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**THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXIX, NUMBER 1
APRIL 2017**

Our Executive Director

The Ever-Present Diane

by David J. Millstein, Esq.

Diane Krivoniak has been the Executive Director of the Westmoreland Bar Association since 1989, and although she is quite the ubiquitous figure, there may be many among our newer members who do not know her. In addition to her work as WBA Executive Director, she also serves as the Executive Director of the Ned J. Nakles American Inn of Court, the Executive Director of the Westmoreland Academy of Trial Lawyers, the Managing Editor of the *Westmoreland Law Journal*, and the *ASSOCIATE* (©) Managing Editor of *the sidebar*.

Diane was born in Canonsburg sometime in the earlier part of the second half of the 20th century and she graduated from Norwin High School in exactly the year that she should have. Thereafter, she attended Penn State, Main Campus,

where she earned a bachelor degree in Early Childhood and Elementary Education, also obtaining her certification in Special Education Teaching. Through 1989, she taught

in various local private and public schools and was also an education consultant to Macmillan Publishing Company. In 1989, she left all forms of intelligent education behind to become the second executive director in the history of the WBA.

During 28 years as executive director, Diane has overseen and managed tremendous growth of the Association, starting with the 1991 move from a two-office suite in the courthouse to the current 9,000-square-foot building the Association currently occupies. Staff under her expert management care has increased during that time from two to six individuals, and membership in the association has increased from 325 to a maximum of 510 members. The annual budget for which she has been responsible has increased from about \$300,000 to \$590,000 for the association alone, plus another \$100,000 for the Bar Foundation which also includes the costs of running the Pro Bono Program.

When the late and always missed Bob Johnston got the Ned J. Nakles American Inn of Court, formerly the Westmoreland American Inn of Court,

up and running, she took over the responsibility for that program as well. Currently there are 70 participating colleagues in that organization. The Westmoreland Academy of Trial Lawyers, with its 61 members, also falls under her directorship, and it is a constant tribute to her managerial and administrative skills that she



Diane Krivoniak

can simultaneously wear so many hats effectively. Almost every member of the organizations she manages are wildly enthusiastic about the professionalism, skill, care, warmth, and insight she brings to each of these organizations.

In her rather limited spare time, she loves to hike, bicycle, and cross-country ski with Dan, her husband, and she is currently addicted to Zumba, a form of choreographed Latin dancing which Dan is sensible enough to avoid like the plague. In addition, both Diane and Dan serve as team leaders for World Vision, a charitable organization primarily aimed at aiding children in need. Every year for the last four years, Diane and Dan have gone to Appalachia to help construct better housing for children in

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“A professional of quiet dignity, she is very insightful, listens intently, never procrastinates and she always makes me feel like I’m an important part of the Bar Association.”

—Maureen Kroll

President's Message

Groundhog Day All Over Again

by John M. Noble, Esq.

**“To be, or not to be, that is the question:
Whether 'tis nobler in the mind to suffer
The slings and arrows of outrageous fortune,
Or to take Arms against a Sea of troubles,
And by opposing end them...”**

William Shakespeare “Hamlet”



Torn by the fear and uncertainty of change, Hamlet resisted the internal voices of emotion, logic, and character as he contemplated ending it all—or continuing to suffer the unfairness and pain of life. Wait. What? Last episode, *William Shatner* and now *William Shakespeare*? *What's the connection, you may ask?*

Well, how about this? Not so much has changed in 500 years—at least when it comes to *change*—as the debate *du jour* always seems to boil down to *pathos* (“we’ve always done it *this way*”), *logos* (“logic dictates that we try something different”) and *ethos* (one’s character influencing the debate).

Nor will the struggle likely change centuries from now, as dramatized by the future immortals—Captain Kirk, Mr. Spock, and Dr. Leonard McCoy—who forged the imperfect triangle of passion, logic, and character well beyond the 23rd century. The all-too-familiar script, however, often overlooked another most significant influence, Chief Engineer Montgomery Scott (“Scotty”), the one who made it all work while engineering the necessary repairs to save the ship and its crew—at least until the next episode.

Present day, we annually elect one new crew member to the WBA “engineering section”—that next brave volunteer willing to serve the Association for a seven-year mission—willing to give it “all they’ve got”—in order to guide the ship beyond defining waters of the past towards ever-swirling uncertain future currents. As with any journey, however, the crew occasionally encounters systemic problems—*warp drive* or otherwise—and the ship must slow down, if not briefly stop, in order to effect the necessary repairs before moving on to “where no bar association has gone before.” (Yeah, I know, but it’s worth repeating.)

As with most endeavors, however, emotions cling to the past—despite the ever-changing present—in direct conflict with the logic of *insanity’s definition*—*doing* the same thing over and over again while expecting a different result. Cue another William—Murray, that is—where we learned that the insanity of repetition must be acknowledged before

you can change for the good—or else it’s “Groundhog Day” all over—and over—again. Sure, it’s great comedy, but not so much when it’s you or your organization caught in the real-life *deja vu* time loop. Actually, the above definition so very often credited to Einstein, was long-before associated with Mark Twain and Ben Franklin—and even the ancient Chinese. (It must be true—I Googled it.) I otherwise prefer Einstein’s lesser known quote:

**We cannot solve our
problems with the same
thinking we used when
we created them.**

ALBERT EINSTEIN

Enough said—you get the point. A la Shakespeare, “to think and do and be the same or not to think and do and therefore *not* be the same? Those are the real questions.” While our Founding Fathers so very successfully placed the reputation of the Westmoreland Bar Association firmly on the map well beyond our borders, the past few WBA Boards have chosen to think and do differently by looking closer to home—reviewing longtime internal policies and practices—solely in the interests of enhancing member services, as well as fostering transparent communication and continuity. The effort to achieve “sound engineering practices” has been quite exhausting—as well as criticized—and, by the time you receive this final President’s Message, significant change in thinking, doing, and being from within has occurred—or it hasn’t. Either way, future “engineers” will certainly hear the collective voices of pathos, logos and ethos that follow every organization’s journey into self-examination, evolution, and yes, even change.

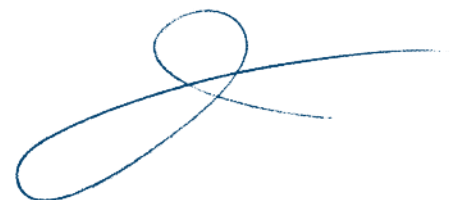
And so, I wish each of you future Bar leaders out there to thoughtfully “think and do and be” along the journey to “what do you want it to be?” Will you do it *your way*? I hope so. As for me, the record shows, I took the blows.....

To be or not to be. Shakespeare.

To be is to do. Socrates.

To do is to be. Jean-Paul Sartre.

Do be do be do. Francis Albert Sinatra.



Bench/Bar Will Be A Blast

by *The Hon. Richard E. McCormick, Jr.,
President Judge, Bench/Bar Conference
Committee Co-Chair*



*The Hon. Richard E. McCormick, Jr.,
President Judge*

It's been 48 years since I attended Duquesne University and Pittsburgh was my home away from home. I was housed in the William Penn Hotel and I had the run of downtown. What a life and what a year! Some eyebrows were raised when Pittsburgh was suggested as a possible venue for this year's Bench/Bar Conference. However, I'm here to tell you that if it's anything like my sophomore year of college, this Bench/Bar is going to be a blast.

The Fairmont Hotel, just off Market Square, is world-class—much better than the William Penn. Back in my day, the Square was home to the biggest flock of pigeons you've ever seen, and the Oyster House was known for the biggest fish sandwich you've ever eaten. You can still get that amazing fish sandwich or, if that's not your taste, try one of the many trendy restaurants and bars that make Market Square the place to be.

Speaking of eating, Wednesday evening we'll be eating at Gaucho Parrilla Argentina, an upscale Original Hot Dog Shoppe. Ahh, the Dirty O... Later that evening, we're off to PNC

Park for the Pirates game. Remember Forbes Field and Three Rivers Stadium? Gone, but not forgotten: Three ballparks, three World Series championships. Beat 'em Bucs!

When we get back to the hotel, stop in at Andy's Wine Bar for your late-night nightcap and some tickled ivories, reminiscent of the Golden Age of Pittsburgh jazz: Erroll Garner, Billy Eckstine, Ahmad Jamal.

On Wednesday afternoon or Thursday morning, try your skills on the perfectly cut and combed turf of Edgewood Country Club or the funky pastures of the Bob O'Connor Course at Schenley Park. Whether you choose the exclusivity of the club or the democracy of the muni, you're in for a treat. If you choose the dog track at Schenley, grab lunch at the "O." I'll be having the "Suicide."

The 'Burgh is also a great strolling city, except for the hills and the rivers—that's what bicycles and kayaks are for. In addition to Wednesday's Pedal Pittsburgh, a so-called pub crawl on wheels, Thursday morning offers lots of choices for ambulation, flotation, motivation, and edification. You can put on your walkin' shoes and tour "dahntahn" looking for the old Liberty Avenue. I might consider the one-hour Kayak Adventure on the North Shore, but it would probably take me more than an hour to get in and out of the kayak! If water isn't your thing, try a Schwinn

(do they still make those?) on the Great Allegheny Passage. For the art connoisseurs amongst us, Eileen Kopelman, Jim's wife, will be our tour docent at the Duquesne Club. This will be my first chance to see the inside. As students we were shooed away from the entrance by intimidating doormen. By the way, I own a "Kopelman."

CLE credits will be available for those who attend "Whiskey and Weed" lectures on medical marijuana laws and the Whiskey Rebellion, complete with a whiskey tasting. In the 60s, we recognized the medicinal qualities of hemp and hooch. Now, they'd probably just make us sleepy.

Our sponsors will entice us with goodies meant to remind us of their wares and services while we mingle and network with our colleagues. Dine, fortify, and get your second wind, for "the Drag," when the Young Lawyers escort us around the bar scene. Noticeably absent will be my old favorite haunts: Frank and Wally's (defunct), Milliron's (driven out of business by stricter enforcement of the liquor laws), Harbor Lights (dried up and blown away), and the Luna (Oakland's finest gin joint).

Capping it off on Friday morning, don't miss breakfast with all of our

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the sidebar

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

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Walking The Line

by Pamela Ferguson, Esq.

There is a battle being waged in our legislatures and courts between maintaining law and order and protecting constitutional rights. While law enforcement bears the heavy burden of assuring that we feel safe in our homes and communities, there is a fine line, easily crossed, between enforcing the laws meant to protect us and creating a police state. This is a timeless struggle, not so much between good and evil—as there are those with good intentions who have crossed the line—but between what is reasonable and what is not. Our Founding Fathers recognized this when, in response to King George’s excessive invasions of privacy in colonial America, they wrote the Fourth Amendment:



Pamela Ferguson

“The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported under Oath or affirmation, and particularly describing the place to be searched, and the persons and things to be seized.”

Requiring a warrant offers protections from unreasonable searches and seizures as it provides for an objective determination by someone (a magistrate) other than the arresting officer involved. This prevents police overreach and assures protection of Fourth Amendment rights. However, there are times when a warrant cannot be obtained and a governmental interest must be protected. In those circumstances, courts have found that sometimes a warrantless search is “reasonable.” It is in these cases, where the subjective determination of reasonableness creates confusion. Depending on the personal beliefs and experiences of the members of the bench, a warrantless search and seizure may be deemed “reasonable” even if it infringes upon the suspect’s right to privacy. It is that fine line between facilitating the governmental purpose behind the warrant and protecting the suspect’s constitutional rights that jurists struggle to walk, and depending on the circumstances of the case or maybe even their mood that day, a step over the line might still be considered reasonable. Practitioners and law enforcement looking to the courts for guidance can only scratch their heads at the inconsistencies while trying to keep abreast of the ever-changing laws.

Last June, in two separate decisions rendered within three days of each other, the U.S. Supreme Court limited and then expanded law enforcement’s use of warrantless searches and seizures.

In the first case, *Birchfield v. North Dakota*¹, decided on June 20, 2016, the Court addressed the constitutionality of post-arrest chemical testing of drunk-driving suspects. The Court found that a warrantless breath test conducted as part of a search incident to an arrest did not violate the suspect’s fourth amendment right against unreasonable searches; however, a warrantless, nonconsensual blood test did. Writing for the 7-1 majority, Justice Alito reasoned that warrantless breath tests are reasonable as they entail a minor intrusion, divulge limited information, and do not exacerbate the embarrassment incident to an arrest for DUI; on the other hand, blood tests are unreasonable as they are significantly more invasive and divulge personal information extraneous to the levels of alcohol in the blood, raising privacy concerns. In addition, the Court found that consent to a warrantless blood test was not sufficient if it was given after threat of additional or enhanced criminal penalties. Under North Dakota’s Implied Consent Law, the suspect was warned that he would face additional criminal penalties if he refused blood testing and was convicted of DUI. Most states, including Pennsylvania, have Implied Consent Laws, which require drivers to submit to chemical testing if

¹ 579 U.S. ___ (2016). This case consolidates three cases from Minnesota and North Dakota raising constitutional violations of after-arrest chemical testing.

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suspected of driving under the influence or face civil and criminal penalties for refusal. The Court held that it is okay to threaten refusal with civil penalties, such as license suspension or fines, but not criminal penalties. Consent obtained after being threatened with enhanced or additional criminal penalties is deemed coercive and nonconsensual.

This decision sent law enforcement and District Attorneys running to change their protocols, procedures, and documentation in DUI cases. Prior to *Birchfield*, under Pennsylvania's Implied Consent Laws, if a driver was arrested for driving under the influence and chemical testing was deemed necessary, the arresting officer would read a warning from PennDOT's DL 26 form advising that refusing to submit could lead to additional civil and criminal penalties. Immediately after the decision, law enforcement in Westmoreland County removed the offending language from their caveat. PennDOT responded by amending the DL 26 to redact the warning of

enhanced criminal penalties and the District Attorney's Office dismissed criminal charges for refusing to submit to blood testing in those cases that relied on the old DL 26. While their quick response closed the window of opportunity for DUI offenders seeking

“As a result of *Birchfield*, law enforcement has resorted to returning to the 1960's and '70's reliance on breathalyzer testing.”

lesser sentences and reduced periods of license suspensions, the *Birchfield* decision still affected a significant number of DUI prosecutions in Westmoreland County.

Westmoreland County ADA James Hopson opined that *Birchfield* has made prosecuting DUI cases more difficult because it is not always easy to get a warrant within the time constraints to avoid alcohol dissipation. Since accuracy in testing BAC levels

relies on the prompt removal of blood, delays from obtaining warrants make blood testing in some cases inadvisable. This, Hopson believes, allows offenders to benefit from their failure to cooperate.

As a result of *Birchfield*, law enforcement has resorted to returning to the 1960's and '70's reliance on breathalyzer testing. While this method of testing produces a quick, easily obtained method of testing alcohol impairment, it opens the door to challenges to the testing (some experts say they're not accurate) and fails to reveal whether the offender was operating under the influence of drugs or controlled substances.

This has created a dilemma for law enforcement. Due to the opioid epidemic and increasing abuse of narcotic pain medication, a significant number of DUI cases are the result of drug-induced impairment, not alcohol. Without accurate blood testing, the most the offender can be charged with is the lowest tiered

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Walking The Line *continued from page 5*

general impairment charge. As Hopson fears, this restriction will make prosecuting DUIs more difficult.

In *Birchfield*, Justice Sotomayor concurred with the majority on warrantless blood testing, but dissented with the majority's acceptance of warrantless breath testing:

"There is a common misconception that breath tests are conducted roadside, immediately after the driver is arrested ... While some preliminary testing is conducted roadside, the standard breath test is conducted after a motorist is arrested and transported to a police station, governmental building or mobile testing facility ... transporting the motorist to the equipment site is not the only potential for delay ... officers must observe the suspect for 15 to 20 minutes and the intoxilyzer test must be set up ... police have a 2-hour period from the time the motorist was pulled over within which to administer a breath test ... During this built-in window, police can seek warrants."

Three days after the Court rendered a decision in *Birchfield*, five of the seven justices who voted to restrict

law enforcement three days earlier expanded arresting officers' ability to use evidence obtained from a warrantless stop and search. In *Utah v. Strieff*² the Court agreed with law enforcement that evidence unlawfully seized pursuant to an unlawful *Terry* stop was admissible because the

“Law and order must be maintained so that people can feel safe, but at what cost?”

officer's conduct in conducting the stop and search was “at most negligent” and the result of a “good-faith mistake.”

The state argued that “with good intentions,” the police officer noticed Strieff coming out of a suspected crack house, ran his criminal background, discovered an outstanding, unrelated warrant, and stopped and searched him, discovering methamphetamine and a pipe. Strieff was then arrested. Despite a lack of reasonable suspicion for the stop and search, five of the eight Supreme Court Justices found no constitutional violation in admitting the fruit of the poisonous tree.

² U.S. No. 14-1373.

Justice Thomas, writing for the majority and joined by Justices Kennedy, Roberts, Alito, and Breyer, held that because “there was no flagrant police misconduct, discovery of a valid, pre-existing unrelated and untainted arrest warrant attenuated the connection between the unconstitutional investigatory stop and the evidence seized incident to the lawful arrest.”

Justice Sotomayor, one of three dissenting justices, argued vehemently against relaxing the warrant requirement:

“Do not be soothed by the opinion's technical language: This case allows the police to stop you on the street, demand your identification, and check it out for outstanding traffic warrants—even if you are doing nothing wrong... If the officer discovers a warrant for a fine you forgot to pay, courts will now excuse his illegal stop and will admit into evidence anything he happens to find by searching you after arresting you on a warrant ... This case tells everyone, white and black, guilty and innocent, that an officer can verify your legal status at any time. It says that your body is subject to invasion while courts excuse the violation of your rights. It implies that you are not a citizen of a democracy but the subject of a carceral state, just waiting to be cataloged.”

Her dissenting opinion raises valid concerns. Law and order must be maintained so that people can feel safe, but at what cost? How far do we cross the line of reasonableness and allow the diminishment of the privacy protections afforded under the Fourth Amendment to effectuate that safety?

These are questions to which there are no easy answers. And so the battle rages on and the line between our Founding Fathers' idea of reasonableness, and our government's interest in protecting its citizens, becomes an undulatory one. ■

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From The Bench

A Year In Review

Editor's note: Elected to the bench in November 2015, The Hon. Scott Mears and The Hon. Timothy A. Krieger have been on the Westmoreland County bench for a little over a year. We asked them to share their thoughts on their first year as judges. The Hon. Harry F. Smail, Jr., who was appointed to the bench in June 2014 and then elected to a full term in November 2015, shared his thoughts in the March 2016 issue of the sidebar.

THE HON. SCOTT MEARS

Although being a family court judge is not at all what I expected, it has been an extremely fulfilling experience so far.

In private practice, I handled primarily civil litigation, municipal law, real estate, and estate work. I spent most of my days in the office, reviewing documents, doing paperwork, and taking phone calls. My days were predictable, if not exciting, and if I had a hearing or motion that was to start at 10 a.m., by God it would begin no later than 10:15. Even the civil trials that I handled a few times per year were generally uneventful, as every witness' deposition had been taken, and the opposing attorney and I had discussed almost every aspect of the case ahead of time.

I expected being a judge to be an extension of that. I thought I would have no more than three hearings per day, and I expected to have plenty of time to review the files, research any unusual issues, and discuss them with my law clerk ahead of time. I believed that I would be able to get to the bottom of any legal dispute through thorough questioning of the attorneys. Civil court may, in fact, be like that for judges. But I was in for quite a rude awakening in family court.

In my first two weeks on the bench, I realized that on PFA days, I would have not three or four hearings in a day, but sometimes as many as 25, with requests for temporary PFAs sprinkled in. I learned that even on days when my schedule was jam-packed, I might have as many as three emergency custody petitions tacked on as well. I found that I would not usually be dealing with disputes about scholarly topics such as the enforceability of pre-nuptial agreements or the existence of paternity by estoppel. Instead, I would be frequently asked to make snap decisions about issues like whether it would be better to release a child to an abuser, an addict, or some third party. And I found out that having two attorneys on a case is a luxury, occurring in less than one-third of the cases I handle.

I also found out that I have a real affinity for family law. In my private practice, I rarely had a chance to significantly help people. As a civil litigator, on the defense side, I felt that I was mainly just shuffling money from one pocket to

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THE HON. TIMOTHY A. KRIEGER

My first year on the bench has been interesting to say the least, yet very rewarding.

As I reflect on this first year, I have learned a great deal. And I come away with a greater appreciation for the central role of the trial court as the finder of fact, the guarantor of fundamental fairness to all parties, and most importantly as a protector of the rule of law, outside of which none of us has any sure protection.

During my years serving in the General Assembly, I gained a greater breadth of understanding regarding human behavior and into how our social institutions function and interrelate with one another. My experience with the difficulties of the law-making process has strengthened my commitment to applying the law as written, and both to respect the limits and embrace the possibilities of the Court's role in the lives of families here in Westmoreland County.

During my first year on the bench, I have gained a greater depth of understanding into how families work, and often unfortunately, don't work. It has been eye-opening to see the extent of the problems faced by many of the families here in Westmoreland County. Some of the problems we deal with on a daily basis are almost beyond comprehension. Drugs, violence, and personal irresponsibility are a way of life for too many. Through all, I have tried to approach every person appearing before me humbly and respectfully, keeping in mind the universal frailty of the human condition.

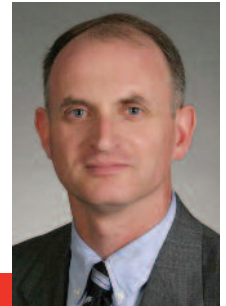
I would like to think that I have exercised a positive influence in the lives of the people coming before me on a daily basis. Sometimes that role has been significant; sometimes less so. To be realistic, sometimes it has probably been minimal or even nonexistent. And perhaps that is the best that we can expect from family court—to do good where we can within the law, to mitigate the damage where we can, to do no harm if we can avoid it, and to accept that there are limits to what any of us can do. It has certainly made me appreciate my family more, and has challenged me, personally, to be a better husband and father.

I certainly come away from my first year on the bench with a renewed respect for the attorneys appearing before

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The Hon. Scott Mears



The Hon. Timothy A. Krieger

A Year In Review: The Hon. Scott Mears *continued from page 7*

another. I sometimes felt good when I would settle an injury case for a deserving person or do some free legal work for an indigent client in our Bolivar office. But that was on a fairly small scale. As a custody judge, I feel that I am doing an immeasurable service if I'm able to settle a case before trial and spare a child from having to testify against his or her parents. In PFA court, it is a great feeling when I can remove a child or a spouse from an abusive relationship or restore one's rights when he or she is falsely accused. In juvenile court, it's wonderful to order remedial services for a child who has been neglected or to find later that some motivational speech has made a lasting impression. Although I hold no illusions that I'm making a difference in every case or that I'm resolving the ills of our society, I get this fantastic feeling when I can help in what are often dire circumstances.

I would certainly be remiss if I didn't mention some of the others who have helped me through my first year. We have a great team of common pleas judges, and each of them has been eager to give up his or her time to answer questions or cover hearings for

me when necessary. The general court staff, including the Family Court Administrator's office; the Domestic Relations office; the Juvenile Probation Office; the PFA office; the Children's Bureau; and our masters/hearing officers, Henry Moore, John Casario, Bruce Tobin, Hope Aston, and of course my lovely wife, Monique, have all been patient and understanding with me, and are second-to-none in quality. Anyone who knows my staff knows how lucky I am to have them. Lisa Ulishney, my long-time secretary, is in early every day, leaves late every day, and generally makes me look better than I deserve. My law clerk, April Schachtner, is extremely diligent and patient with me as I fly from one topic to the next. My court reporter, Andrea Sullivan, and my court assistant, Scott Brown, keep everything light-hearted so that I am able to stay (relatively) sane.

Although I feel personally and professionally satisfied in my position, I am often alarmed by the dysfunction I see before me. The opioid epidemic in our county is very real, and it affects almost every demographic and age limit including, unfortunately,

newborns. Although the PFA process can be abused on occasion, there is no question that domestic violence is rampant, and it is heartbreaking to see children and others come before me with physical injuries and psychological scars. Psychologists in my courtroom routinely testify that a custody battle can be more harmful to children than any other negative stimulus, and it is frustrating to see these battles continue despite the effects on the children. As a family court judge, I feel that I am often only able to perform triage on these cases rather than find a lasting cure. However, I still feel privileged to have the opportunity to try to be part of the solution. ■

A Year In Review: The Hon. Timothy A. Krieger

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me. Practicing in family court can be difficult, emotionally grueling, often thankless work. But for the most part, the attorneys coming before me do it well. This admiration is only enhanced by the fact that in what is probably a majority of my cases, they are interacting with sometimes stressed, often highly emotional *pro se* litigants, and dealing with all the challenges that can bring. Thank you to all who practice before me. I have learned much from you, and I hope and expect to continue to learn from you.

I want to thank the staff of the Westmoreland County Children's Bureau, the Domestic Relations office, the PFA office, the Clerk of Courts office, and the Prothonotary's office for all their efforts. They do difficult work for often too little pay. But they do it faithfully, day in and day out. And while there are times where, in my role



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providing independent judicial review, we may not always see eye to eye, I always respect and appreciate their work, and am ever mindful of the difficult circumstances with which they must deal.

I want to thank my dedicated staff, who strive to make me look good every day. Any lack of success in that regard is entirely my fault.

Finally I want to thank the people of Westmoreland County for the

honor they have bestowed upon me and the confidence they have placed in me. Every day I come to the Courthouse I reflect upon the solemn responsibility they have entrusted to my care. ■

The Evolution of the President Judge

by *The Hon. Daniel J. Ackerman*

In a discreet ceremony on January 26, our bar association honored our past president judges by hanging their framed portraits in the courtrooms in which they served. The portraits added to the courtroom walls were those of Judges Mihalich, Marker, Loughran, Caruso, Blahovec, and Ackerman.

Through most of the nineteenth century, particularly in rural areas where there was a shortage of legal talent, the term

president judge was applied to a judge learned in the law, distinguishing him from associate judges, who were laymen without legal training, who sat with the president judge, presumably to offer advice on local mores and attitudes. The position of

associate judge was abolished in 1874 with the enactment of Pennsylvania's new constitution.

Now, under the Rules of Judicial Administration, president judges, who may serve a single five-year term, are determined by seniority in counties with seven or fewer judges, and by election of their peers in counties, such as Westmoreland, which have eight or more judges—though our board of judges, more often than not, has tended to award the position to the judge with the longest service.

The president judge serves in an administrative capacity, and in Pennsylvania's urban centers the position has become almost a full-time job. But in 1972, across the commonwealth, the bulk of the day-to-day administrative duties passed to a full-time district court administrator, appointed by the common pleas court, but who, nonetheless, is a state employee, working under the auspices of the Administrative Office of Pennsylvania Courts. The administrative workload and authority of

president judges was thereby somewhat circumscribed, allowing them to continue to carry a caseload comparable to that of their colleagues—a fact likely reflected in the \$1,000 annual increase in salary afforded to the PJ.

There is a public misconception that the president judge is a supervisor, who can dictate his or her wishes to the other judges on the court, but nothing could be farther from the truth. At best, he or she is simply first among equals, for every judge enjoys complete autonomy in running their own courtroom and deciding their own cases.

So what does a president judge do? Authority still exists to assign to each judge the type of cases that judge will hear, civil, criminal, family etc., as well as the courtroom they will use, though it has been our custom that

such decisions are based upon the preference of each judge, exercised in the order of their seniority.

The PJ convenes and presides over judges' meetings; is the representative of the court in its dealings with court-related offices, such as adult and juvenile probation, the clerk of courts, prothonotary, register of wills, as well as the county commissioners, who maintain the court's workplace. He or she, in addition to supervising his or her own staff of about four or five, as all judges do, sometimes acts as a court of last resort when court-related employees appeal sanctions, including termination, imposed by department heads for disciplinary infractions. And also they are available to address unexpected issues that cannot be put off until the next judges' meeting. On a positive note, there is the pleasure of presiding at court-related ceremonies, and, at times, offering a sympathetic ear to all comers seeking advice. On its best days it's an avuncular assignment; on its worst, it's ... well, that's better left unsaid. ■



Portraits of Westmoreland County's Past President Judges were unveiled at the Quarterly Meeting held on January 26, 2017.

The Ever-Present Diane *continued from page 1*

the communities. Any woman possessed of that kind of skill with a hammer is formidable indeed.

For Diane, the most rewarding aspect of her job has been both dealing with lawyers professionally and the personal relationships she's built over the years. She relishes the opportunities to help attorneys do their jobs better and to work with the annually changing leadership of WBA, the clear majority of which have made her work days quite pleasurable.

As far as the future goes, Diane sees challenges arising from the fast-changing technologies available to the profession. With the advent of computerized legal research, the coming e-filings, and the proliferation of emails, faxes, video conferencing, and the like, she senses there will be less and less personal contact between colleagues as they

navigate the waters their clients have made oh-so-choppy. Such lack of contact potentially threatens the vitality of what has been

extraordinary collegiality among the members of the WBA over the last four decades. Diane takes it as one of her missions to minimize such effects in as many ways as possible.

Further, she sees effort necessary to keep today's younger lawyer's involved in bar activities like committee work. Too many, but not all, younger lawyers seem



*Diane Krivoniak
in 1989*

"She elevated our association into the very top echelon of Pennsylvania bar associations. During my six years on the PBA Board of Governors I always felt proud that she and our association were so highly respected across the state."

—Dan Joseph

"It's hard to believe that it has been 28 years since Diane took the reins and became the enduring and happy face of the WBA. I've worked with her in her many capacities involving the Bar Foundation, the Inns of Court, the Bench/Bar Committee and *the sidebar*.

Over those years, her enthusiasm and dedication to her work and to the members of the bar and bench has never waned or faltered, and for me, at least, she has made many a long meeting tolerable."

—Judge Dan Ackerman

to regard the law more as a business rather than a profession, and don't always feel the same compelling need to belong to the local bar association. These are challenges that, because of her years of experience, dedication, and work ethic she feels fully capable of managing.

"I see all these challenges on the horizon and I'm looking forward to facing them over the next several years," says Diane, who is clearly looking to the future with great enthusiasm.

Diane's family includes Dan, her husband of 33 years, who is the director of multi-unit accounts for Reinhart Food Services, and two daughters, Crista, 29, an Excelsa Home Health registered nurse, and Alexa, 25, a website coder/developer for Blue Like Neon, a

"Diane has been instrumental in maintaining a local Lawyers Assistance Committee within our Bar Association. Her creativity has been key to the selection of topics and speakers for our "IRV Talks" series. Without her, our committee would not have been successful in transforming our vision for our committee's CLEs into reality."

—Joyce Novotny-Prettiman

California-based digital agency. ■

"I was on the WBA Board when we interviewed candidates for Executive Director. Going in, there was a clear local favorite, but then the Search Committee began talking about this Diane Krivoniak and how impressive, nay, sensational, she was. They were right and she was hired. Now, thirty years later, we have a Bar Association that is the envy of the entire state, and while there have been some wonderful Presidents and hardworking Boards, our success is largely due to Diane. She has had a unique ability to constantly stay ahead of the curve and to keep her Boards and Officers forging new ideas into workable realities. Through President, after President, after President, some liberal, some conservative, some harder working than others, she has been able to maintain the momentum that made our Bar so successful and so helpful, friendly, and fun, for our members."

—Dick Galloway

Spotlight on Abby De Blassio

Q WHAT JOBS HAVE YOU HELD PRIOR TO BECOMING AN ATTORNEY?

A Exterior painting contractor, canvasser for NYPIRG (New York Public Interest Research Group), photographic lighting assistant, restaurant manager.

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

A As a young lawyer, drinking beer every Wednesday night at the Export Moose with Wes and Ernie Long and their pals, after our Wednesday evening office hours. Always a hoot, especially since I don't like beer and don't hunt. You gotta' do what you gotta' do.

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

A Honesty and a sense of humor.

Q WHERE DO YOU LIKE TO TRAVEL?

A France, and anywhere by the ocean. But my bucket list is long.

Q WHAT IS YOUR GREATEST REGRET?

A I have none. There is always something to be learned from every experience.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A The Dalai Lama. And my grandmother. Although she is gone, she remains my guiding light. She was a Russian immigrant who had escaped during the pogroms. She ended up at Ellis Island after being bounced around several countries for several years. She started with nothing and ended with nothing. But despite countless adversities, she was the strongest and most positive person I've ever known, and lived a life filled with love and joy.

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

A When you think you can't work any harder, work harder. And build your network. Even if it means drinking beer at the Moose. You gotta' do what you gotta' do.



continued on page 12




G

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Spotlight on Abby De Blassio

continued from page 11

Q WHAT IS THE BEST ADVICE YOU EVER GOT?

A To start my own law practice. Professional freedom is priceless.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Developing a law practice in which I have work/life balance.

Q WHEN AND WHERE WERE YOU HAPPIEST?

A Right here, right now. Having work/life balance gives me the opportunity to help my daughter become the best possible version of herself, which brings me great joy.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A My grandmother's antique mahogany bedroom set and matching card table. There were a lot of gin rummy games won and lost at that table.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Arrogance and dishonesty.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A Sorceress.

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A My snakeskin platform Jimmy Choos.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A They are trustworthy, loyal, and brave.

Q DO YOU HAVE ANY PETS?

A I have two furry children. A Golden Retriever and a Papillon mix. A house is not a home without bouncy, happy, cuddly dogs.

Q WHAT DO YOU DO FOR FUN?

A The simple things in life. Taking long walks on country roads with my Golden Retriever, spending time with my daughter and friends.

Q WHAT PROFESSION, OTHER THAN YOUR OWN, WOULD YOU MOST LIKE TO ATTEMPT?

A National Geographic travel photographer.

Q WHAT IS YOUR MOTTO?

A Always remember to be grateful. Every day. ■

Bench/Bar Will Be A Blast

continued from page 3

favorites: fried baloney sandwiches, Pop-Tarts, Instant Breakfast, and How to Avoid Malpractice and Disciplinary Actions (a/k/a Don't Do Anything Stupid or Illegal). ■

Can't stay overnight? Sign up for the day package. On Thursday, enjoy lunch, 2.5 hours of CLE, vendor exhibits, a networking reception, a dinner buffet, and hospitality suite for \$100. On Friday, join us for a breakfast buffet and 2 hours of CLE for \$50.



The Bench/Bar Conference remains the premier event to network and socialize with colleagues and members of the judiciary. Don't miss this extraordinary opportunity! Register today!

THURSDAY JUNE 15 CLEs

Part One: **Update on Legal Marijuana in Pennsylvania** with Attorney Patrick Nightingale, Executive Director of NORML.

Part Two: **The Whiskey Rebellion: Law, Whiskey and Insurrection on the Western Frontier** with Attorneys Alex Grelli and Mark Meyer. Whiskey tasting will accompany this CLE.

FRIDAY JUNE 16 CLEs

Malpractice Avoidance CLE
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MARCH 2017 TRIAL TERM

Of the thirteen cases listed for the March 2017 Civil Jury Trial Term, two settled, eight were continued, one was resolved as a Non-Jury Trial, and one was transferred to arbitration, with one jury trial being held during the Civil Jury Trial Term.

STEPHEN H. SENSENICH AND DEBBIE SENSENICH, HIS WIFE
V.

EHAB F. MORCOS, M.D.; WESTMORELAND COUNTY CARDIOLOGY, INC.; WESTMORELAND REGIONAL HOSPITAL; EXCELA HEALTH
NO. 736 OF 2013

Cause of Action: Medical Malpractice—Informed Consent—Battery—Corporate Negligence and Civil Conspiracy

Plaintiff Stephen H. Sensenich became aware of allegations that surfaced in early 2011 that various patients at Westmoreland Regional Hospital, Excelsa Health, who were seen by Defendant Dr. Morcos

JURY TRIAL VERDICTS



BY BETH ORBISON, ESQ.,
EMILY SHAFFER, ESQ.,
AND LEEANN PRUSS, ESQ.

through Defendant Westmoreland County Cardiology, Inc., may have received medically unnecessary cardiac stents.

As a result of this case and other similar cases filed in Westmoreland County, this litigation became known as the “Cardiac Stent Litigation.”

Plaintiff alleged that out of the seven cardiac stents he received in 2008, the last five cardiac stents were not medically necessary. Accordingly,

Plaintiff and his wife sought monetary damages from Defendants and requested a verdict in their favor.

Defendants denied that any medically unnecessary stent procedures were performed and that the seven stents the Plaintiff received were medically necessary. Therefore, all Defendants requested a verdict in their favor and against Plaintiffs.

Trial Dates: March 6–17, 2017

Plaintiff’s Counsel: Victor H. Pribanic, Pribanic & Pribanic, Pgh.

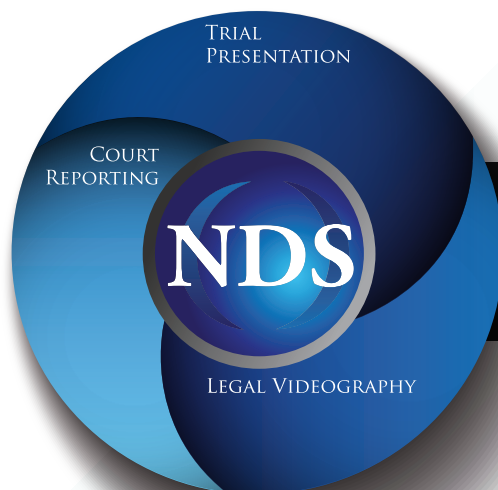
Defendants’ Counsel: Daniel Carroll, Davies, McFarland & Carroll (for Dr. Morcos); Lynn E. Bell, Davies McFarland & Carroll (for WCC); David R. Johnson, Thomson, Rhodes & Cowie, P.C. (for Westmoreland Regional Hospital, Excelsa Health), Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: After a ten-day jury trial, the jury returned a unanimous verdict in favor of all of Defendants and against Plaintiff. ■

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New Members Presented to Bench, Bar at Annual Ceremony



New members of the WBA were presented to the bench and bar on March 23, 2017. From left to right: Matthew M. Herron, Christopher J. Marsili, Jennifer L. DeFlicht, Del P. Nolfi III, John Paul Jones, Kristy Rizzo, Christina M. Dubosky, Renee Williams, Patti C. Lerda, April Schachtner, and Nicole M. Pardus.

On Thursday, March 23, 2017, the Westmoreland Bar Association presented its new members to the court. Following a welcoming address by WBA President John M. Noble, and an invocation by the The Hon. Harry F. Smail, Jr., each admittee was introduced to the court by a member of the association.

The new members presented to the court were: Jennifer L. DeFlicht, presented by The Hon. Christopher A. Feliciani; Christina M. Dubosky, presented by Brian P. Cavanaugh; Matthew M. Herron, presented by Vincent J. Quatrini, Jr.; John Paul Jones, presented by James M. Fox; Patti C. Lerda, presented by John M. Noble; Christopher J. Marsili, presented by The Hon. Anthony G. Marsili; Del P. Nolfi III, presented by Philip N. Shelapinsky; Nicole M. Pardus, presented by Adam J. Long; Kristy Rizzo, presented by Kenneth Ficerai; April Schachtner, presented by The Hon. Scott Mears; and Renee Williams, presented by Kathleen N. Kemp.

Following the presentation to the court, Zachary J. Kansler and John M. Hauser III greeted the new members on behalf of the Young Lawyers Committee and the Ned J. Nakles American Inn of Court, respectively. President Judge Richard E. McCormick, Jr., then spoke on behalf of the court. A reception for the new admittees was held

at The Rialto in Greensburg immediately following the ceremony. ■

Learn a little more about the newest members of the WBA. See "New Member Sketches" on page 22.

résumés wanted!

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To-Wit: Table Stakes

by S. Sponte, Esq.

When the moving crew came to haul my library table out of my office, I could not bear to stay. Though it was still early in the morning, I felt this desperate need of an assistive libation and thus bid a hasty retreat for the nearest decaf grande cappuccino I could find.

As my years of practice draw to a close, and having no room for that magnificent mahogany table anywhere else, I had to let it go. Disposing of my desks and chairs and computers and credenzas and filing cabinets, that's been easy; they were tools, nothing more, dispassionate things utilized dispassionately. But I'd owned that gorgeous table for better than forty-five years and more than any other professional possession it has been for me an exemplification of the highest standards of lawyering, a kind of *ideal fixe* if you will, and I loved it.

It was already quite old when I found it in a used furniture store the first year of my own practice. Though its varnish was all black and it was covered with yellow paint spots, I recognized it for what it was, an

original Empire piece probably already 150 years old.

"You know this is an antique," I told the store owner.

He bit down hard on his half-smoked cigar and replied, "I don't sell antiques, kid, I sell used furniture."

"It stood for something, that table. It called upon me to do the best I could, to assimilate its qualities of elegance, dignity, and steadfastness into my professional conduct."

I paid \$100 for it and had it refinished, and since then it has always stood in the middle of my library/conference room, elegant, dignified and steadfast no matter what kind of tumult and chaos was happening around it.

Though it has been purchased by an esteemed colleague who has promised me upon threat of dismemberment that he will treat it with the dignity and respect it both commands and

deserves, its departure still leaves me with a considerable hole in my heart; there is nothing that can replace it.

It stood for something, that table. It called upon me to do the best I could, to assimilate its qualities of elegance, dignity, and steadfastness into my professional conduct. Though for that I strove, there is, I'm obliged to report, an endless coterie of colleagues who can bear true witness to those occasions when my path may have veered somewhat off course.

Elegance—It was a grand lawsuit, testing whether this nation or any nation, so conceived and so dedicated, could long endure naked women dancing before men and beer. During an interview in my conference room, a reporter asked about my client's defense against the municipality's attempt to curtail such depraved unsheathings. I launched into a comprehensive analysis of both the applicable constitutional law and opposing counsel's inability to comprehend it.

Succumbing to the passion of a First Amendment rumpus, I referred to opposing counsel as a bozo, and succumbing to his readership's preference for think over thought, that's the only part of the interview he printed. I felt bad and thereafter wrote my colleague a letter of apology with the hope that it was sufficiently elegant to atone for my inappropriate veracity.

Dignified—"Hitler didn't do a good enough job," my elderly, irate, and soon-to-be ex-client screamed at me across the table. As part of my representation, he had demanded I do something clearly unethical, and when I refused, that's how he responded. Oh sure, I could have flung my ACLU

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To-Wit: Table Stakes *continued from page 15*

paperweight at him but that would not have been dignified; ironic, but not dignified.

Fortunately, he did not live much longer, and as I had silently promised both him and me, I went to his grave and performed upon it a common bathroom function. Dignified? Maybe not in theory, but in practice it felt stately as hell.

Steadfast—At a meeting in my conference room during my representation of the guardian whose appointment was now being challenged by other relatives, she confessed to me that she had as accused actually pilfered many thousands of dollars from the estate of her incompetent brother. “This is confidential, right?” she queried with a wry smile, knowing full well that it was.

I was stunned into disbelief. I had trusted her completely because she seemed sincere. She also wore a shawl. Who lies in a shawl?

As her lawyer, I was obliged to remain steadfast to her cause or otherwise to withdraw. But either might have left the thievery undone, now, wouldn't it? So instead, I engaged in a kind of hybrid steadfastness. I

withdrew from representation but I also informed opposing counsel of everything needed to remove and surcharge her.

Not steadfast you say? Well, maybe not to that lady but maybe to the lady holding up the scales. In any event I have no regrets.

I went back to the office after the movers had left and slumped down against the wall in my empty conference room to start my mourning. Always being the

right kind of lawyer is not as easy as owning the right kind of table, but the amalgamation presented me with a glorious challenge for many years. Now it's someone else's icon and with any sensitivity to its message he will be the better lawyer for it. I know I was.

Its place has been taken by a card table. It's not very steady on its legs but then again, neither am I anymore. Were that not the case, I would never have let that table go.

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BRIEFLY SPEAKING



The Hon. John E. Blahovec was preented with the PGAA Alumnus of Distinction Award by the Pitt-Greensburg Alumni Association at its annual Alumni Celebration Dinner in October. The PGAA Alumnus of

Distinction Award acknowledges excellence among alumni of Pitt-Greensburg. Candidates are evaluated on the basis of their outstanding level of professional achievement, service to the community, service to the University of Pittsburgh, special recognition or honors, and any other special efforts or success. Judge Blahovec attended Pitt-Greensburg for two years before transferring to the University of Pittsburgh where he graduated *magna cum laude* in 1973. ■



David S. Pollock, founding partner of downtown Pittsburgh law firm Pollock Beggs Komar Glasser & Vertz LLC, received the Eric Turner Memorial Award from the Pennsylvania Bar Association Family Law

Section during the PBA Family Law Section Winter Meeting in January. The Eric Turner Memorial Award honors a lawyer who is dedicated to the practice of family law and who serves as a mentor and teacher to fellow lawyers. ■



Gino F. Peluso (center) has received the Dr. John E. Murray, Jr. Meritorious Service Award from the Duquesne University School of Law. Duquesne University's 11th president from 1988 through 2001, Dr. Murray brought a tradition of service to Duquesne and led the University during a period of sustained growth and progress.

The award was especially significant for Gino because he served as a member of the School of Law's Advisory Board when it was under the leadership of Dr. Murray.

A practicing attorney for more than 35 years, including nine years as a prosecutor in the Westmoreland County District Attorney's office, Gino is the first WBA member to be elected and serve as President of the Duquesne Law Alumni Association. He presently serves as President of the Saint Vincent Law Society, where he has the distinction of being the organization's longest tenured President.

Also shown are Duquesne Law School Dean Maureen Lally Green and Duquesne University President Kenneth G. Gormley. ■

on the move

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Abraham Lincoln

Westmoreland Revisited

Westmoreland's First Governor

by The Hon. Daniel J. Ackerman

Declaring themselves no longer the subjects of a British colony, Pennsylvanians created their first constitution in 1776, designating the Supreme Executive Council as the executive branch of their government.



The Hon. Daniel J. Ackerman

It followed, therefore, that the president of the council, chosen annually by its members, was the commonwealth's chief executive. The council existed for fourteen years, during which time eleven men served as president, the most prominent

being John Dickinson, Benjamin Franklin, and Thomas Mifflin.

The constitution of 1790 created the office of governor, and Thomas Mifflin, the last president of the council, was the first to be elected by the citizens of the commonwealth to the office. To date, there have been 46 governors, but it was 58 years before one was chosen from western Pennsylvania, a distinction which went to a Westmoreland County lawyer, whose name has likely slipped your mind.

Driving to Ligonier on Route 30, you may have seen a handsome stone house on the right side of the highway near the Kingston dam on the Loyalhanna. Known as the Kingston House it was erected in 1815, followed by an 1830 addition. While there is an adjacent roadside historical marker, it is unlikely that anyone other than out-of-state history buffs have stopped to read it.

The structure was built by a Scotch-Irish couple, Alexander Johnston and Elizabeth Freame Johnston, his wife.¹ It is their third son, William, born in Greensburg on November 29, 1808, who is the subject of this article.

EARLY LIFE

The family in which William Freame Johnston was raised is of interest in its own right. His parents raised eight sons and two daughters. William's two older brothers were educated at West Point and were commissioned officers in the army; two other brothers saw army service during the Mexican War, in which the youngest, Richard, was killed in action.

¹ It now houses a museum, The Lincoln Highway Experience.

William's father had prospered in the mercantile business in Pittsburgh, purchased a large tract of land on Chestnut Ridge in Unity, Derry and Ligonier townships, and erected and operated an iron forge and rolling mill at Kingston. With a fall in the price of iron, Alexander Johnston rented out the iron works and took advantage of the home's location on the turnpike by converting it into a tavern and inn.

But it was Alexander's public life which would rub off on his son, William, who observed his father as an active politician. From 1807 through 1836, the father served—by both appointment and election—as the county's sheriff, justice of the peace, treasurer, register, and recorder, in a life which would span a century.

EDUCATION MATTERS

Greensburg, and for that matter, the county of William Johnston's youth, was still, by almost any standard, a frontier backwater. There were no public schools, nor would there be until the implementation of the Free Public School Act of 1834. Education was the province of parents or older siblings, unless there was enough money—which, for most, there usually wasn't—to pay for attendance at a private school.

The Johnstons, however, were affluent enough to enroll William at the Greensburg Academy. Incorporated in 1810 with a donation of \$2,000 from the state, the school was housed in a two-story, six-room brick structure, built on the hill north of town. Girls took their lessons on the second floor, the boys on the first, and the segregation of their activities was steadfastly

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Westmoreland's First Governor *continued from page 17*

enforced. They were given what was considered a typical “English” education: mathematics, classical literature, French, and the “dead” languages.

Neither a college degree nor graduation from a law school were then prerequisites to becoming a lawyer. So young Johnston followed the path chosen by most aspiring attorneys throughout the 19th century, and, even for a few into the early decades of the 20th—reading the law and learning the fine points of practice in the law office of a preceptor, who in his case was Major John B. Alexander.

During the 1829 May term of court, his preceptor made a motion to the common pleas court for the admission of his 21-year-old student to the Westmoreland bar. The record shows that Johnston at that time had already been admitted to the bar in Armstrong County, established in 1800 from portions of several surrounding counties, including Westmoreland. Two others were presented to the court for admission that day: James Nichols and George Shaw.

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ENTERING THE POLITICAL ARENA

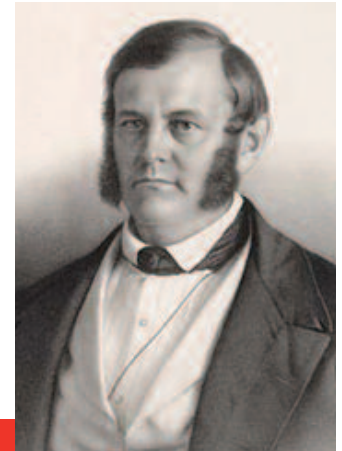
Johnston either saw, or anticipated, a political opportunity and established his practice in Kittanning; for before the year was out, the attorney general of the commonwealth appointed him district attorney for Armstrong County, a position he held until the end of Governor George Wolf's term in 1835.²

In April of 1832, he married Mary Monteith, a union which brought them five sons and two daughters. Never missing an opportunity, during the same year that his commission as district attorney ended, Johnston ran for and was elected to the Pennsylvania General Assembly as a Democrat, followed later by re-election in 1838 and 1841.

The financial panic of 1837, exacerbated by President Andrew Jackson's “war” on the Bank of the United States, brought about a plunge in investment. Shares on the Philadelphia stock market fell from 65 million in 1838 to 3.5 million in 1841, leaving the Commonwealth of Pennsylvania with a \$40 million deficit (\$129 million in today's currency). Though a member of the minority party, Johnston was successful in drafting legislation which became law providing temporary debt assistance through the issuing of relief notes guaranteed by the commonwealth, earning him a reputation for skill and ability in the area of finance.

With his political stock rising he felt secure enough to disagree with his own Democratic Party, and in 1846 he abruptly joined the Whig Party in opposition to Democratic support for the Walker Tariff, promoted by Robert Walker, President's Polk's treasury secretary. The tariff, enacted by Congress the next year, lowered tax rates on imported goods, a decrease generally opposed in manufacturing states such as Pennsylvania.

Switching party affiliation had no adverse effect on Johnston, for in 1847 he was elected, as a Whig, to a seat in the Pennsylvania Senate representing the counties of Armstrong, Clearfield, Indiana, and Cambria. The new senator supported the “Ten Hour Labor Act” and the passage of the feme sole trader extension, which allowed married women to carry on business on their own account, independently of their husbands. Soon thereafter, his colleagues in the upper chamber elevated him to the



William Freame Johnston, 1850, Pennsylvania's 11th governor, and the first to hail from Westmoreland County.

² District attorneys were not elected officials in Pennsylvania until 1850.

position of Speaker of the Senate, an office which was first in the order of succession to the governor's chair if it became vacant due to death or disability³, which is exactly what happened. Governor Francis R. Shunk contracted tuberculosis, preventing him from completing his second term; he resigned July 9, 1848, and died eleven days later.

An issue of constitutional dimensions then arose as to whether Speaker Johnston, who was heir to the governorship, could serve until the end of Governor Shunk's unfulfilled term—more than a year away—or only until the next election day in October.

Avoiding criticism, Governor Johnston opted for the latter, and defeated his Democratic opponent, Morris Longstreth, by a mere 297 votes—the closest margin ever recorded in a gubernatorial election.

GOVERNOR JOHNSTON

William Johnston's term as the commonwealth's eleventh governor showed a continuation of his sound financial policies, including the creation of the state's first sinking fund to pay off its debt. He proved to be a strong supporter of business and industry and in particular, ongoing railroad and canal construction projects. But his most lasting achievement was one of historic preservation.

Prior to his administration, there had been no systematic effort to gather and preserve the priceless records of colonial Pennsylvania, including the Pennsylvania Charter from William Penn; documents were haphazardly tucked away in nooks and crannies across the state, sometimes under conditions threatening loss or destruction.

In 1851, he recommended the collection, arrangement, editing, and printing of these records by the state. Legislation to that effect followed, and the daunting task of preservation fell to Samuel Hazard, whose work, *Colonial Records*, filled twenty-eight volumes.

³ The office of lieutenant governor did not exist prior to 1875.

The project continued on for 70 years, resulting in the published holdings of the *Pennsylvania State Archives*. Few government-sponsored programs have provided such a lasting benefit.

THE CHRISTIANA RIOT

By 1851, Governor Johnston had joined the "Free-soil" faction of the Whig Party, which opposed the extension of slavery into the western territories, as well as the institution of slavery itself. Since 1793, slaveholders had the right under a federal statute

to recover escaped slaves, a right which irritated northern abolitionists and some northern legislators who did their best to hinder the enforcement of the federal law. A Pennsylvania statute in 1847, for example, banned the use of state jails for the holding of runaway slaves.

As those fleeing bondage—often with the help of the abolitionists—became more numerous, the national government enacted the Fugitive Slave Act of 1850, making the aiding of

continued on page 20

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Westmoreland's First Governor *continued from page 19*

fugitive slaves a crime punishable by a six-month jail sentence and a \$1,000 fine.

In 1851, consistent with his principles, Johnston spoke out against the Fugitive Slave Act and refused to sign a bill presented to him by the legislature, which would have repealed the state's 1847 statute. There was, however, a price to be paid for his principled stance, occasioned by the Christiana Riot on September 11, 1851.

On the night of November 6, 1849, or in the early hours of the following morning, four young men—Noah Buley, Nelson Ford, George Hammond, and Joshua Hammond—slipped away from the man, who, in the eyes of the law, owned them. Shortly, they would cross the Mason-Dixon Line where it separates the state of Maryland from Lancaster County, Pa.—a central hub on the Underground Railroad—known as one of the easiest places in the nation for runaways to cross from slavery to freedom.

The discovery of their absence by their owner, Edward Gorsuch of Baltimore County, Md., a prosperous wheat farmer, undoubtedly sparked anger, shock, and disbelief. In his mind, he had treated them well, and even had made arrangements to free all his slaves as each attained the age of twenty-eight. But, like all young men, they were impatient.

Twenty-two months later, Edward Gorsuch received a letter tipping him off that the escaped slaves were



The boyhood home of William Freame Johnston, Governor of Pennsylvania, is located on Route 30 East just past Latrobe. It is now home to a museum, The Lincoln Highway Experience.



living in Lancaster County. Further investigation led Gorsuch to believe that at least two of his departed slaves were housed on the farm of William Parker near the town of Christiana, 20 miles southeast of the city of Lancaster. Parker himself had fled from bondage thirteen years earlier, and was believed to head a group formed to protect African-Americans—both fugitives and freemen—from slave catchers.

Having obtained federal warrants, and accompanied by a federal deputy marshal and several other men, Gorsuch and his son, Dickenson, arrived at the Parker farm on the morning of September 11, 1851. Word of their coming preceded them, and a large group of armed men and women surrounded Gorsuch's party demanding that they leave.

Demands and counter-demands evolved into violence, shots were exchanged with casualties inflicted on both sides, and Edward Gorsuch was killed. Parker's household and Gorsuch's former slaves fled and eventually made their way to Canada. As for the others at the scene, 38 men were soon indicted for treason.

Even in a state which, in 1780, passed legislation for the gradual

emancipation of slaves, the riot enraged a substantial portion of the public, and in some instances sparked reprisals against blacks. Johnston, who had boldly spoken out against the Fugitive Slave Act, lost his bid for re-election that fall to William Bigler, a Democrat, by less than two percent of the vote.⁴

POST-GUBERNATORIAL LIFE

The years which followed Johnston's governorship were filled with both business and political interests. The 1856 presidential election was a tangle which almost defies description. The country's second largest party at the time, the American Party—dubbed the Know-Nothings, and recognized for its vehement opposition to Catholics and the foreign-born—

⁴ On November 24, Castner Hanway, a white miller from Christiana, who was accused as one of the instigators of the riot, was brought to trial in Independence Hall in Philadelphia. During his eighteen-day trial he was represented by the fiery Lancaster lawyer and Pennsylvania Congressman, Thaddeus Stevens, whose fee was underwritten by those in the abolitionist movement. The jury returned a verdict of not guilty after a quarter hour of deliberation, and the government thereafter abandoned its prosecution of the remaining defendants, fueling further public dismay and agitation.

got news?

Do you have news to share with the sidebar? Making Partner? Engagement? Marriage? Birth? Moving? Retiring? Anniversary? Milestones? Awards? Community Involvement? Accomplishments? Email westbar.org@westbar.org and we'll publish your news in the next available issue.

nominated former president Millard Fillmore and adopted a proslavery platform. The latter caused its northern adherents to bolt and form the North American Party which, in convention, nominated John C. Fremont with William F. Johnston as his running mate. Weeks later, the Republicans also nominated Fremont, and Johnston withdrew from the North American Party ticket. This all led to the election of the Democrat, James Buchanan.

At different periods, Johnston involved himself in the manufacture of iron—as his father before him—mining salt, the production of oil from bituminous shale, and refining petroleum. He was president of the Allegheny Valley Railroad when it constructed a line from Pittsburgh to Kittanning. When the Civil War broke out, he was active in organizing troops as chairman of the Executive Committee of Public Safety, which oversaw the construction of the defenses at Pittsburgh. During the war, he was also responsible for the transport of ammunition to Union forces in West Virginia. After the war, President Andrew Johnson appointed him Collector for the Port of Philadelphia, a position in which he served for several months. The President, however, was having his own problems with Congress, and found that he lacked the votes needed for Johnston's confirmation. Johnston's last political card was played in an unsuccessful race for a U.S. Senate seat.

Out of public life, he returned to the practice of law in Philadelphia before retiring in Kittanning. William Freame Johnston died at age 63 in Pittsburgh on October 25, 1872. He was buried in the Allegheny Cemetery and his name is commemorated by the Johnston Commons at Penn State University.

The title used in this article suggests that there was more than one governor from Westmoreland County. And, there was one other—John White Geary, a two-term Republican, who served from 1867 to 1873 (See “The Travail of John W. Geary,” *the sidebar*, April 2010, p. 13). ■

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where in the world IS THE WBA MEMBER?



WBA member Shane Sarver visited Esperanza on the island of Vieques, Puerto Rico, this past December. “The island sits southeast of the main island,” he says. “We stayed in Esperanza for two nights and spent three nights in Old San Juan. I traveled with Dana Vandever and another couple (Thomas Sengewalt and Shayna Adamovich). While in Puerto Rico, we kayaked the Bioluminescent Bay (on Vieques Island), spent a day at La Chiva Beach (also on Vieques), hiked through the El Yunque National Rainforest, and toured Old San Juan.”

VIEQUES, PUERTO RICO



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New Member Sketches

JILL A. DEVINE has been admitted as a participating member of the WBA. She earned her undergraduate and juris doctor degrees from the University of Pittsburgh and is now a sole practitioner in Belle Vernon.

CHRISTINA M. DUBOSKY has joined the WBA as a participating member. Christina earned her undergraduate degree in Accounting from the University of Pittsburgh at Greensburg, and her juris doctor degree from Duquesne University School of Law. She is an associate with Stewart, McArdle, Sorice, Whalen, Farrell, Finoli & Cavanaugh in Greensburg.

JOHN PAUL JONES was admitted to the WBA as a participating member. He earned his bachelor degree from Carnegie Mellon University and his J.D. from the University of Pittsburgh. John is on staff at the Pennsylvania State Education Association's Southwest Region Office in Hunker.

PATTI COLLINS LERDA has been admitted as an associate member of the WBA. She earned her bachelor of science degree from Penn State University and her juris doctor degree from Duquesne University. A founding partner of Martin & Lerda in Pittsburgh, Patti is a certified veterans attorney.

MICHAEL MAZZELLA has joined the WBA as a participating member. Michael studied Mathematics and Sociology at Villanova University and

earned his juris doctor degree from the University of Pittsburgh. He is an associate with Kratzenberg, Lazzaro, Lawson and Vincent in Irwin.

AMANDA L. MULHEREN was admitted to the WBA as a participating member. She earned her undergraduate degree in Business from Point Park University and her J.D. from Duquesne University. Amanda is an associate with Kratzenberg, Lazzaro, Lawson and Vincent in Irwin.

DEL P. NOLFI III has been admitted as a participating member of the WBA. He earned his undergraduate degree in Accounting from Saint Vincent College and his J.D. from the University of Pittsburgh. Del is an associate with Richard F. Flickinger in Ligonier.

CHAD M. OSTROSKY has joined the WBA as a participating member. Chad earned his undergraduate degree in Business from Geneva College, and his juris doctor degree from the University of Pittsburgh School of Law. He is an associate with DeRiso, DeRiso and Suher in Pittsburgh.

NICOLE M. PARDUS was admitted to the WBA as a participating member. She earned her undergraduate degree in Philosophy from Slippery Rock University and her J.D. from the University of Pittsburgh. Nicole is an associate with Long & Long LLC in Greensburg.

BRYAN J. POLAS has been admitted as a participating member of

the WBA. He studied Political Science at Edinboro University and earned his juris doctor degree from the Appalachian School of Law. He is an associate with PC Law Associates in Pittsburgh.

REID B. ROBERTS has joined the WBA as an associate member. Reid earned his undergraduate and juris doctor degrees from the University of Pittsburgh. He is a shareholder and former managing partner of Strassburger McKenna Gutnick & Gefsky in Pittsburgh.

SHANNON D. SACCA has joined the WBA as a participating member. Shannon earned her undergraduate degree in Sociology from the University of Dayton, and her juris doctor degree from the University of Detroit Mercy. She is an associate with the Pittsburgh and Greensburg offices of Strassburger McKenna Gutnick & Gefsky.

BRIAN C. VERTZ was admitted to the WBA as an associate member. He earned his undergraduate degree from the University of Michigan and obtained his juris doctor and master in business administration from the University of Pittsburgh School of Law and the Joseph M. Katz Graduate School of Business, respectively. Brian is a partner with Pollock Begg Komar Glasser & Vertz LLC in Pittsburgh.

RACHEL M. YANTOS has rejoined the WBA as a participating member. She studied Business Management at Saint Vincent College and earned her juris doctor degree from the Dickinson School of Law. She is an associate with John M. Ranker & Associates in Greensburg.

SUSAN M. ZYDONIK has rejoined the WBA as a participating member. Susan studied Criminology and Sociology at Indiana University of Pennsylvania and earned her juris doctor degree from Duquesne University. She is now a sole practitioner in Greensburg. ■

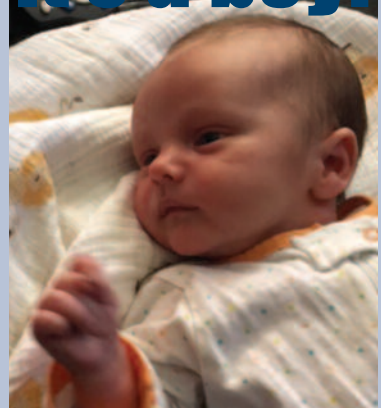


it's a boy!



Congratulations to Mike Stewart II and his wife, Samantha, who welcomed their son, James Innes, on December 18, 2016. Jamie weighed 5 lb 13 oz and was 19 in. long. Mike is an associate with Stewart, McArdle, Sorice, Whalen, Farrell, Finoli, & Cavanaugh, LLC, in Greensburg.

it's a boy!



Congratulations to Adam J. Long and his wife, Christen, who welcomed their son, Alexander Bradley, on January 11, 2017. Weighing 7 lb 11 oz and measuring 20.5 in. long, Alexander joins his big brother, Barrett, at home. Adam is an associate with Long & Long, LLC, in Greensburg.

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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 for more information about activities and CLE courses, or to **register online**.

APRIL

- 11** [CLE] Adventures In Medicare 2017, 3:30 to 5:30 p.m., 1.5 substantive credits available
- 13** [CLE] 2017 Personal Injury Update, Noon to 2:15 p.m., 2 substantive credits available
- 14** Courthouse closed in observance of Good Friday
- 18** Family Law Committee, Noon
Ned J. Nakles American Inn of Court, 5 p.m.
- 27** [CLE] Video Compliance Seminar, 9 a.m. to 3:45 p.m., 4 substantive and 2 ethics credits available

MAY

- 2** [CLE] Advanced Directives for the Health Care Act, Noon to 1:15 p.m., 1 substantive credit available
- 5** Battle of the Ages VIII: WBA Softball Spectacular, 4:30 p.m., Altman Field, Jeannette, Pa.
- 10** Real Estate Committee, Noon
- 16** Family Law Committee, Noon
- 25** 55th Annual Memorial Service of the Westmoreland Bar Association, 3 p.m., Westmoreland County Courthouse, Ceremonial Courtroom No. 3
- 29** Courthouse closed in observance of Memorial Day

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The second of the three "Civil War Amendments," the 14th Amendment may be the most important amendment added to the Constitution at any time since the Bill of Rights was ratified in 1791. Congress passed

the amendment specifically to prevent white southerners from using the powers of their state governments to effectively re-enslave recently liberated blacks by passing racially discriminatory laws.

As in years past, we are asking Westmoreland Bar Association members to volunteer for classroom visits in Westmoreland County schools during the month of May 2017. We will provide informative and engaging lesson plans and materials for classrooms from K-12.



To volunteer, register online at www.westbar.org/lawday, email westbar.org@westbar.org, or return the form below via fax (724-834-6855) or mail by **Monday, April 17, 2017**.



YES! SIGN ME UP FOR LAW DAY!

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Availability (weekdays in May) _____

2017 Personal Injury Update

— LIVE — 2 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion include:

- A review of significant case law developments.
- The growing role of technology in Personal Injury cases including black boxes, cell phones, social media and surveillance videos.
- Understanding and analyzing car insurance policies and coverages.
- Tips for handling the attorney-client relationship in Personal Injury cases.

Speaker:

Michael D. Ferguson, Esquire

Ferguson Law Associates



Two (2) Substantive Credits are available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register. OR submit the form below.

April 13, 2017

2017 Personal Injury Update

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To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm April 12, 2017.**

**Thursday,
April 13, 2017
12:00 pm - 2:00 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm April 12, 2017)

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Thursday

April 27, 2017

WBA Headquarters

9 am - 3:45 pm

Seminar Fees:

PRE-REGISTRATION:

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Session 1 — 2 Substantive Credits

9:00 am – 11:00 am (Video from 3/01/17)

How To Handle A DUI Case

A comprehensive overview of DUI representation from pre-arrest through sentencing.

Speakers:

Michael D. Ferguson, Esquire

Ferguson Law Associates

Timothy C. Andrews, Esquire

Former Prosecutor & 30 Years Experience in DUI

Session 3 — 2 Substantive Credits

12:30 pm - 2:30 pm (Video from 4/13/17)

2017 Personal Injury Update

- A review of significant case law developments.
- The growing role of technology in Personal Injury Cases including black boxes, cell phones, social media and surveillance videos.
- Understanding and analyzing car insurance policies and coverages.
- Tips for handling the attorney-client relationship in Personal Injury cases.

Speaker:

Michael D. Ferguson, Esquire

Ferguson Law Associates

Session 2— 1 Ethics Credit

11:15 am – 12:15 pm (Video from 6/10/16)

Whose File Is It Anyway?

Amy has focused her practice on professional liability claims, particularly with respect to lawyers, insurance agents and real estate professionals. She also counsels lawyers and professionals in Professional Responsibility and Professional Ethics matters, as well as representing lawyers in matters involving compliance with the Rules of Professional Conduct.

Speaker:

Amy J. Coco, Esquire

Session 4 — 1 Ethics Credit

2:45 pm - 3:45 pm (Video from 6/10/16)

PA Disciplinary Board Primer: Keep Calm & Follow the Rules

This CLE will review the purpose of the PA Disciplinary System, the application and enforcement of the PA Disciplinary rules, the forms of discipline and the resources available for Pennsylvania lawyers to ensure adherence to the rules. Review of recent “hot topic” disciplinary cases will also be discussed to illustrate the application and enforcement of discipline under the Pennsylvania Disciplinary Board.

Speakers:

Lawrence M. Kelly, Esquire & Angelea Mitas, Esquire

4 SUBSTANTIVE and 2 ETHICS Credits are available toward your annual CLE requirements.

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April 27, 2017 Video Compliance CLE

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Session 2 – 1 ethics credit

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Advanced Directives For The Health Care Act

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

This CLE provides an overview of the Advanced Directives for the Health Care Act and the 2016 amendments focusing on the Health Care Power of Attorney. As end-of-life decisions frequently are affected by a person's religious beliefs, there will be discussion of various considerations that may be of concern to the client. In addition to a review of the guidelines issued by the Pennsylvania Catholic Conference for living wills and health care powers of attorney, an overview of Islamic and Jewish approaches will also be identified.

Key Topics:

- Selected Provisions of Advanced Directives for Health Care Act.
- Drafting considerations of the relationship of language used in ethical or religious contexts to the language in the Act.
- The Lawyer's Checklist.

Speaker:

Sister Melanie Di Pietro

**Founder and Co-Director of the Seton Center for Religiously Affiliated Nonprofit Corporations*

One (1) Substantive Credit are available toward your annual CLE requirements.

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May 2, 2017

Advanced Directives For The Health Care Act

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- \$10 Flat Rate
 Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm May 1, 2017.**

**Tuesday,
May 2, 2017
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 1, 2017)

CLE Credit

WBA Members - \$30 per credit hr.
Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

Sponsored by:

- Westmoreland Bar Association
- St. Thomas More Society

WALK- IN:

CLE Credit

WBA Members - \$40 per credit hr.
Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

[Westmoreland Bar Association](http://www.westbar.org)

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at

724-834-6730, or

by email at westbar.org@westbar.org.

Mental Health Impacts on Children and Adults

— LIVE — 2 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

OPEN TO EVERYONE; including Caseworkers, Service Providers, Judges, CASA Volunteers, Attorneys, Caregivers, and others!

The “Mental Health Impacts on Children and Adults” training will cover several areas of focus around how mental health can have an impact on the families served through the Family Court Dependency and the Child Welfare systems. This panel style presentation, will include local experts in the area of mental health and will be facilitated by Meredith King, Senior Advocate Supervisor of CASA of Westmoreland. Participants will have an opportunity to ask the panelists questions regarding mental health, how this influences the families within child dependency process, and other related topics.

Panel:

- Child Trauma and Trauma Informed Care: Cindy King, MSSA, LCSW, LISW-S, King and Associates, Inc.
- Family Systems and Cognitive Behavioral Therapy: Dr. Paul Niemiec, LPC
- Mental Health Stigma: Laurie Barnett Levine, LSW.

Two (2) Substantive Credit are available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must “LOG IN” to register. OR submit the form below.

May 12, 2017

Mental Health Impacts on Children and Adults

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Enclosed is my check made payable to the Westmoreland Bar Association.

Bill my MasterCard VISA DISCOVER for \$ _____ (Amount).

Card # _____

Expiration Date _____ 3-digit code _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

- WBA Members - \$30 per credit hour (\$60)
- Non-Members - \$50 per credit hour (\$100)

Non-Credit:

- \$10 Flat Rate
- Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm May 11, 2017.**

**Friday,
May 12, 2017
11:30 am - 1:30 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 11, 2017)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

Sponsored by:

- CASA of Westmoreland, Inc.
- Westmoreland Bar Association

WALK-IN:

CLE Credit

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided by:
CASA of Westmoreland, Inc.

Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at

724-834-6730, or

by email at westbar.org@westbar.org.

How To Secure, Review and Use Medical Records

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Procuring and using medical records.

1. Use of the appropriate authorizations.
2. Reviewing medical records and electronic charts for the following:
 - The appropriate doctor.
 - The flow of the orders, labs and documentation.
 - The use of macros by the doctor.
 - The audit trail.
 - Reports in the electronic records.
 - How to organize records.
 - Follow-up with request to ensure that records were sent.
3. Request for Hospital Policies and Procedures

Speakers:

•**Daniel Joseph, Esquire**

Attorney at Law

•**Denise Hooks**

R.N., L.N.C

One (1) Substantive Credits are available toward your annual CLE requirements.

You may pre-register for this seminar by visiting the westbar.org website. You must "LOG IN" to register.

OR submit the form below.

May 24, 2017

How To Secure, Review and Use Medical Records

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Enclosed is my check made payable to the Westmoreland Bar Association.

Bill my MasterCard VISA DISCOVER for \$ _____ (Amount).

Card # _____

Expiration Date _____ 3-digit code _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour

Non-Members - \$50 per credit hour

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm May 23, 2017.**

**Wednesday,
May 24, 2017
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 23, 2017)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

WALK- IN:

CLE Credit

WBA Members - \$40 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

[Westmoreland Bar Association](http://www.westbar.org)

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

For refund policy information, or if special arrangements are needed for the disabled, please contact the WBA Office at

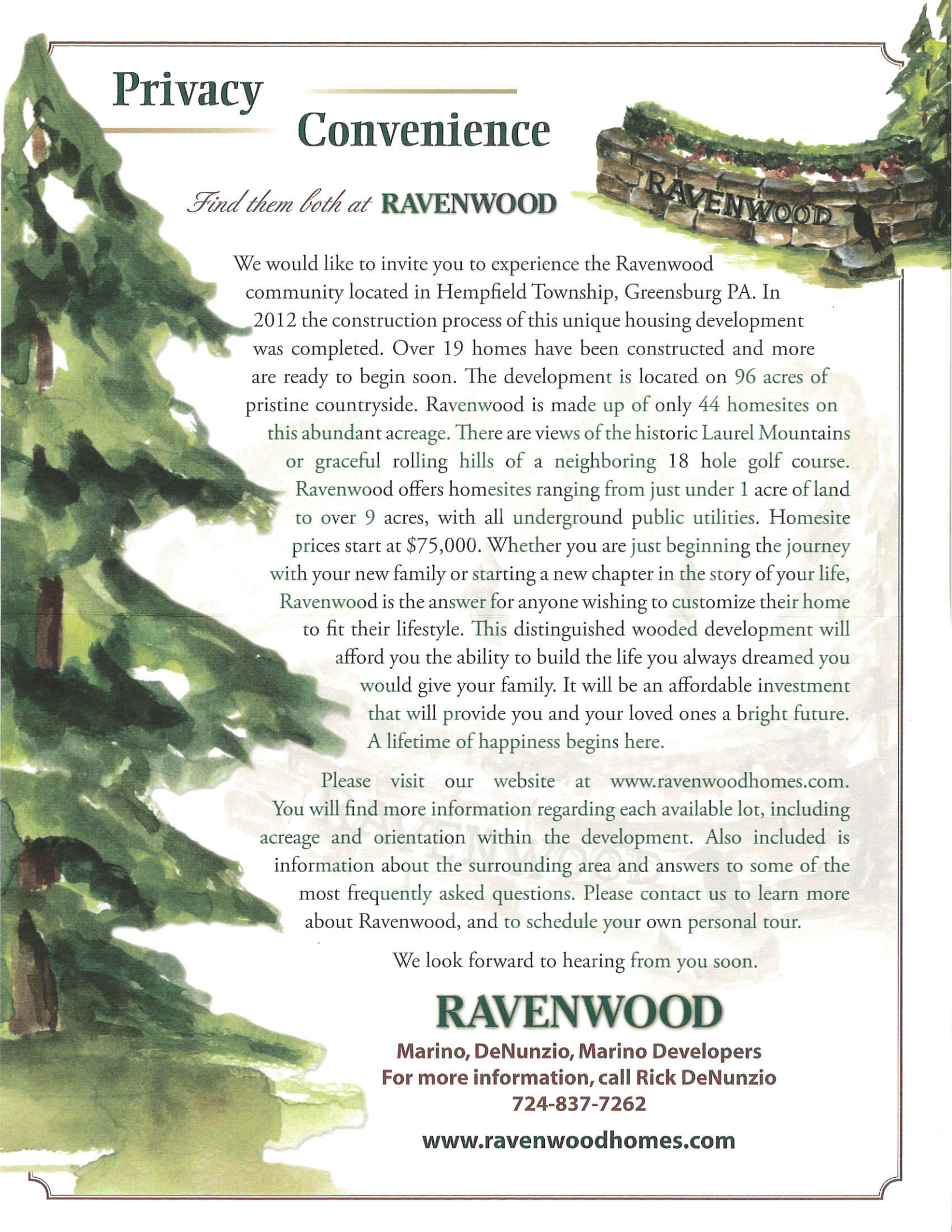
724-834-6730, or

by email at westbar.org@westbar.org.

Privacy

Convenience

Find them both at **RAVENWOOD**



We would like to invite you to experience the Ravenwood community located in Hempfield Township, Greensburg PA. In 2012 the construction process of this unique housing development was completed. Over 19 homes have been constructed and more are ready to begin soon. The development is located on 96 acres of pristine countryside. Ravenwood is made up of only 44 homesites on this abundant acreage. There are views of the historic Laurel Mountains or graceful rolling hills of a neighboring 18 hole golf course. Ravenwood offers homesites ranging from just under 1 acre of land to over 9 acres, with all underground public utilities. Homesite prices start at \$75,000. Whether you are just beginning the journey with your new family or starting a new chapter in the story of your life, Ravenwood is the answer for anyone wishing to customize their home to fit their lifestyle. This distinguished wooded development will afford you the ability to build the life you always dreamed you would give your family. It will be an affordable investment that will provide you and your loved ones a bright future. A lifetime of happiness begins here.

Please visit our website at www.ravenwoodhomes.com. You will find more information regarding each available lot, including acreage and orientation within the development. Also included is information about the surrounding area and answers to some of the most frequently asked questions. Please contact us to learn more about Ravenwood, and to schedule your own personal tour.

We look forward to hearing from you soon.

RAVENWOOD

Marino, DeNunzio, Marino Developers
For more information, call Rick DeNunzio
724-837-7262

www.ravenwoodhomes.com

