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THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXVIII, NUMBER 3
JUNE 2015

Paul S. Miller, Jr., Named 2015 Pro Bono Attorney of the Year



▲ Paul S. Miller, Jr.

At the annual meeting of the Westmoreland Bar Foundation held on April 6, 2015, Paul S. Miller, Jr., a solo practitioner in Murrysville, was named the 2015 Pro Bono Attorney of the Year. This award

is given to the attorney who has provided noteworthy volunteer legal representation to indigent Westmoreland County residents.

Q CONGRATULATIONS, PAUL. WHAT DOES THIS AWARD MEAN TO YOU?

A A man or a woman can receive no greater honor than to be recognized by his or her peers for having brought distinction to, or to have reflected favorably on their profession. I was deeply honored, both personally and professionally, to have been selected to receive that award. I was both embarrassed and humbled by the experience and will always remember the response by my brethren as I accepted the award.

Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A I am a very private person, both personally and professionally.

As some of you may already know, the Office of Pro Bono Services of the Westmoreland Bar Foundation provides representation for indigent custody litigants at no charge, up to and including the custody conciliation conference. It is the largest program the office runs, and Paul, by far, takes more of these cases than any other volunteer attorney. Since a significant majority of these custody cases are resolved at that level, the work that Paul Miller does helps free the court's litigation docket for other things. Without Paul's efforts, the Pro Bono Office couldn't manage the caseload it has, and he has more than earned recognition as Pro Bono Attorney of the Year.

— David J. Millstein, Esq.,
Pro Bono Director

The very nature of my professional career history as both a career law enforcement officer of twenty-plus years, and as an attorney for equally as long, has necessitated a bright line separation of my personal and professional life throughout my career.

Therefore, when Judge Scherer began his brief personal description of the Pro Bono Attorney of the Year recipient, describing how I met and married my wife of fifty years, along

with my law enforcement career and specific case histories, it became evident that he was describing my personal background and professional representation of three Pro Bono clients.

My first thought was of my grandfather. I grew up in a blue-collar working class family with a strong work ethic. I was taught that same strong work ethic, and not to expect a pat on the back or accolades for simply performing the job that you agreed to do when you took the job.

I am sure that it was evident to all of those members of the Westmoreland Bar Association who were present for the meeting that I was taken completely by surprise to have been selected. I was quite literally rendered momentarily speechless. As I indicated previously, I was deeply moved and honored to have been selected as the Pro Bono Attorney of the Year for 2015.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

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WBA Annual Meeting

**New Leadership
Elected, Awards
Presented**

See Page 12

President's Message

At Your Service

by Maria E. Soohy, Esq.

As members of the Westmoreland Bar Association, we share a common purpose. Our purpose is one of service, be it service to our clients, service to the community, or service to each other. The great thing about our organization is that it gives us the opportunity to connect with people and to form lasting relationships. Isn't that what gives meaning to life? We have an association where, if we give a little more, whether that involves lending a hand to a young lawyer or attending a memorial service for our colleagues who have passed away, we gain much more than we give. It isn't always easy, and it may not be convenient. Yet when we care more about each other, the extra effort is noticed. Relationships matter.



I am honored to work with our current Board, made up of Past President Joseph Lazzaro, President-Elect John Noble, Vice President Timothy Andrews, Directors Daniel Hewitt, Patrick Noonan, James Silvis, and Margaret Tremba, Treasurer L. Christian DeDiana, Executive Director Diane Krivoniak, and Young Lawyer

Representative Kristen Weidus. I have found my colleagues on the Board to be committed, results-driven, enthusiastic, and genuinely respectful of each other, our Association, and our profession. Projects that are being undertaken are focused on how to better serve the members of the WBA.

With that in mind, we recently held a Past Presidents' breakfast, which was very well attended. The exchange of ideas and dialogue provided guidance to the current Board as to the needs and concerns of WBA members. The input from these well-respected members of our Bar is being

expanded upon, and have become discussion topics for this year's Planning Committee agenda.

I have recommended the establishment of a Technology Task Force in order to further identify the needs of our members, and to provide technology resources where they may be lacking. The importance of this effort was highlighted at the American Bar Association's Bar Leadership Institute, where Executive Director Diane Krivoniak and I joined Bar leaders from most of the bar associations across the United States. This year's theme was—not surprisingly—technology and its impact on the practice of the law.

In addition, the Board recognizes the importance of our Committees and the service these committees provide day in and day out. Our WBA committees are the lifeblood of our organization and the work being done is of utmost importance. Finding ways to assist committees and work in conjunction with them for implementation of the great ideas that come from the committees is a focus of our Board. If you have not yet joined a committee, please consider doing so as it allows us to strengthen both our relationships and our Bar.

In closing, I want to thank you for allowing me to serve as the President of the WBA for the current year. I want to assure you of my commitment to be "At Your Service." My purpose as President is to assist members in whatever ways they may need. When my dad was alive, he would say, "We are all just passing through." I think of that often, and as current President of the WBA, I am even more cognizant of how quickly time goes by. This is a very special time for me, and I consider the WBA my extended family. I also realize that "special" is in the details, and I am committed to the customer service of our members.

Alexander the Great said, "Remember, upon the conduct

of each depends the fate of all." I am reaching out to all of you to become more involved and to get others involved. Come to one more event than you did last year and lend a hand when it's not easy. I will do the same. ■



▲ Attendees at the Past Presidents' Breakfast on May 12 included, from left to right: (standing) Dick Galloway, David DeRose, John Campfield, Stu Horner, Joe Lazzaro, Maria Soohy, Becky Brammell, Jack Bergstein, Rich Flickinger, and John Greiner; (seated) Milt Munk, Bill McCabe, Barbara Christner, Vince Quatrini, Moe Lewis, Diane Murphy, and Jim Silvis.

Remembering James L. Nardelli

Editor's note: James L. Nardelli passed away on Sunday, November 23, 2014. He is survived by his wife of 57 years, Linda; three sons, James L. Nardelli Jr., and wife, Deborah, of New Kensington, Anthony Nardelli, and wife, Terri, of Allegheny Township, Michael D. Nardelli, and wife, Tambrea, of Arnold; daughter, Mary Christina Matejczyk, and husband, Raymond, of Michigan; and five grandchildren, Joshua, Nathan, and Zachary Matejczyk and Jessica and Sarah Nardelli.

by James E. Kopelman, Esq.

I remember the first time I met Jim Nardelli. I went into Miller Brothers Shoe Store in New Kensington to buy a pair of new shoes and he waited on me. He was friendly and outgoing and asked me my name. He said he knew my family. We struck up a conversation while he fitted me with two or three pairs of shoes until I selected a pair that felt good. Jim told me that he was going to Pitt and wanted to become a lawyer. Although I do not remember what shoes I bought that day, I do remember Jim's charisma and my thought that he had the perfect personality to be a lawyer.

Jim was a lifelong member of the New Kensington-Arnold Community and graduated from Pitt Law School in the famous Class of 1957. Governor, and later Attorney General, Dick Thornburgh, as well as three or four Judges were graduates of this very small Pitt class. Jim settled in New Kensington and became a general practitioner.

There are very few lawyers at the bar who practiced in the diverse areas of Jim's endeavors. During his career, he did defense work for Rockwood Insurance Company and was counsel for Keystone Bank where he did transactional real estate. He also did family law, plaintiff's personal injury work, as well as real estate, and estate

work. Jim's favorite client was the Municipal Authority of the City of New Kensington, which in New Kensington is called the "water company." He represented this Authority for more than half a century. His municipal career was not limited to New Kensington. He also represented the Upper Allegheny Joint Sanitary Authority, the Borough of Avonmore and the Westmoreland County Housing Authority, where I followed his lead as its solicitor for thirty years.

My dealings with Jim were always pleasant. He was conscientious in his work and attended to matters in a timely fashion. He did however have one idiosyncrasy. When he was on the opposite side of a case, he would write a letter that stated: "I will diary my

Since 1960, the Westmoreland Bar Association has held an annual Memorial Service to pay tribute to our friends and colleagues who have passed on. Links to the transcripts by decade, from 1960 to the present, can be found on our website at www.westbar.org/memorial_service. Once you have located the decade, click on the individual year to read the transcripts. To search for a specific name, use the Find command (ctrl-F or command-F).

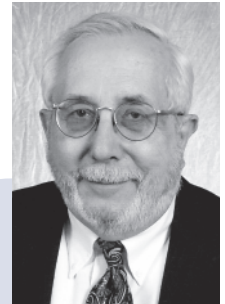
calendar for two weeks (or three weeks, or whatever the case might be) for your response." I always responded timely, except in one case. I thought I would test Jim's diary system since I was not required to file a responsive pleading with the court. A week passed after the time he was supposed to have diared his calendar for my action and I did not hear from him. I then chuckled to myself and sent him the required response.

Jim also served on the City of New Kensington Civil Service Commission which selected three candidates for each opening on the police force. City council would then choose one of the three to fill the position. In the forty-some years that I represented the City of New Kensington, Jim was always on the Civil Service Commission and its chairperson.

At the time of Jim's death, he was the second-most-senior lawyer (after Bob McVey) in the northern end of the county. Jim had the pleasure of seeing both of his sons, Jim, Jr., and Michael, and his daughter's son pursue a career in the law.

Jim leaves behind his lovely wife, Linda, and his children, James L., Jr., Anthony, Michael D., and daughter, Mary Christina Matejczyk.

What began as a chance meeting with Jim in a shoe store evolved into a lifelong friend and colleague. He will be missed by his friends and family. ■



▲ James L. Nardelli

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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Remembering B. Patrick Costello

Editor's note: B. Patrick Costello passed away on Saturday, April 4, 2015. He is survived by his wife of 48 years, Lou; four children, B. Patrick Costello, Jr., and wife, Mary, of Alexandria, Va., John M. Costello, M.D., and wife, Doyle, of Western Springs, Ill., Elizabeth Costello Amaris, and husband, Troy, of Minneapolis, and Maureen Anne Shinnick, and husband, Daniel, of Libertyville, Ill.; sixteen grandchildren, Mary Kate, Patrick, Michael, James, and Colette, of Alexandria, Va., Jack, Liam, Colin, Michael, and Kevin, of Western Springs, Ill., Brendan, Maggie, and Anna, of Minneapolis, and Paul, John, and James, of Libertyville, Ill.; sister, Anne Bordas, of Greensburg; sister-in-law, Naomi Costello, of Pleasant Unity; and many nieces and nephews. Memorial contributions may be made to Seton Hill University's "Mary Hogan O'Neil and James Michael O'Neil Endowed Scholarship Fund," One Seton Hill Drive, Greensburg, Pa., or to the charity of your choice.

by Donald J. Snyder, Jr., Esq.

On April 4, 2015, B. Patrick Costello finally heard “the flutter of angels’ wings” and “completed his final takeoff.” Pat spent his over 90 years of life on this planet living intensely and enthusiastically and devoted more than 62 years of that full and complete life to the practice of law in Westmoreland County. With his passing, another chapter closed in the book of colorful characters who have made the practice here rewarding as well as interesting. Pat was my mentor, role model, former partner, and most of all, my friend.

As with nearly everything else in my life, my association with Pat began in Scottsdale. Sometime after Pat began practicing law in 1952 with the law firm of Smith, Best and Horn, he began to assist John M. Horn in the representation of The Duraloy Company. By that time, my mother was the executive secretary to the President and Chairman of the Board so Pat and she interacted on a frequent basis during the ensuing years. Pat later became general counsel and a director of the company.

My first exposure to Pat had only a tangential relationship to his legal ability; I was more interested in the fact that he was a Naval Aviator who piloted fighter planes and who drove a beautiful black Thunderbird convertible, which he kept in immaculate condition.

Later, when we interacted in my role as law clerk, associate attorney, and partner, I came to appreciate how he was the consummate lawyer with the ability to successfully conduct a multifaceted practice and still retain his balance and sense of humor. I attribute that ability to an excellent education and mentoring by some of the best lawyers in Westmoreland County but, perhaps more importantly, to his background.

Pat was born in Farmington, W.Va., where his father, Paul D. Costello, was a mine superintendent for the Jamison Coal and Coke Company. (Pat’s association with the Jamison family continued both on a personal and professional level until he died.) The Costellos first moved to Crabtree and then to Pleasant Unity where Pat’s father was the superintendent at what was designated as Jamison No. 20. They lived in the large house on what is now Costello Road just off the main road between Pleasant Unity and Trauger.

A mine superintendent is never “off duty,” so Pat picked up a work ethic that served as his model for the practice of law. He himself had “gone underground” as a miner at Jamison No. 20. With that exposure came a respect for people who performed physical work for a living, particularly work that involved some degree of physical danger. Whether dealing with the linemen and electricians at West

Penn Power, the tree trimmers at Penn Line Service, the metal workers at The Duraloy Company and the Elliott Company, or the heavy equipment machine operators at Adam Eidemiller, Inc., Pat could relate to them.

His ability to engage with people from all walks of life served him well in dealing with his clients, the juries that he would address, and the people who served on the various Boards that he represented in municipal, hospital, college, and charitable work. He could explain complicated legal matters without condescension in terms that could be understood by lawyers and lay people.

The Costellos were devout Roman Catholics and Pat practiced his faith throughout his life.

His aunt was a nun at what was then the Saint Xavier Convent of the Sisters of Mercy where Pat and his friends from Pleasant Unity would ride on their bikes to get freshly baked bread from the kitchen where she worked.

Later, Pat followed the Smith, Best and Horn tradition of representing the Sisters of Charity in all of their operations, including Jeannette District Memorial Hospital and, most importantly, Seton Hill College, now Seton Hill University. The transformation of Seton Hill from the girls’ college on the hill to the co-educational university that has developed a portion of its campus in downtown Greensburg was a capstone of Pat’s career. It should be mentioned that he was ably assisted in these efforts by his wife, Lou, who was a graduate and active alumna of Seton Hill and his longstanding friendship with Seton Hill’s late President, Dr. JoAnne Boyle, and her husband, Arthur Boyle.



▲ B. Patrick Costello

Pat was active in the Boy Scouts and the Boy Scout movement throughout his life. He often attributed his affinity with the outdoors to his years of training as a Boy Scout.

When the Japanese attacked Pearl Harbor in December of 1941, Pat was determined to enter into the United States Navy. He had to wait, however, to graduate from Latrobe High School. Upon entry into the Navy Aviation Cadet program, he began the process of earning his “wings of gold” which he achieved in 1944. He served on active duty until the end of the war. After the war, he was in the Naval Reserve and many of his tales concerned his Naval Reserve duty.

To the end, he was a Navy man. A crisis would be called “a fire in the hangar deck,” his children would be summoned “front and center” by a call to “report,” and the restroom in our office was called “the head.” Up until the time his sons became older adolescents, he kept the close crewcut of a Naval pilot. An additional source of pride was his son’s service as a Naval Aviator and his role in swearing in B. Patrick Costello, Jr., as a Naval officer. Some of Pat’s best friends were people with whom he had served.

For those of us close to Pat, we soon came to realize that he had no real conception of time—his time or anybody

else’s. In part, this phenomena arose because of the demands of his practice, which included such clients as West Penn Power Company, Adam Eidemiller, Inc., The Duraloy Company, the Elliott Company, Bell Telephone, the Pennsylvania Railroad, Volkswagen of America, General Tire and Rubber Company, Penn Line Service, Inc.,

Westmoreland Hospital, Jeannette District Memorial Hospital, the Sisters of Charity, Seton Hill College, a variety of municipal government entities and authorities, and numerous insurance companies. He was in constant demand and constant motion.

The telephone was a reliable tool, but his nemesis as well. Our role was to assist him in addressing

the demands of this multifaceted practice. Despite those demands, he always had time to give directions and advice on handling a particular matter and to mentor a whole group of us who are now members of the Bar. Sometimes that advice was delivered in colorful terms. He expected performance at the highest level because he imposed those standards on himself.

Pat embraced many aspects of technology but he also came to resent things that impinged upon his conception of where tasks fit into his timeframe. When fax machines became commonplace, he would rail against the expectations of people who would send a fax and then call 20 minutes later and expect a detailed response to that fax. It did not help that early fax machines used paper that came out in rolls making us look like biblical scholars.

He had an e-mail account, but the account was usually administered by his secretary, except for messages to and from his children. He disliked dictation equipment and relied to the end upon secretaries who could take shorthand.

In the era before cell phones, faxes, and computers, while away on vacation, Pat would spend hours on the phone with the office trying to stay ahead of the crunch of work. When normal phone connections were not available, he would resort to phone booths, which conjures up an image of him yelling over the phone while cooking in the sun in Rehoboth Beach. When we finally had to move from the electromechanical multi-line phones to the electrical ones, he did not welcome the loss of the separate intercom system that enabled him to talk to the staff while appearing to listen to the person talking on the telephone line. Copy machines were a constant source of tension and frustration, especially when malfunctioning during the hours when secretaries were not present.

Aside from his family and legal career, the largest influence in Pat’s life was his attendance at Notre Dame. As a returning veteran, he was older than the incoming freshman but subject to many of the same rules. Some of his best stories


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“He was the consummate lawyer with the ability to successfully conduct a multifaceted practice and still retain his balance and sense of humor.”

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CAN ONE ATTORNEY CHANGE THE WORLD? WATCH ME.



Remembering B. Patrick Costello *continued from page 5*

concerned his efforts to flout those rules and still stay in the good graces of the faculty and the proctors. One telling aspect of Pat's career at Notre Dame occurred during his campaign for Class President of 1949 when he arranged to buzz the campus in an airplane to distribute his own campaign literature. Until the end, he wore his Notre Dame class ring. All of his children graduated from Notre Dame. The flag pole in his front yard flies the Stars and Stripes and the Notre Dame flag.

Pat did have his likes and dislikes and they were expressed in terms that may not be appropriate for some ears. He loved sports cars (always black), airplanes, and telling great stories in his basement bar, "the Notre Dame Room." Movies starring John Wayne, "Knutie Rockne, All-American," and "Patton" were among his favorites. He did not care for newspaper reporters who did not accurately report what transpired at meetings, who took advantage of his clients, or who portrayed them in an unfavorable light. He was great press for the reporters that he did like, although we did get into some heat by his reference to a late North Huntingdon Commissioner as a "political hack."

Up until his later years, he shared with the late Christ C. Walthour a dislike of anything produced by "the Empire of Japan," but gave in to eventually purchase automobiles produced by Japanese manufacturers. A person who parked in his reserved parking spot could receive the full array of his anger with an immediate call to the Greensburg Police. Draft dodgers, including Bill Clinton, had a special place on his list of undesirables, but it did not keep him from shaking the President's hand when he visited Greensburg.

He was associated for many years with what is now the Arnold Palmer Regional Airport and got to know many of the people involved with the



▲
Pat Costello and Don Snyder

civil aviation activities there. He served as a member of the Board of the Airport Authority for a number of years.

On one trip that we took to eastern Pennsylvania in a client's twin engine Piper Aztec, Pat talked the co-pilot into relinquishing his seat so he could assist the pilot in returning to Latrobe from Allentown. As you can imagine, on a hot August afternoon, flying by visual flight rules, the flight back was fairly bumpy. I recall that Bruce Antkowiak and I nearly kissed the ground when we got back to Latrobe. Pat's reaction was, "Are you guys sick?"

I am sure all of the older members of the Bar will recall incidents where

Pat's humor and skill as a storyteller came into play. His devotion to work never caused him to lose his keen sense of humor. He thoroughly enjoyed the company of lawyers whether it was at the meetings of the Academy of Trial Lawyers or, in later years, at the Inns of Court or the Bench/Bar Conferences.

Finally, Pat loved his wife, Lou, their four children, Pat Jr., John, Elizabeth, and Maureen, and the grandchildren without limitation. As Pat did, Lou came from a large Roman Catholic, Irish family and was able to balance the needs of the family with the demands of Pat's practice. They particularly enjoyed the holiday gatherings and the summer retreats at Deep Creek Lake. Pat would organize bike and boat rides and keep everyone busy. All of the family reciprocated the love and devotion that he gave them, particularly through this last difficult year.

I can say that it was a privilege to be associated with him during those many years. I am sure that those of you who got to know him at some time in his long career will agree that in all aspects of his life, he represented the best that a Westmoreland County lawyer can offer. ■

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Remembering Robert D. McVey

Editor's note: Robert D. McVey passed away on Friday, April 10, 2015. He was preceded in death by his wife of 43 years, Joyce, in 1992. He is survived by his twin sons, Gregory, and wife, Elizabeth, of Austin, Tex., and Jeffrey, and wife, Chris, of Lower Burrell; granddaughters, Alicia Shearer, and husband, Mark, of Washington, Pa., Danielle McVey, of Alexandria, Va., and Joanna Sockoloskie, and husband, Keith, of Medford, N.J.; and great-granddaughter, Allison Tess Sockoloskie.

by James E. Kopelman, Esq.

Robert D. (Bob) McVey died on April 10, 2015, at home, while getting dressed for the day. He was born in New Kensington on April 29, 1919, where he spent his entire life, except for his time in college, the FBI, and law school.

Bob was always a very good student. He graduated from the New Kensington High School, Class of 1937. There he was a member of the National Honor Society and the tennis team. (Ken High became Valley High School after it merged with Arnold.) Bob went on to obtain a bachelor's degree, Phi Beta Kappa, from Allegheny College and then, in 1941, spent a year at the Yale Law School. He left law school to join the FBI where he served as an agent until 1948 when he returned to Yale. He obtained his law degree in 1950.

In those days, all new lawyers were required to serve a six month preceptorship, or clerkship, as it was sometimes called, with an established member of the Bar. Bob fulfilled this requirement by teaming up with the late Albert S. Yoder, a past president of our bar association. Unfortunately, Al Yoder had a heart attack at the end of Bob's clerkship and decided he no longer wanted to work as hard. He then asked Bob to join his practice, and they formed the distinguished law firm of Yoder and McVey.

Bob's practice consisted primarily of estates, trusts, and real estate. He was very knowledgeable in these areas and did his work with great care and attention to detail.

Bob was one of the most community-minded citizens that we had in the City of New Kensington. He served on the Citizens General

Hospital Board as a Trustee for thirty-five years, and for many of those years, was its Board president. At Hill Crest Country Club, Bob enjoyed tennis and golf. He was a member of its Board for many years and served a term as president.

Prior to his death, he was made an honorary member of the Club which meant that as a matter of respect for his services and longevity, he was no longer required to pay dues. Bob was also on the YMCA Board.



▲ Robert D. McVey

Bob's wife, Joyce, preceded him in death by more than twenty years. Bob is survived by his two sons: Gregory, a construction engineer in Austin, Tex., and Jeffrey, a CPA with an office in Lower Burrell. Jeffrey is also the business manager of the New Kensington-Arnold School District. He and his wife have three children.

For more than twenty years, I ate lunch with Bob and others at a lunch table in the now-demolished Kenmar Hotel. The "Big Table," as it was called, was where local lawyers, other professional people, bankers, and businessmen ate. I enjoyed Bob's wit and wisdom at the table. He gave me one very important bit of advice when I was a bachelor. He said: "Marry a pleasant woman." That advice has served me well.

Bob gave up his office in 2013, but continued to take care of a few matters from his house. I enjoyed dealing with him because he was always pleasant and courteous. I served as Bob's personal attorney for the past ten years, and felt honored that he had chosen me as his counsel. I have many good memories of my association with my friend, Bob McVey. Without a doubt, other members of the Bar have the same. ■

*Looking for a special way
to remember someone?*

**Births • Deaths • Marriages • Anniversaries
Making Partner • Passing the Bar**

Since 1991, the Westmoreland Bar Foundation has raised thousands of dollars to assist the poor, disabled, elderly, and children in our community. Through the **Memorial Program**, you can honor a colleague or loved one with a contribution to the Foundation. Your gift will help serve the needs of our own who have nowhere else to turn for legal services.

If you would like to make a gift to the Foundation as a meaningful expression of respect, please make check payable to the Westmoreland Bar Foundation and mail to WBA Headquarters, 129 N. Pennsylvania Ave., Greensburg, PA 15601.



MAY 2015 TRIAL TERM

Of thirteen cases listed for the May 2015 Civil Jury Trial Term, three settled, eight were continued, one was discontinued, and one resulted in a jury trial.

**ELIZABETH GARSTECKI,
AS ADMINISTRATRIX OF
THE ESTATE OF RHODA
BALDWIN, DECEASED,
V.**

**ASTER ASSEFA, M.D.; ASTER
ASSEFA, M.D., P.C.; AND MEDICAL
LABORATORY SERVICE, INC.,
D/B/A DIAMOND PHARMACY
NO. 4251 OF 2012**

*Causes of Action:
Wrongful Death—Survival*

This professional liability case for medical malpractice was brought by Elizabeth Garstecki on behalf of her deceased sister, Rhoda Baldwin, alleging professional medical negligence in the care and treatment provided to the decedent, in particular, as to the prescribing and the administration of Coumadin for anticoagulation therapy. The medication was prescribed by the Defendant Doctor Aster Assefa, and

**JURY TRIAL
VERDICTS**



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

the prescriptions were filled by the Defendant Medical Laboratory Service, Inc., d/b/a Diamond Pharmacy.

Plaintiff alleges that the negligent conduct of Defendants resulted in an excessive amount of Coumadin being taken by the decedent, Rhoda Baldwin, resulting in her death on September 1, 2010. Defendants denied that they were negligent or careless in the administration and monitoring of the medication to the decedent, claiming that her death was undetermined

and resulted from her failure to follow instructions.

A request for a directed verdict in favor of Defendant Medical Laboratory Service, Inc., d/b/a Diamond Pharmacy, was granted as a result of no evidence being presented against the pharmacy pursuant to the terms of a Joint Tortfeasor Release and Settlement Agreement. Accordingly, a four-day jury trial was conducted in this matter, with a verdict being entered 11-1 in favor of Defendant Doctor Aster Assefa and against the Plaintiff.

Trial Date(s): May 11-14, 2015

Plaintiff's Counsel: Alan H. Perer, Pgh.

Defendant's Counsel: David M.

Chmiel, Pgh.

Trial Judge: The Hon. Anthony G. Marsili

Result: Verdict in favor of Defendant. ■

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

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practice tips

by Pamela Ferguson, Esq.

In the two years since the U.S. Supreme Court in *U.S. v. Windsor*¹ struck down Section 3 of the Defense of Marriage Act (DOMA)—a federal statute which denied federal benefits to legally married same-sex spouses because of their sexual orientation—there have been sixty-four court rulings in favor of gay marriage: forty-one in federal court, eighteen in state court, and five in federal appellate court. As a result of rapidly evolving public sentiment—63% of Americans agree that gay couples have a constitutional right to marry²—and the changing legal landscape that has responded to that public sentiment, thirty-seven states and the District of Columbia have ruled that laws that prohibit same-sex marriage, either by legislative enactment, referendum, or case law, constitute a denial of equal protection. There remain only thirteen states that have laws or constitutional amendments denying that freedom to marry.

This dramatic change was first expressed by the United States Supreme Court in *Windsor*, but not because *Windsor* ruled that gay marriage was constitutional; it did not. In fact, the Supreme Court refused to invalidate Section 2 of DOMA, which allows states to define “marriage” as between a man and a woman, and to refuse to recognize same-sex marriages lawfully performed in other

Windsor, Whitewood, and What You Need to Know

states. *Windsor*’s significance is the acknowledgment by the highest court in the land that federal law could not discriminate against a class of persons—gay couples—if that marriage had been sanctioned by state law. Determining that to be the primary reason for DOMA’s enactment in 1996, Justice Kennedy, writing for the majority, held:

“DOMA’s principal effect is to identify a subset of state-sanctioned marriages and make them unequal . . . By creating two contradictory marriage regimes within the same State, DOMA forces same-sex couples to live as married for the purpose of state law but unmarried for the purpose of federal law, thus diminishing the stability and predictability of basic personal relations the State has found it proper to acknowledge and protect. By this

dynamic DOMA undermines both the public and private significance of state-sanctioned same-sex marriages; for it tells couples and all the world, that their otherwise valid marriages are unworthy of federal recognition.

This places same-sex couples in an unstable position of being in a second-tier marriage.”

Kennedy’s holding set the stage for the onslaught of legal battles over states’ rights to decide what defines “marriage.”

While *Windsor* was instrumental in starting the momentum, it created, at least temporarily (until all 50 states legalize same-sex marriages), a dichotomy between the “ceremony test” and the “residency test,” which

arises when legally married same-sex couples receiving state and federal benefits in the state they were married (ceremony test) move to a state that bans same-sex marriages (residency test).

This juxtaposition raises several questions: To what benefits are they entitled as a legally married couple? If they are residing in a state that does not recognize their marriage as valid, does this affect their federal benefits? What if they reside in a state that does not recognize their marriage, but work in a state that does? Are they entitled to state employment benefits by virtue of working in that state, or, if not, can an employer treat a class of employees differently solely based upon their residency?

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▲ Pamela Ferguson

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¹ *United States v. Windsor*, 570 U.S. ____ (2013)

² CNN/ORC Poll. Feb. 12-15, 2015

Windsor, Whitewood, and What You Need to Know

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The Supreme Court's refusal to address the constitutionality of Section 2 of DOMA at its core has raised more questions than answers, making it very difficult for lawyers to advise married same-sex couples and employers about the ramifications of *Windsor*. Fortunately, this issue may be resolved in the near future: On January 16, 2015, the United States Supreme Court granted review of several legal cases seeking the freedom to marry, and heard oral argument in these cases on April 28, 2015. A decision, which could bring the freedom to marry to same-sex couples nationwide once and for all, is expected this month. Former Attorney General Eric H. Holder, Jr., announced that the Obama administration intended to file an amicus brief asking the justices "to make marriage equality a reality for all Americans."

In the meantime, the legal community must be prepared to advise same-sex married clients of the wide-reaching ramifications of *Windsor*. As a result of *Windsor*, same-sex spouses are now eligible for

federal benefits from over 1,000 federal laws, including, but not limited to: tax benefits under the Internal Revenue Code; public welfare benefits under the Social Security Act; employment and health benefits under FMLA, ERISA, COBRA, and HIPPA; distribution of marital pensions through QDROs; pension and retirement benefits under the Retirement Equity Act (REA); spousal and survivor spouse benefits through the Veterans Administration; immigration benefits; and spousal privilege protection for confidential communications in federal proceedings.

While certainly not exhaustive, the following identifies pertinent areas of the law that have been affected by *Windsor*:

TAX LAW

On August 29, 2013, the IRS issued Revenue Ruling 2013-7 which developed a "place-of-celebration rule," recognizing a same-sex marriage if it was validly entered into within a state that recognizes such marriages, regardless of how the current state of their residence defines "marriage."

Thus, individuals in same-sex marriages may now amend their federal tax returns to file jointly and to file claims to recover taxes paid on imputed income and health insurance. (Prior to *Windsor*, in states which recognized same-sex marriages, employees who had covered a same-sex partner under an employer-health plan were taxed on the fair market value of the coverage provided to the domestic partner. The value of the benefit was considered imputed income to the employee's spouse and reported on his/her W-2.) Same-sex spouses will no longer have to pay federal gift tax when transferring assets between themselves or inheritance tax upon the death of their spouse.

EMPLOYMENT LAW

On September 18, 2013, the Department of Labor issued Technical Release Nos. 2013-04 and 2013-17 to include lawfully married individuals in the definition of "spouse" for purposes of eligibility for employee-benefit plans, spousal benefits, and/or consents mandated by ERISA and the IRC, regardless of their resident state's position on same-sex marriage. All ERISA-governed health plans are now required to provide continuation coverage (COBRA) to participating employees' same-sex spouses, and health insurers who offer qualified health plans through the Affordable Insurance Exchange must now offer coverage of same-sex spouses if that coverage is offered to opposite-sex spouses.

Same-sex spouses are now eligible for benefits under a Flexible Spending Account, Health Reimbursement Arrangement, or Health Savings Account, and employer contributions for medical or life insurance benefits for an employee's same-sex spouse are not includable in the employee's taxable income for federal income tax purposes.

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Employers must now treat same-sex spouses as a “spouse” for retirement plan death benefits and survivor annuity requirements: Survivor benefits of a Qualified Joint Survivor Annuity (QJSA) and Qualified Pre-retirement Survivor Annuity (QPSA), which allow a surviving spouse to postpone receiving distributions until the end of the year in which the participant would have attained the age of 70½, are now available to same-sex spouses.

Windsor also requires employers covered by the Federal Medical Leave Act (FMLA) to provide leave for an employee to care for a legally-recognized same-sex spouse.

VETERANS BENEFITS

According to 38 USC §103(c), a veteran’s same-sex spouse is now entitled to health, pension, and death benefits formerly available only to opposite-sex spouses. Their marital status is determined by the law of the state at the time of their ceremony. Once legally married, they are eligible for benefits, regardless of how their state of residence defines “marriage.”

SOCIAL SECURITY LAW

Retirement, surviving-spouse, and lump-sum death payment claims under the SSA are now available to same-sex spouses. Same-sex marriages will also be considered in applications for SSI; therefore, it is necessary to update marital status information with the SSA if a claim is being processed.

FAMILY LAW

ERISA’s definition of “spouse” as used in Domestic Relations Orders for the payment of child support and/or alimony or equitable distribution must now include same-sex spouses, thus, allowing plan administrators to accept QDROs for the distribution of pension benefits to same-sex spouses. (Under DOMA, a plan administrator risked violating the anti-alienation provision if he/she qualified a DRO arising out of a dissolution of a same-sex marriage.)

IMMIGRATION LAW

U.S. citizens in a legally-performed same-sex marriage may now file an Immigrant Visa Petition on behalf of a non-citizen spouse.

CRIMINAL LAW

Same-sex couples will now enjoy the same spousal privilege protection of content of confidential communication afforded opposite-sex married couples in federal proceedings.

In addition to changes in federal benefits, members of our Bar must familiarize themselves with state benefits that are available

to same-sex spouses as Pennsylvania is one of the thirty-seven states to sanction same-sex marriage.

On May 20, 2014, Pennsylvania became the nineteenth state to legalize same-sex marriage when U.S. District Judge John E. Jones III (appointed by George W. Bush) held in *Whitewood v. Wolfe*³ that the 1996 provisions of the Pa. Domestic Relations Code, defining marriage as between a man and woman (§1102) and voiding all legally performed same-sex marriages in other states (§1704), were unconstitutional. Governor Corbett’s refusal the following day to appeal the *Whitewood* ruling opened courthouse doors across the state for the first time in Pennsylvania’s history to gay couples seeking marriage licenses.

As *Whitewood* invalidated the restrictive definition of “marriage” in Pennsylvania’s Domestic Relations Code and mandated inclusion of same-sex spouses in the definition of “spouse,” all of the benefits previously afforded opposite-sex spouses (support, divorce, equitable distribution) are now available to same-sex spouses. Although, it is still recommended that same-sex spouses obtain legal adoptions,

it is currently unknown what the legal effect of such an adoption might be if the couple moved to or was visiting a state that does not recognize their union.

Same-sex spouses are now afforded primary medical decision-making responsibilities for their incapacitated spouse and may inherit without a will; the inherited property will be exempt from Pennsylvania’s estate tax as a spousal exemption. Deeds for

property owned prior to marriage should be updated by same-sex spouses, as they can now hold title as tenants by the entireties as a

result of their marital status.

It is important to understand that the employment and health benefits mentioned above do not apply to private employers because Pennsylvania does not currently have a statewide law that prohibits discrimination on the basis of sexual orientation and marital status; therefore, private enterprises and churches in certain municipalities⁴ may refuse to provide services.

The Pa. General Assembly is currently considering legislation (Senate Bill 300 and House Bill 300) to add “sexual orientation” and “gender identity or expression” in the Human Relations Act, the Commonwealth’s non-discrimination statute. If enacted, it would prohibit discrimination against LGBT in employment, housing, and public accommodations.

While the past two years have been a whirlwind of change for our country and our Commonwealth, it appears that resolution of the unanswered questions will occur soon and will enable you to make sure your clients receive all the benefits and protections that both federal and state laws provide. ■

⁴ Certain municipalities in Pennsylvania have non-discrimination bills. See Pittsburgh City Non-discrimination Code §§651.01-659.07 91990).

³ 992 F.Supp2nd 410 (2014)

practice
tips

New Leadership Elected, Awards Presented at Annual Meeting

At the Annual Membership Meeting of the Westmoreland Bar Association held on Monday, April 6, at Rizzo's Banquet Hall in Crabtree, Maria E. Soohey assumed the office of president.

Maria is General Counsel and Chief Financial Officer of Aestique Medical Center, and maintains a part-time law office, Soohey Law, LLC, in Latrobe. A graduate of the University of Pittsburgh and Duquesne University School of Law, her primary areas of law include business, health care, elder law, and estate planning.

Maria succeeds Joseph W. Lazzaro, Vice President, General Counsel, and Corporate Secretary of Keystone Collections Group, and will serve a one-year term as President.



▲ WBA President Maria Soohey accepts the ceremonial gavel from Past President Joe Lazzaro at the WBA Annual Meeting held on April 6, 2015.

Jeffrey D. Monzo was elected to the Membership Committee and John N. Ward was elected to the Building Committee. Both will serve five-year terms.

OTHER ELECTION RESULTS

John M. Noble was elected to the office of President-Elect, Timothy C. Andrews was elected Vice President, and Margaret Maloy Tremba was chosen to serve a three-year term on the Board of Directors. Other board members include Directors Patrick T. Noonan, James P. Silvis, and Daniel J. Hewitt; Past President Joseph W. Lazzaro; Treasurer L. Christian DeDiana; and Secretary/Executive Director Diane Krivoniak.

AWARDS GIVEN AT MEETING

James R. Antoniono was presented with the President's Award for Professionalism for his dedication to the practice of law, service to his community, and his integrity and civility as a lawyer (*see story at right*).

Allison Thiel was presented with the Outstanding Young Lawyer Award for outstanding leadership and distinguished service to the legal profession and the community (*see page 14*); and the Investment

Advisory Committee was named Committee of the Year (*see page 15*).

Paul S. Miller, Jr., was named Pro Bono Attorney of the Year in recognition of his noteworthy volunteer legal representation of indigent Westmoreland County residents (*see page 1*).

James R. Antoniono

PRESIDENT'S AWARD FOR PROFESSIONALISM

Recognized for his dedication to the practice of law, service to his profession, and his integrity and civility as a lawyer, James R. Antoniono was awarded the President's Award for Professionalism at the Annual Westmoreland Bar Association Membership meeting on April 6, 2015.

The President's Award for Professionalism is not an annual award, but is presented only when the dedication and achievements of a WBA member, who best exemplifies the highest standards of the profession with regard to the practice of law, should be acknowledged.

A partner in the Greensburg law firm of DeBernardo, Antoniono, McCabe and Davis, PC, Jim is a graduate of Pennsylvania State University, Rutgers University Eagleton Institute of Politics, where he received his Master's Degree, and Duquesne University School of Law.

Dan Joseph, a Past President of the WBA, stated: "The President's Award symbolizes recognition by Jim's peers for his professionalism and skill as a lawyer. His involvement in leadership positions within our bar association and the state bar association is most impressive as is his involvement within the community."

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▲ *WBA Past President Dan Joseph presents the President's Award for Professionalism to Jim Antoniono at the WBA Annual Meeting held on April 6, 2015.*

O'Connell (2002), Milt Munk (2003), Dan Joseph (2004), Vince Quatrini (2007), Bob Johnston (2008), Tim Geary (2011), Gene McDonald (2012), and Bill McCabe (2013).

Q CONGRATULATIONS, JIM. WHAT DOES THIS AWARD MEAN TO YOU?

A I have a hard time thinking of myself in the same category as the past winners of the President's Award for Professionalism. They are all individuals I look up to both personally and professionally.

The various activities I have undertaken for the Bar Association are activities that just seem to come easily for me and do not require any special skill or talent. For the most part, when I have undertaken a project for the Bar Association or when I have been involved in a difficult case, I have been helped by many of my colleagues. This Bar Association in particular and our profession in general is full of individuals who are willing to help when asked. I have benefited greatly by that help.

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Jim has served his profession locally as Past President of the Westmoreland Bar Association, current Trustee and Past Chair of the Westmoreland Bar Foundation, and Past President of the Westmoreland Academy of Trial Lawyers. He was the founding board member and first President of the Lawyers Abstract Company of Westmoreland County and is currently serving his second term as President.

On the state level, Jim is currently on the Board of Governors of the Pennsylvania Bar Association and an Executive Board member and Treasurer of the Pennsylvania County Conference of Bar Leaders. He is a Past President of the Western Pennsylvania Trial Lawyers and served for twelve years as a member of the Board of Governors of the Pennsylvania Trial Lawyers Association. He concentrates his practice in estate planning, civil litigation, personal injury, and real estate.

In addition, Jim currently serves on the Board of Directors of Westmoreland Community Federal Credit Union and the Penn State Liberal Arts Society Board of Directors. He is a veteran, serving on active duty from 1964 to 1968 with the U.S. Army. He was discharged as a Staff Sergeant with the Army Commendation Medal.

Previous winners of the WBA President's Award for Professionalism are Reg Belden (1998), Jack Bergstein (1999), Dick Galloway (2000), John

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New Leadership Elected, Awards Presented

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Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A I recently heard an analogy that describes how I feel about receiving personal awards: It is better to be the person who builds the barn than the rooster who stands on the roof and crows. When I think of this award, I think about all of the people in this Bar Association who have touched my life in sometimes small but always significant ways—without that help from each and every one of you, I would not have received this award.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A I grew up in an environment where hard work was a way of life, however, there was no premium placed on getting good grades. Passing into the next grade was all that was important. Growing up as a young man, the thought that I would someday graduate from a university like Penn State, be awarded a graduate fellowship and earn a master's degree, and then cap off my education with a law degree was something beyond my wildest imagination.

One afternoon, in the summer of 1964, I was walking down a street in New Kensington toward the post office building, where I had parked my car. On the second floor of the post office, recruiting banners were hanging from the windows. Since I had just completed a less-than-stellar year of college at Robert Morris, I decided to join the Marine Corps. God was looking out for me that day because the Marine Recruiter was out of the office, so I ended up enlisting in the Army. As a Marine, I would have served at least one tour in Vietnam, a war that was not going on when I enlisted. In the Army, I was fortunate enough to be sent to Berlin, Germany, for two-and-a-half years. I had the opportunity to work alongside a number of high-ranking West Point officers who assigned me tasks that raised my vision of what I was capable of achieving. As they say, the rest is history.

Throughout my life I have been blessed and fortunate to have been able to achieve things I had no preconceived notion of achieving. As an example, at Penn State while other students were trying to position themselves to be student government president, I was devoted to trying to end the Vietnam War. Even though I was following my unrelated passion, I ended up being elected President of the Student Government. As a member of the Westmoreland Bar Association I have simply continued to follow my passion, never expecting the end result would be receiving the President's Award for Professionalism.

The moral of the story—Follow your Passion. ■

Allison Thiel

OUTSTANDING YOUNG LAWYER

At the Annual Meeting of the Westmoreland Bar Association, Allison Thiel was recognized as the 2015 Outstanding Young Lawyer. This award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community.

Allison has been a member of the Westmoreland Bar since 2010. She is the immediate Past Chair of the WBA Young Lawyers Committee, an executive board member of the Ned J. Nakles American Inn of Court, and a member of the Pennsylvania Bar Association.

"Allison has been a wonderful addition to the bar association," says Diane Krivoniak, Executive Director of the WBA. "Her enthusiasm, organization, and professionalism have gained her great respect among her colleagues."

A law clerk with The Honorable John J. Driscoll, and an associate with Galloway Monzo, PC, in Greensburg, Allison resides in Ligonier. She earned a B.S. from Penn



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▲ *WBA President-Elect John Noble presents the 2015 Outstanding Young Lawyer Award to Allison Thiel at the WBA Annual Meeting held on April 6, 2015.*

State University, and a law degree from Widener University School of Law.

Q CONGRATULATIONS, ALLISON. WHAT DOES THIS AWARD MEAN TO YOU?

A Professionally and personally speaking, this award confirms that all of the hard work that the young lawyers have put into this committee while I was chair was appreciated and completely worthwhile.

Q HOW DID YOU FEEL UPON LEARNING YOU WERE THE RECIPIENT?

A I was very surprised at receiving this award and felt completely humbled and honored on behalf of the Young Lawyers Committee.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A I would encourage and advise any young lawyer to utilize the resources of the Bar Association (especially the Board) and the unlimited knowledge of the more experienced attorneys, which they are always more than happy to share. In other words, remember the old saying: "There is no such thing as a dumb question." Just ask! ■

Investment Advisory Committee

COMMITTEE OF THE YEAR

The Investment Advisory Committee was chosen as Committee of the Year at the WBA Annual Meeting held on April 6, 2015. James R. Antoniono accepted the award on behalf of his committee members, who include: L. Christian DeDiana, James E. Kopelman, Robert P. Lightcap, and Milton V. Munk, Jr.

Q CONGRATULATIONS, JIM. WHAT DOES THE AWARD MEAN TO YOU, AS COMMITTEE CHAIR?

A The Investment Committee has never had an actual "Chairperson." From the beginning, I assumed responsibility for sending out the notices for the committee meetings for the year and reminders; otherwise we work as a collective group with regard to decisions as to how our money is invested.

Q WHAT DOES THE AWARD MEAN TO YOU AND YOUR COMMITTEE PROFESSIONALLY, AS MEMBERS OF THE WBA?

A I don't think we considered the Investment Committee in the same category as the substantive law committees or committees that refer to specific groups of lawyers. It was formed as a recommendation from the Planning Committee. The Investment

Committee was constituted to have a continuity of committee members so the members would develop an institutional memory since we are investing the funds entrusted to us over the long term.

Q HOW DID YOU FEEL UPON LEARNING YOUR COMMITTEE WAS THE RECIPIENT?

A All of the committee members consider it a privilege to be able to serve the Westmoreland Bar Association in this capacity and appreciate the trust the various Boards of the Westmoreland Bar Association have in each of us. A lot of the credit for this award should go to Mike Passalinqua and Private Wealth Advisors. Their steady guidance has enabled the Westmoreland Bar Association investment account to grow over the years despite the various ups and downs of the stock market.

Q WHAT ADVICE CAN YOU GIVE TO FUTURE CANDIDATES FOR THE AWARD?

A All of the members of this association who work for the betterment of the profession as a whole and this association in particular by serving on committees do so because they are proud to be members of such an honorable profession and are willing to give of their time to make both the Association and the profession better because of our efforts. Therefore, our committee is no different than any of the other committees that work hard for the betterment of the greater good. ■



▲ *The Investment Advisory Committee, comprised of (from left to right) Jim Kopelman, Milt Munk, Jim Antoniono, Bob Lightcap, and Chris DeDiana, was honored as Committee of the Year at the WBA Annual Meeting held on April 6, 2015. Also shown is Mike Passalinqua (far right) of Private Wealth Advisors.*

Paul S. Miller, Jr.

continued from page 1

A Be sure that you leave for the meeting on time. I almost did not attend the meeting. I received a telephone call five minutes before I was going to leave for the meeting. Coincidentally, the call was from a Pro Bono client who was distraught because she had not seen her children that day, and it took thirty minutes to unravel her problem, putting me so far behind that I thought it was going to be too late to make the meeting.

My wife kept trying to hurry along the telephone conference and to get me out of the office. When I told her I thought it was too late to go to the meeting, she insisted that I could still make it. Now I know why: she had been contacted earlier that day for follow-up and confirmation of the biographical information. Because I left so late, my wife was left at my office without a vehicle; we had driven in to the office together. After I left for the meeting, my wife had to call our daughter to pick her up and bring her to the meeting.

I would like to thank the Westmoreland Bar Association for inviting both my wife and our eldest daughter to share the award ceremony and Bar Association dinner with me.

Q WHY ARE YOU INVOLVED IN THE PRO BONO PROGRAM?

A When I was admitted to the Pennsylvania Bar, the key speaker at the admission ceremony was Judge Justin Johnson, who was sitting on the Pennsylvania Superior Court at the time. Judge Johnson spoke on the obligations of all attorneys to serve those members of society who, without our Pro-Bono assistance, would not have access to the courts. It's been twenty-eight years, so I guess his words stuck. ■

foundation focus

Law Day Volunteers Go Back to School



Tom Anderson (above), Katherine Bandemer (right), and Rich Bruni (far right) were among the volunteers who visited classrooms for Law Day.



*by Terrilym Cheatham,
Pro Bono Assistant Coordinator*

This year, we celebrated Law Day with over forty volunteers from the Westmoreland Bar Association. A myriad of judges, attorneys, magisterial district judges, and law clerks worked together to make Law Day 2015 a success. The presentations spanned the entire month of May and took place in all grade levels from kindergarten to twelfth grade.

The theme for this year was “Magna Carta: Symbol of Freedom Under Law,” which gave both the presenters and teachers an opportunity to expand their creative minds under this topic. Signed by England’s King John in 1215, the Magna Carta is often cited as one of the founding documents of modern democracy and constitutional government, and continues to provide a connection between our early roots of due process rights.

Sponsored by the Pennsylvania Bar Association, Law Day sends judges and lawyers back to school for classroom visits in an effort to teach students about the law and this year, over 4,000 Westmoreland County students from more than 115 classrooms and 30 different schools received visits.

Of the many things the students learned, of particular interest to them were “learning not to speed,” “being careful to obey the laws,” and “that lawyers are good.” A first grader at HW Good Elementary School in Yough School District, where Jim Antoniono was the presenter, reported that the most exciting part of the presentation was “learning that lawyers get to stay up til 2:00 in the morning. That was the best!”

We offer our sincere thanks to the following volunteers, without whom Law Day would not be possible:

- Maria Altobelli
- Tom Anderson
- Tim Andrews

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To-Wit: Faking It

by S. Sponte, Esq.

My secretary came running into my office, yet again ignoring the imaginary “Do Not Disturb” sign I always mentally affix to my door as I walk in each morning. “You’ve got to read this,” she jabbered, waving around the morning newspaper. She laid it on my desk and smoothed it out with one hand while pointing emphatically to an article with the other. I hadn’t seen her this enthusiastically animated since the last time she successfully re-alphabetized her Rolodex.

What she showed me was an article about a colleague from a neighboring county who had, after twenty years of successful practice, been outed as a fake. Apparently he had never taken the bar exam, had never gone to law school and had forged all the documents necessary to become licensed to practice. This disclosure had produced

the most vituperative comments from his colleagues; the masquerade had been incendiary enough but that he was currently serving as president of

“No lawyer wants to be confronted with the realization that the absence of the profession’s educational prerequisites may not hinder one’s ability to be good at it.”

his bar association must clearly have been acting as an accelerant.

“I knew it, I just knew it,” one of his ex-colleagues was quoted as saying. “He was just too damned articulate.”

“Oh my God,” said another, “and to think I plagiarized one of his briefs.”

“How come he made so much money?” decried yet another.

I get the dismay. No lawyer wants to be confronted with the realization that the absence of the profession’s educational prerequisites may not hinder one’s ability to be good at it.

Perhaps there might be less beating of breast, less renting of garment, if my colleagues knew how relatively common this is, how much of our professional history is wreathed by such charades. I therefore offer the following as an analgesic:

LUCILLE “THE I WON’T IRON LADY” GEHRIG—Not content to falsely claim mere lawyerhood, Lucille further self-embellished by holding



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To-Wit: Faking It

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herself out as a family law expert, a specialty in which her total ignorance would not be readily apparent. After many successful years, her ruse was discovered when a family law colleague became suspicious of her habit of charging fees that were way too fair.

HON. ROCCO “ROCKY”

PATELLA—The only known imposter to ever get elected to the bench, his penchant for never ruling on anything so sufficiently passed for contemplative erudition that his artifice wasn’t detected until he sentenced a civil litigant to death. “Hey,” he said in response to the uproar, “it was a condemnation case.”

BESSIE MAE MUCHO—After having served many years as a devoted legal secretary, Bessie Mae came to work one day and found her boss lifeless on the floor. Figuring this was her best opportunity for a raise, she donned his suits and his briefs, glued on a fake moustache, stuffed large pillows around her midsection, and passed as his dead ringer for eleven years. It wasn’t until the boss’s wife complained that her husband hadn’t touched her in way too many a moon that her ruse was discovered. For her impersonation of a lawyer, she was convicted of unlawful deviant behavior. “Could have been worse,” she muttered as she was led away. “I could have been disbarred.”

Those are just a few of many known instances of what has come to be known in sociological circles as “idiopathic hysterical lawyeropathy.” The academics estimate, and my experiences suggest, that at any bar association meeting you can look to your left, then you can look to your right, and one of you is probably faking it. ■

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Law Day Volunteers Go Back to School

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Dwayne Ross and Tim Scelsi (above), Scott Mears, Jr. (top right), and George Miller (right) were among the volunteers who visited classrooms for Law Day.



- James Antoniono
- Katherine Bandemer
- Richard Bruni
- Judge Jason Buczak
- Faith Burns
- The Hon. Gary Caruso
- Judith Karns Ciszek
- David DeRose
- The Hon. John Driscoll
- Trent Echard
- The Hon. Christopher Feliciani
- Karen Ferri
- Charles Fox IV
- Melissa Guiddy
- Sherry Magretti Hamilton
- Kathleen Kemp
- Amber Leechalk
- Tim Maatta
- Elizabeth McCall
- Monique Lafontant Mears
- Scott Mears, Jr.
- Zachary Mesher
- George C. Miller, Jr.
- Henry Moore
- Joyce Novotny-Prettiman
- Mike Pacek
- David Petonic
- Judith Petrush
- Dwayne Ross
- Michelle Shuker
- Jim P. Silvis
- The Hon. Harry F. Smail, Jr.
- Michael Stewart
- Michael Stewart II
- Allison Thiel
- Emily Trisoline
- Kristen Weidus
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Westmoreland Revisited

Our (Unhurried) Evolving Rules

by The Hon. Daniel J. Ackerman

Rules of procedure are, without question, the oil that lubricates the legal engine we call the courts. And without this lubricant, the engine will immediately overheat and stop. Even an expert on substantive law who lacks access to the rules will have no chance of prevailing in litigation.

Among the memorabilia of the Westmoreland Bar Association is a hardback book of 33 pages, published in 1853, titled *Rules for the Regulation of Practice in the Several Courts within the Tenth Judicial District of Pennsylvania*. These several courts included civil, orphans' court, and the courts of Oyer and Terminer, General Gaol Delivery, and Quarter Sessions of the Peace (criminal). Also included in its 33 pages is a supplement to the civil rules of a page and a half, not adopted until 1872.

The inside of the covers are liberally stamped with the initials W.L.A. (Westmoreland Law Association), suggesting that the slender volume was once in a library of the association. Also inside the cover is the signature of a James A. Logan, Esq., perhaps a subsequent owner.

As the rules were intended for attorneys, the first rule spelled out the steps to becoming one.

[T]hree gentlemen of the bar shall be appointed by the Court to examine the applicant on the principles and practice of law, upon whose unanimous report, recommending it, he may be admitted. No person shall be admitted to practice as an attorney unless he shall have served a regular clerkship within this State to some

practicing attorney, or gentleman of the law, of known abilities, for a term of three years, or shall have studied the law with assiduity, under some practicing attorney, or gentleman of the law, in this State for the term of two years after his arrival at the age of twenty-one years; and in all cases the last year of the applicant's legal education must have been passed in the office of the gentleman under whom he may have studied; and his application for examination must be accompanied by the



▲ The Hon. Daniel J. Ackerman

continued on page 20

Intellectual Property Law Patents, Trademarks, Copyrights

NILS H. LJUNGMAN, JR. NILS H. LJUNGMAN & ASSOCIATES
724-836-2305 nhla@earthlink.net ljungmanandassociates.com



- Over 30 years of practice before the U.S. Patent and Trademark Office
- 95% success rate in obtaining U.S. patents with over 1600 U.S. patents issued (overall average success rate for all U.S. patent practitioners is 46%)
- Registered at Canadian Patent Office with over 300 patents issued
 - Registered over 300 Federal and Pennsylvania trademarks
- Obtained patents in all major countries, including European Union, Japan, China, U.K., Germany, Brazil, Mexico, etc.

Bachelor's degree in Engineering from New York University
Master's degree in Electrical Engineering from Drexel University
J.D. from Temple University
Chemistry studies at University of Pittsburgh
Registered Professional Engineer (Pennsylvania)
Formerly Assistant Professor at Villanova University
Formerly Doctoral Candidate in Mathematics at Bryn Mawr College

Our (Unhurried) Evolving Rules *continued from page 19*

certificate of his preceptor that he is a person of integrity and good behavior.

The rule does not explain the distinction between practicing attorneys and “gentlemen of the law.”¹ And while the rule sounds archaic, many readers will recognize that portions of the rule survived beyond the mid-point of the twentieth century. As late as the 1960s, a three-member board of lawyers convened, usually on a Saturday morning, in one of the jury rooms, to interview applicants, who were required to appear with a citizen sponsor (not necessarily a lawyer) to vouch for the applicant’s good character. The successful completion of the interview was, even then, a prerequisite to the applicant’s being presented to the court for admission.

The book contains no table of contents or index, but the subject matter flows in alphabetical order, as follows: bail, costs, certiorari, depositions, ejectments, foreign attachments, inquisitions, judge’s orders, judgments, jury, law arguments, money paid into court, motions, pleadings, records, reference and arbitration, sheriff and sheriff sales, time, and trials. After the passage of more than 160 years, there is little here which would be unfamiliar to today’s

¹ The distinction may be between lawyers in private practice and those following other pursuits.

practitioners. We think of arbitration as a modern concept, but it was provided for by legislation passed in 1836. The rules pertaining specifically to trials are also easily recognizable.

Actions at issue left off the trial list for more than three years shall be marked by the prothonotary “discontinued” (Rule 77). When a cause is at issue, either party may have the prothonotary place it on the trial list for the ensuing term (Rule 78). Upon the first day of the term (unless prevented by other necessary business) the Court will proceed to the trial of the causes on the list in the order in which they stand thereon, and all applications for continuances of causes or attachments for witnesses, must be then made, as no cause will be continued after the first day of calling over the list for any reason or excuse which then existed... (Rule 80). The absence of an attorney or counsel shall not be deemed a ground for the continuance of a cause unless such absence be produced by sickness, or some special and unexpected circumstance, rendering such absence involuntary. And this ground shall not be available where other counsel on the same side shall attend (Rule 81). If on the trial of a cause the counsel for plaintiff or defendant wish to charge the Court on any point or points of law arising in the cause, the point or points on which the charge of the Court is required shall be distinctly stated in writing, and delivered to the Court before the argument of the cause has commenced. (Rule 84).

While a 19th century lawyer might well be puzzled by the present substantive law, he would still feel rather comfortable with our present rules. And looking back on the 1853 rules perhaps we might question whether we really need more than 33 pages to guide our procedure. ■

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LawSpeak

“As the Government of the United States of America is not, in any sense, founded on the Christian religion; as it has in itself no character of enmity against the laws, religion, or tranquility, of Mussulmen [Muslims]; and as the said States never entered into any war or act of hostility against any Mahometan [Muslim] nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.”

— Article 11, Treaty of Peace and Friendship 1797. (Enacted ten years after the Constitutional Convention, assuring the world that the United States was a secular state, and that its negotiations would adhere to the rule of law, not the dictates of the Christian faith.)

New Member Sketches

KATHERINE BANDEMER has been admitted as a participating member of the WBA. She earned her degree in Political Science from Washington & Jefferson College, and her J.D. from Duquesne University. Katherine is a sole practitioner in Mount Pleasant. She and her husband, James, live in Scottsdale.

CODY J. HARDING has joined the WBA as a participating member. Cody earned his undergraduate and juris doctor degrees from the University of Pittsburgh. He is an associate with Kratzenberg & Lazzaro in Irwin, and resides in Pittsburgh.

MICHAEL W. HILLIARD was admitted to the WBA as a participating member. He studied Finance and Investment Management at Duquesne University, and continued on at the School of Law to earn his J.D. Michael is an associate with Ferguson Law Associates, and lives in Latrobe.

MEGAN R. LITTLE has been admitted as a participating member of the WBA. She earned her degree in Psychology from California University of Pennsylvania, and her J.D. from the Thomas M. Cooley Law School.

Megan is a law clerk for The Hon. Christopher A. Feliciani, and lives in Mount Pleasant.

TAMARA J. MAHADY has joined the WBA as a participating member. Tamara earned her undergraduate degree in Art History and Political Science from Seton Hill University, and her juris doctor degree from Ohio Northern University. She is an Assistant Public Defender for Westmoreland County, and resides in Greensburg.

VICTOR G. MYERS was admitted to the WBA as a participating member. He earned a degree in Environmental Studies from Franklin and Marshall College, and earned his J.D. from Ohio Northern College of Law. Victor is an associate with Galloway Monzo, P.C., in Greensburg.

BRIAN PANUCCI has been admitted as a participating member of the WBA. He earned his degree in Business Management from Robert Morris University, and his J.D. from Duquesne University. A resident of Greensburg, Brian is an associate with Meyer Darragh Buckler Bebenek & Eck. ■

WESTMORELAND BAR FOUNDATION ASSISTANCE FUND

We've all been there at one time or another. The best laid plans go awry. Or we are blindsided. And we find ourselves slowly sinking without the resources to stay afloat. That's when the **Westmoreland Bar Foundation Assistance Fund** can help.

Several years ago, the Trustees of the Westmoreland Bar Foundation created a separate fund to provide financial assistance to lawyers of Westmoreland County and their families in times of need. A subcommittee of the Board of Trustees approves loans and grants to lawyers and their immediate family members who have fallen on hard times, often as a result of circumstances that were beyond their control. The payment of medical bills, CLE credits, licensure fees, and expenses related to catastrophic losses are some of the ways in which the Assistance Fund has been able to help.

The information provided is confidential, with only the Chairperson of the Fund Committee or the Executive Director being aware of the identity of the recipient.

If you, or someone you know, have nowhere else to turn, please consider contacting Diane Krivoniak as Executive Director of the Bar Foundation (724-834-6730) and ask whether the Assistance Fund can help. ■



**"Helping You Control
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As an independent health insurance broker, we are able to shop carriers and plans every year. Our job is to ensure you are getting the best price and coverage for you and your clients. Your goals are our #1 priority! We have been the health insurance broker of the Westmoreland Bar Association and members since 2008.

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AlterEgo: Terence O'Halloran, Director of Westmoreland County Domestic Relations

Terry O'Halloran, Ballroom Dancer

by Pamela Ferguson, Esq.

Since its premiere in 2005, *Dancing with the Stars* has made fans out of even the most skeptical of viewers. Professional dancers partnered with Olympic athletes, supermodels, actors, singers, astronauts, teen heartthrobs, and reality stars have rumbaed, jitterbugged, salsaed, tangoed, and waltzed into our homes for twenty seasons, breaking stereotypes and elevating ballroom dancing to one



▲ Terry O'Halloran

of the top ten forms of exercise in this country.

Terry O'Halloran, Director of Westmoreland County Domestic Relations and member of our Bar Association, is among those who have discovered the benefits of ballroom dancing. A former tournament chess player, paramedic, and board member for the Westmoreland Arts and Heritage Festival, Terry had no previous dance experience and was initially apprehensive about following the likes of Emmitt Smith, Evander Holyfield, and Hines Ward onto the dance floor; but, with encouragement from his wife, Sherry, he decided to give it a try. He's glad he did, as he has since discovered how fun it can be to trip the light fantastic.

Q WHEN DID YOU START BALLROOM DANCING?

A My wife, Sherry, and I first took it up about eight years ago.

Q WAS IT YOUR IDEA?

A You're kidding, right?

Q WHAT INSPIRED YOU TO TAKE BALLROOM DANCING LESSONS?

A My memory's a little fuzzy here, but I seem to remember a backhand to the head ...

Q DO YOU HAVE FRIENDS WHO DANCE WITH YOU AND SHERRY?

A Actually, that's really how we got into it. We have a close group of friends who do a lot of things together like play tennis, golf, eat, vacation, etc., so when one of the women contacted our dance instructor, Chris Drum, the idea spread through the group like a flu bug. Within a month, there we were, six or seven couples from our group, with about ten other couples, standing on a dance floor feeling particularly stupid. And we've done it ever since, especially the "feeling stupid" part. Seriously, Chris is a wonderful instructor and she's kept it fun for all these years and we really have gotten better.

Over the years, we've made a number of new friends from dance class and renewed ties with people we didn't know took dance lessons. When we go places and run into these people, it's like we're part of a secret society without the special handshake.

Q WHAT'S YOUR MOST MEMORABLE DANCE EXPERIENCE?

A Shortly after we started taking dance lessons, Sherry and I got married. Since we were beginners, we had our dance instructor teach us a three-minute choreographed routine that was actually intricate for

us at the time, and we performed it at our wedding. We waltzed to Nat King Cole's "Fascination." We must have done okay. I don't remember hurting anyone.

Q ARE YOU AN AVID DANCING WITH THE STARS VIEWER?

A I used to be. But after so many years, they've run out of people I know to compete. I really don't care if some dead guy's fourth cousin, once removed, trips or not. Actually, with my limited appreciation of what they do, I'm still impressed with the talent that the professional dancers have on that show. They are amazing!

Q DO YOU FORESEE YOURSELF DOING THIS FOR YEARS TO COME?

A Honestly, at my age, I don't foresee myself doing *anything* for years to come! But it really does help to keep limber and moving, so I'll do it until it hurts too much or I get bored. ■



PBA Honors 50-Year Members



The Hon. Daniel J. Ackerman, Jack L. Bergstein, George A. Conti, Jr., Richard F. Flickinger, The Hon. William J. Ober, David L. Robinson, and James R. Silvis were honored as 50-Year Members by the Pennsylvania Bar Association at their Annual Meeting in Philadelphia on May 8.

Actions of the Board

MARCH 19, 2015

- Voted to discontinue the practice of publishing bound volumes of the legal journal, which is in line with other county publications. Opinions will still appear in the law journal and will be posted annually on westbar.org.
- Voted to provide up to \$500 for sponsorship of the Kids for Cash event with the WBA promoting this sponsorship in every possible way: Annual Meeting, website, Facebook, e-letter.
- Thanked Ms. Thiel for her enthusiasm and commitment to the Young Lawyers over the past year and gave her a standing ovation.
- Authorized President-Elect Soohey to sign the Cavcon contract to replace the façade on behalf of the WBA board of directors.
- Voted to conduct a judicial candidates survey for the nine candidates running in the 2015 primary election.
- Voted to conduct the judicial candidates survey under the categories of: Highly Recommended, Recommended, Not Recommended, and Not Familiar with Candidate.

- Voted to enlist David Delisi or another CPA to tally the results of the survey and to convey that information in the President's letter that will go out with the survey to all participating members.
- Voted to present the Committee of the Year to the Investment Advisory Committee.

APRIL 30, 2015

- Voted to send the revised press release with the judicial candidates' ratings along with the accountant's signed document detailing the raw data, and to release these documents first to the candidates on Friday morning and then to the press on Friday afternoon.
- Reviewed the agenda for the Past Presidents' breakfast on May 12 at 7:30 am at the Ramada Inn.
- Voted to approach the Bloom family for permission to use Irv's name in a LAC wellness series.
- Reviewed report on purchase and installation of a new server and two new computers.
- Heard followup report on the Kids for Cash CLE held at Fayette PSU in partnership with Fayette County Bar. The program was well done and attendance was around 60 people, including social service workers and attorneys.

- New YL Chair Kristen Weidus reported that the new officers include: Zach Kansler, Zack Mesher, and Tim Miller. The committee is participating in the croquet match, and will meet on May 13.
- Reviewed the Memorial Service set for Tuesday May 26, at Noon in Courtroom #3. Agreed to move reception to Megan's Suite to allow attendees a chance to share additional stories. ■

where in
the world
IS THE WBA
MEMBER?



Have a vacation photo and story you would like to share with your colleagues? E-mail them to susan.zellner@westbar.org for consideration in a future issue of the sidebar.

wpa news



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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**.*

JULY

- 3** Courthouse closed in observance of Independence Day
- 8** Real Estate Committee, Noon
- 15** Elder Law & Orphans' Court Committees, Noon
Membership Committee, Noon
- 20** [CLE] Seinfeld and Breaking Bad, 12:30 to 3 p.m., 1.5 substantive and 1 ethics credits available
- 21** Family Law Committee, Noon

AUGUST

- 4** [CLE] Bridge the Gap, 9 a.m. to 1 p.m., 4 ethics credits available
- 12** [CLE] Real Estate Potpourri & Ethics, Noon to 2:15 p.m., 1 substantive and 1 ethics credits available
- 18** Family Law Committee, Noon
- 19** Membership Committee, Noon
- 26** [CLE] Video Compliance Seminar, 9 a.m. to 4:15 p.m., 4.5 substantive and 2 ethics credits available

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.



Legal Concepts: Seinfeld & Breaking Bad 1.5 Substantive & *1 Ethics credits available

Monday, July 20, 2015
12:30 pm - 3:00 pm
WBA Headquarters

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 19, 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)

Pizza and soda will be provided.

Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

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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@verizon.net

Bench/Bar attendees who did not receive CLE credits for this seminar at the Mountaineer Resort are eligible to receive FREE 1.5 Substantive & 1 Ethics credits.

Fans of the famous 90's sitcom, Seinfeld, and the recent drama, Breaking Bad, may not have realized it, but they were watching shows rife with complex legal issues.

This unique seminar will use the milieu of these two TV shows to discuss a wide range of legal concepts.

Panelists: Honorable Richard E. McCormick, Jr., Timothy C. Andrews, Ned J. Nakles, Jr.

1.5 Substantive & 1 Ethics Credits are available toward your annual CLE requirements.

* One hour of ethics credit is integrated into this program, if you attend less than the full time of this program, you will receive only substantive credits for the time of your attendance.

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

July 20, 2015 Bench/Bar Video Replay — Legal Concepts: Seinfeld & Breaking Bad

Name: _____

Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Pre-Registration Fees

CLE Credit:

WBA Members - \$30 per credit hour

[] 1.5 substantive & 1 ethics credits = (\$75)

Non-Members - \$50 per credit hour

[] 1.5 substantive & 1 ethics credits = (\$125)

Non-Credit:

[] \$10 Flat Rate

[] Waived for Young Lawyers (practicing 10 years or less)

Please register me:

[] FREE - I attended the Bench/Bar and did not receive CLE movie 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 Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, by 12 pm July 19, 2015.

**Tuesday,
August 4, 2015
9:00 am - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA
office by 12 pm August 3, 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)

Pizza and Soda will be provided.

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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

As a courtesy of the Westmoreland Bar Association, this seminar is being offered **FREE** to **newly admitted attorneys** who are required to complete the Bridge the Gap program by their first CLE compliance deadline.

The program also serves as a great refresher for any attorney admitted to practice in Pennsylvania.

PROGRAM FORMAT

This four hour program produced by the PA CLE Board consists of the following sections.

- ◆ Introduction from the Chief Justice
- ◆ Communications
- ◆ Practice Management
- ◆ Fiduciary Requirements
- ◆ Overview of the PA Supreme Court Disciplinary System
- ◆ Outreach Programs & Resources

Four (4) 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.

Bridge the Gap — August 4, 2015

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).

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Expiration Date _____

Three digit security code on back of card _____

Credit Card Billing Address _____

*** PRE-REGISTRATION Fees: 4 Ethics credits available**

I am a Newly Admitted Attorney — **FREE**

\$30 per credit hour, WBA member

\$50 per credit hour, Non-member

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 August 3, 2015.**

Real Estate Potpourri and Ethics

— LIVE — 1 Substantive & 1 Ethics Credits Available



An accredited provider for the PA Board of Continuing Legal Education

What's happening with:

- Mechanics Liens
- Powers of Attorney
- Consumer Finance Protection Bureau
- Ethics

Speakers:

Susan Swick, Esq. & Eric J. Weinheimer, Esq.
Old Republic Title

FREE for WBA Real Estate Committee Members not wishing CLE credit.

One Substantive (Noon-1:15 pm) & One Ethics (1:15-2:15 pm 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.

Substantive Credit, 12:00 - 1:00 pm

Ethics Credit, 1:15-2:15 pm

**Wednesday,
August 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 August 11, 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](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

August 12, 2015

Real Estate Potpourri and Ethics

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

One substantive, One ethics, Noon - 2:15 (\$60)

One substantive ONLY, Noon - 1 pm (\$30)

One ethics ONLY, 1:15 - 2:15 pm (\$30)

Non Members

One substantive, One ethics, Noon - 2:15 (\$100)

One substantive ONLY, Noon - 1 pm (\$50)

One ethics ONLY, 1:15 - 2:15 pm (\$50)

Non-Credit:

\$10 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

FREE - I am a member of the WBA Real Estate Committee

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 August 11, 2015.**

Wednesday August 26, 2015 WBA Headquarters 9 am - 4:15 pm

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12:00 pm August 25, 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 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 2 — 1.5 Substantive Credits & *1 Ethics Credit

11:15 am – 1:45 pm (Video from 6/10/15)

Legal Concepts: Seinfeld & Breaking Bad

Fans of the famous 90's sitcom, Seinfeld, and the recent drama, Breaking Bad, may not have realized it, but they were watching shows rife with complex legal issues. Not only were there numerous lawsuits and potential lawsuits within the storyline of the shows, but one episode even sparked a real-world suit against the network.

This unique seminar will use the milieu of these two TV shows to discuss a wide range of legal concepts.

Panelists:

Honorable Richard E. McCormick, Jr., Timothy C. Andrews, Ned J. Nakles, Jr.

* One hour of ethics credit is integrated into this program, if you attend less than the full time of this program, you will receive only substantive credits for the time of your attendance.

Session 3 — 1 Substantive Credit

2:00 pm – 3:00 pm (Video from 11/21/14)

Secure-A-Day

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

Speakers:

Stacey Ivot - INtegrity First Corp. Stephen P. Moschetta, Esq. - The Moschetta Law Firm P.C.

Session 4 (Video from 6/12/15)

3:15 pm – 4:15 pm — 1 Ethics Credit

Malpractice Avoidance with James R. Schadel, Esq.

A founding partner in the firm of Weinheimer, Schadel & Haber, P.C. Jim has focused his practice primarily in the areas of professional liability defense, particularly in the area of legal malpractice defense, but also defending malpractice claims against accountants, real estate agents, insurance agents, and other professionals.

4.5 SUBSTANTIVE and 2 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.

August 26, 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 - 1.5 substantive & 1 ethics credits no credits Session 3 - 1 substantive credit no credit Session 4 - 1 ethics credit no credit

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 August 25, 2015.