

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

**THE NEWSLETTER OF THE
WESTMORELAND BAR ASSOCIATION
VOLUME XXXI, NUMBER 3
JULY 2019**

One Year and Counting

Blackburn Center Establishes Civil Legal Services Program

by Emily Shaffer, Esq., Managing Attorney, Blackburn Center Legal

This May, Blackburn Center recognized one year since the start of its Civil Legal Services Program, a program which operates for the benefit of victims of crime



Emily Shaffer

in Westmoreland County. What began as a simple project with one contract attorney shortly grew into an operation consisting of two full-time attorneys, two contract attorneys, and a paralegal. The mission of this program is to provide civil legal services to Westmoreland County victims of crime in order to deal with any civil legal issues resulting from their victimization.

Blackburn Center Legal Services Program is funded by grant money provided by the Victims of Crime Act (VOCA). Blackburn Center's Executive Director requested the grant after needs assessments with clients frequently revealed that one of the most crucial, albeit evasive, services for victims of crime is legal representation.

To receive this critical legal assistance, clients are directed to Blackburn Center Legal through

a referral process. Blackburn Center advocates identify legal issues with their clients and complete a referral form for the legal program. They send the referral form to the Blackburn Center Legal liaison who determines whether the client qualifies for services. If the client qualifies, the liaison transfers the form to the legal center for assistance.

Although qualification for legal services is frequently financial in similar legal aid programs, Blackburn Center Legal is unique in that the legal services are reserved for clients who are victims of crime, regardless of income. While most clients meet this qualification as victims of domestic violence or sexual assault, others also qualify as victims of some other miscellaneous crime. Though this qualification seems open-ended, the standards also specify that the legal issue presented must stem from the client's victimization in some way; qualifying is truly on a case-by-case basis. For example, when a client is a victim of domestic violence and, as a result, wants to divorce his or her abuser, he or she would qualify for services at Blackburn Center.

Based on these standards for qualification, family law issues are

naturally the most frequent legal issues presented to Blackburn Center Legal. Occasionally other civil legal issues arise, including disability, bankruptcy, and landlord-tenant problems. At this time, those cases are referred to contract attorneys who can accept them. Notably, any attorney who works with Blackburn Center Legal must complete around 40 hours of training on domestic violence, sexual assault, and other crimes. The training includes information on the practicalities of abusive situations as well as how to work with victims of crime who might have unique problems or disabilities, which commonly include post-traumatic stress disorder (PTSD). Another unique aspect of the training is with regard to the Child Protective Services Law. Pursuant to this law, staff



BlackburnCenter
Standing together to end violence.

attorneys at Blackburn Center are mandated reporters of child abuse. Thus, any allegations of child abuse disclosed to a staff attorney must be reported to ChildLine regardless of attorney-client privilege.

Irrespective of the unique legal posture and funding issues, legal aid

continued on page 10

President's Message

Ready, Set ... Pause!

by Joyce Novotny-Prettiman, Esq.

With the start of summer, many people are looking forward to getting away from it all—it's vacation season! The annual family vacation is great but it might be more important to have relief from the stress of practicing law on a day-to-day basis. If you contemplate the statistics that show attorneys experience higher rates of depression than the general public, you realize that you need to take action to guard your health and well-being.



Do you need to work on any of the following things?

Move it! Make an effort to exercise regularly. This does not mean that you have to pay for a gym membership. You can take a walk and enjoy the fresh air. Maybe your yard work is your exercise? Try hiking, kayaking—maybe even yoga! Even if you set a timer or download an app to remind yourself to get up from your desk and walk around at least one time each hour, you will be making progress in this department. Maybe stand while making phone calls. You don't need to devote an hour to exercise as studies show that even 10-minute sessions work. As you may have heard, "sitting is the new smoking."

Get your zzzzzz's. Sounds easy, but it's not. Many people have trouble falling asleep or staying asleep. Cultivate good sleep habits by keeping the same daily sleep schedule, even on the weekends.

Keep your bedroom cool, dark, and quiet. If you can't sleep, you may benefit from getting up and reading a book for 10 minutes before returning to bed. Alcohol can disrupt healthy sleep. Most importantly, cut off your screen time an hour before bedtime—and don't pick up your phone when you can't sleep! Your body needs time during sleep to renew on a cellular level.

You are what you eat. Nutrition is key. Think about the food you are using to nourish your body. Avoid processed foods and refined sugar. We have become accustomed to processed food that we grab on the run—and many times we have no choice. Check products (which means bringing your reading glasses to the grocery store) to be sure they don't contain partially hydrogenated oils, which is a man-made fat that is outlawed by the FDA after January 1, 2020, because they increase the risk of heart disease, stroke, and diabetes. When you do have the choice, pick fresh fruits and vegetables and enjoy! Buy organic food when possible. Summer is an ideal time to get great, fresh food from local farmer's markets. Try one vegetarian meal each week.

Socialize. Stay involved in activities that keep you in contact with others—so this means that activities at the Bar Association are good for you! Take time to relax and laugh with friends and family. Summer is a great time for community gatherings and other fun events. You can take in a free concert in the park. I bet that your children, grandchildren, and friends bring you

joy! Don't miss an opportunity to connect with your fellow humans!

Be mindful. Stay with me—because this is more difficult in my opinion! It's very hard to keep your mind focused when you feel like your thoughts are going a million miles a minute due to stress. If you can cultivate a meditation practice, you will be able to tap into that calmness when your day gets crazy! If you learn calming breathing techniques, you can use them at any time. Start a journal or even a gratitude practice which means you take note every day of the good things that happened. There are many mindful activities you can try until you find what works for you. Yoga fits in here as well. Be curious about this topic.

Rather than falling into the norm in a society that treats problems after they develop, these concepts may enable you to prevent problems. You may be great with exercise and nutrition—and that is great, but I bet everyone can work on improving one of the above areas. These simple ideas may help you reap priceless results and make each day a bit of a vacation.

My favorite apps: Fitbit Yoga, Fitbit Coach, Meditation Studio, Stop, Breathe & Think

Be well—or should I say, Namaste,



SMILE! As I mentioned at the Annual Meeting, a smile can be a powerful thing. Did you know that smiling can help reduce the intensity of the body's stress response, and it does not matter if you are actually feeling happy? This means we can trick our brains by smiling! You can read an article about this in *Psychological Science*, a journal of the Association for Psychological Science, which discusses the study done by psychological scientists Tara Kraft and Sarah Pressman of the University of Kansas of the potential benefits of smiling: tinyurl.com/power-of-smiling

Remembering Edgar P. (Ted) Herrington, Jr.

Editor's note: Edgar Paul "Ted" Herrington Jr. passed away on Monday, January 21, 2019, at home, in Williamsburg, Va. Preceded in death by his wife, Sis, in 2013, he is survived by their children, Heidi Herrington Debevoise and husband, Whitney, of Chevy Chase, Md., Edgar Paul Herrington III and wife, Alice, of Louisville, Ky., and Mary Herrington Kefalas and husband, Arthur, of Williamsburg, Va.; grandchildren, Hadley Herrington Debevoise Allen and husband, Bradley, of Washington, DC, Elizabeth Whitney Debevoise Baxter and husband, Edward, of London, England, Edgar Paul Herrington IV and wife, Emily, of Pittsburgh, Christopher Herrington Kefalas and Kevin Byers Kefalas, of Richmond, Va.; and great-grandchildren, Hugo, Mary, Helen and Henley.

by Amy S. Cunningham, Esq.

I last saw Ted on Sunday of the 2018 University of Pittsburgh Alumni Weekend. His son, Paul, was with him and they were getting ready to drive back to Williamsburg, Va., where Ted was living with his younger daughter, Mary Kefalas.

It was a rainy afternoon. The visit was short but very special. Ted had been inducted into the University of Pittsburgh School of Law Golden Gavel Society. This honor forever recognized Ted as a most distinguished alumni. At the ceremony Ted wore a black robe. He was donned with a special sash and received a pin. Ted was elated about the robe, the sash, and the pin and honor bestowed upon him by his alma mater. He insisted that Paul take the gown and sash from where they hung in the car so I could get a good look at them.

Ted joked that both of us used a cane to walk. He motioned for me to lean in the car window for a hug. He had lost weight, but still had the same smiling blue eyes.

I met Ted over 30 years ago when I was a young attorney. In 1995, our

family moved just a few houses up the street from Ted's. We moved in in mid-December; it was cold, dark, and snowy. Ted and his wife, Mary Elizabeth "Sis" Byers Herrington, were the first neighbors knocking on our door with a welcome gift. They were on their way to a formal occasion, Ted in a tuxedo and Sis in a beautiful long gown and fur coat. That is the kind of people they were, taking time to welcome new neighbors. We were neighbors until 2012, when Ted and Sis relocated to Williamsburg.

Sadly, Sis passed away in 2013. As is the custom, I sent food to the family—an apple pie. I started writing Ted letters about courthouse and neighborhood news, and sent pies and soups south with family going to visit Ted. He sent back the recipe for Thomas Jefferson's favorite bread pudding—the most important ingredient being a half-pint of brandy. It was delicious.

Ted graduated from high school at the beginning of WWII and enlisted in the Army Air Corps. He was stationed in New Guinea and served as a radio operator and a gunner in the 5th Army Air Corps., 64th Bomb Group. Ted



flew 350 hours over water in night patrols in a B-24 and bombed Japanese naval bases. He was the recipient of an Air Medal along with five Asiatic-Pacific Theater Company awards.

One afternoon while visiting with Ted, he reminisced about his time in the Army Air Corps. I said that it must have been frightening, flying over water on night patrols. Ted answered that they didn't really think about it at the time; it was just what they did. Evidence of a value system we don't see enough of anymore.

When Ted came home from the service, he enrolled at the University of Pittsburgh and graduated in 1949. He met his wife, Sis Byers, as an undergrad. Sis was from Greensburg. Her father, H.A. Byers, owned the Chrysler-Plymouth dealership. Ted and Sis were married in 1949, and they decided to make their home here in Greensburg.

I believe that we all have a few people who touch our lives, and put us on the right path. Ted's children named three men, along with Sis, their mother, who put Ted on the right path: Curly Probst, at Commonwealth Title;

continued on page 4

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.

EDITORIAL BOARD

David J. Millstein, Esq., *Editor*

The Hon. Daniel J. Ackerman, *Mr. Rogers Impersonator*

Pamela Ferguson, Esq., George C. Miller, Jr., Esq.,

Emily Shaffer, Esq., Susan C. Zellner, *Associate Editors*

Diane Krivoniak, *Managing Editor*

Remembering Edgar P. (Ted) Herrington, Jr.

continued from page 3

Ted's uncle, G. Kirby Herrington, a Pittsburgh oil and gas attorney; and his father-in-law, H.A. Byers.

Ted wasn't sure what he wanted to do for a career. Curly Probst had him doing title work. Curly took a real interest in Ted, and wanted him to go to law school. Ted's uncle, Kirby, also strongly recommended law school.

Ted thought he would have to attend four years of law school at night, working days to pay for it. H.A. Byers offered the young couple free rent in an apartment building he owned on Concord Avenue in Greensburg. This kindness changed everything as Ted could attend Pitt Law School during the day and graduate in three years, commuting on the train daily to Pittsburgh.

Upon graduation, Ted joined the office of Vincent and Marquis Smith—brothers and eminent Greensburg attorneys. Within a few years, the firm was known as Smith, Smith, and Herrington—one of the most prominent firms in the county.

Over his 60-year career, Ted served as Assistant District Attorney for 8 years, and the Sheriff's Solicitor for 22 years. While maintaining his private practice, his later years were spent as a partner at the Greensburg firm of Stewart, Belden, Sensenich, and Herrington.

He also served his community as President of the Greensburg Rotary Club, President of the Board of Directors of the Children's Home, and as a charter member of the Westmoreland Hospital Foundation.

Ted was President of the Westmoreland Bar Association from 1969 to 1970. He was proud that he was the oldest living Past President. He also served on the Board of Governors of the Pennsylvania Bar Association and was a trustee and devoted congregant of the First United Methodist Church in Greensburg. Ted sang in the choir; he had a beautiful baritone voice.



Ted loved history and was a voracious reader. After his move to Williamsburg at age 90, Ted spent five happy years as a volunteer docent at the St. George Tucker House in Colonial Williamsburg. He also drew great pleasure from attending classes at the College of William & Mary.

He read the *Washington Post* front to back daily, and did the same with the Sunday *New York Times*. He enjoyed traveling, and especially loved London, where his younger granddaughter and her family lived. He visited them frequently, making the trip four times after his 90th birthday.

I asked Ted's children what they wanted me to tell you about their dad. All three described him as honorable and kind. Not a man to raise his voice.

He had great instinct about how a trial was going. Two of Ted's children became lawyers. His son, Paul, said that he became a lawyer because he wanted to emulate his father. His older daughter, Heidi, graduated from

Dickinson Law School in 1977. Her father taught her that one person could make a difference, that one person could make the world a better place.

Mary was the baby of the family. Her talents were more mathematical. She said that growing up with three attorneys around the dinner table talking about law convinced her to pick a different career.

Ted loved antique cars. He had a 1930 Graham automobile that he would get out in the summer and drive around the neighborhood, picking up neighborhood kids to go for ice cream.

One evening, the family was playing kickball in the backyard. Ted slid into home and broke his leg. He went to the emergency room and was given a walking cast and a cane. Ted was in the middle of a trial when this happened. The next morning he called the court and asked for a continuance. The judge said no. Ted finished the trial in his walking cast, with his cane.

Ted walked down our street one summer day 20 years ago, pushing an umbrella stroller complete with a grandchild inside, and a toddler beside him holding the leash of a Labrador retriever. I was in the front yard, and we talked a little bit. Ted told me that he had taken his grandchildren to Idlewild Park the day before, and now he believed in Purgatory!

Spending time with Ted always calmed me. Listening to his stories about practicing law and being in the service put things into perspective. Even though I won't be baking apple pies for Ted anymore, I think I will still send one south when family members are going in that direction. I miss writing Ted about the neighborhood and the legal community. He would have enjoyed the primary election we just had.

Ted lived a good life, a long life filled with family—the proud great-grandfather of four—history, and the law. ■

New Leadership Elected, Awards Presented at Annual Meeting



Incoming President Joyce Novotny-Prettiman (left) accepts the ceremonial gavel from outgoing President John M. Ranker at the Annual Meeting held on April 1, 2019. Joyce is serving a one-year term as President.

At the Annual Meeting of the Westmoreland Bar Association held on Monday, April 1, at the Christ Our Shepherd Center in Greensburg, Joyce Novotny-Prettiman assumed the office of president.

An attorney for 19 years, Joyce is an associate with QuatriniRafferty in Greensburg, where she concentrates her practice in plaintiff personal injury litigation, long-term disability, and general civil litigation.

Joyce is also President of the Ned J. Nakles American Inn of Court and is a member of the Academy of Trial Lawyers, Pennsylvania Association for Justice, and the Western Pennsylvania Trial Lawyers Association. She is also a member of the Million Dollar Advocates Forum.

Within the community, she is on the board of directors for Laurel Faith in Action, a volunteer for CASA of Westmoreland, and serves on the Westmoreland County Parks and Recreation Citizens Advisory Board.

Joyce succeeds John M. Ranker and is serving a one-year term as President.

ELECTION RESULTS

Dennis N. Persin was elected to a one-year term as Vice President and Angelea Allen Mitas was chosen to serve a three-year term on the Board of Directors. Rounding out the Board are President-Elect Scott E. Avolio; Directors Judith Petrush and Christopher Haidze; Past President John M. Ranker; and Secretary/Executive Director Diane Krivoniak.

Leo J. Ciaramitaro was elected to serve a five-year term on the Membership Committee. Zachary J. Kansler and Melissa A. Guiddy were elected to serve five- and four-year terms on the Building Committee, respectively.

AWARDS PRESENTED AT MEETING

David S. DeRose 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 on page 6).

Timothy R. Miller was presented with the Outstanding Young Lawyer Award (see story on page 7); and the Family Law Committee was named Committee of the Year (see story on page 7).

continued on page 6

IN MEMORIAM

Have you considered a contribution to the Westmoreland Bar Foundation in memory of a deceased colleague? For information, contact Executive Director Diane Krivoniak at 724-834-6730 or dk.wba@westbar.org.






“Helping You Control Your Health Insurance Costs Since 2002”

As independent health insurance brokers, 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!

Health Insurance Plans We Offer:

Small Group • Medicare Advantage
Supplemental • Individual

For a Free Quote, Call or Email Today:

Bob (RJ): 724-312-3454
Valerie: 724-312-2762
Email: rjswann.insurance@gmail.com
<https://www.facebook.com/rjswanninsurance/>

New Leadership Elected, Awards Presented at Annual Meeting *continued from page 5*

Andrew Skala was named Pro Bono Attorney of the Year in recognition of his noteworthy volunteer legal representation of indigent Westmoreland County residents (*see story on page 8*).

President's Award for Professionalism

David S. DeRose

Recognized for his dedication to the practice of law, service to his profession, and his integrity and civility as a lawyer, David S. DeRose was awarded the President's Award for Professionalism at the Annual Meeting on April 1, 2019.

The President's Award for Professionalism is not an annual award. It is presented only when the dedication and achievements of a WBA member should be acknowledged for best exemplifying the highest standards of the profession.

An associate with QuatriniRafferty in Greensburg, David is a graduate of Pennsylvania State University, and Duquesne University School of Law. He concentrates his practice in estate planning and administration, elder law, and real estate.

WBA President John Ranker stated, "The President's Award symbolizes recognition by Attorney DeRose's peers for his professionalism and skill as a lawyer. His involvement in leadership positions within our bar association, his community and the state bar association is most impressive as is his involvement within the community."

David has served his profession locally as Past President of the Westmoreland Bar Association, current Chair of the Westmoreland Bar Foundation, and 32-year Chair of the Building Committee. He was a founding board member of the Lawyers Abstract Company of Westmoreland County. At the state level, David is currently on the House of Delegates of the Pennsylvania Bar Association.

He serves his community as a board Member of the Latrobe Area Hospital Charitable Foundation, Adams Memorial Library in Latrobe, and Redstone Highlands Senior Care. Additionally, he serves on the Excelsa Health Golden Hour Committee, whose purpose is to educate on the importance of a quick medical response to the symptoms of a heart attack, and on the Citizen Advisory Committee to the Union Mission of Latrobe.

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

A Seeing your wife and sister-in-law walk into the annual Bar Association meeting causes one some momentary anxiety, however, I quickly realized that something very special was about to unfold. I was truly overwhelmed by the



2019 President's Award for Professionalism honoree David S. DeRose (left) and WBA President John M. Ranker (right).

comments made about me as the President's Award was being presented. Are they talking about me? It was a very humbling experience—to even be considered for this award, given the individuals over the past 20 years who have received it and the criteria utilized in making the award, is a tremendous honor. This is a defining moment in both my professional and personal life. I am privileged and gratified to have been granted this distinction.

My father [P. Louis DeRose] loved being a "small town" attorney and a member of our Association. His influence had much to do with his three sons becoming attorneys. He stressed in simple terms how rewarding practicing law could be but only if you were willing to treat people as you would wish to be treated. Two words—Civility and Participation—were touchstones. I have always tried to have this guide me.

This award was given to me but I must include all of my colleagues in making it possible. Participating in the WBA these past 40+ years has enabled me to form many long-standing friendships which create bonds of trust that make civility and cooperation in my practice easy and service to the Bar a pleasure. My membership in the WBA has given me much more than I have given to it.

To maintain our profession as a profession and not just a business, we all need to offer our time and talent to preserve and enhance the very special Association that provides the vehicle for our continued professional growth and success. ■

Outstanding Young Lawyer**Timothy R. Miller**

At the Annual Meeting of the Westmoreland Bar Association, Timothy R. Miller was recognized as the 2019 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.

Tim has been a member of the Westmoreland Bar since 2012. He is the immediate Past Chair of the WBA Young Lawyers Committee, and a member of both the Pennsylvania Bar Association and the Armstrong County Bar Association.

An associate with DeBernardo, Antoniono, McCabe & Davis, in Greensburg, Tim focuses his practice in the areas of litigation, municipal law, estate planning/administration and family law. He earned a B.S. from American University and his law degree from Duquesne University School of Law. He currently is solicitor for Apollo Borough, Gilpin Township, Bethel Township, the New Florence-St. Clair Township Sanitary Authority and the Armstrong County Prison Board. Tim also serves as an Assistant District Attorney in Armstrong County.

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

A Personally, I am extremely honored to receive this award from the



2019 Outstanding Young Lawyer honoree Timothy R. Miller (right) and WBA Vice President Scott E. Avolio (left).

Board and the Bar Association. This Board truly cares about the future of this Bar Association. It was pleasure working with each member of the Board over the past year.

Q WHAT DOES THIS AWARD MEAN TO YOU PROFESSIONALLY?

A Professionally, this award provides me with a strong sense of accomplishment. As a young attorney, you work so many long nights and weekends. It is wonderful to be recognized for all of that hard work.

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

A I was truly surprised and flattered to learn that I would be receiving this award. The Bar Association has been presenting this

award since 1999. It's a tremendous honor to be included with this list of esteemed past recipients.

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

A Never be afraid to ask a question regarding a case or client. We are so fortunate as young attorneys in this bar association to have the support from the veteran attorneys. I cannot tell you how many times I have asked someone in my firm or another member of the Bar a question about a specific legal topic. ■

Committee of the Year**Family Law Committee**

The Family Law Committee was chosen as Committee of the Year at the WBA Annual Meeting held on April 1, 2019. Chair Maureen S. Kroll accepted the award on behalf of her committee members.

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

A This recognition was significant because it recognized the work and time not only our members put into the committee but also the work of our Bar representative, Jessica Turberville, to help our family lawyers grow in knowledge and practice skills.

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

A It is important to the members to be updated on current law and have an opportunity to learn from others that practice in this area of the law. Our committee offers convenient and affordable CLE programs on a regular basis. Overall the meetings promote a camaraderie among the members and promote positive working relationships in a specialty that can often be highly charged with emotions and conflict.

continued on page 8

Earn CLE credits when it is convenient for YOU.

We get it. You're busy. And sometimes, with client meetings, court appearances, and extracurricular activities, trying to get those CLE credits in before your compliance date is tough. We're making it a little easier for you with our online CLEs. **Earn up to 6 of your required 12 annual CLE credits and pay just \$30 per credit hour.** Watch on your laptop, your tablet, or even your phone, from your office, your home, or just about anywhere it is convenient for YOU.

Start earning credits now!

axomeducation.com/wba

New Leadership Elected, Awards Presented at Annual Meeting

continued from page 7

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

A Total surprise! I wish that I had given a more eloquent, intelligible thank you for the honor. I was very happy for the committee especially those members that plan programs, present programs, and email case and legislative updates.

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

A Be consistent with the schedule, do not miss too many meetings. Present topics of interest and turn those into CLE opportunities, and just have meetings where members can share information and ask questions of each other. Having a “special meal” always helps to increase attendance! ■



WBA Past-President Timothy C. Andrews (right) presented the Committee of the Year Award to Family Law Committee Chair Maureen S. Kroll (left).

foundation focus

Andrew F. Skala Named Pro Bono Attorney of the Year



Andrew F. Skala (right) was the recipient of the inaugural David J. Millstein Award for Pro Bono Service at the Annual Meeting on April 1, 2019. The Hon. Harry F. Smail, Jr. (left) presented the award, which was renamed at the meeting to honor Pro Bono Director David J. Millstein (center).

The Westmoreland Bar Foundation recently presented Andrew F. Skala, a partner with Skala Miller in Greensburg, with the 2019 David J. Millstein Award for Pro Bono Service. This award is given to the attorney who has provided noteworthy volunteer legal representation of indigent Westmoreland County residents.

Andy has been a Pro Bono Custody Attorney for several years. During that time, he has helped dozens of needy families resolve their custody issues. He represented 36 cases since 2013 in his capacity as PAI attorney, custody attorney, and Pro Bono volunteer.

Judge Harry F. Smail, Jr., made the award presentation at the April 1, 2019, Annual Meeting of the Westmoreland Bar Foundation detailing Andy's dedication to the profession and his zealous representation of his clients.

The Pro Bono Program of Westmoreland County provides free legal representation to those who qualify according to income guidelines and case merit. This past year the members of the Westmoreland Bar Association volunteered their time to represent over 600 individuals in civil matters. ■

did you know?

The Pro Bono Attorney of the Year Award was renamed the David J. Millstein Award for Pro Bono Service at the 2019 Annual Meeting of the Westmoreland Bar Foundation to honor the volunteer director of the program, David J. Millstein.

Spotlight on Laurel Legal Services, Inc.

Q WHAT JOBS DO YOU DO?

A Laurel Legal Services employs attorneys, paralegals, a controller, intake staff, secretaries, a manager of compliance, and a manager of marketing/development.

Q WHAT IS THE FUNNIEST THING THAT'S HAPPENED AT WORK?



A One client showed up to our office wearing a boa constrictor around her neck.

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

A We admire attorneys who are respectful. Those who are sympathetic to our cause come a close second!

Q WHAT IS YOUR FAVORITE JOURNEY?

A Our move from 306 South Pennsylvania Ave to 16 East Otterman!

Q WHAT IS YOUR GREATEST REGRET?

A When we have to turn a client away.

Sometimes because they are not financially eligible for services even though the person struggles to make ends meet. This is commonly known as the “working poor.” We also have to turn away clients when we do not have an attorney—either staff or volunteer—available to handle the case.

Q WHO ARE YOUR HEROES IN REAL LIFE?

A Our volunteer and PAI attorneys! Currently here in Westmoreland County they are, alphabetically, Michael Dailey, Kelly Eshelman, Amanda Faher, Maureen Kroll, George Miller, Paul Miller, and Andrew Skala.

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

A Legal aid work provides great experience and courtroom action. Volunteer or sign up to be a PAI attorney (which pays \$50 per hour).

Q WHAT IS THE BEST ADVICE YOU EVER GOT?

A Treat everyone how you would like to be treated.

Q WHAT DO YOU CONSIDER YOUR GREATEST ACHIEVEMENT?

A Meeting our mission, which is to provide civil legal services to indigent individuals. Every time we secure a PFA, appear in a



custody action, defend an eviction, or advise a Veteran in bankruptcy, we are achieving our mission.

Q WHEN AND WHERE WERE YOU HAPPIEST?

A Back in the day, Laurel Legal had three offices in Westmoreland County. Combined with the other offices in the other five counties, we had over thirty-five attorneys. Happy Days! Due to funding cuts (bad) and technology developments (good), we have consolidated offices in three locations (Greensburg, Clarion, and Johnstown) and use a centralized intake number, (800) 253-9558, to serve our clients.

Q WHAT IS YOUR MOST TREASURED POSSESSION?

A Our funding stream, which includes individual and corporate donors, foundations, Legal Services Corp., IOLTA, and the PA Legal Aid Network.

Q WHAT IS IT THAT YOU MOST DISLIKE?

A Did we mention having to turn a client away? Telling a victim of domestic abuse that he or she will not have counsel beside them in court to help navigate the process is a distasteful task.

continued on page 10

WEALTH MANAGEMENT

Do I have enough?

How do I make it last?

How do I protect it?

How do I pass it on?*

They're the building blocks of BPU's comprehensive approach to wealth management. Four fundamental questions upon which our relationships are built, counsel is given, and decisions are made.

BPU Investment Management, Inc.
Proud to Support the Westmoreland Bar Association

BPU. Invested in Your Interests®

ONE OXFORD CENTRE
301 GRANT ST | SUITE 3300 | PITTSBURGH, PA 15219 | 412.288.0150

WWW.BPUINVESTMENTS.COM
*Strategic and advisory services are offered by BPU Investment Management, Inc. Member: FINRA/SIPC, an SEC-registered investment advisor. © 2019 BPU Investment Management, Inc. (P30661)

Spotlight on Laurel Legal Services, Inc. *continued from page 9*

Q WHAT IS YOUR GREATEST EXTRAVAGANCE?

A Felt tip pens? Post-it Notes? Seriously, we are a legal aid service so there are many things that seem extravagant.

Q WHAT TALENT WOULD YOU MOST LIKE TO HAVE?

A We have great staff in our three offices, but we need more help. We're especially looking for staff attorneys and volunteers in the areas of family law, bankruptcy, and landlord-tenant.

Q WHAT DO YOU VALUE MOST IN YOUR FRIENDS?

A Their referrals!

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

A Although we are subject to grant restrictions, we are excited to be working with other community social services organizations to address our clients' multiple needs.

Q WHAT IS YOUR MOTTO?

A "Ensure quality legal representation and education to eligible individuals and be a recognized community partner as a resource for justice." ■

Editor's note: The preceding answers were provided by Jessica Lynch, Esq., Director, Private Attorney Involvement and Pro Bono Services at Laurel Legal Services, Inc.

Blackburn Center Establishes Civil Legal Services Program *continued from page 1*

programs are becoming a priority for domestic violence centers, with studies suggesting that legal representation is particularly effective in helping to reduce the probability of future violence toward victims.¹ Studies show that when a victim's situation begins to improve with legal help, he/she is in a better position to leave his/her violent relationship and strike out on his/her own. The ability to finally leave is a result of being offered "real, long-term alternatives" to that relationship,² which prevents him/her from returning to the cycle of abuse as a result of having nowhere else to go.

One long-term solution offered by Blackburn Center Legal is assistance in obtaining a Protection from Abuse Order (PFA). Access to legal representation for a PFA makes it far more likely that a victim will actually

¹ Jennifer S. Rosenberg & Denise A. Grab, Supporting Survivors: The Economic Benefit of Providing Civil Legal Assistance to Survivors of Domestic Violence, (2015).

² Amy Farmer & Jill Tiefenthaler, Explaining the Recent Decline in Domestic Violence, 21 Contemporary Econ. Pol'y 158, 167 (2003) (citing the National Directory of Domestic Violence Programs).

“Access to legal representation for a PFA makes it far more likely that a victim will actually obtain a final PFA order. Generally, only 32% of victims are able to obtain a PFA order on their own, while 83% of represented victims obtain a final order of protection.”

obtain a final PFA order. Generally, only 32% of victims are able to obtain a PFA order on their own, while roughly 83% of represented victims obtain a final order of protection.³ Naturally, with these kinds of results, victims are able to leave their bad situations much more quickly than facing their problems alone.

Although the legal services program is Blackburn Center's most recent accomplishment, the assistance offered goes far beyond the battered women's shelter that most people associate with it. From the legal and medical advocates who support victims during some of

their toughest times, to the on-site counselors and therapists and the exceptional educational team recently praised on the news and local media, Westmoreland County victims are now more than ever able to find the help they desperately need and deserve. For more information about any of Blackburn Center's services or for ways that you can help, visit blackburncenter.org. ■

³ Jane Murphy, Engaging with the State: The Growing Reliance on Lawyers and Judges to Protect Battered Women, 11 Am. U. J. Gender Soc. Pol'y & L. 499, 511-12 (2003).

LawSpeak

“The Constitution will endure as a vital charter of human liberty as long as there are those with the courage to defend it, the vision to interpret it and the fidelity to live by it.”

Supreme Court Justice William J. Brennan Jr.

To-Wit: The Line-Up

by S. Sponte, Esq.

Well, it's that season again, the snow has turned to a kind of gray, moody mud, birds have started crapping on my car once more, and an entire passel of colleagues are lining up to capture the current vacancy on our local bench.

I think most lawyers contemplate running for judge at some point or another in their careers. At one time early on I thought about it, too, but the notion passed as soon as the general anesthesia began to wear off.

It has for some time now been the tradition of our local bar publication to ask all judicial candidates to submit photos and a brief essay setting forth everything that marshals in favor of their election. It gives everyone an opportunity to learn a bit more about them and it affords the candidates their first meaningful opportunity to misconstrue facts.

Now I've known most of them for years, I know what makes them both tick and explode. Further, unlike almost all my colleagues, I have never feared repercussions from any judge,

“I think most lawyers contemplate running for judge at some point or another in their careers. At one time early on I thought about it, too, but the notion passed as soon as the general anesthesia began to wear off.”

newly elected or otherwise. Emperors of the law they may well be, but the robes they don are still only new clothes.

So what follows is my effort at a more insightful appraisal of the

candidates. I understand this may not ultimately influence your vote, but if you then feel really, really guilty for casting your vote based not on knowledge but on friendship, hope of future favorable treatment or the fulfillment of some deeply rooted sexual fantasy instead, that would be reward enough for me.

EVAN CHULLY – This is Evan's eighth shot at the bench, and the general consensus is that were he to be elected, a lot more shots might be fired at it. Except for his grasp of the law, he seems nice enough, but when some years back he argued that the summary dismissal of a complaint he had filed after the statute of limitations had passed was an infringement of his right to




continued on page 12

G

GEORGE AND JOSEPH

ATTORNEYS AT LAW




Duke George

**Representing clients in
Westmoreland, Allegheny,
Armstrong, Butler, Indiana, Clarion,
and surrounding counties**

**Personal Injury
Medical Malpractice
Criminal Defense**

10 Feldarelli Square
2300 Freeport Road
New Kensington PA 15068
Phone: 724.339.1023
Fax: 724.339.3349
www.georgeandjoseph.com



Daniel Joseph

To-Wit: The Line-Up *continued from page 11*

free speech he spilled what little was left of his intellectual beans.

SHIRLEY UJEST – It’s hard to tell whether Shirley is well-seasoned or just overcooked. She’s been practicing for twenty years, and although all of her experience is in mortgage foreclosure she is basing her campaign on the hackneyed “For The Children” strategy. Thus her billboards display images of her with infants, toddlers and youths, all in rags and looking dutifully woeful. It is a fetching photo but was actually taken when she went to a local foster group home to evict the kids and supervise a foreclosure she had initiated.

BESSIE MAE MUCHO – Bessie Mae has spent all of her ten years in practice doing estates and trusts. If she is elected, however, she will most likely be in criminal

court where she has absolutely no experience. When first questioned about this by the press following the announcement of her candidacy, she acknowledged she knows nothing about this field of law but that since every defendant who appeared before her was already engulfed in a miserable life no mistake of hers could make their lives any more squalid.

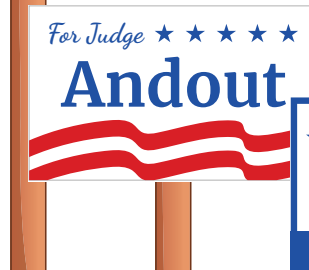
DON ANDOUT – Don is the oldest of the candidates, and that he has never made money is a pretty good reflection of his professional acumen. When he jokes he’s had only one suit, he’s correctly commenting on both his legal career and his wardrobe. Don sees this as an opportunity for a huge raise in pay, but his “Please Folks, I Really Need The Money” ad campaign has failed to garner him much support.

Neither have his two convictions for barroom brawls, incidents that Bessie Mae collegially attributes to the enthusiastic indiscretions of late life.

If you recognize any of them on the street, feel free to engage, none of them are believed to be armed.

However, as you approach the ballot box, I urge caution; some of them could be extremely dangerous. ■

© 2019, S. Sponte, Esq.



Compassion & Devotion

We built our business one relationship at a time and provide the financial infrastructure to create, manage, and preserve wealth for a vibrant community of savers, investors, and entrepreneurs.

Proud supporter of
**WESTMORELAND
BAR ASSOCIATION**

S&T Wealth Management
800.446.0246 • stbank.com

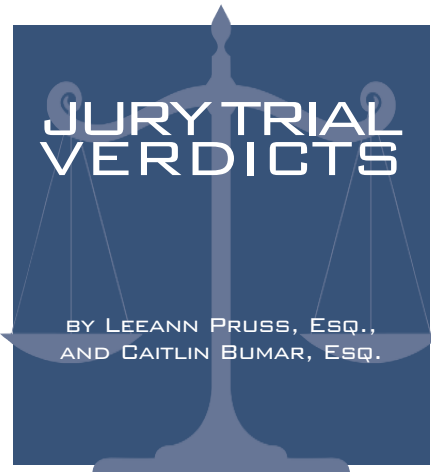
em echardmarquette
attorneys at law

SMALL TOWN ROOTS.
BIG FIRM EXPERIENCE.

MILLIONS IN RECOVERIES

- ✓ WE HANDLE COMPLEX LITIGATION & PERSONAL INJURY
- ✓ WE PAY PREMIUM REFERRAL FEES
- ✓ WE MAKE HOUSE CALLS
- ✓ SERVING PA, OH & WV

WWW.TRUSTEMLAW.COM | (412) 998-7000



MAY 2019 TRIAL TERM

Of the twelve cases on the May 2019 Civil Jury Trial list, three settled, eight were continued, and one proceeded to a jury trial.

**JOHN B. O'LAUGHLIN, DVM
AND GRACE VETERINARY
CLINIC, INC.**

V.

**LAURIE A. JOSEPH, DVM
NO. 4187 OF 2015**

Cause of Action: Breach of Contract

In December 2014, Dr. John O'Laughlin and Dr. Laurie Joseph entered into an agreement for the sale of Grace Veterinary Clinic, belonging to Dr. O'Laughlin. The agreement included provisions for the transfer of a Heska brand medical equipment lease and the assumption of certain loans by Dr. Joseph. The agreement also provided that Dr. Joseph would use the name Grace Veterinary Clinic for no longer than six months after the sale, and it additionally contained a non-competition clause stating that Dr. O'Laughlin would refrain from practicing veterinary medicine within fifty miles of Grace Veterinary Clinic for five years.

Plaintiffs argued that Defendant breached the contract by failing to continue to purchase Heska medical supplies pursuant to the agreement and by failing to pay the principal balance on a particular PNC loan obligation pursuant to the agreement. Defendant argued that Dr. O'Laughlin breached the contract by practicing veterinary medicine in contravention of the non-competition portion of the contract.

Trial Dates: May 6–10, 2019

Plaintiffs' Counsel: Bernard P.

Matthews, Jr., Meyer Darragh Buckler Bebenek & Eck, PLLC, Gbg.

Defendant's Counsel: John M. Ranker and Rachel M. Yantos, John M. Ranker & Associates, P.C., Gbg.

Trial Judge: The Hon. Harry F. Smail, Jr.

Result: Verdict in favor of the Defendant. ■



**Plans grow and change,
just like you**

My mission is to help you at all stages and through the changes that life may bring.

Contact me to discuss your personal financial plan.

Waddell & Reed, Inc.

Member FINRA/SIPC



Lindsay Turchetta, AWMA

Financial Advisor

607 Baltzer Meyer Pike

Greensburg, PA 15601

office 724.493.9473

lturchetta@wradvisors.com

www.waddell.com

FOR RENT

550+ square-foot office space available for rent, 206 N. Main St., \$700/month, ground floor level, five private offices, half bath, two blocks from courthouse, parking behind building. New carpeting and fresh paint!

For more information, contact bruff@thewestmoreland.org.

Westmoreland Revisited

Vanquished: The Downfall of Arthur St. Clair

by The Hon. Daniel J. Ackerman

Looking at the life of Arthur St. Clair might well touch a nerve deep within all of us which gives rise, on rare occasions, to the feeling



The Hon. Daniel J. Ackerman

that through some misstep, or by chance, something will happen that will ruin everything. These anxieties are not simply a byproduct of our modern age; ancient Greek tragedies often featured a chorus chanting warnings of misfortune for the

hero, and Arthur St. Clair was a hero.

Of all those who have called Westmoreland home, none played a greater role in the events of their time than St. Clair. At his gravesite in the Greensburg park bearing his name, there stands a monolith with the inscription:

"The earthy remains of Major-General Arthur St. Clair are

deposited beneath this humble monument which is erected to supply the place of a nobler one due from his country" [an unachieved aspiration]. *"He died August 31, 1818 in the 84th year of his age."*

The civil positions he held here in county government are alone enough to establish a distinguished career: prothonotary, clerk of the orphans' court, register of wills, recorder of deeds, and clerk of the court of general sessions—all before others held these offices. In a larger arena, he presided as president of the Continental Congress, and thereafter as governor of the Northwest Territory, a land mass covering what would become the future states of Ohio, Indiana, Illinois, Michigan, and portions of Wisconsin and Minnesota. However, by profession he was a warrior, and in that role he gained both fame and notoriety.

The military was not his initial choice. After studying medicine at the University of Edinburgh he was

indentured to a prominent London surgeon, but upon the death of his mother he came into enough money to buy out the indenture and purchase an ensign's commission in the British army in the Royal American Regiment of Foot.

The young Scotsman (who may have pronounced his name "Sinclair") found himself, at age 22, a participant in the Seven Years' War, an ocean away from Scotland, serving as a lieutenant under General Jeffrey Amherst at the siege and capture of the imposing French fortifications at Louisbourg, Nova Scotia, followed later by the heroic assault upon Quebec under General James Wolfe. There, Wolfe's troops scaled the cliffs towering above the St. Lawrence River to attack the French forces on the Plains of Abraham. The engagement was one of the most decisive battles ever waged in North America, and is still begrudgingly referred to as "The Conquest" by the city's French-Canadian population.

THE ROAD TO WESTMORELAND

Very little, if any, of a soldier's service is spent in battle, and St. Clair was soon assigned to more placid posts in the colonies. During a tour of duty in Boston the young lieutenant, described as thin and handsome with long reddish-brown hair, met and courted Phoebe Bayard, the daughter of a prominent and wealthy family, and in less than a year after he left Quebec, they were married.

Two years later, he resigned his commission. His stint as a civilian, however, was short-lived, for an offer to serve as the commandant of the British forts along the Pennsylvania frontier brought him back into the king's service. With Phoebe's family

USI
AFFINITY

This is where
lawyers
go for protection.

Call 1.800.327.1550
now for your FREE quote.

Or go to www.mybarinsurance.com/pba

Call today for more information on
the insurance products available to
Westmoreland Bar Association members.

As a national leader in legal insurance, USI Affinity is proud to carry the endorsement of the Westmoreland Bar Association.

Sometimes even attorneys need a little counsel of their own. That's why they turn to USI Affinity, the company that has been advising attorneys on insurance for 75 years. We know more about what attorneys need and can offer a variety of insurance options for firms of any size.

We go beyond professional liability to offer a complete range of insurance solutions covering all of your needs.

USI Affinity's extensive experience and strong relationships with the country's most respected insurance companies give us the ability to design customized coverage at competitive prices. Coverage includes:

- Lawyers' Professional Liability
- Business Insurance
- Medical & Dental
- Life & Disability
- Personal & Financial

money, along with some royal grants he received for services rendered during the war, the couple obtained title to significant tracts of frontier land, including four hundred acres in the Ligonier Valley. While serving at Fort Ligonier, St. Clair moved Phoebe and their growing family to the less remote outpost at Bedford, which preceded their eventual relocation to the growing settlement next to the fort along the Loyalhanna. With the army's eventual abandonment of its frontier fortifications St. Clair resigned his commission a second time.

Having cultivated an advantageous relationship with the Penns, for whom he did surveying, he and Phoebe were positioned financially to erect a gristmill and a two-story frame house in the valley named "The Hermitage." Soon he would be the largest Pennsylvania land owner around the headwaters of the Ohio.

While serving in a magisterial position, he became a thorn in the side of the governor of Virginia when that commonwealth was asserting claims of



Major-General Arthur St. Clair portrait by Charles Willson Peale

sovereignty over Westmoreland's land in a 1774 dust-up which became known as Lord Dunmore's War.

SERVING HIS NEW COUNTRY

The couple's domestic life was soon disrupted when they, along with their fellow countrymen, had to grapple with the outbreak of the American Revolution. Like a number of other

former British officers who remained in the colonies, the call to arms placed him in opposition to the army and country he previously served. His immediate rank in the Continental army was that of colonel, commanding the Third Pennsylvania Regiment, and in time he would rise to the position of major-general. While some historians have labeled him the "unlucky St. Clair"—admittedly, he had his share of setbacks as well as triumphs—as a rule, American officers during the Revolution were more familiar with defeat than with victory.

In the early months of the war, St. Clair was posted at Fort Ticonderoga at the southern end of Lake Champlain, an outpost recently captured from the British which became one of two starting points for a planned winter invasion of Canada. The immediate goal was the seizure of Quebec, where St. Clair last saw battle on the Plains of Abraham as a British lieutenant. Whatever visions he may have had for a second conquest, however, were

continued on page 16



The Henry Group

Ameriprise Private Wealth Advisory Practice

Call us today and discover the personal service you deserve.

The Henry Group
a private wealth advisory practice of Ameriprise Financial Services, Inc.

232 W. Otterman St. Greensburg, PA
724.600.0170

ameripriseadvisors.com/team/the-henry-group

Reach New Heights

Vanquished: The Downfall of Arthur St. Clair

continued from page 15

thwarted when the army's commander, General Richard Montgomery, was killed, and the Americans, after a siege of several months, had to retreat in the spring when the city's defenders were reinforced.

The following Christmas, St. Clair was with Washington as the Continental army crossed the ice-choked Delaware River to attack the Hessian garrison at Trenton. Now a brigadier-general in charge of a New England brigade, his artillery caught Trenton's defenders in a deadly crossfire at the center of town. The advantage of the American victory was nearly lost by a counterattack from newly arrived British forces on New Year's Day, and it was St. Clair's 1,400 men who repulsed two British assaults before the onset of darkness brought hostilities to an end.

The British forces, however, were in a superior position, and that night the American army appeared to be trapped. Washington and his officers debated whether to retreat or to engage the enemy in the morning, though neither option seemed likely to succeed. Instead, an alternative, offered by St. Clair, was put in place. Keeping the campfires burning to create the illusion of a settled encampment, the army silently proceeded unobserved and unopposed around the British lines, and by morning was gone. The plan not only salvaged the success won at Trenton, but set the stage for a second victory at Princeton.

Six months later, St. Clair found himself back at Fort Ticonderoga where the unsuccessful invasion of Canada began two years earlier. What he saw must have been disturbing. The garrison of 2,000 men was poorly equipped with the troops in ill health. To make matters worse, the fort's cannon had been removed early in the war by General Henry Knox, who, in a heroic effort, transported them to



Arthur St. Clair's grave in Saint Clair Park in Greensburg. The inscription reads: "The earthly remains of Major-General Arthur St. Clair are deposited beneath this humble monument which is erected to supply the place of a nobler one due from his country. He died August 31, 1818 in the 84th year of his age."

Boston to be used in the siege of that city. These essential armaments had never been replaced and now General John Burgoyne was leading a force of 8,000 south out of Canada towards the fort, with the intent of capturing Albany and taking control of the Hudson River.

Burgoyne had no shortage of artillery. When British cannon secured a place atop a hill, looking down on the fort, St. Clair and his troops, who were outnumbered four-to-one, abandoned the fort without a fight—a fight they could not have won.

The loss of a fort is never good for public relations, and human nature is

such that someone must be blamed for such a disappointment. So it followed that charges were brought leading to the court martial of St. Clair. Eventually acquitted, his service was compromised, but Washington did not lose confidence in him: at Yorktown he served as Washington's aide-de-camp.

POSTWAR POLITICS

After the peace, St. Clair resumed his political life on an even grander scale. Elected to the Continental Congress he served as its president from 1785 to 1787, which, at the time, was the highest civil position in the land.

With expansion of the new country on its mind, Congress created the Northwest Territory at the end of St. Clair's term, and he left to serve as its governor. He was undertaking a dual role, for in addition to being governor, he was also the most senior officer in the United States Army, which thrust him into the center of two postwar controversies: whether westward expansion necessitated the military subjection of the new territory's native tribes, and whether the United States should maintain a standing army—two of the most divisive issues of the day.

During the American Revolution, the native tribes in the area—together and separately—had fought as allies of the British, bringing the war into western Pennsylvania, with the burning of Hanna's Town being a local example. The response to these invasions by the Continental army and militia units may be summed up in the name the Indians applied to Washington, the army's overall commander: the "Town Destroyer."

Two years after Yorktown, thousands of tribal delegates met at the present site of Sandusky, Ohio, to discuss the future of Indian unity in the face of the British surrender. Fearing that the British would abandon their interests

and the acquisitiveness of the former colonies, the tribal delegates showed a willingness to accept good-faith offers of peace from the United States, which, after all, had not defeated *them*, and expressed a readiness to cease hostilities and negotiate. When a meeting did take place, the American commissioners simply took the position that the British had ceded the area to the United States which now held sole sovereignty over their lands. The “negotiations” went nowhere.

Peace with England was followed by an almost complete dismantling of the Continental armed forces. When Washington became president, the country lacked a standing army and Congress declined to give him one. Americans, after all, had traditionally relied upon militia, and a standing army was viewed by many as a threat to free citizens. Now, to manage the frontier, Congress established a new force of seven hundred men to be raised from the militia, under the command of 31-year-old Colonel Josiah Harmar, whose initial purpose was to carry out a covert mission to explore lands beyond the legal boundaries of the United States.

In an attempt to avoid further western hostilities, Washington advanced a policy which St. Clair, as the new governor of the territory, would try to implement—purchasing land from the tribes as a less costly alternative to war. St. Clair proposed a meeting with members of the western Indian confederation in the fall of 1788.

The meeting, which was sparsely attended, took place on the north bank of the Ohio River at a fort Colonel Harmar had built and named for himself, near what is now Marietta, Ohio. The talks were not a success, perhaps in no small measure, because the presence of the fort on Indian lands was offensive, as was that of a larger fortification downstream known as Fort Washington, adjacent to the small settlement which St. Clair had named Cincinnati.

A majority of the tribes, the Miami, Shawnee, Delaware, and Potawatomi, boycotted the meeting, and those who did attend were mainly the Seneca, who had already aligned themselves with American interests and who, on their own, agreed to terms which left, not just them, but all the tribes with a 50% reduction in living space. Optimistically, St. Clair reported to Congress that the land sought had been purchased and that the tribal confederation had been broken.

NOT SO FAST

In 1790, with the approval of Congress and Washington, who had just completed the first year of his presidency, Colonel Harmar led a 1,500-man detachment north out of Fort Washington on a mission to punish the hard-line tribes who refused to abide by the treaty concluded at Fort Harmar, even though they were not a party to it.

While the troops were not seasoned soldiers, the expedition was viewed as a low risk, mop-up operation. Targeted Indian towns were burned, either by Harmar’s men or by their evacuating occupants, but as the troops

proceeded further north they were silently surrounded by an unexpected number of warriors commanded by two leaders yet to be reckoned with: the Shawnee, Blue Jacket, and the Miami, Little Turtle. The subsequent clash put the American troops to flight at the cost of 183 soldiers dead or missing.

Shocked by Harmar’s debacle, Governor St. Clair planned to expunge this embarrassment to the new nation with a follow-up mission, that he, himself, would direct and command. In a meeting with the president at Mount Vernon, Washington impressed upon St. Clair a single admonition—“Beware a surprise.”

In the fall of 1791, St. Clair, then age 54, led a procession of officers and men north, who numbered a little over 1,600,¹ only slightly more than those who had followed Harmar. His failure to assemble a larger force may have reflected confidence in his own leadership, but more likely, these were the only troops available, most of whom were raw recruits who had enlisted only for six months. They were anything but an elite force, lacking in provisions and training, disheartened by long delays and inclement weather, with no perception of the Indian mode of fighting.

At the rear of the column there was a long wagon train of pack animals and drivers as well as civilian camp followers, composed of soldiers’ wives, children, cooks, laundresses,

continued on page 18

¹ By the time of engagement, desertion and sickness would reduce the number of effective soldiers to around 1,000.

PRIVATE WEALTH ADVISORS



WEALTH MANAGEMENT

Investment services for successful individuals
and institutional clients.

PITTSBURGH | GREENSBURG | SARASOTA, FL

1.800.245.5339
WWW.PWAUSA.COM

DELIVERING THE CARE YOU DESERVE
FOR YOUR WEALTH.

Vanquished: The Downfall of Arthur St. Clair

continued from page 17

artisans, and peddlers—in some aspects a small disorganized mobile town. On November 3, after the drudgery of many uneventful days on the march, camp was set up on elevated open ground surrounded by the forest at a bend on the upper Wabash River (the present location of the village of Fort Recovery, Ohio, about 120 miles north of Fort Washington/Cincinnati). Among the troops was a Pennsylvania rifle company led by a captain, interestingly named William Faulkner.

Even in the absence of sentries around the camp's perimeter, during the night there were reports of Indians in the woods which were not taken seriously, but were rather thought to be only individuals, perhaps intent on stealing horses. In fact, Blue Jacket's and Little Turtle's warriors—who were at least equal in numbers to St. Clair's effective force—were forming two semicircles in the woods around the encampment.

Before daybreak on the morning of November 4, the American troops gathered in parade formation at the center of the camp, but were dismissed early because of the cold. Shortly after sunup, noises drifted out of the woods—not the terrible war whoops of Hollywood westerns, but a “confused kind of noise” thought by some to be the howling

of wolves, and by others the jingling of pack horse bells. After some minutes, the sounds were followed by withering rifle fire and a charge rapidly executed by the invader's two semicircular wings which enveloped the startled and confused troops.

The attackers clearly knew that European and American soldiers relied upon orders from their officers, whom they cut down with deadly precision. American artillery offered up numerous, but largely ineffective volleys before being silenced. Civilian noncombatants within the camp added to the confusion and hysteria. St. Clair, aroused from his tent out of uniform—a detail which may have saved his life—and with two of his horses killed, led a series of bayonet charges on foot, which were deftly evaded by his intended targets. With discipline and morale shattered, St. Clair ordered a retreat, which became an every-man-for-himself rout.

The defeat was so complete that one survivor expressed a belief that the Indians could have killed them all but for the fact that many paused to take scalps, kill the wounded, or plunder the camp. Symbolizing a contempt for the soldiers who had come to take their land, some warriors stuffed dirt into the mouths of the dead.²

The remnants of what that morning had been a punitive force reached Fort Jefferson at sunset after a 29-mile race for life. By the time they arrived at Fort Washington on November 8, the United States was without an army. The new nation had gone to war for the first time since the Revolution and was dealt the most decisive defeat it would ever suffer at the hands of the Indians.

Eighty-five years later, Custer and 209 of his men perished at Little Big Horn, an event that shocked the nation during its centennial year and remains in the public conscience to this day. Yet that famous loss pales in comparison to the staggering defeat at the Wabash on November 4, 1791, which resulted in 593 enlisted men and 37 officers killed or missing. Of the wounded, 30 officers and 244 enlisted men survived the retreat. Among civilians, the wagon drivers, pack horsemen, women, and children, there were only broad estimates of casualties. It was said that only three out of about 200 women escaped. Fifty were known to have been killed, with the rest taken captive.

THE CONSEQUENCES OF VANQUISHMENT

A courier reined in his horse at the presidential mansion in Philadelphia telling Tobias Lear, the president's private secretary he had a message for the president. After a whisper



LOCAL. EXPERIENCED. TRUSTED.

AMERISERV
TRUST AND FINANCIAL SERVICES COMPANY™

Your Financial Partner for Life.

Call 1-800-837-2265

GREENSBURG
140 S. Main Street
Suite 202, Greensburg

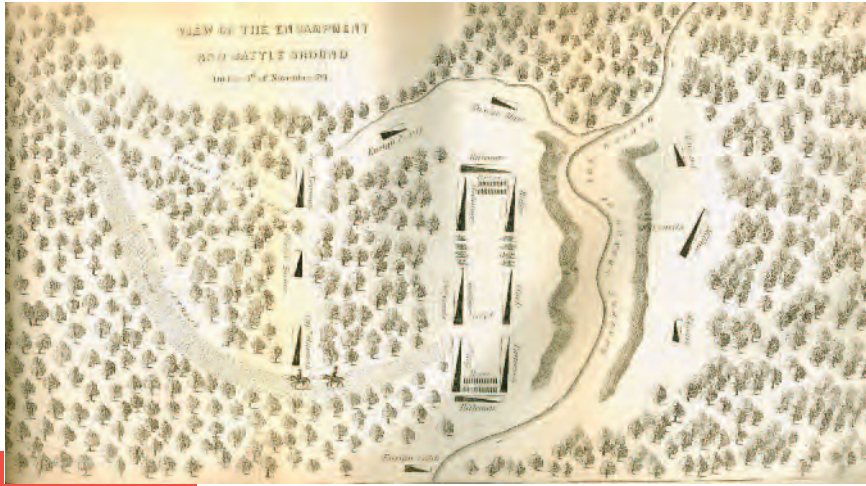
PITTSBURGH
United Steelworkers Building
60 Boulevard of the Allies
Suite 100, Pittsburgh

WILKINS TWP.
(Monroeville)
201 Penn Center Boulevard
Suite 200, Pittsburgh

Serving clients since 1901.

Investment products are not FDIC insured, not guaranteed by the bank, may lose value, are not a bank deposit and are not insured by any federal government agency.

² Just four decades after these warriors defeated the American army, the land where the battle was fought became the state of Ohio, the fourth most populous in the nation, eclipsed only by New York, Pennsylvania, and Virginia.



This map shows the encampment and battleground of St. Clair's Defeat (also known as the Battle of the Wabash) on November 4, 1791, during the Northwest Indian War. The forces of the Western Confederacy attacked at dawn, taking St. Clair's men by surprise. Of the 1,000 officers and men that St. Clair led into battle, only 24 escaped unharmed. As a result, President George Washington forced St. Clair to resign his post and Congress initiated its first investigation of the executive branch.

from Lear, Washington, who was hosting a dinner party, excused himself to read the dispatch in another room, and then returned to his guests still displaying his usual dignified composure. After the guests departed, in the presence of his secretary, Washington flew into a rage. "Beware of a Surprise!" he shouted, speaking of St. Clair. "You know how the Indians fight us. He went off with that as my last solemn warning, thrown into his ears." The general was "worse than a murderer," with blood on his hands. And then, returning to his usual persona, he told Lear, "This must not go beyond this room ... I will receive him without displeasure; I will hear him without prejudice. he shall have full justice."

The catastrophic loss became the subject of the House of Representatives' first congressional investigation. Washington believed that the inquiry would exonerate the general, but balked at St. Clair's request for a court martial in fear it might disclose something that might embarrass the administration. The president's solution was to accept what St. Clair likely thought was a *pro forma* offer to resign from the army, but retained him as territorial governor; an office

he would hold until 1802. The defeat was a lesson confirming what Washington had long believed: without a professional army, there could be no westward expansion, and without expansion there could be no salient nation.

In the interim, panic ruled in the settlements along the upper Ohio and throughout western Pennsylvania. The victory of the Indian confederation forces over St. Clair's troops posed a threat to the new nation's expansionist aims. It lingered for three years until a legion of 3,300 regular army soldiers under the command of Major-General Anthony Wayne proceeded in St. Clair's footsteps and beyond to rout Blue Jacket's warriors in the Battle of Fallen Timbers, near present day Toledo, on August 20, 1794.

ST. CLAIR'S LEGACY

Had St. Clair died on the field like Custer, some may have recalled him as a martyr, but sometimes there is a price to be paid for survival. As noted, he left the army under a cloud; to his credit, he never attempted to describe the event as anything less than a loss of monumental proportions. The Secretary of War, Henry Knox, attempted to console him, writing,

"Be assured, sir, that however great the defeat, that both your reputation and the reputation of the troops under your command are unimpeached." Wishful thinking.

Like Nathanael Greene, his fellow officer during the Revolution, private life brought St. Clair penury caused by the outlay of personal funds to sustain his public mission, with Congress ultimately disallowing reimbursement. Once one of the great landholders in western Pennsylvania, St. Clair was found by a friend, Lewis Cass, on Chestnut Ridge, who noted that he was living in a "rude cabin, supported by selling supplies to wagoners who traveled the road, one of the most striking instances of the mutations which checker life." Of his scant possessions, there were a few books from his former classical library and a bust of John Paul Jones, a gift from the naval hero.

On August 30, 1818, while descending Chestnut Ridge above Youngstown he fell from his wagon and died of his injuries the following day.

The Greek dramatists recognized that heroes are sometimes in for a fall, and that heroics do not guarantee universal success, for after all they are but mere mortals. Arthur St. Clair, as we can see, was not "one of those poor spirits," later described by Theodore Roosevelt, "who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory or defeat." He knew plenty of both. ■

SOURCES

- Ackerman, Daniel J. "Arthur St. Clair: Westmoreland's Patriot Prothonotary." the sidebar, August 2007.
- Calloway, Colin G. *Victory with No Name*. Oxford University Press, 2014.
- Fischer, David Hackett. *Washington's Crossing*. Oxford University Press, 2004.
- Hogeland, William. *Autumn of the Black Snake*. Farrar, Strauss & Giroux, 2017.
- McCullough, David. 1776. Simon and Schuster, 2005.

CALENDAR OF EVENTS

*All committee meetings and activities will be held at the WBA Headquarters unless otherwise noted. Visit westbar.org for more information about activities and CLE courses, and **register online**.*

For PBI CLE courses, call 1-800-932-4637 or visit pbi.org.

JULY

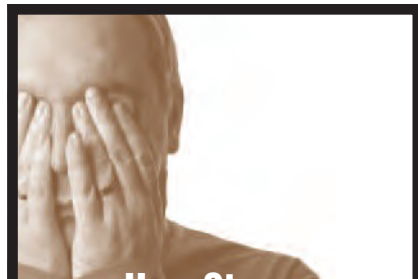
- 17** Membership Committee, Noon
- 18** Board Meeting, 4 p.m.
- 22** [CLE] Art Therapy-What You Need to Know to Help Your Clients, Noon to 1:30 p.m., 1.5S
- 23** [CLE] Social Media in Private Practice, Noon to 1:30 p.m., 1.5S
[CLE] Stop the Sacrifice... Accelerate the Success...Enjoy the Ride, 1:45 to 2:45 p.m., 1S
- 24** [CLE] The Matrix for Maximizing Recovery for the Injured, 8:30 to 10:30 a.m., 2S
Senior Lawyers Committee, 4 p.m.
- 25** Elder Law & Orphans' Court Committees, Noon

Thirsty Thursday Bar Review,
Wooden Door Winery,
Vandergrift, 4:30 to 7 p.m.

- 30** Dine Around: The Road Toad,
Ligonier, 5:30 p.m.

AUGUST

- 1** [CLE] Bridge the Gap, 9 a.m. to 1:15 p.m., 4E
- 2** Battle of the Ages IX: The Epic Summer Softball Franchise Reboot, 5 to 7 p.m. *(location to be announced)*
- 5** [PBI CLE] The Brain, 9 a.m. to 5 p.m., 5S 1E
- 7** [PBI CLE] A Day on Ethics with Sean Carter – 2019, 9 a.m. to 4:15 p.m., 6E
- 12** [PBI CLE] Attacking the Expert's Opinion 2019, 9 a.m. to 4:30 p.m., 6S



How Stress Affects Lawyers

Stress affects all people and all professions. Stress in the legal profession, however, is well-documented. Lawyers work in an adversarial system with demanding schedules and heavy workloads, which may contribute to increased stress levels.

Lawyer assistance programs are available to help lawyers manage stress effectively. Contact Lawyers Concerned for Lawyers for help: www.lclpa.org.

LAC Committee members:
Joyce Novotny-Prettiman, Tim Geary,
Jim Antoniono, Chris Skovira,
Linda Broker, Stuart Horner,
Tom Shaner, Linda Whalen.

Announcing the WBA's Summer/Fall "DINE AROUND"

Bar members & guests are invited to an evening of food and conversation.

Please RSVP to the Bar Association.

Start time: **5:30 p.m.** • Cost: **On own**, as ordered from menu.



Wednesday, June 26th

Jacktown Ride & Run Club

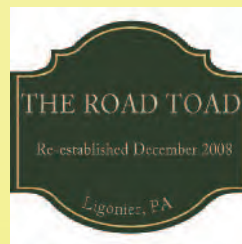
golfing private club in Westmoreland County
11369 Center Highway, North Huntingdon

Wished you were here! Don't miss the rest!

Tuesday, July 30th

The Road Toad

American bistro with an electric menu
2726 Route 30 W, Ligonier



Wednesday, August 28th

Jaffre's

Greensburg's favorite gathering place
827 E Pittsburgh St Greensburg

Wednesday, September 18th

Hillcrest Country Club

Private club with exceptional cuisine
3411 Leechburg Road, Lower Burrell



Tuesday, October 15th

The Back Porch

Quaint setting serving creative American cuisine
114 Speers Street Belle Vernon



An accredited provider for the PA Board

Bridge the Gap — Video

4 Ethics Credits Available

**Thursday,
August 1, 2019
9:00 am - 1:15 pm
WBA Headquarters**

PRE-REGISTRATION:

(Must be prepaid & received at the WBA office by 12 pm July 31, 2019.)
CLE Credit
WBA Members- \$35 per credit hr.
Non-Members - \$55 per credit hr.

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

WALK- IN:

CLE Credit
WBA Members- \$45 per credit hr.
Non-Members - \$55 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
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

As a courtesy of the Westmoreland Bar Association, this seminar is being offered **FREE** to **newly admitted WBA attorneys** who are required to complete the Bridge the Gap program

PROGRAM FORMAT

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

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

Moderated by:

Kim R. Houser, Esquire
Mears, Smith, Houser & Boyle PC

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 1, 2019

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 _____
 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, WBA Member
 _____ I am a Newly Admitted Attorney, Non-Member - \$20 FLAT FEE
 _____ \$35 per credit hour, WBA member
 _____ \$55 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 July 31, 2019.**

August Video Compliance

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



An accredited provider for the PA Board
of Continuing Legal Education

Thursday August 22, 2019 WBA Headquarters 9:00 am - 1:30 pm

Seminar Fees:

PRE-REGISTRATION:

(Must be prepaid & received at the WBA
office by 12:00 pm August 21, 2019)

CLE Credit

WBA Members - \$35 per credit hr.

Non-Members - \$55 per credit hr.

Non-Credit

\$10 Flat Rate

Waived for Young Lawyers
(practicing 10 years or less)

WALK-IN:

CLE Credit

WBA Members - \$45 per credit hr.

Non-Members - \$55 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 04/11/19)

Mike Ferguson's 18th Annual Auto Accident and Personal Injury Update

Topics of Discussion:

1. Significant Case Law Developments
2. A practical review of Pennsylvania's Fair Share Act and
Joint and Several Liability
3. Updated Subrogation issues and strategies in Personal
Injury cases
4. Tips for building and growing a successful Personal
Injury Practice in 2020

Speaker:

***Michael D. Ferguson, Esquire**

Ferguson Law Associates

Session 3— 1 Ethics Credit

12:30 pm - 1:30 pm (Video from 06/14/19)

Malpractice Avoidance with Charlene S. Seibert

Speaker:

***Charlene S. Seibert, Esquire**

Marshall Dennehey

Session 2— 1 Ethics Credit

11:15 am - 12:15 pm (Video from 05/23/19)

IrvTalks: Everything You Always Wanted to Know about Impaired Lawyers


Topics of Discussion:

1. The role that stress, anxiety and depression play in the daily life of
an attorney.
2. What members can and should be doing to help impaired
colleagues.
3. Mindfulness for overall lawyer wellness.
4. Explanation of what typical call to the LCL Helpline "looks" like.
5. Free services provided to lawyers, judges, their family members
and law students.

Speaker:

***Brian S. Quinn, Esquire**

Education and Outreach Coordinator for LCL



**2 Substantive &
2 Ethics
Credits**

August 22, 2019 - August Video Compliance

Name: _____

Attorney I.D. # _____

Phone: _____

Pre-Registration Fees

CLE Credit:

___ WBA Members - \$35 per credit hour

___ Non-Members - \$55 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

___ Session 2 - 1 Ethics credit

___ Session 3 - 1 Ethics credit

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

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

Card # _____

Expiration Date _____ 3-digit code _____

Credit Card Billing Address _____

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 21, 2019.**

The Legislative Process: The Real Deal & Legislative Breakfast

— LIVE — 1 Substantive Available



An accredited provider for the PA Board of Continuing Legal Education

This seminar will review the influence of Political Action Committees (PAC) and review the legislative agenda impacting attorneys.

PBA Legislative Director Cabell will also cover the legislative process from the introduction of a bill until final passage.

Speaker:
***Fred Cabell, Jr., Esquire**
PBA Director of Legislative Affairs



Please join us for a Legislative breakfast at 8:30 am with local legislators and Fred Cabell for an informal meet and greet on issues of concern for the legal community and for your clients.

September 20, 2019 - The Legislative Process: The Real Deal & Legislative Breakfast

Name: _____

Attorney ID #: _____

Pre-Registration Fees - FREE

___ Breakfast (8:30 am)

___ CLE (12 noon)

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 September 16, 2019.**

**Friday,
September 20, 2019**

**Breakfast - 8:30 am
CLE - 12:00pm - 1:15pm
WBA Headquarters**

Seminar Fees:
PRE-REGISTRATION:

CLE Credit
WBA Members - FREE
Non-Members - FREE

Non-Credit
FREE

WALK- IN:
CLE Credit
WBA Members - FREE
Non-Members - FREE

Non-Credit
FREE

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.