



## WBA Executive Board Votes to Remove Male Members

In a stunning and unprecedented development, the Board of Directors of the Westmoreland Bar Association has voted to amend its bylaws to limit full membership in the association to females only.

"Yes, it's true," confirmed Patsy Penthesilea, long-time board member and immediate past president of the WBA, "and the vote was unanimous, 3-0. Unanimity in matters of such importance is always a good thing," she added. "It shows we all believe in what we're doing."

When asked why the vote was only 3-0 when there are eight members on the board, she said, "We just waited to bring it up until all the guys had had too much to drink and passed out. It happens every meeting like clockwork. And conscious or not, they count for a quorum."

When asked if she thought that was an unfair tactic, she said, "Nah, the state supreme court does it all the time. How do you think they get so many decent per curiam opinions? They just wait until the Republicans get drunk."

"Besides, we had to do it that way. The guys would never have voted for it. You know how testy they get over gender issues. Ooops, sorry, no pun intended."

"There are several reasons why we did this," explains board member Cheryl Thalestris. "First, we gals



▲ WBA Board Members Patsy Penthesilea, Cheryl Thalestris, and Rhonda Behrbaque Thraso, and their supporters, celebrate the recent unanimous vote that led to the removal of all male members from the Westmoreland Bar Association.

have never really been comfortable attending professional meetings with men. All they do is tell vulgar jokes, smoke foul cigars, and scratch themselves in the most obscene places. They drink until their pants fall down and they think that's funny. In the end we get no business done. What kind of bar association meeting is that?"

"A damn good one," says Jason Chauvin, former board member, "way better than the talk, talk, talk kind. God, all the ladies want to do is discuss bar association business. Give me a break. They should just stay home and make babies, that's what they're best at. You're not gonna print that, are you?"

"Oh, it's not like we're forcing them out completely," said Rhonda Behrbaque Thraso. "We're gonna

create a bar association just for the guys. We'll call it the The Westmoreland Bar Association Guys' Auxiliary. They can have their own meetings and swear and smoke and discuss sports and porn and go bowling. And if they want to, they can discuss law among themselves. It's so cute when they do that."

Although exceedingly rare, the exclusion of men from participation in significant societal organizations is not unprecedented.

Everyone has heard of the Amazons, a tribe of women warriors who were supposed to have thrived in ancient Greece during the time of Alexander. Led by the much-feared Igomless, they equaled their male counterparts in all aspects of the so-called manly

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President's Message

# It Couldn't Happen To A Nicer Guy

by Mike Stewart, Esq.



**Il Presidente says: "Start practicing your kill shot and your overhead smash. Otherwise, I'm going to eat you for lunch. Yeah!"**

It is with the deepest respect and greatest humility that I assume the mantle of *numero uno* of our bar association, and I know that all of you are just as pleased as I am. Who was it that said it couldn't happen to a nicer guy? Oh yeah, that would be me.

As is customary for the incoming *il presidente*, I want my first homily to be about the goals I have set for my term (terms?) of office. As the most prominent family law practitioner in the county, I hear over and over again all those complaints about family court—the delays, the costs, the insensitivity, the inherent bias towards men, the inherent bias towards women, blah, blah, blah.

Something has to be done to silence our critics, and I know what that is: I'm just going to tell them to shut up.

My second goal is to have racquetball adopted as the official game of the Westmoreland Bar Association. Law is not the only court I'm great in. Now my adversaries are gonna be toast in two courts. Yeah!

In my lengthy time as one of your more accomplished board members, I've heard lots of concerns that as lawyers we just don't show enough genuine concern for the parties. I hear you, I do, and in response I intend to triple the number of parties we have each year. Oh God, this is such a great job and I'm so good at it.

And so, my dear colleagues, hang on. My term(s) in office is (are) going to be fun. As a prefatory caveat, I suggest that in the ensuing months you start practicing your kill shot and your overhead smash. Otherwise, I'm going to eat you for lunch. Yeah! 🦊

*Mike Stewart*

# Remembering Harvey Weatherwax

by *Smith Besthorne*

It is, I can tell you, my friends, a very cold day in Hades. How do I know? I know because Harvey Weatherwax has passed on. He bought the farm, Harvey did, just last month. He bit the big one, shuffled off this mortal coil, joined the choir invisible. And since Harvey used to say it would be a cold day in hell before he would give up his ghost, and since I saw him myself all laid out at Dirken's Funeral Home and Vacuum Repair Centre, I can only assume the denizens of that spritely deep are by now freezing their cachachkis off.

It wasn't the alcohol that finally undid him, nor was it the crack cocaine he had become so fond of in his later decades. No, that wouldn't do it. Harvey knew how to handle his controlled substances. What did him in was his regrettable habit of smoking in bed. Apparently he fell asleep and dropped his roach clip onto his alcohol soaked mattress and damn if he didn't just blaze up like a Christmas tree. Well, he always said he wanted a festive end and by golly, he got it.

His doctor says that he was so numbed by drink and drugs he didn't feel a thing. In fact, according to the police report, he had, at the very end, been toasting marshmallows. That Harvey could turn anything into a party, even accidental self-immolation. Talk about making lemonade from life's lemons!

If you didn't know Harvey, you really missed something. Oh, I'm not talking about the Harvey who got suspended from practice for five years for comingling funds and fluids with the Widow Perkins. And I'm not

talking about the Harvey who would occasionally—each term of court—show up for trial so intoxicated he couldn't pick his nose much less a jury.

Sure, he's still remembered from his law school days as the guy who, for an exam in which students were permitted to use their class notes, ripped the covers of the textbook, placed it in a binder, and tried to pass it off as his notebook.

And sure, many remember him for that time he went to photograph the

**“Harvey was nothing if not a man of few words. Then again, he didn't really know that many.”**

sidewalk hole where his client had fallen and then forgot to remove the one of him making the hole deeper when he showed the pictures to the jury. “Oops,” was all he said when he was suspended for three years. Harvey was nothing if not a man of few words. Then again, he didn't really know that many.

But these things were only his public persona. They weren't the true measure of the man, and they weren't emblematic of the Harvey I knew, at least not entirely. I prefer to remember him as the courageous, undaunted guy who returned to practice time and again after suspensions, the guy who refused to give up, cry uncle, or beg for forgiveness.

While Harvey's practice was not successful by ordinary standards, he will long be remembered for making new law in the case of *Weatherwax v.*

*Weatherwax*. No, it wasn't a divorce case, Harvey actually sued himself.

It seems for a stretch of several years during his career he made no money at all. As a sole proprietorship, he was not eligible for unemployment compensation, so he incorporated his practice, hired himself as an employee, fired himself, and then signed up for unemployment. When the state supreme court affirmed the lower courts in their denial of his claim, he brought suit against himself for breach of the underlying employment contract.

He might have been better served had he engaged counsel to represent himself, but he handled both sides of the case *pro se*—and lost them both. It was no small measure of pride for him that even in ignominious defeats he gained a modicum of immortality when the court referred to the entire affair as a case of worst impression.

Alas, for poor Harvey, the immortality was both purely professional and short-lived. He is survived by three ex-wives and several grieving bartenders who, in the best tradition of the bars, have brought suit against his estate for equitable distribution.

Goodbye, Harvey, or, as he himself used to tell the Disciplinary Committee each time he got suspended, “*Adios, muchacho.*” This time, however, he won't be back. 🐾



▲ Harvey Weatherwax

the sidebar

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# Board of Judges Outsources PFA Cases to India

In a stunning move that matches old tech problems with new tech solutions, the Westmoreland County Board of Judges recently voted 9-1 to outsource all future PFA cases to India.

“Yes, I know, it’s a pretty outside-the-box solution,” says President Judge John Blahovec, “but we were facing a pretty drastic problem.”

“PFA cases have been increasing exponentially in recent years,” he went on, “and marriage has become a comity of errors. What with the legalization of same-sex marriages on the horizon, we can pretty much count on a significant swelling. Most of our full-time judges don’t want to hear PFAs anymore and even the senior judges were getting tired of them. Only Senior Judge Loughran consistently accepted those cases, and he would take them only when he was feeling particularly cantankerous. Sure, that made him readily available, but still, how many guys can a single judge lock up?”

“Exportation of these kinds of cases is a growing national

trend,” reports Throckmorton Quillier, chair of the PBA’s Committee on Undue Process. “Soon you’re going to see the same thing in landlord-tenant cases, custody cases, and quo warranto actions as well. These decisions are always decided the same, regardless of the facts, so the need for the finder of fact to be adept at English is no longer a requisite. Because Third World judges are unencumbered by the requirements of due process, it’s possible to move large caseloads ever-so-much more efficaciously.”

When queried about the pragmatic issues of getting a continuance or perfecting an appeal, he chuckled. “Are you serious?” he asked.

Clamber Posthaste, Press Secretary of the OAPC, was just as enthusiastic.

“Lookit,” he said, “as it is, these cases get decided by rote. Why should we waste Pennsylvania judicial time and talent on such trivial cases when Third World judges are willing to do them on their lunch breaks?”

“Besides,” he elaborated, “it gives us a chance to make an important statement about how seriously we frown on domestic abuse. How much further out of the house can you get thrown than India?”

“And when imprisonment is a probability,” he continued, “we’re contemplating foreign incarceration as well. Foreign prisons are far more adept than American ones at managing those expenses as long as the worldwide price of gruel is kept under control. As soon as we work out the details for transport of prisoners overseas by dinghy, and an international treaty for the issuance of miscreant visas, we’ll start reaping the savings. We’re talking beaucoup bucks here.”

Not surprisingly, the Pennsylvania Institute for Stiffer Sentencing is fully supportive of the concept. “We acknowledge that summary disposition of these matters by foreign judges is a drastic approach,” says Patience Algothn, Executive Director, “and this new procedure will no doubt come as a startling surprise to all those pesky due process junkies. But let’s face it, the vast majority of these cases involve the poor, the downtrodden, the disadvantaged of our citizenry. They’re already a hardened bunch and they’re not gonna squawk about a paltry few years at hard labor.”

The vote of the Westmoreland County Board of Judges was confidential, so the identity of the dissenting judge is not known. “All I can tell you,” offered Judge Blahovec, “is that our lone dissenter was outraged by the new proposal. Said something about exporting all the fun overseas and now there’s no reason to get out of bed in the morning.”



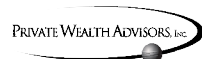
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# Stolen Art at Silent Auction Causes Stir

When WBA member Puddy Hefflefinger attended the silent auction at the WBA Holiday Dinner Dance this past December and wrote out a \$300 check to bid on a small painting some 20" by 17" and set in a puce and lime green cardboard frame, he didn't realize that this simple act of questionable artistic taste would soon have him designated as a person of interest in an international criminal investigation that would roil the art world.

"Someone at our table warned me that it might be one of Judge Loughran's paintings," Puddy reports, "but I bid on it anyway. I thought it would look nice over my office credenza right next to my Walter Keane."

But according to art historians and the Federal Bureau of Investigation, acting at the request of Interpol, the painting was not a Loughran, but rather a work by the Dutch painter Johannes Vermeer (1632-1675), titled "Knees et Mustarde." It's been missing since 2004 when it was stolen from the Musée Troi Cochon in Paris during a daring daylight robbery by three men dressed as accountants. The robbery was just another bizarre episode in the tortuous history of this painting, one of Vermeer's earliest and most controversial works.

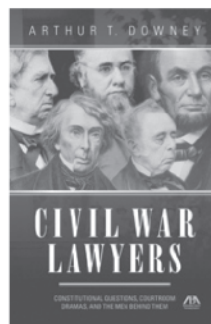
Early critics dismissed the painting because the subject knees were asymmetrical and the mustarde not French. For almost three centuries, it was in the possession of unknown owners. It was rediscovered in 1937 in the private collection of Jacque Retard in Reims, only to be lost to the Nazis in 1942. The Nazis returned it in



1943 and it was purchased at auction in 1961 by the Musée Trois Cochon for \$2 million.

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## ARTHUR T. DOWNEY

'CIVIL WAR LAWYERS: CONSTITUTIONAL QUESTIONS, COURTROOM DRAMAS AND THE MEN BEHIND THEM'

*Introduction by The Honorable Senior Judge Joseph Hudock*

7:30 p.m. Thursday, April 28, 2011

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Mr. Downey is an author and attorney whose talk will be based on his new book, published by the American Bar Association, in conjunction with the 150th anniversary of the start of the American Civil War. Mr. Downey will tell the fascinating story of how the law and lawyers helped shape history in the Civil War era.

A 1959 graduate of Saint Vincent College, Mr. Downey has taught at Georgetown University Law School. He was a lawyer in the U.S. State Department in Washington, D.C. and Berlin, Germany. He also worked for Henry Kissinger at the National Security Council and later was assistant secretary of commerce for East-West Trade. He was a partner in a national law firm, and later was vice president of a large multinational corporation.

Don't miss this fascinating presentation. Copies of the book will be available for those who want to purchase a book and have it signed by Mr. Downey after the program.

Admission is free. Reservations are required. Send name, phone and number of tickets requested to: [threshold@stvincent.edu](mailto:threshold@stvincent.edu)



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## Stolen Art

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The trustees of the Westmoreland Bar Foundation, which sponsors the silent auction, said that the painting was not on their list of donated items and none of them had seen it prior to the dinner dance. Mr. Hefflefinger is no longer of interest to anyone, having convinced the authorities that he has never been more than 60 miles from Hunker, and by astonishingly rendering genuine disappointment that his purchase was not an original Loughran. He is, nonetheless, upset that he had to return the painting.

While he will be refunded his \$300, he feels somewhat victimized since he subsequently donated the painting it replaced to the Greensburg YMCA: a singing Elvis rendered on black velvet, which he and his wife, Buffette, picked up at an open-air roadside gallery while vacationing in Oklahoma City. “This is not sour grapes,” says Puddy, “but I really liked that Elvis.” 🐾

## BarFlies Abandon Plans to Revive “Hair”

Mookie Farjinian, the newly hired manager/voice coach/dance coach/spotter of The BarFlies, has just announced that the troupe has reluctantly decided not to mount a revival of “Hair,” that frolicking, good-time, iconic 1960’s musical about the psychedelic generation who stood up for pot, fell over for LSD, and sat down for war.

“We had some initial interest,” Mookie said, “but during the early casting calls, we found that those who remembered ‘Hair’ either didn’t have any, couldn’t dance anymore, or looked just awful naked.”

“It’s disappointing, to be sure,” said Mookie, “but we’re not going to

be doing ‘My Fair Lady,’ ‘Paint Your Wagon,’ ‘Joseph and the Amazing Technicolor Dreamcoat,’ or ‘Chorus Line’ either. Considering that our

talent pool is a mite torpid, we had to rule out any performance that calls for singing, dancing, memorizing lines, or that requires anyone to lift one or more feet above knee level.”

“Damn,” said Becky Brammell, “and I was so looking forward to doing ‘Hair.’”

When asked what the awardless ensemble was going to mount next, Mookie shook her head, flashed a sardonic smile and said, “Your guess is as good as mine, but we are looking into the musical version of ‘Johnny Got His Gun.’” 🐾



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# McDonald's to Provide Legal Services at Drive-Thru Window

## SPECIAL ORDERS DON'T UPSET THEM

**F**ast-food giant McDonald's has announced that beginning May 1, 2011, it will initiate a pilot program to dispense legal services at two of its Route 30 locations in Westmoreland County. Gregory Root, McDonald's regional director for strategic planning unveiled the corporate decision Monday.

According to Mr. Root, the plan has been under consideration for several years. "People are starving for fast, inexpensive legal services. There is no reason why our expertise in mass marketing can't be used to address the inadequate and painfully slow distribution of legal services presently existing nationwide," Mr. Root said. "Most people forgo legal advice simply because they don't want to get cleaned up and sit for the better part of an hour or so in a lawyer's waiting room, only to be told that they don't have a case. We can provide the same services for a lot less money. Plus they can supersize their orders with fries and a shake."

"The program has been designed to provide the client with the same service environment they've come to know and love. Added to the drive-up menu will be the legal

choices. We're going to start modestly, offering legal advice only in the areas of divorce, protection from abuse, DUI, controlled substance abuse—the things our typical customers are already accustomed to. Later on, we may add mandamus and replevin, depending on the need and interest. This model will be workable for any kind of legal problem that doesn't require long-term parking."



At least initially, legal services will be offered only after 9 p.m., so as not to disrupt the peak food service hours. McDonald's assures that all of their sale associates will be well trained in the law. "There are more law graduates looking for work at the present time than there are fry cooks," says Root. "And we can hire them cheaper as well. It's a win-win. Well, maybe it's just a win, but that's all we really care about."

"We do have to offer some additional sensitivity training for all the new law sales associates," Root further notes. "After all, we don't want any of them to take an order to defend a capital case and then inquire if the customer wants fries with that." 🍟

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# Kim Jong-Il to be Vendor at Bench/Bar Conference

## NORTH KOREA TARGETS WESTMORELAND AND FAYETTE COUNTIES FOR WEAPONS SALES

**W**BA Executive Director Diane Krivoniak has made no secret of the fact that this year's Bench/Bar will be something different. And one of the more dramatic changes will be found among the vendors who frequent the annual event. In an attempt to avoid the parochial label that has been a criticism of some recent bar events, such as November's Judicial Flax-Scutching Gala, Mrs. Krivoniak has arranged for the presence of North Korean leader Kim Jong-Il to man a booth among the bankers, title company representatives, and information specialists who usually frequent the vendors' area of the conference.

As a way of promoting the Bench/Bar, she arranged for a telephone interview with Kim which was conducted by *the sidebar* last month. The following is taken from a transcript of the recorded interview.

**“Nothing puts a finer point on a strong oral argument than the use of weapons of mass destruction.”**  
—Kim Jong-Il

**SIDEBAR:** Mr. Kim, with both you and your country's reputation for being insular, how do you explain the change of attitude that is apparent from your willingness to appear at the Bench/Bar as a vendor?

**KIM:** “Insular” is false imperialist's label; both Workers' Party and I are very gregarious, like to have good time. Did you know I am Rotarian? Also, charter member Loyal Order of Moose, Pyongyang Chapter. I will be easy mixer at Bench/Bar.

**SIDEBAR:** How was our executive director able to get in touch with you?

**KIM:** Young Lawyers Section have amusing float in recent military parade here; son and heir-apparent, Kim Jong-Un, give out phone number to pretty

woman lawyer who rode on top of papier-mache aircraft carrier, *Forma Pauperis*.

**SIDEBAR:** What do you hope to achieve, Mr. Kim, through your appearance at the Bench/Bar?

**KIM:** The food I hear is very good. Also, this part of your country is known for aggressive disputes, or perhaps violence. Good place for arms sales so everyone can protect themselves. I offer complete range of weapons. Do you know that Avtomat Kalashnikova 47, what you call AK-47, is most popular gun? It is estimate that there are 100 million; one for every 70 people in world. But only one in 12,000 lawyers has one. Lawyers are under-protected, and OMG, do they ever need protection. At Bench/Bar, I offer AK-47 for \$39.95, with same-day shipping. At such good price, no reason family court lawyers can't buy protection for entire firm. To protect against class action aggression, I strongly recommend Katyusha rocket. But no nuclear. United Nations very much against nuclear for lawyer.

**SIDEBAR:** What is your biggest concern about coming to this country for an event such as this?

**KIM:** Two things...where can get Kimchi with Basted Eel and who executive director assign to me as roommate. 🐼

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## LawSpeak

“If we are here to help others, I often wonder what the others are here for.”

— Thomas Robert Dewar, 1st Baron Dewar (1864–1930), a Scottish whisky distiller who, along with his brother John Dewar, built their family label, Dewar's, into an international success



# Spotlight on Barnum N. Bailey

*Editors note: Barnum N. Bailey has, for the past 19 years, been the chair and sole member of the Committee on Insects as part of the WBA's Animal Rights Initiative. He has adopted as his life's work the narrowest of legal specialties, representing the interests of bugs. Being the only member of the committee, he devotes untold hours in isolation in pursuit of the committee's goals, but if you know Barney, you also know that he wouldn't have it any other way.*

**Q WHAT JOBS DID YOU HAVE BEFORE BECOMING A LAWYER?**

**A** I had a summer job during college and law school at my father's flypaper plant in McKeesport, called IBM, which stood for

International Bug Machine. Flypaper has no moving parts, so technically, it is not a machine, but that never bothered Dad.

**Q WHY DID YOU DECIDE TO BECOME A LAWYER INSTEAD OF FOLLOWING YOUR FATHER IN BUSINESS?**

**A** Like Alfred Nobel, I felt a certain guilt about the product our family was producing, and decided to atone for that by devoting my life to protecting the rights of insects. And, unlike Nobel, I had no family fortune to fall back on. The flypaper business is pretty spotty.

**Q HAS YOUR LEGAL SPECIALTY BEEN LUCRATIVE?**

**A** Well, as you can see, my office is in my garage, so I'm guessing "no." As you can imagine, most of my insect clients are of limited means, so most of my work is *pro bono*, or, as we insect

practitioners say, "pro maggot."

**Q TO WHOM DO YOU LOOK FOR INSPIRATION?**

**A** Two early twentieth century lawyers from California, "Buzz" Acker and Harry Pollen, who organized the fruit flies into a cohesive group.

**Q HOW DID THEY DO THAT?**

**A** They left out a banana.

**Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?**

**A** There are two cases of which I am most proud: *Silverfish v. Silverfish*, which held that either spouse had the right to seek shelter under the baseboard of their choosing when

*continued on page 10*



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## Board Votes to Remove Male Members

*continued from page 1*

arts such as archery, spear flinging, swordsmanship, and bowling.

Fewer, though, have heard of the Barristerettes, a culture of female-only lawyers who inhabited a small island off the Riviera coast during the reign of Louis II, and who litigated, *femu et femu*, all kinds of significant matters.

Not surprisingly, the proposed amendment has met with stiff opposition from male members. “It’s a ridiculous suggestion,” says Adrian Smacker, “and it has no chance of passing when the membership at large votes on it.”

“I wouldn’t be too sure about that,” quips Ms. Penthesilea, who emphasized her dedication to the cause by spitting onto the floor. “We’re gonna put it on the agenda as the last item, and I’m guessing it will pass unanimously.” 🦋

## Spotlight on Barnum N. Bailey *continued from page 9*

the light is turned on; and that one was not bound by the choice of the other. I also had the privilege to write an amicus brief in *Roach v. Dow*, the initial action leading to the ban on DDT, which was favorably quoted in the Supreme Court opinion.

**Q WHAT IS THE FUNNIEST THING THAT EVER HAPPENED TO YOU AS A LAWYER?**

**A** I was representing Ant B in a PFA proceeding and the judge called for a sidebar. While approaching the bench, I inadvertently stepped on my client’s mother who was a principal witness. I moved for a mistrial and the judge granted it, suggesting that under the circumstances he should now refer the case to orphan’s court.

**Q WHAT MORE NEEDS TO BE DONE TO PROTECT THE RIGHTS OF INSECTS?**

**A** We need, first of all, more public awareness, and, of course funding, which comes from successful litigation. The lawyers representing harp seals and pandas often get huge verdicts. But try representing a spider—the verdicts are right down there with humans.

**Q WHAT CASES ARE YOU WORKING ON NOW?**

**A** Only one, a class action against the nation’s flea circuses. Actually it’s more of a phylum action. It, as it usually is with me, is not about the money. I’m trying to bring attention to the shameful plight of the flea that is forced to sew its own costume, to jump through tiny, tiny flaming hoops, and who works long hours seven days a week at a wage that precludes any hope of ever owning or even renting its own dog. 🦋

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**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.

A Recent Trial Term

# Jury Trial Verdicts

*Editor's note: In recent years, we have seen a significant, nay, a malignant rise in the number of jury verdicts favoring defendants. The ratio now so overwhelmingly favors defendants that any jury verdict for a plaintiff is newsworthy. We had toyed with the notion of doing away with the Jury Verdict column altogether, reporting instead every plaintiff's verdict hereafter as a front page headline.*

*Instead, we have opted to publish a jury verdict only when it favors the plaintiff. Since there is almost never any rhyme or reason for a defense verdict (they are best explained as a result of judicial/judicial clerk error or dumb juries), our readers can learn nothing of value from the reporting of same. Thus, from now on, only jury verdicts favoring plaintiffs will be reported.*

*Call us old-fashioned, but the world just seems to make much more sense that way, doesn't it?*



## WALKER V. EVANS

Plane being piloted by admittedly intoxicated, blind and deaf airline steward who took controls at invitation of commercial pilot looking for a hoot crashed into residence of Plaintiff, instantly incinerating him, his thirteen cats, and his goldfish while they slept—except for the goldfish; they never sleep. After seven days of deliberation, jury returned a verdict for Plaintiff in the amount of \$9.54, finding that decedent was 49%

responsible for the accident for making absolutely no attempt to get out of the way.

Counsel for Plaintiff, Mark Hamishyguay, called the verdict a travesty and vows to appeal.

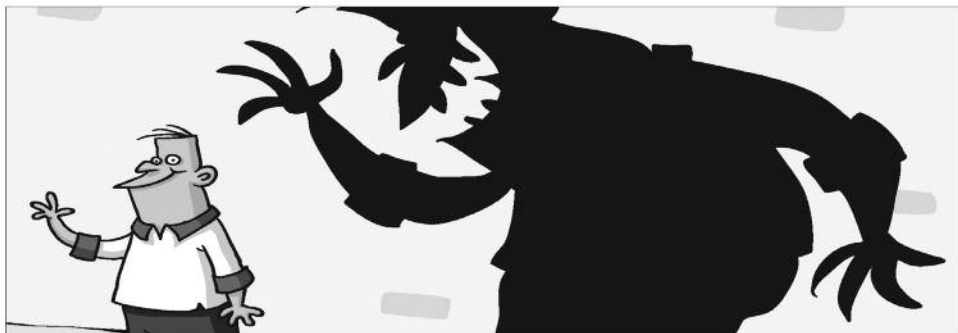
“Go ahead,” challenged Shirley Ujest, counsel for defendants. “Just means more money for me.”

## ANSEL V. ADAMS

Plaintiff rear-ended by Defendant while stopped behind school bus on four-lane road at noon on bright sunny day, not a cloud in the sky. Defendant found to have half-mile of visibility on flat road as he approached Plaintiff. Defendant found to be intoxicated from alcohol, drugs, and glue, has been significantly visually impaired from birth, was driving without a valid driver's license, listening to iPod with

*continued on page 12*

## 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.

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\* 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.



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# Jury Trial Verdicts

*continued from page 11*

in-ear headphones, and texting girlfriend at moment of impact. “Oh, come on, surely you didn’t expect me to see ahead of me given the circumstances,” Defendant whined to police.

Plaintiff sustained permanent, quadriplegic injuries, permanent and total loss of vision, hearing, sense of smell, and taste.

“It was really a black-and-white matter,” said Ebenezer Scrooge, jury foreman, after the jury deliberated seventeen hours and awarded the Plaintiff \$3 to reimburse him for the expense of his bus fare to the hospital.

“We might have also sprung for his breakfast next day,” he went on, “but any higher amount would have resulted in our own insurance premiums going up eventually. You know, you’ve seen those ads on TV.” 🐼

# Dine Around Is Back

Come join your WBA colleagues in a once-in-a-lifetime Dine Around extravaganza as we eat our way across the county. It promises to be a night of stupendous epicurean adventure that you will carry with you forever ... or for at least twenty-four hours, whichever comes first.

We start at **ANGIE’S BY THE CRICK**, once again a favorite local eatery in Monessen, now that the health citations have all been dismissed on a technicality. Commence your gustatory journey with any one of their world-class appetizers, such as Moose ala Orange, Guessing Game Patties, or Something-Like-Shrimp On Toast.

We then move on to **CHEF CLAUDE’S** in Arnold for the entrée—your choice of Chef Claude’s Hand-Battered Chicken, Chef Claude’s Fist-Punched Duck, or Chef Claude’s Foot-Kicked Lamb.

Prefer your fare *La Mer*? Claude can provide a tasting platter from his delectable array of Shovel-Stunned Fish. Here’s a tip—his braised Allegheny Whities are to die for.

For dessert, it’s on to **THE POACHED HERRING** for sumptuous goodies like Head Cheesecake, Sorbet de la Sewage with Pineapple Grunge Marmalade, and Sweet Frog Fritters. Mmmmm!

Afterwards it’s aperitifs at **BILLY’S TAVERN ON THE BROWN**, long known for its glitzy pinball machines and its warm, capacious hospitality offering alcoholic comestibles for aficionados of all ages. All you can drink, as long as all you can drink is one.

The price is only \$40 a head; gratuities, coat checks, and parking not included. Don’t pass up the opportunity to partake of this sumptuous escapade. You’ll never want to eat again—we promise. 🐼

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Westmoreland Revisited

# The Westmoreland Witch Trials

by John Hathorne, Esq.

On a June day in 1761, Patience Truth, a maid of seventeen summers, was picking wildflowers with a few friends near her parent's cabin in Mount Pleasant Township when she exclaimed with some sense of conviction, "I can see hundreds of years into the future and I can see—are you ready for this—that Westmoreland County is going to be the most wonderful place in the world to practice law." Why a young girl who could not read nor write nor draft a cogent reply to new matter would be chosen the harbinger of such news is a point historians have debated over the years, but to digress on that point would only ruin a good story.

When her friends told their parents of Patience's utterances, word spread quickly through the nearby frontier communities and ignited a firestorm within the legal establishment.

"Wow," cried the public defender, "I think I'll keep the job until then."

"Get thee to a nunnery," was the district attorney's response.

"If she seeth the future, then she can seeeth if I'm going to win this medical malpractice case or not," said Abercrombie Fitch.

When Patience refused to be a prophet for profit, even a forty-percent contingency-fee profit, Fitch accused



▲ In 1761, Patience Truth was picking wildflowers in Mount Pleasant Township when she had what turned out to be eerily accurate visions of the future of law in Westmoreland County. Her refusal to be a prophet for profit led to accusations of her being in league with Satan during the legendary Westmoreland Witch Trials.

her of being in league with Satan. "Well, with defense counsel anyway," he muttered at the preliminary hearing, "but it's practically the same thing." Based upon his accusations and her steadfast refusal to recant, she was charged with criminal counts of augury and witchcraft.

At trial, Patience was vigorously questioned as to what she could or could not see in the future. The court records show that indeed she was, in many respects, able to see the future accurately.

"There will be a time," she said, "when judges will park their carriages for free in an underground enclosure right next to the courthouse, and that will be the sole motivating force for seeking the office." She predicted that someday a good lawyer would earn as much as a blacksmith; that lawyers would clump together in partnerships and use apprentices as indentured servants; that legal opinions would be written by law clerks, thus freeing up all of a jurist's time to focus on retention, and that by starting as an

assistant usher and being patient and free of any known criminal transgressions, one could become president of the bar association.

When Patience stepped down from the witness stand, not a word was spoken. Those assembled had been struck dumb by what they had heard and were immediately chosen to sit on the next civil jury case.

Though clearly she was guilty, Judge Pander decided that on account of her youthful ebullience and the more than obvious bloom of her, uh, personage, he would temper justice with mercy. Rather than burn her at the stake, he ordered her to confinement in her room for seven years where thereafter he checked in on her often. "I've run out of patience," he would mutter sardonically from the bench, whereupon he would declare a fifteen-minute recess and be gone for three hours.

As for Patience, well, not much else is thereafter known. She served her full sentence and never once during her confinement did she make application for parole. 🦉



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## bookmark What Have You Been Reading?

Following a long hiatus, *the sidebar* returns to this popular feature where bar members share their recent interests and recommendations in the area of popular literature. Our contributor for this issue is Bill Vitrioli, Chair of the WBA Committee on Sloth and



▲  
Bill Vitrioli

Avarice. An avid reader since he first learned some three or four years ago, he has recently enjoyed the reviews of the following great reads:

**THE JUDGE WHO FLAYED WITH PLIERS** ❖ *by Sven Svenger* ❖ An international sensation and psychological thriller focusing upon Judge Vrily Largse Buetocks who, during the day, served as a mousy little criminal court magistrate but who, by night, became Svingloe

Swede-Cheryeot, the vengeful angel of justice who bypassed the frustrating constraints of hearings and due process by beating confessions out of miscreants with ordinary household tools.

**DECISION POINTERS** ❖ *by G. W. Boast* ❖ The unusual and extremely brief memoir of the 361st president of the WBA, George W. Boast, who writes candidly, and strangely unabashedly, about losing every case he ever took. The result of his unblemished streak of failures caused him, during a late-life epiphany, to drop to his knees and cry with joy that the WBA paid his PBA dues.

**SEABUCKET** ❖ *by Lorie Hillgarten* ❖ The story of Colonel Sarly Handers who was shot down during WWI, “The Big One,” and who, in order to survive adrift at sea for weeks before his rescue, had to learn to balance and float in a small bucket. His recounting about how he learned enough from that experience to start his own

restaurant drive-thru business called “Buckets,” and how he almost went broke until it dawned on him that sales might increase dramatically if he started putting chicken in the buckets, is truly inspiring.

**THE PICTURE BOOK GUIDE TO DRESSING AS AN ARBITRATOR** ❖ *by Nancy Chan* ❖ Why would anyone want to become a judge and be forced to look like a stuffed crow? Today the cutting edge of fashion is not found in the courtroom, but on boards of arbitration. This handy book has over 300 photographs and illustrations on how to dress as an arbitrator. Broad in scope, it covers subjects ranging from the height of hemlines to how to tie a Windsor knot. With practical suggestions and checklists on such little discussed points as last-minute checks on buttoning what needs to be buttoned and zipping what needs to be zipped, you’ll never again have to wonder if you look like a real arbitrator. 🦋



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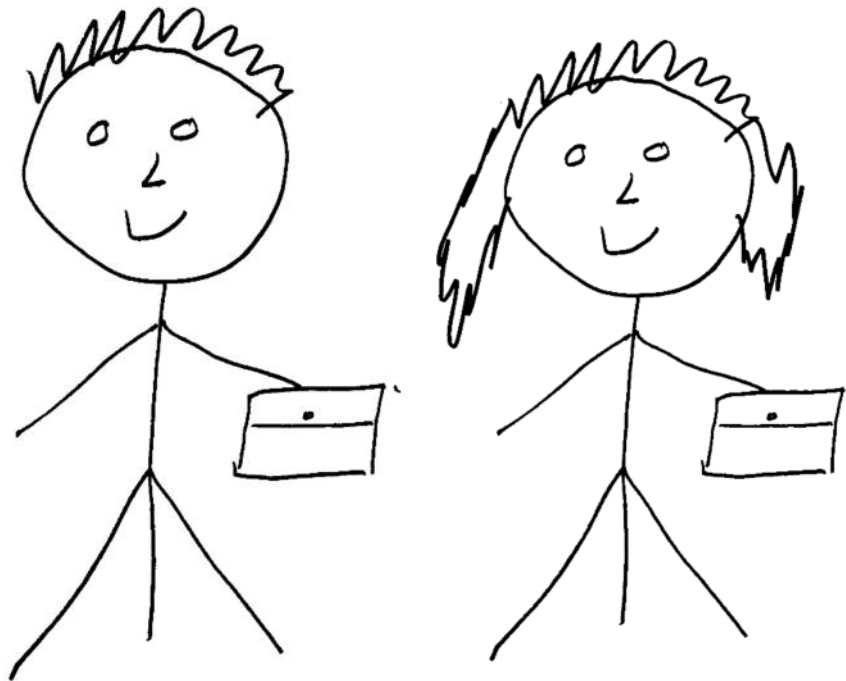
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## Actions of the Board

### FEBRUARY 12, 2011

- Report of Ad Hoc Committee on “Increasing Attendance at Bar Functions” submitted in absentia.
- Family Law Committee Chair agrees to stop taunting Elder Law Committee Chair by bragging about his bladder control.
- Membership Committee reports that it has commissioned a \$3000 study to find out why attendance at WBA functions is always significantly higher when free food and drink are served.
- Huzzahs offered all around on the quantity and quality of the liquor being served at the meeting. Womenfolk strangely demure.
- Extended invitation to Dr. Ellen Nor Igby, LL.M., to speak at next board meeting on the law of breach of promise.
- In an effort to remain contemporary, Chair of WBA Green Committee recommends trading in WBA computers for hand-cranked typewriters with integrated abacuses (abaci?).
- Executive Director reports that *the sidebar* has, for the fifteenth year in a row, taken first place nationwide as the Very Best County Bar Publication Ever.
- Board Member Patsy Penthesilea asks what happened to all the men.
- It is moved, seconded, and unanimously passed that the WBA should no longer accept male members. 🐼

## New Member Sketches



### where in the world IS THE WBA MEMBER?



WBA Member Packy Solisti visits Libya at the height of the tension. “Who knew?” he quipped. “I guess I shouldn’t have darted out into traffic like that, but the closest men’s room was across the street, and, man, did I have to go.”

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## 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**.

### APRIL

**1** New issue of *the sidebar* arrives

**9** Real Estate Committee Annual Meeting, 7 p.m.

*Speaker: Jonathan Botchd, CEO, Botchd Title Insurance Company, "Using Schedule B-2 Exceptions No One's Ever Heard Of For Fun And Profit" followed by a short documentary film, "The Greatest Erotic Deeds of All Time."*

**12** Family Law Committee, Noon

*Discussion: "Do We Need Universal Pronoun To Solve Drafting Problems As Same Sex Marriage Draws Nigh—And Is "Shehe" The Right Choice?"*

**17** CLE Lunch and Learn: "Convincing The Client You Know Something About Marcellus Shale"

**21** Ned J. Nakles American Inn of Court, 5 p.m.

*Pupilage Group 4 presents "Electronic Filing in Superior Court—The Need For Larger Fonts"*

**27** CLE: "Estate Planning—Die Now and Save—How To Sell It To The Recalcitrant Client"

## LAWYERS UNCONCERNED FOR LAWYERS CORNER

- The three-step recovery program meeting, exclusively for judges and lawyers having problems with booze and drugs, meets every Monday through Friday at Coolihan's Bar and Grille on the North Side from 3 until 11 p.m. For those of you who were too inebriated to remember the three steps from the last meeting, we repeat them here:
  1. Quit your goddamn drinking.
  2. Quit your goddamn drugs.
  3. Stop your goddamn whining.
- LCL has a new website at [www.iampathetic.com](http://www.iampathetic.com). There you will find information on how to get through a really hard day without drugs or alcohol by using chocolate, sex, and tobacco. We also find that breathing in the nitrogen from a balloon helps by getting you to concentrate on the funny voice and forget how badly your life sucks.
- Drunk Lawyers Confidential Hotline: 1-666-6666. Calls may be recorded to improve service.
- Rent-A-Family has just opened a local branch for those of you who, on Thanksgiving, Christmas, Hanukah and Festivus or at any other traditionally festive time just can't bear to celebrate without the family who left you because you are such a sot.



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