

Sensitivity Training Ahead for Lawyers, Judges

It has been sixteen years since the Code of Civility set forth in detail our professional aspirations; yet some lawyers still lob brickbats at their colleagues, and some judges still freely vent their displeasure in harsh tones. In an attempt to close the gap between the ideals of the code and life in the legal trenches, *the sidebar* has learned that the Supreme Court intends to institute mandatory “Sensitivity CLEs” by year’s end in conjunction with anticipated amendments to the code, to be proffered by a select committee.

One of our members, who sat in on the first meeting of the committee assigned to suggest amendments to the code, has let us in on the initial thoughts of the committee, which suggest a radical departure from past practices. The areas most affected are set forth here, along with thoughts by knowledgeable members of our profession, though the list is far from complete, as the stated goal is to have a legal system which is unthreatening to all.

1. PROSPECTIVE CLIENTS: *A lawyer will undertake the representation of all who request their services, regardless of their ability to pay or the merits of their cause, as the rejection of a possible client may frustrate the person’s ability to achieve their full potential.*

There are those among us at the bar who do not view this as a radical change. Leonard Starkey, the senior



member of a five-person firm, sees no problem in complying with the proposed mandate. “We have always taken anyone who walks through our door as a client, regardless of the shakiness of the claim or the ability to pay. So what if the claim is dismissed on P.O.s. We show some empathy, tell him we’re sorry, we drew an unsympathetic judge, etc.—but now, and this is the important part—now we’re his lawyers; and maybe next year his sister wants a divorce and she’s looking for a lawyer; or he’s sitting on a bench, having a smoke, and—God forbid—he gets hit by a bus. Now we’re overflowing with empathy.”

2. FEES: *The amount and payment method of all fees shall be left to the discretion of the client. To have the lawyer, with his or her superior training and experience, set the fee would cast the lawyer in the role of the oppressor, which*

must be avoided, regardless of the cost to the lawyer.

Employees of *the sidebar*’s history department are quite excited by this prospect, for it has its roots in the Middle Ages, when lawyers, like the clergy, wore a cassock, and grateful clients would deposit whatever amount they could in its cowl, as a fee. Though Mr. Starkey insists that office overhead was a lot less in the Middle Ages.

3. OFFERS OF SETTLEMENT: *Words such as “inadequate, ridiculous or insulting” should be considered as dead words, and avoided. Instead, all offers of settlement should be promptly empowered by acceptance, along with an expression of unity in the form of a stated willingness to take ten to fifteen percent less.*

Roberta Herring, a lawyer, and executive director of the Center for State Courts, cites studies which support the idea. “We find that nationwide, when first offers are compared to final verdicts, plaintiffs lose \$1.7 billion annually.”

4. TRIAL TRIGGER WARNINGS: *All openings, closings and jury instructions shall be preceded by trigger warnings as to any content which may be disparaging of any party, witness, counsel, or spectator; with the explanation that any person on or off the jury who may take offense to such content will be escorted to a quiet room*

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A Message from Your President

by Harvey Weatherwax, Esq.



This month I thought I'd write about courtesies, collegiality, professionalism, community service, honoring the military, respecting the judiciary, ethics, righteousness, fair play, public image, pro bono, remembering the dead, the importance of religion, and that it's not good to cheat clients.

Thanks for listening.

— H.W.

Sensitivity Training Ahead for Lawyers, Judges

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set aside by the court administrator for the duration of perceived offensive speech.

It appears that item four represents a compromise within the committee, as some members were in favor of simply abolishing all openings, closings, and jury instructions, none of which are used by Judge Judy.

5. OBJECTIONS: *Objections may no longer be made at trial, for they sound threatening to both opposing counsel and client, and constitute a brutish attempt to defeat transparency.*

None of the sitting judges returned the sidebar's request for comment, but Senior Judge Douglas Applebaum, who has decades of trial experience, was surprisingly candid in his support for abolishing objections, but not for the reason stated.

"Objections are the bane of the trial bench," he snorted in response to our telephone query. "You're sitting there relaxed, taking in the little drama before you, occasionally glancing at your watch, to make sure the proceeding doesn't run into the lunch hour, and, out of the blue, you hear a voice say, 'Objection—hearsay,' followed by another, screeching, 'Present Sense Impression.'"

"Immediately, twenty-four juror eyes, along with all the others in the courtroom are focused upon you, expecting an unhesitating and decisive ruling. Yes, you vaguely recall hearing about such an exception to the hearsay rule, but you can't remember what it is, nor do you remember the witness's answer preceding the objection. To gain a few seconds, you ask the court reporter to read back the answer.



"As she looks at her notes, your mind races; the wrong ruling might mean reversal on appeal. Quickly, you calculate from what you know which party is most likely to come out on the losing end in this trial, and rule in their

favor. *Presto*—to a near certainty, the ruling becomes irrelevant and will not be challenged in post-trial motions.

"I would like to add," he continued, "I once presided over a weeklong trial where there wasn't a single objection—there were two really good lawyers."

6. DISCARDED TERMS: *The use of the words "defendant," "suspect," "prisoner," "crime," and "negligence," all have negative and hurtful connotations and should be avoided.*

7. SENTENCING: *Judges at sentencing should avoid comments which may impinge upon the self-esteem of the person upon whom the sentence is imposed. Further, harsh terms such as "jail," "prison," and "correctional facility," are both negative and oppressive. Rather the person should be remanded to the custody of the sheriff for transportation to a "state sponsored safe place." (No. 7 is contingent upon renaming efforts by the legislature).*

As to both items 6 and 7, the dissenters on the committee, apparently in vain, called attention to the unnecessary shift in the Crimes Code some decades ago, where the term "defendant" was replaced with "actor," an aberration which left just about everybody scratching their heads.

Public comments on these and other proposed amendments will be received through July 15, 2016. ●

WBA Acquires Massage Parlor

Last month the WBA board shocked its members and the public alike by announcing it had acquired a building in downtown Greensburg which houses a flourishing massage parlor business. Called “The Shake Down,” the massage parlor has been in continuous operation for seventeen years, according to WBA President Harvey Weatherwax who swears his knowledge about the place is based entirely on hearsay evidence.

The WBA Board issued a press release to accompany recording of the deed. “We are pleased to announce that the WBA has acquired the property located at 666 Pennsylvania Avenue as a site for future expansion,” it reads. “Inasmuch as we have no immediate need for the physical space, we will not make any effort to remove the existing tenant. It always pays the rent in a timely fashion, it’s good income for the WBA, and the facility could possibly be utilized as both an incentive to increase new membership and to provide meaningful perks for our current ones.”

“I never thought I’d live to see the day,” said Bighassa Fourtraz, long-time WBA member, “that we as a profession would openly be involved in any business with a name like ‘Shake Down.’”

Tremain Laighaway, WBA Board Member, was a bit more sanguine on the matter. “Sooner or later our Association is going to need more room, and this fits in nicely with our thoughts about future expansion. Yeah, I know it’s four blocks away from our office but it’s a brisk and healthy walk. I expect to be making the trek several times a week, to, uh, check on the condition of the roof.”



▲ *The Pennsylvania Avenue property currently housing “The Shake Down” massage parlor was acquired by the Westmoreland Bar Association as a site for future expansion. The facility may be utilized as an incentive to increase new membership and to provide meaningful perks for current members.*

“I dunno,” remarked Stefan Appolous,” outgoing chair of the Physical Facilities Subcommittee. “Sure, it seems like strange bedfellows, but in both my professional and personal experiences, that’s a fun thing. Besides, after a hard day at the office, what could be more relaxing than going over to, uh, collect the rent?”

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the shake down

666 Pennsylvania Avenue, Greensburg

Some members of the lay community are not as excited as the Bar Association is when it comes to this acquisition. “It’s a disgrace,” says Herman Crapper, “that this venerable Mom-and-Pop operation should be acquired by a group of professionals intent on changing the entire character of the business. Of what import is it to be a layperson if no such chance actually exists?”

“We thought at first there may be a change of zoning required,” remarked Weatherwax, “and we all know how tricky that can be, but as it turns out we had nothing to worry about. The city’s zoning code, to our surprise and amazement, has massage parlors and lawyering classified exactly the same. And as an added bonus, I’m guessing we’ll need fewer towels.” ●

the sidebar

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

Back issues from 2000 to the present and a comprehensive, searchable index are available online at www.westbar.org/thesidebar.

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Driver Error Responsible for Most Vehicle Accidents

Inattention and failure to comply with the rules of the road, as set forth in the vehicle codes of most states, is the number one cause of traffic accidents according to a four-year study just released by the Atlanta-based Center for the Study of the Obvious (CSO). Driver error came in several percentage points ahead of the second and third most likely causes, which were flood waters and earthquakes.

Letha Bish, the vice chair of the activist group, Jurors Awake, which advocates larger plaintiff's verdicts, called the study "encouraging," adding that she hoped trial judges would eliminate the natural disaster clauses from their standard jury instructions in light of the CSO findings.

The plaintiffs' bar has long complained that defendants have often avoided liability by introducing the possibility of natural causes for a collision, as an alternative to negligent error, which the courts then incorporate into their charges. Currently, the most popular is the climate change defense, which has proved to be so effective that several monetary awards have been entered against plaintiffs for abuse of process.

The WBA will soon schedule a four-credit CLE on this topic as part of its "Don't Give Up Hope" series. ●



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Scandal at the Courthouse

Government Emails Used to Exchange Recipes

Attorneys for two county employees have filed appeals contesting thirty-day suspensions without pay for Blanch Donner, a clerk in the adult probation office, and Gladys Nail, a recently hired staffer in the public defender's office. Documents which were used as the basis for the suspensions consisted of three emails exchanged between the two from October 11 to December 22, 2015.

The first email, sent by Mrs. Donner, had a photo of her granddaughter, Jennifer, holding her new kitten, "Muffin." Insiders at the courthouse say that this email standing alone was innocuous, and that the commissioners have long turned a blind eye to the transmission of animal pictures on county time. Mrs. Nail, however, responded by sending an email to Mrs. Donner containing a recipe for carrot cake muffins with vanilla cream centers. In December, Mrs. Donner forwarded a recipe of her own to Mrs. Nail, for a blueberry-apple crumble.

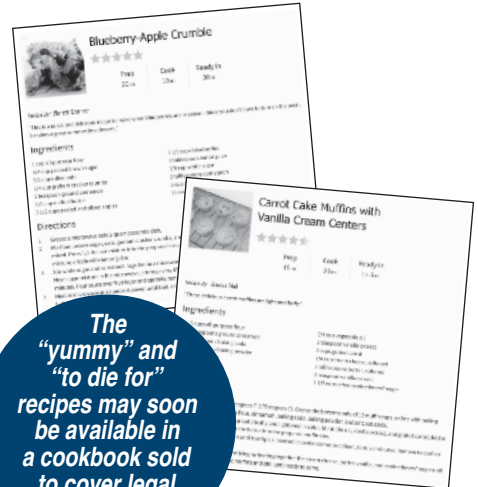
Attorneys for the appellants argue that all emails show that they were sent after four o'clock, and hence were not created on county time, and no one was injured or offended by the conduct of their clients. The brief submitted by the county countered that obesity has become a national health problem, and



▲ Jennifer and Muffin. Cute, right?

these were not recipes for kale, broccoli, or some other healthful food, but for "sugary confections, which encouraged gluttony—one of the Seven Deadly Sins. All of which tends to bring the County of Westmoreland into disrepute."

In an attempt to bolster the gluttony claim, attention is called to the fact that Mrs. Donner described her



The "yummy" and "to die for" recipes may soon be available in a cookbook sold to cover legal fees.

muffins as "yummy," and Mrs. Nail asserted that the crumble "was to die for."

No date has yet been set to hear the appeal as all the members of our bench have recused themselves, admitting to a long standing bias in favor of sugary confections. The AOPC concedes that it has encountered some difficulty in finding an impartial judge. ●

LawSpeak

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— Gomez Addams, *The Addams Family*, 1991



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Income Inequality at the Bar

On the front page, below the fold in the February 9 issue of the *Wall Street Journal*, the caption read: “Legal Fees Cross New Mark: \$1,500 an Hour,” announcing, “The day of the \$1,500-an-hour lawyer has arrived.”

No, you were not mentioned by name.

In fact, we can only imagine what you might do for \$1,500 an hour. For such a rate, some lawyers might be willing to represent their wives in a domestic action against themselves, or appear naked before a jury.

Instead, you're working with clients who blanch at the prospect of advancing filing fees for a case headed for compulsory arbitration. Where did you go wrong?

It may have been as early as law school, when you either didn't take, or didn't pay attention to the course on negotiable instruments.

It's understandable—you were only 23 or 24 years old, and were thinking about the time when you would become

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a champion of justice, upholding the rights of the downtrodden; a brilliant appellant advocate, arguing before the Supreme Court; or having a

distinguished career on the bench. If you took the course, however, you may recall that there were a couple of nerdy guys in your class who actually understood the holding in *Price v. Neal*, and appreciated the importance of being a holder in due course, which you did not. It is these guys, and a few others, that the *Journal* article is about.

Have you ever been suspicious as to why there are no CLEs on negotiable instruments? Some suspect these high-paid practitioners don't want you to know that what separates you from them is a working knowledge of the subject; but this is a conspiracy theory with no foundation in fact. As it turns out, there is nothing you can really do about it. For, sadly, the ability to grasp negotiable instruments is a major marker, like having opposable thumbs, in the process of evolution.

On the brighter side, that's one less CLE to attend. ●



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New Life for Old Briefs

The Documents Committee of the National Court Clerk's Foundation based in Richmond, Va., has access to the estimated 28,000 briefs filed each year in the country's trial and appellate courts, representing millions of billable hours of legal effort. Few know, however, that these briefs



may be purchased from the foundation, for \$9.99 a page, or approximately 1%, on average, of what the original clients paid for them. The price includes the redaction of the names of the original parties, so the names of your clients and their opponents may be affixed in their place.

Obtaining these briefs may be done conveniently online through secondwinds.com¹, where one begins by designating the state and nature of the action from multiple choice lists. The search may be further customized by including the client's gender and designation in the caption. Thereafter, the customer may scroll through the list containing a synopsis of each comparable brief in the database, accompanied by customer reviews, beginning with the most recent filings.

Albert Mummser, a spokesman for the foundation, asserts that the quality of the research and the fluency of the writing are guaranteed. He dismisses the suggestion that the service involves plagiarism. Rather, he feels it should be looked upon as "legal recycling," adding that the program is in full compliance with the ABA's "Green


Initiative," which is intended to shrink the law's environmental footprint through the gradual elimination of discovery and jury instructions, along with the proposed establishment of a three-person jury.


Mr. Mummser does concede, however, that, "While the facts in the recycled brief may be somewhat different than those of your present case, most judges and justices are aware

that parties seldom agree upon the facts, and that each side asserts them in a light most favorable to their own cause. So even in the small number of cases where confusion may arise, the purchaser never will be faulted on style or for being late."

At 4:00 p.m. on May 11, the WBA will present, at bar headquarters, a two-part CLE covering recycled briefs and online dating etiquette. ●

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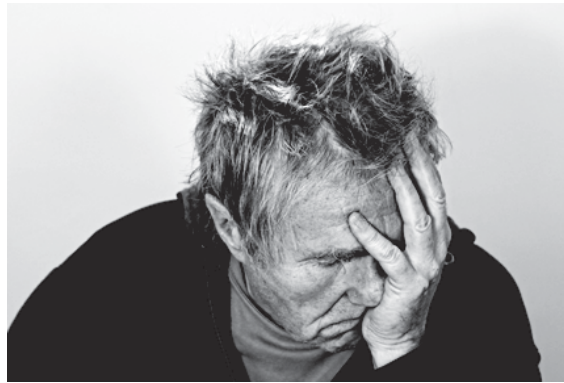
From the Bench: Open Court

by *The Hon. Douglas Applebaum, Senior Judge*

The venerable rag you now hold in your hands derives its name from the longstanding and overused practice which allows a bench-bar discussion outside the hearing of others. While our tabloid is aptly named, the courtroom practice could well be banished as a useless tool of timid lawyers, a drag upon the proceedings, and perhaps even as unsanitary.

Lawyers confident of their advocacy who have something to say to the court should just come out with it, without pleading for a veil of secrecy, which strikes jurors, parties, and spectators as nothing less than a foil to information they should know. The disadvantages are obvious and it is hard to think of a single redeeming feature in favor of the practice.

A glance into the jury box during any sidebar ought to convince you that jurors deplore the practice. Their facial



▲ A juror in a recent Westmoreland County jury trial reacts to yet another sidebar called by the defendant's attorney.

expressions vary between disappointment and disgust, and you can begin to imagine what they are thinking:

"They could have done this before we were called in."

"This is the third time this afternoon and they still can't get their act together."

"It's a quarter to four, I've got an hour's drive home and tonight's my bowling league."

And the other observers, who are either parties, or related to them, of course, imagine the worst:

"Look Bernie, their lawyer just said something to the judge and he is smiling. My god, now he's laughing, and our lawyer just stands there; I told you we shouldn't have hired your nephew."

So the perception just isn't worth the effort. And the assertion about it being unsanitary isn't hyperbole. A lawyer who once asked to approach the bench leaned in toward me saying, "May we have a recess, I think I'm getting the flu." He got his recess, and both of us, in a few days, got a stomach virus.

But what then to do about an unexpected call of nature? If a single player can stop the Super Bowl by forming a "T" with his hands, causing 145 million people to watch four more over-priced beer commercials, a lawyer should be able to do the same and then simply walk out of the courtroom. If he returned in four or five minutes the court and jury would certainly be sympathetic to his necessity.

And let us not forget the poor court reporter, who at a sidebar has to hoist the machine up onto the bench while sandwiched in between counsel who are whispering rapidly and jockeying for position.

Likewise, I don't think the sidebar should be used in motions court. Like all secrecy, it looks suspicious to the uninitiated, but more importantly, it wastes a potential educational tool. Young lawyers speaking aloud from the well of the courtroom are honing their speaking ability, and lawyers in the gallery, who in the absence of a sidebar can finally hear, will perhaps learn which motions and arguments the court is most likely to favor or reject.

In short, I'd suggest to my colleagues on the bench that the next time a lawyer says, "May we approach," that you simply say, "No." If nothing else, the ruling will be worthwhile, just to see the expression on the lawyer's face, with little or no chance of it being overturned on appeal. ●



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To-Wit: Hearts of Darkness

by S. Sponte, Esq.

It was well past the end of the working day. My secretary, visibly shell shocked, had quit the field hours ago for safer ground and I'm sitting here alone, surrounded by the detritus of battle. Pieces of machinery now lay strewn in broken repose across my office floor, marking the landscape as grimly as tombstones.

Despite the fading light, I can yet make out parts of what had formerly been my all-in-one printer; it is no longer all in one. My computer lies gratifyingly shattered into a gazillion pieces, its memory irretrievably scarred, and my iPhone has sustained the exact result one hopes for with a direct hammer blow. Just before she passed on into e-ternity, Siri said, "I'm sorry, I do not have the body parts to do that."

It's quiet now, finally, blessedly quiet. There isn't a beep, gong, bell,

whistle, boop, tweet, or chirp anywhere. I'm especially grateful that when my secretary beat her hasty retreat her cell phone's "I Heard It On

“My entire day gets spent infuriatedly trying to service all the things that are supposed to be servicing me. It's madness.”

The Grapevine” ringtone went with her. I used to love that song.

I did this, all of it. Maniacally, methodically, maliciously, I did this, and like most slaughters, it had been a long time fomenting. For far too long now my work day has consisted of a tsunami of unwelcome intrusions;

emails, faxes, text messages, cell phone calls, a continuous blitz of interruptions so diversionary that the important tasks at hand only

get done in fits and starts. When you stir into that frustrating mélange an assortment of technology glitzes, wireless connections that don't connect, fax machines that won't, servers that don't serve, passwords that don't work, and telephones with more buttons than a Victorian bustle, my entire day gets spent infuriatedly trying to service all the things that are supposed to be servicing me. It's madness.

This isn't the first time I've destroyed a recalcitrant machine. Baseball bat in hand, I have had a few successful skirmishes with a couple of machines

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Intellectual Property Law Patents, Trademarks, Copyrights

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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

To-Wit: Hearts of Darkness

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in the past. This is the first time, however, that I've taken out an entire platoon.

I knew I needed help. I mean, psychotic rage certainly has its place in the practice of law but this was a little much even for me. Since my rage therapist was out of town, I placed a call to Dr. Phorme, my anxiety therapist.

"What's wrong with me?" I asked.

"You mean aside from your being a lawyer?" he quipped. He's always thought he had a sense of humor.

He told me I have a love-hate relationship with machines: on one hand, machines remind me of my parents and on the other hand, I really love them.

"That's a pretty dark thing you got going on there," he offered. "Perhaps you should do deep breathing exercises and then count to ten."

"Oh, you mean like how you taught me to do when I talk to defense counsel?" I said. "Yeah, I can do that."

I worked from home the next several days as my secretary arranged for new equipment to be installed. When I returned though it started all over again with the beeps and boops and breakdowns. Between deep breaths I realized that if we think we own these machines we are only kidding ourselves. It is they who own us, and it is a bondage from which there is now no longer any hope of escape.

In Conrad's *The Heart of Darkness*, when Kurtz finally saw the truth, he chillingly said, "Oh, the horror, the horror." I'm thinking he must have had a fax machine. ■

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WBA Shareholders Shaken by Selloff

The financial health of the WBA was placed at issue last Thursday when the value of its shares slid to an unprecedented low: a market value less than 35 percent of its 2015 average. Those close to the market blame PRAMC, the Puerto Rico Asset Management Corporation, which dumped all of its WBA shares into an already jittery market. Such a decline, however, has been anticipated ever since the Westmoreland Medical Association abruptly pulled out of merger negotiations with the WBA late last year, upon discovering the WBA's score of 4.2 on the Pew Popularity Index.

Calls to the WBA have gone unanswered, but Simon Bolivar Costa, chief financial officer of PRAMC, defended the company's position by noting that, "Lawyers are just not a hot item anymore." He defends that position by citing a nationwide drop in law school enrollments, the dearth of cases being tried by Westmoreland County lawyers, and bad haircuts.

"Look," Mr. Costa queried, "if being a lawyer is so cool, how come so many of them run for judge? Let's face it, lawyers only look good when pitted against other lawyers, because then one of them has to win. But put them up against non-lawyers and their average is about the same as the number eight batter on a T-ball team. The only plaintiff's verdict since 2004 had a team of four defense lawyers giving up a six figure verdict, along with punitive damages, to an air conditioning technician who represented himself."

Many observers with strong financial credentials, however, believe that the situation at the WBA can be rectified by austerity measures, and it is rumored that a subcommittee has been charged with evaluating whether Quaker Steak and Lube would be a suitable venue for next year's Holiday Dinner Dance. 🍷

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Retention Caucuses Arrive in Pennsylvania in 2017

House Bill 6817, which narrowly passed in the Pennsylvania Senate, became law yesterday at a small signing ceremony in the governor's office. The act does away with judicial retention elections, replacing them with a caucus system.

Press Secretary Evelyn Sly said the governor approved the legislation because retention elections simply weren't doing the job. "The retention election system which has been used for the past thirty years," she said, "did nothing to bring out informed voters—primarily because retention candidates discovered that the best practice was to lay low, refusing to acknowledge that there was an election."



▲ *House Bill 6817 does away with judicial retention elections, replacing them with a caucus system. The caucuses will be held on the third Saturday in February, at 2 a.m., after the bar closes at those fraternal lodges which maintain them.*

Indeed, the votes cast in retention elections in the past, were only a minuscule fraction of votes posted in other races. For example, election records in the last retention election show that in Mount Pleasant Township only eleven people voted for or against retention. Township Supervisor Bruce Luck noted, "The people here mind their own business, and are not the least bit litigious. As a result, they don't have the slightest idea as to whether the judiciary is doing a good job."

The drafters of the bill argued that since the average person had no fair way to judge the quality of the courts' output, that the caucus system would bring out those who held very strong opinions, one way or the other. The system places in the hands of municipal bodies the responsibility of choosing their own caucus sites at gymnasiums, libraries, or fraternal lodges. The gatherings will take place on the third Saturday in February, at 2 a.m., after the bar closes at those lodges which maintain them. It is believed that coming out on a cold winter morning should ensure that those attending view the candidate as more than just a name on a ballot.

The ACLU has hinted at litigation because the law does not extend the right to caucus to inmates at local jails and lockups, but one of the bill's sponsors says he will try to cure the oversight in the next legislative session. He feels, with or without such an amendment, that the caucus system will be a success, "Look how well it works in Iowa," he said. ●

on the move?

Don't forget! Pa.R.D.E. Rule 219(d)(1)(ii) requires that every attorney shall provide his or her current office and residence address, each of which shall be an actual street address or rural box number, to the Disciplinary Board. All changes in address must be reported to the Attorney Registrar within thirty (30) days after such change.

Be sure to inform the WBA as well, so you don't miss any important mail or email communications. To see if we have your correct info, visit your listing at www.westbar.org/attorneys.

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Retirement Seminar Offered at Bench/Bar

An NBC *Wall Street Journal* poll funded by the Young Lawyers Committee of the WBA reveals that 72% of the members of the bar who have been admitted since 2010 believe that lawyers and judges are not retiring in sufficient numbers to sustain the species. Because it is widely assumed that senior practitioners and jurists simply don't know how to retire, the consulting firm, Lesser and Least, will offer a program on retirement strategies in conjunction with this year's Bench/Bar outing at Nemaquin Woodlands.

This is not a new problem, for the legal profession seldom contains members who are willing to say enough is enough. From 1945 to the present, there have only been seven lawyers who were willing to admit that they were retired. The majority press on to maintain an active practice, though some have office hours only on Wednesdays, from eleven to noon. In the 1970s, one of the seven was often seen wandering around the courthouse square on weekday mornings, after which he would go to lunch, then to



the local brokerage firm on South Main Street, where he would sit and watch the Dow Jones ticker for an hour or two, and then go home with a smile on his face; so there must be something to be said for retirement; but still, it didn't catch on.

Most, it seems, wish to emulate Harry Allshouse, who some will recall as a fine gentleman and a good lawyer, who worked well into his nineties. Richmond Ferguson often said that Lou Kober, who, like Harry, also practiced in Irwin, would stop by Harry's office every morning to check his pulse.


Though the seminar, at the insistence of the Young Lawyers

Committee, will focus on the benefits of retirement, we have been assured that both the pros and cons will be discussed.

The issue of retirement is more nuanced and less compelling for the judiciary, as they have a mandatory retirement age; though there are some diehard jurists in the eastern part of the state pushing for a constitutional amendment which would raise the retirement age to 107.

The four options open to a retiring judge generally are:

1. Take senior status, where you may be called upon to preside over cases, as urgently needed, or where you can do no harm. As an example of the former, a senior judge may receive a call from the state court administrators' office asking him or her to preside over, say, "a simple case involving real estate," where all the judges in the requesting county, and all the judges from eleven surrounding counties have recused themselves because they weren't born yesterday. The case, you will eventually learn, is a boundary line dispute between two satanic cults who espouse the practice of human sacrifice.
2. Return to the practice of law (but nobody will rise when you enter the courtroom).
3. Mediation. Here, so much money may be made that one will not be tempted to even take a day off, let alone retire a second time; but at your memorial service one of your colleagues will be able to stand up and say, "The law was his life."
4. Renew acquaintances at the Giant Eagle. They may even be able to tell you where you might find onion oil and the variegated bean sprouts the wife put on your grocery list. (This option is also readily available to lawyers). ●



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Staying Safe

At one of the more enlightened West Coast cities, where residents drink organic water out of reusable hand-carved wooden bowls (please—no plastic bottles), we recently boarded a motor coach at a downtown hotel to take us to the airport. Before the driver pulled away from the curb she turned on a three-minute recorded announcement which informed us how to be safe while riding a bus.

The dangers of bus transportation had previously escaped me, and apparently many others, so we were lectured in some detail as to how we should behave as passengers. Don't speak to the driver while the bus is in motion; don't put your feet into the aisle; and what we should do in the event the bus crashes or rolls over; which were so numerous that no one



could possibly remember them all, except, of course, to “stay calm.”

I thought the next logical extension of this would be recorded safety announcements for elevator passengers, yet the elevator warnings might lag behind those which might be created for waiting rooms in law offices.

“As potential or existing clients of the firm of (Your name here), your safety as you enter the legal system is

one of our top priorities. If involved in litigation, victory is never having to say you're sorry; so to avoid harm don't say anything to anybody, including your children. Are you the personal representative of a decedent's estate? Then the safest course—well, maybe it's not the safest, but it is certainly the most efficient—which will both simplify administration and create a

singular feeling of unity among the heirs, is, after paying your counsel, to abscond with all the assets. Should you find yourself in trial and the judge overrules your opponent's objection don't make the circular OK sign with your thumb and first finger and wink at his or her honor. And finally, no matter what happens, even if the judge remands you to the custody of the sheriff—please, stay calm.” ●

G

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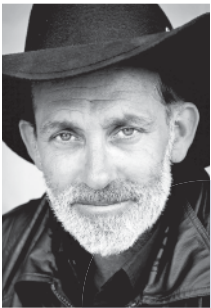
Duke George



Daniel Joseph

My First Year on the Bench

Editor's note: The Hon. Billy T. Kidd has been on the Westmoreland County bench for a little over a year. We asked him to share his thoughts on his first year as a judge; he requested that they be published "just like the Almighty, himself, placed them inside my head."



▲ The Hon. Billy T. Kidd

by The Hon. Billy T. Kidd

Well, let me tell you, it's been a whirlwind, that's for sure. First off, I never thought I'd get elected. I mean, come on, I only ran because things were slow in my office and I had plenty of time on my hands.

Now many people still say I only won because of my name recognition and my appeal to my many, many, many gun-toting friends, but that's just not true. Sure, my campaign poster showed me wearing two pearl-handled revolvers and said "Wanted," but that's who I am only on the weekends.

The important thing is that I won, not why. As for my lack of lawyering experience, all I can say is that I had been a Boy Scout troop leader for almost two years. 'Nuff said.

I don't know how I ended up permanently assigned to Summary Appeals Court. I didn't even know there was such a thing. I really wanted to be in Orphans' Court. I love orphans, and if I ever have kids of my own, that's what I want them to be.

I think my first year has gone pretty darned well. Okay, there have been some criticisms this year, like, you know, that speeding ticket thing that was in the papers. Maybe I was a bit harsh, I don't know, but when the defendant said the state trooper was wrong about his speed he was accusing

the police of being wrong and that's how I knew he had to be lying, and a lie under oath is pure jury and that's a crime because he took an oath on the Bible to tell the truth and that's why I put him in jail where he won't even need his license and that's why I didn't suspend it because the Bible teaches me that mercy isn't in a strainer.

I'm still not sure what all the fuss was about with that trucker problem on the turnpike. The driver said he wasn't overweight and he had proof that his rig was three hundred pounds below the limit. But I'm here to tell you this guy was a gross fatty, I mean he was a real porker. He must have weighed four hundred pounds and even though the lawyers didn't mention it, I added it up on paper with a pencil and figured out that he and his truck combined were over the limit. I'm proud of that one.

Those are just two of the cases I've had to wrestle with. I've had many, many more but I haven't decided any of them yet. So I want to thank everyone who helped put me here, especially all of those friends of mine who each voted a couple of times, and I want you all to know that in all my cases, on my honor, I will do my duty, to God and my country. And all that other stuff, to help other people at all times, to keep myself physically strong, mentally awake, and morally straight, and to obey the Scout law,—yeah, that stuff, too. ●

Lawyers' Exchange

(Free to all members of the WBA)

RESEARCH OR CONTRACT RATE WORK performed for employment law and contract law. If you need research performed or want me to work on one of these cases at a contract rate, please call Sharon Wigle at 724-423-2246 or email jjwigle@wpa.net.

REFERRALS ACCEPTED Contracts and business law. Also will do research and writing for attorneys. Contact Terrilyn Cheatham at the Westmoreland County Pro Bono Office — 724-837-5539.

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Hurry, Hurry, Hurry, Get Your Picture Taken

This is your final reminder. If you want your photograph to be in the next WBA Pictorial Directory, you'd better call at once for your appointment with Negatively Yours, the official photographer of the Westmoreland Bar Association. So far we've had a wonderful response and turnout, with over four of our members already scheduling their appointments.

For those recalcitrant members, we are offering a brand new service—the vicarious photograph. Don't like the way you look? Who does? Negatively Yours will have models on site. Just pick the one you want when you arrive—no gender transpositions please—and that model will pose for you. It's all in keeping with the Association's "Beauty Is Better Than Truth" campaign. So call now, schedule your appointment, and claim the only immortality you're likely to get. ●



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YOUR
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**"Looks aren't everything—
they're the only thing."**

where in the world IS THE WBA MEMBER?



Clyde Middia and Sylantra, his bride of 49 years, have been vacationing in Afghanistan. Here they are in Kabul, standing before the Memorial to St. Cudd, a 14th Century Afghani monk who abandoned all of his considerable wealth, status, and privilege in order to distribute gumballs to the poor.

"It's been an interesting trip thus far," writes Clyde, "but for the occasional landmine. And Syl has been such a trooper. You'd think she'd been born to outhouses and mud. Well, she's from Salem Township, so she kinda was."

Their kids back home haven't heard from them now in nearly a month and are getting worried.

Don't fret, kids, they probably parked their car well before it was blown up so they could hike along the Afghani Trail. You'll hear from them soon, no doubt. We know that Clyde is dying to get home to check out the WBA's most recent real estate acquisition.

KABUL, AFGHANISTAN

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- I solve problems you don't know you have in ways you can't understand.
- If at first you don't succeed, try doing what your lawyer said in the first place.
- Don't make me use my lawyer voice.
- I'm a lawyer. Let's save time and assume I'm never wrong.



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CALENDAR OF EVENTS

APRIL

- 1 Biannual April Fool's issue of *the sidebar* makes semi-annual appearance
- 3 Editor's son turns 46
- 11 WBA Board Meeting, 666 Main Street, Gbg.
- 19 Tech Committee Meeting – *Topic: The Tech Of Accurate Calendaring*
- 21 Tech Committee Meeting – *Topic: The Tech of Accurate Calendaring*

MAY

- 1 Mayday, Mayday
- 18 Editor's daughter turns 43
- 20 Family Law Committee Meeting – *Topic: Pro Bono, Are You Effin Kidding Me?*
- 27 Surprise Birthday Party for Elliot Ghoul, Honorary Chair of Elder Law Committee. Shhh!

LAWYERS UNCONCERNED FOR LAWYERS CORNER

FREE MATH – The LUL Committee is pleased to announce it has negotiated a special deal for all WBA members with H&R Blockhead. The famed national accounting firm will now do all your math for free. Just call them at 328-667-2727 and they will prorate any real estate taxes your clients owe, calculate inheritance taxes, balance your checkbook, figure out how much of a tip you should leave your waiter/waitress and remind you once again that anything divided by zero is still zero. Just another perk from your Association.

MUNICIPAL LAW FOR MORONS – For those of you just appointed to municipal solicitorships following the last election, here's your chance to learn how to do your job. Don't know squat? Fresh out of law school? Dumb as a stump? Fageddaboutid, you can pick it up quickly in this one hour lunch and learn presented by WBA's Subcommittee on Professional Facades. Learn the differences between "lien" and "lean," "condemnation" and "execution," and "hostile work environment" and "supervisors' meetings." Also learn effective billing techniques. 12:00-1:00 pm, WBA, one hour substantive credit, three hours of ethics.

How to Manage Your Office and Your Personal Email



In recognition of Administrative Assistant Day, we have put together a complimentary catered lunch for **you and/or your staff**, plus a seminar on "How to Manage Your Office and Personal email".

Have you heard yourself say "I can't find anything in my inbox?" "I could spend my whole day responding to email." "I receive hundreds of email a day."

Date: Friday April 22, 2016

Time: 12:00-1:15 pm

Location: WBA

129 N. Pennsylvania Ave., Greensburg, PA 15601

Speaker: Gina McGrath,

Technology Director of YWCA

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Wednesday

April 27, 2016

WBA Headquarters

9:00 am - 3:00 pm

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12:00 pm April 26, 2016)
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.

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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

Session 1 — 2 Substantive Credits

9:00 am – 11:00 am (Video from 4/14/16)

2016 Personal Injury Update

- A review of significant case law developments.
- Strategies for handling complex or difficult Subrogation issues.
- Procedural requirements for properly settling a Wrongful Death and Survival Action.
- Discussion of the nuances of engaging in pre-litigation settlement negotiations with insurance claims adjusters.

Speaker:

Michael D. Ferguson, Esquire

Session 2 — 1.5 Substantive Credits & *1 Ethics Credit

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

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 Ethics Credit

2:00 pm – 3:00 pm (Video from 8/27/14)

LGBTQ Basics

- What is it and Why it is important.
- Come learn what the initials mean.
- How paradigms limit our thinking on diversity.
- What the ABA is saying about legal issues on LGBTQ individuals.

Speaker:

Ted Hoover

Coordinator of Persad Center's Community Safe Zone Project

3.5 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.

April 27, 2016 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:
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Sign me up for:

Session 1 – 2 substantive credits no credits
 Session 2 – 1.5 substantive & 1 ethics credits no credits
 Session 3 – 1 ethics credit no credit

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To qualify for pre-registration, please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12:00 pm April 26, 2016.**

Serving Those Who Served: Veterans Benefits, Programs and Legal Issues

Location: Penn State Fayette, Eberly Campus

Corporate Training Center - Eberly 116, 2201 University Drive, Lemont Furnace PA 15456

— LIVE —
2 Substantive & 1 Ethics
Credits Available



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- Fayette County Bar Association
- Penn State Fayette

Friday,
April 29, 2016

9:00 am - 12:15 pm

Penn State Fayette

Eberly Campus

Corporate Training Center - Eberly 116

2201 University Drive

Lemont Furnace PA 15456

Seminar Fees:

CLE Credit

Only \$50 for 3 CLE Credits

(2 Substantive & 1 Ethics credits)

FREE for Non-Credit

Public Welcome

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Journey to Normal: Women of War Come Home is a documentary that recounts the remarkable story of women who have served in combat in Iraq and Afghanistan.

PURPOSE:

- TO ADVANCE a deeper understanding for these individuals as they transition from service member to veterans, and to communicate that understanding to the general public.
- TO CULTIVATE a network connecting veterans to one another, and connecting both professionals and the general public to veterans
- EDUCATION and awareness for employers, behavioral health professionals, and civilian communities working with veterans returning from combat

Viewing of the film is scheduled to begin at 9:00 a.m. with commentary during and after the film.

Two (2) SUBSTANTIVE & One (1) ETHICS Credits are available toward your annual CLE requirements.

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

April 29, 2016 Serving Those Who Served: Veterans Benefits, Programs and Legal Issues

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Registration Fees

CLE Credit:

\$50 = 2 Substantive & 1 Ethics Credits

Non-Credit:

FREE

Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm April 28, 2016.**

Introduction to Westmoreland County MDJ Alternative Adjudication Program

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

This one hour lunch and learn will educate members of the bar about the qualifying criteria for admission into the MDJ Alternative Adjudication program.

Topics of discussion:

- Explanation of offenses that give rise to eligibility for the program.
- How the program works.
- Sanctions for noncompliance.
- Incentives for potential candidates.
- Explanation of procedures that accompany admission.

Speakers:

Magisterial District Judge Roger Eckels
Magisterial District Judge Jason Buczak
Magisterial District Judge Helen Kistler

One Substantive Credit is available toward your annual CLE requirements.

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

May 5, 2016

Introduction to Westmoreland County MDJ Alternative Adjudication Program

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Attorney I.D. # _____

Address: _____

Email: _____

Phone: _____

Pre-Registration Fees

CLE Credit:

- WBA Members - \$30 per credit hour
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To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm May 4, 2016.**

**Thursday,
May 5, 2016
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 4, 2016)

CLE Credit

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Non-Credit

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WALK- IN:

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New Lawyers Bootcamp 2016

— LIVE — 1 Substantive Credit Available



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Basic Procedures of Magisterial District Judge Cases

Speakers:

- The Honorable Denise Thiel
- The Honorable L. Anthony Bompiani
- The Honorable Charles R. Conway III
- The Honorable Helen M. Kistler

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

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

May 18, 2016

Basic Procedures of Magisterial District Judge Cases

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- Young Lawyers - \$15 per credit hour

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- Waived for Young Lawyers (practicing 10 years or less)

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm May 17, 2016.**

**Wednesday,
May 18, 2016
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

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Non-Members - \$50 per credit hr.
Young Lawyers - \$15 per credit hr.

Non-Credit

No Charge

WALK- IN:

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WBA Members - \$40 per credit hr.
Non-Members - \$50 per credit hr.
Young Lawyers - \$15 per credit hr.

Non-Credit

No Charge will be provided.

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Expungement and The Lifelong Consequences of a Criminal Record

— LIVE — 1 Substantive Credit Available



An accredited provider for the PA Board of Continuing Legal Education

Topics of Discussion include:

- Statutory and case law review.
- What can and cannot be expunged.
- Adult vs. Juvenile.
- Intended and unintended consequences.
- Recent legislative efforts.
- The ethics of expungement pro bono.

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Speaker:

David K. Trevaskis, Esquire

PBA Pro Bono Coordinator

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May 24, 2016

Expungement and The Lifelong Consequences of a Criminal Record

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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 _____

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Pre-Registration Fees

CLE Credit:

- WBA Members - \$30 per credit hour
 Non-Members - \$50 per credit hour

Non-Credit:

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

To qualify for Pre-Registration Seminar Fees - Please return this form and your payment to the WBA Office, 129 North Pennsylvania Avenue, Greensburg, PA 15601, **by 12 pm May 23, 2016.**

**Tuesday,
May 24, 2016
12:00 pm - 1:15 pm
WBA Headquarters**

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm May 23, 2016)

CLE Credit

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

Non-Credit

\$10 Flat Rate

WALK- IN:

CLE Credit

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

Non-Credit

\$20 Flat Rate

Waived for Young Lawyers (practicing 10 years or less)

Lunch will be provided.

Westmoreland Bar Association

129 North Pennsylvania Ave.

Greensburg, PA 15601

724-834-6730

Fax: 724-834-6855

www.westbar.org

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

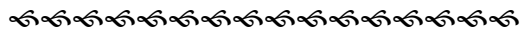
724-834-6730, or

by email at westbar.org@westbar.org.



***Westmoreland Bar Association's
54th Annual Memorial Service
Westmoreland County Courthouse
Courtroom #3***

***Tuesday, May 31, 2016
at 3:00 pm***



In remembrance of:

- ***Gary P. Alexander***
- ***Elizabeth Bailey***
- ***David R. Gold***
- ***Thomas A. Himler, Jr.***
- ***The Honorable Charles E. Marker***
- ***David C. Martin, Jr.***



Kindly notify the bar office in advance if you intend to share a special memory.

**Following the service, a complimentary reception
will be held at the Palace Theatre's Megan Suite.**

2016 WBA Memorial Service Registration

Register online at www.westbar.org or
Fax 724-834-6855 or
Return to WBA
129 North Pennsylvania Avenue
Greensburg, PA 15601

_____ I will attend the Memorial Service on **Tuesday, May 31, 2016**, at 3 pm
in Courtroom #3.

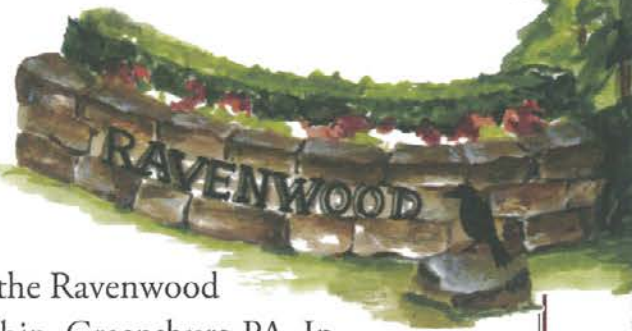
Name (please print) _____



Privacy

Convenience

Find them both at **RAVENWOOD**



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

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

We look forward to hearing from you soon.

RAVENWOOD

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

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11 Homesites
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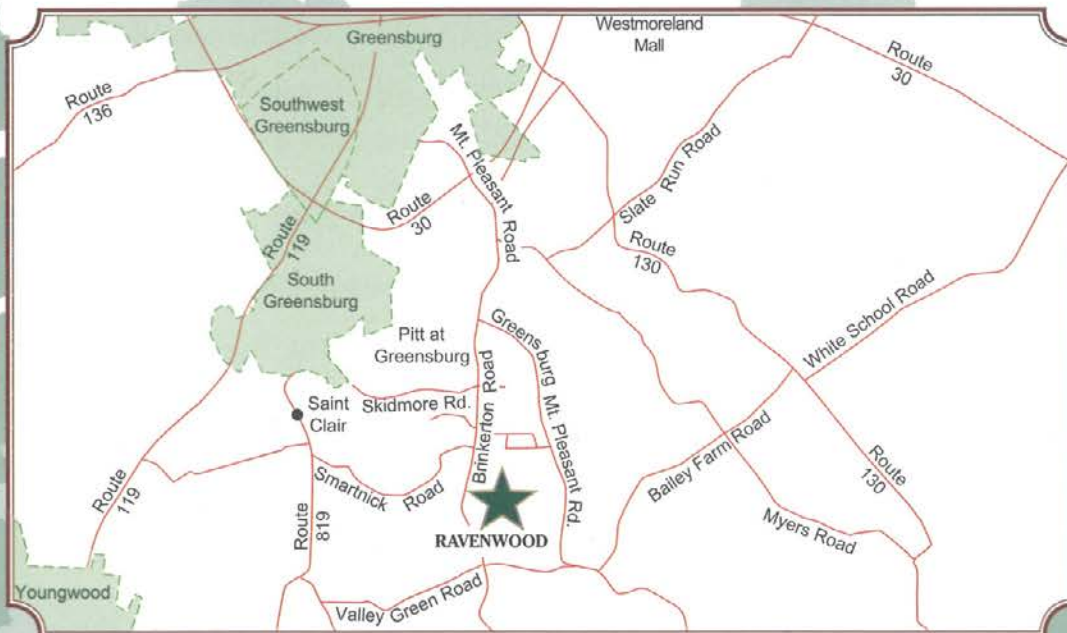
*You are invited to experience the tranquil beauty
that awaits your discovery... a place called home!*

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