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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
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The Retirement of Paul Kuntz

Reflections on a Stellar Career

by Pamela Ferguson, Esq.

In the foreword to her 1960 book, “You Learn by Living,” Eleanor Roosevelt said, “One’s philosophy is not best expressed in words; it is expressed in the choices one makes.” The career choices Westmoreland



▲ Paul Kuntz

County Court Administrator Paul Kuntz made in his life: joining the Navy at the age of seventeen; attending the Naval Academy at the young age of nineteen; serving as an exchange officer to the Swedish Navy for two years after serving six years as a United States Naval Officer; obtaining a JD, an MBA in Human Resource Management, and an associate degree in business computer programming; clerking for a federal judge; consulting for the City of Pittsburgh Public Safety Department; and becoming Westmoreland County’s Court Administrator in 1987, demonstrate his philosophy quite clearly: work hard, serve others, and respect one’s self and others.

During the twenty-seven years that Paul served as our court administrator, he did just that, and now that his retirement date has passed, he can be confident in the knowledge that he attained astonishing success. The

eight members of our bench who hired Paul in 1987—President Judge Gilfert Mihalich, Judges Daniel Ackerman, Charles Loughran, Donetta Ambrose, Bernard Scherer, Charles Marker, John Blahovec, and Gary Caruso—expected nothing less.

“We were impressed by the fact that Paul was both a lawyer and graduate of the U.S. Naval Academy (suggesting that he was both disciplined and methodical),” Judge Ackerman said, “and that in his naval service he was assigned as a liaison officer to the Swedish Navy. Perhaps we felt that if he could deal with foreign naval officers he would have the patience to work with judges.”

Judge Blahovec identified Paul’s naval and IT experience as the factors that “made him stand out from all the other applicants for the court administrator position.”

There was no doubt in President Judge Mihalich’s mind that Paul was the man for the job. “As the first elected president judge in our judicial district,” Judge Mihalich said, “I was determined to employ the best court administrator in our Commonwealth. This goal was achieved when Paul Kuntz became our court administrator.

His judicial administrative abilities will be greatly missed.”

Paul’s work experiences proved to be particularly important to our court, as he was hired at a time when court administration in Pennsylvania was moving toward a more unified judicial system under the newly created AOPC. With courts assuming more control over their own calendar and caseload, and computerization of case management looming on the horizon, it was necessary for Westmoreland County’s third court administrator to possess leadership, management, and information technology skills. Paul possessed all three.

“Paul led us beyond our parochial past and into a place where innovative court management was tried and accepted.”

Because of his IT skills, he became the first court employee to use word processing and databases, and he spent his first few years working closely with the Judicial Information Department to implement computerization in court scheduling and other court functions. “Paul led us beyond our parochial past,” Judge Ackerman explained, “and into a place where innovative court management was tried and accepted, such as the implementation of individual judicial calendars where one judge presided over the entire

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President's Message

The Importance of Tradition

by Joseph W. Lazzaro, Esq.

Many of us recently enjoyed some time off for the Christmas holiday. The Christmas time of year is one rich in tradition. Whether decorating trees, exchanging gifts, pausing in prayer, or moments of great charity, these traditions—and many others—help to keep the Christmas spirit alive.

I'm a believer in tradition.

I stand tall when my clients



open their Board or Council meetings with the "Pledge of Allegiance." My heart pumps harder when the National Anthem starts prior to the Super Bowl kickoff. Watching my kids at last Thanksgiving's dinner table, I knew

they were feeling that same connection to aunts, uncles, cousins, grandparents, and those relatives who preceded us, which I felt as a child during our extended-family meals.

We do not live in a vacuum. Rather, this exact moment in time is connected to all other moments of time. My traditions connect me to that larger web of life that helps to guide me and give meaning to what I do and who I am.

So too, *and so true*, for our Bar Association.

The nearly 130-year-old WBA is rich in traditions. They are unique to our bar, they reconnect us to our profession, and they bring us closer together. They give us a sense of belonging with, and to, each other.

I hope that you were able to attend the Holiday Dinner Dance last month. At a time when Christmas and Hanukkah can move at the speed of the Internet, it is important we conclude our year together at this

tradition of dining, dancing, and friendship, when we again look forward to the days ahead.

Some of our deeply-rooted traditions in the WBA are founded in respect and reverence. When a member passes, our attorneys are invited to meet together at the funeral home or the Courthouse to honor our lost colleague. We honor him or her again at the Annual Memorial Service in May each year, when we gather with the Court *en banc* and with surviving family to pay due respect. At this traditional ceremony, you will hear some of the most heartfelt tributes ever articulated about a former friend, partner, or opponent.

New members are further welcomed at the New Members Ceremony each March. The full Court again participates in this important Bar tradition. Senior attorneys sponsor and introduce new attorneys into the WBA, so that we all in turn bring them into the fold of our practices, our community, and our traditions. These new members are soon attending our Quarterly and Annual Meetings. The young attorneys will learn that our Association is not governed by mere "bylaws," but rather by traditions of speechmaking, nominations, and healthy, colorful debate among friends.

About fifty years ago, in 1965, our members began traveling to Washington, D.C., together to attend the oral arguments before the U.S. Supreme Court and to be admitted to the practice of the highest bench. Over

the years, groups of 40 to 45 attorneys at a time have attended the admittance ceremony.

It had been a long time since we took that D.C. trip, so I chose to reinstitute the Supreme Court Admittance tradition this year. My entire family attended with our Westmoreland attorneys group. I felt very proud that my children could see and hear the highest court in action, and watch their father sworn into practice there.

While the Admission Ceremony may be somewhat superficial itself, it is a magnificent honor to spend several hours in the awesome presence of an institution that's so important to

democracy. During that morning in November, I changed my view of several members of the Supreme Court, as well as my perspective of the Court collectively—not in political views, but personality views.

As expected, the six men and three women

emerged from behind the red velvet curtain, wearing black robes and stoic expressions. The court marshal called "oyez, oyez, oyez," announcing the arrival of The Nine, and they each descended into their leather-back chairs. My view-equals-expectation scenario ended there.

Almost immediately after the first words of oral argument began, the Justices pounced with questions and distractions. Justice Stephen Breyer was definitely one of the most entertaining jurists. He threw out hypothetical questions that grew more complex,

“Carry on as many of our Bar traditions in your life and practice that you can attend and support. Our traditions preserve and teach our legal practice values and our community strength.”



▲ Joe Lazzaro with his wife, Dr. Karen Lazzaro (top left); daughter, Maria (top right); and son, Sam (above), at the Supreme Court Admission Ceremony in November.

▲ WBA President and President-Elect, Joe Lazzaro and Maria Soohey.

▲ The newest admittees to the Bar of the Supreme Court of the United States (from left to right): Elizabeth McCall, Brad King, Rob Domenick, Corey Sacca, Shannon Sacca, Doug Welty, Rosalie Bell, Maria Soohey, and Joe Lazzaro. Eric Bononi was admitted on written motion.

▲ Doug Welty with his father, George Welty, who moved for admission of the group to the Bar of the U.S. Supreme Court.

and more humorous, as the morning went on, keeping his courtroom audience laughing (at least smiling). Not to be outdone, Justice Antonin Scalia launched a string of very witty comments addressed to the serious counselors below, drawing steady, quiet laughter from the courtroom observers. Although Justice Clarence Thomas traditionally does not speak out from the bench, he is often seen talking and laughing off-mike with his neighbor, Stephen Breyer. These people really have a good time up there.

I previously thought the newest Justices, Sonia Sotomayor and Elena Kagan, were purely political appointees designated for the sole purpose of reshaping the tenor of the Court.

Instead, I heard some of the most thoughtful, well prepared, and imposing questions coming from these Justice rookies. Politics aside, the Court is made of truly astute and clever minds. The Supreme Court is very alive, and very human.

My hope is not only that the Bar now carry on this revived tradition, but that you carry on as many of our

Bar traditions in your life and practice that you can attend and support. Our traditions preserve and teach our legal practice values and our community strength. Please join in fulfilling this request not only for your own enjoyment, but for that of the next and future generations. 🍀

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.

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A Food Critic's Review

Monterey Bay Fish Grotto

by Terry O'Halloran, Esq.

Being a member of the human species means that celebrating good times almost always revolves around humor, socializing, and food. Oh, most definitely food! And so, when the time came for the "O's" to celebrate our wedding anniversary, it was a natural choice to

decide upon what most would consider a "special" place to commemorate the occasion: The Monterey Bay Fish Grotto on Mt. Washington in Pittsburgh.

To be honest, I'd never been to this place in its present incarnation. The last I'd visited this address was when it was called "Christopher's" back in the day, so that should give you an idea of how the aging process has slowed the

pace of my social calendar to the point where I can keep up with it.

I called the restaurant on Wednesday to reserve a table for two on Saturday evening. The time choices

given to me were 9:30 (too late for the drive back to Greensburg afterward) and 5:30. Period.

Trying to wheedle a little sympathy from the voice on the other end of the phone, I added, "Oh, and it's our anniversary, so is there a table by the window?"

"Hahaha!! Right!"

That phone call left me wary about the coming experience, but when we arrived exactly on time for our 5:30 reservation, after three construction delays on our way from Greensburg, we rode up in the outside elevator, and were treated to the breathtaking view of a late afternoon Pittsburgh panorama, bathed in the brilliant sinking sunlight, and were greeted by the maitre d' with a, "Good evening, Mr. and Mrs. O. And Happy Anniversary! We're pleased you decided to share your evening with us." From that point, I thought they'd made reparations for the Wednesday phone call.

As it turns out, that was the first of about four "Happy Anniversary" wishes we received on our way to the table and after we sat down. That would have been nice, but they always added the question, "Which one is it?"

Understand, at my age, numbers can take on an offensive air all by themselves, so I was thinking that it was none of their damned business which anniversary we were celebrating. As it turns out, that was the absolute last moment of the evening where I had anything approaching a negative thought.



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NOVEMBER 2014 TRIAL TERM

Of 15 cases listed for the November 2014 Civil Jury Trial Term, three settled, seven were continued, one was transferred to binding arbitration, one was dismissed, one non-jury trial was held and two resulted in a jury trial.

**MARK ZIATYK
V.
WADE GREENWALD AND
CHERYL GREENWALD
NO. 5161 OF 2011**

Cause of Action: Premises Liability

On November 3, 2010, Plaintiff, Mark Ziatyk, was descending the basement steps of his apartment, said apartment being owned by the Defendants. At that time, Plaintiff alleges that his power had been shut off and that his landlord, Defendant Wade Greenwald, had previously been in the basement and unplugged an extension cord, leaving it on the basement stairs. Plaintiff tripped over the extension cord and fell to the bottom of the steps on the basement floor.

Plaintiff claimed that he suffered various injuries, including tearing his right quadriceps muscle, which required surgery. Defendants raised contributory/comparative negligence as an affirmative defense.

A jury trial was conducted in this matter on the issue of liability only.

Trial Date: November 4-5, 2014

Plaintiff's Counsel: Daniel Joseph, New Kensington

Defendants' Counsel: Thomas W. Smith, Gbg.

**JURY TRIAL
VERDICTS**



BY BETH L.F. ORBISON, ESQ.,
SHANE M. SARVER, ESQ.,
AND EMILY SHAFFER, ESQ.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Defendants.

**FRED HOFFMAN
V.
RAY MURRAY, ALSO KNOWN AS
RAYMOND MURRAY
NO. 1164 OF 2011**

*Cause of Action: Negligence—
Automobile Collision—Damages*

On May 4, 2009, Plaintiff was operating a motor vehicle on Clay Pike, when he came to a complete stop in the roadway because a school bus, traveling toward him in the opposite

direction, stopped and activated its flashing red lights. Defendant was traveling behind the Plaintiff's vehicle, and failed to bring his vehicle to a stop, colliding into the rear of Plaintiff's car. As a result of the collision, Plaintiff claimed to have suffered multiple injuries, for which he received medical treatment, including but not limited to cervical strain and sprain, left shoulder contusion, blunt abdominal contusion, herniated disc, pain, and pain and suffering.

Defendant did not deny liability, but contended that Plaintiff's injuries were minimal and of limited duration.

Both Plaintiff and Defendant presented medical experts who rendered conflicting opinions on the extent of the injuries suffered by the Plaintiff as a result of the collision.

A jury trial was conducted in this matter on the issue of damages only.

Trial Date: November 13-14, 2014

Plaintiff's Counsel: Joyce Novotny-Prettiman and Jessica Rafferty, Gbg.

Defendant's Counsel: Kenneth Ficerai, Gbg.

Trial Judge: The Hon. Richard E. McCormick, Jr.

Result: Verdict in favor of Plaintiff in the amount of \$4,678.00. The jury awarded zero for pain and suffering. 🐾

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bookmark What Have You Been Reading?

by Robert Domenick, Esq.

The latest non-fiction book on my reading list is about a president clearly pushing the envelope of his constitutional authority. Frustrated by a Congress more concerned with petty bickering than addressing national concerns, he issues controversial executive orders, sends troops off to fight without congressional approval, refuses to turn over to the Senate presidential documents relating to vital foreign affairs matters despite repeated requests to do so, and is denounced by his political opponents as a “Tyrant threatening our Liberty!”

Who is this out-of-control chief executive? Barack Obama? George W. Bush? Richard Nixon? No, it's our first president, George Washington.

In **“MR. PRESIDENT”: GEORGE WASHINGTON AND THE MAKING OF THE NATION'S HIGHEST OFFICE**, Harlow Giles Unger furthers his reputation as America's most readable historian in a most insightful fashion. Though they arose over 200 years ago,

the issues discussed in his book are still relevant and current today.

Giles describes George Washington as displeased with the results of the 1787 Constitutional Convention, particularly regarding executive authority. A proponent of a new Constitution, George Washington was convinced that if the new nation remained a dysfunctional gaggle of thirteen independent and constantly feuding states, it would not survive for long and would eventually succumb to the colonial European powers of Britain, France, and Spain.

Washington assumed that the new president would be more than a figurehead. However, to his dismay, the still-Anglophobic delegates refused to write into Article II legitimate executive powers, giving the vice president the job of presiding over the senate, while relegating the president to mostly ceremonial tasks: In essence, the president was a powerless constitutional monarch much like the current Queen Elizabeth.

Unger theorizes that George Washington did not come out of retirement, return to public life, leave

his beloved Mount Vernon, and move to New York City (then the U.S. capital) to be a mere figurehead. He makes a compelling argument that George Washington was determined to fill in the holes of Article II through his conduct, establishing precedents for future presidents.

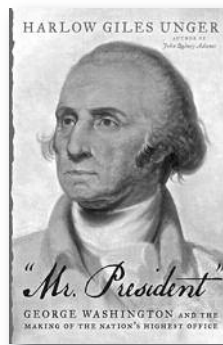
President Washington and the First Congress faced issues similar to those being faced by our president and congress today, such as: How should the president respond to a crisis when Congress is not in session or when its members refuse to respond? Should he

act without congressional authority? While these issues are difficult for any president, they were even more challenging in the 18th century when travel was very slow and very difficult.

The First Congress went a long way in establishing its long and proud reputa-

tion as a semi-useless debating society and illustrated this dilemma perfectly. Failing to provide sufficient members for a quorum, Congress held its first session a month late. Once there, they argued over petty issues, spending an inordinate amount of time debating over the new chief executive's title (John Adams favored calling him “His Highness, the President of the United States and Protector of the Rights of the Same.” Sensibly, they settled on “Mr. President”) and their own titles and proper manner of address, discussing whether any of them were honorable enough to be referred to as “The Honorable Gentleman.” After that, the argument turned to who should chair each committee, causing the Southern states to threaten secession at the mere mention of the word “abolition.” Not until the end of their session did they actually address national concerns, passing tariff legislation.

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To-Wit: What You Wish For

by S. Sponte, Esq.

I knew as soon as they walked in the door that this was the case I had been waiting for all my professional life. Mother and Father took a seat on the sofa near the rear of my office while their marginally pubescent son sat in the chair directly across from my desk.

He told me that he was being bullied at school and at once both my ears and ire pricked up. Since the beginning of the semester, he told me, a classmate had been taunting him, punching him, and flinging at him the sort of anatomical invectives certain to induce any self-respecting male teenager into a fight; well, almost any.

He'd refused to fight, he said, but when things escalated, he finally retaliated with a punch of his own that broke the other kid's jaw into several well deserved pieces; now he was facing an expulsion hearing.

Never before has mayhem so excited me. The clients quickly agreed to a fee arrangement (my offer to pay them to get the case helped seal the deal) and with the power of attorney executed, they left me blessedly alone to my own salivating devices.

"A long, long time ago, in a galaxy far, far away ..." I recited slowly to myself as I yet again recalled standing in the alley behind the junior high school building, fearfully waiting for my own antagonist and his entourage. I was a new transfer to this school and having been bullied for months by this future assistant janitor, I seemingly had no choice now but to accept his challenge to fight; he was bigger, older, and stronger than me, and the match lasted maybe thirty seconds. I didn't even fight back, threw not one punch, and by the time I got up off the ground, he and his entourage had finished their hooting and were gone. The pain went away quickly enough,

the hooting never has.

I jumped into my new crusade with unrelenting abandon. I mean, come on, how often do you get to save two souls at the same time? And I might have done it, too, had any of the witnesses corroborated my client's story. As it turned out though, my client had not been entirely forthright in his account. He left out the part about his actually being the bully, about his being the flinger of anatomical invectives, about his harassing, hounding, taunting, and tormenting of the kid whose jaw he broke. But for that, however, I might have prevailed.

I cut the best deal I could for him, a one-year expulsion. "Does this mean I don't have to go to school for a whole year?" he queried gleefully.



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To-Wit: What You Wish For

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“Yes,” I replied, “and you should use the time to best advantage by learning the broom.”

Talk about your funks. What do we do when our fantasies of redemption implode, leaving behind a void into which the hauntings of our youth opportunistically seep? I think I handle it pretty well, provided a diet consisting entirely of Hershey bars, pizza, and milkshakes is seen as a solid indicia of emotional stability.

I might have nurtured that funk for who knows how long had I not recently gone out to dinner at a fine local restaurant. There, as I handed him my keys, I recognized the bald and grossly overweight valet as the selfsame bully who had in that alley stood over me and laughed so many years ago.

It appears my assistant janitorial forecast wasn't that far off. Maybe that doesn't change the past, maybe nothing does, but maybe the present is the only present we ever get. I sat down at the table and began to think about his tip. 🍷

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bookmark *continued from page 6*

Having accomplished this, the allegedly Honorable Gentlemen of Congress put on their powdered wigs, boarded their carriages, and rode back to from whence they came, leaving President Washington with a zero balance in the National Treasury, unable to pay wages or honor the contracts of the shipwrights starting to build the new American navy. Unger recounts how King George III and his ministers “rocked with laughter” when they learned how America's leaders had demonstrated the benefits of self-government.

As a man of action, George Washington refused to sit in the Executive Mansion in lower Manhattan and do nothing. He had his Secretary of the Treasury, Alexander Hamilton, approach New York bankers and persuade them to lend the government \$100,000 with the promise that it would be repaid upon receipt of the spring tariffs. President Washington had no Congressional or Constitutional authority to do this; but, he did it anyway. During the next session of Congress, they granted him authority to borrow on the credit of the United States.

Acting first and seeking Congress'

approval later became Washington's modus operandi. Over his eight years in office, he expanded the president's powers by acting first and obtaining Congress' approval later. Faced with Native American attacks on American settlers in the west, Washington sent troops to war without Congressional approval. Congress later passed the Militia Act, granting the President power to draft state militias into Federal service.

Not an admirer of Washington's policies, Secretary of State Thomas Jefferson, in his most ardent Francophile infatuation period, took time away from his dalliances with his slave Sally Hemming, biological half-sister of his late wife, Martha, to conspire with Edmond Genet, a Jacobin agent from France. Sent by Robespierre's government, Genet was instructed to organize an uprising, depose President Washington, and bring the U.S. into France's orbit as a puppet state through a “reign of terror.” They almost succeeded. Frankly, Jefferson was fortunate just to be fired as Secretary of State instead of more unpleasant alternatives.

In the end, George Washington left office extremely pleased with what he had accomplished. On March 4, 1797, something remarkable happened in New York City: After an extremely bitter and venomous election campaign that caused an estrangement between the candidates that lasted until near the end of their lives, John Adams was sworn in as the second president of the United States without Jefferson and his followers contesting the legitimacy of his election, rioting, or plotting a *coup d'état* (evidently, he learned his lesson from *l'affair Genet*) and without Adams exiling, arresting, or executing his political opponents. Political power for the first time changed hands publicly, freely, and peaceably.

Truly this was the greatest of George Washington's many precedents and a lasting gift to us all. 🍷

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Westmoreland Revisited

Cyrus Woods and the Tokyo Earthquake of 1923

by *The Hon. Daniel J. Ackerman*



▲ After the Great Kanto Earthquake of 1923, 92% of the buildings in Yokohama, Japan, were destroyed. The quake triggered a 35-foot-high tsunami and roaring fires that decimated the wooden structures of Yokohama and Tokyo. At least 120,000 people lost their lives.

As he gazed at the destruction before him, among the myriad emotions sweeping through his mind, Cyrus E. Woods must have felt small and inadequate. Nothing had prepared him for what he saw. Not his upbringing, nor his studies at Lafayette



▲ *The Hon. Daniel J. Ackerman*

College or Penn Law School; not his practice as a corporate lawyer; not his prominence in the Republican Party, nor his service as a state senator from Westmoreland County's 39th District; not his stint as the U.S. Envoy to Portugal, nor his ambassadorship to Spain. He was witness to one of the greatest natural disasters of modern times.

The devastation was so broad that it was given different names depending on one's perspective, for it was simultaneously called the Yokohama earthquake and the Kanto earthquake (for the Japanese it is known as Kanto Daishinsai). With it also came a destructive tsunami and a firestorm, which would not even be surpassed by the American firebombing during the latter months of World War II.

Earlier in the year, Woods had been appointed U.S. Ambassador to Japan. As the new ambassador took in what had occurred on this September day, he must have wondered if such a country continued to exist.

THE ROAD TO JAPAN

Prior to September 1, 1923, contemporaries may have remembered Woods living the life of a well educated Victorian gentleman, dressed in a dark suit and bowler hat, daily leaving his home on the high end of North Main Street, with its splendid view of the Courthouse. (The home had been built on the site now occupied by the Westmoreland Museum of American Art.) His usual destination would have been the train station to begin a commute to his Pittsburgh law office, where he acted as general counsel for the Pittsburgh Coal Company and represented the Mellon banking interests—relationships which would complement his increasing political influence and eventually, in 1901, his election to the first of two terms in the Pennsylvania Senate.

By 1912, Cyrus Woods, at age 51, had been practicing law 23 years, and he and his wife, the former Mary Todd Marchand, likely viewed with enthusiasm the prospect of life in the

Foreign Service which was being offered by President Taft through the position of U.S. Envoy to Portugal, even though that country was somewhat of a hot spot. Its king and crown prince had been assassinated in the streets of Lisbon, and the country was suffering the repressive aftermath of a recent revolution.

In 1915, Woods returned home to serve as secretary of the commonwealth, but would be sent abroad again in 1921, this time by President Harding, to serve first as ambassador to Spain and then to Japan.

When he arrived in Tokyo to start his second ambassadorship, he did so as an experienced diplomat. Arriving in July 1923, the new ambassador presented his credentials to Prince Regent Hirohito at the Imperial Palace.

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▲ *Cyrus Woods and his wife, Mary Marchand Woods, c. 1900.*

Cyrus Woods *continued from page 9*

Joining him in residence at the embassy were his wife, Mary, and her octogenarian mother, Mrs. Mary Todd Marchand.

At the time, Captain Lyman Cotton was already in place as the U.S. naval attaché at the Tokyo embassy. A dashing figure, who, in photographs, looks like Cary Grant in a naval uniform, Cotton had served in the Spanish American War, the Philippine insurrection, the Boxer Rebellion, and had commanded a squadron of seventy-two submarine chasers during the Great War. Both he and Woods had risen to prominence in their given fields, but from the beginning of the relationship, the naval attaché viewed his new superior with suspicion.

Writing to his wife, following his initial meeting with the ambassador, Captain Cotton was quick to judge: “I should say that from my limited observation that he is a typical political boss ... Fairly clever, very forceful, not overly scrupulous, ambitious, and with a well developed ego.” Notwithstanding the events which would follow, Cotton’s negative appraisal would remain constant, a state of mind which would prove detrimental. When not at his post at the embassy, Cotton spent the summer days with his wife and eleven-year-old son at a mountain retreat on the shore of Lake Chuzenji, about a hundred miles north of the capital.

On August 16, the ambassador and his attaché welcomed Japanese officials attending a memorial service for President Harding who had died unexpectedly in San Francisco. More solemn events would soon follow.

THE CATFISH BREAKS LOOSE

To the east, in what has always been the world’s most seismically active zone, 50 to 120 miles beneath the ocean floor, stress was constantly building between two seemingly immovable masses which were



▲ Ambassador Cyrus Woods (far right), his wife, Mary Marchand Woods (second from left), and her mother, Mary Todd Marchand (second from right), with a Japanese gentleman in the hallway of the Palace of Princess Takeda, c. 1923. Photo courtesy of the Westmoreland Museum of American Art.

horizontally aligned and pressing against each other; one an ocean tectonic plate, the other a continental plate. In Japanese mythology, their archipelago sits on the back of a giant catfish, held in place by the Shinto god of the earth. But on occasion, if the deity’s grip is relaxed, the catfish will violently thrash about. At 11:58 a.m. on Saturday, September 1, 1923, the catfish broke loose as never before.

Ignoring the weekend, Ambassador Woods was at his desk at the embassy when the first shock, with a magnitude of 7.9, hit Yokohama, eighteen miles to the south and sped toward Tokyo at three times the speed of sound. Seemingly, there was no prelude to the tremendous jolt. A visitor in Woods’ office, Major Charles Burnett, pulled Woods out of his chair just before the ceiling collapsed upon it and the ambassador’s desk. As they exited the room, one of the office walls fell inward.

By the time they escaped the crumbling office, Yokohama, Japan’s principal port, had been all but destroyed and the ground beneath the

capital was rising and falling in waves. Strong winds blew yellow dust, impairing both sight and the ability to breathe. Beyond the seaside village of Kamakura, a wave, caused by a 400-meter fall of the ocean floor, was approaching at a rate of nearly 600 miles per hour, rising to a height of thirty-five feet, before it drowned or crushed to death more than 2,000 people. The rupture in the earth encompassed an area sixty miles long and six miles wide.

For those not fatally mangled by debris, swallowed by fissures in the earth, or trampled to death by panicked crowds, the main threat was fire. The quake struck as hundreds of thousands were preparing lunch over hibachis, which, when knocked over, spewed burning charcoal in all directions, igniting hundreds of separate fires. Ninety percent of Tokyo’s two million residents lived in structures made of wood; and because the quake severed the water lines, the city’s small 500-man fire department was left impotent.

BEHIND THE CHAOS

Behind the chaos were uncounted incidents of agony, heroism, and despair. In the city's red light district, 3,000 prostitutes worked in 175 brothels. When the earthquake hit, the owners locked their doors fearing a mass defection of their charges. But when the fires grew near, the brothel owners relented and many of these young girls ran to a nearby park and immersed themselves in the twelve-foot-deep water of a pond in an attempt to escape the intense heat. Soon, the pond was a churning caldron of humanity. The next day, 490 corpses would be pulled out of the water, 440 of them young women.

People were frantic to find refuge in open spaces where they would feel safe from collapsing and burning buildings. Police on horseback steered tens of thousands to a twenty-acre lot which had previously contained the Army Clothing Depot. The buildings had been razed, and the area, now open, was enclosed by a ten-foot-high corrugated tin fence. Refugees,

many carrying what belongings they had salvaged, gladly piled into the sanctuary. Many had brought food and were buoyed by seeing relatives and friends in safety. One survivor said the grounds looked "like a big neighborhood block party."

By four o'clock, however, fires had crept closer to those who were now packed into the depot grounds shoulder to shoulder, and the heat was becoming unbearable. Then, a sudden updraft of superheated air came into contact with winds aloft, creating a rare, but diabolical phenomenon, a "dragon twist," or fire tornado, which sucked up oxygen and burned everything in its path. Its 150 mile-per-hour winds rose to a height of 200 yards. Its base was 300 yards wide. In three seemingly unending minutes, it passed through the depot grounds. Of the 44,000 people who entered the enclosure there were only 300 agonized survivors. The distraught chief of police, who had ordered the evacuation into the grounds, disemboweled himself in a ritual act of *seppuku*.

By nightfall, the U.S. Embassy had burned to the ground, but not before Woods and his staff had salvaged crucial documents and equipment, and the embassy's operations had been moved into the newly built Hotel Imperial, one of the few structures in the city which remained safe to occupy. The hotel, designed by Frank Lloyd Wright, was considered the architectural gem of the city and would remain so for decades, notwithstanding damage to one wing during the war.

Likely suppressing astonishment, fear, and doubt, and described as "disheveled, but poised," Woods set about doing what he could. With all telephone and telegraph lines severed, the ambassador told RCA's representative in Tokyo to send wireless messages to Washington, the Asiatic Fleet, and the governor-general of the Philippines describing the disaster and requesting immediate aid. His personal message to Secretary of State Charles Evans Hughes read: "All embassy

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Cyrus Woods *continued from page 11*

buildings totally destroyed but no one in embassy injured. Food situation very acute. Send rations at once from Philippines.”

The situation, of course, was unmanageable in its scope, and was exacerbated by repeated aftershocks—200 in the first 72 hours. Applying the most conservative figures, 120,000 people were killed—exceeding the 118,000 Japanese soldiers killed in a year of fierce fighting during the Russo-Japanese War in 1904-05—and almost double that number were injured. In Tokyo alone, 440,549 buildings had been destroyed and 1,357,000 people—67% of the population—were now homeless. In Yokohama, 92% of the buildings were gone.

As if nature hadn't done enough, many survivors, mostly crazed young men, began to kill members of the country's Korean population. During the earthquake, prison guards had released nearly a thousand Korean prisoners in an attempt to spare their lives, and a rumor grew that the Koreans were looting and poisoning wells and reservoirs. Korea had been a military protectorate of Japan, and

many young Koreans had left their impoverished country for Japan in search of work, but found themselves to be an unwanted and despised minority. An uprising in Seoul against Japanese rule in 1919 was put down by the military with the loss of 6,000 Korean lives; and early in 1923, police claimed to have uncovered a Korean plot to assassinate Japanese officials. It was estimated that in the week following the quake, xenophobia caused the murder of over 2,000 Koreans, and 4,000 more were interned in camps by officials for their own protection.

CREATING ORDER FROM CHAOS

From his makeshift offices in the Imperial Hotel, Woods created the American Relief Committee in an attempt to create some order out of the chaos. Its Information Section formed a courier service to transmit messages between the embassy and the arriving Atlantic Fleet; compiled lists of dead and missing Americans; attempted to reunite family members; and, tried to handle the deluge of daily requests for help. The Refugee Section worked on providing shelter and cots for displaced

persons; and, a Transportation Section sought out operable motor vehicles to transport food rations.

It came as a surprise, at least to most westerners, that when aid began to arrive, Japanese officials told U.S. naval officers, in essence, to go away, that their help was not needed; a display of pride or insecurity prompted by fear of losing face. Ambassador Woods, however, understood the essence of this attitude.

In his report to the State Department, three weeks after the quake, he wrote: “I felt we had a great opportunity to break down the suspicion and antagonism against the United States existing in the minds of many Japanese ... In order to avoid the friction which was sure to follow the sending here of relief workers ... I suggested that the supplies furnished by us, except for our own nationals, be delivered to the Japanese authorities at the wharf for distribution by the Japanese Relief Bureau ... Admiral Anderson immediately upon [his arrival] heartily concurred in this policy, and later it was properly accepted by the American Red Cross.” Likewise, Woods directed the U.S. Army to turn over the administration of its hospital to Japanese doctors and nurses.

The ambassador would work nearly round-the-clock in the provisional embassy while his wife and mother-in-law slept on the floor of a farmhouse outside the capital. In the end, what the ambassador had started turned into the largest disaster relief program which had ever been pursued up to that date, with the American Red Cross alone raising the unprecedented sum of \$12 million in donations.

It is worth noting that all of this had been done without the aid of the ambassador's harshest critic. With monumental misjudgment, Captain Cotton remained at his mountain retreat for six days after the earthquake before reporting to the embassy. Cotton's excuse was that he had not



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received orders to appear. In fact, a dispatch had been sent, but was misdirected. Quite properly, Woods would have none of it. Cotton knew, as everyone did, the magnitude of the emergency, and staying put for almost a week was inexcusable. When Cotton appeared, Woods dismissed him from his staff as *persona non grata*.

The man who Cotton had sized up as a “typical political boss,” was, within a month, viewed as a hero. The generally anti-American newspaper, the *Tokyo Nichi Nichi* ran a cartoon in October showing a girl in a kimono pinning a metal reading “Heartfelt Gratitude” upon Woods, who is standing in the midst of flag-waving ragged survivors. The caption proclaimed, “ALL TOKYO RINGING PRAISES WOODS.” Samuel Reber of RCA wrote of Woods: “His name will ever be linked with that of Perry¹ in all future histories of Japan.”

¹ Matthew Perry, American naval officer who opened diplomatic and trade relations with Japan in 1854.



▲ *Cyrus Woods, May 15, 1923.*

GOODWILL DOES NOT LAST LONG

The American response to the earthquake was the high point in the relationship between Japan and America. In a report prepared by Admiral Edwin Alexander, who had worked closely with Woods, the admiral noted that goodwill brought

about by the handling of America’s aid convinced him that there was no possibility of war in the Pacific during his generation. But there were those in both hemispheres who were not willing to let well enough alone.

Japan had an expansionist agenda long before 1923, but some thought the disaster might quell its ambition. One prominent Japanese told Woods: “This catastrophe will put Japan in the position of a third rate power ...” Yet, as early as September 16, the Prime Minister announced: “The rebuilding of the city is therefore, not merely the question of a city; it is an important national undertaking, essential in the promotion of the progress of our empire.”

The declaration of martial law had handed the army sweeping powers which they used aggressively and sought to sustain. In 1931, Japan moved to occupy Manchuria. Three years later, it would bomb Shanghai to “protect” Japanese nationals living there. And across the Pacific,

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Cyrus Woods *continued from page 13*

Americans offered their own contributions toward a worsening relationship, even more quickly.

In fact, some states had a head start. Three years before, in 1920, the Washington state legislature barred further Japanese immigration, and a ballot initiative in California overwhelmingly passed, barring further Japanese ownership of land.

Three months after the earthquake, despite the generosity evidenced by American donations to the relief effort, the anti-Japanese mood, so prevalent on the west coast, took root nationally when Congress began to debate the passage of the National Origins Act (otherwise known as the Japanese Exclusion Act). If passed, it would limit immigration for national/ethnic groups to 2% of their representation in the 1890 census. Applied to the Japanese, it meant that entrance would be limited to 480 immigrants a year.

Appalled by these developments, Woods sent a series of telegrams to the Secretary of State urging opposition to the bill's passage; and in turn, the Secretary wrote to the bill's sponsors, saying: "The bill tends to convert Japanese gratitude for American sympathy and help at the time of the earthquake into high resentment."

On July 1, 1924, the bill was on its way to become law when it was passed in the Senate by a vote of 76 to 2. Several days later, Woods resigned his ambassadorship. Not wishing to criticize his own government from abroad, he offered the pretext of "family matters," i.e. the need to care for his mother-in-law, who had been slightly injured in the quake.

He would stay until November, putting things in order for his successor, wrapping up unfinished business, and saying goodbyes. The scene of his departure was preserved in an editorial published by the *Osaka*

Asahi: "Thousands of cheering people crowded into the courtyard of the Imperial Hotel to bid him farewell, while the entire city displayed American and Japanese flags over the ruins. The Japanese public will undoubtedly feel that with the departure of Mr. Woods, another link in the friendship has been severed." After only a year at his post, Cyrus E. Woods was sailing home on a flood of gratitude.

EPILOGUE

After Japan, Cyrus Woods returned to the law and politics. In 1929 and '30, he took one more turn at public service, as Pennsylvania's attorney general. The initial feelings of dismay which he must have felt when he viewed the calamity in 1923 likely tugged at him again as he watched Japan's imperial ambitions bloom as it brutally vanquished its Asian neighbors.

He would not live to see the second destruction of Tokyo, or the start of the

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war. On December 8, 1938, Woods died at age 77, in Philadelphia, where he had gone for medical treatment. In its obituary, the *New York Times* said he “made diplomatic history when, refusing to seek personal safety in flight, he took charge of American Red Cross and reconstruction activities and directed them with such efficiency that he became, to the Japanese, one of the outstanding heroes of the disaster.” The front page headline of the *Greensburg Daily Tribune* read, “CYRUS E. WOODS DIES IN EAST” The article which followed described him as “one of the most distinguished statesmen Westmoreland County ever gave to the state or nation.” He and his wife, Mary, were buried in Greensburg’s St. Clair Cemetery.

As for Lyman Cotton, any apprehension he may have had that Ambassador Woods might pursue the matter further and harm his career was unfounded. The ambassador apparently viewed Cotton’s dismissal from his staff as sufficient punishment, and let the matter rest. Cotton was reassigned to an intelligence unit of the Navy Department in Washington, and two years later was given the captaincy of the *USS Richmond*, a light cruiser. On his initial tour aboard the *Richmond*, Captain Cotton, at age 51, contracted pneumonia and died in the service of his country, having fully atoned for his one lapse of judgment. 🌿

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Author’s note: My thanks to Barbara L. Jones, Chief Curator, Westmoreland Museum of American Art, for providing material pertaining to Mary Marchand Woods.

The legacy of Mary Todd Marchand Woods is even more recognizable than that of her husband, for this game woman who suffered through the terror of the earthquake, gave to her community one of its greatest assets.

Once Cyrus retired from public service in 1930, he and Mary resumed their domestic life in Greensburg until his death eight years later. Thereafter, she continued to live alone in the house high atop Main Street. She tended her yard and garden and was frugal to a point which drew comments from neighbors, who said that she took her lunches (a bowl of soup) from the cafeteria at the high school across the street.

Those who might have thought that her thrift grew from need were likely taken aback when, in 1949, she announced the formation of the Woods-Marchand

Foundation, which she endowed with a bequest of \$2 million when she died at age 80 on January 28, 1953. The foundation was created by her for the purpose of funding an art museum dedicated in memory of her husband.

On May 29, 1959, her dream came to fruition when the public was admitted through the doors of the Westmoreland County Museum of Art (now the Westmoreland Museum of American Art), situated on the site of her home. 🌿



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The Retirement of Paul Kuntz *continued from page 1*

case from beginning to end, and the application of uniform principles to the operation of the district magistrate courts.”

There was no way for Paul to know when he chose to enter the Naval Academy that his experiences in the military would play such a pivotal role in his getting the court



▲ Paul Kuntz, 1992

administrator position and becoming one of the most respected court administrators in the mid-Atlantic region.

Paul enlisted in the Navy, not as a conscious decision to advance his career, but, rather as a means to perpetuate his family's tradition

of service to one's country. "My father and uncles, like their father and grandfathers before them, had all served the country during wars and conflicts from the Civil and Spanish American Wars through World War II and Korea. I grew up hearing the stories about "the War" and the hardships mothers like mine endured at home, alone with infants and toddlers. I could not imagine not serving." (Family folklore has it that some of Paul's ancestors arrived as Hessian soldiers, deserted, and settled in the hinterlands of Pennsylvania.)

Through the Navy, Paul saw the world and honed his management skills. During his eleven years in the Navy—four years at the Naval Academy and six years as a commissioned officer (two as an exchange officer for the Swedish Navy, stationed on a torpedo boat and a patrol boat on the Baltic and North Seas)—Paul experienced adventures most of us read about in books or see on television.

"Like any job," Paul described, "being at sea can be exciting, boring, rewarding, and frustrating. Unlike

most jobs, being at sea can be frightening, particularly during storms or when on alert in a war zone. Also, unlike most jobs, being in the Navy can take you to many places most people will never see, and it provides opportunities to meet people and to make friends most people will never meet."

Paul has lived in and visited many beautiful places including San Diego, Hawaii, Carmel, Savannah, Annapolis, Italy, coastal Spain, Turkey, southeastern Asia, and Sweden; but his heart has always remained here. "Western PA is home," Paul said, when asked why he decided to return. "I know the people and the culture. My family is here. I spent my childhood here. The Penguins and Steelers are here. It made sense to return home to the people I knew and loved."

In 1986, after traveling the world, Paul answered a national ad he saw in the *Pittsburgh Post Gazette* and the rest is history ...

"Westmoreland County was very fortunate that he was hired some 27 years ago," Judge Caruso recalled. "He has done wonderful work for

Westmoreland County. He is recognized statewide as one of the best, if not the best, court administrator in Pennsylvania. His outstanding reputation is known all over the state. Court administrators from other counties all over the state seek out his advice. He is progressive and an innovator. The state association of Court Administrators always looked to Paul to create programs to be used statewide to educate all court administrators. As a result of his efforts and ideas, Westmoreland County has often been chosen as the county that would pilot new programs."

Judge Christopher Feliciani has found Paul's knowledge and professionalism to be instrumental in facilitating the development of the Family Drug Court. "Not only did he help to get things off the ground," Judge Feliciani said, "he has also been a team member administering the Family Drug Court for the past three years. More recently, Paul has been instrumental in our drug court training and focused on the development and implementation of a criminal drug court program."

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While Paul may have made it look easy, he admits to changes in perspective, adapting to those with whom he worked, and overcoming challenges along the way. “On my first day as court administrator,” Paul said, “President Judge Mihalich mentored me regarding having reasonable expectations, describing change in the court system as an ‘evolutionary’ process. I quickly heard, particularly from more senior judges and attorneys, the mantra, ‘if it ain’t broke, don’t fix it.’ My preference had been, ‘if it ain’t broke, break it,’ believing that there is always a better way.”

Paul also had to adapt to a different workplace culture: “Prior to this position, I had never worked in a culture predominated by women. Adapting was a difficult task for one so task oriented; however, over the years, I learned to attach more value to developing relationships in the workplace.”

Cultivating workplace relationships through respecting others’ opinions and showing deference to the Court has been an integral part of Paul’s philosophy, and one greatly appreciated by all the judges with whom he has worked. “He was always so easy to work with,” Judge Caruso said. “He is not afraid to give his opinion on matters of court administration within the county. While expressing his opinion, which is always much valued, he recognizes that the

judges have the ultimate decision regarding how to operate. That being said, we most often followed his sage advice.”

Judge Chris Scherer found his professionalism and dedication to his job as unparalleled. Judge Debra Pezze concurred. “Paul has been a continued source of sound counsel and advice for all of us,” she said. “I have profound respect for him as a court administrator and a person. He will be greatly missed. I hate to even think about it, but I wish him a happy and well deserved retirement.”

Judge Rita Donovan Hathaway met Paul in 1988 when she began working as a prosecutor, but she didn’t realize the extent of his responsibilities until she became a judge in 1998.

“His intellect is obvious, yet he is extremely humble,” she said. “He has the ability to resolve any problem with tact and grace. I consider Paul to be a trusted friend, and I wish him health and happiness in his retirement.”

“The Courts have truly been blessed to have someone with Paul’s intelligence and work ethic to run our Courts,” Judge Michele Bononi said. “While his retirement is well deserved, he will be missed.”

Paul admits the court administrator position was not without its challenges. “The greatest challenges I experienced,” he said, “were managing human resource issues, addressing the interests of multiple elected officials, and advocating for local independence where it made sense. A uniform, statewide approach is often in the judiciary’s best interest, but selling mandated change to a resistant local culture is difficult; if a mandated change cannot address rational, long-practiced procedures, finding a way to maintain local procedures can be difficult. The recent adoption of state custody forms and bridging those forms to our local practice is a prime example.” Maintaining balance, working hard, getting involved in professional organizations, and networking have allowed Paul to reach the pinnacle of his career and are recommendations he offers his successor, Amy DeMatt.

Paul mastered the art of networking and never shied away from getting involved. He recounts his most memorable experiences as court administrator as his: election as president of the Pennsylvania Association of Court Management; election as president of the Mid Atlantic Association for Court Management; earning a certification and fellowship in the Institute of Court Management of the National Center for State Courts; personal receipt of that certification from Chief Justice Warren Burger; and his ten-plus years as a member of the Supreme Court’s Criminal Procedural Rules Committee.

Judge John Driscoll, who served with Paul on the Criminal Procedural Rules Committee said, “Paul was an important, long-time member of the Supreme Court

“He has done wonderful work for Westmoreland County. He is recognized statewide as one of the best, if not the best, court administrator in Pennsylvania.”

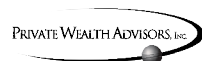
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The Retirement of Paul Kuntz *continued from page 17*

Criminal Rules Committee, often being the member who brought clarity of thought and context to complex drafting issues. At every turn of his career, his personal qualities of humility, integrity, and humor inspired those of us who had the unforgettable pleasure to have worked with him. In the 1980s, PJ Mihalich formed the Criminal Court Crisis Committee. Paul's invaluable work led to a smooth and effective work plan, and the redesign of the criminal court system. For many things, we are all grateful to this excellent public servant. His career is a model for all who enter public service."

Despite all of the accolades and honors he received over the years, Paul is without hubris, choosing instead to maintain a low profile while offering sound advice, guidance, and friendship to those with whom he has worked. "A few years back," Judge Feliciani remembered, "my band was hired as the entertainment for the State Court Administrators Conference in State College. It was not until that event that I learned of the first-class, statewide reputation that Paul had earned as the Westmoreland County District Court Administrator. It also wasn't until that event that I learned that Paul has some pretty good dance moves as well, some of which may have contributed to the need for his knee replacement!"

Judge Feliciani continued: "Paul has demonstrated many invaluable qualities: perseverance, loyalty, commitment, dedication to the legal profession and court administration,

just to name a few, plus perhaps the most important, being a gentleman and friend to us all. Paul does not know the meaning of the word 'no,' sometimes to his own detriment. I have attempted on numerous occasions to convince him to reconsider his retirement, and a couple of times I think I actually had him considering postponing it all! I then realized that it was unfair of me to badger him in this way, because I know that for Paul, it is always difficult for him to say 'no.' I finally relented and now wish him to know that it was only out of personal selfishness that I attempted to delay the inevitable retirement he has so graciously earned. I am sincerely grateful and appreciative of Paul's professional guidance and commitment to the courts, and to me personally over the course of the last eleven years. He will be sadly missed."

New to the bench a year ago, Judge Meagan Bilik-DeFazio appreciated his candor and pragmatism: "I gave Paul the nickname 'Debbie Downer' because he's always the one at the meeting to tell me all the reasons why my ideas can't work! That's his job, though—to usher in the new judges to the judicial 'real world.' Paul is one of the most organized and conscientious people I have ever worked with and I am going to miss his smiling face!"

Over the course of his 27 years as court administrator, Paul has had the unique experience of working for eight President Judges. Current President Judge Richard McCormick has worked with Paul since assuming the bench in 1990; his months as president judge have solidified his perception of Paul as the consummate administrator: "The first time as a judge that I dealt with Paul Kuntz, he had the unenviable task of informing me that the President Judge had decided that, unlike the rest of the judges, I would not be getting my own court reporter. Not such an auspicious beginning, but he did it so nicely that he made it somewhat easier to accept. The next day, he suggested that I hire Cindy Arcuri as my court clerk. What a great recommendation! I knew then that I was in good hands with Paul tending the helm. Over the years, in matters great and small, Paul has made my life, and the lives of my fellow judges easier, more orderly, and more tolerable because of the myriad of functions he performs. As the last of eight President Judges he has served, I wonder how any of us could have survived this second job without him."

Judge McCormick agreed Paul's renown is far-reaching: "His reputation throughout the Commonwealth was as the consummate court administrator, the epitome of organization and dedication, the prototype for what a court administrator should be. At a recent training for President Judges, I received many condolences from my fellow judges and statewide administrators because of Paul's retirement."

This Naval Academy graduate, this lawyer, this IT professional, this holder of judges' ears, this officer, and this gentleman, has done way more than yeoman's work and to our great and eternal benefit leaves everything ship-shape. 🚢

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Monterey Bay *continued from page 4*

The wait staff was attentive, as you would expect at any fine restaurant, but they were actually “nice” without being obsequious or snooty. That was refreshing. Our table was not “at” the window but one table removed, still affording us what I consider to be the Best View of the city from any restaurant on Mt. Washington, being at least 100 feet higher than anyone else with floor-to-ceiling windows about 20 feet high, and at the very end of Grandview Ave., giving the “Full Monty” view of the Point, if you will.

Even if the vacuous, nerdy, 12-year-old wine steward (OK, maybe a bit subjective there) was pleasantly ignorant of the 2012 Chateau St. Jean Sauvignon Blanc I ordered for our meals, he cheerfully read the labels in the bin and gave us the right bottle. And it was a perfect compliment to what I would consider a memorable feast!

We began with calamari served with a mango sauce (sweet, yet spicy) and a red pepper sauce that begged to be sopped up with the bread after the calamari was gone.

Mrs. O had a Caesar salad while I opted for their she-crab bisque, the bisque poured table-side over a glob of she-crab mounded in the bottom of the bowl.

Monterey Bay prides itself in flying in fresh fish daily, and tells you where it came from. So, while Mrs. O chose her favorite lump crab cakes from Maryland for her dinner—done to perfection, by the way, with almost

no breading—I chose the Barramundi, from Bali, sauteed and served over a bed of crushed macadamia nuts. Barramundi is a delicate white fish, and as deliciously moist as it was prepared, it actually cries out for some treatment with either a sauce or some other complement; the macadamia nuts were a delightfully different approach.

We chose the a la carte side order of cheese risotto, prepared differently every night, served family style for the two of us, and wound up asking them to wrap up the uneaten risotto and one of Mrs. O’s crab cakes. Yes, there was enough food!

And then, dessert.

Oh, my.

We usually split our desserts but since this was a special occasion, a splurge was in order. Mrs. O’s White Chocolate Macadamia Mousse and my Angel Food Grilled Cheese Sandwich (First Place Award Winner in *Pittsburgh Magazine*) came served on elegant triangular plates with “Happy Anniversary” scrolled in chocolate alongside our desserts.

And then they told us they’d paid for one of our desserts because it was our anniversary, whichever one it was. I cried. At last, I could afford to pay to get my car out of valet parking!

Food reviews such as this are usually offered to afford you, the reader, an opportunity to decide if you want to try the place or not, but we found out while dining there that future opportunity to experience what we did was limited to 2014. New Year’s Eve was the last night Monterey Bay was open before closing up for a couple of months to undergo a multi-million dollar renovation. And while I am sure that the new décor “will not suck” (in the vernacular of the young,) I already miss the legendary ambiance of what I just experienced at Monterey Bay Fish Grotto. 🍷



Actions of the Board

OCTOBER 15, 2014

- Topics discussed at the annual Judges/Board of Directors meeting included:
 - Learned that Court Administrator Paul Kuntz’s retirement is set for December 12.
 - Acknowledged the judges for their help in increasing court-appointed hourly fees.
 - Proposed Bench/Bar Conference location of Mountaineer Casino.
 - Heard that Supreme Court issued mandate to keep backlog of civil cases—two years old or older—below 25%.
- Approved repair to the roof with a roof coating at cost of \$8,975.
- Agreed to invite board members to the Investment Committee meetings.
- Reviewed a proposed resolution of SB76, which will be presented, to the membership at the Quarterly Meeting for a vote. This bill proposes a sales tax on all legal services.
- Learned that Mrs. Soohy will serve as the presidential one-year appointee on the PBA House of Delegates.
- Learned that Pete Cherellia agreed to serve as new Chair of the Fee Dispute Committee.
- YL Chair Allison Thiel reported that YLs are working on a location for the Christmas after-work gathering, and that the “Judge Ober’s Workday” is set for Saturday, October 18, from 10-5.
- Learned that President-Elect Soohy, BBC Co-Chair Allison Thiel, and Executive Director Krivoniak are headed to Mountaineer Resort for a site visit on Friday, October 17, for the 2015 BBC. 🍷

LawSpeak

“You must not be partial in judgment: hear out the small and the great alike ...”
— Deuteronomy 1:17



129 North Pennsylvania Avenue
Greensburg, PA 15601-2311

www.westbar.org

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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**.*

JANUARY

- 19** Courthouse closed in observance of Martin Luther King, Jr., Day
- 20** Family Law Committee, Noon
- 21** Elder Law & Orphans' Court Committees, Noon
Membership Committee, Noon
- 28** Ned J. Nakles American Inn of Court, 5 p.m.
- 29** [CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse

FEBRUARY

- 3** [CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse
- 10** [CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse

- 16** Courthouse closed in observance of Presidents Day
- 17** Family Law Committee, Noon
[CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse
- 18** Membership Committee, Noon
- 19** [CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse
- 24** [CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse
Ned J. Nakles American Inn of Court, 5 p.m.
- 26** [CLE] Trial Tips in Action, 5 p.m., Westmoreland County Courthouse

LAWYERS CONCERNED FOR LAWYERS CORNER

- The 12-step recovery meeting, exclusively for lawyers and judges, is in downtown Pittsburgh every Thursday at 5:15 p.m. For the exact location, call Pennsylvania Lawyers Concerned for Lawyers at **1-800-335-2572**.
- LCL has a new website at www.lclpa.org. Attorneys and judges will find information on how LCL can help them, a member of their family or a colleague who may be in distress. It is confidential and easy to navigate. Visit it today.
- Lawyers Confidential Help Line: **1-888-999-1941**. Operates 24 hours a day.

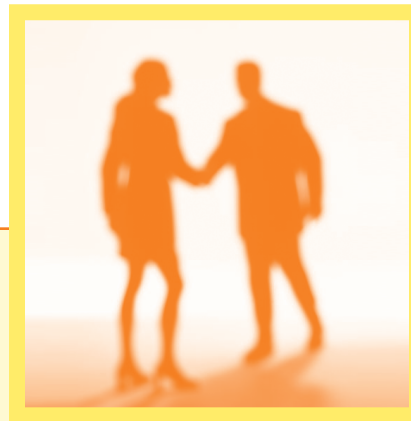
It's your chance to be a leader.

The Westmoreland Bar Association's Nominating Committee is accepting applications from members who would like to serve in leadership positions with the WBA.

The positions of **President-Elect** and **Vice President** of the Board and **one** opening on the **Board of Directors** will be among the positions to be filled by election at the annual meeting. Additionally, there is **one** opening on the **Membership Committee**, and **one** opening on the **Building Committee**.

The Nominating Committee—Dara A. DeCourcy, Chair, John Greiner, Maria

Soohey, Samuel R. Coury, Terrance C. Ferguson, Michael J. Stewart II, and Charles R. Conway—will meet in February, after the application deadline, to review applications, interview candidates, and prepare a slate of nominees to present to the Board of Directors and the membership of the Westmoreland Bar Association.



Any member interested in running for any of these positions should submit an application to the Chair of the Nominating Committee, c/o the WBA. See the reverse side of this announcement for the application, or download a form at www.westbar.org. Candidates may submit a completed application by first-class mail, fax (724-834-6855), or e-mail (dk.wba@verizon.net). **The WBA must receive the application by 4:30 p.m. on Friday, February 13, 2015.**

For more information about any of the positions, contact a Nominating Committee member.

Board

The **President-Elect** automatically succeeds the President at the expiration of the term of the President then in office, or if the office of President becomes vacant.

The **Vice President** automatically succeeds the President-Elect at the expiration of the term of the President-Elect then in office, or if the office of President-Elect becomes vacant. In the absence of the President and President-Elect, the Vice President presides at any meetings and carries out the President's duties.

The **Board of Directors** ensures that the WBA's mission, services, policies, and programs are carried out. Applicants should have experience in WBA activities such as chairing a committee, attending bar functions, and being active in the bar community. In addition, they must be able to think clearly and creatively, and work well with people, individually and in a group.

Interested candidates should know that the responsibilities include attending each monthly board meeting, the annual board retreat, and planning retreat, all bar association and foundation activities, and serving at the president's request.

One position is available, for a three-year term. The Director will:

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

Membership

The Membership Committee is the first point of contact that most applicants for membership will have with the WBA. One position for a five-year term

is available. The Membership Committee member will:

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

Building

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

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

2015-2016 CANDIDATE INFORMATION FORM

Applications must be received by the Westmoreland Bar Association by February 13, 2015, at 4:30 p.m.

I am interested in serving in a leadership role with the WBA and would like the Nominating Committee to consider me for candidacy. I understand that, if elected, I will be expected to attend all committee meetings and will be expected to accept and fulfill designated responsibilities.

I wish to run for the position of:

- President-Elect
- Vice President
- Director (3 yr.)
- Membership Committee (5 yr.)
- Building Committee (5 yr.)

Please provide the following information. Attach additional background information that you feel would be helpful to the committee.

Nominating Committee Members:
If you have any questions, please contact them.

Dara A. DeCourcy, Chair
John Greiner
Maria Soohey
Samuel R. Coury
Terrance C. Ferguson
Michael J. Stewart II
Charles R. Conway

Name: _____

Firm: _____

Address: _____

Phone: _____ Year admitted to practice: _____

Law School: _____ Year joined WBA: _____

Activities with the Westmoreland Bar Association (limit of 3):

1) _____

2) _____

3) _____

Other professional information (limit of 3):

1) _____

2) _____

3) _____

Signature: _____ Date: _____

Trial Tips in Action 2015

A chance to earn FREE CLE credits

An accredited provider for the PA Board of
Continuing Legal Education



Trial Tips in Action (Mock Trial)
Westmoreland County Courthouse
7 Dates Available
January 29
February 3, 10, 17, 19, 24 & 26
Courtrooms #3 & #5

Volunteers are needed to score high schoolers as they demonstrate courtroom proceedings in a Mock Trial.
Your participation as a juror in a "trial tips in action" seminar qualifies you for 1.5 free CLE substantive credits per session.

Only 12 jurors are needed for each session, so return the registration form as soon as possible.

No walk-ins can be accepted.

WBA Trial Tips in Action Seminar Registration Form

Fax 724-834-6855 or mail completed form to: WBA, 129 North Pennsylvania Avenue, Greensburg 15601

Please check the appropriate area :

Register me as a juror for the trial advocacy seminar, **I do want 1.5** FREE CLE substantive credits per session.

Register me as a juror for the trial advocacy seminar, I do **NOT** want CLE credit.

Name _____

Address _____

Email address _____ Telephone _____

For those wishing CLE credit: Attorney I.D.# _____

All sessions are scheduled to begin at **5 pm**, please plan to arrive 15 minutes prior.

Please choose 1 or more sessions you wish to serve as a juror:

Thursday, January 29

Tuesday, February 3

Tuesday, February 10

Tuesday, February 17

Thursday, February 19

Tuesday, February 24

Thursday, February 26

PLEASE NOTE:

The total time frame for each session will be approximately 1 hour and 45 minutes.

Jurors will receive 1.5 FREE CLE substantive credits for an entire session.



Nuts and Bolts of Criminal Defense Practice in Westmoreland County

— LIVE —
2 Substantive Credits Available



**Thursday,
February 12, 2015
12:00 pm - 2:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm February 11, 2015)

CLE Credit

WBA Members - \$30 per credit hr.

Non-Members - \$50 per credit hr.

Non-Credit

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

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

Nuts and Bolts of Criminal Defense Practice in Westmoreland County

Topics of Discussion

- ◆ Client Consultation and Fee Agreements
- ◆ Handling a Preliminary Hearing
- ◆ Omnibus Pre-Trial Motions
- ◆ Trial Preparation and Practice
- ◆ Plea Bargaining and Sentencing Alternatives

Speakers:

Michael D. Ferguson, Esq.

Ferguson Law Associates

Jeffrey D. Monzo, Esq.

Galloway Monzo, P.C.

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.

February 12, 2015 Nuts and Bolts of Criminal Defense Practice in Westmoreland County

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 _____

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 February 11, 2015**

Sponsored
by the
Westmoreland
Academy of Trial
Lawyers



You are cordially invited to attend the
Presentation of New Members
of the
Westmoreland Bar Association
March 17, 2015



*The court en banc will recognize the newest members of the
WBA at the annual New Members Ceremony scheduled for
Tuesday, March 17th,
in Ceremonial Courtroom #3 at the
Westmoreland County Courthouse at
3:00 p.m.*

Attorneys eligible to participate in this presentation:

<i>Ryan P. Cribbs</i>	<i>Jason P. McConnell</i>
<i>Kelly M. Eshelman</i>	<i>Vanda Raszewski</i>
<i>Julie K. Freeman</i>	<i>Shane M. Sarver</i>
<i>Andrew C. Harvan</i>	<i>Timothy J. Scelsi</i>
<i>Jaime Marie Hickton</i>	<i>Emily Shaffer</i>
<i>Timothy J. Leonard</i>	<i>Chuck E. Washburn</i>
<i>Richard N. Lettieri</i>	



*Please join us for a complimentary reception
at the "New" Rialto following the ceremony.*

RSVP by March 10, 2015
to the Bar Office
724-834-6730
or register online
at www.westbar.org



2015 Personal Injury Update

— LIVE — 2 Substantive Credits Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion include:

- Significant Case Law Developments
- Review and Update of Subrogation Issues & Strategies
- Analyzing & Understanding Auto Insurance Coverages
- How and When to Use Non-Physician Experts in a Personal Injury Case

Speaker:

Michael D. Ferguson

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 15, 2015

2015 Personal Injury Update

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 _____

Credit Card Billing Address _____

Pre-Registration Fees

CLE Credit:

- WBA Members - \$30 per credit hour (2 credits=\$60)
- Non-Members - \$50 per credit hour (2 credits=\$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 April 14, 2015.**

**Wednesday,
April 15, 2015
12:00 pm - 2:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm April 14, 2015)

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](#)

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

Westmoreland Bar Association — CLE Compliance Period Seminar

An accredited provider for the PA Board of
Continuing Legal Education

5 Substantive & 1 Ethics credits available



Tuesday

April 28, 2015

WBA Headquarters

9 am - 3:45 pm

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA
office by 12:00 pm April 27, 2015)
CLE Credit

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

Non-Credit
\$10 Flat Rate

Waived for Young Lawyers
(practicing 10 years or less)

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

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

Session 1 — 2 Substantive Credits

9:00 am – 11:00 am (Video from 2/12/15)

Nuts and Bolts of Criminal Defense Practice in

Westmoreland County

Topics of Discussion:

- ◆ Client Consultation and Fee Agreements
- ◆ Handling a Preliminary Hearing
- ◆ Omnibus Pre-Trial Motions
- ◆ Trial Preparation and Practice
- ◆ Plea Bargaining and Sentencing Alternatives

Speakers:

Michael D. Ferguson, Esquire
Ferguson Law Associates

Jeffrey D. Monzo, Esquire
Galloway Monzo P.C.

Session 2 — 2 Substantive Credits

11:15 am – 1:15 pm (Video from 4/15/15)

2015 Personal Injury Update

- Significant Case Law Development
- Review and Update of Subrogation Issues & Strategies
- Analyzing & Understanding Auto Insurance Coverages
- How and When to Use Non-Physician Experts in a Personal Injury Case

Speaker:

Michael D. Ferguson, Esquire
Ferguson Law Associates

Session 3 — 1 Substantive Credit

1:30 pm – 2:30 pm (Video from 11/21/14)

Secure-A-Day

*What every attorney needs to know about securing personal
and professional data.*

Speakers:

Stacey Ivoll - INtegrity First Corp.

Stephen P. Moschetta, Esq. - The Moschetta Law Firm P.C.

Session 4 (Video from 8/27/14)

2:45 pm – 3:45 pm — 1 Ethics Credit

LGBTQ: What is it and Why it is Important

Learn what the initials mean, how paradigms limit our
thinking on diversity, and what the ABA is saying about
legal issues on LGBTQ individuals.

Speaker:

Ted Hoover - Persad Center

Five (5) SUBSTANTIVE and One (1) ETHICS 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 28, 2015 Video Compliance CLE

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

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)

Sign me up for:

Session 1 – 2 substantive credits no credits

Session 2 – 2 substantive credits no credits

Session 3 – 1 substantive credits no credits

Session 4 – 1 ethics credit no credits

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

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

Card # _____

Expiration Date _____

Credit Card Billing Address _____

To qualify for pre-registration, please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601,
by **12:00 pm April 27, 2015.**