



Wrongful Convictions

Artist, Attorney Present Two Views of The Innocence Project

by Beth Orbison, Esq.

Wrongful convictions are not isolated, rare events. Innocent people languishing in prison or worse—being put to death for crimes they did not commit—should be intolerable to everyone,” says Dan Bolick about why he was inspired to paint larger-than-life portraits of ten wrongfully convicted men who were exonerated as a result of the efforts of The Innocence Project.



Artist Daniel Bolick and Innocence Project Staff Attorney Craig Cooley were the featured speakers at the WBA Summer Quarterly Meeting held at the Westmoreland Museum of American Art in July.

The Innocence Project is an organization dedicated to using the latest scientific evidence to exonerate wrongfully convicted men and women. Founded in 1992 by Barry C. Scheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law at Yeshiva University in New York to assist prisoners who could be proven innocent through DNA testing, to date, 241 people<sup>1</sup> have been exonerated and set free through the work of this nonprofit national law firm.

On July 28, the Westmoreland Bar Association hosted its quarterly

meeting at the Westmoreland Museum of American Art where featured speakers—artist Daniel Bolick and Craig M. Cooley, staff attorney with The Innocence Project in New York—talked about the impact of an imperfect criminal justice system on the lives of wrongfully convicted men.

In 2007, upon retiring after 34 years as a Pittsburgh Public School teacher, Daniel Bolick searched for a subject to paint with “an activist content.” He found his muse in The Innocence Project, and what emerged

is a series of breathtaking portraits done in an expressionistic style that depicts the complicated, emotional landscapes of men who have suffered years of incarceration for crimes they did not commit. In doing these paintings for the exhibit—simply entitled “Resurrected” in the Walsh Gallery at the Westmoreland Museum until September 6, 2009—Bolick wanted to humanize the men, literally giving a face to their plight, and to demonstrate that this could happen to anyone.

Mr. Cooley, a native of Plum Borough in Allegheny County, is one of six full-time staff attorneys who represent prisoners across the country.<sup>2</sup> “Our standard is actual innocence,” explains Cooley. “If there is physical evidence to test and DNA evidence could prove innocence, then the case is eligible to be considered for our assistance.” Eight staff members carefully review each letter they receive from or on behalf of inmates—they currently have a 3,000-letter

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<sup>1</sup> Of the 241 exonerations, there are 38 in Texas, 29 in Illinois, 25 in New York, and 10 in Pennsylvania.

<sup>2</sup> Attorney Craig Cooley represents clients on behalf of The Innocence Project in Pennsylvania, Oklahoma, Illinois, Tennessee, Arkansas, and South Carolina.

President's Message

# The Best-Kept Secret

by James R. Antoniono, Esq.

One of the best-kept secrets of membership in the WBA is the eligibility to also become a shareholder of Lawyers Abstract Company, a title insurance and title services company wholly owned by



WBA members. The WBA has over 500 members and 281 of those members are also shareholders in the Abstract Company.

Although they are separate legal entities, the two

organizations are closely intertwined. All shareholders of the Abstract Company must also be members of the Westmoreland Bar Association. In addition, the Abstract Company financially supports the Bar Association in a number of ways:

- 1) It is always one of the sponsors of our Bench/Bar Conference;
- 2) It traditionally donates money to the Westmoreland Bar Foundation to assist in its mission to provide assistance to Westmoreland County residents;
- 3) It offers local people the opportunity to have their own Westmoreland County lawyers represent them at closing when other title companies may restrict such representation to lawyers strictly of their choosing.

The cost to become a member of the Abstract Company is negligible—

it costs \$100 to purchase one share of stock and it's refundable at any time.

The Abstract Company specializes in personal services, and even if a WBA member doesn't do real estate work, he or she can refer a client to the company with the assurance that the client will get the best personal service available and that he or she will have the opportunity to continue representation in any ways that are appropriate.

The Abstract Company was established with two principles in mind:

- 1) Maintain the attorney-client relationship in all real estate transactions when appropriate.

- 2) Keep business in Westmoreland County that might otherwise go to businesses that have no connection with or interest in the people of the county.

Because of its relationship with Commonwealth Title Insurance Corporation, the Abstract Company can provide title insurance services throughout the Commonwealth.

Early in my practice, while searching a title in Armstrong County, Roger Mechling, the President-for-life of the Armstrong County Abstract Company, approached me and suggested that I join since I had an Armstrong County office. He described their abstract company and its benefits. I joined, but on the way back to Greensburg, I wondered why Westmoreland County did not have its own abstract company.

I wrote to Reg Belden, who was then the President of the Bar Association, describing what an abstract company was and how it worked, suggesting that the Bar should form one. He responded by naming Ralph D. Conrad, David S. DeRose, James M. Duffy, James McDonald, John N. Ward, and me to a committee to form the abstract company, and, in 1987, the Westmoreland County Lawyers Abstract Company was born.

My hope is to someday see the Bar Association and the Abstract Company integrated in a professional way such that the profits of the Abstract Company help support the mission

**It seems natural that the profits from this commercial enterprise be directed to provide greater legal services to the citizens of the county.**

and work of the Bar Association and the Bar Foundation. It seems natural that the profits from this commercial enterprise be directed to provide greater legal services to the citizens of the county.

Now that the Lawyers Abstract Company is no longer "the best-kept secret," if you are not a member of the Abstract Company, call Phil Shelapinsky, the President of the Abstract Company, and become a member. It's one of the best benefits you receive as a member of the Bar Association.

## Get Connected!

Need access to a **FREE** wireless Internet connection in Greensburg? WBA members are welcome to stop in the WBA offices and log on to our free wireless network to conduct business online.

# Remembering George E. Berry, Jr.

*Editor's note: George E. Berry, Jr., passed away on May 25, 2009. He is survived by his son, George "Skip" III, of Greensburg, son, Michael and his wife, Ana Taras, of Trenton, N.J.; grandson, David, of Ann Arbor, Mich., and sister, Virginia, of Greensburg.*

by James R. Gaut, Esq.

Most of us were acquainted with George Berry through the practice of law and were not as familiar with his personal life. We knew George as a careful practitioner, especially in the field of real estate, and we all respected his expertise. George was one who was serious about his work, did it very well, and was never one to look for shortcuts. He had the respect of his many clients as well as the attorneys with whom he worked. He has been described as "old

school," which meant, among other things, that his word was his bond, and many of us who worked with him would accept whatever he told us without question. At the time of his passing, he took pride in the fact that he was the oldest attorney at the Westmoreland County Bar.

George, for several years, shared office space with Attorneys Henry Waltz, Jim McWherter, and Dave Gold. Dave, being the young man in the firm at that time, has praised George as having offered him a lot of good advice regarding the practice of law, including such matters as billing, title work, finances, and other advice that Dave has characterized as "unbelievably insightful." In addition to being an office for the practice of law, the office became the headquarters of a local naval reserve unit; George was the commanding officer, and

former active-duty naval officers, including Pat Costello, Dick Jim, and others, would meet to share their experiences. Pat advises that the others were all "black shoe" navy, and that he was the only "brown shoe" officer. If you want to know the difference, contact Pat.

George's father was the owner and operator of the former George E. Berry Printing Company on North Main Street above the former office of the Greensburg Tribune Review. George graduated from Greensburg High School and was a journalism major while at Penn State. He was in his second year at Pitt Law School on Pearl Harbor Sunday and on December 8, 1942, volunteered his services to the U.S. Navy.

Within six months, he was commissioned as an ensign, and after extensive duty stateside, he was appointed Executive Officer of L.S.T. No. 499 on which he traveled from Evansville, Ind., down the Mississippi River, and then to England prior to D-Day. Before the invasion, George's squadron was attacked in the English Channel by German "E" boats, which sank three of the L.S.T.s of his group. George's ship survived this attack and participated in the landing on Cherbourg Peninsula, but was sunk on D-Day + 2 by a German acoustic mine while evacuating the landing beach. Following the loss of L.S.T. No. 499, George was sent to survivor camp and then reassigned to the Pacific



▲ George E. Berry, Jr.

## 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.



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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](mailto: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/thesidebar](http://www.westbar.org/thesidebar).

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## George E. Berry, Jr.

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Fleet. While en route to the U.S. across the Atlantic Ocean, his flotilla came under attack by a German submarine which sunk one of the destroyers escorting the convoy. Expecting to see more active duty in the Pacific Theater, George was relieved to get the news while in the Philippines that Japan had surrendered in August of 1945.

George had a passion for and excelled at the game of bridge; not just ordinary bridge, but Duplicate Bridge. He played with such experts as George Lamproplos and Stu Horner, and participated in tournaments both local and out of state. He was honored as a Silver Life Master by the American Contract Bridge League (ACBL).

A lifelong Republican, George entered the political arena, running for mayor of the City of Greensburg and District Attorney of Westmoreland County, and he was a delegate to the Republican National Convention in Chicago.

It may have been a holdover from his naval career that he became a world traveler visiting Europe, South America, and the Far East on numerous occasions. I remember to my surprise when I asked him about Australia and New Zealand that he told me he had never been to either, explaining that they were “too far.”

Some of you may be aware that George, Tack Hammer, Dave Gold, and Aaron Kress all shared the same birthday and, when possible, celebrated together.

He is survived by sons George E. “Skip” Berry, III, of Greensburg, and Michael K. Berry, of Trenton, N.J., and grandson David Berry, of Ann Arbor, Mich.

George will be fondly remembered and sadly missed by all who knew him. 🌹

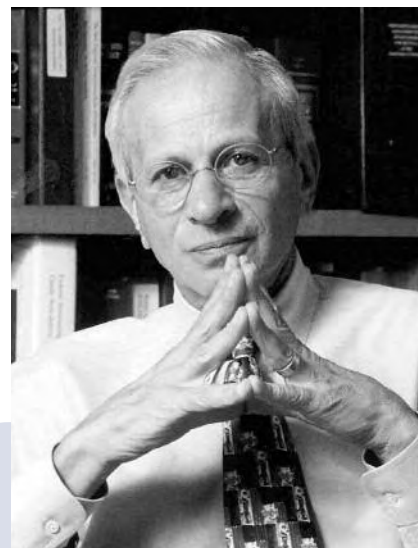
## Remembering Thomas R. Ceraso

*Editor's note: Thomas R. Ceraso passed away on July 18, 2009, after a brief illness. He is survived by his wife, Janet; son, Thomas, and wife, Dana, of New Kensington; daughter, Amy, and John Iole, of Pittsburgh; daughter, Betsy, and Jeff Aziz, of Pittsburgh; three grandchildren, Thomas and Abigail Ceraso, of New Kensington, and Samantha Aziz, of Pittsburgh; sister, Joan, and husband, Robert McDermott, of Vandergrift; and several nieces and nephews.*

*by Daniel Joseph, Esq., and Jim Smith*

### MENTOR, FRIEND, AND DEFENDER TO MANY

**T**he Westmoreland County Bar lost a friend upon the passing of Attorney Thomas R. Ceraso on July 18, 2009. Tom, age 75, succumbed to lymphoma. During his lengthy professional career, Tom maintained a thriving state and federal practice, concentrating primarily in criminal defense matters. He practiced across the state and the country, was admitted to practice in the United States Supreme Court, the United States Court of Appeals for the 3rd and 5th Circuits, the United States Court for Western District of Pennsylvania and West Virginia, the United States Tax Court, the several courts of the Commonwealth of Pennsylvania including the Supreme, Superior, Commonwealth, and various county courts of common pleas. He also practiced before the Court of Judicial Discipline and the Supreme Court Disciplinary Board. Tom served on the Pennsylvania Criminal Rules Committee. He was known throughout the legal community as an excellent trial attorney, a master of trial tactics, a ferocious cross examiner, and a superior writer and researcher. Tom was acknowledged in the Best Lawyers in America since 1993 under the designation of Criminal Defense Attorneys. He was a friend and mentor to many members of the local legal communities, well liked by judges, prosecutors, police officers, and court staff. A tireless worker, he was always



▲  
Thomas R. Ceraso

willing to assist practitioners seeking his advice with research or strategy. He gave freely of his time to the Westmoreland Bar Association when asked to present on various topics relating to the practice of criminal law.

Tom represented clients in numerous high-profile cases, among them, a police officer charged in the death of Jonny Gammage, a murder at the now-defunct Cash Club, and the 6-6-6 lottery-fixing trials.

As he lay sick in the hospital the weeks before his death, he was still reading cases and reading the law from a laptop computer.

Westmoreland County District Attorney John Peck said of Tom, “He was always passionate about his clients and tireless in defending them. He was the lawyer who wasn’t afraid of a very tough case and who was very



successful in defending those cases. He was perhaps the most sought-after lawyer in Westmoreland County for defendants who wanted to have a trial.”

Senior Judge Charles Alexander of Clarion County said, “In my 52 years as a lawyer and judge, I have never seen a better criminal defense attorney than Tom.” He went on to say, “I will feel my time as a judge was put to good use if I can start just one young attorney down a path emulative of Tom’s career. Of course, I realize that men like Tom cannot be made, but all of us can be better by trying to be more like Tom.”

Attorney Patrick Thomassey of Allegheny County called Tom “the dean” of the criminal practitioners. “I think the only greater thing than his capacity with people was his knowledge of the law,” Mr. Thomassey said. “A great trial lawyer, great family man, and a greater friend. He was the go-to guy for what we do. He practiced law the way you’re supposed to do it. You never heard anything bad said about Tom.”

Tom was born February 26, 1934, the son of Dr. Thomas and Sylvia Magnelli Ceraso of Vandergrift, Pa. Tom attended Vandergrift High School, where he played baseball and basketball, graduating in 1951. He graduated from Penn State University in 1955 and earned an undergraduate degree in Philosophy, and graduated from the University of Pittsburgh School of Law in 1958.

In 1960, he opened his first law office on Longfellow Street in

**T**om embodied the ideal of the gentleman lawyer, the image of a fair, committed advocate that many of us formed growing up only to find we encounter all too rarely in practice. The rarity of a figure like Tom—completely trustworthy, reasonable, understanding—may lie in a perception that that sort of lawyer is less effective than the ferocious slash-and-burn variety, but Tom proved that perception wrong. He made a career of gaining outstanding results for his clients by dint of his persuasiveness and integrity, and without ever shying away from a battle if it had to be fought. It’s a great loss for the bar, the community, and his clients.

— *Harry Litman, former U.S. Attorney for Western District of Pennsylvania*

Vandergrift, Westmoreland County. In 1964, he joined the law firm of Scales and Shaw in Greensburg, Pa., where he became a partner. By 1970, he had opened his own office in Greensburg and in 1980, was joined by Attorney Donald P. Tarosky. They practiced together until 1995 when Mr. Tarosky left to pursue other opportunities. Tom continued as a solo practitioner in Greensburg until 2004 when he opened an office in Feldarelli Square, New Kensington. He closed that office in 2007 after deciding to retire from the active practice of law and then maintained an office with Duke George, Dan Joseph, and David Regoli.

During those retirement years, he enjoyed coming into the office frequently, providing counsel on a multiple number of cases, and simply talking about the law over a cup of coffee or lunch. David Regoli, who was very close to Tom, observed that he could not remember a single case that he tried without first discussing it with Tom before and during the trial. David said, “Tom had a way of making the impossible seem possible.”

Dan Joseph realized soon after Tom began sharing offices with his firm that they could save overhead by getting rid of the law library. “He was an encyclopedia of the law,” said Dan.

Duke George represented many co-defendants with Tom. In one case in federal court in Erie, Pa., they shared a hotel room for six weeks of trial. Duke said he never got any rest

because Tom was up at 4 a.m. every morning reading case law and preparing for trial. Duke also said, “He was the best criminal defense lawyer I ever knew.”

At Tom’s funeral, his son, Westmoreland County Commissioner Thomas C. Ceraso, shared an e-mail written to him from someone who had been a juror in a federal case that Tom tried in Pittsburgh. The case involved a claim of fraud against Tom’s client in the sale of tanks to the Defense Department.

Tom’s client was acquitted, and the e-mail pretty much sums up the way in which Tom was regarded. The person who sent the e-mail stated: “I had the pleasure of watching your father as a juror. On one side of the courtroom was the U.S. Attorney, the FBI with their computers, charts and graphs, and everything that the federal government could bring. On the other side of the courtroom sat your father, his client, and a yellow note pad. Little did the federal government realize that they were outgunned. I came to realize I probably saw one of the best lawyers ever.”

Throughout the last 17 years, Tom was rarely seen without his legal assistant, sidekick, and friend, Jim Smith. Jim worked daily and, many times, nightly with Tom, assisting in the preparation of trials and driving him across Pennsylvania and many other states defending clients. Jim said, “Tom was a friend, mentor, and father

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# Remembering Thomas R. Ceraso *continued from page 5*

*Return with us now to those thrilling days of yesteryear...*

I'm not Tonto, but Tom Ceraso was the Lone Ranger. I was fortunate, as a young lawyer, to be an apprentice to Tom; as a defense attorney, to be co-counsel with him; and as a judge, to preside over cases that he tried. Throughout those experiences, he taught all of us what the nature of being an advocate for the rights of your client required.



I started my career in Tom's office, working with him on fascinating criminal cases, most particularly the 6-6-6 lottery fix case that involved Mr. Bowling for Dollars, Nick Perry. Though I was only associated with his practice for a short time, it was long enough for me to realize what my ethical obligations as a defense attorney were: To zealously defend my clients, and to protect their rights, regardless of what they were charged with, and regardless of my own personal feelings. That's how the Lone Ranger did it, and that's how I would do it.

I left Tom's office because he was the Lone Ranger—that's how he practiced law, without much collaborative effort—and I went to the Public Defender's Office, where, after several years of criminal defense representation, I got to work with Tom once again as counsel for two of the defendants charged in the Cash Club homicide. I marveled at the most well-prepared, articulate, and effective of attorneys.

Out of the welter of confusion attendant to a case that originally involved nine defendants, Tom and his fellow counsel, including Irv Green, Lou Ceraso, and Ray Radakovich, were able to set a course to an acquittal. It was the dream of every young lawyer—to be up close and personal and on the front lines with a veritable master class of the criminal defense bar. Once again, what shone through was the basic core regarding the responsibility of defense counsel, to do everything that the fair and effective representation of your client requires.

When I took the bench as a judge, it was a pleasure to know that Tom Ceraso would be involved in a case before me. Although his long years as a lawyer and the ultra-busy aspect of his law practice might have excused it, Tom was never late or absent without explanation and a properly presented continuance request. My staff never had to search for him; he sometimes was waiting for us to arrive and open up my chambers. He was better than well-prepared, courteous to opposing counsel, realistic and honest with the Court, well-dressed and well-shod, and a wonder to see in action. Judges and juries sat up a little straighter and listened a little more attentively when Tom had the stage, because of his reasoned and articulate arguments and his graceful and intuitive approach.

When Tom scaled back his practice (we knew he could never fully retire), it was as if a great standard had been furled, no longer to be available as an example to us as to how a lawyer meets his or her responsibility to their clients. *He* wrote me a thank-you note—the Lone Ranger sent *me* a thank-you note.

So that I might have the last word—No Tom, thank you.

— *The Hon. Richard E. McCormick, Jr.*

figure to me.” He also said that when he thinks of Tom, he will remember him standing in the stairwells of the Allegheny County Courthouse with a cigarette in one hand and a Palm Pilot in the other strategizing during trial recesses.

Tom Ceraso tried many high-profile cases before me both in Westmoreland County and here in federal court. It was my privilege to have him appear in cases over which I presided. He was always prepared not only with total command of the facts and the law but also with a clear vision of where he was going, what points he wanted to make. He was unfailingly polite, showing respect to his client, all witnesses, the prosecution and, especially to the court. As I said, it was a privilege to watch him at work and while there may be other great trial lawyers, there will only ever be one Tom Ceraso—he is truly irreplaceable.

— *The Hon. Donetta W. Ambrose, Chief Judge, United States District Court, Western District of Pennsylvania*

Tom is survived by his wife of 49 years, Janet Venturini Ceraso; three children, Amy Ceraso of Pittsburgh, Thomas C. Ceraso of New Kensington, and Betsy Ceraso of Pittsburgh; three grandchildren, Thomas Ceraso, Abby Ceraso and Samantha Aziz; and a sister, Joan Ceraso McDermott of Vandergrift. Tom was an avid gin player and golfer and he greatly enjoyed travel with his wife and spending time with his grandchildren.

His family lost a devoted husband, father, grandfather, brother, and uncle. We in the legal community lost a friend, mentor, and a classic example of a truly great trial lawyer. 🌸

## Galloway Elected President of PBI Board of Directors

**R**ichard H. Galloway, a partner in the firm of Galloway Monzo PC, in Greensburg, recently was elected President of the Pennsylvania Bar Institute's Board

of Directors. The ceremonial passing of the gavel occurred at PBI's Annual Meeting held in conjunction with the Pennsylvania Bar Association's Annual Meeting.

Founded in 1965, PBI is the continuing legal education arm of the Pennsylvania Bar Association,

providing continuing professional development programs for lawyers and publishing legal reference books in all areas of practice for judges, lawyers, and others involved in the legal community throughout the Commonwealth.

PBI is a fully self-supporting nonprofit organization, receiving no portion of PBA dues, and no government subsidies. Revenue from course tuitions and book sales is used to cover those production and operation costs, and is also reinvested in planning and developing new programs, publications, and other services.

Dick's service on the PBA's Board of Governors and as Chair of the House of Delegates led to his appointment to the PBI Board of Directors. As President, his duty is to make sure PBI accomplishes its goal of providing CLEs at a reasonable cost across the state. "We compete with for-profit companies who can go into a big city like Pittsburgh or Philadelphia

## BRIEFLY SPEAKING

and put on a two- or three-day seminar that draws hundreds of attendees," he says. "Our job is to provide CLEs for people in the smaller counties, to spread the CLE around so everyone has the same educational opportunities."

According to Dick, PBI has been on the leading edge of expanding its services to include distance learning by developing simulcasts, webinars, podcasts, online CLEs, call-in CLEs, video replays, and more in its effort to provide Pennsylvania lawyers with information that is timely, practical, cost effective, and of the highest possible quality. The Pennsylvania CLE Board permits attorneys to earn up to 4 of their 12 annual CLE credits through distance learning, accounting for a great portion of PBI's business.

Those who serve on the PBI board make serious hiring and firing decisions, plan the direction PBI will take, and authorize major capital expenditures, says Dick. As for his presidential plans, he says, "Overall, I'm just a handsome, smart guy with a nice sailboat who plans to stay the course and not run aground." 🚢

### PRICED TO SELL

Downtown Greensburg office building with two one-thousand square foot office suites. Easily combined if desired, these spaces offer pristine comfort with three operational gas fireplaces, one on the first floor and two on the second. Located two blocks from courthouse, there is ample staff parking behind with an additional one thousand square feet unfinished storage. Asking 164,000 but price is negotiable with right new owner. Write [bfoyle@comcast.net](mailto:bfoyle@comcast.net) for information or call 724-396-4114 to arrange a visit.

## Peluso Named President of Duquesne Law Alumni Association

**G**ino F. Peluso, a sole practitioner in Lower Burrell, was installed as President of the Duquesne

University Law Alumni Association, on April 24, 2009, becoming the first Westmoreland Bar Association member to hold this position. His duties as President include presiding at meetings with the Board of Governors and officers, and attending and speaking

at law alumni events across the country in order to stay connected with alumni, promote their involvement with the association, and enhance the reputation of the law school.

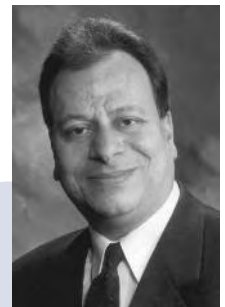
"I became involved with the Duquesne University Law Alumni Association through my attendance at various alumni functions," says Gino. "These events placed me in contact with members of the Law Alumni Association Board of Governors and the Law School Administration. Eventually, I was invited to join the Board of Governors. I was honored to become a member of this special club."

He was also appointed to the Law School's Advisory Committee and is a Trustee of the Scholarship Fund. "Assisting law students, both financially and otherwise, is of paramount importance to the Law Alumni Association, which has made significant contributions towards that objective," says Gino. "What better

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▲  
*Dick Galloway*



▲  
*Gino F. Peluso*



# Peluso Named President

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way to give back to the Law School which has given me the opportunity to practice law, for more than 28 years, than to serve as its Alumni Association President? The camaraderie is most enjoyable and the networking invaluable." At the conclusion of his tenure, President Peluso will have the privilege of serving as a speaker at the Law School's commencement ceremony in June 2010.

"My affiliation with the Duquesne University Law Alumni Association has been a most memorable and rewarding experience," he says. "I encourage all Duquesne lawyers who are members of the WBA to join the Duquesne Law Alumni Association. I look forward to seeing everyone at our future alumni events." 🌟

where in  
the world  
IS THE WBA  
MEMBER?



*Have a vacation photo and story you would like to share with your colleagues? E-mail them to [susan.zellner@verizon.net](mailto:susan.zellner@verizon.net) for consideration in a future issue of the sidebar.*

# Visit the New [www.westbar.org](http://www.westbar.org)

Have you visited the WBA's website at [www.westbar.org](http://www.westbar.org) recently? If you have, you will have noticed its fresh new look and user-friendly, interactive interface.

Now, not only can you see what activities, committee meetings, and CLEs are coming up in the next few weeks or months, you can register and pay for them online when you sign into the site with your user name and password.

Not sure if you have a user name and password? Click on "Login" at the top of any page, then click the "Request new password" tab. Enter your e-mail address and click on the "E-mail new password" button. Check your e-mail and follow the directions to gain access to the registration and members-only areas of the site.

What else does the new [www.westbar.org](http://www.westbar.org) offer?

- Under the "Join the WBA" tab, attorneys can peruse the benefits of WBA membership and download an application to join.
- Clicking on the "Find a Lawyer" tab takes you to various pages of our online Lawyer Referral Service site, and an alphabetical list of all WBA members and their contact information, complete with photo, if the WBA has one on file. If you would like a different photo, e-mail a JPEG to [susan.zellner@verizon.net](mailto:susan.zellner@verizon.net).
- The "Events" tab is a list of all upcoming events. Click on the event name for more information or to register online. There is also a link to our online photo albums.
- The "CLE Programs" tab is a list of all upcoming CLEs. Click on the CLE title for more information or to register online. You will also



find links to the Pennsylvania CLE Board and Pennsylvania Bar Institute.

- Need information about the Westmoreland Law Journal, the sidebar, or the Westmoreland County Local Rules? Click on the "Publications" tab for forms, rates, sizes, deadlines, and subscription information.
- The information under the "Members Only" tab can only be viewed if you are logged in. There you will find committee and members lists, as well as Memorial Service transcripts from 1960 to the present.
- Learn more about the Pro Bono Program and the Westmoreland Bar Foundation and its services by clicking the "Bar Foundation" tab.
- Finally, we have gathered a number of useful links to PBA InCite, law schools, circuit courts, Pennsylvania county bar associations, LCL, The Disciplinary Board, Laurel Legal Services, and more under the "Links" tab.

The new site is extremely flexible, so if there is a link we're missing or content you would like to see, let us know and we'll do our best to make it so. Point your browser to [www.westbar.org](http://www.westbar.org) and discover everything it has to offer. 🌟



# Letters to the Judge

Your honor, Sir,  
I hope this letter finds your honor in good health and spirits, but I myself am concerned and to the point of being anxious over my status here since my girlfriend, Darla Jean, who is quite the voracious reader, brought me an article cut from a Wall Street Journal she found on a bench in St. Clair Park entitled "Is the Prison Bubble About to Burst?" It refers to the years 1996 to 2006 as "the golden years of incarceration" when the incarcerated class rose to the two million mark. Darla Jean says that is five times the number of souls living in Wyoming.

Those were heady years, and my cellmate Jeeter and I take some pride, as I know you must, in having played a role in such an historic event. The creator of that piece in the paper rightly recalled that numerically, ribbon-cutting ceremonies at new prisons competed with Walmart openings, and the legislature without a pinch of concern over the future cost created more mandatory sentences.

The upshot, your honor, was that prison populations became more diverse. Why even some college students were rerouted here, along with a smattering of professional types, and we even have one hedge fund manager.

But now, your honor, there may be a fearsome price to be paid for this irrational exuberance as the money to run these fine institutions may be wanting. I must credit Jeeter with the phrase "irrational exuberance" who, as a fan of Alan Greenspan, uses it frequently. Is it any wonder that I am anxious about the future of this unwholesome little community? Cuts in staff and even rations (the

bread and water rumor) are topics of daily conversation and lively debate.

Darla Jean says that a legislator from California has introduced a bill to reduce prison costs by paying grants to members of the criminal class for not committing crimes. Applicants would be required to

submit affidavits that they were indeed contemplating a given crime and provide proof that they had the means to commit it in order to qualify.

For an example that even you might understand, a person who would have been called a "drifter" or "hobo" during the Great Depression could be paid for not throwing a brick through a window, but not for refraining from

embezzlement, since he would have neither the opportunity nor the means to commit such a crime. I'm sure your honor would agree with me that this would be folly, as a great number of people who would never even dream of committing a crime



would apply just to get the money.

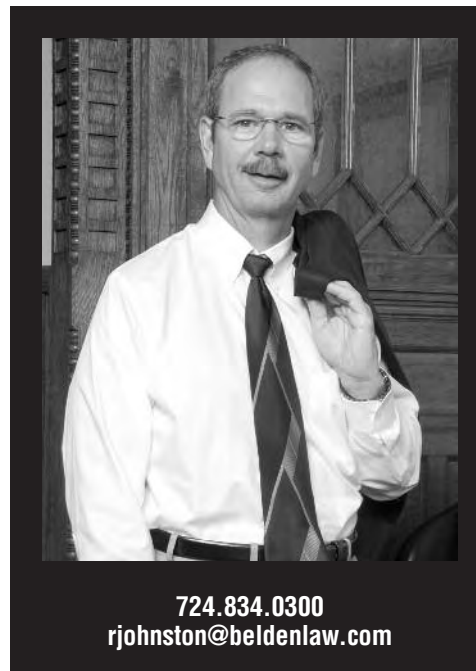
When it comes to monetary gain, your honor, the law-abiding just cannot be trusted.

The privatizing of prisons is also an unsettling concern. Until recently I just didn't realize that ours is a private prison, run as a subsidiary of Dannon Yogurt. Jeeter says that is a French corporation, which is very disturbing to us. All along we perceived this to be an American institution, and Jeeter contends that parole applications will now have to go through the United Nations.

Jeeter is, of course, prone to panic and exaggeration, but what happens if this private company has to file for bankruptcy, with the hope of reemerging as a new and leaner lockup?

You, your honor, can make a major contribution toward solving this pervasive national problem by granting the enclosed applications for parole. With best wishes I remain your friend and detainee.

Ricky H. Benbow, Sr. 🐼



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rjohnston@beldenlaw.com

## Considering Mediation or Arbitration?

Please keep me in mind.

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**Bob Johnston**

Appointed to Federal Court Mediation and Arbitration Program

  
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# Artist, Attorney Present Two Views of The Innocence Project *continued from page 1*



DANIEL BOLICK'S "RESURRECTED" EXHIBIT IS AT THE WESTMORELAND MUSEUM UNTIL SUNDAY, SEPTEMBER 6. CHECK [WWW.WMUSEUMAA.ORG](http://WWW.WMUSEUMAA.ORG) FOR MUSEUM HOURS.

backlog—and those cases selected for consideration are presented in summary form during a day-long intake meeting, after which those cases deemed to have meritorious issues will be selected for representation. The Innocence Project pays for the cost of DNA testing.

"In many of the cases that are selected, there is overwhelming evidence of guilt," says Cooley. "But in practice, we have discovered that false confessions have led to wrongful convictions in 25% of the cases, and eyewitness misidentification testimony was a factor in 74% of post-conviction DNA exoneration cases in the U.S.—the leading cause of wrongful convictions." Improper or unvalidated forensic science played a role in approximately 60% of wrongful convictions later overturned by DNA testing,<sup>3</sup> and snitches contributed to wrongful convictions in 16% of the cases.

"If I had to choose one noun to describe each of these exonerated men, it would be 'perseverance,'" says Cooley. "'Perseverance' is one thing you see in all of them. Knowing that they are innocent, they have to persevere to get out of jail."

But, Cooley adds, "We not only represent individuals; we want to change the criminal justice system, too." To that end, The Innocence Project has a policy department and a media department that help "spin" a case when

<sup>3</sup> For more information about serious flaws in the forensic science system, see the February 18, 2009, article entitled "Badly Fragmented" Forensic Science System Needs Overhaul; Evidence to Support Reliability of Many Techniques is Lacking" at <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=12589>.

their work results in an exoneration, using their success to further the mission of the Project. Through their efforts, 47 states now have DNA statutes,<sup>4</sup> many states have enacted evidence-preservation guidelines, and efforts are being made with the development of a model compensation statute to encourage states to compensate the wrongly convicted.<sup>5</sup> In addition, due to the high incidence of false confessions, often among those with mental health problems, The Innocence Project supports legislation that would require all interrogations to be recorded.

Two social workers, who are part of the 55-member staff of the organization, assist released prisoners with the transition to freedom. The average length of time served by exonerates is 12 years; after this extended period of time, medical needs, reintegration into the family, job training and living arrangements are among each man's concerns.

An exonerate trust fund established by the Project provides a small monthly stipend (about \$200/month for two years) to each released prisoner.

For more information about The Innocence Project, read "Actual Innocence: When Justice Goes Wrong and How to Make It Right," by Barry Scheck and Peter Neufeld, and visit their website at [www.innocenceproject.org](http://www.innocenceproject.org).

<sup>4</sup> Alaska, Oklahoma, and Massachusetts do not have DNA statutes.

<sup>5</sup> In federal cases only, the Justice For All Act of 2004 provides compensation to wrongly convicted death row inmates of \$100,000 a year for each year of incarceration and to all others, \$50,000 a year for each year of wrongful incarceration. Twenty-five states, including Pennsylvania, have no compensation statute.

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# To-Wit: All Around the Mulberry Bush

by S. Sponte, Esq.

Yes, I know,” I told my colleague on the phone, “and believe me, my clients want to move out just as much as your client wants them to move out. But they just can’t find another place to live that fast. They’ll need ninety days.”

Now lest you think I do landlord-tenant cases for a living, let me assure you that this was *pro bono*. I had prevailed at the magistrate’s hearing on a minor technicality only because the landlord was too cheap to hire a lawyer and too well off to get one for free.

Now, however, wanting to appeal, landlord had engaged counsel and the first thing my colleague did—well, the first thing if you don’t count cashing the retainer check—was to call me to work something out.

We both knew I couldn’t win on the merits, but we also both knew the considerable time and expense involved for his client to take an appeal. That cumbersome and costly process was the only negotiating ploy I had. It was vaporous to be sure, but just noxious enough to get noticed.

“All right,” he capitulated, “I’ll recommend he give your clients ninety days to move, and I hope he’ll agree because I’m getting awful tired of telling him what a weasel you are.”

It was intended as a witty remark and we both laughed. But who was it who said the sweeter the humor the more bitter the truth? I think it was me. Yes, I was substituting the cost and maddeningly ponderous tempo of litigation for the spiffiness of a

meritorious defense, but does that make me a weasel?<sup>1</sup>

I didn’t know the answer but I knew someone who would. Professor Armes Akimbo had taught me ethics in law school. Most noted as the author of the seminal “Two Points of View Regarding The Double Billing of Schizophrenics,” he has always been to me the paragon of properness. I called him at once.

After exchanging the amenities (“Remember me, Professor?” “Nope, can’t say as I do.”), I posed the ethical question.

*continued on page 12*



<sup>1</sup> Weasel – a small, carnivorous mammal possessed of short legs, elongated body and neck, with matching briefcase. *Oxford Dictionary of Suppositions, 1st Ed.*

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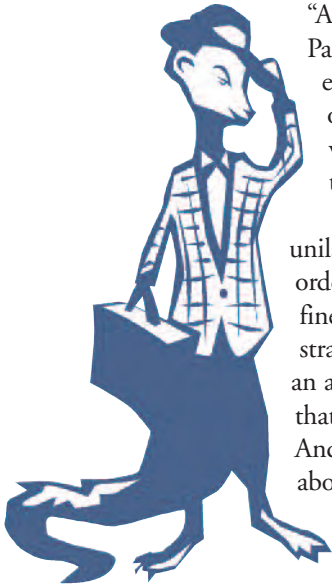


Daniel Joseph



# To-Wit: All Around the Mulberry Bush

continued from page 11



“Ah, yes,” he replied, “the Mulberry Paradox. It’s a classic. Can you ethically use the cost and delay of litigation as a bargaining chip when you have no defense on the merits?”

He went on. “If an adverse party unilaterally decides to compromise in order to avoid cost and delay, that’s fine. But if counsel uses that as a strategy to extract concessions without an accompanying meritorious defense, that’s a misuse of process and not fine. And if counsel is open and honest about his motives, he’s admitting to sharp practices and that’s not fine. But if counsel is not open and honest about it, he’s not

being candid with the tribunal and that’s not fine. Shall I continue? There are seventeen more levels.”

“Oh God, no,” I begged him, “please don’t. I’m quite dizzy as it is.”

I had just hung up and was sitting at my desk pondering the imponderable when the phone rang. It was opposing counsel. “You’re not going to believe this,” he said, “but I just told my client again what a weasel you are and he fired me. Said he needs a bigger weasel than me to go up against the likes of you.”

Well, it appears now that my sashay through the Mulberry Paradox is *finis*. No matter what kind of cases now lie ahead of me, I won’t ever have to assert such a dubious position again. I mean, what with my clearly established reputation for being king weasel, I’m never going to have to say another word. 🐾

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Can’t get enough Sponte? More articles are online at [www.funnylawyer.com](http://www.funnylawyer.com).

## LawSpeak

“The legal profession is the only one in which the chances of error are admitted to be so high that an elaborate machinery has been provided for the correction of error—and not a single error, but a succession of errors. In other trades to be wrong is regarded as a matter of regret; in the law alone is it regarded as a matter of course.”

— A.P. Herbert, *Uncommon Law* (Methuen, 1935)

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March and May 2009 Civil Trial Terms

# Jury Trial Verdicts

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

## MARCH 2009 CIVIL TRIAL TERM

Of 34 cases listed for the March 2009 Civil Jury Trial Term, 10½ settled, 19½ were continued, two were transferred to arbitration, one was a non-jury verdict, and one verdict was entered in a jury trial. The jury verdict for the March 2009 civil trial term is summarized below.

**OLIVIA A. FITCH**

**V.**

**MARY JANE HOVANEC**

**NO. 4795 OF 2003**

*Cause of Action: Negligence—  
Motor Vehicle Accident*

This rear-end collision occurred on September 27, 2001, in Hempfield Township. Both parties were traveling east on Old Route 30. Plaintiff's vehicle was stopped at the stop sign controlling an intersection when Defendant, traveling behind Plaintiff, failed to stop for the stop sign, colliding with Plaintiff's vehicle. Plaintiff claimed injuries to her shoulder and cervical sprain. Defendant raised numerous affirmative defenses under the Pennsylvania Motor Vehicle Financial Responsibility Law, and asserted that the impact from the collision was minor. At trial, evidence of future elective surgery (not performed despite the passage of eight years from the date of injury) was precluded.

*Plaintiff's Counsel:* Cindy Stine, Gbg.

*Defendant's Counsel:* Laura R. Signorelli, Law Offices of Twanda Turner-Hawkins, Pgh.

*Trial Judge:* The Hon. Daniel J. Ackerman

*Result:* Verdict in favor of Defendant.



for the May 2009 civil trial term are summarized below.

**BRUCE R. MILLER, INDIVIDUALLY  
AND AS EXECUTOR OF THE  
ESTATE OF NANCY M. MILLER,  
A/K/A NANCY G. MILLER**

**V.**

**LATROBE AREA HOSPITAL, INC.,  
CURRENTLY T/D/B/A EXCELA  
HEALTH LATROBE HOSPITAL,  
EXCELA HEALTH, INC., JOHN P.  
HORNE, M.D., CHARLENE  
SALOOM, D.O., MARK  
KIELIOWSKI, M.D., MT. VIEW  
FAMILY HEALTH CENTER, AND  
EXCELA HEALTH PHYSICIAN  
PRACTICES, INC.  
NO. 1255 OF 2007**

*Cause of Action: Professional Negligence  
—Wrongful Death Action*

On February 14, 2005, Nancy Miller (Decedent) was transported by ambulance to the Latrobe Area Hospital emergency room. Decedent was complaining of hoarseness and

*continued on page 14*

## MAY 2009 CIVIL TRIAL TERM

Of 27 cases listed for the May 2009 Civil Jury Trial Term, eight settled, 11 were continued, one was stayed, one was transferred to arbitration, one was transferred to non-jury, two verdicts were entered, and three were held to the next trial term. The jury verdicts

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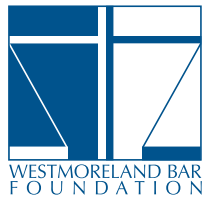
# foundation focus

## Volunteers for Justice

The Pro Bono Program extends thanks to all the attorneys who volunteered their time from April through June 2009.

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- Eric Dee
- Michael DeMatt
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- Rebecca Fenoglietto
- Charles Fox IV
- Dennis Gounley
- Peggy Hooker
- James Horchak
- Larry Kerr
- Maureen Kroll
- Robert Liotta
- Irene Lubin
- Shirley Makuta
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## Jury Trial Verdicts *continued from page 13*

blurred vision, and that her face and tongue were swollen. The hospital admitted Decedent for a 23-hour observation stay, during which Decedent experienced episodes of chest pain and was treated by the nursing staff with nitroglycerine. Despite her bouts of chest pain, Decedent was sent home on the morning of February 15, 2005. No cardiac tests were performed prior to her discharge. At approximately 3:30 p.m. on February 15, 2005, Decedent's husband found her unresponsive and she was subsequently pronounced dead.

At trial, Plaintiff presented evidence to demonstrate that Decedent died as a result of a cardiac problem and that she would have survived had Defendants performed appropriate cardiac testing. Defendants disputed that Decedent's death was cardiac-related, and they introduced evidence to show that they complied with the standard of care.

*Plaintiff's Counsel:* Rudolph L. Massa and Gary A. Butler, The Massa Law Group, P.C., Pgh.

*Defendants' Counsel:* David R. Johnson, Thomson, Rhodes & Cowie, P.C., Pgh.

*Trial Judge:* The Hon. William J. Ober

*Result:* Verdict in favor of Plaintiff in the amount of \$1,500,000.00.

**PAUL WASSEL**

**V.**

**KENNETH LUDVIK  
NO. 7859 OF 2006**

*Cause of Action: Negligence—  
Motor Vehicle Accident*

This motor vehicle accident occurred on State Route 130 in the Village of Pleasant Unity on September 24, 2005. As Plaintiff slowed to turn, he was rear-ended by Defendant's vehicle, which knocked his car off the road and through a fence. Plaintiff declined medical

treatment at the scene, but had a friend take him to the hospital later that day. A head and neck scan was performed and he was given a prescription for Percocet. Full tort automobile insurance coverage had been elected.

Plaintiff experienced ongoing problems as a result of a catastrophic accident that occurred in 1981. In June of 2005, a morphine pump was implanted underneath Plaintiff's abdominal wall, which provided significant relief and allowed him to resume many of his activities. Plaintiff contended it was necessary to increase the dosage of morphine from 2.88 mg to 10 mg a day as a result of the accident. Plaintiff also claimed severe injuries to his back and left shoulder. The Defendant admitted negligence. At trial, the medical expert testimony focused on the disputed issue of whether the 2005 accident caused an aggravation of Plaintiff's previous condition.

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

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

*Trial Judge:* The Hon. Daniel J. Ackerman

*Result:* Verdict in favor of Plaintiff in the amount of \$2,000.00, which was molded to \$10,000.00 pursuant to a binding high-low agreement entered into by the parties. 🍷

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Westmoreland Revisited

# Hugh Henry Brackenridge

by The Hon. Daniel J. Ackerman

If, in your morning commute, you are consoled by the thought that at least you are not jammed on the parkway en route to Pittsburgh to earn your living, you can thank Hugh



▲  
The Hon. Daniel J. Ackerman

Henry Brackenridge, who, in large part, saw to it that this county would not be burdened with the ills of a metropolitan center. It was Brackenridge, then a resident of Westmoreland County, who introduced the legislation and provided the impetus that led to the conversion of the western part of our county into the new county of Allegheny in 1788.



▲  
Hugh Henry Brackenridge is depicted in this painting by Clayton Braun, which was copied from an original painted by Gilbert Stuart.

Were this his only contribution we might offer him our passing thanks and give him no further thought. But the life of this lawyer, judge, justice, publisher, and writer, which spanned the years 1748 to 1816, deserves our consideration.

Born in Scotland, he immigrated to this country with his parents when he was five years old to an area in York County—which was then considered the frontier—known as the Barrens. Educated by a local minister, by age 15 he was teaching school in Maryland, and at 19 he enrolled in the College of New Jersey, now Princeton, graduating in 1771. There, his closest friends were James Madison, future U.S. President, and Philip Freneau, who subsequently would be known as the poet of the Revolution. The three were members

*continued on page 16*

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# Hugh Henry Brackenridge *continued from page 15*

of the Whig Society. Brackenridge and Freneau collaborated on literary efforts, one being “The Rising Glory of America,” a poem predicting a North American nation which ran from sea to sea, which Brackenridge recited at their graduation; and another, curiously titled “Father Bimbo’s Pilgrimage to Mecca,” credited as the first work of prose fiction written in America.

After graduation, he remained at the college for another year to pursue religious studies. He then became the headmaster of a Maryland academy for a time and returned to Princeton to obtain a master’s degree. While he was never ordained, he became a chaplain in Washington’s army during the Revolution and earned a reputation for rousing patriotic sermons.

In 1778, he and Freneau began publishing the United States Magazine in Philadelphia. It was designed to be an intellectual journal, which, among other things, advocated the emancipation of slaves and their colonization in the west. The magazine soon failed, however, and Brackenridge began studying law under Samuel Chase in Annapolis. At age 32 he was admitted to the Philadelphia bar.

He, like so many others, began looking west. Of Philadelphia he said, “I saw no chance of being anything in that city, there were such great men before me.” In 1781, he began a new phase in his life as a frontier lawyer practicing in the small Westmoreland County town of Pittsburgh, which, nonetheless, was still the largest settlement in Western Pennsylvania. He would later write of his new home, “This town in the future will be a place of great manufactory . . . indeed the greatest on the continent or perhaps the world.”

Such was his confidence in this area that he persuaded John Scull to bring a printing press and type over the mountains and establish the Pittsburgh

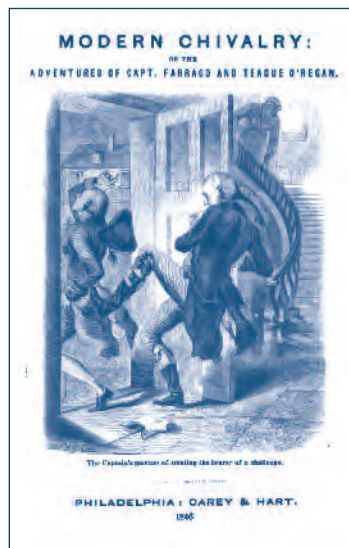
Gazette, the first newspaper west of the Alleghenies and the precursor of the Post-Gazette.

A lawyer anxious for a printing press may well have political ambitions. Brackenridge chose to run for office and was elected to the general assembly in 1786. As a legislator, he successfully labored for the establishment of the Pittsburgh Academy, which would become Western University of Pennsylvania and, later, the University of Pittsburgh. As mentioned, he introduced the bill for the creation of Allegheny County that passed in 1788, and was the only legislator from

Western Pennsylvania to support the formation of a Pennsylvania convention for the purpose of ratifying the United States Constitution.

It is rare for a legislative body to deal with so many weighty matters in a single term, but one term was all Brackenridge was to have. Being a Federalist he was a strong supporter of the central government during the Whisky Rebellion, and opposed the creation of a 14th state from Pennsylvania’s western counties in what was known as the “Westsylvania Dispute.” These positions put him at odds with the populist sentiment prevailing in the area and he was defeated in his bid for reelection.

A bid for a congressional seat failed when Albert Gallatin defeated him, but his political fortunes turned when Governor Thomas McKean appointed him to the Pennsylvania Supreme Court in 1799. By that time,



▲ Brackenridge’s “*Modern Chivalry*,” a satirical novel of American manners and morals, was considered the first important fiction dealing with life on the frontier.

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**Cindy Stine, Esq.**

Brackenridge had veered away from his Federalist beginnings and was a local leader of Jefferson's Republican Party.

The most unusual aspect of his busy life was his status as a literary figure. In four volumes published between 1792 and 1797, his work, "Modern Chivalry," a satirical novel of American manners and morals, was considered the first important fiction dealing with life on the frontier. Henry Adams considered it "a more thoroughly American book than any written before 1833." The hero of the work is a Don Quixote-type character with a witless sidekick, the latter being so admired by a gullible public that he becomes an officeholder. Revisions and additions followed through 1815.

It cannot be said that his private life was typical. He was married in 1785; the next year a son was born and two years later his wife died. A stern and apparently ill-suited parent, he eventually, in what reads like a scene from a Charles Dickens novel, sends the little boy off to be raised by a cobbler and his wife while he moves

into an apartment in the home of a French émigré, Jean Marie, who ran a tavern on Grant's Hill in Pittsburgh.

In 1790, he married a woman from a German-speaking family; the boy was retrieved from the cobbler's home, and sent to live with his stepmother's parents to learn the language. At age seven, the child, Hugh Marie, is then sent off alone to live with a family in Louisiana to learn French. Three years later, he returned to Pittsburgh, only to find that his proficiency in French did not meet his father's expectations. One would think the boy might want to retaliate, and in a way he did, by being elected to congress—the office sought, but denied to his father.

We cannot impose judgment, however, unless we apply 18th-century standards, which we are usually ill-equipped to do. By any standard, however, Brackenridge was a major force in the history of Westmoreland County and the early American frontier. Hugh Henry Brackenridge died in Carlisle on June 25, 1816, at age 68. 🇺🇸

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### NORTH HUNTINGDON

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North Huntingdon, PA 15642  
(724) 864-5811

### MURRYSVILLE

4951 Cline Hollow Road  
Murrysville, PA 15668  
(724) 733-9494





## Actions of the Board

**JUNE 16, 2009**

- Agreed to invite the Medical Society to the Fall Gathering at Latrobe Country Club.
- Agreed to make annual contribution to PBA PAC.
- Agreed to support President and Michelle Obama's request to work with state initiative titled "Get Help Now, Pennsylvania!" to link Pennsylvanians facing economic challenges with existing resources that may be of assistance to them, with program to begin July 7 and continue through September 10 on Tuesdays and Thursdays from 1-6 pm in the WBA headquarters.
- Agreed to secure a domain name for the legal journal and prepare to launch the law journal site with password protection on the web.
- Agreed to continue to work on initiating a "Wills for Heroes" program for first responders and to check about starting our own program.
- Adopted a whistleblower policy.
- Learned that the WBA website is up and running and members have the option to register online for committees, CLEs and other events.
- Agreed to circulate the new "Notice to Defend" language, pursuant to Westmoreland County Rule of Civil Procedure W1018.1. to WBA members via e-mail as soon as the rule change becomes effective. 🐼

### On The Move ...

**DEBORAH L. JACKSON** has moved to 20 North Pennsylvania Avenue, Suite 101, Greensburg, PA 15601. Her phone number remains 724-836-3848; fax 724-836-5869; and e-mail debijpa@gmail.com.

### 2009 Bench/Bar Conference

## You Really Should Have Been There

It just wouldn't feel like June if it weren't for the annual WBA Bench/Bar Conference. The weather doesn't matter. The location doesn't matter. All that matters is that summer officially seems to begin with Flag Day and the annual WBA Bench/Bar.

This year's event was held at Seven Springs and if you thought you knew this resort, you'd be wrong. The resort has had a major facelift. Gone are the look, feel, and smell of a tired 1970's ski resort. The rooms are totally redone from carpet to bedding to bathroom fixtures. Other refurbishings include an outdoor pool, a cabana bar, first-class freestanding spa, and luxurious hospitality suites.

Much about this year's conference seemed familiar. The events were similar: golf, hiking, biking, and spa services. No one really complained about the sameness except perhaps the golfers who wanted (expected) lower golf scores.

The CLE attracted about 50 attendees and the movie choice of "Good Night, and Good Luck." was a well-chosen and timely selection. David Millstein and Jackie Knupp provided opening and closing commentary on first amendment rights, tying today's Patriot Act arguments to the McCarthyism scare.

The vendor hours also seemed familiar until an unexpected rain shower encouraged attendees to chill out, grab a drink or two, and spend the next three hours visiting.

The evening activities were called indoors due to threat of evening rain and that left Judge Feliciani and "the" band to play to a somewhat smaller—yet livelier—dancing group, while many others headed outdoors to enjoy what turned out to be a warm summer evening. Additional fun was provided by two young lawyers who (foolishly)

challenged each other to a race up the ski slope. One seasoned attorney advised Bubba to pick the *elder* Quatrini for next year's rematch.

Saturday's programming featured Bob Johnston, who led a lively session on the challenges that the current economic situation brings to the practice of law. The final CLE event featured the judges "speed networking" and roundtable discussions from each of the judicial divisions of our court.

Comments on this year's event were very positive. Attorneys, judges, and vendors really seemed to like the proximity to Seven Springs. The food and service were exceptional and the familiar setting was perfect for anyone looking to kick off Summer 2009.

Join us next year as we return to Seven Springs on June 10-11 for the 2010 Bench/Bar Conference of the Westmoreland Bar Association. We promise to offer more of the same! 🐼



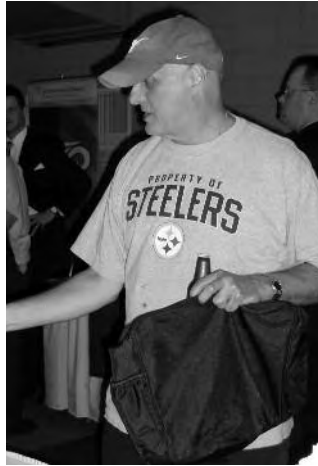
▲  
"It's my Cream of Rice. I can't go anywhere without my Cream of Rice."

wba

# Candid Camera: 2009 Bench/Bar Conference



▲ *Yeah, it had been a weird night, but it was about to get a whole lot weirder.*



▲ *But for the pot belly, the balding head, the overly moderate pace and the "come on, pull my finger" gag he tried on nearly everyone, he might have been able to pass for Ben Roethlisberger all weekend long.*



▲ *The crowd could not have been more eager to get out for the evening's next destination until they realized that they had heard wrong: it was a tapas bar.*



▲ *"No, no, Judge, you put your right foot in. That was your left foot."*



▲ *"Well, you might try standing straight up for a change, don't bend your legs in opposite directions, hit the ball with the flat side of the club and aim your body so that at least it almost looks like you're trying to hit it down the middle of the fairway. Maybe then somebody would play with you."*



▲ *"When I count to ten, you'll wake up feeling refreshed and relaxed, you won't remember a thing, but you'll go right to Zales and get me that diamond in the window."*



▲ *"That last opinion, omigod, what a stinker."*



▲ *"No. I'm not your junior partner anymore, so get your own goddamn coffee."*

**Go to [www.westbar.org/photos](http://www.westbar.org/photos) to access more 2009 Bench/Bar Conference photos, and photos from many other WBA events. Click the link to request an invitation to join the WBA Photos Shutterfly share site to view photos or order prints.**



Westmoreland Bar Association  
 129 North Pennsylvania Avenue  
 Greensburg, PA 15601-2311

PRESORTED  
 STANDARD  
 U.S. POSTAGE  
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 GREENSBURG, PA  
 PERMIT #678

## CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters unless otherwise noted. Visit [www.westbar.org](http://www.westbar.org) for more information about activities and CLE courses, or to **register online**.*

### SEPTEMBER 2009

- 7** Courthouse closed in observance of Labor Day
- 9** Bankruptcy Committee, Noon
- 10** Membership Committee, Noon
- 15** Family Law Committee, Noon  
Board Meeting, 4 p.m.
- 17** Elder Law and Orphans' Court Committees, Noon
- 18** Red Mass, Saint Vincent College, Noon

- 30** Civil Litigation Committee, Noon

### OCTOBER 2009

- 3** Annual Fall Gathering, Latrobe Country Club
- 8** Membership Committee, Noon
- 12** Courthouse closed in observance of Columbus Day
- 20** Family Law Committee, Noon  
Board Meeting, 4 p.m.

## save the dates!

- September 18:** Red Mass, Saint Vincent College
- October 3:** Annual Fall Gathering, Latrobe Country Club
- December 5:** Annual Holiday Dinner Dance, Westmoreland Country Club

## 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](http://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.