



Vietnam: Thirty-Five Years Later

by *The Hon. Daniel J. Ackerman*

Could it possibly be that long ago? When American living rooms nightly reverberated with the rattle of machine guns and small arms fire coming from television sets, a few of them showing the conflict in color, as we stared with



▲ *The Hon. Daniel J. Ackerman*

blank faces. Rice paddies, protesters, and body counts were brought before us as regularly as weather reports, and it seems like it was only yesterday.

It was a war which began in November 1955, but it received no attention then. Awareness began in

the early '60s when, as part of the Cold War, the United States signaled its intention to prevent a communist takeover of South Vietnam as part of its wider strategy of containment. By the time it ended with the fall of Saigon on April 30, 1975, the events in Southeast Asia had transformed our political landscape and caused the deaths of three to four million Vietnamese on both sides; one to two million Laotians and Cambodians; and 58,159 Americans.

For some members of the Westmoreland Bar, the war was not a televised event. It took them out of their living rooms and scattered them

over a broad area to all parts of the world. Like most in the military, the majority did not see combat, but they made the contribution asked of them by their country. We asked for their recollections and thoughts.

Some of our colleagues entered military service as lawyers. **JIM SILVIS** and **JUDGE JOSEPH HUDOCK** joined the Navy, completed the Navy Officer Candidate School and the Navy Justice School at Newport, Rhode Island, and were commissioned as Lieutenants, Junior grade (the judge in 1963 and Jim in 1965). Judge Hudock was commissioned on November 22, 1963, the date of President Kennedy's assassination.

The future judge soon learned that the law of promissory estoppel did not apply to the Navy. He recalls:

The Navy recruiter told us that we would be asked to select three places we would like to serve, and that we were virtually guaranteed to receive one of those choices. I chose Newport, Boston, and Washington, D.C. My orders came in for the First Marine Air Wing at Iwakuni, Japan! Not only did I not get one of my selections, I didn't even get the Navy! I got the Marine Corps!

It turned out to be a great experience. There were six Marine lawyers—all well educated and very competent

—and me in the legal office. We became good friends and aside from their calling me "Squid" (*Editor's note: Oh, if only we had known that while he was on the bench*), I very much enjoyed my tour there. At that time (early 1964), Vietnam was on the back burner. Most Americans did not know where it was. We had a squadron of helicopters there, but Vietnam was not that dangerous. Military personnel had their dependents living with them in and around Saigon.

The situation changed dramatically in mid-1964, after North Vietnamese gunboats fired on one of our destroyers in international waters. In the middle of the night, we were told to be ready to ship out for Vietnam. I was shocked to see the enlisted men in our office packing up law books in crates. This was my first realization that Marines took law books and lawyers to the front lines. I had assumed that lawyers stayed far away from danger.

The whole thing blew over, and we remained at Iwakuni, but the activity was markedly increased.

In March of 1965, my tour of duty was over and I was transferred to Mare Island, California. Several weeks later, the entire First Marine Air Wing was transferred to Vietnam, and the war escalated rapidly.

In the years during the war, the term "Hanoi" conjured up images of violence, communism, assassinations,

continued on page 6



▲ *The Hon. Joseph A. Hudock*

President's Message

The Balancing Act

by Donald J. Snyder, Jr., Esq.

There once was a time when the Pirates were competitive, my hair was dark brown, and S. Sponte, Esq.'s identity was a well kept secret. Similarly, it used to be that the typical well equipped law office



featured an IBM Selectric typewriter with built-in erasing ribbon, a dictation machine using magnetic belts, a Xerox copier with a curved glass top, Bell of Pennsylvania mechanical push-button, multi-line phones, statutes and reporters in book form, a bookkeeping system that Charles Dickens would have recognized easily, and filing cabinets full of client files and other "important papers" that we managed to collect to assist in our daily tasks.

The site-specific nature of all of these matters kept us fairly tied to our offices and to the Courthouse where access to the records required mastery of the Russell Index System and lifting a lot of heavy books.

When we left the office either to go to an appointment or home, we were completely disconnected

until we arrived at some location with a land-line telephone. Generally, our fellow lawyers and clients observed an unwritten rule that calls to home were reserved for real emergencies or purely social reasons. Despite the limitations of the technology, we actually managed to practice law profitably.

The first crack in this pastoral setting came with the advent of car phones and facsimile machines. Car phones were bags that connected to the cigarette lighter port in our cars and resembled a car battery with a

telephone hookup. Finally, we could avoid the frustration of "I'm sorry, we called your office to tell you that the deponent has the flu," after driving into Pittsburgh through traffic for a 9:00 a.m. deposition. It also included the feature of "could you stop by Davis Market and get bread and milk," and a thousand other similar interruptions to the once serene sanctuary of the automobile interior during a drive from place to place. Everything has a price!

The facsimile machine brought similar benefits/burdens. Provided that you had experience reading from scrolls, you could now read something sent to you from anywhere else where someone had the patience to place the communication in a machine and get it to you. It beat the slow pace of regular mail. You had to be careful, however, not to

have to go to the Courthouse to get tax maps, copies of deeds, docket entries, and pleadings; all are available over the Internet for printing on our color copiers. We have the ability to be more efficient and deliver quality work to our clients that was once reserved for the large law firms.

The same technology advances have brought 24/7 connectivity to our work. We carry electronic devices that are straight out of James Bond or the Jetsons. The walls of separation that once provided some solace crumbled under the onslaught of the technological advances.

Our clients are just as wired as we are and expect instant responses to the most complex questions. In the face of these demands, the temptation is to give ourselves over to the technology and literally work every waking hour. My view is: "not so fast." We

have to keep this in perspective and maintain the balance between work and our personal lives.

Regardless of the specific area of your practice, you are

not so important or indispensable that you have to be available 24/7. The Commander in Chief, the Secretary of Defense, the Secretary of Homeland Security, the Director of Intelligence, the Director of the FBI, and medical practitioners who treat life-or-death situations need to be in contact constantly with their world, but you do not. Use the technology to your advantage, attend one of the Young Lawyers' seminars on the various subjects, but do not think that you

continued on page 4



moderation in all things.

—Aristotle

expose your scrolls to any heat source or the communication, like the Magic Screen of old, would disappear. Clients quickly caught on and started to send documents at 10:00 a.m. for a review at 10:30 a.m. The quickening of the pace was upon us; the genie was out of the bottle.

Today, our technology enables us to access information from virtually any location instantly and reliably. We can perform legal research from our desks without trudging through Digests, Reporters, and Shepards. We do not

Committee Reports

Policy Change Affects Real Estate Transactions

Real Estate Law Committee

by James J. Conte, Chair

The Real Estate Law Committee and the joint Orphans' Court/Elder Law Committees want to inform attorneys about the major change in policy adopted by most national title insurance companies.



▲
James J. Conte

Title insurance agencies have been advised that it is no longer permissible to accept letters from counsel promising that they will take care of filing the PA Inheritance Tax Return and payment of taxes post-closing. Although your practice may have been not to issue these indemnification letters, the real impact of this change in policy by the major title companies is the further requirement that **the closing agent must hold in escrow a sum equal to the estimated gross value of the estate times the applicable percentage tax rate times 150%**.

Please be prepared to advise your personal representative to expect this requirement when the personal representative is selling real estate prior to an acceptance of the PA Inheritance Tax Return by the Department of Revenue.

Although a title agency may give credit for any previous payments made on account, you should check with the closing company conducting the

closing on the purchase of the real estate for the estate you are representing to determine what the specific requirements will be so you can properly prepare your client in advance of the execution of the Agreement of Sale and prior to the scheduled closing.

Nominating Committee

We Want You!

If you haven't served on the Westmoreland Bar Association Board of Directors, Membership, or Building Committees, you are missing a golden opportunity to help your profession, your community, and your bar association.

Yes, there is work involved, but it really isn't that formidable: you are required to attend the monthly meetings; you should contribute ideas, suggestions, and solutions on a regular basis; and, you are expected to be an example to the rest of the members as a leadership role model.

There are benefits, too. You get to socialize with a group of attorneys who care about this association. You get to interact with a wonderful, but modest, staff. It looks great on your résumé. You can make a difference and help mold the future of the WBA.

Service, by its very nature, means a genuine commitment. If you look at the WBA's past officers and directors, you will recognize many familiar

names who enjoyed their tenure and appreciated the "big picture" perspective it provided them. All contributed their own special talents, were generous with their time, and felt they took part in a building process that continues today. You can, too.

The Nominating Committee is accepting letters of application for positions on the Board of Directors, Membership Committee, and Building Committee. Any member interested in running for these positions should submit his or her petition to the Chair of the Nominating Committee, c/o the WBA, by **October 15, 2010**.

Any applications received after this date will not be considered. See the insert in this issue, or download an application from www.westbar.org. If you know of a qualified candidate who is willing to serve, you may nominate that member in the same fashion.

The positions will be filled at the Annual Meeting of the association to be held in April 2011. Nominees must be active, participating members of the WBA. The responsibilities for each position are as follows:

BOARD OF DIRECTORS

The Board of Directors ensures that the WBA's mission, services, policies, and programs are carried out. Applicants should have experience in

continued on page 4



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 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.

EDITORIAL BOARD

David J. Millstein, Esq., *Editor*
Beth Orbison, Esq., *Assistant Editor*
The Hon. Daniel J. Ackerman,
Intrepid Reporter
Susan C. Zellner, *Associate Editor*
Diane Krivoniak, *Managing Editor*

Committee Reports *continued from page 3*

WBA activities such as chairing a committee, attending bar functions, and being active in the bar community. In addition, they must be able to think clearly and creatively, and work well with people, individually and in a group. One three-year term is available. The Director will:

- Attend all board and appropriate committee meetings and special events.
- Serve on committees and offer to take on special assignments.
- Inform others about the WBA and its activities and functions.
- Assist the board in carrying out its fiduciary responsibilities, such as reviewing the organization's annual financial statements.
- Take responsibility and follow through on given assignments.
- Contribute personal and financial resources in a generous way according to circumstances.
- Open doors in the community.

Interested in running for one of these positions? Submit your petition to the Chair of the Nominating Committee, c/o the WBA, by October 15, 2010. Any applications received after this date will not be considered. See the insert in this issue, or download an application from www.westbar.org.

MEMBERSHIP COMMITTEE

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

term is available. The Membership Committee member will:

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

BUILDING COMMITTEE

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

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

The Balancing Act

continued from page 2



need to work all the time. You will surely burn out or turn yourself into an automaton without regard to yourself or anyone around you. Regardless of the clutter, the chatter, and the pressure of the practice, take time with your loved ones, pursue a hobby, play a sport, enhance your spiritual life, and, most importantly, relax. Instead of sitting at your computer screen, have lunch with a colleague or take a walk in downtown Greensburg at noon, drop by the WBA and

interact with your fellow peers, face to face. Most of all, remember the adage that we often forget: nobody on their death bed uttered

“I wish I had spent more time in the office.” It is more true now than ever before. 🛠️

APEX ENGINEERING

Forensic solutions

Vehicle Engineering:

- Automobiles
- Commercial Vehicles
- Motorcycles
- ATV's
- Trucks
- Trailers
- Tractors
- Construction Vehicles
- Farm Machinery

Accident Reconstruction

Failure Analysis

Injury Causation

Apex Engineering
208 Jaelyn Dr
Cranberry Twp, PA 16066
Phone-724-553-5419

Fax-724-553-5439
Cell-724-799-5446

apexengineering@zoominternet.net

Spotlight on Jim Kelley



Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?

A I was an elementary guidance counselor for seven years. During college, I worked in the steel mills and as a lifeguard.

Q WHICH WAS YOUR FAVORITE AND WHY?

A This is a difficult question. I really enjoyed working with little children when I was a guidance counselor. They have a fresh and innocent quality that is infectious. However, I would probably have to say lifeguard—it has some great perks.

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

A Many years ago I filed a divorce complaint for a husband. A couple of weeks later he asked to meet with me. He asked me if his wife could remarry. I told him, once they were both divorced, each of them could remarry. He said, "No, can she get married now?" I told him she couldn't and he said that she did. The next day (a Saturday morning), I visited the minister, who confirmed that she had a lovely wedding the week before with beautiful bridesmaids and handsome groomsmen.

The following Monday, I called the attorney who represented the wife and asked him, "What would you like to talk about this morning—bigamy or a reasonable Marital Settlement Agreement?" He asked what I was talking about and I explained what happened. Two weeks later, we had a signed Marital Settlement Agreement.

Q WHAT QUALITY DO YOU MOST LIKE IN AN ATTORNEY?

A A willingness to explore solutions, when possible, so that both parties are able to live with the outcome and move on.

Q WHAT IS YOUR FAVORITE JOURNEY?

A Driving around Ireland for a week on the wrong (left) side of the road.

Q WHAT IS YOUR GREATEST REGRET?

A My first cigarette.

Q WHO ARE YOUR HEROES IN REAL LIFE?

continued on page 6



Help your clients

make sound retirement choices

TOTAL CONTINUUM OF CARE

- Villa Homes
- Senior Apartments
- Assisted Living
- Memory Impairment Care
- Nursing Care
- Hospice Care

FINANCIAL SECURITY

Residents at Redstone Highlands are never asked to leave if, through no fault of their own, they exhaust their resources.

GREENSBURG
724-832-8400
6 Garden Center Drive
Greensburg, PA 15601

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

NORTH HUNTINGDON
724-864-5811
12921 Redstone Drive
North Huntingdon, PA 15642

COLONIAL ESTATES
724-864-1429
772 Frontier Drive
North Huntingdon, PA 15642

Redstone Highlands®

Senior Living Communities www.redstonehighlands.org

Vietnam: Thirty-Five Years Later *continued from page 1*



etc. The “Hanoi Hilton” was a notorious jail where John McCain was held for over five years, while being beaten regularly. Thirty years later, Vietnam is one of our biggest trading partners even though it is a communist country. My daughter and her family lived in Hanoi without incident from 2002 to 2006.

On the same track, but two years later, **JIM SILVIS** found himself trying criminal cases at the Navy Law Center in Norfolk, Virginia, which had general court martial jurisdiction over the 5th Naval District, which included the southeastern states. Like Judge Hudock, Jim was impressed with the quality and ability of Navy lawyers. Though his colleagues at the time would have liked to have begun their legal careers in a normal fashion, he

said, “no one complained about entering the service. They believed it was expected that we should serve, and it was the right thing to do.” Jim’s observations during his tour demonstrate how time had changed the face of the war.

When I entered the service, most people in our class volunteered to go to Vietnam, as they thought it would be a great adventure.



▲
Jim Silvis

Within two years, the whole attitude toward the war changed and we were court-martialing sailors who refused to go to Vietnam. In addition to our court-martial work, we represented sailors and marines who were injured during the war. It was very disheartening to represent these young people whose ability to earn a living was dependent on their strong bodies. Many had lost limbs and some were paraplegics or quadriplegic. In one case, the young man had a horribly disfigured face.

Unfortunately, I was on duty the night the Israelis mistakenly bombed the USS *Liberty* and the night a missile inadvertently was fired on the deck of the USS *Forrestal*, both 5th Naval District ships. The missile hit the plane next to the one John McCain was in, killing 134 sailors. I remember receiving calls from frantic parents asking about their sons and from news organizations trying to find out what happened.

Although the military services were at war, there were virtually no sacrifices made by the public and most people went on about their business as if there were no war. By the time I left the service, some base commanders were advising people not to wear their uniforms off base, as they would be heckled or spat upon.

For many, the goal of becoming a lawyer was put on hold because of the

Spotlight on Jim Kelley

continued from page 5

A Two of my friends (for over 40 years) who know boundaries and live each day with *joie de vivre* (see the third-to-last question).

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

A Make your word your bond and respect the privilege of being an officer of the court.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Having the honor of being the president of the finest bar association in Pennsylvania.

Q WHAT IS YOUR IDEA OF PERFECT HAPPINESS?

A Happiness is a good round of golf and then sitting on a beach (or by a pool) at sunset with my wife and my favorite drink.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A Family and good friends. They are the only thing that endures. All else is fleeting.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Negative people who see life as a cup half empty.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A My Triumph sports car.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A To be a good (very good) golfer. Won't happen, though, but I'll keep trying.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Having *joie de vivre*.

Q WHICH LIVING PERSON DO YOU MOST ADMIRE?

A My wonderful wife, who is the Superintendent of the Williamsport Area School District and is the most dedicated and hardest working person I know, and my daughter, who lives and teaches in the public school system in New York City, and who strives to become a very good teacher and a positive influence on children.

Q WHAT IS YOUR MOTTO?

A Life should be experienced in living color and not just in black and white. 🌈

war. One month into his first semester at Dickinson Law School, **CHUCK MASON** received his draft notice. He notes, with tongue in cheek, that after basic training he was given “a fully paid McNamara Fellowship for Study in Southeast Asia.” He told us of his tour in Vietnam.



▲
Chuck Mason

In March of 1969, I was assigned to the 6th Battalion of the 33rd Artillery, which operated in the northern most section of South Vietnam. Its headquarters were in Phu Bai, which is a beautiful suburb of the imperial city of Hanoi. As an enlisted man with a college degree, in addition to my duties as a cannoneer in a firing battery, I was also assigned to important tasks such as working in the motor pool, guard duty, officer's clerk, and garbage detail.

In February of 1970, our unit was part of the Vietnamization Project and our guns were turned over to the

Army of the Republic of Vietnam and our unit sent home. I, however, was called into the Sergeant Major's office and was told that the Sergeant Major and the Colonel were being reassigned to the 8th Battalion of the 4th Artillery and they wanted me to extend my tour of duty and go with them. The Colonel assured me that I would not have to work on the guns and that I would be stationed at a combat base in Dong Ha, a lovely town just five miles from the demilitarized zone. He kept his promise that I wouldn't have to work in the guns, but I still received my fair share of garbage detail.

At the end of May, 1970, after almost fifteen months in Vietnam, I returned to the states and was released from active duty.

As a young boy growing up in southwestern Pennsylvania, I led a pretty sheltered life. Upon entering the service, I met people from all over the country with varying experiences, from California surfers to inner-city residents of Harlem, and

a man from the backwoods of North Carolina who had never seen a television until he was in the army. While in Vietnam, I saw and experienced a culture entirely different from the one in which I was raised, with different values and different morals. In hindsight, it was a great learning experience and a chance to see a part of the world I might never have had the chance to see.

An option that was available to young men at the time was service in the National Guard or in the reserve units of the armed forces, which, though it required a longer six-year enlistment, afforded, after basic training, the opportunity for further military training in one's community, subject to the unit being activated due to military need. It afforded fulfillment of the military obligation without a complete and immediate abandonment of civilian life.

DAN JOSEPH served for six years in the United States Army Reserves and
continued on page 8

G

GEORGE AND JOSEPH

ATTORNEYS AT LAW

**Representing clients in
Westmoreland, Allegheny,
Armstrong, Butler, Indiana, Clarion,
and surrounding counties**



**Personal Injury
Medical Malpractice
Criminal Defense**



10 Feldarelli Square
2300 Freeport Road
New Kensington PA 15068
Phone: 724.339.1023
Fax: 724.339.3349
www.georgeandjoseph.com



Duke George



Daniel Joseph

Vietnam: Thirty-Five Years Later *continued from page 7*



was discharged in 1974. His unit was not activated. He recalls that time.

Certainly any intrusions that [service in the reserves] caused in my life were minor compared to those people that were sent to Vietnam. I recall sitting in the TV room at my fraternity house when the draft lottery was first called. My number was 154 so I knew I would be drafted. I remember that it was a time of uncertainty for most draft-age men. Plans and lives were put on hold because you did not know what was ahead. The most vivid recollection that I have was when I went to visit a friend at the Fort Bragg hospital, who had been hurt during basic training. It was on a day that casualties from Vietnam were being brought in. I saw a young man without a face. Napalm had melted away all facial features. He had no



▲ Dan Joseph, in his "younger and thinner" days.

nose, no ears, and no eyes. There were numerous men that were being brought in without limbs. Some had lost all of their limbs. I will always remember that. That being said, I can honestly say that although I did not like it at the time, I feel that I greatly benefited from the experience. There is a feeling of accomplishment, that you did something for your country; and it helped mature me.

As an engineering student at Pitt, **JON LEWIS** joined the Air National Guard, stationed at the Greater Pittsburgh Airport, as a medic. His unit was activated during what was referred to as the "Pueblo Crisis" (The USS *Pueblo* was a Navy intelligence ship which was boarded and captured by North Korean naval forces on January 23, 1968. It was one of the major incidents of the Cold War.). The unit's active duty lasted approximately a year. Following deactivation, Jon attended law school on the GI bill.



▲ Jon Lewis

Some found military service the next logical step in the progression

of their young lives.

GEORGE WELTY prepared for military service through the Army ROTC in college and was commissioned a 1st Lieutenant upon graduation. He served a year in Vietnam (1970-1971). He initially was stationed in Pleiku in Vietnam's Central Highlands, not far from Laos and Cambodia, where he served as Adjutant of the 71st Evacuation Hospital, a 400-bed facility which contained complete medical and surgical facilities. It also included a "Dust Off" unit of twelve Huey medevac helicopters.



▲ George Welty

The hospital was designed for any type of major surgery and follow-up care to stabilize the wounded to a point where the more serious cases could receive transport out of the country via the adjoining Pleiku Air Force Base. The rugged Central Highlands were inhabited by the Montagnard, tribes of primitive people, who were friendly to Americans, but the Viet Cong were also present in the area and harassed the medical compound and the air base with rather inaccurate rocket fire.

In addition, George recalls that the monsoon season in these mountains brought two months of unrelenting rain.

His tour acquainted him with other military bases as well, including: Da Nang, An Khe, Qui Nhon, Ben Hoa, Sigon, and his favorite, Cam Ranh Bay, which was the out-processing installation for the return of troops to the states.

While well traveled, one transport is fixed in his memory. On a sunny day, he was a passenger on a fixed-wing single-engine army aircraft when the pilot turned on the windshield wipers. The liquid being wiped away wasn't rain, but oil from a broken line. Then the engine failed. Without power, the

Past speaker at the National Business Institute's "Complex Bankruptcy Issues" seminar.

BARRY B. GINDLESBERGER ATTORNEY AT LAW

724-853-2464

101 North Main Street, Suite 206A, Greensburg, PA 15601
www.gindlespergerlaw.com • barry@gindlespergerlaw.com

Accepting referrals in Chapter 7 and Chapter 13 bankruptcies, and commercial law.

Referring family law and criminal law matters, and certain contingent-fee cases.

A Debt Relief Agency helping people file for relief under the Bankruptcy Code.

plane was brought to a safe landing on the airstrip from which it had taken off. George was left with admiration for the skill of the army's pilots and skepticism concerning the ability of its mechanics.

SCOTT MEARS enlisted in the Army upon graduation from college in 1967, and progressed through officers' candidate school and airborne training in the 18th Airborne Corps at Fort Bragg. From there, as a fledgling paratrooper, he was sent to Fort Holabird, Maryland, for training as a counterintelligence officer. It would seem that Scott lived a charmed military life.

Most people who have been in the military realize that military language is replete with euphemisms. By the time I reached Fort Holabird, I had been taught numerous ways in which we could "neutralize" the enemy. On the other hand, I also realized there were numerous ways in which the enemy could neutralize me. Therefore, when my orders were changed from the 18th Airborne Corps at Fort Bragg to a military intelligence group in Germany, I realized I had been blessed.

While in Germany, I was stationed at Stuttgart and placed in charge of the Soviet Orientation Team, which consisted of me and five enlisted men. We traveled four or five days a week to put on stage presentations at every American army post in West Germany, Berlin, and Italy. Our main function was to train the troops about East Block uniforms and weapons and to warn them not to consort with members of the Soviet Military Liaison Mission, who were permitted to be in West Germany at that time. In fact, it was like being on a long European vacation. Because I could make my own schedule, I arranged performances at times when there would be local festivals in the area. Our accommodations, which we chose, were usually in a small, quaint German Gasthaus.

After a few months of this duty, I was told to report to Munich where there were new orders for me. After arriving in Munich, the major told me that I had been ordered to report to Fort Bragg for 13 weeks of Special Forces Training (The "Green Berets") and then I would be sent to Vietnam. When we went to pick up the orders, the major told the warrant officer to show them to me. To which the warrant officer replied, "Here they are—Lieutenant Ralph Mears."

I don't know what happened to Ralph, but I went back to Stuttgart.

In anticipation of this article, *the sidebar* sent e-mails to present members of the bar seeking input from those who



▲
Scott Mears

would have been of military age during the war. The reminiscences quoted above represent the observations and thoughts of those who responded. No survey ever garners a one hundred percent return, and that was true here. We know from looking into our own archives that there are many more Vietnam veterans in our bar whose accounts of this period do not appear in the present article. Fortunately, their service in the armed forces during the period covered by America's active engagement in Vietnam is noted in the September-October 2002 edition of *the sidebar* in an article celebrating Veterans Day. We list here, from that article, their names and branch of service in alphabetical order. An asterisk following a name indicates service in Vietnam; a double asterisk denotes combat in Vietnam.

- **THE HON. ALFRED BELL**, United States Army Reserves
- **ANTHONY DEBERNARDO**,** United States Army
- **THE HON. JOHN DRISCOLL**,* United States Navy
- **RICHARD FLICKINGER**,* United States Army
- **TIMOTHY GEARY**, United States Air Force
- **MICHAEL KOLODZIEJCZAK**, United States Marine Corps
- **PAUL KUNTZ**, United States Navy
- **JOHN LEONARD**,** United States Marine Corps
- **GEORGE LOVE**,** United States Marine Corps
- **RABE MARSH**, United States Navy
- **KENNETH MURRAY**,* United States Army
- **JOHN MIKA**, United States Army
- **DONALD SNYDER**, United States Army
- **BILL WILTMAN**,* United States Army 🇺🇸

HOW STRONG ARE YOUR ADVISOR'S STRATEGIES?



Hopefully, strong enough to handle typical market volatility.

After all, isn't that why you hired an advisor? At Private Wealth Advisors, we employ tactical asset allocation in designing a strategy for our client's investment portfolios. This strategy is designed to produce a less volatile portfolio while enhancing the possibility for greater returns. And doesn't everyone want a portfolio that solid. Call us. We would like to share our strengths with you. 800.245.5339 or visit www.pwaua.com.

WWW.PWAUSA.COM

PRIVATE WEALTH ADVISORS, INC.

Our investment strategy does not assure profit or guarantee against loss.

LawSpeak

"We have most unfortunately found it necessary to get rid of a man as soon as he thinks himself an expert—because no one ever considers himself an expert if he really knows his job."

— Henry Ford

Notes from the Law Library

by Betty Ward, Law Librarian

Most attorneys are familiar with Google and use it to research all sorts of information for their practice and daily life. What would we do without it? Recently, a new component of Google Scholar became available, which allows the user to conduct free searches of U.S. case law and more.

Google Scholar, which has been specifically geared to scholarly research, now allows searches of general articles and/or patents, full text legal opinions, and law journals. Although Google Scholar is still in the beta testing stage, it shows much promise. The legal content includes U.S. Supreme Court opinions since 1791; federal district, appellate, tax, and bankruptcy court opinions since 1923; and state appellate and Supreme Court cases since 1950.

It requires no registration or sign-on, it is as easy to use as Google, it is amazingly fast, and it is free. The display is simple and pleasing, with features such as: highlighted search terms, internal page numbers, "How Cited" tabs, "Cited By" boxes, and "Related Documents" lists. Preferences and advanced search options may be selected, and results are ranked according to relevance.

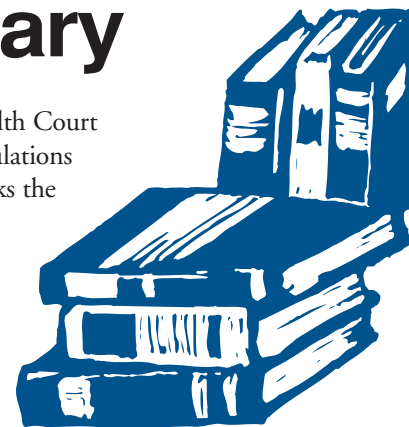
Although Google Scholar has garnered much praise, there are some notable drawbacks when compared to Westlaw and Lexis. Google Scholar does not include

Pennsylvania Commonwealth Court Opinions, statutes and regulations are not available, and it lacks the editorial enhancements of the commercial publishers. For instance, there are no headnotes and there is no citator service (like Shepard's or Keycite).

However, all things considered, Google Scholar has a lot to offer. It is a great place to conduct preliminary research, view cases (when case history and treatment are not a major concern) and can save money by cutting down on the amount of research time spent using commercial services. It is still in the testing stage, so improvements to the content and features are bound to follow.

Google Scholar is available at <http://scholar.google.com>. To learn more about Google Scholar, see: www.llrx.com/features/googlescholar.htm.

Additional information is available at the Westmoreland County Law Library.



**USI Affinity is proud to be
the insurance broker for the
Westmoreland Bar Association.**



Take a look at our available programs:



- Medical
- Dental
- Life
- Professional Liability
- Short-Term Disability
- Long-Term Disability

PENNSYLVANIA CIVIL PRACTICE REFERENCE BOOKS

The following two Pennsylvania civil practice reference books recently were published and are a very good value. Both are available to preview or to use in the Law Library:

- "Pennsylvania Forms for the Rules of Civil Procedure," by the Honorable R. Stanton Wettick, Jr. (2010). Perhaps some of you remember this treasure of a book that was originally published by the Harrison Co., but has not been available for the past eight years. It recently was revised and published by the George T. Bisel Co., a P forms and rules book, essential for daily practice. (One volume, with accompanying CD of forms, at the introductory price of \$169.)
- "Pennsylvania Elements of an Action," 2010 ed. (Vol. 23 of West's Pa. Practice series). "Provides substantive and practical overviews of 20 causes of action under Pa. law." Identifies the elements of an action, suggests litigation strategies, potential remedies and possible defenses, and includes sample pleadings and forms. (West Publishing Co., \$115.)

LAW LIBRARY MEETING ROOM

Just a reminder that the meeting room in the Law Library is available for your use. It offers privacy to meet with your clients or other attorneys and comfortably seats six people. 🌸

AlterEgo: Robert V. Bickers, Jr. Attorney

Bob Bickers, Artist

Editor's note: Robert V. Bickers, Jr., was a claims attorney for Nationwide Insurance's South Central Office before moving to Murrysville in 1992. His wife, Diane, spent several years as a defense trial attorney for Nationwide Insurance before opening her law office in Murrysville in 1996. After working for six years in private practice handling cases in workers' compensation, FELA, Social Security disability, and insurance bad faith claims, Bob joined his wife's law firm in 1999, forming the multi-county general practice of Bickers & Bickers. You can find them on the web at www.bickerslaw.com.

“There are many worthy and fulfilling pursuits for a person wanting to make a difference in this world,” says Murrysville attorney Bob Bickers. “One is to help others in need. Another is to inspire others by showing them the wonders that surround us. As an attorney and an artist, I feel fortunate to have been able to do both.”

Robert Vandergriff Bickers, Jr., Esquire, grew up in Memphis, Tenn., the son of a lawyer who dabbled in oil painting. Following in his father's

footsteps, Bob now shares a law practice with his wife, Attorney Diane Landis Bickers, in Murrysville, and devotes evenings and weekends to the pursuit of his love of painting and photography, as both a teacher and an artist.

We talked to Bob about his interest in law and the arts.

Q WHEN DID YOUR INTEREST IN ARTISTIC EXPRESSION BEGIN?

A I developed an interest in art at an early age. In junior high school,

I won student art competitions for my drawings, and I developed an interest in photography, taking and developing my own pictures.



▲ Bob Bickers

Q DID YOU CONTINUE TO PURSUE THESE INTERESTS AFTER HIGH SCHOOL?

A In fact, I worked my way through college with my own professional photography business. I took wedding photos, engineering photos, and photographed real estate for mortgage companies. I drafted surveys, designed logos, and documented evidence for attorneys.

Q WHEN DID YOU ADD PAINTING TO YOUR REPERTOIRE?

continued on page 12



At First Commonwealth®, we build lasting relationships by offering you the financial services that you need.

Deposit Services:

- Public Entity Plus Accounts
- Collected balances are not required
- Cash Management Services
- Money secured by pledged assets
- Online Banking

Credit Services:

- General Obligation Notes
- Revenue Notes
- Leasing available
- TANS/TRANS



FIRST Commonwealth
Time to be first.

AlterEgo: Bob Bickers *continued from page 11*

A I attended law school at night while working as an insurance adjuster during the day. After graduation from law school, I joined my father's law practice in Memphis, Tennessee. As a young lawyer just beginning to build a practice, there were many days when I found myself sitting in the office waiting for the phone to ring or clients to walk in the door.

It was during this period of time on my hands, in 1984, that I became inspired by the infectious enthusiasm of television artist Bill Alexander. Bill, in his deep German accent, would challenge us to "fire in the paint" as he jabbed and almost violently pushed his pigment-laden brush into the canvas and ground it in. Not exactly a light touch, except when he added details to the canvas at the end of the show. That's when I decided to take up oil painting.

Q WERE YOU SELF-TAUGHT OR FORMALLY TRAINED?

A I took several classes in art, air brushing, and portrait oil painting at Memphis State University. And with practice and fine attention to the techniques of other painters I admired, I started to exhibit my work at local galleries, even winning several awards for pen and ink, gouache, acrylic, alkyd, and oil paintings at local and regional art contests in the Memphis area. Eventually, a couple of galleries represented me in Memphis.

Q WHAT DO YOU MEAN WHEN YOU SAY THAT BEING BOTH AN ARTIST AND AN ATTORNEY HAS GIVEN YOU SOME ADVANTAGES?

A I'll explain. What I have learned in one area has helped me in the other. Powers of observation, composition, color balance and design help me to organize my mind and make sense of what I am seeing. In the same way, a lawyer is trained to sort through and organize facts, using logic and reason to understand the law and the world around us. I think this mental structure and discipline helps me both as an attorney and an artist.

Q WHAT IS YOUR FAVORITE SUBJECT MATTER?

A Both landscapes and portraits capture my interest. I like trying to make a portrait more than a landscape of flesh and textiles. Capturing someone's "essence" as a human being with oil paint is such a rare achievement, but well worth the effort. I also want to do more paintings dealing with aviation and space exploration, as these are subjects that I find very interesting.

Q WOULD YOU AGREE THAT YOUR PHOTOGRAPHS AND PAINTINGS CONTAIN A CERTAIN CLARITY, A VIBRANCY OF LIGHT AND COLOR?

A Actually, I think that is a trait that started about five or six years ago. In 2005, cataracts in both of my eyes were slowly developing to the point of interfering with my life. When I had both of my lenses replaced, I got my first clear look at my artwork and I was astonished.

As my eyesight slowly faded, I had unconsciously compensated by brightening colors to the hue that looked right to me. I was horrified at first, but others seemed to like what I had done. Thankfully, I had not painted or printed many portraits during that stretch of time, which I now call my "bright" period—though some might call it my "blight" period.

I'm just glad to get my eyesight back to normal. But I must admit that after taking another look at my artwork, something of the experience may have stuck with me after all.

Q DO YOU CREATE FOR OTHERS AS MUCH AS FOR YOURSELF?

A Personally, the process of creation and imagination is both fascinating and freeing. Making something recognizable from mere pigment is amazing. And making something that can touch the human heart is nothing less than a miracle.

I hope most people enjoy my paintings. I hope my artwork will touch some people on an emotional level, and be drawn to my work enough to take it home with them. A fine piece of art can bring enjoyment for generations.

Bob is a member of the Pittsburgh Society of Artists and is an active member of the East Suburban Artists League, often exhibiting his paintings and photographs in their shows.

For anyone interested, Bob will be teaching acrylic painting classes at Michaels Arts & Crafts at their Greensburg, Monroeville, and Pittsburgh Mills locations.

His work, including information about recent and upcoming exhibitions, can be found at <http://bobbickers.net> or you may contact him at 724-325-4951. 🐾



Scene Investigation Specialists

- Detailed accident scene investigations
- Personal service with quick turnaround
- Extensive industry experience
- Additional services available

PO Box 1073
Mount Pleasant PA 15666
marne@accu-audits.com • 800-822-7451

HARRY J. SCHMIDT
LICENSED PRIVATE
INVESTIGATOR

Bonded – Insured

Greensburg, PA 15601
Phone: 724-838-0644
Fax: 724-838-0832

To-Wit: Who Do You Love?

by S. Sponte, Esq.

At this stage of my career, I'm rarely in the courthouse anymore, but yes, there is a downside. Across from Courthouse Square, right between the McDonald's and Nothing More Than A Buck's Us, sits my favorite local restaurant, Sans Merci. Being inordinately fond of their prix fixe on toast, I used to eat there regularly when I frequented the courthouse, and I've missed it.

So when a recent noontime found me once again back in the courthouse and getting hungry, I made a beeline for the place. Though it was packed as usual, I couldn't help but notice a long-time colleague slumped into a corner booth, alone and palely loitering with his turkey wrap and Cheese Whiz. I knew he was in town to try a big case, and it was an ominous indicium that he was sitting there slowly drawing a butter knife across his throat.

"Lost the case, huh?" I said. Preferring to duck reality by refusing it language, he merely shook his head affirmatively. After a moment's pause, he looked up at

"I knew he was in town to try a big case, and it was an ominous indicium that he was sitting there slowly drawing a butter knife across his throat."

me. "Am I a good lawyer?" he asked plaintively, "I just don't know."

I nodded a "yes" but decided to take my leave before he wanted words. He was troubled and I felt badly for him, yes, but I had my own pangs to attend

to and it was, after all, only a butter knife.

But while waiting for my own lunch to be defrosted, I began to think. He had actually posited a convoluted conundrum. Sorry, sorry, he had actually raised a difficult problem. What with all the vagaries of practicing law, the unpredictable, uncontrollable, irrational happenstances that can instantly elate or deflate us with equal aplomb, how can any of us know if we're any good at it?

Clients may tell us what they think, they frequently do, but we can't rely on it. Their opinions depend solely on whether they win or lose, and that they might have lost with a highly skilled lawyer or won with a



continued on page 14

The first step in reaching your goals is reaching the person who can help you achieve them.

As an Ameriprise Platinum Financial Services® practice, we'll work with you to find the solutions you need to manage your growing financial complexity.

Put your dreams more within reach.

Call us today at 724-600-0170.



Timothy Henry, AWMA, CRPC®
Financial Advisor
Chartered Retirement Planning CounselorSM
232 West Otterman Street
Greensburg, PA 15601
724-600-0170
timothy.m.henry@ampf.com
www.ameripriseadvisors.com/timothy.m.henry

**Our Advisors. Your Dreams.
MORE WITHIN REACH™**

Ameriprise
Financial

Brokerage, investment and financial advisory services are made available through Ameriprise Financial Services, Inc. Member FINRA and SIPC. Some products and services may not be available in all jurisdictions or to all clients. Ameriprise Financial cannot guarantee future financial results. © 2010 Ameriprise Financial, Inc. All rights reserved.

To-Wit: Who Do You Love?

continued from page 13

thoroughly inept one is a concept that perpetually eludes both their ken and their caring.

We can't count on colleagues for a truly unbiased opinion either, not as long as our adversarial system continues to leave a bloodied coterie of victors and vanquished in its wake. I can't speak for you, but I know I've said as many wildly disingenuous and errant things in the elation of victory (*"You put on a really nice case there, Bill, sorry you lost by compulsory non-suit."*), as I have in the teeth-gritting anguish of defeat (*"Congratulations, Susan, sleeping with the judge has really paid off for you."*).

Native Americans have always said you can tell the worth of a man by who his enemies are. Gender discrimination issues aside, it seems to me to be an axiom that offers meaningful insight into the problem at hand.

No real lawyer ever gets through a career without having to make some tough decisions, and as a concomitant result, angry colleagues, judges, and litigants always litter a pathway of success. Lawyering may be how we put food on the table, but with every great steak comes slaughter.

So if you really want to know what kind of lawyer you've been, think about who doesn't like you and why. You may very well find some comfort there, and who knows, in the process you might even figure out how to return their vitriol with love. I mean, for the peace of mind their enmity affords you, it's the very least you can do. 🍷

© 2010, S. Sponte, Esq.
Can't get enough Sponte?
More articles are online at
www.funnylawyer.com.

Letters to the Judge

Your honor, Sir,
My cellmate, Jeeter, and his lawyer are having an animated and pointed disagreement over the questions that should be asked of those people who might be sitting on his jury, and who will acquire the distinction of being one of his peers. I'll agree that Jeeter can be somewhat of an ignoramus at times, and he has prepared a list of what I view as mostly silly questions which he wants the lawyer to ask, and which she is resisting. His lawyer says the judge assigned to his case, which, of course, to Jeeter's regret, is not your honor, will only allow some time-tested questions such as: have you ever had the pleasure of serving on a criminal jury before; have you ever been the victim of a heinous crime, like the one Mr. Jeeter here is charged with; and, are there any defense lawyers hanging from the branches of your family tree?

Jeeter doesn't believe that these standard questions are as fulsome or helpful as he would like. He insists that this particular part of the trial, sometimes called The Four Deer, may in fact be the most important of all. While most of his proposed inquiries are either ludicrous or offensive, there is one I hope the judge will allow. The question of merit is: "From which country did the United States win its independence?"

Jeeter did not exactly think up this question, he got it from reading

an article in the Post-Gazette that he cut out back on the fifth of July. According to this piece in the paper, some respectable non-profit organization included the question in a public poll and twenty-six percent of those surveyed—all Americans—didn't know the answer. To break it down further, twenty percent couldn't even offer a guess, while six percent named France, China, Japan, Mexico, or Spain. According to Jeeter's way of thinking he feels a tad uncomfortable contemplating that twenty-six percent of those chosen for his trial might have, shall we say, a similarly truncated world view (that's the type of talk one might get from Jeeter when he is in one of his know-it-all moods).

Give it some thought your honor, and tell us if you would want a matter of importance decided by a panel where perhaps a quarter of its members might be inclined to believe that the founding fathers, by signing the Declaration of Independence, were seeking to cut their ties to Japan. Maybe Jeeter isn't that much of an ignoramus after all. He said he would be more than happy to take his chances with the other seventy-five percent, no questions asked.

Your friend,
Ricky H. Benbow, Sr. 🍷



everyone
welcome!
bring a
friend!

Save the Date!

The Young Lawyers of the Westmoreland Bar Association are hosting the second annual "Have A Heart at The Headkeeper" fund-raiser for CASA of Westmoreland on **Wednesday, September 15, 2010**, from 5:30 to 8:30 p.m. The Young Lawyers promise a good time for everyone—so bring a friend, and see you at The Headkeeper!

May 2010 Civil Trial Term

Jury Trial Verdicts

by Beth Orbison, Esq., Thomas L. Jones, Esq., and Monique J. Lafontant Mears, Esq.

Of twenty-seven cases listed for the May 2010 Civil Jury Trial Term, nine settled, fourteen were continued, two were scheduled to be tried non-jury, and two jury trial verdicts were entered.

**DAVID F. WYDO AND
JOYCE WYDO, HIS WIFE**

V.

DANIEL HAFFNER, M.D.;
**WESTMORELAND ORTHOPEDICS
& SPORTS MEDICINE;**
**AND EXCELA HEALTH-
WESTMORELAND HOSPITAL**
NO. 6493 OF 2006

Cause of Action:
Medical Professional Liability—
Negligence—Loss of Consortium

On or about August 9, 2004,
Plaintiff-Husband underwent



arthroscopic right knee surgery by the Defendant physician. During surgery, a scalpel slipped from Defendant's hand and landed in Plaintiff's right calf. Plaintiff alleged residual nerve

injuries of paresthesias, pain, and numbness in his right leg. Plaintiffs claimed that the dropping of the scalpel was negligence. Defendants responded that said action was an accident and did not breach the standard of care. Plaintiffs filed an action against all three Defendants, asserting claims of negligence and loss of consortium. Both parties retained medical experts.

The parties entered into a stipulation that dismissed Defendant Excelsa Health from the case, with prejudice. The case proceeded to trial against Defendants Haffner and Westmoreland Orthopedics & Sports Medicine. The jury found, in a 10-2 decision, that Defendant Haffner was not negligent.

continued on page 16

You Have Done Everything Your Client Expected.



Why is he suing you?

Attorneys reporting a malpractice claim routinely comment that they knew they should have never agreed to represent that particular client.

A break down in client relations accounts for 11% of alleged errors* leading to malpractice claims. A simple method to avoid client relation errors is to make certain your retainer letter clearly identifies the client, the scope of your representation, how the expenses and fees will be handled, and what is

expected of both the lawyer and the client.

At Minnesota Lawyers Mutual we don't just sell you a policy. We work hard to give you the tools and knowledge necessary to reduce your risk of a malpractice claim. We invite you to give us a call at 800-422-1370 or go online at www.mlmins.com and find out for yourself what we mean when we say, "Protecting your practice is our policy."

* American Bar Association Standing Committee on Lawyers' Professional Liability. (2008). *Profile of Legal Malpractice Claims, 2004-2007*. Chicago, IL: Haskins, Paul and Ewins, Kathleen Marie.



MINNESOTA LAWYERS MUTUAL
INSURANCE COMPANY

PROTECTING YOUR PRACTICE IS OUR POLICY.™

Call Tom Auth at 215-830-1389
or email Tom at tauth@mlmins.com
www.mlmins.com

Jury Trial Verdicts *continued from page 15*

Plaintiff's Counsel: Elizabeth L. Jenkins, Pgh.

Defendants' Counsel: Daniel P. Stefko, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Defense Verdict in favor of Daniel Haffner, M.D. and Westmoreland Orthopedics & Sports Medicine

**GARRY NICHOLSON AND
DIANA NICHOLSON, HIS WIFE
V.**

**MATTHEW BANKS, M.D.
12680 OF 2008**

*Cause of Action: Professional
Negligence—Medical Malpractice*

On December 20, 2005, Plaintiff Garry Nicholson presented to Latrobe Area Hospital with significant abdominal and right side flank pain. An abdominal and pelvic CT scan, which was ordered and interpreted by

Defendant physician, a radiologist, showed a kidney stone in the ureter. Plaintiff was given a prescription for pain medication and discharged from the hospital.

Eighteen months later, on July 6, 2007, Plaintiff reported to Latrobe Area Hospital with a persistent cough, fever, and congestion. A chest CT scan revealed a mass-like density in the chest to be a thymoma, a tumor of the thymus gland. The tumor was surgically removed and Plaintiff underwent radiation therapy.

Plaintiffs contend that Defendant deviated from the radiological standard of care in failing to identify and report

the thymoma that was visible on the December, 20, 2005, CT scan scout image. (A scout image is a rudimentary X-ray taken at the beginning of a more sophisticated CT scan imaging procedure in order to ensure proper orientation and placement of the patient's body.) Defendant maintains that the thymoma could not be seen on any portion of the diagnostic images of the CT scan of the abdomen and pelvis. Defendant presented expert medical testimony that the care and treatment he provided Plaintiff was within the applicable standard of medical care.

Plaintiff's Counsel: David J. Lozier, Harry S. Cohen & Associates, Pgh.

Defendant's Counsel: M. Brian O'Connor, Matis Baum Rizza O'Connor, P.C., Pgh.

Trial Judge: The Hon. Gary P. Caruso

Result: Molded verdict in favor of Defendant. 🍀

**Westmoreland County
Jury Trial Verdicts from
2000 to the present
are available online at
www.westbar.org/verdicts.**

**NED J. NAKLES, JR.
724-539-1291**

**NAKLES and NAKLES
www.nakles.com**



**Million Dollar Advocates Forum
American College of Trial Lawyers
(Inducted in London, England, 2007)
Westmoreland Academy of Trial Lawyers
Best Lawyers in America
Pennsylvania Super Lawyers
Pittsburgh Magazine: Best Trial Lawyers
in Westmoreland County
Philadelphia Magazine: Top Attorneys
in Pennsylvania**

I would be happy to accept referrals on Personal Injury and Wrongful Death cases. Reasonable referral fees are paid in accordance with the Code of Professional Responsibility.

My First Bench/Bar

by Jessica Rafferty, Esq.

This year was my first Bench/Bar Conference, and I truly had a wonderful time. Part of this enjoyment may stem from the fact that I still have very vivid



▲ Jessica Rafferty

memories of what I was doing at this time last year—studying for the Bar Exam! I'm just joking (kind of)—it was a fun couple of days all on its own.

This year's location, Seven Springs, lent itself nicely to a variety of activities.

Some of the events offered were golf, clay shooting, biking, and hiking. It was a wonderful opportunity for someone like me, just starting out, to meet and get to know people in our legal community in a relaxed atmosphere.

On Thursday morning, I participated in the bike ride at Ohiopyle, organized by Bill McCabe and Aaron Kress. It



Kerri Shimborske-Abel, Moe Lewis, Michael Quatrini, Jessica Rafferty, and Joyce Novotny-Prettiman

was a beautiful day and a beautiful trail. Aside from the chipmunk who attempted suicide by running directly into the spokes of my front wheel about two miles into the ride, I'd say it was pretty much a perfect outing. Having said this, the chipmunk incident brought a lot of laughter to my fellow bike riders, some more than others—you know who you are.

After biking a couple of hours, we all met up at the Ohiopyle House Café and had lunch together outside on the deck of the restaurant. In addition to

getting to know everyone that went on the bike ride a little better, I got to hear some pretty great stories about ... well ... guess you'll just have to come next time if you want to hear who and what the stories were about!

After I arrived at Seven Springs, I went over to see the vendors who participated in the conference. All of the vendors were very knowledgeable



2010 Bench/Bar Committee Chairs Lisa and Jeff Monzo

and were incredibly willing to answer all of the questions that I had. I was also impressed by the diversity of

continued on page 18



John Hauser, Lou Anne Demosky, Lee Demosky, and Diane Murphy



Don Moreman, Jon Lewis, Eric Dee, Bill Brandstetter, and Scott Avolio



Judge Feliciani and Scotty's Blues Peddlers were joined onstage by Supreme Court Justice Michael Eakin.



Mike Stewart, Pat Noonan, Bob Johnston, and Judge Driscoll

My First Bench/Bar

continued from page 17

the vendors. They ranged from banks, to companies providing technological services, to massage therapists.

As the day continued, so did the beautiful weather, and we were able to sit outside while we enjoyed our dinner, drinks, and everyone's company. Even with the great weather, Judge Feliciani and the band managed to draw quite a number of people inside to dance—including Moe Lewis, who has some pretty impressive skills! To top it all off, we were lucky enough to have Supreme Court Justice Eakin in attendance, who joined in with the band—and let me tell you, he can play a mean harmonica.

It was really a wonderful experience and I want to take this opportunity to thank everyone so much for making me feel so welcome and for helping to make my first Bench/Bar so much fun. I'm looking forward to next year! 🍷



Judge Bononi and Judge McCormick, Jr.



Michael DeMatt, Amy DeMatt, and Phil McCalister

New Member Sketches

ROXANNE SAKOIAN EICHLER

has been admitted as an associate member of the WBA. She earned a Bachelor of Science degree from Penn State, and her J.D. from Duquesne University. Roxanne is a sole practitioner in North Versailles.

ADAM J. LONG, son of WBA member Wes Long and grandson of WBA member Earnie Long, has joined the WBA as a participating member. Adam earned his undergraduate and juris doctor degrees from William & Mary, and practiced in Georgia before relocating to Westmoreland County. He is an associate with Fisher, Long & Rigone in Greensburg.

SARAH A. WINES was admitted to the WBA as a participating member. She earned a B.A. in Political Science from Capital University in Columbus, Ohio, and earned her J.D. from The Ohio State University Moritz College of Law. Sarah is on staff at the Pennsylvania State Education Association's Southwest Region Office in Hunker. 🍷

Actions of the Board

MAY 19, 2010

- Accepted Membership Committee recommendations: Barry Clegg and Adam Long, participating; Justin Schantz, Joanne Wilder, associate.
- Agreed to release annual PAC donation to the PBA.
- Learned that Nominating Committee has been appointed and includes: Chair Annaliese Masser, Jim Silvis (Sr.), Rachel Yantos, Barbara Christner, Tim Geary, Scott Mears, Jr., Karen Kiefer, Bob Johnston, DeAnn McCoy, Jack Bergstein, Harry Smail, and Mike Stewart. (See related article on page 3.)
- Heard report that Don Snyder, John Greiner, Harry Smail, and Diane Krivoniak met with Senator Kim Ward to discuss SB351, which deals with legal journal advertising.
- Took action to accept a bid from Rampart Security for replacement of the fire alarm system to be installed at the conclusion of this year's Simplex maintenance contract.
- Young Lawyers reported that they will present a technology lunch and learn on June 25 on the topic of social media.
- Young Lawyers will sponsor a fall fund-raiser for CASA of Westmoreland on September 15.
- Approved blood drive for WBA member Tim McCormick for mid-June and agreed to ask Medical Society to join the drive.
- Voted to present proposed WBA bylaws changes for bar membership vote at the Fall Quarterly meeting.
- Learned that Legalzoom.com is considered to be the unauthorized practice of law as stated in an opinion issued by the PBA UPL committee.

Mark Surace & Associates

Residential Construction Experts
Consulting Work – Litigation
Detailed Reports
State-Certified Building Inspector
New & Existing Construction

Business: 724-258-3989

Fax: 724-258-3376

marksuraceassoc@comcast.net

wba

- Discussed the sustainability of the Lawyers Assistance Committee and local Political Action Committee with no action taken on either.

JUNE 2010

No meeting held. 🌸

Blood Drive A Huge Success

When WBA member Tim McCormick was diagnosed with acute myelogenous leukemia earlier this year, many of his friends and colleagues



▲
Tim McCormick

asked themselves what they could do to help. On June 18, 2010, over 100 of those friends, colleagues, and family members made their way to the YMCA in Greensburg to support Tim in his fight by donating blood to help replace the blood and platelets that Tim has used in his treatment, and that others need.

The goal of the drive was to collect 40 units of blood, but coordinator Mike Stewart was confident that goal would be surpassed. According to the Central Blood Bank's Dave Metz, Mike was right to be optimistic. "We collected 101 units during the drive, of which 14 were Double Red Blood Cell donors," he said. "We had 109 people who signed in to donate and we had 13 deferrals." The drive also offered donors the opportunity to join the Be The Match Registry™, the national registry for bone marrow donors, by

where in the world IS THE WBA MEMBER?



"My wife's sister, Denise Crain, my sons, Nathaniel and Christopher, and my wife, Johny, and I spent 10 days in Italy this past March. We visited Rome, Florence, and Venice. Venice is like no other city in the world. The ambiance is beyond compare. We thoroughly enjoyed our stay—from the food, the shopping, the history and architecture, to the friendly people. Outstanding!"
—David DeRose

VENICE, ITALY

completing some additional paperwork and submitting a sample mouth swab.

Those who couldn't make the June 18 blood drive were encouraged to donate at other locations, including the Central Blood Bank's community donor centers in New Kensington—thanks to the efforts of WBA member Bob Liotta—and Greensburg, and the Ligonier Country Club. 🌸



▲
Blood drive coordinators Mike and Karen Stewart with blood donors Doug Farrell and Dennis Rafferty.



Jim Conte, Judge Marsili, and Don Rega



Brian Cavanaugh



John Peck



Matthew Schimizzi



Lisa Monzo



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

www.westbar.org

PRESORTED
 STANDARD
 U.S. POSTAGE
PAID
 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 for more information about activities and CLE courses, or to **register online**.*

AUGUST

23 [CLE] Video Compliance, 9 a.m. to 4:15 p.m.

25 Young Lawyers Softball Game with the Young Lawyers of Washington County, 6:30 p.m., Washington Park, Washington, Pa.

31 [CLE] The E-Discovery Process, Noon to 1:15 p.m.

SEPTEMBER

6 Courthouse closed in observance of Labor Day

7 [CLE] Basics of Workers' Compensation for Beginners, Noon to 1:15 p.m.

8 Real Estate Committee, Noon

9 Membership Committee, Noon
 Young Lawyers Committee, 4:30 p.m., J. Corks, Greensburg

11 Fall Gathering, 5:30 p.m., Greensburg Country Club

15 Young Lawyers CASA Fund-Raiser, 5:30 to 8:30 p.m., The Headkeeper, Greensburg

16 Elder Law & Orphans' Court Committees, Noon

21 Family Law Committee, Noon

24 Red Mass, Noon, Bishop Connare Center

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.



www.facebook.com/westbar