to the Court one of our new admittees at the Ceremony of New Admittees, I surveyed the Bench and saw most of our Court of Common Pleas Judges, a senior Common Pleas Judge, a Commonwealth Court Judge and a Superior Court Judge. All of these distinguished jurists were present for the Presentation of New Admittees.



This was a ceremonial occasion for the Bench, Bar, and the new admittees: all of these new admittees have already passed the bar, have been admitted into the practice of law, and have already begun the practice of law. This was truly a ceremonial occasion and yet all of these Judges, members of the Bar, including most of the members of the Board of Directors and Officers of the Bar, District Attorney John Peck, as well as friends and family members of the new admittees, were present for this ceremony.

That same day I had received in the mail the most recent issue of "Bar Leader" which contained an article entitled "Generation Communication." The article was about bar associations around the country and how they are having problems attracting generation "X" and "Y" lawyers and involving them in bar activities.

This has not been a problem we have faced in Westmoreland County. I believe the reason we have been so fortunate was exemplified by the "Ceremony for New Admittees." Our Bench and Bar took time out of their busy schedules to show the new lawyers we care about them and their future as members of our Bar. This

sends an important message to the admittees as they begin their Westmoreland County law practice.

I am writing this message as I am about to take over as President of our Bar Association and reflecting back on my career as a lawyer. I was 34 when I was first admitted to the practice of law. There is no legal tradition in my family. My father was 17 when he arrived in this country; both he and my mother had the equivalent of a sixth-grade education. My mother did not live long enough to see me become a lawyer; my father lived a lot longer and was very proud of my accomplishments.

I felt honored and continue to believe it is an honor to be part of this great profession, especially to be a part of our Bar Association and treated as an equal by my fellow members of the Bar.

Within months of starting my practice, I was court-appointed to represent a young black man who was charged with raping a woman. Tim McCormick represented a co-defendant and Tim Geary was the Assistant District Attorney who prosecuted the case. The trial was in front of Judge Loughran. Despite the fact that I had worked for one of Judge Loughran's opponents [Judge Hudock] in the judicial election that occurred two years earlier, Judge Loughran treated me with respect and did not embarrass me in front of the jury when I said something that was not permitted in my closing.

My client was found not guilty—life was good for a young lawyer.

Shortly thereafter I was fortunate to have a client with a personal

injury case. I called Ned Nakles, Sr., for some advice. Not only did he give me good advice, he gave me his home phone number and said to call him anytime night or day.

I am not sure there is a better county for a young lawyer to learn the practice of law.

A few years later I wrote to then-president of the Bar, Reg Belden, and suggested that Westmoreland County should have a Lawyers Abstract Company like the ones in Armstrong County and Butler County. Reg's response was to name me chairman of a committee that included Ralph Conrad, David DeRose, Jim Duffy, Jim McDonald, and John Ward. Thanks to the great

work of that committee, Lawyers Abstract Company of Westmoreland County was born.

When I look at the list of individuals who have served this great

organization as President, I don't feel worthy to stand in their shoes. We have a great tradition of electing members to our Bench who care about our Bar Association. Likewise we have had a history of electing members to the Board of Directors of our Bar who care about continuing the traditions fostered by our predecessors.

A legal career is like a bank account, if all you do is make withdrawals, at some time there will be nothing left in the account. If you want your career to be rich and rewarding you have to be willing to make deposits—give back! 🍀

I continue to believe it is an honor to be part of this great profession.

Remembering Stephen Langton

Editor's note: Stephen Langton passed away on February 17, 2009. He is survived by his wife, Sandra; his children, Jenica Burello and husband, Joseph, and Desiree Snyder and husband, Daniel; his grandchildren, Gianna and Luca Burello; and his brother, Robert Langton.

by James Irwin, Esq.

"THE GENTLEMAN LAWYER"

Stephen Eugene Langton untimely departed this earth on the 17th day of February, 2009, in Philadelphia, while awaiting treatment for amyloidosis.

Steve attended California State University and subsequently graduated from Southwestern Law School. Shortly thereafter, he relocated to Westmoreland County and purchased the Booth mansion in New Kensington.

I first met Steve 21 years ago when he came into my Arnold office to review a lease he had prepared for one of his apartments. Immediately, I was impressed. He carried himself well: he was handsome, had a marvelous physique, and exuded grace and poise. At the time, I was unaware that Steve was a lawyer. Steve was not one to crow, brag, or boast.

At our first meeting, I happened to be reading a copy of my favorite hymn that I had just received in the post from Ireland, "All Things Beautiful." I shared it with him and from then on, we bonded.

Thereafter, Steve rented an office from David Wasson and me in Lower Burrell, where he shared space and expenses with ten other attorneys. This arrangement lasted for 19 years until his death, without a written lease and without one complaint of any kind

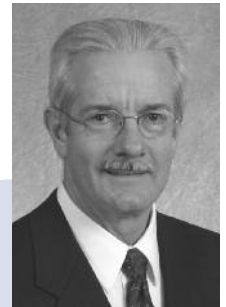
regarding my office management—ever. With Steve, we did not need a written lease: his word was his covenant, pledge, and guarantee.

Steve was much loved, admired, and respected by his clients, friends, and fellow attorneys, as well as by all of the staff in my office.

It was always very pleasant to see him saunter and stroll into the office, always smiling, wearing his big Stetson hat, properly attired, broad-shouldered, with a ready handshake and a warm heart. I know he graced and cultivated my life, and now that he is gone, there is a big void. I will forever feel shortchanged and deprived of his companionship, camaraderie, and office kaleyding (visiting).

However, you do not have to pay attention to me. Here is what a few other people said about him in an online living tribute:

- "Steve's life reflects so well Ecclesiastes 7:1." Liz Yarbenet
- "Our deepest sympathies to the Langton family. You were a great neighbor." Barry Black
- "A kind and loving person who represented his clients well." Michael J. Stewart, Attorney at Law
- "A gentleman and ethical colleague will be greatly missed." Marla R. Blum, Attorney at Law
- "I always considered Stephen to be a gentleman's lawyer. I will miss him very much." Gino Peluso, Attorney at Law



▲ Stephen Langton

Looking for a special way to remember someone?

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

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

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



the sidebar

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

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

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Eight Vie for County's Court of Common Pleas Nominations

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These eight candidates are running in the primary election on May 19, 2009. Voters will choose two Republicans and two Democrats to face off in the November general election. All candidates have cross-filed.

J. Eric Barchiesi



▲
J. Eric Barchiesi

Municipality of residence

My wife, Dawn, and I, along with our two boys, Dominic and Dante, reside in Penn Township.

College(s) attended and degree(s) earned

After graduating from Greater

Latrobe Senior High School in 1982, I attended Indiana University in Bloomington, Indiana, where I earned a Bachelor of Music Education degree, with distinction, in 1986.

Law school(s) attended

Following my graduation from Indiana University, I came back to Western Pennsylvania and attended the University of Pittsburgh School of Law, earning a Juris Doctorate degree in 1989.

Positions of employment since your admission to the bar

During my second year of law school, I was fortunate to work as a law clerk with the litigation firm of Rosenberg Kirshner in Pittsburgh. I mainly worked in the defense litigation area with the late Herb Rosenberg, Esquire and Charles Kirshner, Esquire. After graduating from law school and passing the Bar Examination in November 1989, I remained at Rosenberg Kirshner as an associate

attorney, litigating arbitration subrogation claims; defending products liability, personal injury and commercial claims; and handling all of the Allegheny County asbestos litigation for two large companies. In 1991, I joined the office of Baginski & Bashline in Pittsburgh as a trial attorney. From 1991 through 2004, my practice focused on defense litigation and trial work throughout Western Pennsylvania, primarily in the following counties: Allegheny, Westmoreland, Indiana, Washington, Greene, Beaver, Butler, Mercer, Crawford, Erie, Lawrence, Cambria, McKean, Fayette and Somerset. During those years, I tried cases involving personal injuries, defective products, professional negligence, construction liability and commercial liability. From 2004 through the present, I have maintained an active trial practice in defense litigation with the office of Eisenberg & Torisky in Pittsburgh. In my current position, I handle mostly high exposure cases involving death claims, catastrophic losses, medical malpractice claims, large commercial loss claims, discrimination cases and personal injury claims.

Membership in law-related organizations

Upon my admission to the Pennsylvania Bar in 1989, I was recruited and became an active member of the Allegheny County Bar Association as a pianist/musician for the "ACBA Players," a group similar in nature to the former WBA "Barflies." While mainly social in nature, my participation in this group was significant since I developed a rapport with many other lawyers and judges at a very early stage in my career. I also volunteered as a participant in the KDKA "The Law & You" program. This worthwhile program involved being part of a phone bank of lawyers counseling

callers with legal problems in family law, contract disputes, estates and trusts and personal injury claims. I also was a volunteer for several years with the Legal Aid Society and Child Advocacy Programs in Allegheny County. Through Legal Aid and Child Advocacy, I represented indigent clients and minors in disputes in matters of family law/custody, contract, personal injury and landlord/tenant.

After moving back home to Westmoreland County in March 2002, I joined the Westmoreland Bar Association and volunteered on the Activities Committee and Lawyer Concerned for Lawyers Committee. I thoroughly enjoyed playing the piano for several of the WBA Fall Gatherings at Latrobe Country Club and for providing the music at the Holiday Dinner Dance in 2007. Additionally, I became involved in the vital *Pro Bono* program. I counseled clients in landlord/tenant disputes, contract disputes, family law and insurance matters. Lastly, for several years, I volunteered as a presenter for "Law Day" through the WBA at local elementary schools. I especially enjoyed speaking to the students at Sunrise Elementary School in Penn Trafford School District a few years ago, since I knew some of the kids from T-ball, wrestling and soccer through the Penn Township Athletic Association.

Membership in other organizations

My music experiences alone could probably fill an entire page of *the sidebar*. I have been an organist in local churches since beginning to play at St. Bartholomew Church, Crabtree in 1974 at age 10. Since then, I have been an organist and/or the Liturgical Music Director at St. Bede, Bovard; St. James, New Alexandria; Our Lady of Grace, Greensburg; St. Rose, Latrobe; and most recently, Blessed Sacrament

Cathedral, Greensburg. I have been a substitute organist at Trinity Lutheran, Latrobe; Slickville Presbyterian Church; United Presbyterian, Latrobe; Holy Cross, Youngwood; St. Mary's, Export; Mother of Sorrows, Murrysville; St. John de LaSalle, Delmont; St. Vincent Basilica, Latrobe; Mount St. Peter, New Kensington; and St. Paul's Church, Greensburg.

In 1979, at the age of 15, I became a member of the Greensburg Musical Society, American Federation of Musicians, Local 339. Currently, I am the Secretary/Treasurer of the Musical Society. Through the Musical Society, I have played in numerous big bands and ensembles throughout Westmoreland County during the past 30 years, including: Frankie Carroll Orchestra; Barry Blue Orchestra; Julius Falcon Combo; Buddy Lee Orchestra; Sonny Sky Orchestra; Lee Barrett Orchestra. As part of the Musical Society, I have also maintained an active solo career as a pianist at Chestnut Ridge Inn, Blairsville, where I was the house pianist during Sunday

brunch for approximately 6 years. My solo career has also taken me to many other venues such as Mountain View Inn; Latrobe Country Club; Westmoreland Country Club; Greensburg Country Club; the Sheraton Inn in Greensburg and Station Square; the former Blue Angel Restaurant, as well as the current DeNunzio's; LeMont; River's Club; Duquesne Club; Harvard, Yale, Princeton Club; Edgeworth Club; Oakmont Country Club; and the David E. Lawrence Convention Center.

For twelve of the past thirteen years, I have been a member of the Greensburg Central Catholic High School Spring Musical Production Staff. In this capacity, I have acted as the rehearsal pianist, musical director and conductor for the spring musical productions at GCCHS. I have also been involved in musical theater productions as a musician and/or musical director for Stage Right!, Greensburg; Noble Theater Productions, Greensburg; Ligonier Valley Players, Ligonier; Orchard

Performing Arts Company at Apple Hill Playhouse, Delmont; Greater Latrobe Senior High School; Hempfield Area Senior High School; and Pittsburgh Musical Theater.

In addition to my musical activities, I am also a current Cub Scout leader for Pack 203, Harrison City and an Adopt the Highway volunteer. I have also volunteered as an assistant coach for baseball and wrestling through the Penn Township Athletic Association.

I am a member of the Order of the Sons of Italy, Emilia Sammartino Lodge, Crabtree; a practicing parishioner at Mother of Sorrows Church, Murrysville; and an active "member" of parenthood with my wife.

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

I have maintained an active trial practice of law for nearly 20 years. During this time, I have tried cases throughout Western Pennsylvania and West Virginia. My practice has been focused

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Duke George



Daniel Joseph

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primarily on insurance defense litigation. My clients have included individuals, small businesses and large corporations. As a sample of my practice, I have represented hospitals and other professionals in malpractice suits; school districts in EEOC claims; mining and drilling companies in death cases; individuals in personal injury actions; companies in toxic tort litigation; and carriers in declaratory judgment actions. As noted previously in response to Question 5, I have volunteered in the child advocate and the ACBA and WBA pro bono programs. These experiences have exposed me to general practice issues, family law disputes, custody disputes, estates and trusts issues and various other types of claims.

If you claim litigation experience as a qualification, name three members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

Considering my legal practice has spanned two states and more than a dozen counties, I could probably create a list of opposing attorneys as long as my musical résumé. Interestingly, in the majority of my cases litigated in Westmoreland County, the opposing counsel usually has

been from a different county. However, I have had a number of civil cases where the opposing side was represented by a member of the Westmoreland Bar Association. Not meant to be an exhaustive list in any way, I have had the privilege and challenge of opposing B. Patrick Costello, Esquire; Michael Ferguson, Esquire; and the formidable team of Scott Mears, Esquire and Richard Boyle, Esquire in cases pending at the common pleas level. I have also dabbled in Workers' Compensation during my career where I was occasionally "schooled" in the practice by Vincent J. Quatrini, Jr., Esquire; Donald Rigone, Esquire; and Michael Johnson, Esquire, to name a few.

Identify your single-most significant professional accomplishment.

Abraham Lincoln is attributed as saying, "Discourage litigation. Persuade your neighbors to compromise whenever you can. As a peacemaker the lawyer has superior opportunity of being a good man. There will still be business enough." This philosophy has guided me throughout my legal practice and forms the foundation for what I am submitting as my single-most significant professional accomplishment. During my nearly 20 years of practice, I have prided myself on being able to negotiate resolutions without always needing to go to court for an outcome. On many occasions, I have utilized alternative dispute resolution means to resolve disputes. I have even participated in a mediation in London, England, to resolve an international dispute.

Last year, I was involved in a multiple defendant wrongful death case where a 17-month old infant and her grandparents were killed after their home exploded from an accumulation of natural gas. The defendants, owners/operators of wells within a given distance from the house, were represented by various attorneys from throughout Western Pennsylvania. My particular client operated wells at the far reaches of the designated circumference. The families of the decedents understandably were distraught over their losses and wanted to bring closure to the entire ordeal. Before engaging in significant costly and time-consuming discovery, the matter was submitted to mediation. After a twelve hour mediation session, the gap between the plaintiffs' demand and the global offer from the defendants seemed insurmountable. The mediation adjourned that evening with the parties at an impasse and with slim hopes of success. During the following two weeks, I remained in contact with the mediator, who had returned home to California, and many of the other attorneys. Through creative suggestions and discussions with the mediator, several attorneys, including myself, were able to keep the negotiations alive and inching forward.

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Coordinating the negotiations via telephone with the number of attorneys involved was a daunting task. However, after two long weeks of ongoing discussions and negotiations, the parties achieved a fair and reasonable settlement. The families were able to bring closure to their nightmare and my client was relieved to have resolved this triple fatality claim for a mere fraction of the time and costs that would have been expended in the protracted litigation. This experience taught me the valuable lesson that even when the picture looks bleak, perseverance and creativity can overcome even the most rigid roadblocks. As documented in the foregoing sample of my professional life, in conjunction with my other professional and personal experiences, I firmly believe I possess the necessary temperament and work ethic to be an effective judge. I am not afraid to accept challenges and to work diligently in reaching a just and reasonable outcome.

Submit an example of your legal writing.

View "Defendant's Supplemental Brief Pertinent to the Pending Motion to Dismiss" online at www.westbar.org/judicialcandidates.html#barchiesi.

Michele G. Bononi



▲
Michele G. Bononi

Municipality of residence

Unity Township

College(s) attended and degree(s) earned

Seton Hall University, Magna cum Laude,
B.A. Psychology
Minor: Political Science

Law school(s) attended

Ohio Northern University

Positions of employment since your admission to the bar

Law Clerk – Dato, Ippolitto & Carracino, Attorneys at Law; Associate – Juman & Juman, P.C.; Associate – Livingston & Clark; Partner – Bononi & Bononi, P.C.; IV-D Attorney – Westmoreland County; Hearing Officer – Westmoreland County; Solicitor – Overly's Country Christmas

Membership in law-related organizations

- Westmoreland Bar Association:
Family Law Committee – Member; Fee Dispute Committee – Member; Law Day Volunteer; Women in the Profession – Past Co-Chair; Lawyers Concerned for Lawyers – Past Member; Moot Court Coach – Past Coach for 6 years; Speaker for Westmoreland Bar Association – CLE Courses
- Pennsylvania Bar Association:
– Family Law Committee: Current Member of Advisory Board: Participates in monthly telephone conferences

pertaining to board affairs of the Family Law Committee. Meets twice a year as a board member at conference for participation in board affairs.

- Family Law Rules Committee – Current Member: Participates in conferences and making comments concerning proposed recommendations/legislature regarding Family law.
- Family Law Program Committee – Current Member: Participates in putting together the educational programs for the family law conferences. Speaker for Pennsylvania Bar Association – CLE courses.
- Women in the Profession Committee: Current Member of Executive Committee: Participates in monthly phone conferences for the executive committee concerning the affairs of the Women in the Profession. Participates in the quarterly phone conferences for the entire commission, giving updates. Attends semi-annual conferences.
- WIP Nominating Committee – Current Co-chair: Wrote procedures for criteria in making recommendations on nominations of officers. Holds meetings pertaining to making recommendations for officer positions and presents the recommendations of candidates for officers to the executive committee.
- WIP Awards Committee: Participates in selecting the Anne Alpern Recipient and Lynnette Norton Recipient.

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- WIP Governance Committee: Participates in meetings, making Recommendations on the policies, operations and procedures concerning the Commission.
- Domestic Relations Association of Pennsylvania: Current Member
- DRAP Rules Committee: Participates in conferences for making recommendations about proposed recommendations and rules regarding support/paternity law.
- DRAP Legislative Committee: Participates in making recommendations about proposed legislation regarding support/paternity law.
- Speaker for Domestic Relations Association of Pennsylvania – CLE courses

Membership in other organizations

Treasurer – Laurel Legal Services; Treasurer – Westmoreland Case Management & Supports, Inc.; Board of Directors – Greensburg Chapter of Rotary International; Board of Directors – Westmoreland Chamber of Commerce; Member – Westmoreland County Women in Business Initiative; Member – Italian-American Heritage Society of Monessen; Member – NRA; Member – Westmoreland Cultural Trust; Member – Blessed Sacrament Cathedral;

Member – Dante Alighieri; Member – New Kensington Sons of Italy; Member – YWCA; Member – American Heart Association – Gala Committee; Member – Blackburn Center – Annual Fundraiser Committee; Norwin Relay for Life – Annual Opening Speaker; Member – Westmoreland Commission for Women & Children; Member – Health and Welfare Council – former Board of Directors & Vice President; Member – Norwin Chamber of Commerce; Member – Westmoreland Museum of Art; Member – Westmoreland Jazz Society

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

90% Family Law – Area of Expertise; 5% Estate; 5% Civil and Nonprofit

If you claim litigation experience as a qualification, name three members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

Linda Whalen, Esquire; Mary Baloh, Esquire; Michael Stewart, Esquire

Identify your single-most significant professional accomplishment.

My most significant professional accomplishment was being nominated by the Governor to fill an opening as Judge on the Court of Common Pleas.

Submit an example of your legal writing.

View "Recommendation for Spousal and Child Support" online at www.westbar.org/judicialcandidates.html#bononi.

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"A Conservative is a statesman who is enamored of existing evils, as distinguished from the Liberal who wishes to replace them with others."

— Ambrose Bierce, *The Devil's Dictionary* (New York: The Neale Publishing Company, 1911)

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Meagan Bilik DeFazio



▲
Meagan Bilik DeFazio

Municipality of residence

North Huntingdon Township

College(s) attended and degree(s) earned

St. Vincent College, B.S.

Law school(s) attended

Duquesne University School of Law

Positions of employment since your admission to the bar

Loughran, Mlakar & Bilik; Assistant Public Defender in Westmoreland County, 2001-2006

Membership in law-related organizations

I am a member of the Adjunct Faculty at Duquesne Law School as an Instructor in the Trial Moot Court program. I am a member of the Pennsylvania Bar Association, the Westmoreland Bar Association, the Pennsylvania Association of Criminal Defense Lawyers and the Pennsylvania Bar Association's Commission on Women in the Profession. In addition, I assist the Mt. Pleasant Mock Trial Team and speak to elementary and high school classes learning about the legal system in our county.

Membership in other organizations

I am a member of the following community and charitable organizations: United Way's Women's Leadership Council, Board of Directors and Past President of Westmoreland Walks, Inc.: *Taking Steps Against Breast Cancer*, Fundraising Committee for the Leukemia & Lymphoma Society's Annual Polo for the Cure event, Winners Circle Awards, Norwin Lions Club, Emilia Sammartino Lodge #2831, Order Sons of Italy in America, the Westmoreland County

Commission for Women and Families, and the League of Women Voters.

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

Over the years, I have had the opportunity to develop a well-rounded general practice. However, my practice is focused in the areas of criminal and civil litigation. I would apportion my practice as follows: 60% Criminal, 20% Personal Injury/General Civil Practice, 10% Wills/Estates, 10% Juvenile/Family Law.

If you claim litigation experience as a qualification, name three members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

Barbara Jollie, Esq. (trial and appellate levels), Greg DeFloria, Esq. (trial and appellate levels), Christopher Nichols, Esq.

Identify your single-most significant professional accomplishment.

From a young age, I knew that I wanted to be a lawyer. I always had the highest respect for lawyers and for the legal system itself. Therefore, I am very

proud merely to be part of this profession. I believe in the legal system and I believe that it can work, if we always respect the roles that we each play in it.

My father always told me that it is the representation of a truly innocent person that will measure your courage and define you as a lawyer.

Several years ago, I had the opportunity to represent a very young African American man from Pittsburgh in an attempted homicide case. This was a case best described as a "drive-by" shooting that occurred here in Westmoreland County. From the moment I met this young man, he was steadfast in his innocence, pleading that he was the scapegoat in this shooting. I took this profession of innocence with a grain of salt until I could look into the case further. As I pounded the pavement looking to locate and interview witnesses, I started to piece the story together and I realized that this young man was telling the truth! He *was* innocent and I was now convinced that he was simply in the wrong place at the wrong time and that the true perpetrators were placing the blame on him.

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Eight Vie for County's Court of Common Pleas Nominations

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This is where the pressure came in. It now hit me that, if my client was convicted, he was looking at serving 20 years in prison. That was simply not an option to me. However, as in any criminal defense case, it was up to me, and me alone, to convince this jury that he was not guilty. My client sat quietly at the defense table each day during the trial and I could see it in his eyes that he was praying that I knew what I was doing. He had truly put his life in my hands. He had spent nearly one year in prison awaiting trial and he was depending on me to finally get justice for him. I prepared my case backward and forward, upside down and back again. I felt that, if I lost, it was not going to be for lack of preparation.

After days of testimony, the jury deliberated and rendered a verdict of NOT GUILTY after only 30 minutes. My client nearly collapsed with relief. Then, he leaned over and sobbed on my shoulder repeating the words, "It's finally over." I knew that he was referring to this nightmare that he had been enduring for more than a year. I was so thankful to have been given the opportunity to help him. I followed the Sheriff's van to the county prison and I waited outside just so that I could see him finally walk out the front doors to freedom.

The next day, I got a phone call from the victim in that case. Remarkably, he wanted to congratulate

me on the acquittal. After hearing the evidence, he did not believe that my client was the shooter, either, and he did not want an innocent man to stay in prison. I will never forget how proud I felt at that moment. Justice was served and I was part of it.

Submit an example of your legal writing.

View "Brief for Appellee" online at www.westbar.org/judicialcandidates.html#defazio.

Chris Huffman



▲
Chris Huffman

Municipality of residence

Rostraver Township

College(s) attended and degree(s) earned

Gannon University, B.S. Finance, graduated 1990

Law school(s) attended

University of Dayton School of Law, graduated 1993

Positions of employment since your admission to the bar

Admission to the Bar: Admitted to the Pennsylvania Bar January 1994; Admitted to the United States District Court for the Western District of Pennsylvania, December 1993; Admitted to the United States Supreme Court

Positions of employment: 1994 until present, private practice, Christopher W. Huffman, Attorney at Law, 35 West Pittsburgh Street, Greensburg, PA; 1994 until present, part-time Public Defender, Public

Defenders Office of Westmoreland County.

Membership in law-related organizations

Westmoreland Bar Association
Pennsylvania Bar Association

Membership in other organizations

BVA Community Drug Elimination Task Force; Rostraver Youth Baseball Association; Belle Vernon Area Youth Soccer Club; Church of Saint Anne

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

Private practice:

- Engage in the general practice of law as a sole practitioner, with an emphasis on litigation. Representing both Plaintiffs and Defendants.
- Matters handled involve automobile accidents, slip and fall, faulty products, wrongful death, medical malpractice, general personal injury, family law, worker's compensation, contract matters, real estate closings and litigation, wills and estates, incorporations and business law, civil jury, non-jury and equity trials.
- Lead counsel in civil trials, appeals and arbitrations.
- Responsible for all aspects of client counseling and representation.
- Manage the business side of the practice of law.

Public Defender:

- Responsible for handling adult criminal matters. Responsibilities include case evaluations, conducting preliminary hearings, preparing all pre-trial motions and supporting briefs, general case investigations, witness interviews, trial preparation, jury and non-jury trials, sentencing hearings and appeals to the Pennsylvania Superior and Supreme Court.
- Lead counsel in numerous trials, which includes 1st degree murder

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and death penalty prosecution along with various other serious charges such as criminal homicide, rape, aggravated assault, robbery, burglary, drug offenses involving mandatory sentences and various less serious charges such as DUI, simple assault, theft, fraud and possession of a controlled substance.

- Lead counsel for filing, briefing and arguing numerous appeals before the Pennsylvania Superior Court, Pennsylvania Superior Court En banc.
- Lead counsel for filing and briefing several appeals to the Pennsylvania Supreme Court.
- Lead counsel for filing and briefing numerous appeals to the Commonwealth Court of Pennsylvania.

If you claim litigation experience as a qualification, name three members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

District Attorney John Peck; Honorable Rita Hathaway (Assistant District Attorney); Jon Lewis, Esquire; Edward Kline, Esquire

Identify your single-most significant professional accomplishment.

Working as a Public Defender to ensure that the rights guaranteed under the Constitution are afforded to all citizens regardless of their wealth or status in the community.

Submit an example of your legal writing.

View "Brief for Appellee" online at www.westbar.org/judicialcandidates.html#huffman.



J. Russell McGregor, Jr.



▲
J. Russell
McGregor, Jr.

Municipality of residence

Ligonier Township, Pennsylvania.

College(s) attended and degree(s) earned

University of California, Berkeley
Bachelor of Science, 1983.

Law school(s) attended

University of Pittsburgh, School of Law Juris Doctor, 1987.

Positions of employment since your admission to the bar

- Baskin Flaherty Elliott & Mannino Associate Attorney 1987-1990.
- City of Pittsburgh Law Department Assistant City Solicitor 1990-1995.
- Allegheny County Court of Common Pleas Judicial Law Clerk 1995-2003.
- Private Practice: Pittsburgh 1990-Present

Ligonier Valley 2007-Present.

Membership in law-related organizations

As a member of the Allegheny County Bar Association, I was requested to co-author a Pennsylvania Bar Institute work on the retroactivity of a statutory amendment. I participated in this organization as a softball player and coach, and played in the basketball league as well. I participated as a member in the Inns of Court and have served as a Judge in the University of Pittsburgh, School of Law Moot Court Program.

Membership in other organizations

Ligonier Valley Chamber of Commerce; Business Networking International, Laurel Leaders Chapter; Ligonier Country Club.

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

My current practice concentrates on business and real estate law (75%), general litigation (15%) and estates and related legal matters (10%).

If you claim litigation experience as a qualification, name three

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Eight Vie for County's Court of Common Pleas Nominations

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members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

Ewing D. Newcomer, Esquire, Bernard T. McArdle, Esquire and George R. Specter, Esquire.

Identify your single-most significant professional accomplishment.

Having a successful private law practice for nearly 20 years and in the process, assisting numerous individual with matters which were crucial to their lives.

Submit an example of your legal writing.

View "Brief for Appellee" online at www.westbar.org/judicialcandidates.html#mcgregor.

Mike Pacek



▲
Mike Pacek

Municipality of residence
Hempfield Township

College(s) attended and degree(s) earned
St. Vincent College, B.S., graduating *magna cum*

laude after three years; Major: Political Science, Minor: Philosophy
St. Vincent Seminary, 3 semesters

Law school(s) attended

Duquesne University School of Law

Positions of employment since your admission to the bar

Law Clerk to the late Pennsylvania Superior Court Judge John P. Hester (October 1999 – December 2002) and Assistant District Attorney (January 2003 – present)

Membership in law-related organizations

Westmoreland Bar Association: Inns of Court. Attending monthly meetings and participating in group discussions

Membership in other organizations

National Rifle Association; Veterans of Foreign Wars Post 33; American Legion Post 981; Westmoreland County Law Enforcement Officers Association; National District Attorneys Association; Pennsylvania District Attorneys Association; The Rotary Club of Greensburg; Knights of Columbus Council 1480; Greensburg Moose

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

I am an Assistant District Attorney, so all of my practice relates to criminal law. There is a family law component involved in what I do, however, in that I frequently prosecute juvenile offenders and I also prosecute violators of Protection From Abuse (PFA) orders. I am assigned the additional duties of Extraditions, i.e., securing the return of fugitives from justice wanted in our sister-states, and writing briefs on behalf of the Commonwealth in cases where a state prisoner is seeking habeas corpus relief from a Federal court.

If you claim litigation experience as a qualification, name three members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

I have considerable jury trial experience. Three of our members whom I have tried a case against are Dick Galloway, Patricia Elliott, and David Caruthers

Identify your single-most significant professional accomplishment.

My single most significant professional accomplishment is when I was promoted to Senior Law Clerk for a Superior Court judge. I had only been a clerk for two years at the time an opening in Judge Hester's chambers came for this post. He could have interviewed people outside the chambers for the job or selected one of the other three law clerks already working for him and who had been clerking for the Court longer than I had. He said I was the best writer and most organized with their research, and he offered me the job within a day after the then-senior clerk gave her notice.

Submit an example of your legal writing.

View "Memorandum Opinion," online at www.westbar.org/judicialcandidates.html#pacek.

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Chris Scherer



▲
Chris Scherer

Municipality of residence
Lower Burrell

College(s) attended and degree(s) earned

St. Vincent College—Major-Accounting Minor-Finance
Graduated with High Honors

Law school(s) attended

University of California
School of Law

Positions of employment since your admission to the bar

Associate-Kirkpatrick & Lockhart 1990-1993; Assistant District Attorney Westmoreland County 1993-1997; Associate-Cohen & Grigsby 1997; Assistant District Attorney Westmoreland County 1998-2000; Westmoreland County Sheriff 2000-present

Membership in law-related organizations

Allegheny County Bar Association; Westmoreland Bar Association; Pennsylvania Bar Association

Membership in other organizations

National Sheriff's Association, Pennsylvania Sheriff's Association, Deputy Sheriff's Association, Fraternal Order of Police Lodge #39, Sons of Italy, Mt. Saint Peter's Roman Catholic Church, National Rifle Association, Westmoreland County Prison Board, Westmoreland County Chiefs of Police Association, 7th Street Sportsmen's Club, Honorary Member Scottdale Fireman's, Hempfield Hunt Club, and Hecla Sportsman's Club.

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

Since 2000, full-time Sheriff of Westmoreland County serving the Court system. Prior to being elected Sheriff, I performed criminal prosecution as an Assistant District Attorney of Westmoreland County. Also, general litigation, insurance defense, and medical malpractice for law firms in Pittsburgh, PA.

If you claim litigation experience as a qualification, name three members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

Tim McCormick, Esq.; Irving Green, Esq.; Dan Joseph, Esq.

Identify your single-most significant professional accomplishment.

Transforming the Westmoreland County Sheriff's Office to a professional office serving the citizens, the Court system

and the legal community of Westmoreland County for the past ten years.

Submit an example of your legal writing.

View "Commonwealth's Answer to Petition for Writ of Habeas Corpus" online at www.westbar.org/judicial_candidates.html#scherer.

Harry F. Smail, Jr.



▲
Harry F. Smail, Jr.

Municipality of residence

The municipality of my residence is Hempfield Township.

College(s) attended and degree(s) earned

I attended Grove City College with a dual Bachelor Arts Degree in Business Administration – Marketing, Political Science – Pre Law graduating in May 1988. Being an honors graduate on the deans list with distinction and deans list having

received two scholarships. I was active in the Management Association, Student Government Association, Economics Club, Law Club, a fraternity member of Kappa Alpha Phi, (holding several elected positions) and being awarded the

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Eight Vie for County's Court of Common Pleas Nominations

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Outstanding College Student of America in 1998 and the Outstanding Young Man of America in 1989.

Law school(s) attended

I attended the Duquesne University School of Law, evening program, for four years from 1993 through June 1997 while working full-time as a Westmoreland County Probation/Parole Officer. I was actively involved with Student Bar Association for all four years at the law school being on the Who's Who among American Law Students for 1994, 1995, 1996 and 1997. Involved with the Phi Delta Phi International Legal Fraternity from 1996 to the present and receiving the Outstanding Young Man of America award again for 1996 and 1998.

Positions of employment since your admission to the bar

Positions of employment were with Blum, Reiss & Plaitano from September 1997 until April 1998 at which time I opened the Law Offices of Harry F. Smail, Jr. which later became a professional corporation. My practice has grown from a single sole practice with no secretary to a practice that maintains an associate and two paralegals with continued growth and expansion each and every successive year after its inception.

Membership in law-related organizations

- a. Westmoreland Bar Association (1997 – present);
 - Committee chairman of the Young Lawyers
 - Family Law Committee
 - Criminal Law Committee
 - Civil Practice Committee
 - Membership Committee (Being committee chair as of April 2009)
 - The Explorers
 - Planning Committee
 - Pro Bono program participation

- Various other committee associations since being licensed in 1997
- b. Allegheny Bar Association as an Associate member (1997 – 2007);
- c. Laurel Legal Services board director (2005 – present);
- d. Pennsylvania Bar Association member (1995 – present);
 - Young Lawyers Section
 - Family Law Section
- e. American Bar Association first as a law student and continuing presently;
- f. American Inns of Court (1998 – present);
- g. Association of Trial Lawyers of America (1994 – 2008);
- h. American Association of Justice
- i. Pennsylvania Trial Lawyers Association (1998 – present);
- j. Federalists Society (1996 – present);
- k. National Association of Criminal Defense Lawyers;
- l. Pennsylvania Association of Criminal Defense Lawyers;
- m. Western Pennsylvania Trial Lawyers Association;
- n. Phi Delta Phi International Legal Fraternity (1996 – present);
- o. Federal Bar Association;
- p. Pennsylvania Association of Probation/Parole and Corrections (1993 – 1998).

Membership in other organizations

- a. Westmoreland Lodge 518, F. & A.M. (1998 – present);
- b. Brotherhood Fraternal Order of Elks Lodge 907 (1994 – present);
- c. Rotary Club of Mountain View (1998);
- d. Rotary Club of Greensburg (1998 – 2002 and currently a member as of 2009);
- e. Eastern Suburban Advocacy Association (2007 – present);
- f. National Rifle Association (1989 – present);
- g. First Presbyterian Church of Greensburg (lifelong member,

- former deacon and former stewardship committee member);
- h. Hempfield High School Moot Court coach (2008 – present);
- i. Law Day presenter (1999 – present).

Describe your practice, identifying particular areas of expertise, if any, and how your practice breaks down by percentage in areas of law.

My practice is a full-service law practice that primarily deals with family law in divorce, custody, support, adoptions, prenuptials, marital agreements, MH/MR laws, cohabitation agreements and the Westmoreland County Children's Bureau as well as any other areas related thereto. The next largest portion of the practice would be in the Criminal Defense field including felonies, misdemeanors, magisterial district judge appeals, PFAs, Probation/Parole violations/revocations and juvenile law. We also maintain a practice that is active in civil law disputes representing both commercial and consumer claims, bad faith litigation, homeowner's claims, contract disputes and federal civil rights. The practice is also active in personal injury, estate law representation, employment law both on the state and federal levels, elder law representation, vehicle law representation, business law representation, real estate law representation, as well as handling civil rights, social security and disability. My law office actively takes court appointments from Westmoreland, Indiana, Allegheny and when the need arises in Fayette, Armstrong and Cambria counties. I also participate in federal criminal defense appointment through the Criminal Justice Act. My website at www.harrysmailjr.com provides expanded information as well as the website at www.SmailforJudge.com.

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To-Wit: The Pad of Friendship

by S. Sponte, Esq.

I am sitting alone at my desk now, long past working hours. It's very gloomy, both outside and in. Slowly I take out the ancient yellow pad from my lower right desk drawer and slowly I cross off yet another name. Forty years ago there were a lot of names on this list, but now, few remain, making every additional loss all the more excruciating.

This all started when I received my semiannual notice from the court to serve as an arbitrator, one of a three-lawyer panel to act as judge and jury for the smaller civil cases. Though some colleagues gripe and moan about the obligation, I've always kind of liked it. It helps fulfill my fantasy of being a judge without having to spend a lot of time and money kissing butt to get elected while pretending to be, God forbid, just one of the guys.

Now normally these arbitration hearings are pretty laid-back affairs. The lawyers present their cases in a relaxed, less stressful environment than trial. If during the hearing anyone raises an evidentiary objection, we arbitrators always confer before making our guess. At hearing's end all shake hands, the litigants and attorneys leave, and we arbitrators then make a decision based on as much of the facts and law as we either understand or care to acknowledge on that day and in that place.

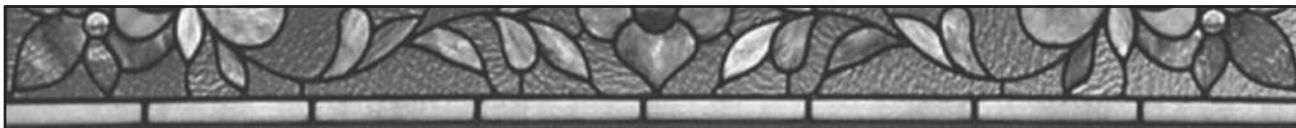
As it happened, one of the attorneys trying the case assigned to my panel that day was an old-time friend of more than thirty years, a good lawyer, honest, smart, ethical, and fair. In my book, he's always been a winner. But not today.

Oh sure, I could have overlooked both the law and the facts to find in his favor. And sure, I didn't have to

spend fifteen minutes at hearing's end convincing the other two arbitrators that their instincts to rule in his favor were errant. But on that day and in that place, I thought I knew what I was doing. I was also temporarily cursed by the courage of my convictions, and in combination, that's as deadly a duo to conviviality as exists in this profession.

He was waiting for me outside the hearing room, beaming a smile and giving me an inquisitive thumbs-up gesture, gleeful hope radiating from his face. I smiled back, raised my thumb skyward, then turned it down. The

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To-Wit: The Pad of Friendship

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hope drained from his face, instantly replaced by the pallor of rage. He first hurled a string of epithets at me, followed up by his briefcase. It struck the door to the hearing room just behind my head, slamming it shut with a sickening thud. (Get the symbolism?)

“Even the magistrate got this one right,” he screamed as he stormed off, and I have to confess I was hurt. I’ve been called dumb before, but never that dumb.

**I have to confess
I was hurt. I’ve
been called
dumb before, but
never that dumb.**

Weeks have now gone by, and he hasn’t spoken a word to me. I see him at lunch, we pass in the street, there’s no response. To him, it’s as if I’m dead. So tonight I took out the pad of friendship and did what I had to do. I will miss him.

At times like these I try to assuage my angst by reminding myself that things like this happen in our adversarial profession and that, for my part, I must never give in to such base human responses. I am better than that.

It’s no easy feat, believe me, but at times like this it helps to summon up all those many hours I spent with my erstwhile friend and to recall that in reality he isn’t all that smart, his table manners are quite atrocious, and his golf game really sucks. 🍷

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are online at www.funnylawyer.com.*

Eight Vie for County’s Court of Common Pleas Nominations

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If you claim litigation experience as a qualification, name three members of the bar who were on the opposing side in civil litigation or criminal proceedings at the common pleas or appellate levels in which you represented a party.

In reference to my litigation experience and qualifications as an active litigator, I refer the bar to a sample of opposing counsel that I have been involved with by the following categories:

- a. **Criminal Litigation:** Thomas Bianco, District Attorney – Indiana County; John Valkovci, Jr., U.S. Attorney – Cambria County; Larry Koenig, Assistant District Attorney; Judy Petrush, Assistant District Attorney; Pete Flannigan, Assistant District Attorney; Rebecca Calisti, Assistant District Attorney; Jennifer Love Dupilka, Assistant District Attorney; Kelly Tua Hammers, Assistant District Attorney; Jacqueline Knupp, Assistant District Attorney; Tom Grace, Assistant District Attorney; Barb Jollie, Assistant District Attorney; Wayne Gongaware, Assistant District Attorney; Michael Handler, Assistant District Attorney – Indiana County; Patrick Daugherty, Assistant District Attorney – Indiana County; Ryan Kammerer, Pennsylvania Department of Transportation.
- b. **Civil Litigation:** John M. O’Connell, Jr.; Dennis Persin; James Robinson; Dwayne Ross; James P. Silvis; Ned Nakles, Jr.; Michael Johnson; John Greiner; Lee Demosky; Jeffrey Monzo.
- c. **Family Law Litigation:** Maureen Kroll; James Liberto; Robert Liotta; David Lucas; Shirley Makuta; John McCreary; Albert Gaudio; Rebecca Fenoglietto; David DeRose; P. Louis DeRose; Sandra Davis; Amy Cunningham.

Please be advised this is a short list of the hundreds of attorneys that I have been involved within various degrees of litigation throughout my professional legal career all of which can be verified by the Westmoreland County Prothonotary’s Office, Westmoreland County Clerk of Courts, the United States District Court for the Western District of Pennsylvania and the surrounding counties of which I have practiced.

Identify your single-most significant professional accomplishment.

The single-most professional accomplishment that I have received is the continued strength, growth and expansion of my sole practice in a very difficult, competitive and economically challenging environment. I pride myself in the fact that I have continued to move forward in the professional expansion of my business experiencing continued growth against the tide of continued obstacles which make it considerably more difficult to practice as a small, private firm. The extreme effort, time and commitment has continued to pay off and because I have received so much by way of benefit, I believe that my candidacy for Judge is another way of giving back to the community for all I have received.

Submit an example of your legal writing.

View “Brief in Opposition to Defendant’s Motion for Summary Judgment in the United States District Court for the Western District of Pennsylvania” online at www.westbar.org/judicialcandidates.html#smail. 🍷

January 2009 Civil Trial Term

Jury Trial Verdicts

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

Of thirty-four cases listed for the January 2009 Civil Jury Trial Term, eleven settled, fifteen were continued, one was binding arbitration, one was scheduled for a non-jury trial, one judgment of non-pros was entered, two verdicts were from summary jury trials, and three verdicts were entered after juries deliberated. The jury verdicts for the January 2009 civil trial term are summarized below.

DONALD C. CLINE

V.

JOHN BOHINC

NO. 634 OF 2005

*Cause of Action: Negligence—
Motor Vehicle Accident*

John Bohinc, Chief of the White Valley Fire Department, was responding to the scene of an automobile accident on Route 22 in Murrysville. While driving at a high rate of speed, Bohinc ran a red light at the intersection of Route 22 and Cloverleaf Drive and struck the vehicle of Donald C. Cline. Bohinc and Cline were both injured in the collision.

Cline filed a negligence action against Bohinc, and Bohinc asserted a counterclaim against Cline for negligence. At trial, the jury was asked to determine whether Bohinc was reckless and to perform a comparative negligence analysis with regard to each negligence claim.

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

Defendant's Counsel: Marianne C. Mnich, Law Offices of Twanda Turner-Hawkins, Pgh.

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

Counterclaim Defendant's Counsel: David L. Haber, Weinheimer, Schadel



& Haber PC, Pgh.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Cline in the amount of \$27,000.00. While the jury determined that Bohinc was not operating his vehicle in a reckless manner, it found Bohinc 100% negligent for the accident.

JOHN R. SCHOTT, PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN C. SCHOTT
V.

WESTMORELAND REGIONAL HOSPITAL AND JAMES MILLWARD, M.D.
NO. 761 OF 2007

*Cause of Action: Negligence—
Medical Malpractice—
Wrongful Death and Survival*

This medical malpractice action stems from Defendant Dr. Millward's psychiatric treatment of the Plaintiff's son, John C. Schott, for depression with suicidal ideation during two mental health commitments. The first voluntary commitment was followed, several months later, by a second, involuntary commitment. Shortly after being discharged by Dr. Millward from the involuntary commitment, Mr. Schott was charged with multiple crimes to which he confessed. Mr. Schott hung himself in his cell while incarcerated in the Westmoreland County Jail.

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ABSTRACTS

REAL ESTATE & MORTGAGE CLOSINGS

Jury Trial Verdicts *continued from page 17*

Plaintiff brought this medical malpractice action claiming that the Defendants breached the standard of care of psychiatrists in releasing Mr. Schott prematurely and in failing to provide an adequate treatment program for follow-up. The Defendants argued that the standard of care had been met. Defendants' expert psychiatrist opined that there were no grounds for the involuntary commitment because there was no evidence at that hearing of an overt act made by Mr. Schott in conjunction with his threats of suicide.

Plaintiff's Counsel: Vincent A. Coppola, Pribanic & Pribanic, Pgh.

Defendants' Counsel: Thomas B. Anderson, Christian W. Wrabley, Thomson, Rhodes & Cowie, P.C., Pgh.

Trial Judge: The Hon. Daniel J. Ackerman

Result: Molded verdict in favor of Defendants. In special findings, the jury found that Dr. Millward's treatment of Mr. Schott met the standard of care of psychiatrists.

BETTY DARLENE PALMER AND BRIAN PALMER, HER HUSBAND

V.

MARK GRIFFIN NO. 7951 OF 2003

*Cause of Action: Negligence—
Motor Vehicle Accident*

On January 7, 2002, Plaintiff Betty Darlene Palmer was traveling on Lloyd Avenue Extension in Latrobe, Pennsylvania, when Defendant, operating his vehicle from a street which intersects with Lloyd Avenue Extension, failed to yield the right-of-way and collided with Plaintiff's vehicle. As a result of the accident, Plaintiff claimed injuries to her neck and left shoulder that caused wage loss, impairment of earning capacity, medical bills, and pain and suffering. Her husband claimed loss of consortium.

Defendant disputed the nature and extent of the injuries claimed by Plaintiff. Also, Defendant maintained that the injuries and damages resulted from pre-existing degenerative disk disease and/or independent causes over which Defendant neither had control nor in any way participated.

Plaintiff's Counsel: Joyce Novotny-Prettiman, QuatriniRaffertyGalloway, P.C., Gbg.

Defendants' Counsel: Mark J. Golen, Summers, McDonnell, Hudock, Guthrie & Skeel, LLP, Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict in favor of Defendant. In special findings, the jury found: (1) Plaintiff did not suffer economic damages (loss of wages/earning capacity); (2) Plaintiff did not sustain a serious impairment of a body function as a result of Defendant's negligence; and (3) Plaintiff's husband did not suffer damages for loss of consortium.

TIMOTHY W. MARTIN

V.

BETSYANN PEOPLES NO. 1365 OF 2005

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

Plaintiff Timothy W. Martin and Defendant Betsyann Peoples were involved in an automobile accident on May 14, 2003. Defendant's vehicle collided with the rear of Plaintiff's vehicle while he was making a right-hand turn at an intersection. Plaintiff sustained injuries to his neck and back as a result of the accident. Moreover, because the injuries interfered with his ability to operate his roofing business, Plaintiff hired an additional employee to help him with heavy lifting.

The parties agreed to resolve this dispute by conducting a summary jury trial. The parties litigated the issues of

factual cause and damages, which included lost earnings stemming from Plaintiff's need to hire additional labor.

Plaintiff's Counsel: David C. Martin, Martin & Lerda, Pgh.

Defendants' Counsel: Michael C. Maselli, Law Offices of Twanda Turner-Hawkins, Pgh.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Plaintiff in the amount of \$20,344.00.

LAURA L. BARNES

V.

MYRON C. MCGRAW AND GEORGE ROBERT BARNES, JR. NO. 3660 OF 2002

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

On July 2, 2000, Plaintiff Laura L. Barnes was a front-seat passenger in a vehicle owned by Defendant George R. Barnes, Jr. While stopped for a yellow traffic signal, the Barnes' vehicle was struck in the rear by the vehicle of Defendant Myron C. McGraw. Plaintiff sustained injuries to her neck and upper back as a result of the accident. Plaintiff had elected limited tort insurance coverage.

The parties agreed to resolve this dispute by conducting a summary jury trial. The issues litigated focused on whether Plaintiff sustained injuries that resulted in a serious impairment of a body function and damages.

Plaintiff's Counsel: Robert J. Specht, Morocco Morocco & Specht, P.C., Trafford.

Defendants' Counsel: Kim Ross Houser, Mears, Smith, Houser & Boyle, P.C., Gbg.

Trial Judge: The Hon. William J. Ober

Result: Verdict in favor of Plaintiff in the amount of \$692.38. The jury determined that Plaintiff did not sustain a serious impairment of a body function. 🌸

Spotlight on Anthony Bompiani

Editor's note: Anthony Bompiani is the new Chair of the WBA Young Lawyers Committee. His one-year term began at the 2009 Annual Meeting, which was held April 6 at the Greensburg Country Club. Anthony is a sole practitioner in Youngwood.

Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

A I held various jobs through high school, college, and law school. I worked at Cherry Creek Golf course both in the pro shop and on the maintenance crew. I also worked in retail sales at Champs Sports at the Westmoreland Mall.

Q WHICH WAS YOUR FAVORITE AND WHY?

A I enjoyed working at the golf

course the most. I really liked being outside and I loved learning about how to grow and maintain fairways. Though I didn't learn much about how to keep my ball in the fairway.

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

A To this day the thing that makes me laugh the most when I think about the practice of law is Judge Bell's reaction to me when I walk in the courtroom. He usually looks out the window and says something like, "Yep. It's raining so they sent Bompiani up on this one." I love that.

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

A Honesty and candidness are definitely the most admirable. I also think it is extremely important for attorneys to show respect for other attorneys. Even though we are adversaries, we

need to look out for our profession.

Q WHAT IS YOUR FAVORITE JOURNEY?

A I love traveling to Las Vegas and New York City. I don't get to do it as much as I would like, but both cities are so exciting and fun.

Q WHAT IS YOUR GREATEST REGRET?

A Regrets, I've made a few. But then again, too few to mention. At times I wish I would have gone to a large University with a Division I sports team.

Q WHO ARE YOUR HEROES IN REAL LIFE?



continued on page 20



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Spotlight on Anthony Bompiani *continued from page 19*

A My mother and my father are my real life heroes. They have prepared me well for life, and they have taught me a ton about raising children.

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

A Always be prepared. Respect the profession. Don't be afraid to ask for advice from other lawyers.

Q **WHAT IS YOUR IDEA OF PERFECT HAPPINESS?**

A Perfect happiness is having enough money to pay the bills and enough time to make memories with the ones that you love.

Q **WHAT IS YOUR MOST TREASURED POSSESSION?**

A My 7-year old Vizsla, Taylor. We often refer to her as our oldest child.

Q **WHAT IS IT THAT YOU MOST DISLIKE?**

A I most dislike ungratefulness.

Q **WHAT IS YOUR GREATEST EXTRAVAGANCE?**

A It's a toss-up between my Ferrari 358 Spider and my Bentley Continental GTC. I'm just kidding. I don't have either. My true greatest extravagance is my family.

Q **WHAT TALENT WOULD YOU MOST LIKE TO HAVE?**

A I really wish I could sing. I love being on stage and I love music, but I'm really, really horrible at singing. I've heard that Bompiani is slang for

“beautiful music” in Italian, but my voice makes me think that is a cruel joke.

Q **WHAT DO YOU VALUE MOST IN YOUR FRIENDS?**

A I most value their desire to enjoy life.

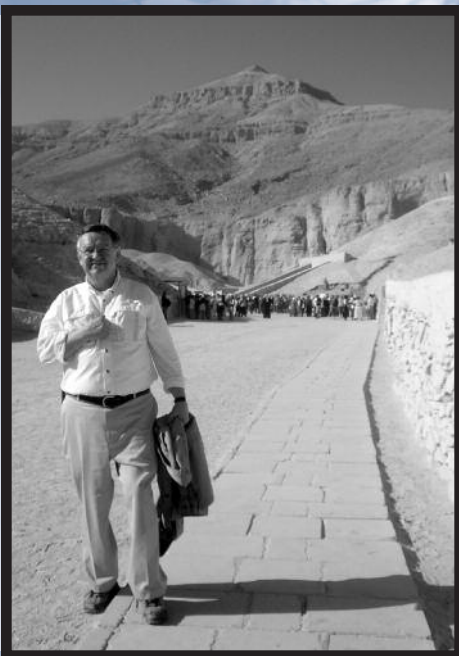
Q **WHICH LIVING PERSON DO YOU MOST ADMIRE?**

A I most admire my wife, Kristi. We went through a lot with the birth of our youngest son, Gino, and she coasted right through as if it were easy. She's definitely the rock in our relationship.

Q **WHAT IS YOUR MOTTO?**

A Money will come and go but our children are a one-time deal. 🐾

where in the world IS THE WBA MEMBER?



Carol and I recently enjoyed two weeks exploring Egyptian antiquities and boating along the Nile River. At the Cairo Museum we were within touching distance of the mummy of Ramses the Great, the Pharaoh who ruled from 1279 to 1212 B.C. This gives aging a new perspective. In just the three weeks since we got home, a “new” ancient pyramid and a tomb with mummies have been discovered at Saqqara. It's time to return.

—Judge William J. Ober

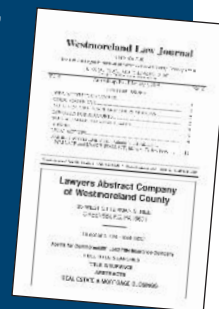
HOME AT LAST! VALLEY OF THE KINGS, LUXOR, EGYPT

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WBA BENCH/BAR CONFERENCE

JUNE 11-12

SEVEN SPRINGS

THE BEST DEAL THIS SUMMER

You really should be here!

The best deal this summer is the 2009 WBA Bench/Bar Conference at Seven Springs Mountain Resort on **Thursday, June 11, and Friday, June 12.**

TWO DAYS and **ONE NIGHT** of rest, relaxation, recreation, professional growth and **ADVENTURE!**

- 4.5 FREE CLE credits
- Golf, trail biking, hiking the Laurel Highlands Trail, whitewater rafting, skeet shooting
- Newly opened spa with full spa services
- Newly constructed outdoor pool with patio bar
- Three meals, cocktail reception, evening entertainment, hospitality suite

THURSDAY, JUNE 11

- 8 am **Golf** (\$60, payable at Pro Shop). Shotgun start. Golfers will be given complimentary lunch coupon at turnaround. Complimentary beverage cart.
- 8 am–4 pm **NEW THIS YEAR—Sporting Clays.** Call 800-452-2223, ext. 7899, for an appointment.
- 10 am* **Whitewater Rafting at Ohiopyle.** *John Greiner, Event Coordinator.*
Rails to Trails Biking at Ohiopyle. *Bill McCabe and Aaron Kress, Event Coordinators.* Bring your bike or rent one at The Kickstand, directly across the street from the trail head. \$5 per hour.
- Fallingwater Tour** (\$18). Meet at Fallingwater.
Hiking. *Judge Ackerman, Event Coordinator.*
Horseback Riding (\$40). Stable on-site.
- All Day **NEWLY OPENED—Trillium Spa.** Contact the spa directly for spa treatments and appointments at 800-452-2223, ext. 7484.
- 11 am* **NEWLY CONSTRUCTED—Outdoor pool** adjacent to indoor pool and patio bar.
- 11:30 am–1:30 pm **Complimentary Lunch Buffet—** Alpine Room (optional)

- 12:30–3 pm **The Movie Critics CLE*** (2.5 Substantive CLE Credits): “Good Night, and Good Luck.” *Jackie Knupp and David Millstein, Moderators—* Dogwood
- 3 pm **Check-in—**Resort check-in is 5 pm, but rooms will be made available as soon as they are available. Check with front desk upon arrival.
- 3–6 pm **Vendor Exhibits—**Timberstone
- 6:15 pm **Outdoor Cocktails—**Ski Lodge
- 7 pm **Outdoor Bar-B-Q Dinner—**Ski Lodge
- 7:30–11 pm **Entertainment by Judge Feliciani and the Scotty’s Blues Peddlers**
- 11 pm–2 am **Young Lawyers Hospitality Suite**

FRIDAY, JUNE 12

- 6:30–9:30 am **Complimentary Breakfast**
- 8:30 am **Malpractice Avoidance CLE** (1 Ethics CLE Credit)—Dogwood
- 9:30 am **Judges Roundtable CLE** (1 Substantive CLE Credit)
- 9:30 am **Grand Prize Giveaway**
- 11 am **Conference Adjourns**
- 11 am **Golf—**on own, or let us put a foursome together for you.

* **NEW THIS YEAR:** Attendees can participate in other Thursday activities but still earn 2.5 CLE credits by viewing the Thursday CLE video at the WBA office after the Bench/Bar Conference. Makeup dates are June 30 or July 8, from Noon to 2:30 p.m. Call the WBA after June 15 to schedule your makeup date. 📞

FINAL REGISTRATION DEADLINE: MAY 14, 2009

**Download a registration form from
www.westbar.org today!**

Remembering Stephen Langton *continued from page 3*

- “He was a kind, ethical man who seemed to live his faith. I’m sorry for his family and their loss.”

Anonymous

- “I will miss Steve very much. He was a gentleman and always a pleasure to work with.” Annaliese Masser

To show the respect and high esteem in which Steve was held, his wake was attended by at least 17 lawyers and a judge.

In an era where incivility appears to be the norm, Steve epitomized civility. He was cultured, refined, polished, finished, genteel, well-bred, elegant, graceful, polite, mannerly, courteous, gracious, sophisticated, cosmopolitan, high-class, scholarly, well-read, well-informed, and generally just a suave, classy human being who happened to be a lawyer.

On a lighter note, although Steve always appeared to be very prim, proper, formal, sedate, and swanky, I enjoyed it very much when he laughed at my old-hat played-out humor. For example, the one about the law firm that was handling the purchase of my cottage in Ireland—Dilley, Daly, and Doolittle; or the one about the flourishing law firm at the end of the last century in New York named Ketcham & Cheatham. Oddly enough, the first names of the partners were Isaac and Uriah, so they could have headed their company: I. Ketcham & U. Cheatham! He also

liked the one about the time when Clarence Darrow was questioning the veracity of a witness who had contradicted himself several times: “I am wedded to the truth,” the witness declared. “How long have you been a widower?” posed Mr. Darrow.

Steve was an Elder in high esteem in the New Kensington Congregation of Jehovah’s Witnesses, where he gave generously of his time volunteering as a minister in his cherished congregation and enjoyed helping, advising, and mentoring others to learn more about the Bible.

Steve had numerous hobbies and interests, which included fitness, bodybuilding, boating, and traveling. Several years ago, while visiting Argentina, he became fascinated by Argentine Tango Dancing and, ultimately, became a Tango instructor.

Steve is survived by a beautiful, loyal, devoted, yet grieving family. On June 27, 2009, he would have celebrated his 40th wedding anniversary with his wife, Sandra. Together they had two lovely daughters, Jenica (Joseph) Burello and Desiree (Daniel) Snyder, and two wonderful grandchildren, Gianna Burello and Luca Burello, with whom he looked forward to sharing his lifelong love of boating.

Finally, I want to share with you, the Hymn that Steve and I shared 21 years ago, written by Cecil Francis Alexander (1823-95):



▲ Steve Langton and his wife, Sandra, discovered Argentine Tango and enjoyed teaching and performing.

*All things bright and beautiful,
All creatures great and small,
All things wise and wonderful,
The Lord God made them all.*

*Each little flower that opens,
Each little bird that sings,
He made their glowing colors,
He made their tiny wings.*

*The purple-headed mountain,
The river running by,
The sunset, and the morning,
That brighten up the sky;*

*The cold wind in the winter,
The pleasant summer sun,
The ripe fruits in the garden,
He made them every one.*

*The tall trees in the greenwood,
The meadows where we play,
The rushes by the water,
We gather every day;*

*He gave us eyes to see them,
And lips that we might tell
How great is God Almighty,
Who has made all things well.*

Indeed, God did make Steve Eugene Langton well. 🌹

ATTENTION ATTORNEYS, PARALEGALS, AND LEGAL SECRETARIES

Looking to hire or be hired? The Westmoreland Bar Association operates an informal placement service for paralegals, legal secretaries, and attorneys by collecting résumés and forwarding them to potential employers at no cost. Résumés are kept on file for six months, or until we are contacted to remove them. Submit your résumé and a generic cover letter to the WBA, 129 N. Pennsylvania Ave., Greensburg, PA 15601, or call 724-834-6730 for more information.

Bench, Bar Introduced To New Members



▲ *New members of the WBA were presented to the bench and bar on March 13, 2009. Front row: Jonathan B. Bompiani, Matthew S. Faher, Joshua F. Hall, and Jonathan M. Kozusko. Back row: Caroline R. Mosites, Bradley M. Ophaug, Donald C. Rega, Christopher J. Watson, and Douglas J. Welty.*

On Friday, March 13, 2009, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President Barbara J. Christner, each admittee was introduced to the court by a member of the association.

The new members presented to the court were: Jonathan B. Bompiani, presented by Lee R. Demosky; Matthew S. Faher, presented by Amanda Nuzum Faher; Joshua F. Hall, presented by Sean Cassidy; Jonathan M. Kozusko, presented by John M. Hauser, III; Caroline R. Mosites, presented by Sean Cassidy; Bradley M. Ophaug, presented by Harry F. Smail, Jr.; Donald C. Rega, presented by James E. Whelton, Jr.; Christopher J. Watson, presented by James R. Antoniono; and Douglas J. Welty, presented by George V. Welty.

Following the presentation to the court, John M. Hauser, III, and James T. Boggs greeted the new members on behalf of the Young Lawyers

Committee and the Ned J. Nakles American Inn of Court, respectively. President Judge John E. Blahovec then spoke on behalf of the court.

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

Actions of the Board

JANUARY 20, 2009

- Approved Membership Committee recommendations as follows: Julie Hogan and Caroline Mosites, participating; Christopher Watson, associate.
- Agreed to investigate short-term CD rates for excess funds in savings accounts.

- Voted to accept bid for new voicemail and telephones from LISN Networks in New Stanton.
- Announced that on-line LRS program was launched on January 20.
- Voted to offer members a tech tip via e-mail on a once-a-week basis.

FEBRUARY 17, 2009

- Approved Membership Committee recommendations as follows: Danielle Barozzini, associate.
- Voted to hold the 2009 Dinner Dance at Westmoreland Country Club on Saturday, December 5.
- Voted to work with the Tribune Review to conduct a judicial candidates evaluation with our members; the Tribune Review will take the leadership role in project.
- Google AdWords has been initiated to help market the LRS on-line site.
- Young Lawyers Committee report:
 - YLs will coordinate a PBA caravan for March 19; PBA will pay \$500.
 - YLs will participate in the New Ceremony on March 13.
 - CLE scheduled with the Orphans' Court Judges is set for April 9.
 - An additional CLE is planned after April; topic is "collecting on judgments with Joe Lazzaro."
- The Movie Critics CLE shown at the Bench/Bar Conference will be offered as a replay at WBA office during the month of July. This allows attendees who want to participate in activities to do so and still earn FREE CLE credits.
- Voted to distribute Courthouse books and new member certificates at the New Member Ceremony.
- Agreed to immediately form a technology committee to help direct the WBA in technology-related decisions, e.g., website, blog, listserv.
- Voted to participate in the Latrobe Chamber's Chamberfest on May 12 and 13.
- Agreed to hold a CLE on Pro Bono/WBF matters before the Annual Meeting on April 6. 🍀



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CALENDAR OF EVENTS

APRIL 2009

- 21** Family Law, Noon
Board Meeting, 4 p.m.
- 23** A CLE Event: "CLE Compliance Period Seminar," 9 a.m. to 4:15 p.m.
- 29** Dine Around: The Duquesne Club, Pittsburgh, Pa., 6:30 p.m.
- 30** Ned J. Nakles American Inn of Court, 5 p.m.

MAY 2009

- 13** Dine Around: Tarentum Station, Tarentum, Pa., 6:30 p.m.
- 14** Membership, Noon
Final registration deadline for the 2009 Bench/Bar Conference at Seven Springs

- 15** Free Lunch Friday: "Microsoft Office 2007 Tidbits," Noon to 1 p.m.
- 19** Family Law, Noon
Board Meeting, 4 p.m.
- 20** A CLE Event: "Tips to Avoid the Pitfalls and Pratfalls of Fee Disputes," Noon to 1:15 p.m.
- 25** Courthouse closed in observance of Memorial Day
- 29** 47th Annual Memorial Service of the Westmoreland Bar Association, Noon, Westmoreland County Courthouse

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.